Debates

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Thursday, 27 August 2009

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

Justice and Community Safety—Standing Committee
Report 2

MRS DUNNE (Ginninderra) (10.01): Pursuant to the order of the Assembly of 10 February 2009, I present the following report:

> Report 2—*Inquiry into the Crimes (Murder) Amendment Bill 2008*, dated 26 August 2009, together with a copy of the extracts of the relevant minutes of proceedings

I move:

> That the report be noted.

Before I comment on the report, I would like to thank my committee colleagues, Ms Porter and Ms Hunter, and the staff of the committee office, including the committee secretary Hanna Jaireth, Andrew Dib, who assisted the inquiry secretary, Chiew Yee Lim from the library, Glenn Ryall, who was seconded from the Senate for some time, and Lydia Chung.

This was a very difficult report and I say quite candidly, Mr Speaker, that it was a very difficult report for three non-lawyers to come to terms with because of the subject matter and because of the gravity of the issues that we were dealing with. Because of that, the committee took the work of this inquiry very seriously indeed. I would also like to thank those members of the public who contributed to this report by their submissions and their giving of evidence.

What we found, Mr Speaker, was the great diversity of views there is in the community on this issue. There is no one community view. As a result of this, this committee has made a number of recommendations, one of which that goes directly to the bill but others which relate to issues associated with the evidence that we heard and collected and our own deliberations.

As I have said, this is a difficult issue. There is a higher level of contrasting opinion. From the perspective of the people involved in law enforcement—the Australian Federal Police, AFPA and DPP—there was one set of views. From the other side, there was another set of views which tended to reflect people involved more widely in the law fraternity and possibly the views of defenders. Also, the Council for Civil Liberties had a different view. Those views could be roughly characterised as follows: in the case of those involved in law enforcement, yes, make this change. In the case of those on the other side, no, do not make this change. Both groups said that they brought with them the backing of community public opinion.

One of the things that became very clear early in the piece, Mr Speaker, is that there is no known public opinion. When we went looking for what public opinion was, we found that in Australia there was very little evidence as to what public opinion was in relation to this matter. We did find that there had been a law report inquiry in the UK which had done some public opinion work. As a result of that, it became clear that at least in the UK, most people took the view that murder was intentionally killing someone.

We in the ACT have a particular history in relation to murder. I think it is worth reflecting on that. Before the Crimes Act was patriated to the ACT, the commonwealth set up the definition of murder as it currently stands in the Crimes Act and purposely removed the arm that related to grievous bodily harm. It also removed from the ACT statute book the provisions relating to felony murder.

It was interesting that when we started this inquiry, no-one could give us a really good reason or explanation as to why that happened. At the instigation of the committee, the committee secretary actually approached the Attorney-General of the time, Mr Bernard Collaery, to see if we could find some reasonable clarification of why that happened. There seemed to be nothing on the record; so we thought that it was important to know why we had the laws that we currently do.

Mr Collaery was extraordinarily helpful to the committee because he was able to go back before the time that the bill was patriated to the ACT and to point out that there had been a substantial inquiry at the commonwealth level by an eminent group of jurists who had made recommendations in relation to how murder provisions should be considered in Australia. Because the commonwealth still had control of the Crimes Act in the ACT, they moved to amend the Crimes Act in relation to murder in the ACT in line with the recommendations of this eminent group which was headed by a former High Court justice.

In doing so, the commonwealth Attorney-General at the time consulted the Attorney-General here who, in turn, consulted with the ACT's own community law reform committee, which was headed, in its turn, by former ACT justice Mr Kelly, and consisted of other jurists. As a result of that, there was general agreement that the law should be as it was, as it stands today, and that this bill that we are debating will amend.

By contrast, the attorney, when he introduced his amendments to the Crimes Act, had very little to say about why we should make this change. In fact, I ran the word counter over it, Mr Speaker. The attorney introduced and justified this radical change to the law in the ACT in just 244 words.

Mr Corbell: It is the common law, Mrs Dunne.

MRS DUNNE: The radical change which has been in the ACT—

Mr Corbell: It is the common law in every other state and territory in the country.

MRS DUNNE: It has been in the ACT in a codified system since 1990. Mr Speaker, the attorney can comment. He can respond to this report in the normal way. As a

result of this, we were put in a situation where we had to consider whether we would change the law to bring it roughly into line with other jurisdictions across Australia.

The committee does contrast the changes that were made in Western Australia in 2006 following on a substantial law reform inquiry and changes which are currently being considered in the United Kingdom, which would change the definition of murder, which again followed eminent inquiry by eminent jurists. But here in the ACT we had a very brief speech and no background support, not even a reference to the minister's own recently appointed law reform committee.

As a result of that, Mr Speaker, we have made recommendations in this report that would improve the status of the ACT Law Reform Advisory Council. We recommend to the minister that it should be reconstructed so that it takes on more of the character of the previous law reform advisory bodies that have been established in the ACT, first by Mr Collaery in the community law reform committee, which was continued by Attorney Connolly. Then, when Gary Humphries became the Attorney-General, that body was restructured slightly, but it was still an eminent body that was headed at various times by former Justice Crispin and now Justice Refshauge.

The first recommendation is that we improve the law reform advisory capacity to the government in the ACT and that in future when there are substantial changes to the law those matters should be referred in the first instance to eminent people.

One of the other issues that came up constantly in the evidence was that the attorney was saying, and other people also said, that uniformity in the way we have murder laws was important. The committee came to the view that in fact there is only superficial uniformity in the laws across Australia. In fact, there is a great deal of divergence about how murder is defined and constructed in various criminal codes and in the common law as they apply in every jurisdiction.

What will happen if this bill is passed in its present form is that the ACT will come into line with the Northern Territory in exact form, but nowhere else. There will always be variation. The committee recommends in recommendation 2 that the Attorney-General place on the agenda of the Standing Committee of Attorney-Generals the need for uniformity in the murder offence provisions given that there are differences across Australia and the perception that there is uniformity when that is not the case.

It is worth noting that the work on crimes against the person done by the Standing Committee of Attorneys-General in relation to the model Criminal Code, by the minister's own evidence, has been bogged down for about 10 years and that this might be an opportunity to revive that.

One of the really important things that seems to come out of the evidence, and it was certainly mentioned when you were present at some of the inquiry, Mr Speaker, was that there seemed to be a huge amount of dissatisfaction especially by law enforcement and prosecutorial agencies about leniency of sentencing in the ACT.

As a result of that, the committee has two recommendations: one goes directly to manslaughter, where the committee recommends that the maximum sentence for

manslaughter be increased to 25 years imprisonment—that is an increase of five years—and that it be increased to 31 years for aggravated manslaughter offences. As a more general recommendation, the committee recommends that the ACT government consider the need to undertake a general review of sentencing in the ACT.

Then we move directly on to the Crimes (Murder) Amendment Bill. The committee looked at a lot of the varying provisions which are set out in quite a deal of detail in both chapter 1 and in an appendix. The committee considered whether the words in the proposed amendment brought forward by the attorney were absolutely appropriate. The resolution of the committee was that the attorney consider alternative words.

The attorney, when this matter was referred to the committee, said that he was open to the idea of amendment; so we have recommended that he consider alternative words, words that instead of inserting the words in clause 5 "intending to cause serious harm to any person" should be replaced with "intending to cause a bodily injury of such a nature as to endanger or be likely to endanger the life of the person killed or another person", and subsequently that the minister would also consider omitting the proposed clause 5.

Mr Speaker, this is an important piece of law reform. I think that the views of the committee were that the attorney may have handled this better and that there should have been more public consultation. I do not think the committee believes that the so-called mandate was sufficient consultation or the appropriate type of consultation for this type of inquiry and this type of reform. In future we would see there should be a much better type of community consultation than we saw on this occasion.

I commend the report to the Assembly. I once again commend my colleagues for the hard work that went into this inquiry. I thank most heartily the assistance we received from the committee office in this important inquiry.

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

Privileges 2009—Select Committee
Report

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.16): Pursuant to the order of the Assembly of 16 June, as amended on 18 August 2009, I present the following report:

> Privileges—Select Committee—Report—Possible improper influence of a Member, dated 27 August 2009, together with a copy of the relevant minutes of proceedings

I move:

> That the report be noted.

Today I have tabled the Select Committee on Privileges report "Possible improper influence of a member". The committee was established after a matter was raised with the Speaker by Mr Hanson. In accordance with standing order 276, the Speaker gave

precedence for Mr Hanson to move a motion, and on 16 June 2009 the matter was referred to the committee for inquiry and report.

I think it is fair to say that privilege matters are often complex and involve balancing the rights of members to perform their duties against the rights of others affected by the work of members. This was the case in this matter. In undertaking the inquiry, the committee initially sought submissions from Mr Hanson and the chief executive of ACT Health upon whose letter Mr Hanson had raised the matter of privilege.

Upon receiving those quite extensive submissions, the committee authorised them for publication only to Mr Cormack and Mr Hanson so that they would each have an opportunity to respond to anything raised in the initial submissions. Both Mr Cormack and Mr Hanson took the opportunity to respond.

As can be seen from the report, the committee had to determine whether Mr Hanson's privileges had been infringed upon or a contempt had been committed. In assessing that issue, due regard has been paid by the committee to both standing order 278 of the Assembly as well as the Parliamentary Privileges Act 1987, the commonwealth act, to which we are tied by virtue of our self-government act. The committee also examined some other similar cases and precedents in other jurisdictions, including the House of Representatives, the Senate, New Zealand and the United Kingdom. And they are set out in the report.

In answering the first question set out in the committee's terms of reference, namely, whether the letter sent to Mr Hanson by Mr Cormack on 25 May 2009 was a breach of privilege or a contempt, the committee found that there was no evidence before it that suggested that Mr Hanson's free performance of his duties had been affected by the letter. It was the view of the committee that there was no evidence that Mr Cormack, in writing the letter to Mr Hanson, had the intention to improperly interfere with Mr Hanson's duties as a member. As these two essential elements of a breach of privilege or a contempt had not been made out, the committee accordingly made a finding that Mr Cormack's letter did not breach Mr Hanson's privileges; nor did it amount to a contempt.

The committee was also asked to examine whether the letter sent by Mr Cormack was an appropriate response in the circumstances of Mr Hanson's press release. The committee had some difficulty in assessing this matter, as it did not want to be seen to endorse the position of either Mr Cormack or Mr Hanson in their dispute concerning the FOI matter that was the subject of the press release and the letter. Accordingly, it made no finding in relation to whether the letter was an appropriate response.

The committee considers that this inquiry has been useful in both heightening awareness about parliamentary privilege and about the appropriate interactions between non-executive MLAs and public servants. Members will see that the committee has made a recommendation that, if agreed to, will help clarify what communication is appropriate.

In conclusion, can I thank my fellow committee members, Mr Corbell and Mr Smyth, for their assistance in this inquiry. I commend the report to the Assembly.

MR SMYTH (Brindabella) (10.20): There is more about the way that this inquiry was conducted in the minutes than is contained in the report. Throughout the inquiry, I felt the need to dissent as decisions were made. The first decision was that the committee decided that there would be no hearings. I think it is unfortunate in a matter like this that were no hearings, that this was done behind closed doors. It is unfortunate that much of the evidence was dismissed.

The story is this: a press release was put out that the head of health objected to. He sent to Mr Hanson a letter which Mr Hanson objected to and raised, ultimately, as a matter of privilege in this place. That was found and the committee was set up to inquire into what had happened.

I do not believe that you can actually look at whether there is contempt unless you look at the circumstances in which the original item, the press release, came to be. And that came to be because Mr Hanson, as he says in his evidence, felt that he had been misled and that there was a cover-up by the Department of Health, that his press release questioned what the minister was doing in her role and that his press release was about the minister. That the department took exception is up to the department.

But in this place we normally play between member and member, minister and member, and that is the playing field that we have. If we wanted to talk to a public servant, we would have to go through the minister. But what we have now is a different set of rules where the public servants can come back at members but members, in theory, always have to go back through the minister. That is what is wrong with the approach that the committee took and that is why I dissented to many of the findings of the committee.

The very fact, for instance, we did not get a submission from and did not call for a submission from the minister to tell her part in this concerns me. When I moved that, it was voted down. It is quite interesting because during the recall day of the estimates I actually asked the minister why, in the normal form of this place where the interaction is between minister and member, did she not write. The transcript reads:

> **MR SMYTH**: Why did you not write to Mr Hanson?
>
> **MS GALLAGHER**: I am writing to Mr Hanson.
>
> **MR SMYTH**: You will?
>
> **MS GALLAGHER**: I am currently formulating my letter.

To the best of my knowledge, that letter has never been sent.

This leads to my concern that we have got a minister who is hiding behind her department. When she is held to account, she goes into hiding. It is a shame that the committee never looked at that because they are the events that triggered this whole matter.

When we look at contempt and privilege, perhaps the only thing I did agree with the committee on was that it was not a matter of privilege. But I do believe it is a matter

of contempt. And when the committee found that no contempt had been found, I dissented. You only need to look at the federal act, section 4, essential elements of offences, from where we draw our privilege:

> Conduct (including the use of words) does not constitute an offence against a House unless it amounts, or is intended to or likely to amount, to an improper interference with the free exercise … by a member …

The problem here is that there was an intention in the writing of that letter, contained explicitly in the last two paragraphs, directing Mr Hanson to undertake certain actions, to impede what he was attempting to do in his role as a member of this place. And that is a contempt. Whether it was successful or not is not the issue. It was intended to divert him from his chosen course. And that is a contempt and that is what should have been found. That it was not, I think, is very sad because it now sets a precedent that we may regret.

Mr Hanson said that he believed that it was a legal letter, it was a forerunner, for instance, to defamation. I think you only have to look at Mr Cormack's submission, paragraph 14, where he actually talks about seeking a remedy. This is a legal document, this document that has been sent, this submission from Mr Cormack. In paragraph 14 Mr Cormack offers an opinion on how the concerns could be remedied and invites Mr Hanson to respond.

I think the first thing that happens when you get to court, if you are taking a defamation action, is the judge says, "Did you seek a remedy? Did you seek a withdrawal and a retraction?" "Yes, I did." And that is what this is—have no doubt about it—the letter that was sent to Mr Hanson was a legal document seeking a remedy. The problem is that that is a prelude to defamation. I will get to this at the end of my speech.

The problem for members of the opposition and, indeed, of the crossbenches is that we do not have the resources that the government has through the use of the Government Solicitor's Office and we do not have the resources that public servants have in their protections that they are provided in their job and their access to legal advice.

It is interesting that, when Mr Hanson says it is a cover-up, he is attacking the department. But if we go back a little while to the views of the Labor Party, it was actually okay to call former ministers corrupt. Mr Stanhope, as Leader of the Opposition, on 14 March 2001, accused the former government of corruption. He said:

> Labor rejects the corruption, for instance, of the Freedom of Information process—

oddly enough, freedom of information yet again—

> that has characterised the years of the Carnell/Humphries governments … a corruption of process that saw my legitimate request for information about the Bruce Stadium redevelopment denied all the way to the Administrative Appeals Tribunal.

"Corruption" is a much stronger word than Mr Hanson used. Did we object? Did we send letters? Did we wheel out the public service? No, we did not.

Mr Corbell: Process.

MR SMYTH: Mr Corbell says "process", and he is right. It is about the process.

Mr Corbell: Corruption of process.

MR SMYTH: And corruption. Mr Stanhope said:

> Labor rejects the corruption, for instance …

There is more than one lot of corruption in this. But we will go on. Mr Corbell said in 2001:

> So much for Gary Humphries' often touted but seldom practised policy of openness and transparency of government.

Again he was criticising the FOI release process. It is interesting that the case was made and never answered that, of course, ministers have a role in the FOI process. And they do. You only need to consult the act. First and foremost, under the code of conduct, they are responsible for the good maintenance and delivery of the act; so there is a role there. Mr Corbell, in his press release, and Mr Stanhope, in his attacks, attack the ministers, exactly as Mr Hanson did in this case. It is exactly the same.

But what is good for the goose is apparently not good for the gander in this case.

Mrs Dunne: The "gooses".

MR SMYTH: Perhaps what is not good for the "gooses" may well not be good for the gander. And that is the problem here. We have got this change of morality from the Labor Party to fit the circumstances.

In the evidence there are a number of contradictions from Mr Cormack. First and foremost, on a recall day, I asked how many meetings they had. Ms Gallagher said there was a discussion. She used the singular. She said:

> I think we discussed it as soon as the media release went out.

But in the document from Mr Hanson we find there is a series of discussions and there was consideration and formulation of the letter. Again, we will never know the minister's part in this because we never called for a submission and we never asked for her to be a witness, which is most unfortunate.

There is also the very important issue that goes to the heart of this: whether or not it was actually a cover-up. Mr Hanson asserts, and quite accurately, I believe, that the government knew of the plans for the development—not the DA. "We searched for a DA; we could not find a DA; therefore there is no development." In paragraph 23 Mr Cormack, in trying to justify the FOI, says:

> While the correctness of the decision in this instance is ultimately irrelevant to this inquiry, I submit that information relating to planned development by an individual lessee could, when connected with an identified adjoining property, allow the lessee to be identified by a significant section, or a reasonably knowledgeable member, of the community.

There was a plan for development. The very thing that Mr Hanson questioned is admitted to in Mr Cormack's document—not a DA, not this sham "we could not find a DA when we looked". Mr Hanson asked, "Was there a cellar door? Was there a vineyard? Was there a B and B?" They are all blacked out of the document that prompted the press release accusing the minister of certain actions.

In paragraph 23 we have that confirmed. "We blocked out information relating to planned development"—not DA, planned development—"by the lessee". There is the confirmation that Mr Hanson is correct. But again, no public hearings; we did not call the minister. I actually moved that we call the lessee, that we call other public servants. But no, that was blocked. But we have it there in black and white "information relating to the planned development". Again, it is unfortunate that we have never had that investigated. It was never investigated. Again, there were no hearings.

Interested parties can read this in the minutes. I moved that a succinct summary of what happened be included. It was this:

> Mr Cormack claims that Mr Hanson's press release was aimed at the Department, as he states that Ministers have no role in the administration of the FOI Act. This claim is incorrect. Not only are Ministers responsible for the good administration of law by their departments but, in some cases, they actually have powers under the FOI Act. The Code of Conduct for Ministers says, "Ministers are individually accountable to the Assembly for the administration of their Department and Agencies." To suggest otherwise is incorrect. As a professional public servant of long standing, Mr Cormack should have known this.
>
> Therefore Mr Cormack's claim that the press release injures his reputation is also incorrect. It follows that the request for certain actions, as outlined in his letter, is based on a false premise and this means his letter was malicious, misguided or inappropriate.
>
> Given that contact between Members and public servants is usually regulated by the relevant Minister's office, it is clear that in this case the letter was inappropriate.

In relation to finding No 2, I moved:

> The committee finds that the writing of the letter by Mr Cormack requesting certain actions was inappropriate.

The other members of the committee voted that down. I think that is a shame. I think it is a shame because what we do now is set a low standard. We set a low bar and we say that it is now entirely appropriate for one-way traffic. Public servants can write to members but members cannot come back at the public servants.

The problem with this, though, is that I wanted the word "inappropriate". But in previous hearings the committee had decided, and it was resolved—and I refer to the meeting of 30 July, when Mr Corbell moved—unanimously by the committee:

> That, while paragraphs 1 to 6 of Mr Cormack's letter to Mr Hanson seemed appropriate, paragraphs 7 and 8 were interpreted by Mr Hanson as a threat and on that basis were considered by the committee to be ill-advised.

It was agreed to by Mr Corbell, the Attorney General; Ms Hunter, Parliamentary Convenor of the Greens; and me. Let me read that again:

> That, while paragraphs 1 to 6 of Mr Cormack's letter to Mr Hanson seemed appropriate, paragraphs 7 and 8 were interpreted by Mr Hanson as a threat and on that basis were considered by the committee to be ill-advised.

The head of the health department is ill advised in his actions. That was the unanimous decision of the committee.

You can argue whether you should use "ill advised" or "inappropriate". In some cases I think you can make a case that they are perhaps interchangeable. But the problem here is that the actual finding, in fact, leaves Mr Cormack under a cloud. Finding No 2 was:

> The committee makes no finding in relation to whether the letter of Mr Cormack's was an appropriate response in the circumstances of Mr Hanson's press release.

We do believe, though, it is ill advised. The man who advises the health minister, according to the Attorney General, the Parliamentary Convenor of the Greens and me, is ill advised in his actions. And that is the problem. The committee should have said what he did was inappropriate. The committee should have given some guidance and the committee should have made it quite clear that we did not want this to happen again.

The committee goes on in its only recommendation and says:

> That the government clarify the relationship between public servants and non-Executive Members of the Assembly, with a view to issuing guidelines for any interaction that is not covered by existing guidelines.

That is a reasonable recommendation. But the problem here is that what we have is that that somebody who gives poor advice, who is ill advised in his actions, is the head of the health department. And that is a problem. That problem remains. And that is agreed to by all parties in this place. All three parties agreed to that.

The future of this is interesting. I think there will be more that comes out of it. I also moved that we include some paragraphs in regard to assistance to members. Again, people can go to the minutes. I moved:

> "The protection of members

> Recommendation 2
>
> The Committee recommends that the Administration and Procedure Committee investigated the need for, and if necessary, the level of assistance to be provided to Members in cases of legal proceedings.

I think it is appropriate that that be looked at. I hope somebody takes the opportunity to move that in Assembly business at some time in the near future. It has been around for a long time and all this sad and sorry affair of privilege does is show that it still is there.

The problem for this committee, I think the problem for this Assembly, is this was all done behind closed doors. We did find that the letter was ill advised; we did not find that it was inappropriate. I think it does leave a cloud and I think that is unfortunate for all involved.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.35): I would like to thank Ms Hunter as committee chair for the manner in which she conducted this inquiry and Mr Smyth for his contribution to it. I think that the key issue here is the terms of reference of the inquiry, and they are quite clear. The terms of reference referred to this inquiry were to consider whether or not a breach of privilege or contempt had been committed by Mr Cormack in relation to the letter he sent to Mr Hanson or whether the letter was an appropriate response in the circumstances of Mr Hanson's media release. The approach that I got from this inquiry and the approach, I think, that the chair got from this inquiry, too, was that that is what the inquiry was about.

This was not an inquiry into the conduct of the FOI matter that Mr Hanson was complaining about; it was not an inquiry into the issues surrounding the decision-making around the location of the bush healing farm. That was not what this inquiry was about. What was clear from day one was that Mr Smyth and Mr Hanson sought to use this privileges inquiry to make a broader investigation into all of those matters. If the Liberal Party want to pursue those matters, they can seek an inquiry in this place through one of the standing committees of this place. But what was clear was that there was a political motivation in this inquiry to go beyond the issues around contempt and privilege and to make it a broader inquiry into a whole range of other matters.

What we saw were submissions made by Mr Hanson that sought to bring all and sundry into this inquiry—other public servants, lessees in rural areas, as many people as possible. But none of that was relevant to the terms of reference of the committee. The committee decided that that approach, if agreed to, would be flawed and, therefore, we would contain ourselves to the matters the Assembly had asked the committee to inquire into—that is, whether or not there had been a contempt, whether or not there had been a breach of privilege and whether the sending of a letter was appropriate in the circumstances. Those were the terms of reference, and that is what the committee confined itself to.

I note in Mr Smyth's comments that he has basically come out and said he disagrees with this report. Well, all I would ask is: where is the dissenting report? If he feels so strongly about this matter, if he feels that it is so flawed and so wrong, why did he not write a dissenting report? He has done no such thing. This is a unanimous report from all three members of the committee. There is no dissenting report, and this is the report of the committee. I think we should be clear about this: if members disagree strongly with the findings of a committee report, they know what the course of action is—they write a dissenting report. Mr Smyth says he disagrees with the central findings of this committee. He has said that just now. Yet he has not written a dissenting report. I think that speaks for itself.

The other issue that I want to address is that Mr Hanson made a whole range of allegations about abuse of process, about the conduct of FOI, about a whole range of other matters. But, as I have said, those were matters that were outside the terms of reference of the inquiry. I think Mr Hanson sought to take advantage of and abuse the process by using the request to the committee for his submission to advance a whole range of political arguments, many of which he has not pursued in any other forum in this place. And I think that was—

Opposition members interjecting—

MR SPEAKER: Order! Mr Smyth was heard in silence, and Mr Corbell will be held in silence in response.

MR CORBELL: I think that was an abuse by Mr Hanson. He has accused the minister of some very serious things; he has accused Mr Cormack of very serious things; and he has accused others of very serious things. The committee had to take a decision as to whether or not it should engage in that or whether it should let the report speak for itself. We have taken the decision that we will let the report speak for itself.

Consideration was given to whether or not Mr Hanson's submission should be authorised for publication in full. The committee took the decision that, on balance, it should. In doing so, I think it is important to put on the record that I and I think Ms Hunter as well—I do not want to put words into her mouth, but it is my understanding of her position—feel that many of the claims made by Mr Hanson are outrageous, that they are without substantiation and that they are merely part of a broader political strategy on his part and certainly not relevant to the matters before the committee.

I want to turn to the issue of contempt and the issue of interference with members. The committee concluded—and it is dealt with in the report—that there really needs to be two things demonstrated to highlight whether there has been any improper interference with a member's duty. The first is that it has to be improper; it cannot just be part of the normal process of lobbying a member or seeking to influence a member, which is part of the democratic process. Secondly, there has to be an intention to improperly interfere. Those are the two criteria the committee felt were central in considering this matter.

The committee quotes a number of sources, and I think one of the most useful ones is the reference from McGee's *Parliamentary Practice of New Zealand*, which highlights the way that legislatures view the issue of interference:

> There is no contempt in respect of attempts to influence Members, even by bringing pressure to bear on them … unless there is a threat to do something which is improper in itself or which is of such an extraordinary or exaggerated nature that it goes beyond an attempt to influence the Member and becomes an attempt to intimidate.

Quite clearly, there was no threat by Mr Cormack to do anything improper. Nor was it of such an extraordinary or exaggerated nature that it went beyond the normal representations that any person can make to a member in this place. That is the issue at the heart of this debate. There is certainly no breach of privilege, and there is certainly no contempt in terms of interfering with the member in the course of his duties. Indeed, it was quite clear that Mr Cormack's letter had no impact on Mr Hanson. It did not interfere in him exercising his duties at all, nor did it intend to. For those reasons, there is certainly no contempt.

It is the case that the committee feels that Mr Cormack's letter certainly inflamed Mr Hanson's view of what was going on and inflamed his response. To that extent, it was ill advised. But we all say things that, perhaps in hindsight, we feel were not helpful, but this is certainly is not casting any doubt on the judgement or the capability of Mr Cormack as a respected and effective senior public servant in the ACT administration. Indeed, the greater crime was for the Liberal Party to seek to involve a senior public servant in such a scurrilous political action. I think the failure of that strategy is evidenced by the findings of the committee, which make it clear and unequivocal that in no respect did Mr Cormack breach Mr Hanson's privileges and in no respect was a contempt committed or even intended to be committed.

There is one recommendation which deals with the issue of correspondence between public servants and non-executive members of the Assembly. The guidelines that are issued to public servants are not as fulsome as they could be on this matter, and I think it would be helpful for this issue to be clarified so that any doubt can be removed about how these matters occur. I think it is fair to say that there are dealings between senior public servants and non-executive members in this place. That happens in respect of statutory officers and it happens in respect of briefings and other information and meetings attended by senior public servants and non-executive members of this place. It is not like it is unusual, but I think there is certainly some value in putting the matter beyond doubt by clarifying the guidelines accordingly.

Finally, I note that the issue of legal representation of non-executive members was raised. The committee took the view that this was a matter best pursued, if members felt it should be, in this place or through some other form of inquiry and that it was not a direct consideration for this committee.

Again, I think this is a reasoned and sensible report, and the only criticism that can be brought is to the conduct of the Liberal Party, who have sought to use this process to pursue a political agenda and certainly to take it well beyond the matters that a select committee on privileges should deal with—that is, issues around privilege and contempt.

MR SMYTH (Brindabella): I seek leave under standing order 47 to explain words.

MR SPEAKER: Mr Smyth, I remind you of the terms of standing order 47 about confining yourself to the areas in which you have been misquoted or misunderstood.

MR SMYTH: That is fine, Mr Speaker. I made it clear that I did not agree with the report. I ask members to simply go to page 3 of the minutes of meeting No 6. Mr Corbell said that it is a unanimous decision of the committee. It is not. Mr Corbell resolved that the draft report, as amended, be adopted. The next line in the minutes says:

> Mr Smyth asked that his dissent be recorded.

It is unfortunate that Mr Corbell has portrayed it in that way. Mr Corbell also said that I was acting in a political manner. I think Ms Hunter will attest to the fact that the actual paragraph Mr Corbell was just quoting from that says you have to find two things is, in fact, paragraph 45(a). I actually made it clear to the members of the committee that their case was flawed because they had only addressed one of the concerns, and if they actually wanted to present a cogent case they needed to include the second part, which they actually did. So I acted as a good committee member should—that is, to try to come to a cogent case.

I dissented from it, but in terms of making sure that as an Assembly we receive reports that actually make sense, I played a part in this committee. I did not agree with it, but I did help. I think it is unfortunate that Mr Corbell has tried to explain it in that way.

MR HANSON (Molonglo) (10.49): Firstly, I will turn to some of the comments made by Mr Corbell. This matter was not brought forward by me as a political exercise. My response has been entirely genuine. I did feel that it contained a veiled threat; I did feel that it was an attempt to influence me. The reason that the evidence that I provided goes into so much detail was in order to demonstrate that the letter was both inappropriate and was a matter of contempt in that it tried to influence me, I needed to go to the full issues at hand, including the briefings that were given to me, the details surrounding the FOI, the comments that were made at the estimates committee, the relationship to ministerial responsibility and the FOI action. Unless I was able to go to all those matters, it would have not enabled me to make my case, which I believe I have.

I thank the committee for their report, but I state that I believe that a finding of contempt should have been made. I am surprised that the committee has been unable to do so or make the finding with regard to whether Mr Cormack's response was appropriate or not. I have, unfortunately, been denied the ability to present my evidence in public, but I encourage you all to read my written evidence and examine in detail what has happened in this regard.

In a briefing to me on 17 April and at estimates hearings on 21 May, Mr Cormack was asked about the validity of media reports that a wine and cellar door were being planned by the owners of the property neighbouring the Indigenous alcohol rehab

facility, known as the bush healing farm. On both occasions he categorically denied the existence of any such plan for a cellar door. I will read my estimates question and his response. I said:

> When this was all going on, as well, there were allegations about a plan for a cellar door next door? We discussed this in the briefing as well. Can you extrapolate on those plans for the cellar door?

He stated:

> There were not any.

It was a categorical denial. Now let me turn to the minister's similar denials to the committee from *Hansard*. I said:

> The briefing I received, and I think yesterday, said no, there were no plans for a winery next door.

Ms Gallagher said:

> As far as we are aware.

However, an email written by the property owner to the Chief Minister on 9 July 2008 as provided to the opposition showed that she was, indeed, aware. The letter stated:

> We had hoped to contribute to the agricultural aesthetic and tourism of the area by establishing a vineyard and ultimately, with government approval, cellar door sales and possibly a bed and breakfast establishment.

Disturbingly, the version of the email that was released under the FOI legislation to the opposition had the words "vineyard", "cellar door" and "bed and breakfast" deleted. The deletions were justified under section 41 of the act on the basis that exposing their plans would identify the property owners. But you cannot have it both ways: you cannot deny to a committee that there were any plans for a cellar door and then use the same plans for a cellar door as the rationale for deleting information under the FOI act. This has become even more extraordinary in light of Mr Cormack's submission to the privileges committee where he has used the words "planned development" to describe the plans he had previously denied to give justification of the FOI deletion.

The minister and her officials have contradicted themselves, and by doing so I believe they have misled the estimates committee. This is the important point in response to what Mr Corbell alleges—I had to make this point to provide the context in which Mr Cormack's letter was written to me. It was in that context that I released a press release calling on the minister to account for the discrepancy. This what I said:

> Minister for Health, Katy Gallagher has to explain why documents relating to the winery being built next to the proposed bush healing farm were censored to remove the mention of the cellar door.

I did not refer to or mention any departmental official. She is responsible for her department, and I invite you to read my evidence with regard to the FOI Act and ministerial responsibility. Indeed, the Chief Minister and his entire cabinet's position on this issue is full of contradictions that are on the record. In 2001, Jon Stanhope, who was the Leader of the Opposition said:

> Labor rejects the corruption, for instance, of the freedom of information process that has characterised the years under the Carnell-Humphries governments, a corruption of process …

So Mr Jon Stanhope described the government's FOI process as corrupt and pointed a finger at the Carnell-Humphries government in 2001. But this is the same Jon Stanhope who would mock our wraith in the Assembly when I said that the FOI process in his government had been misused. He claimed that I had defamed public servants, that they should sue me and that he would help them. But I ask, by his own rationale, by his own standards, did he defame public servants in 2001? Did he get sued? Did he get letters from the department heads advising him to withdraw his statements? If not, what has changed in the last eight years?

It is Ms Gallagher who should have responded to my concerns herself. Instead, I received a letter from Mr Cormack advising me to withdraw my press release. In my opinion and in the opinion of the expert legal advice that I sought, Mr Cormack's letter contained a veiled threat that if I did not withdraw my press release I would be subjected to action by him. Indeed, this was confirmed by many of the statements and comments made from the other side of the Assembly when the motion was put forward.

Seen in context, Mr Cormack's letter was an attempt to influence me in the conduct of my duties as an MLA and, as such, was contempt. Regardless of the findings relating to contempt, it was an entirely inappropriate response. Indeed, the committee were unable to find that his response was appropriate, because it was not. I note the comment from the minutes that Mr Smyth read that it was found to be ill advised.

The matter of contempt has now been dealt with. The reason I have not brought other matters on is because, whilst dealing with a matter of contempt before a privileges committee, it would have been inappropriate to do so. However, I think it is timely now to again deal with the initial issue of the FOI and also the denials to the estimates committee by the minister and her officials about the plans for the cellar door.

The minister needs to review *Hansard* with regard to contradictory statements that have been made by herself and her officials. I think that we now all agree that the plans did exist and that they always existed. We have statements and written evidence that confirm this. Ms Gallagher needs to address why she and her officials denied that the plans existed or that they were aware of such plans.

Ms Gallagher: Do you like the bush healing farm, Jeremy? Do you want the bush healing farm?

MR HANSON: Misleading a committee of this Assembly is a very serious issue, as the minister is aware.

Ms Gallagher: We know you're against it. That's where this all starts from. You don't want Aboriginal people to have access to a healthy rehabilitation facility.

MR HANSON: There are avenues for me to pursue this matter, including a substantive motion in the Assembly and through the Ombudsman. I think that it is appropriate in the first instance that the minister review her actions and the actions of the departmental officials. Without doubt, serious mistakes have been made. I am willing to give the minister the opportunity to address the issues openly and fix the problems. I believe that she should take responsibility. I believe that a correction of the record and a clarifying statement are appropriate. I think that, given what has transpired, this is actually a very reasonable position for me to adopt. The Minister for Health, Ms Gallagher, now has an opportunity to clear up this mess and move forward, and I encourage her to do so.

In closing, there has also been an attempt by members opposite in this chamber and the minister through a press release to characterise my actions falsely as a slight on the public service. This has been a disingenuous attack which was sought to deflect attention from the minister's mistake. Indeed, she is now trying to allege, in her interjections, that I am opposed to the bush healing farm. Let me state for the record that my issues have always been addressed to the minister and it was never my intent to come into conflict with Mr Cormack. It is right and proper for the opposition to engage ministers and for ministers to respond and to take responsibility. Indeed, that has been my argument from the beginning, and that is why my press release was addressed to the minister. It was Mr Cormack who decided to enter the fray, and I regret that greatly.

I believe in the political independence of the public service, as do its members. I will continue to ensure, as will the fellow members of the opposition, that the government does not use the public service inappropriately. My message to the public servants of the ACT is that the opposition will support you in upholding the high standards which you have set and hold dear. We respect the great work you are doing, and we will honour your service to the ACT.

Question resolved in the affirmative.

Dangerous Goods (Road Transport) Bill 2009

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.59): I move:

> That this bill be agreed to in principle.

This bill regulates the transport of dangerous goods by road. It is based on model legislation developed by the National Transport Commission.

The transport of dangerous goods by road in the ACT is currently regulated under the Road Transport Reform (Dangerous Goods) Act 1995. The commonwealth act gives effect to the ninth edition of the United Nations Model Regulations for the Transport of Dangerous Goods and the sixth edition of the Australian Dangerous Goods Code.

The National Transport Commission's model legislation is a significant update and is based on the 14th edition of the United Nations model regulations and will give effect to the seventh edition of the Australian Dangerous Goods Code, which is based on the later edition of the United Nations model regulations. The bill will ensure that the road transport sector is no longer out of step with accepted international standards for the transport of dangerous goods.

Since New South Wales has already adopted the model legislation, the cross-border transportation of dangerous goods by road into and from the ACT is currently made more complex by the application of two differing sets of legislative requirements regarding the packaging, labelling, documentation and handling of dangerous goods in transport. This bill will ensure that the ACT is no longer out of step with New South Wales and simplify matters for the road transport industry.

The federal government has introduced the Road Transport Reform (Dangerous Goods) Repeal Bill 2009 into the federal parliament. The commencement of the commonwealth's repeal act and the new ACT act will be coordinated by both jurisdictions. The bill, when enacted, cannot be commenced in advance of the repeal of the commonwealth act because it will be overridden by the commonwealth act to the extent of the inconsistencies between the two pieces of legislation.

The National Transport Commission's model legislation relates to the transport of dangerous goods by both road and rail. However, the bill is limited to the transport of dangerous goods by road. The rail aspects of the model legislation will be implemented as a second stage.

The ACT's rail infrastructure is operated by the Rail Corporation of New South Wales under licences given by the territory to occupy land on which the ACT's rail facilities are located. In practice, the ACT's rail infrastructure is operated by Railcorp as part of its New South Wales rail network. Given this situation and the very small amount of rail infrastructure in the territory, discussions have been begun with the relevant New South Wales government agencies for them to undertake supervisory, investigative and enforcement functions in relation to the transport of dangerous goods by rail. It is proposed that the relevant New South Wales legislation will be applied as ACT laws to create a seamless legislative regime in relation to the operation of the ACT's rail infrastructure.

At present the Dangerous Substances Act 2004, which imposes a range of safety duties on people transporting or who are in control of the transport of dangerous goods, applies to the transport of dangerous goods by rail. The main categories of dangerous goods that are routinely transported into the ACT are fuels in the form of

gases and liquids. In general terms, the volume of dangerous goods brought into the territory is not great. As we all know, the ACT does not have a significant mining, chemical or heavy manufacture industry profile. Members should note that the model legislation does not deal specifically with the transport of explosives or radioactive material.

Dangerous goods are substances and articles that are potentially hazardous to people, property and the environment. They may be corrosive, flammable, explosive, oxidizing or reactive with water. Whatever their properties and their potential for injury and destruction, great care is needed in their handling, storage and transport. Australia has adopted a system of classification and labelling for dangerous goods based on the United Nations system used in other countries. This system helps people to quickly recognise dangerous goods, their properties and dangers. For this purpose they are divided into nine classes, which, in some cases, are further divided into subclasses.

Class 1 is explosives. The road transport of explosives is not regulated under this bill but is regulated under the Dangerous Substances Act 2004.

Class 2 is gases. The class is subdivided into flammable gases such as butane, non-flammable, non-toxic gases such as oxygen, nitrogen and argon and toxic gases such as ammonia and chlorine. The non-flammable, non-toxic gases can cause suffocation while the toxic gases can cause death or serious injury if inhaled.

Class 3 is flammable liquids, the vapours of which can ignite in air or contact with a source of ignition, the most obvious example being petrol.

Class 4 is a group of other flammable substances comprising flammable solids such as sulphur and phosphorus that are easily ignited by external sources, substances liable to spontaneous combustion and substances which, in contact with water, can be flammable gasses that can spontaneously ignite.

Class 5 is oxidizing substances that are not necessarily combustible by themselves but which produce oxygen which increase the risk and intensity of fire in other materials with which they may come into contact. It also includes organic peroxides that are thermally unstable and likely to react dangerously with other substances.

Class 6 is toxic substances that are likely to cause death or serious injury if swallowed, inhaled or brought into contact with the skin and infectious substances such as clinical waste.

Class 7 is radioactive material. The transport of radioactive material is not regulated under this bill but under the Radiation Protection Act 2006.

Class 8 is corrosive substances, such as acids, that can severely damage living tissue or attack other materials, such as metals.

Finally, class 9 is miscellaneous dangerous goods that present a danger but are not covered by other classes.

As members will have seen, the bill deals with substances and articles which need to be tightly regulated. The bill also prohibits the transport of goods that are classified as goods too dangerous to be transported. Goods may be too dangerous to be transported because of their inherent instability, for example, nitroglycerine, or their potential to react violently when exposed to other things, including exploding or the dangerous emission of toxic, corrosive or flammable gases or vapours.

One focus of the bill is several key offences with significant penalties for unlicensed or unsafe transport of dangerous goods or the transport of goods too dangerous to be transported. The bill will be underpinned by detailed regulations which relate to the packaging, labelling, placarding and categorisation of dangerous goods. For example, the carriage of dangerous goods that are incompatible with each other will be prohibited or limited in some other way such as to quantities that may be carried. Specific duties will also be put on consignors to ensure that dangerous goods are appropriately contained. Obligations to ensure that dangerous goods are properly stowed will be placed on loaders and drivers. The dangerous goods will have to be accompanied by transport documentation which properly identifies the goods.

Another focus of the bill is the powers for authorised people to give directions to avoid or remedy dangerous situations. For example, a driver may be given a direction to move the vehicle or cause it to be moved to the extent reasonably necessary to avoid a dangerous situation, serious harm or imminent risk of serious harm or an obstruction or likely obstruction to other vehicles or to do anything else reasonably required by an authorised person to avoid the situation, harm or obstruction.

An authorised person may also give directions about how a broken down or otherwise immobilised vehicle and its load are to be dealt with and, if the vehicle is involved in an incident resulting in a dangerous situation, a direction to the driver or person apparently in charge of the vehicle about the transport of any goods in the vehicle from the place of the incident or how otherwise to deal with the goods. Under the bill a dangerous situation is a situation that is causing or likely to cause imminent risk of death or injury to a person, significant harm to the environment or significant damage to property.

As well as the usual penalties of fines and imprisonment for offences against the act, the bill provides for a graduated range of other measures which are designed to assist with compliance with the act or to act as a strong disincentive to profit from non-compliance with the act.

An authorised person may give a person an improvement notice where the person has a belief on reasonable grounds that a person is contravening, has contravened or is likely to contravene a provision of the act. An improvement notice may require the person to whom the notice is issued to remedy the contravention or likely contravention within the period specified in the notice. The notice may state the method to be used to remedy the situation. Alternatively, a formal written warning may be given. Provision is also made for prohibition notices directing people to stop or not engage in an activity that relates to the transport of dangerous goods by road that is happening or may happen in relation to or in the immediate vicinity of the dangerous goods and that creates or could create a dangerous situation or a risk to the safety of anyone.

A court may make what is termed a commercial benefits penalty order which may require the offender to pay an amount up to three times the amount calculated to be the commercial benefit that was, or would have been, derived from the offence. However, if the offence in relation to which the commercial benefits penalty order is made is a strict liability offence, the amount of the order must not be more than an amount that is equivalent to 50 penalty units. In calculating the commercial benefit that was or would have been derived from the offence, the court may take into account benefits of any kind, whether monetary or otherwise, and any other matters that the court considers relevant, including, for example, the value of the goods involved in the offence and the distance over which the goods were carried or were to be carried.

A court may also make a roads compensation order requiring an offender to pay to the territory the amount of compensation that the court considers appropriate for damage to road infrastructure that the territory has suffered or is likely to suffer because of the offence. In making a roads compensation order the court may assess the amount of compensation in the way the court considers appropriate. The court may take into account the matters it considers relevant, including evidence not presented in relation to the prosecution of the offence or a certificate by the territory about matters such as the estimated cost of remedying the damage or the offender's contribution to the damage.

A supervisory intervention order may be made by a court against a systematic or persistent offender who might require supervision and further education to achieve compliance with the act. It gives the offender an opportunity to remain in the industry and improve his or her operating performance. Such an order may require the person to do specified things to improve compliance, to conduct monitoring and other practices and to appoint other people to assist the person in compliance.

A more extreme order is an exclusion order that prohibits a person, for a specified period, from having a stated role or responsibilities associated with the transport of dangerous goods. The order can only be made if the court is satisfied that the person should not be entitled to do the things which are the subject of the order and that a supervisory intervention order is not considered appropriate. Supervisory intervention orders and exclusion orders have a strong element of public protection.

It was recognised during the development of the model legislation that jurisdictions, when implementing the national scheme, may need to modify provisions to satisfy their wider legal and policy requirements. The provisions in the bill have been finetuned to reflect ACT legal and human rights policy and to bring them more closely in line with current ACT drafting practice. For example, penalty levels in the model offence provisions have been brought more closely into line with ACT practice. Fault elements for offences or the exclusion of fault elements by making offences strict liability offences also reflect ACT practice.

The enforcement provisions reflect the standard provisions for ACT legislation, particularly provisions about the issue of a search warrant and the powers that may be exercised under the warrant. The immunity against self-incrimination and the time within which a prosecution may be commenced for an alleged offence also reflect the

ACT's practices in these areas. For example, the model legislation contains a provision which would allow a prosecution for an offence against the act to be commenced within two years after the alleged commission of the offence or, if two years has already elapsed, a further one year after a competent authority or an authorised person first obtained evidence of the commission of the alleged offence considered reasonably sufficient by the authority or person to warrant commencing proceedings.

However, the general limitation period for commencing prosecutions under section 192 of the Legislation Act 2001 has been followed. The general limitation period for the prosecution of an offence that is punishable by imprisonment for a period of not longer than six months imprisonment is one year after the day on which the offence was committed.

The bill is an important measure which will bring the ACT law for the transport of dangerous goods by road into line with international best practice standards. I commend the bill to members.

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

Adoption Amendment Bill 2009

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (11.13): I move:

> That this bill be agreed to in principle.

Earlier this year I said that my goals in the Children and Young People portfolio are practical. My goal is to help children and young people in all Canberra families—all kids, not just the hard cases or the teen prodigies—and to help the most vulnerable to help themselves. This is exactly what the Adoption Amendment Bill 2009 does.

This bill helps children and young people and their families, both adoptive and birth families. First, it makes the best interests of Canberra's children and young people central in all decision making. Second, it helps families who open their homes to children and young people. Third, and just as importantly, it helps birth parents to build relationships with their children.

The ACT has a history of progressive public policy in this area. The principle of the best interests of the child underpins the Adoption Act 1993. The 1993 act included innovative "open" adoption provisions, such as rights to access information about a child's origins and the Indigenous placement principle. The Adoption Amendment Bill 2009 builds on this child-centred approach. But this bill also recognises that the nature of adoption has changed significantly since 1993.

This bill is the product of extensive consultations held since 2006. Many of the recommendations in the *Report on key findings from the review of the Adoption Act 1993* and evidence from the commonwealth House of Representatives standing committee 2005 report entitled *Report on the inquiry into adoption of children from overseas* can be found in this bill.

Importantly, the bill incorporates principles from the United Nations Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. This bill reflects the requirements of the ACT Human Rights Act 2004, and it will operate in close conjunction with the new Children and Young People Act 2008.

In the ACT, adoptions are for children and young people. The purpose of adoption in the ACT is to provide children and young people with safe, stable and loving homes. It is to make sure that every child has someone reciting times tables with them whilst they head off to school. It is about making sure that every child has someone making them vegemite sandwiches to put into their favourite coloured lunch box. It is about making sure that someone asks them how their first day at work went and asking them whether they need anything for their second day at work. Decisions relating to adoption will be made in the best interests of the child or young person. This bill clearly explains that the rights of an adopted person should be protected throughout their life.

We are helping adoptive parents by building strong, caring and sustainable relationships with children and young people. The Children and Young People Act 2008 puts more emphasis on stability and permanency planning. As a result, more long-term carers are seeking adoption orders. These parents and carers are welcoming some of the ACT's most vulnerable children into their families. Legal recognition is important both for adopting parents and for children and young people. That is why this bill will make it easier for these families to officially welcome a young person into their home.

For instance, the act has been restructured to reflect a clear and simple adoption process. I cannot promise that these reforms will speed up the adoption process, because establishing the best interests of the child can be difficult. But we can make adoption easier to understand. For example, division 4 specifically identifies different types of overseas adoption orders. It explains the procedures for obtaining full recognition of these processes in the ACT.

Adoptions must also support a child or young person's sense of family, history and identity. Over 80 per cent of adoption orders in the ACT are overseas and step-parent adoptions. It is vital that a young person has an open and honest understanding of their origins. It is not only important for medical purposes; a child or young person has a stronger sense of identity and stability when they know about future contact arrangements with their birth family. This is why these reforms encourage birth parents to have a say in a young person's adoption plan.

Adoption is a difficult process, both for a child and for birth parents. That is why we have extended the decision-making period for adoption from seven to 28 days after

birth. This gives more time to birth parents and their families to receive counselling if they wish; to consider possible alternatives to adoption; to develop an adoption plan; and to establish future contact arrangements. As potentially vulnerable people, parents under the age of 18 years will be able to receive legal advice and counselling.

We know that family relationships can be difficult, but the evidence tells us that open and honest relationships are in the best interests of the child or young person. This is why we are removing contact veto provisions. Instead of contact vetoes, counsellors from the family information service, currently the adoption information service, will sit down with adopted children and young people and talk about how they would like to build relationships with their birth parents. They will sit down with their birth parents and talk about meeting their adopted son or daughter.

We are doing this to help children and young people in all families. We are doing this so that a young person sitting nervously in a coffee shop for the first time will learn that their natural ability to kick a footy comes from their birth father. We are doing this so that a child can fly back to their birth country and see that their laugh is exactly the same as their birth mother's. They will see that their mannerisms originate from somewhere and they will learn about their heritage, their culture and their history.

We are helping children and young people in all ACT families. These amendments promote the best interests of children and young people. Further, they respect and support the involvement of both adopting families and birth families. Together, we are building loving, stable and sustainable homes for all of our children and young people.

I am pleased to present the amendments contained within the Adoption Amendment Bill 2009 and present it today for the Assembly's consideration.

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

Planning and Development Amendment Bill 2009

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (11.21): I move:

> That this bill be agreed to in principle.

I present the Planning and Development Amendment Bill 2009. This bill makes permanent a number of temporary modifications to the Planning and Development Act 2007. These modifications are currently in schedule 20 of the Planning and Development Regulation 2008. The Planning and Development Act 2007 commenced on 31 March 2008 and put in place, amongst other things, national leading practice for the assessment of development applications.

This government has been unambiguous in its commitment to reforming the ACT planning and land administration system to make it simpler, faster and more effective. The Planning and Development Act allows modifications to be made to the act through regulation. This power exists for a limited transitional period only.

When I introduced the Planning and Development Bill back in 2008, I said that the government needed to have the capacity to make refinements expeditiously in the light of changing circumstances and with the benefit of having used the legislation in the field. The Assembly recognised this need for ongoing review at the time of passing the act by permitting the power to modify the act by regulation. Having monitored the effect of the act during its initial implementation phase and in consultation with agencies, industry and community groups, a number of act modifications were made by regulation. These were made in response to issues identified and to address emerging new government policy initiatives.

The modifications to the act made by regulation expire two years after the act's commencement, which is 31 March 2010. Therefore, it has been necessary to review those act modifications made by regulation and identify those that need to be made permanent.

The purpose of the amendment bill is to make permanent those previous modifications that are necessary for the effective day-to-day operation of the act. The amendment bill is critical in order to maintain the existing operation of the act and contains no new substantive policy initiatives. Let me repeat, Madam Deputy Speaker: the amendment bill is critical in order to maintain the existing operation of the act and contains no new substantive policy initiatives.

The amendments made by this bill carry forward existing provisions, maintain existing policy intent and are largely technical in nature. The modifications ensure the Planning and Development Act works effectively to deliver simpler, faster and more effective planning processes for the Canberra community. The act modifications which are contained in this bill were made through seven regulations of which five to date have been examined by the scrutiny of bills committee.

Those regulations attracted no significant comment from the scrutiny of bills committee. The provisions have been in effect for a period of time with no reported detriment and they have all been placed before this Assembly. The majority of the provisions in the bill are a near literal translation of the provisions as they appear in the regulations. However, there are some minor variations for clarity and drafting purposes.

I now turn to the provisions of the bill. Clause 6 inserts a new section 131A in the act that determines how a development proposal for approval of a lease variation in a designated area must be assessed and dealt with under the act. The interrelationship of territory land and designation under commonwealth law is complex. A designated area means an area of land specified in the national capital plan under the commonwealth's Australian Capital Territory (Planning and Land Management) Act 1988.

The territory has effectively exempted all development in a designated area from requiring any territory development approvals, leaving only lease variations subject to a development approval process. The act is amended to apply merit track provisions to the processing of an application of a development proposal for a lease variation in a designated area. The amendment also excludes any reference to the territory plan in determining such applications, as commonwealth law provides that the territory plan does not apply to designated areas.

Section 291 of the Land (Planning and Environment) Act 1991 provided for the conversion of commonwealth leases. I will refer to this act from now on as the repealed act. The Planning and Development Act does not have a provision similar to section 291. New section 312A of the bill corrects this omission. The section is applied in circumstances where, under section 27 of the commonwealth's Australian Capital Territory (Planning and Land Management) Act 1988, a declaration classifying land as national land has been rescinded, revoked, amended or varied. The section ensures the continuity of these leases and their continued management under territory legislation.

Clauses 4 and 5 of the bill clarify the relationship between development proposals and development applications. The amendments make it clear the development tables in the territory plan are not the sole determinant of the required assessment track.

Sectors of the ACT construction industry expressed concern with increased delays during implementation of the Planning and Development Act and new territory plan. These sectors expressed the view that a tolerance on allowable changes to construction under a development approval would benefit all stakeholders, including homeowners. The intention of clauses 7, 8 and 9 is to meet these concerns of industry by overcoming delays caused by minor contraventions of development approvals. The provisions prescribe the tolerances within which development under a DA may lawfully vary from the DA without the need for another application or amendment. Clause 9 also permits minor DA amendments to be assessed and processed quickly without further public consultation or further referral to a government agency. The ability to proceed without these steps is tightly circumscribed.

Further amendments to the act made by clauses 10 and 11 of the bill clarify sections 203 and 204 of the act. The amendments clarify that the provisions under schedule 1 only apply if the act changes and not if the development itself changes, to the extent that it is no longer exempt development.

I now turn to the various provisions in the bill which deal with payments for leases. Clauses 12, 16 and 18 make amendments that allow a further grant of a rural lease to be made where an undertaking to pay rent and/or pay by instalments is made. Under the Planning and Development Act, the Planning and Land Authority may not grant a lease for less than market value except in circumstances set out in the act.

Clauses 15 and 33 of the bill provide for additional circumstances when a lease may be granted at less than market value. Clause 15 specifies conditions under which a person may apply for the grant of a new lease where the new lease adjoins another granted to the person. Clause 33 specifies the payment conditions for a lease to a community organisation.

Clauses 13 and 14 of the bill clarify when an entity is taken to have paid not less than the market value for a lease when payment for a lease includes a combination of money and infrastructure or works. Clause 14 also makes it clear that in determining the price paid for a lease, payment may include works on another lease or services to be provided.

To remove any doubt, clause 17 inserts a new subsection in section 255 of the act to make it clear that a further lease may include provisions that are different to those in the original lease.

Clauses 19 and 20 deal with applications for extension of time to commence or complete building and development. In 2008 amendments were made to the relevant provisions in the act and the regulation. Industry expressed concerns that the regulation did not provide for the scaling of fees over time in the manner intended.

The amendments made by the bill make it clear that the fee for an extension of time is scaled over time. Clause 20 omits subsections from the act so that there is no upper limit on the number of extensions that can be granted provided the required fee is paid. Clauses 23 to 32 of the bill are amendments to the transitional provisions in chapter 15 of the act.

Clauses 23 and 24 expand section 442 so that the repealed act continues to apply in relation to an application for an amendment of an approval under the repealed act as well as an application for approval under the repealed act. Clause 25 inserts a new section 442C which sets out the transitional position for development applications for approval of an estate development plan where processes were begun before the commencement of the act but the application is lodged after commencement of the act. The intention is that the repealed act and old territory plan apply to the assessment of all development applications for estate development plans that were submitted to the authority for comment prior to the commencement date of the act.

Clause 26 substitutes a new section 444 which specifies that the section applies not only when a person has approval immediately before the commencement day of the act but also when the authority gives an approval under the repealed act after the commencement of the act. Clause 26 also inserts a new section 444A which corrects an omission from the transitional provisions of the act. The transitional provisions in the act indicated when a development approval ends under the transitional arrangements but did not indicate when the approval commences. The new section 444A makes it clear that the approval commences in accordance with the repealed act and not the act.

Clause 27 amends section 445 so that when an approval has been given under the repealed act it is deemed to be an approval under the new Planning and Development Act. The amendment makes the provision consistent with clause 26 which deems all approvals granted under the repealed act to be approvals under the new act.

Clause 28 relates to lease and development conditions. The repealed act and the old territory plan permitted the creation of lease and development conditions to apply local specific rules to the relevant area. Under the repealed act, lease and development conditions played a role in informing the market prior to release of land.

The conditions were prepared prior to release of land and contained information to assist prospective buyers. The lease and development conditions were able to vary the territory plan through, for example, local specific planning and development conditions, planning control plans and block details. The new provisions set out more clearly the transitional arrangements for these matters and confirm their application in areas covered by relevant estate development plans.

New section 446 gives the authority the power to make new lease and development conditions. New section 446A permits both the application of existing lease and development conditions as well as the application of new lease and development conditions. The intention is for the lease and development conditions to apply only in respect of land covered by estate development plans submitted prior to the commencement date. In the future, all planning rules, including local specific planning rules, are to be incorporated, as necessary, into the relevant codes of the new territory plan.

Clause 30 of the bill substitutes a new section 458. New section 458 provides for where an applicant has applied for a grant of a lease under the repealed act and the lease is not granted before commencement day. In this case, the lease may be granted either under the repealed act or, if agreed to by the applicant, the act. Importantly, this applies irrespective of when the application was decided. Previously, the relevant transitional arrangements were determined by reference to the date of the decision on the application.

This approach is simplified so the transitional arrangements are determined solely by the date of application. This means that a lease applied for but not granted before 31 March 2008 may be granted under the repealed act or the act. A potential lessee must agree in writing to a lease being granted under the act if that person applied for the grant before 31 March 2008.

Clause 32 inserts a new section 459A. Previously, sections 458 and 459 of the act set out transitional arrangements for the granting of a lease. Under these sections, a lease may be granted under the repealed act where an application for a lease was made but not decided before the commencement of the act on 31 March 2008.

There was some doubt as to whether these transitional provisions cover the scenario where a contract for the sale of the lease was entered into before 31 March 2008, but the lease is not granted until after this date. New section 459A removes this doubt by inserting transitional provisions that authorise the granting of leases in these cases.

Under this new section the lease may be granted under the repealed act or, if the potential lessee agrees in writing, under the act. Where a lease is granted under the repealed act using this provision, the lease—like other leases granted under the repealed act—is taken to have been granted under the act and can still be registered at the Land Titles Office. This provision has retrospective application in that it applies from 31 March 2008. For the amendment to apply to all relevant leases, it needs to be operational from that date

Finally, the bill also makes an amendment to reinstate section 280(2) of the act which was inadvertently omitted by modification of the act by regulation. Section 280(2)

provides that, if there is no determination about the payment of a lease, the market value of the lease is payable as a lump sum. I commend the bill to the Assembly. Given its complexity, I make the offer now of briefings from the Planning and Land Authority for both the opposition and the Greens' spokespeople on this matter.

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

Legislative Assembly—question time

MR RATTENBURY (Molonglo) (11.38): I move:

> That the following standing orders be amended to take effect from the September 2009 sittings:
>
> (1) Standing order 113B, add the following:
>
> "The Speaker may allow two further supplementary questions from other non-Executive Members, provided that the questions are relevant to the original question or the answers given".
>
> (2) Omit standing order 118(c) (but not the subsequent words), substitute:
>
> "(c) shall, in the case of the original question, be not longer than four minutes in length, and in the case of any supplementary question asked, not longer than two minutes in length. The Speaker may, at his/her discretion, order that the clock be stopped".

As Speaker, I have brought this proposed reform to question time to seek an incremental improvement in the way that we conduct question time in the Legislative Assembly. I will speak briefly to the content of the proposal and some of the rationale for it.

In very simple terms, we know our current model—one question, five minutes, and a supplementary, and five minutes. Overall, I propose to increase not the amount of time allocated to question time, but rather the number of questions that can be asked. Under my proposal the model would be that each member was able to ask a question and a supplementary; then there would be a possibility for two further members—any members of the chamber—to ask further supplementary questions on the same question or the same topic already being discussed in the original question. It would sit with the Speaker to have the discretion to call those members and to find an even-handed manner of making sure that there is even representation across the chamber of those that ask the further supplementary questions.

Mr Barr: Unlike some assistant speakers, you will be able to look on both sides.

MR RATTENBURY: The Speaker will try to give an even-handed call across the chamber to ensure that there is a fair representation there.

I point out that I propose that it start not today but in September so that we have a couple of weeks to sit around and discuss how this might work and for me as the Speaker to talk with the parties to clarify any uncertainty about how this may operate.

The purpose of making this change is to increase the level of scrutiny and inquiry during question time and to allow greater exploration of issues at a greater depth. The origin of this—I was inspired by the conduct of question time in Westminster, particularly, and also by the way the New Zealand parliament operates, where answers tend to be shorter and there is a more questioning process that goes on. It engages all members of the chamber in question time, keeps them focused on the questions that are being asked and enables the expertise of all members in the chamber to be shown. One member may ask a question, but another member, by dint of expertise or experience in the chamber, may see an avenue where they want to explore further the question or the answer provided by the minister.

In terms of the impact this proposed reform will have, as I said, it should give all members the opportunity to engage in an issue once it has been discussed on the floor of the chamber. It will mean that ministers, particularly on the supplementary questions, will need to be more concise in their answers, with two minutes for each of them. As I said earlier, overall, there still will be 10 minutes of answering time for the ministers, but it will be more segmented and it will require perhaps more concise answers or less digression, depending on your perspective on the current conduct of question time. And undoubtedly there will be some impact on the conduct of so-called dorothy dixers.

In terms of implementation, I have already touched on the fact that it will be upon the Speaker to ensure the conduct of this new system. I have thought through some of this. It will also mean that the Speaker will need to ensure that there is not a lot of preamble in the potential further supplementary questions. It is clearly not my intent that we now engage in a whole lot more preamble during question time; this should be very much still a focus in the supplementary questions.

I think that the use of this proposed reform will evolve. Perhaps there will be some settling down at the beginning as we see the style of how this might work, but there is room for this to be a good amendment to the question time process. Some members have already flagged that they would like to see this come on in a trial form—see how it runs until the end of the year and then evaluate whether it is working. I am quite open to that.

I think this can work. I have discussed it with a number of people and the potential is there. Of course, we may find that practice throws up some unintended or unexpected outcomes, in which case we should be open to considering whether there is a better way to do this. That is, in very concise terms, the intention and how I envisage it may work. I have informed all members of the chamber of my thoughts on bringing this on. I have heard back from some of the parties. I have not heard from all, but there is an opportunity to discuss that during the debate now. I commend the proposed reform to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.43): The government will be supporting these changes. We think it is always useful to explore different ways in which the Assembly can conduct its business. At the beginning of this term of the Assembly, the government showed

its willingness to make a number of other changes to the standing orders; we see this proposal as part of that process.

I am familiar with the process that Mr Rattenbury is suggesting in relation to how questions can be asked in question time. I and a number of other members in the government have seen the operations of both the Westminster and New Zealand parliaments, where this approach is generally adopted. It does lead to a more spontaneous question time, and perhaps less of a staged one. If nothing else, it will perhaps add a bit more colour and movement to question time. Heaven forbid that there be any more colour or movement in question time, but nevertheless it will add some element of spontaneity to question time.

It is important to put on the record that the government will be watching how this practice evolves and, in particular, ensuring that a fair share of supplementary questions is made across the chamber. I note Mr Rattenbury's comments in that regard and I welcome those.

Mr Smyth: That will be up to the Speaker.

Mr Seselja: In accordance with numbers and keenness, I would have thought.

MR CORBELL: That is exactly right. Madam Deputy Speaker, I hear the interjection. It should be done based on the standing orders; it should be done in regard to non-executive members on all sides of the house. I accept that. That is obviously what question time is about—the questioning of the executive. So that is accepted. Nevertheless, the process should also have regard to the other provisions of the standing orders around a member first rising and how the Speaker interprets that. It is important just to put those comments on the record and to stress that that is a matter that the government will want to have regard to in seeing how this is implemented.

Reflecting on how this operates in other parliaments, I had the opportunity to see question time in the New Zealand parliament a few years ago. Whilst they do have this mechanism, the then Prime Minister, Ms Clark, was very good at giving very short answers. Normally she would say yes or no to all of the questions that she was asked, so things moved along pretty quickly.

That said, I think the changes in time limits will have a range of outcomes. They may mean that ministers' answers will be more concise. They may even mean that ministers are not able to appropriately put in context the issues that they are asked about; that is something that will need to be watched. I know that members are keen to have short and concise answers from ministers, but sometimes the questions that are asked are neither short nor concise. There are often multiple elements to a question or multiple questions within one question, and ministers have to try and answer those in what is increasingly a shorter and shorter period of time. That is just something we need to keep an eye on.

Perhaps in due course there may be a need to reflect on how many questions within a question members can ask if ministers are going to be asked to answer a question

within shorter and shorter periods of time. That is just something to reflect on and something that we may need to think about down the track.

That being said, the government will be supporting these changes. I did give consideration to having a time limit in terms of the operation of these changes and a period for review—six months, 12 months or something like that. That is difficult in the context of how the standing orders are drafted. I would simply say that the government does see this very much as a trial. Even though there will not be any formal provision for revision in the standing orders, we would like to give this a reasonable go over the next six to 12 months. If there are problems, I would foreshadow that the government would want to come back and ask the Assembly to address any problems that were identified.

That said, Madam Deputy Speaker, the government welcomes the proposals and we will be supporting the motion.

MRS DUNNE (Ginninderra) (11.49): The Canberra Liberals will be supporting Mr Rattenbury's proposal. I thank Mr Rattenbury for the courtesy with which he dealt with this matter and the proposals for innovation to make question time more effective in the ACT Legislative Assembly.

As I said, the Canberra Liberals will support this. We see it as an innovation worth trying, but we will also be watching to ensure that it has the intended effect. In responding to Mr Rattenbury's letter to me in relation to these amendments, I said that it would be appropriate for the Standing Committee on Administration and Procedure to review them, as we should always be doing, keeping in mind the extent to which the standing orders are alive. But this is an innovation. At the end of this sitting year, perhaps we should look at it and then keep it under observation. If it needs to be tweaked, we should be prepared to tweak it. That being said, we are happy to support this amendment.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.50): As we know, question time is a central part of the process of holding members in the Assembly accountable in the discharge of their duties—particularly, obviously, the executive. However, as members in this place know, sometimes question time as it operates here can be less than satisfactory. We can have short replies that contain little information or seek to evade the question, or we can have political attacks on opponents or talking up achievements in the minister's portfolio.

The essential elements of a good question time include the opportunity to ask supplementary questions; that time limits are applied; and the opportunity for all members in the Assembly to ask questions. This is the situation in our Assembly. I am pleased that we are not in the same position as the New South Wales parliament, where there are no time limits for ministers in answering questions. Mr Rattenbury visited there recently; he was telling me that he went to a question time where he heard only three questions answered in a 45-minute period. I am sure we would all agree that that is not a situation we would like to see here in the Assembly.

The Greens agree that we need to continue to look at improvements in making this crucial democratic process of accountability in the Assembly even better. That is why

we are pleased that this innovation has been brought forward. The proposed changes are not necessarily dramatic changes to the way we run question time. We think that it is worth giving it a go to see if question time can become more dynamic and constitute more of a dialogue than, as we sometimes get, a monologue.

While the changes may impose a constraint on some members, the discipline that changes impose will ensure that the members engage in debate more actively and monitor questions and answers closely, rather than drifting off or disrupting the Assembly while questions which we have come to know as dorothy dixers are answered at length.

The new standing orders may take some time to get used to and perhaps be a challenge for the Speaker, but in due course they may improve engagement in question time. We look forward to trying out these new changes to make question time more effective.

We support the motion that has been put forward today.

MS LE COUTEUR (Molonglo) (11.52): I would like to agree with the comments of Ms Hunter but add my own reflections as a comparatively new member of the Assembly. In question time I have been struck by how much of the time is spent on what could be described as political argy-bargy or things which are really just totally irrelevant. The standing of the Assembly and the usefulness of the Assembly will go up if we improve our processes. I support this as a way of improving question time, as a way of making questions more relevant and as a way of spending more time on substance and less time on irrelevant, political argy-bargy.

MR RATTENBURY (Molonglo) (11.54), in reply: In closing I would like to thank members for their support for this amendment. I note the observations, particularly from Mr Corbell, about the need to monitor this. That is entirely appropriate. Mrs Dunne has suggested that we do that through the administration and procedures committee; that is potentially a useful way but, as Speaker, my door is always open to anybody that has concerns—to come down and have a conversation. I am quite open to further tweaking should that prove to be needed down the line. Otherwise, I thank members and I look forward to seeing how this goes.

Question resolved in the affirmative.

Territory plan—variation 288

MS LE COUTEUR (Molonglo) (11.54): I move:

> That this Assembly, in accordance with section 80 of the *Planning and Development Act 2007*, rejects new rule R27A of the Residential Zones Multi Unit Housing Development Code Part A(5), Item 2.1, Height inserted by Variation No 288 to the Territory Plan.

Last week the minister tabled variation No 288 of the territory plan regarding zoning changes for the old Burnie Court site in Lyons. As I stated last week, in general I support the variation, and this includes allowing an increase in the zoning density and

building heights on the site, as well as higher building sites in the RZ zones across Canberra generally.

My motion today, however, is to specifically reject the new rule R27A, which is just for block 4 section 69 Lyons, which allows a maximum building height of 10 storeys. For reference, this block is on the corner of Melrose Drive and Launceston Street. This is also the north-east corner of the redevelopment site. It means that the variation proposes to allow the tallest building on the site to overshadow the maximum number of units possible, and this is just not good planning or good design.

Talking about the site in general, the area is opposite Woden town centre and is a prime location for higher density on the basis of access to good public transport, good employment prospects, good retail and good education. I think that, in general, the development of Burnie Court has been a missed opportunity to increase the density on what is a really great site. Obviously, I have problems with allowing a 10-storey tower in one corner. The proposal fails to capitalise on a great location while also angering the local community. It could be called a lose-lose situation.

One of the distressing features of the development has been that the number of units on such a prime site has not been increased. This is ironic, given that I have been accused of being anti-density or anti-consolidation for opposing the 10-storey element. The whole proposal, as planned, does not even bring about an increased number of units on the site. It is expected by the proponents that, due to the large amount of space—over half—occupied by single-storey units in the proposed 10 and six-storey buildings, they will still only have as many units on the site as the previous three-storey development had. That is why I recommended in my dissenting comments to the planning committee's report on this issue that future leases in all but single residential sites contain a requirement for a minimum yield for the site.

What makes unfortunate and a particularly blatant example of poor design and planning from the ACT government is that they had a large empty site in a brilliant position which they did entirely own and still partially own. It is not a situation where poor decisions have been made by external developers and the ACT government is powerless to intervene.

The proposal for Burnie Court is that over half of the area is one storey and the majority of the rest are two to four storeys. To make up the density, the get out of jail card, as it were, is for one tower to be 10 storeys. When the planning committee asked why there was so much single-storey development on the site, given that the previous development was three storeys, we were told that single storey was what was demanded by the retirement market. However, I would point out that Goodwin Village has been successful in its multistorey redevelopment in Ainslie. I have also been told that most of the units in the 20-storey Sky Plaza development in Woden town centre are, in fact, occupied by over 55-year-olds. If there is a need for retired people to be on the ground floor for accessibility reasons, and I appreciate that that is often the case, they could, of course, be on the bottom storey of a multistorey development. I point out that the adjacent public housing retirement units are three storeys.

The current reality of more than half of a significant site next to Woden town centre being covered by single-storey units is so incomprehensible that a number of people have suggested to me that the single-storey units will probably be demolished in a few years and rebuilt at the higher density. This, they say, is the reason why the variation alters the height limit for the whole site, including parts of the site which are currently under construction or were built in the last year or so.

Talking a bit more generally now about density issues, we know that high density in town centres makes sense on economic, social and environmental grounds, and such sites close to the Woden town centre are prime redevelopment sites on the basis of public transport alone. I understand that the developers of Woden east would have preferred to create a high density development but were not prepared to wait the time it would take for a territory plan variation to approve this. This is frustrating because it appears that, instead, we will have another situation where lower density buildings are built on prime sites.

There is a need to reduce the greenfield land release on the outskirts of Canberra. Using these greenfield sites impacts significantly on the already threatened natural environment. It is also not very good for the people involved because the greenfield sites have relatively poor employment prospects, transport and community facilities. We need to move to maximise the potential of the sites near major town centres, and this is especially important when developing public and social housing.

Reflecting on that, if the territory plan had been ready and we had a housing department which had been thinking ahead, we could have been using the federal stimulus funding to cleverly redevelop our public housing sites on sites close to town centres instead of what we are doing, which seems to be spreading them all around and not adding significantly to density in prime locations. I think the opportunity to use the federal stimulus package for some significant positive redevelopment has been wasted.

ACT Housing needs to improve its practices to increase densities around the town centres in accordance with the spatial plan. What is happening demonstrates a lack of commitment by the ACT government to the ACT greenhouse strategy in the Canberra spatial plan, which is supposed to reinforce densities around town centres. Increasing densities needs to be part of a robust, high quality urban design process which is subject to public consultation and debate and results sometimes in site-specific building envelope controls being incorporated into a territory plan precinct code. I note that the planning committee is about to embark on such an inquiry into density issues in Canberra, and I look forward to exploring these issues in greater depth through that process.

Getting back to Burnie Court again, there really does not seem to be an overwhelming case for a 10-storey tower. As I said, it seems to be a get out of jail card because it is trying to make up for the single-storey elements on the rest of it. It is what the proponents need to reach the same density as was there before, but the proponents have not specified how many extra units there will be in the 10-storey tower versus a six-storey tower or outlined other options for increasing density.

One reason that has been suggested for this development is that it would be a gateway to the Woden town centre and provide a stronger visual impact. Everyone would agree that it would provide a stronger visual impact, but that does not mean it is a good idea. The other reason that has been used to justify the tower is that of reducing site coverage. However, as I said before, if some of the single storey or two or three-storey buildings had an extra storey in them, no additional land need be used and the tower could be avoided.

As I mentioned before, the tower is planned for the north-east corner of the site. It will significantly overshadow other buildings on the same site and the open space around them. Many people have stated that if we are to have a high-rise building, the proponents or ACTPLA have chosen the worst possible site for it. In fact, we had a submission from one person which was a redevelopment of the site plan, including a 10-storey element, but putting it at the southern side, which would be a better outcome from a solar point of view. It is clear from the public consultation that the thing people most objected to is the 10-storey element.

If we are serious about public consultation we need to take seriously what the people say. What they said was that they did object to densification, they thought it was appropriate at that site, but they did object to 10 storeys. I have given considerable thought to the proposal to have 10 storeys there, and the aspect that has moved my considerations is the overwhelming local public objection to it. That objection has been sustained over quite a few years.

As I have still got a few more minutes left, I will talk a little bit more generally about tall buildings. You do not need to be a genius to realise that tall buildings use more resources and energy to build. They were first designed when energy, labour and resources were cheap. Vast amounts of steel, concrete and glass are needed to construct tall buildings and these materials do have a large amount of embodied energy.

Despite myriad ways to enhance energy efficiency, tall buildings use disproportionately more. They have to have heavier foundations, they usually have to have lifts and they usually have to have mechanical rather than passive means of heating and cooling. Another reason why they tend to use more electricity is that water has to be pumped up to the highest floors. They may well require pumping for the sewerage system. They are generally air-conditioned, and often natural lighting is not accessible in rooms far from the windows and windowless spaces such as lifts, bathrooms and stairwells.

Some of these buildings, of course, are better designed and hopefully that will make them more eco friendly. There is considerable professional debate about what height is best for sustainable development. I have spent quite a bit of time reading and talking about this because, as I said, the 10-storey element has been my main consideration in respect of this variation to the territory plan. Yes, it will use less space, but the planning debate is very unclear as to what is the sweet spot, as it were, in terms of height. Many commentators have pointed out that traditional multistorey buildings in European cities tend to be four or five storeys high, and many commentators have pointed to that as a good height.

One reason for that is tree height. One mature tree can provide cooling equal to about five three-kilowatt air conditioners. A good mature tree is going to be around that sort of height, the five to six-storey height, so clever landscaping can really help a medium density development by intercepting a lot of the solar radiation through the leaf canopy. It can mean that the visual impact is considerably reduced because people are seeing at least a partially natural environment, not a purely built environment.

There are many ways that we can make buildings of all shapes and sizes liveable, desirable and energy efficient. The important thing is to see those in our development in Canberra. Unfortunately, we are not doing enough of that. I do not think we should approve buildings which could lead to depressing concrete box-like nightmares that we see in other cities. Canberra does not need to be like that and should not need to be like that.

The plan is to put the bulk of the residential units, in particular, the 10-storey element facing a six-lane highway—the intersection with traffic lights at a six-lane highway. This is poor planning practice because of the traffic noise and the fumes and the impact on human health. This almost certainly means that the residents will rely on fixed air conditioning; they will have to have their windows closed because of the noise and fumes issues. It would be really nice if the building was the same height as a mature tree. This would make it a much more liveable environment.

In summary, the Greens and I support increased densification of Canberra in the right spaces. This is one of the right spaces. However, we do not think the 10-storey element is either essential to it or positive to it. We support the community in their opposition to it.

MR SESELJA (Molonglo—Leader of the Opposition) (12.09): We will not be supporting Ms Le Couteur's motion today, for a number of reasons. First and foremost, I do note the comments that Ms Le Couteur has made in her additional comments to the committee and here today as well.

She has made some legitimate criticisms—for example, not taking the opportunity on a site like this to have greater density than there was before. We do need to look at how we take these opportunities, particularly around town centres and along transport corridors, to encourage more people to live in these areas. I have previously made similar criticisms of the government.

There are one and two-storey townhouses at the Tuggeranong town centre. I see that as a major wasted opportunity. We see opportunities along Northbourne Avenue. These are the areas where we should see some serious density happening, and the Woden town centre and close vicinity is certainly an area where we believe there should be more Canberrans living so that we can enliven our town centres, have more people walking to work and more people bussing to work. This would potentially underpin a better public transport system in the future, possibly even light rail some time down the track.

What we are faced with here and what is being put to us by the Greens is that because they did not get it right—and I accept the criticism that they did not get it all right—

we should make it worse. That is what we are being asked to vote on here. They may not have got other parts of it right in terms of density, but what Ms Le Couteur is asking us to do is support the proposition that we should simply reject the 10-storey tower and only have six storeys.

I reject that logic. Unfortunately, it is something that we see often. The Greens claim that they are in favour of sustainable transport, that they want to see high density living, but when it comes to it, when it comes to a decision here as to whether or not we support this particular 10-storey development, there is always a reason not to support a particular development.

You need to look at your overall principles. Should there be greater density around town centres? Yes, there should be. Is voting for this going to help greater density around Woden? No, it is not. It is going to reduce density and see fewer people living there. It might not be a massive number we are talking about to go from 10 to six storeys, but we will see this play out time and time again. We need to make some decisions.

Ms Le Couteur said: are four or five storeys the better path? Well, if we go four or five storeys as the preferred way of achieving density, I would put it to you that what we will have is four or five storeys spread out over far greater distances. We will see it encroach into the suburbs more often. We will see more of these problems and disputes where people who live in quiet suburban Canberra, in culs-de-sac and other places, see these types of developments which are inappropriate in those areas being foisted upon them.

I would say to Ms Le Couteur and the Greens that the far better course is to go for serious density in the town centres, first and foremost absolutely at places like Woden. I suppose 10 storeys is not high rise but it is on the edge of the town centre. We have seen Sky Plaza. We should see more people living there at Woden. We should see thousands more people over the years living in places like Woden, Belconnen, Civic, Tuggeranong and, indeed, Gungahlin.

This is the way to achieve the goals of sustainable population growth. This is the way to achieve sustainable transport. This is the way to grow our city. This is the way to ensure Canberra grows and develops. I want Canberra to grow. I am in the category of people who are pro-growth. I do not want to see Canberra go backwards in population. I do not want to see it stagnate in population."

I think if we stagnate in our population we will actually see a greater burden placed on the working population in Canberra paying for an ageing population. I think that the best way to grow our economy is to sustainably grow our population, and we need to have a plan to do that.

What we also want to see, though, is that the character of Canberra is preserved. One of the wonderful things about Canberra is its garden city nature, the way it was designed initially and the way that it has evolved. I do not want to see that compromised. As we see the city grow, we will see pressure points emerge, and unless we are prepared to make decisions to seriously increase density around our town centres then the pressures will emerge in the suburbs.

That is what we have seen with some of the flawed core area policy, and that is why there have had to be modifications made, because a number of aspects of it simply have not worked. So some decisions need to be made. We believe that whilst the government may have missed some opportunities here, voting for this motion is not the way to rectify that.

We actually cannot fix everything that the government do. It is incumbent upon them the next time they are faced with similar situations to really look for ways of increasing the density in a sensible and sustainable way. Voting for this will not do that. I think there is an inherent contradiction in the Greens' position—and we have seen it over the years—where they argued for sustainability, but when it comes to the crunch there is always a reason to vote against or to argue against greater densities.

You cannot have it both ways. At some point you need to make a decision. We believe that, whilst this may not be ideal, 10 storeys are reasonable on that site. Ten storeys should be supported, and we will not be supporting Ms Le Couteur's motion.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (12.16): I thank Ms Le Couteur for bringing this matter forward today. I think it is important that we do debate this issue. In large part I thank the Leader of the Opposition for his comments. I must confess, it would be nice to have heard that sort of speech on a previous variation in relation to the Woden town centre prior to the last election, but he has finally got there today, and it is good to see.

There is no doubt that this motion before us is a classic example of my assessment of the Greens—that is, they often have very good intentions but just miss the bigger picture. The strange and contradictory position that has been taken in relation to this particular issue really confirms that overall analysis. In this motion and through the committee process the Greens are concurrently arguing that density is good and government should do more of it but that it should do a bit less of it on this site. The Greens have found a way to say no to high density on a specific site, in spite of being in support of density as a policy principle. I would suggest there is a bit of tension between their hearts and their heads. Good intentions but no big picture.

Ms Le Couter's disallowance motion relating to territory plan variation 288 does have serious implications for planning for high density near town centres and not just for development on Melrose Drive at Lyons. It is worth recognising that the site was originally developed in the mid-70s and consisted of mainly single-bedroom public housing. Part of the site has already been developed to provide for single-storey developments for retirement units. Variation 288 to the territory plan proposes the rezoning of blocks 3 and 4 section 69 and block 8 section 47 Lyons from medium density residential to high density residential. It does allow for the building of a higher building of up to 10 storeys on the corner of Melrose Drive and Launceston Street. There are a number of other amendments to residential zones for the multi-unit housing development code part A(5) which will essentially double the allowable height in those zones.

I am sure members are aware that the draft variation was released for public comment back in 2008 and attracted 34 public submissions. ACTPLA prepared its consultation

report responding to the issues raised in the submissions, and the variation took into account views expressed through this public consultation. I then referred the variation to the Standing Committee on Planning, Public Works and Territory and Municipal Services for its consideration. It released its report and made 10 recommendations. These recommendations did propose that the key elements of the variation proceed. I then directed the Planning and Land Authority to consider the draft variation prior to approving it, in light of the committee's recommendations. It is worth noting that the draft variation was consequently amended to better protect solar access of any existing development on the site in response to that consultation and committee process.

This site is across the road from the Woden town centre, and as such the proposal is entirely consistent with the objectives of the Canberra spatial plan. It will intensify residential development around the Woden town centre. It will increase housing choice. It will encourage the use of public transport. It will involve the use of existing infrastructure. It will assist to minimise carbon emissions and to reduce the use of non-renewable energy.

Ms Le Couteur's motion to reject rule 27A of the residential multi-unit housing development code is directly contrary to those objectives and the objectives of the Canberra spatial plan. In fact, it appears to be contrary to all of the things the Greens claim they support. The proposed development will strengthen the context for future development of the Woden town centre. The site is located between the low density residential development of Lyons and the comparatively high density commercial development in the town centre. In the government's view, this variation provides the opportunity to develop the site as a transitional zone and buffer between the town centre and the residential character of Lyons. That is the bigger picture and an opportunity that might, if this disallowance were to be supported, be significantly diminished.

I think it is important to draw the Assembly's attention to the importance that urban planning plays in responding to the socioeconomic needs of the community, and this includes housing choice, affordability and easy access to employment and facilities provided by the Woden town centre. High density residential development at strategic locations within the existing urban environment also achieves the objective of sustainable transport by encouraging the use of public transport, walking and cycling. I think that is something that all parties agree on. Proximity to public transport infrastructure in and around Canberra's town centres has led to the doubling of the average use of alternative transport modes in those areas. Increasing the population adjacent to the town centre will intensify this trend and reinforce the sustainability of Canberra's transport network.

Again, the ACT Greens claim to support public transport and efficient urban forms to reduce carbon emissions. The motion to remove the 10-storey building height provision is inconsistent with these principles and will not allow the increased dwelling yields supported by Ms Le Couteur. This variation, as I have indicated, is entirely consistent with the government's policy direction outlined in the Canberra spatial plan rule 27A, which enables the development of up to a 10-storey building. It is vital to the redevelopment of this Lyons site and the maximisation of development on the site whilst, importantly, in the bigger picture, protecting adjacent residential amenity.

The government will not be supporting the disallowance motion today. Again, it just provides further reinforcing of this fundamental problem the Greens face: whilst they have good intentions, they are missing the bigger picture. A strange and contradictory position taken by them on this issue confirms that. It is, as I say, a tension between their hearts and their heads. We can hope that their heads will prevail.

MS BURCH (Brindabella) (12.22): Ms Le Couteur's disallowance motion relating to rule 27A contained within variation No 288 to the territory plan may well reduce the dwelling density for the redevelopment of the site on Melrose Drive at Lyons. Variation number 288 to the territory plan proposes to change the zone of blocks 3 and 4 section 69 and block 8 section 47 Lyons from medium density to high density residential. The variation also changes the allowable building heights in the multi-unit housing development code part A(5) to enable increased building heights up to a maximum of six storeys for the future high density residential zones.

Although site specific, the rule enabling a 10-storey development at the coroner of Melrose Drive and Launceston Street is critical to this variation. If rule 27A, which allows up to a 10-storey development at the corner of Melrose Drive and Launceston Street is removed, it is unlikely that the dwelling yield for the site would be able to be increased.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MS BURCH: The Standing Committee on Planning, Public Works and Territory and Municipal Services released its report No 2 on 23 July 2009, and it made 10 recommendations. These recommendations propose that the key elements of the variation proceed. Most importantly, recommendation 6 of the committee indicated that the provision allowing up to a 10-storey development on the corner of Melrose Drive and Launceston Street in Lyons should proceed.

Increasing the dwelling yield was also recommended in recommendation 5, which was supported by Ms Le Couteur. In fact, Ms Le Couteur goes further, and in her recommendation F she indicates a desire for all leases for multi-unit developments to contain a minimum dwelling yield. Ms Le Couteur also states in her additional comments that the current development is a waste of a good site. Whilst she cites that single-storey residential development on the site as an issue in this regard, it has been developed under the former zoning, and to remove rule 27A at this stage would mean that the remainder of the site would be unable to be developed to its full potential, which may well result in a reduction in the dwelling yield.

I reiterate that part of the site has already been developed, as Mr Barr has also said. On this basis, it would not be possible to redesign the remainder of the dwellings for the site to both increase dwelling yield and to meet the other provisions of the multi-unit housing development code. The subject of this disallowance motion, rule 27A, is a site-specific control which will only apply to part of block 4 section 69 Lyons. Deletion of this rule will result in a suboptimal planning outcome by not achieving diversity of the dwellings in a prime location that is supported by the

Canberra spatial plan and which is adjacent to the town centre and major transport corridor.

In light of the committee's other recommendations, ACTPLA was directed by the minister to consider the draft variation prior to approving it. The draft variation was consequently amended to better protect solar access of any existing development site.

Just to recap, Ms Le Couteur's disallowance motion relating to rule 27A contained in variation No 288 to the territory plan may well reduce the dwelling density for the redevelopment of the site of Melrose Drive in Lyons. As the site has already been developed, it would be nigh on impossible to redesign the remainder of the dwellings for the site to both increase dwelling yield and to meet the other provisions of the multi-unit development code. It is supported as a prime location by the Canberra spatial plan, being adjacent to the town centre and major corridor, and I think it needs to proceed as is. As the minister has indicated, there is no support for this motion.

MS LE COUTEUR (Molonglo) (12.28), in reply: I rise to comment on some of the comments that have been made on my proposal. I think the thing that we should all remember in this is that this is a site-specific rule. We unanimously agree that this is a really good site, and most of it has already been covered by single-storey developments which are currently being constructed. Last century it had three-storey units on it. The government, in their wisdom, demolished them and constructed single storey. They are now trying to tell me that this is part of urban densification. It just does not make sense.

What we have to take from this is that, yes, we are all in agreement that, in theory, there should be urban densification. But we need to actually think about doing it in a way that the communities will support, in a way that will create a liveable outcome. The ideal is not how tall is the building. Yes, 10 storeys are taller than six storeys—agreed—but that does not make it better. I could go on more about height and size, but I think that I probably should not. Basically, what I am saying is that this debate should be about quality, not about quantity. What most of this debate has been about is quantity. Basically the other sides are saying, "Ten storeys are higher than six storeys, therefore, it is better." That is about as far as the analysis has gone. It is a very simple-minded analysis, particularly, as I said, given that over half of this site is covered by single-storey elements.

We should also remember that the best that we are expecting to get, even with the 10-storey element now is to have as many units on the site as we had last century. How this can be described as urban densification is beyond me, I guess. I appreciate that my amendment is not going to be supported, but I do think that the other two sides are misrepresenting the Greens' position. We do want a denser city in the places where there is good public transport and good employment. But we do want a city which is being developed in a way that the inhabitants, including the existing inhabitants, want—a liveable city. Just saying that because it is taller it must be better is a very simple-minded approach to planning, and it is not the one which we support.

Question resolved in the negative.

Sitting suspended from 12.31 to 2 pm.

Ministerial arrangements

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): Mr Speaker, I understand that the Chief Minister has been slightly delayed, so I am happy to take questions on his behalf in the interim.

MR SPEAKER: Red lights on the way back from the Belconnen Arts Centre?

MS GALLAGHER: Perhaps.

Questions without notice

Crime—drink driving

MRS DUNNE: My question is to the Attorney-General. Attorney, earlier this year Magistrate Lalor wrote to you in a personal capacity asking you to consider a proposal to introduce a regime under the infringement notices which would be issued for traffic offences relating to prescribed concentrations of alcohol or drugs. Mr Lalor did me the courtesy of providing me with a copy of that letter. Mr Lalor suggested this would free up considerable amounts of time in the courts, particularly when most matters brought before the courts resulted in guilty pleas by the offenders. Mr Lalor also offered you an example of the system that operates in Victoria under the Road Safety Act 1986 in that state. Attorney, what action have you taken in response to Mr Lalor's proposal?

MR CORBELL: I thank Mrs Dunne for the question. Yes, I have received those representations from Magistrate Lalor, and there is significant interest on my part and the government's part in implementing those reforms. The matter is actually a matter for the Minister for Transport, given that the relevant legislation primarily rests in the transport portfolio. The Department of Territory and Municipal Services has been leading the government's consideration of that matter, so I refer you to Mr Stanhope as the relevant minister.

MR SPEAKER: I think you have had it flicked to you, Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. May I at the outset apologise for my late arrival. I do apologise to members of the Assembly for that. Similarly, I have taken note of all the issues that have been raised in correspondence to the government by, indeed, not just Mr Lawler but by other magistrates, and commentary that has been made in relation to how perhaps to better streamline operations within the court.

That, of course, goes to the issues that Mr Corbell has just touched on but certainly to the treatment of drink-drive offences essentially and issues in relation to how we might make systems more efficient without detracting from some of the other aspects of penalty in relation to drink driving. I refer to the fact that it is an activity that we wish to certainly outlaw and an activity that we certainly wish to see addressed and the capacity we have through arrangements within the courts for the handling of drink-driving offences that have those multiple effects. It sends a signal to the community. It protects the community and ultimately changes behaviour.

On the issue of changing behaviour, we should ensure that people that are charged with drink driving understand the full implications and ramifications not just in terms of attracting a criminal charge but also that there is an opportunity for their behaviours to be exposed so that they will rehabilitate, they will not reoffend and they will not engage in that behaviour.

We do not have a precluded view as a government in relation to a range of issues around drink driving. My department—that is, TAMS—is currently giving serious consideration to related issues in relation to drink driving, issues going to whether or not the prescribed concentration of alcohol issues should be addressed by a reduction, most particularly for P-plate drivers, young drivers or drivers with some other characteristic. We are giving consideration to that.

There has been some consideration almost to a zero-tolerance approach to P-plate drivers and, say, taxi drivers and bus drivers—whether we should as a community accept there should be no drinking and that no concentration of alcohol should be tolerated in relation to particular classifications. These are issues that are being considered but at this stage no decisions have been taken.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: I think my supplementary is still to the attorney. Why has the government taken so long to address these issues when Magistrate Lalor brought to the government a means of streamlining the court processes and perhaps reducing by several hundred the number of people who need to appear before the courts?

MR CORBELL: As Mr Stanhope has just said, there is an interaction between the penalties regime available to the court and how it operates and the broader application of drink driving legislation in the territory. The government has taken a considered view that looks at all of those matters, rather than just looking at one element in isolation, and that is an appropriate way to formulate policy.

Schools—synthetic turf

MS HUNTER: My question is for the minister for education and concerns the use of synthetic turf around ACT schools. Minister, to what extent is synthetic turf being used in ACT government schools—and maybe the number of ACT government schools?

MR BARR: A number of ACT government schools utilise synthetic turf in a range of contexts. Some is used in and around playground equipment; some is utilised for playing surfaces of varying sizes. In the context of the new west Belconnen school, for example, the Kingsford Smith school has a full-sized synthetic turf playing field. There are other smaller playing surfaces available in a range of ACT public schools across the territory. The government, through the 2008 election campaign, had an election commitment that in this term of the Assembly we would seek to expand the number of artificial playing surfaces to an increased number of ACT public schools.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. What investigations have the department of education or any department within the government undertaken on the health impacts or potential health impacts of using synthetic turf? If there are any, could you please outline those investigations?

MR BARR: Thank you, Mr Speaker. Through both the Department of Education and Training and sport and recreation services within the Department of Territory and Municipal Services, extensive studies have been undertaken into a variety of different synthetic playing surfaces.

I think in the context of this debate it is worth acknowledging that the technology around synthetic playing surfaces has evolved considerably over the last decade or so and that some of the new synthetic surfaces that we are now utilising, both in the education area and in the sport and recreation area, are a significant advance, both in terms of their sustainability and their design and the varying elements of their overall performance, than perhaps we might have come from in the last century.

In terms of the detail of Ms Hunter's question, I will obviously have to get a range of reports. I am happy to make them available for Ms Hunter. I am aware that there has been some public debate in some parts of the world, particularly in the United States, about the lead content in some synthetic playing surfaces. This is something that was thoroughly examined by the department of education and the Department of Territory and Municipal Services, through sport and recreation services, in the rollout of synthetic surfaces in the ACT.

There are a number of surfaces. I recently opened a new $2.2 million facility that was funded by the territory government in conjunction with Capital Football at Hawker that is a FIFA level synthetic surface. I think I would go so far as to say that all those who have played on those facilities cannot believe it is not grass, it is so like the real things. They cannot believe it is not grass, it is that good.

Of course, in developing these new surfaces there are a number of Australian companies that are at the leading edge in ensuring not only that these facilities are safe for users but that they do make a significant contribution to the overall government policy goal of reducing our reliance on potable water for our sporting fields.

Small businesses—Garema Place

MR SESELJA: My question is to the Minister for Business and Economic Development. Minister, it has been reported that businesses operating in Garema Place have been given notice by the Department of Territory and Municipal Services to remove racks of goods outside their shops by Monday morning. This threat has apparently been made despite the fact that the traders have been doing this for many years. If they do not comply, TAMS officers will take draconian action, including seizing and disposing of goods, with the traders liable for any costs incurred. Minister, what are you doing to stick up for small businesses in Garema Place?

MR STANHOPE: I thank Mr Seselja for the question. I might check, having regard to the nature of the question and the Leader of the Opposition's interest in it, to see

who it was that passed the law that actually outlawed this sort of behaviour. I would not mind betting it was the Liberal Party. I will check that and see who it was that introduced into the Assembly legislation to provide that it was not acceptable—in fact, it was illegal—to display goods on unleased territory land.

Opposition members interjecting—

MR STANHOPE: There you go. This is the law. We can question it. Indeed, if the Liberal Party feel this strongly about this particular practice, we can look forward to their amendments to the legislation.

But I think, to be fair to the city rangers that have issued these notices, the city rangers received complaints—in some instances, from other retailers; in some instances, from the public—in relation to the practice by some retailers of placing on the footpath racks of goods, whether it be shoes, whether it be CDs or, in the instance of complaints that have been received in Fyshwick, whether it be used cars parked on road verges in significant numbers by used car yards for the purpose of their display for sale.

Mr Hanson: This is Garema Place, Jon.

MR STANHOPE: This is the issue in most of these complex issues. You reduce them down and you seek to simplify them. So the Liberal Party thinks, "Okay, we'll turn a blind eye to breaches of the law in Garema Place but let's not talk about used cars being parked along the entire road verge in Fyshwick." The history of this issue, in fact, goes to a coronial report in relation to a death in Fyshwick.

Mr Hanson: Mr Speaker, a point of order on relevance: the minister was asked a specific question about Garema Place, not about Fyshwick. I ask you to ask him to come back to the relevant question.

MR SPEAKER: There is no point of order. The Chief Minister is discussing the laws relating to things on the footpath.

MR STANHOPE: Thank you, Mr Speaker. The context of the application of this law territory wide is relevant to a proper, cogent answer to the question.

Yes, all right, we could isolate it to two or three shops in Garema Place, the focus of the *Canberra Times*' attention as of today. What about all the other examples? Where do you draw the line? Let us not apply the law in Garema Place but you want us to apply it in Fyshwick.

Do you want us to apply it if one of your neighbours starts parking unregistered cars or actually leaving his unwanted white goods on his front verge in your street? If your neighbour decides to turn over all his white goods, he cannot be bothered taking them to the dump and he says, "I'll just stick those out there on the verge; the government's no longer implementing or enforcing laws in relation to the placement of goods on unleased territory land," where would you like the government to draw the line in the enforcement of this particular regulation?

You can say that you think there are gradations in relation to this issue. It is okay for this particular shopkeeper to display these sorts of goods on unleased territory land in front of his shop. Will you actually extend that licence to your next door neighbour when your next door neighbour's car registration runs out and he cannot be bothered disposing of the car and parks it on the verge? Of course you would not. You would not accept that.

This is the issue in relation to the administration of the law. This is the complexity of these sorts of regulations, these sorts of laws: the responsibility which we invest in relevant authorities—in this instance, city rangers—to enforce on our behalf, that is, on behalf of the community, the laws that are made on behalf of the community by we, the law makers. That is the complexity of the issue.

It is relevant to go to the Fyshwick example because it was actually in relation to the Fyshwick example that in a coronial inquest into a death on a road in Fyshwick the coroner said one of the issues that needed to be addressed in relation to road safety in Fyshwick was the issue of used cars being parked on road verges contrary to the relevant legislation. The government responded to that.

It was through some of these incidents that Parks, Conservation and Lands, the administering authority, took a decision to undertake an audit across Canberra which led to this result.

Department of Territory and Municipal Services—strategic budget review

MR SMYTH: My question is to the Minister for Territory and Municipal Services. Minister, during the estimates hearings this year, I asked you whether the Ernst & Young report was helping TAMS to find $10 million worth of savings. You replied:

> No ... the report was not commissioned on the basis of making suggestions or finding savings and it does not provide that.

You subsequently commented in response to similar questions:

> I do not believe—

finding savings—

> was their remit …

and:

> I do not believe—

savings were suggested. You eventually said that you would take the question on notice, but no answer has been provided to this question. Minister, how do you explain the terms of reference for the review by Ernst & Young requesting identification of possible cost savings?

MR STANHOPE: I am particularly pleased that Mr Smyth has asked this question today. If I had given contemplation actually to moving a censure motion against Mr Smyth today for the way in which he grievously misled the Assembly in relation to this issue yesterday in which he actually claimed—

Mr Seselja: On a point of order, Mr Speaker, the Chief Minister has just asserted that Mr Smyth misled the Assembly. I ask you to direct him to withdraw.

MR SPEAKER: Chief Minister.

MR STANHOPE: We look forward to the Greens' amendment to the censure motion. We look forward to expressing the will of the Assembly in relation to that. Thank you, Mr Speaker.

MR SPEAKER: Chief Minister, are you intending to withdraw the comment?

MR STANHOPE: I beg your pardon, I withdraw. But I am glad for the question, because it allows me to actually go to the question of the nature of statements made by Mr Smyth yesterday in this Assembly, which were not correct. Mr Smyth in this Assembly yesterday claimed that in my answer to the estimates committee I had misled the estimates committee. He did that on the basis of a first answer to a question he asked. He then asked the question again, and I conceded that I did not believe that the assertion he was making was, in fact, the case. I qualified my answer. He then asked again, and I qualified my answer again and suggested, having qualified it, Mr Smyth, that I believed that is what the report and the terms of reference were meant to reflect. In that instance, I was incorrect. Because I had a doubt, because I conceded there was a doubt, I conceded that it was only my belief. I then said, Mr Smyth—as you have just acknowledged the day after I challenged you with having misled the Assembly and you felt the need to actually qualify the statements you made yesterday in which you now accept that I said:

> I have taken the question on notice.

Having taken the question on notice, you still came in here yesterday—and I have your words—and said this, "You denied this" and, "You misled the estimates committee." That is what you said yesterday—

Mr Smyth: On a point of order, Mr Speaker, the Chief Minister has just said "misled" again. I ask you to make him withdraw it. The question is: how do you explain the terms of reference for the review by Ernst & Young requesting identification of possible cost savings. He should come to the question.

MR STANHOPE: Mr Speaker, I will conclude on this point, as it is becoming tediously political and there is no advantage in continuing. The strategic review, the Ernst & Young review, was commissioned by the Chief Executive Officer of the Department of Territory and Municipal Services, in the main to provide advice to the Department of Territory and Municipal Services on issues of strategic direction and financial management. That was the purpose, the essential purpose, the fundamental purpose, of the strategic review. In the context of that, I do concede, Mr Smyth, that I

think term of reference No 21 or 22 was to give consideration to possible cost savings, I think.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, thank you, Mr Speaker. Chief Minister, why did you not acknowledge that the report from Ernst & Young contained a complete chapter on possible cost savings and identified on page 91 possible savings of up to $10.1 million?

MR STANHOPE: Well, I would have, had I been aware of it at the time. Mr Smyth. That is why I ultimately took the question on notice, because I was not clear. Hence, I took the question on notice.

Visitors

MR SPEAKER: I would like to note that we have members of the Belconnen Probus club joining us in the gallery in the Assembly today for question time. I welcome them to the ACT Legislative Assembly.

Questions without notice

Energy—feed-in tariff

MS BURCH: My question is to the Minister for the Environment, Climate Change and Water. Minister, can you provide an update to the Assembly on when the public consultation will take place on the second part of the feed-in tariff policy.

MR CORBELL: I thank Ms Burch for the question. Yes, I can advise the Assembly what the time frame is for the government's assessment of stage 2 of our feed-in tariff. Of course, our feed-in tariff is proving to be a very successful policy, a policy that has already seen growth of 28 per cent in the uptake of renewable energy at the household level here in Canberra. And we know that there are another 200 installations seeking approval at this very time here in the ACT—another 200 homes indicating that they wish to install solar on their home, their shopping centre or a community centre. That is a very strong endorsement of the policy and the community's response to it.

At the moment, as members would be aware, the government's policy and the legislation provide for the feed-in tariff to be accessible only to installations of a 30-kilowatt capacity and that most government-based activities other than schools are excluded from accessing the tariff. As part of the development of stage 2, the government is looking at the current regime, and in particular whether larger scale generators—that is, greater than 30 kilowatts capacity—should be made eligible to participate in the scheme.

I anticipate that I will be releasing a discussion paper later in September, for public and industry consultation, which will be looking at a range of issues. It will look at the options for expanding the feed-in tariff to larger scale generators; it will look at some of the issues around any impacts on consumers versus any benefits to consumers and

indeed the broader community; and it will be looking at policy approaches adopted in other jurisdictions.

Some of the issues that we will need to consider are whether or not we have an overall cap on the amount of generating capacity eligible to access the tariff in any one year, similar to the Spanish model, or whether we should simply have a gradated scheme similar to the German model whereby, as the size of the installation goes up, access to different payments kicks in. These are the types of options that the government is pursuing. I am looking forward to the public consultation process when that commences later in September.

It is the government's intention to ensure that large commercial operators are given the chance to comment. The industry needs to have its say. Given the very strong interest that we have had from the industry in the development of the solar power plant proposal, with very large entities expressing interest in installing that technology here in the ACT—as well as smaller and indeed locally based firms—we need to make sure that all of these issues are properly considered.

The time frame will see the review being completed with a report to government in December this year. I would anticipate making decisions and announcing the government position on the further rollout of the feed-in tariff either late this year or early in the new year.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Yes, thank you. Minister, can you detail what other avenues the government is pursuing to promote the uptake of renewable energy?

MR CORBELL: Yes, I can provide some further detail on that. Of course, the government has indicated its intention to pursue the policy of zero net emissions for the territory. This is a challenging goal. We are probably the only city in its entirety in Australia that has committed itself to this goal. We have some important work to do in developing the policy approaches and the mechanisms on the ground that will be needed to achieve what is an ambitious and very challenging goal for Canberra.

To that end, I will shortly be travelling to the UK and Germany to discuss with a range of government representatives in those two countries how they have taken action to put in place policies to achieve this goal. In particular, I will be meeting with representatives of the Greater London Council who have established a goal of zero net emissions for their city. Those policies, combined with their policies around distributed energy, are policies that will be very important for the ACT as we finalise the development of our energy policy and start to map out the policy framework for achieving zero net emissions.

In particular, I will be meeting with the London Climate Change Agency, which is part of the London Development Agency, the UK Carbon Trust and the Energy Savings Trust. I will also be meeting with Ms Nicky Gavron, who is a former deputy lord mayor of London. She has been a leading advocate in the UK on these issues. It will be a very valuable opportunity to learn lessons from the London experience.

I will also be travelling to Europe and will be taking the opportunity to meet a range of government representatives, in particular the federal Minister for the Environment, Nature Conservation and Nuclear Safety in Germany, who is a strong advocate of progressive policies in energy and the green economy. This will be a very valuable experience.

I think these are the sorts of steps we need to take to make sure that our policies are well informed by best practice. There is no doubt that it is in western Europe where we have seen very significant strides forward in progressive policy to put in place sustainable policies that create the right environment for the establishment of renewable energy generation and that create the right environment for efficient practices around energy use and energy management.

These lessons will be brought back to the ACT and we will use those in further informing our policies to drive our goal and our ambition for Canberra to be a zero net emissions city, the first in Australia to achieve that goal.

Recycling

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and concerns the management of the Mugga Lane and Mitchell landfills. Minister, Thiess runs the landfill at the tip, and it earns money from this. But you have now put Thiess in charge of the reusable facilities, so it gets to decide what materials will be reused or go to landfill. This would appear to be a conflict. How is this managed?

MR STANHOPE: Thank you, Mr Speaker. I will take some advice on the specific or particular detail of the contractual arrangements that apply at Mitchell and at Mugga. I think, in fact, the contractual arrangements up to date have differentiated between the two. Indeed, I think it is the case that Thiess have been the designated contractor for all activities at Mitchell and that they actually then, in the nature of the arrangement, subcontract it to Aussie Junk at Mitchell. The contractual arrangement at Mugga was different in that the contract was directly with Aussie Junk. I think there is a difference and a differentiation between the two waste disposal areas. I will check the arrangements in place. I will check that, Ms Le Couteur. I say that by way of background to illustrate that I think it is the way the waste recovery operations, particularly in relation to reusables, have operated for some time.

I am interested in your suggestion or the proposition that there is a potential or even a perception—I must say I have never even imagined a perception—of a conflict of interest between the role of Thiess in waste disposal and the role of Thiess in the reusables aspect of waste collection and disposal. It is not something that has occurred to me. I must say that issues even of perception of conflict of interest I think are normally fairly obvious, and I do not see what the conflict of interest would be in an arrangement such as that which has persisted of a head contractor who has certain responsibilities in relation to waste disposal and certain other contractual responsibilities in relation to reusables.

I am more than happy to mull over the issue and to take advice on it, but I have to say, Ms Le Couteur, that it is not immediately clear to me even why there would be a perception, let alone a reality. A contract is a contract. We have had difficulty certainly in relation to some aspects of those contracts, particularly in relation to staff, but I am not aware of issues in relation to waste disposal versus reusables and a conflict between a single company providing both those contracted services.

I am more than happy to give the matter serious consideration. I am more than happy to take advice and let you know the fruit of that advice, Ms Le Couteur.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thiess also operates the materials recovery facility at Mugga Lane. Again, it is the same situation. They are paid to operate that and they are paid for everything that goes to landfill. Is there a conflict of interest, because they determine, in effect, the contamination level?

MR STANHOPE: Thank you, Ms Le Couteur. I do better understand your notion of a perception of a conflict, that Thiess might be minded to make extra money by disposal into landfill of reusables rather than seeking—look, I think it is best if I say that that would surprise me. It would be a surprising result. At least I do now better understand the nature of what you regard as a perception of potential conflict.

I am more than happy to take some more specific advice on whether or not there is an issue around a potential conflict in the scenario of a company contracted to identify and ensure the disposal of reusable material as against a company contracted to bury things and a potential conflict between the two. Let me take some detailed expert departmental advice on the issue, perhaps from Procurement Solutions, and I will be more than happy to let you know the outcomes of that.

Department of Territory and Municipal Services—strategic budget review

MR HANSON: My question is to the Minister for Territory and Municipal Services and it relates to the strategic budget review of TAMS undertaken by Ernst &Young. Minister, have you had any concrete discussions about restructuring your department?

MR SPEAKER: Chief Minister.

MR STANHOPE: Yes, I have, Mr Speaker.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, why is a restructure required so soon after the creation of the department, which was intended to create efficiencies?

Mr Barr: It created DECCEW, for example.

MR STANHOPE: Yes, that is right. We have actually taken a number of steps since the last election in relation to administrative arrangements generally. Indeed, one of

those first steps, the creation of an entirely new department, involved the transfer of a significant number of staff from TAMS into another agency. So part of the answer to your question, Mr Hanson, is there for you to see. We have created an entirely new department essentially out of parts of the pre-existing TAMS.

Those are significant discussions around significant restructuring. Of course, they are designed to ensure a streamlined, more efficient and, in the case of the environment, water and energy, a far more dedicated and focused attention to the major issue facing this community and the world. To suggest that we have been tardy in making decisions or beginning a restructure is not reflected in the facts.

I continue to have discussions going forward in relation to those very same sorts of issues in relation to other areas of operation of the department, and I will happily report on those in December.

Ministerial performance

MR DOSZPOT: My question is to the Chief Minister. Chief Minister, you have stated that you felt like you were "being peed on from a great height" over the Al Grassby statue and that the decision by John Hargreaves was not red hot. You have referred to the consultation performance of John Hargreaves over the Fringe Festival as regrettable. You have said that you regret the decision of cabinet over fireworks, led by John Hargreaves. Chief Minister, do you still stand by this minister, despite his regrettable performances?

MR STANHOPE: I have no recollection of making some of those statements at all and I would be pleased if Mr Doszpot would table the transcripts of me making the statements he has just attributed to me. It is very difficult for me to answer the question—and I am happy to stand corrected on this—but the third of the statements that have just been attributed to me, I do not recall having made. I have no intention of answering a question based on statements that I am purported to have made and that I have no memory of making. So I would be very pleased if Mr Doszpot would table the document from which he was quoting.

MR DOSZPOT, by leave: I table the article I quoted from. I present the following paper:

> Minister for Disability and Housing—statements quoted by Mr Doszpot.

Restorative justice

MS BRESNAN: My question is to the minister for corrections—

Mr Hargreaves: Why don't you ask me these things?

MR SPEAKER: Order! Mr Hargreaves! Ms Bresnan, please start again.

MS BRESNAN: Thank you, Mr Speaker. My question is to the minister for corrections and is in regard to the community reference group. Minister, on 1 April you wrote to the corrections coalition indicating that you had asked your department

to commence a review of the role and function of the community reference group with a view to making it more consultative and reflect the concepts of through-care. Minister, can you please provide the Assembly with an update on the progress that has been made on the revision of the community reference group.

MR HARGREAVES: I thank Ms Bresnan for the question. The community reference group—the original one—was charged with assisting in the process of getting the prison ready to receive people from New South Wales. It had two characteristics which needed a review. The first one was that it had 26 members on it, and as a forum that was just too cumbersome. The second one was that it was a representative group, representing various agencies or non-government organisations, lobby groups and people who have concerns with matters about corrections. I do not wish that to sound negative at all, because there is a role to be played by those people.

After having looked at it, I took the view that, first, it was too cumbersome and we needed to come up with another way of involving the community along the way. The essential element of restorative justice going forward is the embracement of the community at large of a rehabilitated offender. Without that embracement, it is not going to work, period.

What we need to do is come up with community involvement on two levels. The first level is the philosophy, the restorative justice principles philosophy, and how that will be applied to not only the prison itself but also community corrections, which has a sort of transitional role to be played—and also to look at the involvement of the prison in the post-release stage.

Our responsibility for people who have gone to jail goes entirely to the time when the order has expired—not when they just get out of jail, but when the order has expired. We need to have a body of advice, if you like, which addresses the philosophy and the processes going forward. But also we need a body of advice day by day on how those programs are delivered to the people within the AMC—and their families, because their families are often victims as well, and without them being supported you do not get a successful outcome for the offenders when you try to rehabilitate them. I am encouraged by the role that the Outcare organisation in Western Australia, for example, plays in just that part of the restorative justice principle.

What I am leaning towards doing is preparing a document to go to the Chief Minister and to cabinet which outlines a new process to go forward. The AMC has been open for only about five or six months now. Many of the things that we are doing in there—in particular, the programs need bedding down, and we have not got to that stage yet either. We are talking about something which will have a 20-year effect, a generational effect. It is my intention to consider both of those two aspects and put together a proposal to put together two fora, one forum which will look at the overarching philosophies going forward—and whether or not the AMC is actually meeting it; that is the main point—and the other one with the day-to-day stuff.

To give you a time line on that, I asked for a paper from Corrective Services two weeks ago. They are still in the process of delivering it to me. From the last time I spoke to them, I am expecting it within a week. Then I will put together a paper to go to the Chief Minister for his consideration for it to be a cabinet submission and to be agreed by government as a government policy direction. That is where we are at.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, the corrections coalition had requested that the revised community reference group include consumer representatives for men, women and Indigenous ex-prisoners. Can you please inform the Assembly as to whether you intend for all of these representatives to sit on the community reference group?

MR HARGREAVES: The answer, Ms Bresnan, is no. When I say "no", I am not going to be definitive about that. There is going to be a cabinet recommendation. Personally I am not going to be definitive about it. I am going to make a recommendation to cabinet and cabinet has to decide. But I can tell you that the recommendation going forward will be that the model which was hitherto in place, which was to have 26 organisations representing all factors of the community, I do not believe is the correct model. For example, ACTCOSS is a member of that group, but so too 14 of the 26 people on that group are also members of ACTCOSS. That seems to me to be possibly the wrong direction.

What I propose to do is to look at it as being outcome based. Quite frankly, I am not interested in a whole bunch of people sitting in a room having a cup of tea and a doughnut and then yakking away and bringing their organisation's view forward, which is a delegatory type approach. What I am interested in doing is seeking people who have an amazing amount of skills out there in the sectors actually supporting it. I would like to see people who have got experience and expertise in drug and alcohol support. I would like to see people who have got experience in youth services support so that they can address the issues around the young people in a family, a dysfunctional family, where one or both of the adults are in jail. We need to have those sorts of advices going forward. I am not interested in organisational egos. It needs to be outcome based. We need all of our representative fora to be outcome driven. I propose to put forward a proposal to the cabinet which goes along those lines.

Just because somebody belongs to a non-government organisation that is, in my view, an insufficient qualification to take part in this exercise. It is the people within it. Ms Hunter and I have had many years connection with young children and the Youth Coalition. I can remember sharing breakfast around the young carers. Those breakfasts affected me. It was not the organisation that impressed me; it was the people within the organisation which impressed me. That is what I want to tap into. That is the recommendation I am going forward with.

As to the time line, I have given a model to Corrective Services asking for their comments, after which we would put the paper to cabinet. Cabinet will then make a decision. I do not know whether that decision will be for further consultation on the process or to go with the model in the interests of speed. I have not got to the stage of actually doing a cabinet submission. You have got a window into the thinking. Quite frankly, having now told you the detail of this, as I did with the last one on the multicultural approaches, if you have got a question or two you might like to talk to me about it instead of putting out a press release within hours of my having given you a briefing.

Ministerial performance

MR COE: My question is to the Chief Minister. I refer to an article entitled "Greens paint the town red?" in the latest edition of the *City News*. Mr Hargreaves is quoted as saying that points in the Greens-Labor agreement were:

> … carrots in front of the donkey; we'll never eat them, but they will keep us moving forward.

Is that statement representative of the integrity of the Greens-Labor agreement? If so, why? If not, why not?

MR STANHOPE: The relationship between the government and the Greens is a relationship based on mutual respect and a relationship certainly framed essentially by a consistent philosophy, a determination to jointly serve the people of the ACT to the best of our abilities. The parliamentary agreement was entered into honestly, openly and very much in recognition of the shared philosophies of the ACT Labor Party and the ACT Greens.

I am sure that each of the Greens in this place, including yourself, Mr Speaker, in quiet moments reflect on the decision they took to join the Greens instead of the Labor Party. I have no doubt that perhaps I and some of my colleagues in quiet moments from time to time reflect on how our lives would be had we joined the Greens instead of the Australian Labor Party.

Ms Bresnan: Still time and you can change. I think that will be okay.

MR STANHOPE: Still time for you, Ms Bresnan; there certainly is. The parliamentary agreement was an agreement entered into purposely and genuinely. It remains an agreement that we are absolutely and utterly committed to.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Chief Minister, what action will you take over another regrettable statement by Mr Hargreaves?

MR STANHOPE: There is no action required of me. I think we all need to accept that we are all politicians. There is a hurly-burly here. I do not think there is a need, for instance, to rush off and lodge complaints with privileges committees when there is a reasonable response to a political position.

There is no need for censure motions or expressions of the will of the Assembly in relation to a political point made by a member of the government in relation to an issue of significant moment. I do think we need to accept that we are politicians. This is a highly charged political process and profession that each of us is engaged in. I believe we need a level of maturity and understanding around the context in which comments and statements are made from time to time.

I simply reiterate that my answer to this question is that the government's relationship with the Greens is expressed through a parliamentary agreement that we freely and willingly entered into with the Greens, which we respect and which we will implement.

Members interjecting—

MR SPEAKER: Order, members! Mr Hargreaves! Mr Hanson, you have had a question.

Mental health—services

MS PORTER: My question is to the Minister for Health. Minister, today the Australian Institute of Health and Welfare released its report *Mental health services in Australia 2006-2007*. Can you please advise the Assembly of outcomes relevant to the ACT?

MS GALLAGHER: I thank Ms Porter for the question. Today, the AIHW released the 2006-07 *Mental health services in Australia* report. This report highlights the excellent service provided by ACT Health and the community health sector to the Canberra community. The report provides information on trends in the provision of mental health services nationally and locally and provides a detailed overview of Australia's mental health services in 2006-07.

Nationally, expenditure on state and territory mental health services increased by an annual 5.6 per cent between 2002-03 and 2006-07, to $3 billion. In 2007-08, there were 20 million mental health related prescriptions subsidised by the PBS, accounting for just over one in 10 of all prescription claims, costing over $700 million.

As I have reported in this place on a number of occasions, spending on mental health has progressively increased under this government from $27.4 million in 2001-02 to $77.7 million in 2009-10, representing an increase of 183 per cent since coming to office. This continual increase in funding is a very favourable result for the ACT and is a further indicator of our government's long-term commitment to mental health reform in the ACT. The report shows that the ACT had the highest number of service contracts per patient, at 34.4 per 1,000 population—evidence that the Mental Health Service is delivering best practice care to its clients in response to their identified needs.

The ACT has one of the highest rates of community-based residential beds per 100,000 population at 22.3, with the national average resting at 10.4. This bed capacity in supported accommodation includes government and community operated services, 24-hour and non-24-hour staffing, and services for older persons.

While not highlighted in the report, the ACT also has the highest number of mental health supported public housing places, with 34.4 per 100,000 compared to the national average of 17.9, and is the leading jurisdiction with the highest funding percentage of total mental health spending on the non-government sector.

Data on the number of available in-patient mental health beds indicates that the ACT has approximately half the mental health hospital beds of the national average—15 per 100,000, with the national average sitting at 30.5.

While the report data does suggest there has been a significant move towards community-based service provision—and this is reflected in the results—the government is aware that there are issues on the availability of acute inpatient beds and has responded, with a commitment to the construction of a number of projects, including the six-bed mental health assessment unit adjacent to the Canberra Hospital emergency department which is under construction now; a 15-bed secure mental health treatment facility; and, of course, the new 40-bed adult mental health treatment facility. In addition, we are also undertaking the feasibility and design study of a 20-bed youth mental health inpatient facility.

Figures on residential mental health care show the ACT had the highest average residential care days per episode. The report acknowledges that inclusion of longer stay forensic patients in the ACT is a possible contributing factor. However, it is also reflective of the ACT's commitment to and the development of the community-based service system.

The report presents the number of community mental health service contacts by mental health legal status, showing that the ACT reported the highest proportion of service contacts for which mental health legal status was involuntary. Specifically this means that the ACT provides nearly double the national average of care to those consumers in involuntary treatment, a measure of the excellent quality of the care delivered to ACT patients with serious mental illness.

While it is recognised that there is an overall shortage of GPs in the ACT, the report presented that there was an increase in services provided by GPs and allied health professionals. Medicare expenditure on services provided by GPs rose from $23,000 in 2005-06 to just over $1 million in 2006-07. Similarly, Medicare expenditure on services provided by psychologists dramatically rose from $25,000 in 2005-06 to $817,000 in 2006-07.

I think the report shows overall that there are a number of good and positive results for the ACT in the area of inpatient beds. It shows the importance of getting on with our rebuild of the health system by building the car park and building the adult inpatient facility as soon as we can.

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

Supplementary answer to question without notice
Gaming—sale of Labor clubs

MS GALLAGHER: Mr Speaker, during question time yesterday I had a question from Vicki Dunne about the duty impact on a potential sale of the Canberra Labor Club—what would be the duty payable on a valuation. Acknowledging that we do not understand what the valuation of that asset is, and none of us have that information, I took the question based on the value of a $50 million asset, which is the value that had

been reported in the *Canberra Times*. The duty payable would be approximately $3.4 million on a $50 million asset.

Ministerial performance
Papers—tabling

MR HANSON (Molonglo): Mr Speaker, in question time the Chief Minister said he was unable to answer Mr Doszpot's question without reference to the quotes that had been attributed to him. He asked Mr Doszpot to table those quotes. I believe Mr Doszpot has done so and the Chief Minister has had a chance to review them. I am sure that we would grant the Chief Minister leave to finish the answer to the question if he chose to do so.

Ms Gallagher: I think that is a "no".

Mr Stanhope: How is your Facebooking going, Jeremy?

MR HANSON: Is that it? Come on!

Papers

Mr Speaker presented the following papers:

> Estimates 2009-2010—Select Committee—Report—Appropriation Bill 2009-2010—Answers to questions on notice and questions taken on notice—Received after 25 June 2009.

ACTTAB—unincorporated joint venture
Paper and statement by minister

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

> Territory-owned Corporations Act, pursuant to subsection 16(3)—Statement—Voting shareholder consent for ACTTAB to enter into an unincorporated joint venture.

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

Leave granted.

MS GALLAGHER: Mr Speaker, as required under section 16(3) of the Territory-owned Corporations Act 1990, I hereby present details of the consent provided by the voting shareholders to ACTTAB entering into an unincorporated joint venture with Tote Tasmania, Racing and Wagering Western Australia and Centrebet International Ltd.

On 28 November 2008, Tabcorp Ltd gave notice to ACTTAB, Tote Tasmania and Racing and Wagering Western Australia that it was terminating its combined

sportsbook agreement effective from 29 May 2009: It was subsequently proposed by ACTTAB, Tote Tasmania and Racing and Wagering Western Australia to establish an unincorporated joint venture in order to form another combined sports betting pool with each participant having equal voting rights.

ACTTAB's sports betting turnover in 2007-08 was $8.62 million. This represents approximately 5.3 per cent of the combined pool with Tote Tasmania and Racing and Wagering Western Australia. Given ACTTAB's relatively small turnover, the joint venture proposal was a sensible course for the company to take. Otherwise, ACTTAB faced the prospect of trying to enter into a sports bookmaking pool on far less favourable terms.

After considering several proposals, the joint venture partners chose Centrebet International to replace Tabcorp as their sportsbook provider. On 6 February, the Chairman of ACTTAB wrote to the voting shareholders seeking our approval to ACTTAB entering into an unincorporated joint venture with Centrebet, Tote Tasmania and Racing and Wagering Western Australia. The letter was in keeping with section 16(1) of the Territory-owned Corporations Act 1990, which stipulates that a territory-owned corporation must not enter into an unincorporated joint venture without the prior written consent of the voting shareholders.

The Chief Minister and I, in our capacity as voting shareholders, deferred our consideration of ACTTAB's request to enable Treasury and the Government Solicitor's Office to consider the merits of the proposal. After receiving sufficient advice in support of the joint venture, the Chief Minister and I agreed, on 16 April, to ACTTAB entering into the unincorporated joint venture for the purpose of executing a new sportsbook contract, subject to completion of satisfactory due diligence and the associated regulatory approvals.

Since then the Gambling and Racing Commission has completed a probity investigation to assess the suitability of Centrebet providing sports bookmaking services to ACTTAB. The commission has advised that Centrebet is considered a suitable licence holder to provide sports bookmaking services on behalf of ACTTAB.

The due diligence review of Centrebet has also been completed to the satisfaction of the three TABs. There were no adverse findings about the ability of Centrebet to meet the requirements of the sportsbook pooling agreement. The joint venture commenced on 29 May 2009 and extends until at least 28 November 2012. In the event that the parties cannot agree on the terms of a new agreement, ACTTAB has the option to extend the agreement on the same terms by an additional 18 months.

The joint venture has been granted interim authorisation by the ACCC to guard against legal action being taken under the Trade Practices Act 1974, while the ACCC considers the merits of the joint venture arrangements.

On 5 August 2009, the ACCC released a draft determination proposing to grant authorisation to the joint venture arrangements until 28 November 2012. This provides the opportunity for any interested parties to make a submission on the draft determination before the ACCC issues its final determination. The period for public consultation on the draft determination is expected to extend until 30 September 2009

and it would appear that no issues have been raised that would preclude the joint venture from continuing to operate.

I am confident that ACTTAB's participation in this joint venture will generate better returns compared to the former arrangements with Tabcorp by providing a broader range of betting products at more competitive odds.

Rhodium Asset Solutions Ltd—disposal of several main undertakings

Paper and statement by minister

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

> Territory-owned Corporations Act, pursuant to subsection 16(3)—Statement—Voting shareholder consent for Rhodium Asset Solutions to dispose of several main undertakings.

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

Leave granted.

MS GALLAGHER: As required under section 16(3) of the Territory-owned Corporations Act, I hereby present details of the consent given by the two voting shareholders for Rhodium to dispose of two main undertakings.

By way of background, a resolution was previously passed in this Assembly on 10 February agreeing to the disposal of any of Rhodium's main undertakings. The resolution was put to the Assembly in order to facilitate winding down the company as early as possible, rather than simply waiting until all the remaining leases have expired, some of which extend to 2018.

I am pleased to now advise that Rhodium has successfully disposed of two of its main undertakings. The first main undertaking relates to the staged transfer of the ActewAGL fleet to a new provider, Toyota Fleet Management. This was substantially completed on 1 July 2009 with a few remaining vehicles to be transferred on 31 October 2009. The disposal of the other main undertaking concerned the transfer of the ACT government fleet contract to a new service provider, SG Fleet. This was completed on 31 July 2009.

Financial Management Act—instrument

Paper and statement by minister

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

> Financial Management Act, pursuant to section 19B—Instrument varying appropriations related to Better TAFE Facilities—Canberra Institute of Technology, including a statement of reasons, dated 25 August 2009.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act 1996, I table an instrument issued under section 19B of the act. The direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given. Section 19B of the act allows for an appropriation to be authorised for any new commonwealth payments where no appropriation has been made in respect of those funds by my direction.

The territory has received additional grant funding of $2.062 million from the commonwealth for the better TAFE facilities national partnership. The Canberra Institute of Technology's appropriation will be increased to facilitate on-passage of this amount in order to improve the quality of teaching and learning facilities across the vocational education training sector. I commend the instrument to the Assembly.

Director of Public Prosecutions Act—(Fireworks) Direction 2009 (No 1)

Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): For the information of members, I present the following paper:

> Director of Public Prosecutions Act—Director of Public Prosecutions (Fireworks) Direction 2009 (No 1)—Notifiable Instrument NI2009-411, dated 26 August 2009.

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

Leave granted.

MR CORBELL: For the information of members, I have presented the Director of Public Prosecutions (Fireworks) Direction 2009 (No 1) which will protect the public from prosecution for possession of fireworks during the fireworks hand-in period to be held from this Saturday, 29 August, until Sunday, 13 September. During the course of preparing this direction, I consulted with the Director of Public Prosecutions on the proposed form it should take. The direction I table today is the result of that consultation.

The sale, use and possession of fireworks in the ACT without a licence is prohibited under the Dangerous Substances Act 2004, apart from very low intensity fireworks like sparklers, bonbons and party poppers. On the commencement today of the Dangerous Substances (Explosives) Regulation Amendment 2009 (No 2), the former exception for the use by members of the public of consumer fireworks during the period of the Queen's Birthday long weekend no longer applies. This means that it is now a criminal offence for members of the public to possess and use fireworks at any time without a licence.

To facilitate the safe disposal of any consumer fireworks which members of the public may still have in their possession, the government is providing an opportunity for people to surrender their fireworks at the Callam offices car park in Phillip on the following three weekends, commencing this Saturday, 29 August, and ending on Sunday, 13 September this year, between the hours of 10 am and 3 pm without the threat of a criminal prosecution.

It is important to note that the direction will not protect members of the public from prosecution if they use or let off fireworks during this period. The direction will only protect members of the public who have fireworks in their possession from prosecution if the Director of Public Prosecutions reasonably believes that the person will surrender them or intends to do so within the hand-in period.

Planning and Environment—Standing Committee
Report 30—government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.05): For the information of members, I present the following paper:

> Planning and Environment—Standing Committee (Sixth Assembly)—Report 30—*The Proposed Nomination of the ACT as a UNESCO Biosphere Reserve*—Government response.

I move:

> That the Assembly takes note of the paper.

I am pleased to table in the Assembly today the ACT government's response to the Sixth Assembly's inquiry into the proposed nomination of the ACT as a United Nations Educational, Scientific and Cultural Organisation biosphere reserve. The Sixth Assembly's Standing Committee on Planning and Environment undertook an inquiry into the feasibility of the ACT becoming a UNESCO-endorsed biosphere reserve.

The government has looked carefully at the feasibility and the merits of the ACT becoming a biosphere reserve. The standing committee's report highlights the importance of community engagement in developing and managing a biosphere reserve, but then indicates that there is a lack of a broad community understanding about biosphere reserves and a lack of interest from some key stakeholders. The lack of engagement by Indigenous and youth sectors was noted as being of particular concern.

The report proposed a high level of government involvement to engender the required community support and engagement to proceed with a biosphere reserve in the ACT. The government recognises that biosphere reserves need to have strong community support if they are to be successful and has decided that it would not be appropriate at this time for the ACT government to lead or fund a biosphere reserve nomination.

In Victoria, the state government supports in principle the biosphere concept on the basis that any new biosphere reserve will be community driven, self-funded and based on voluntary participation by individuals. The ACT government sees merit in adopting the approach from Victoria because it ensures community ownership and is fundamental to a biosphere reserve achieving its purpose.

The government decision not to sponsor the biosphere reserve proposal does not preclude a community-driven, self-funded nomination based on voluntary participation by community and individuals, similar to the Mornington Peninsula and the Western Port biosphere reserves in Victoria.

The various pressures on the ACT government's budget require clear prioritisation of initiatives seeking funding. A biosphere reserve nomination would be a high cost measure that may not lead to any additional on-ground conservation outcomes. The principles of a biosphere reserve are already encapsulated in a number of ACT government policies, including people, place, prosperity, weathering the change, the spatial plan and individual park management plans.

ACT government policy will continue to encourage economic development that is based on sustainable and wise use of regional, natural and human resources and will foster a long-term perspective on sustainability. The government is progressing a broad range of initiatives in the areas of conservation, tourism and sustainability, and the extent of any additional benefits from a biosphere reserve are not clear at this time.

The standing committee's report identifies potential benefits from awareness raising. The government knows that raising awareness about sustainability issues in the broader community, and stimulating behavioural change, is important. The government is pursuing this directly through implementing policies and measures to move towards the long-term goal of zero net greenhouse gas emissions for the territory. This is a major priority for sustainability.

Potential tourism outcomes were also identified in the report. It is the government's view that these could be pursued through other measures, such as marketing Canberra as a gateway to the Australian Alps natural landscape. The potential for World Heritage listing has also been explored with the Australian government, through its Department of the Environment, Water, Heritage and the Arts. The ACT government understands that there will be a very limited opportunity for Australia to achieve additional World Heritage listings over the next 10 years.

The World Heritage Committee has urged Australia, through the Australian government, to exercise restraint in nominating properties because Australia already has a large number of world heritage sites compared to other nations. As a consequence, Australia will only pursue three to four nominations over the next 10 years. An ACT nomination, based on the advice we received from the Australian government, is not likely to be supported at this time.

In tabling this report, I would like to acknowledge the work of the Sixth Assembly's Standing Committee on Planning and Environment. I commend the response to the Assembly.

Question resolved in the affirmative.

Papers

Mr Hargreaves presented the following papers:

> Legislation Act, pursuant to section 64—
> Dangerous Substances Act—Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2)—Subordinate Law SL2009-43 (LR, 26 August 2009), together with its explanatory statement and a regulatory impact statement.

Capital works 2008-09 program outcome
Ministerial statement

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.11), by leave: I thank members for allowing me to address the chamber on the important issue of the delivery of quality capital infrastructure to the community. Members will be aware that, for all jurisdictions, the provision, upkeep and maintenance of quality infrastructure provides the necessary platform for delivering services to the community. Quality infrastructure development is also essential to support the territory's growth, jobs and activity in the local economy, and through this support ultimately the economic and social wellbeing of our community.

The government has instigated a medium to longer term perspective in its infrastructure investment program. This is necessary to shape essential community and social infrastructure, as well as other core infrastructures such as transport networks. These investments ensure the sustainability of services and the continued prosperity of the community into and beyond the next decade.

The last two budgets have been significant for infrastructure investment in the territory. It began with an unprecedented level of investment committed in the 2008-09 budget as part of the $1 billion building the future program. Further capital investments were made through the second and third appropriations and, more recently, in the 2009-10 budget. In fact, our capital program, after taking into account our future capital provisions, and including the federal government's nation building initiatives, will provide capacity for over $2 billion in investment in the territory over the next four years.

In addition to these investments, the territory's public trading enterprises are making investments totalling $428 million in 2009-10 to support their normal business operations, including $300 million by Actew Corporation for water security projects, $71 million by Housing ACT, $52 million by the Land Development Agency and $5 million by ACTTAB Ltd.

The third appropriation, the local initiatives package, was put together as a direct and targeted response to the global financial crisis. The aim of the package was to boost business confidence in the ACT, particularly in areas of uncertainty where emerging capacity was identified, like the building and construction industry. The package provided work locally for a range of trades—builders, plumbers, roofers, painters, electricians, plasterers, landscape specialists and so on. The package included $25 million worth of work to be delivered over two years.

I am pleased to advise the Assembly today that while the package was only announced in late February, passed in late March, as at the end of June, $11.2 million had been expended on delivering a broad range of projects. This equates to around 90 per cent of the available funding for the 2008-09 year.

It is due to the strength of the territory's financial position that we had the capacity for this investment program. Despite the impacts of the global financial crisis, we are still in a position to deliver this and future programs for moving forward. This is a good outcome for Canberra workers and employers, as it demonstrates that the government has taken firm steps to provide a flow of work to sectors that were affected by the deteriorating national economy and the emerging uncertainty.

Turning to the outcomes and achievements of the 2008-09 capital program, we successfully delivered $296 million worth of capital expenditure, to date the largest infrastructure spend on record. To put this in perspective, this achievement is more than double the level of expenditure recorded in 2004-05 of $129 million.

While acknowledging that expenditure underspends were recorded last year, it is important to note, however, that only a handful of large projects accounted for more than half of this underspend—in fact, only 10 projects out of over 500 in the total program, to be exact.

The 2008-09 program delivered a range of important infrastructure outcomes and benefits to the community, along with some iconic and fundamental developments. This has been a year of records, firsts and significant achievements for the territory in relation to infrastructure. We have achieved a record program spend in 2008-09, but most notably we delivered a record 4,339 dwelling sites across the territory. The first residential blocks were offered for sale in three new suburbs in Gungahlin—Bonner, Casey and Crace—and additional blocks became available in new stages of existing estates in Franklin, Harrison, west Macgregor, Bruce and Forde.

We delivered the territory's first adult correctional facility, Australia's first prison built and operating according to human rights principles. We delivered Bimberi Youth Justice Centre, also the first youth custodial facility in Australia built and operated under human rights principles. We have seen additional and continuing works begin and significant progress at Canberra's International Arboretum and Gardens and two new schools were delivered, Kingsford Smith school and Harrison. The Canberra Glassworks were completed, which is Australia's only cultural centre that is wholly dedicated to contemporary glass art.

In turning in more detail to the land release program, the program is a vital part of the government's economic, spatial and social strategy to support the needs of a growing population, changing households and an expanding economy. Importantly, the program delivers a range of housing initiatives arising from the affordable housing action plan.

Land to accommodate 4,339 dwelling sites was released, the highest volume of residential land release since self-government. The majority of sites released were in Casey, Bonner, west Macgregor and north Weston. The 2008-09 target of 4,208 sites

was exceeded by 131. This is a significant increase on the previous record of 3,470 sites which was delivered in 2007-08.

Infrastructure projects to support land release, including trunk road and intersection upgrades at Crace and Bonython West, were practically and/or physically completed during 2008-09. A range of forward design studies were significantly progressed or completed for new infrastructure at Bonner, Lawson and Casey. This government is committed to ensuring that our land release program can continue as planned, moving forward.

Significant upgrades and improvements continued to be made on the roads and car parks, resulting in better traffic conditions and road safety. In 2008-09, 33 territory roads and 180 municipal streets and car parks were resealed. This equates to over 870,000 square metres of resurfacing completed in the territory last year. In addition, almost 62 kilometres of new community footpaths were completed. A number of significant new roads projects have also been delivered, including the duplication of Athllon Drive, stage 1 of the Lanyon Drive upgrade, and rehabilitation of sections of Cotter Road.

There is no doubt that improved recreational and lifestyle opportunities are an important element to the continued health and wellbeing of the community. To ensure that opportunities are provided to Canberrans to promote fitness, recreation and healthy lifestyles we have continued with the development, upgrade and maintenance of sporting facilities, parks, urban open spaces and public places across Canberra.

We made significant progress or finalised a range of projects, including the "where will we play" program, to ensure the continued viability of outdoor sporting facilities, the Lyneham sporting precinct, the Harrison district playing fields, the refurbishment of the Tuggeranong leisure centre, the replacement of the air dome at the Canberra Olympic Pool and plantings and access upgrades at Stromlo forest park.

Substantial improvements have also been made to neighbourhood parks and tree-lined streets. The neighbourhood park and street replacement programs provided for the planting of over 1,000 new trees and the removal of 335 dead or severely drought affected trees. An additional 497 trees were also planted adjacent to the bike path at Yerrabi Pond. Other significant infrastructure achievements in 2008-09 include further restoring and enhancing Tidbinbilla nature reserve and the development of the predator-free sanctuary at Mulligan's Flat.

Public safety remains an important priority for the community, and during 2008-09 we have seen the completion of upgrades to our Emergency Services and ACT Policing facilities across the city, and the continued rollout of CCTV at high-risk sites. Feasibility studies were also completed in 2008-09 for the future location of Emergency Services stations and for a new Supreme Court.

Most notably, as I have already mentioned, there has been the delivery of two major correctional and justice facilities for the territory—the Alexander Maconochie Centre and the Bimberi Youth Justice Centre. These facilities have been developed and operate promoting human rights principles in the management and rehabilitation of adult and adolescent offenders.

The AMC is a 300-bed facility with various accommodation options available, including cell blocks, domestic-style cottages, a medical centre and crisis support unit, a 14-bed management unit and a transitional release centre. Male, female, remand and sentenced prisoners from low to high security classifications can be accommodated at the facility. The centre is designed in an open campus style with accommodation units around a town square. Included within the AMC are health, education and programs buildings, which all support and provide appropriate rehabilitation and learning opportunities for inmates.

Bimberi is a 40-bed facility catering for children and young offenders, providing a new direction for the care of young people in the youth justice system. The facility is built on the philosophy of assisting children and young people to maximise their potential, within positive and supportive environments, and to become valued members of the community by enhancing meaningful opportunities for rehabilitation and learning.

Providing quality educational facilities ensures that our teachers have appropriate settings to assist them in facilitating first-class learning experiences for our children and young adults. Improved education outcomes will be delivered through our recently completed schools projects, including Harrison school and the Kingsford Smith school at west Belconnen.

In addition, significant upgrades and refurbishments—as members will be well aware—have been completed at preschools, primary and secondary schools and higher education facilities, along with substantial works moving forward as part of building the education revolution projects. Improvements have also been made to public libraries with a number of upgrades completed—and this will interest members—and 63,195 new books purchased.

The arts, culture and historical places all play an important role in making Canberra a vibrant, diverse and memorable place to visit. ArtsACT, through the per cent for art scheme, commissioned several new pieces—in Gungahlin Linear Park, on Yarra Glen in Woden and on the foreshore of Lake Tuggeranong. It commissioned the Mal Meninga statue at Canberra Stadium, *Rain Pools* at Clare Holland House and the *Harmonies* sculpture at Melba shops.

We have also completed upgrades to many of our arts facilities, cultural and historic places, including the Gorman House Arts Centre, Ainslie and Watson arts centres, the Canberra Theatre, the Playhouse, and several museums and galleries which all support tourism and promote the arts and heritage throughout the territory and our region.

An important feasibility study has been completed that explores options for improvements to the Melbourne and Sydney buildings and surrounding areas. This project provides a blueprint to restore and rejuvenate these historically significant buildings to their former glory.

The sustainability of our great city is an important objective for this government, and we achieved a number of important outcomes during 2008-09, including progress towards the establishment of the ACT's first solar farm, a significant number of tree

plantings at various sites across the territory and the installation of energy efficient street lights. We also progressed a range of transport initiatives, including the rollout of further priority measures for bus lanes, the replacement of ageing ACTION buses and improvements and upgrades to cycle ways.

Substantial progress has also been made in delivering a number of other key projects to the territory during the last year. Significant transport-related works will continue in 2009-10, including the upgrade of the airport roads precinct, the upgrade of Tharwa bridge, the duplication of Flemington Road, the Cohen Street extension in Belconnen, the extension of Horse Park Drive and the community paths program.

In relation to the Canberra Arboretum and Gardens project, which will result in the development of a major tourism attraction for the territory, to date approximately 11½ thousand trees from around the world have been planted to create the first 20 forests.

Work on ACT Health's capital asset development plan is progressing. I report to the Assembly from time to time on that project separately to this. This significant project will provide a range of infrastructure projects that are essential to achieving our long-term health objectives.

Another of our landmark projects, the Belconnen Arts Centre, was largely completed during 2008-09 and was opened today, I understand. The inspiring sculptural design of the centre, by Williams Ross Architects, will be a wonderful addition to the Belconnen town centre and Lake Ginninderra foreshore.

Infrastructure is an important input into almost all economic activities. Quality infrastructure is not only integral to meeting service delivery needs; it is also necessary to support growth in the economy and support the economic and social wellbeing of the community.

I have outlined today the 2008-09 outcomes, achievements and progress that this government has made in delivering quality infrastructure to the community. Our record level of expenditure on capital works has made a significant and real contribution to supporting local jobs and the economy.

Over $2 billion in infrastructure-related investment will be made in the territory over the next four years. This will cover a wide range of projects and provide work for a broad range of skills, trades and professions. Such a significant commitment of expenditure will provide employers with confidence to retain resources and plan their business activities moving forward.

The 2009-10 budget again reflects the significant growth in the size of the annual capital works program by this government. This growth represents a challenge for the government and industry and it highlights the need for us to work harder and smarter and closer with the private sector.

As part of our delivery strategy I have implemented a new capital works reporting regime, with a greater level of detail now being captured and reported at a whole-of-government level.

I am convening monthly forums with agencies responsible for delivery of our capital works program. To date, I have had three successful meetings with CFOs covering issues such as program status, emerging whole-of-government issues and improved ways of working. Through these meetings and enhanced reporting arrangements we are closely monitoring the progress of each project at key junctures and we will address program risks with appropriate mitigation strategies as they arise.

To support this process, chief executives will also provide reports to the budget committee of cabinet on their progress in delivering the 2009-10 program every second month. We have a strong record on planning and delivery of infrastructure and the measures outlined above, in conjunction with recent improvements to our procurement processes, will ensure that we continue to deliver quality infrastructure to the community. I present the following paper:

> Capital Works 2008-2009 Program Outcome—Ministerial statement, 27 August 2009.

I move:

> That the Assembly takes note of the paper.

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

Transport—sustainable options
Discussion of matter of public importance

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

> The importance of sustainable transport options.

MS PORTER (Ginninderra) (3.28): I am pleased to be able to speak to this matter of public importance today. The ACT Labor government is committed to providing sustainable transport to Canberrans and has a proven track record. The ACT government has demonstrated its commitment to sustainable transport since commencing in office and has introduced a number of initiatives to encourage greater use of sustainable transport—options like public transport, cycling and walking in the ACT.

Now we see the government developing the sustainable transport action plan 2010-2016, which, once developed, will define the path that the government needs to take to meet our sustainable transport targets. Consultation is well underway on this plan which will include a plan for public transport, cycling and walking, parking and the infrastructure that will be needed to support the transport needs in the future, to keep Canberra on track as a sustainable city.

Labor has a strong record on sustainable transport. Most recently, in the 2009-10 budget, there was almost $18 million allocated to cycling and walking infrastructure. This is the largest ever investment in cycling and walking infrastructure since self-government. This includes $6.4 million for new on and off-road cycle path infrastructure, another $6.4 million for the maintenance of community paths and footpaths. This year alone Labor is investing $6.8 million in cycling and walking infrastructure.

As a member for Ginninderra over the past five years, I have received numerous representations from people about the importance of this infrastructure. It is the Labor government which has the strong record in supporting cycling as a sustainable transport initiative in this city. Since coming to office in 2001, over 400 kilometres of on-road cycle lanes have been implemented. And Labor's record in investment in public transport is also unparalleled.

Since 2001, the government has committed approximately $100 million for new buses and since Labor came to government 115 new wheelchair accessible buses have been introduced into the fleet, with an additional 100 to be introduced over the next three years. I understand the first of these new buses will be rolled out into the ACTION fleet over the next few weeks. These buses are environmentally friendly, wheelchair accessible and air conditioned. I am pleased to advise that through this latest $50 million investment in buses ACTION will meet the government's commitment to have 55 per cent of the fleet wheelchair accessible by 2012.

The latest new buses are becoming more sustainable. ACTION currently has 80 compressed natural gas busses and our CNG buses are wheelchair accessible, environmentally friendly and air conditioned, as I said before, providing a more comfortable ride for the user.

To streamline our refuelling process, in 2004 the government invested $1.7 million for new CNG refuelling stations at ACTION's Tuggeranong bus depot. The station is capable of filling up to 30 buses in an hour continuously. A new 1.5 kilometre high-pressure pipe line will also be installed by ActewAGL to cater for increased gas consumption and to bring high-pressure gas to the site. I understand that the 100 new buses to be introduced will be even more sustainable.

Labor's commitments to public transport and cycling were merged when the bike racks on buses initiative was launched on 17 November 2005. The initiative was further developed as part of the government's climate change strategy, weathering the change. It provides an option for less confident cyclists to cycle part of their journey and catch a bus for the rest of the journey, instead of using their car. The ACT government committed $345,000 to trial bike racks on all inter-town 300 series bus routes. Following an evaluation, ACTION deemed the trial a success. Therefore, the government provided $70,000 to install a further 50 bike racks on ACTION buses.

ACTION has also recently introduced a new policy for fold-up bikes. Fold-up bikes, which are designed to be carried on public transport, can be carried on ACTION buses. Bikes must be secured in the folded position prior to boarding the bus and stored in the luggage rack.

To further improve our public transport system, the Labor government has invested $8 million for a new ticketing system. A new smart card system to be introduced next year will provide better patronage data which will be used to further enhance the ACTION network. The new ticketing system will provide very detailed information about the community's travel patterns which can be used more effectively to design better services. Good patronage information is critical data to ensure our transport service is designed and delivered effectively and efficiently.

The new ticketing system will also ensure more efficient passenger loading times and help build better reliability by assisting each bus to meet its timetable. The new ticketing system will be delivered by Downer EDI Engineering and will replace the ageing magnetic strip ticket system which has been in service now for over 14 years. I understand that the new ticketing system will be similar to that which is currently in operation in Perth in WA.

The ACT Labor government continues to improve our public transport system, which is paramount to reducing transport emissions and preparing for a low carbon future. One of the latest initiatives which will begin later this year was funded in this year's budget, that is, REDEX, rapid express direct. The concept of rapid transit services such as REDEX will complement the government's long-term transport plan.

The government is also redesigning our bus interchanges to provide better waiting and boarding experience for ACTION's customers by integrating interchanges with other public spaces such as shopping centres. As part of the Belconnen town centre redevelopment, the Belconnen bus interchange has now been demolished. New temporary bus stations have now been installed at three locations.

All bus routes through Belconnen town centre now service the three bus stations for customers, and when the bus station improvements are completed in the Belconnen town centre it will fully integrate with the Westfield shopping centre and provide the travelling public, as I said, with a much improved experience than the former bus interchange. These initiatives will encourage more Canberrans to use public transport, help reduce congestion and reduce carbon emissions, importantly.

The Labor government is also implementing policies and programs to encourage the public and the public service to drive greener cars. A green vehicle policy has been implemented within the ACT government fleet where fleet managers must purchase the lowest emission option that meets operational needs. Therefore, the green duty scheme commenced late last year to encourage people to buy the greenest new vehicle based on its environmental performance, and the scheme is still the only one of its kind in Australia.

The message seems to be getting through. More Canberrans are buying green vehicles. Unfortunately, those opposite do not seem to be getting the message, though, with four out of the six climate sceptic Liberals continuing to drive six-cylinder vehicles.

A number of ACT government departments also encourage the use of bicycles and buses for public service work travel. The ACT government encourages the use of cycling and walking in the community through the provision of the extensive cycle

paths and footpaths, as I have said, and supporting programs such as the walking school bus and the ride to work day. I must say I have enjoyed my times with schools in my electorate, walking with children on their walking school bus.

The government is also encouraging its departments to take up the bike 4 work program, where bicycles are made available by departments for staff use, for work or recreational trips during the day. The latest department to take up this program is, fittingly, the Department of the Environment, Climate Change, Energy and Water.

The 2006 census shows that many Canberrans continue to travel to work as single-occupant drivers. Even a small increase in car occupancy rates would reduce our transport emissions and help mitigate congestion. I must add here that, as I travel to work every day, I do note how many people are by themselves in cars as single drivers with no passengers, and it does concern me greatly that we continue to do that. The government has been working hard to encourage Canberrans to increase vehicle occupancy rates and, where possible, to choose lower emission transport modes like buses or walking.

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Ms Porter?

MS PORTER: I was just waiting for the conversation to finish, Madam Assistant Speaker.

In 2007, the nationally recognised travelsmart Belconnen program was run in Belconnen. That provided participants with tools to make lower carbon and more sustainable travel choices. The ACT program targeted 11,000 households in the suburbs of Belconnen and achieved a 12.7 reduction in vehicle travel—a great result. This represents an estimated reduction of about 9,700 tonnes of CO_2 during that time of the program. Encouragingly, a follow-up survey showed that these households were maintaining the more sustainable travel habits that they had developed during this program. Again, I think that is a very pleasing result. The travelsmart Belconnen program, run by the ACT Department of Territory and Municipal Services, was the overall winner of a sustainable cities award at keep Australia beautiful in 2008.

Initiatives like the travelsmart program aim at educating and changing behaviours. However, they cannot be used alone to improve our sustainable transport options. This is why we need improvements in transport infrastructure and services, such as, as I was saying before, improvements to cycling and walking infrastructure and improvements to our public transport provider. That is why this government is committed to improving our sustainable transport options on an ongoing basis.

MR COE (Ginninderra) (3.40): It is a pleasure to talk on this motion moved by Ms Porter, because it is important that the ACT opposition highlight this government's commitment, or lack of, to public transport in the ACT and the lack of solutions they have to solving our growing transport problem here in Canberra. When it comes down to it, the rhetoric of those opposite does not match what is actually happening on the ground here in Canberra, whether it be the roads maintenance backlog, the capital works shambles, the dilapidated bike paths, the cracked footpaths,

or, as the focus of my contribution will be today, the ACTION commuter nightmare. The reality of transport options in Canberra is far from as glowing as the government press releases would say they are or as Mr Porter's speech would suggest.

The ACT government are the sole providers of commuter and school bus services in Canberra. It is pretty amazing that we still get this government that seem to distance themselves from every problem relating to ACTION despite the fact that they are the sole providers of bus services in the ACT. They alone must take responsibility for the situation that we are in.

There is an organisation that is established to help generate interest in ACTION, and some of the things that they list as being of concern are things like waiting 30 minutes for a bus that never actually comes, being late for work because the bus is late, having weekend plans delayed because of reduced bus services on the weekend, not being able to get home past 10 o'clock. I know that you cannot get a bus from the city to a number of suburbs in Gungahlin beyond 6 o'clock at night. It is absolutely amazing that you have to go through Belconnen—you have to go through the disaster which is the Belconnen bus station situation at the moment.

It is interesting that in estimates this year we heard that one in five ACTION buses are expected to run late. They had a target of 99.9 per cent, and they got 83 per cent. Then we found out that the way they measured figures in previous years at the start of the year was different to how they measured the figures at the end of the year. They did not, however, actually know that at the time. It was only a day or two later that they actually clarified that they did not know how it was measured, how it should have been measured, and how it was actually measured. It is a pretty special operation that the ACT government is running when it comes to ACTION, because it does not seem to be pleasing anyone at all.

I do not know too many people who have the option of driving but who actually choose to get a bus. The vast majority of people who get a bus in the ACT get a bus because they are forced to. They are forced to take a bus instead of a car, because they either do not have a car or, for financial reasons, they cannot afford to run it. When is it going to get to a point when getting a bus is actually preferable? That has got to be the aim of this government—that is, getting a bus to work, to your destination, is preferable. I do not know anyone in Canberra who would actually say at the moment that that is their number one preference of transport.

In spite of the fact that one in five buses runs late—I would not be surprised to see that figure increase even more—we have got bus fares going up and up and up as services get worse and worse and worse. This year we saw a headline rise of 11 per cent, but that 11 per cent actually hid the true cost of further increases for some communities. Tertiary students saw an increase of 49 per cent in the cost of getting on a bus. If you are a student and you are currently driving to university or driving to CIT, why would you then get on a bus when fares have just gone up by 49 per cent? What incentive is there for a student to stop driving their car—which is apparently the objective of this government—and to get on a bus, when it was 49 per cent more expensive on 1 July than it was the day before?

These are just some of the operational problems, but one of the key reasons why people in my electorate are not getting on the bus is the disastrous situation at the Belconnen bus interchange, or the Belconnen bus stations. I will read an extract from my adjournment speech of 25 June, over a couple of months ago:

> The hopes of ACTION's Belconnen's commuters have been dashed with another basic service delivery failure of this government. Yet again, this government is running ACTION for its own convenience rather than that of the travelling public. The "temporary" arrangements that will be in place for around two years do not meet the service standards that commuters expect.

I then listed a few issues, such as the fact that there are shelters that really are not shelters. They just happen to be some structures that vaguely resemble shelters, because they do not actually protect anyone from the weather. There is the distance from Westfield to the bus stations via the red bridge, and there are the dirty bus stops that are not regularly cleaned. There are too few seats so you cannot actually wait for a bus in comfort, and waiting is something ACTION commuters have to do a lot of.

There is the difficulty with the timetable and the connections. There are issues with buses departing from the wrong bays and the difficulty in actually finding which bay to go to. There is a shortage of passenger assistance and signage, and one of the key issues is that there are bus services departing a significant distance away from key community facilities like the library, like the citizens centre, like the Belconnen community service centre and like the ACT government shopfront. If you are trying to make it easier for people to use these government services, why do you put a bus stop up a hill 500 metres away from these core government services? It all goes to show this government is all about ticking a box to say they did something rather than actually delivering a tangible service that people can actually use and actually want to use.

One of the key issues is about performance management, performance indicators and data. I understand that we are going to be seeing a new ticketing system next year. I put it on the record right now that I am sure it will be delayed. Every single infrastructure program this government delivers it delivers late, if it delivers it at all. So I am happy to put on the record now that I think it is highly likely that the bus ticketing system that will be brought in next year will be brought in later than expected and maybe not even next year. It is very important that we do get good data, and it is very important that we actually benchmark the ACTION bus service properly, because, as I said, it is a monopoly operation.

It is important that we do actually compare it to other operations around Australia so we can make sure we are getting the best service possible. However, the government refuses to release the benchmark information. It is probably embarrassed about how inefficient ACTION is running compared to other operators. In actual fact, we had one or two ministers during the estimates process admit that ACTION was probably the most heavily subsidised bus system in the country. Benchmarking exercises have previously been published, so I am a bit concerned as to why suddenly we are not publishing data when in the past we have been.

One of the indicators that we do have in budget paper 4 is that the cost per kilometre has increased 12 per cent from $3.86 to $4.33. I am sure the government will cite a million reasons why this is the case. But petrol prices have gone down such that I understand that the allowance paid for motor vehicles here in the Assembly has taken that into account, and the allowance has actually gone down from last year. So if there is an admission by government agencies or by the remuneration tribunal that running costs are going down, as evidenced by the car allowance in this place, then perhaps we will actually see a substantive decrease in the cost per kilometre, whereas last year it went up by 12 per cent from $3.86 to $4.33.

Parallel to all this, of course, is the parking situation where we saw significant increases in the cost of parking—20 per cent from 1 July and 50 per cent from 1 July next year for metered operations. Again, as I said before in this place, there is nothing at all strategic about increasing the cost of parking at the same time as increasing the cost of catching a bus. When you increase both at the same point, all you are doing is slugging all commuters. It is a simple tax break. It is a simply revenue operation this government is doing to try and mask the fact that there is so much waste.

It would be remiss of me not to make mention of this week's *City News* article which talks about what Minister Hargreaves said in reference to the Labor-Greens agreement. That agreement is relevant to this discussion because, of course, it talks about this pipe dream—whether it is reality, I am not sure—of a 30-minute interval for all bus services in Canberra. I do not know whether Mr Stanhope thinks it is a pipe dream, an aspiration or whether it is real. But Mr Hargreaves summed it up when he said the points in the agreement were like:

> … carrots in front of the donkey; we'll never eat them, but they will keep us moving forward.

Is the Labor-Greens agreement really going to keep us moving forward? It is certainly not going to help the Greens much if Labor do not actually do anything. They have got this pipe dream of 30 minutes. The carrot is in front of the donkey; I wonder whether the carrot is, in fact, a poorly encrypted metaphor for an orange ACTION bus—probably running late, mind you, and probably going very slowly. If there were a couple of carrots next to each other, perhaps it could be an articulated bus. You have this ACTION bus in front of the Labor Party and the Greens trying to move forward when in actual fact the government have no commitment whatsoever to ACTION. That is witnessed by just about every person in the travelling public who catches a bus. They know the buses run late. It is witnessed by just about every person who drives to work because they know that catching a bus is not an option for them. It is, of course, very disappointing that we do have a government that has such disrespect for public transport policy and such disrespect for the ACTION service.

In contrast to that, I think it is worth noting that the Deane's Transit Group are doing a fantastic job with the operations they run from places like Yass to Murrumbateman and Hall, from Queanbeyan and other places around the region. They do a fantastic job and they do it efficiently. It is a shame that this government seems to put up road blocks for Deane's Transit Group in getting more involved in the transport solution here in Canberra. Deane's offer a fantastic service.

I know the village of Hall in my electorate is well serviced by the Deane's Transit Group through Transborder. There are, of course, a few issues there, but, by and large, they do provide a very good service, especially for school students. Here we have a good transport provider in the region that employs many people. I understand it employs many ACTION bus drivers, in fact, on a casual and part-time basis. It would be a great shame if we do not actually incorporate private organisations, like the Deane's Transit Group, as part of a solution here in the ACT. I urge the government to look into incorporating Deane's into the solution here in the ACT and to take some of the issues I raised in the speech into consideration.

MS BRESNAN (Brindabella) (3.53): A sustainable transport plan for Canberra needs to work at every level, and it needs to take an integrated approach to transport. Let us start at a territory level. Has the ACT government yet asked the federal government to amend the national capital plan to incorporate a sustainable transport plan? If it has, what answer has the ACT government received; if it has not, when will it follow up on the joint house committee recommendation?

Just last week the Senate inquiry into public transport tabled its report, which makes a compelling case for substantial commonwealth funding for public transport. The committee recognised that public transport moderates traffic congestion, improves the general urban amenity when coupled with priority to walking and cycling, improves energy efficiency, reduces reliance on imported oil, reduces transport greenhouse emissions, promotes public health and is needed to reduce the transport disadvantage and social isolation of people without cars. We in the ACT need to join with the other states and territories to prosecute this case at a COAG level and to carry through with what is recommended in the Senate report.

There is also the issue of Canberra's links to the rest of the world and the region. There are many who argue that air travel is unsustainable and that growing our investment in and dependence on air travel is, environmentally at the very least, unsustainable by definition. The issues are more complex than that. But like all Greens, I am concerned with the way the business plans of the Canberra airport seem to be driving the transport planning for Canberra. The Canberra airport master plan foresees the growth of the airport over the next 20 years—a more than doubling of the number of passengers, a new terminal, a significant expansion of office and retail space in the four airport precincts and, most controversially, the establishment of a 24-hour freight hub to be accompanied by a requirement for an expansion of warehouse and office infrastructure both on site and within easy reach.

In that context, the new proposed four-lane, $250 million Majura Parkway is a key feature of the freight handling plans. Ironically, a freight hub would also require fuel for the increased air travel to be brought into Canberra on the road, and this raises a very significant issue for the Canberra community. The recent announcement by Shell that they will no longer be bringing fuel into Canberra on the rail link means that there will be more fuel trucks on our roads, specifically on the highway between Canberra and Sydney.

In terms of rail, Canberra has a problem in light of the maintenance of this infrastructure. While some time in the future, if Canberra grows significantly, we may

have a very fast train running through the Majura Valley to the airport, in the meantime, our existing rail is not fast enough, not frequent enough, nor effectively connected to any other existing transport networks. The recent announcement that Canberra will need a new railway station might prove to be an opportunity if we can ensure that the new station is effectively linked to Canberra's wider public transport system as well as providing an adequate freight service. These are key issues which must be considered.

In terms of urban planning, transport is only now being factored in. Last year when the Greens raised the issue of transport links between Molonglo and Civic in an ACTPLA briefing, we were advised that the transport links will come later when the demand for transport has grown. The recent transport network plan is the first evidence that the ACT government is prepared to build high frequency transport routes into the territory plan, and that is encouraging. If we are to develop this city around adequate and consequently sustainable public transport, we need that certainty in planning. This is not a new idea, and it is something the Greens have been arguing for in all our time in the Assembly. At last the government is following this lead, and that is a good thing for Canberra.

I know that there are many people who have a strong view that we need a commitment to light rail and that without such a commitment we will never have a sustainable and convenient public transport system. There are others who disagree entirely and argue that the cost of light rail is entirely prohibitive and that systems such as the Brisbane busways are affordable, achievable, and deliver the goods. There are also new technologies being developed using alternative and renewable energy sources, although much needs to be done in terms of building our city around public transport, walkability and bike paths. The issue of technology can then be addressed taking each of these aspects into account. For example, the busway system in Brisbane has been built in such a way as to allow for light rail infrastructure in the future.

Sustainable transport is also about where and how people live. The idea of sustainable communities, providing homes for a social mix of residents with easy access to essential services allows more people to live independently of cars, with social health and environmental benefits. An integrated sustainable transport system is supported by and essential for people living in that way in our city. To encourage the use of more sustainable transport, we need to encourage people to use the public transport system. The allocation in the last budget of $l million towards a trial of bus rapid transit is a good step. We think it will make commuter travel faster and more convenient.

Other things we need to do to improve our buses and make them more attractive are: an updated ticketing system for ACTION to assist in its planning and making travel faster; a wheelchair-accessible taxi system that works for its customers—the government are at last commissioning a review, once again, taking the lead from the Greens, and this might go an extra step towards ensuring a convenient and adequate service for the people who need this; the introduction of a ticketing system that will transfer across all bus systems and assist in creating better links between Queanbeyan and Canberra; more bus priority lanes; and properly organised airport taxi services.

Cross-border issues are particularly important to address for the region in which we live. Queanbeyan is a key example of this. Over 60 per cent of Queanbeyan city workers commute to the ACT. Many of these people drive cars. When I met with Deane's Transit Group not long ago, I was told that they regularly have to retime the Queanbeyan to Canberra trip in peak hour to account for worsening traffic.

To encourage more people to get out of their cars and catch the bus, the Greens have suggested measures like bus priority signals and transit lanes. They are viable options that can be introduced to deliver immediate benefits. We already have a number of these bus priority measures in locations in Canberra and they do have an impact on travel times. We could install bus priority signals along Canberra Avenue at approximately six intersections for around $600,000. This is a very manageable figure and would have a positive impact on bus patronage. This is also a measure which would have a positive impact beyond ACT borders, and that is what we should be looking at here—the bigger picture.

We will not have an improved, sustainable, integrated transport system until we start to shift the balance in capital investment away from roads and services that are used by individual drivers and private vehicles to investing in a mix of facilities such as park and ride, comfortable bus stations, transit lanes and priority measures on our roads. The ratio of investment which goes into roads heavily outweighs that which goes into public transport. This is particularly so when we look at federal infrastructure development projects. It would be good to see a true commitment to environmental and social sustainability from the federal government by increasing investment in public transport.

The Greens are encouraged by the government's recent consultations on an announcement of the development of a transport plan. We hope that they build on the experience of the consultant engaged to lead this project. This consultant was involved with Brisbane's integrated transport policy. Brisbane has seen a huge increase in public transport patronage as a result of the changes they have put in place.

We need to see real action on these plans being developed by the ACT government, including the plans for buses and taxis, to make sure that they actually make a difference to the services on the ground and create a better service for the people who use them and encourage more people to use them. Finally, I say to Mr Coe that at least we have a vision for and some ideas about public transport. I do not recall hearing any from him as yet, certainly not in his speech today.

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) (4.03): I am pleased to participate in this debate. For a city such as ours, transport must be at the heart of our collective efforts to combat climate change. The places where we can act are in our homes, in our offices and on our roads. Sustainable transport options are utterly vital if we are to play our part in tackling climate change. So how are we playing our part and are we all playing the part that we should be playing?

Since 2006 the ACT government has had a policy that the entire government vehicle fleet be composed of four-cylinder vehicles. Except where there are operational

reasons—for example, where ambulances, fire engines or off-road vehicles for park rangers are concerned—the entire fleet, or almost the entire fleet, is now a four-cylinder fleet.

I and every member of the Labor team in this place drive a four-cylinder car. Those on the crossbench are also setting an example in providing leadership for their fellow Canberrans. There are some, as we have seen recently, who will not play and who do not accept that they have a leadership role. It is a matter of some shame that just about the only cars left in the entire ACT vehicle fleet that are not four-cylinder cars are those driven by the Seselja sixers. We have a fleet of somewhere in excess of 1,200, so it really is reflective of the attitude and the disdain which the Liberal Party have shown to this particular issue, this initiative and this need for leadership.

Mr Coe: What about the fuel efficiency?

MADAM ASSISTANT SPEAKER (Ms Burch): Order, Mr Coe! Silence, please.

MR STANHOPE: In a fug of exhaust, the Liberals are led by their fearless leader, Mr Seselja himself. A bit of searching on the commonwealth government's online green vehicle guide revealed that Mr Seselja's Ford Territory TX gobbles an extraordinary 17.6 litres of fuel for every 100 kilometres travelled in the city. That is quite stunning: the Ford Territory TX gobbles 17.6 litres for every 100 kilometres travelled in the city. It has a greenhouse rating of four out of 10.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Will the opposition be quiet, please.

MR STANHOPE: It is interesting to reflect on what vehicles have a better fuel rating than the Ford Territory. A vehicle with a better fuel rating is a Hummer. Can you believe it? A Hummer has a better fuel rating than Mr Seselja's car?

Mr Hanson: I couldn't afford one, Mr Stanhope. It was above my entitlement.

MADAM ASSISTANT SPEAKER: Mr Hanson!

MR STANHOPE: We understand the angst and agitation in Mr Hanson's interjections, because Mr Hanson drives such a car himself, following dutifully in his leader's footsteps and his 17.6 litres of fuel for every 100 kilometres travelled. And we have Mr Coe, but he has a little excuse: when he took the car a year ago, he did not want to break a contract. Mr Coe drives a Holden Berlina V6. Then we have Mr Smyth.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Order! Can we have silence, please.

MR STANHOPE: I wonder what excuse Mr Smyth offers for his most recent choice of a Nissan Murano, which chugs through 15 litres of petrol for every 100 kilometres travelled in the city. Mr Smyth deliberately chooses a car with a greenhouse rating of

five out of 10. We look forward to the contributions that the Liberal Party might make on this particular issue.

Mr Smyth: We've upset you, today, haven't we? You can't mislead people.

MADAM ASSISTANT SPEAKER: That is going a bit too far.

Mr Smyth: It's been a bad week, mate. Have you got regret?

MADAM ASSISTANT SPEAKER: Mr Smyth, we heard Mr Coe in peace.

MR STANHOPE: It would have been interesting for Mr Coe to provide some explanation of why he was not prepared to set an example for fellow Canberrans in relation to this particular issue, why the Liberals in this place think that they are so special.

Labor is committed to providing excellent sustainable transport options for the people of Canberra as we plan for a cleaner, greener Canberra into the future. It is why we are excited at the recent announcement by Better Cities that it intends to use Canberra as its Australian test bed for the rollout of electric vehicles running on renewable power. That is why we are in conversation with Nissan about new-generation electric cars. That is why we are investing record amounts in public transport and it is why we are right now in the midst of a conversation with the community on a suite of policies that will deliver sustainable transport options that have never before been possible in the national capital.

The ACT government has set itself targets to increase the percentage of commuters on public transport or walking or cycling from place to place. Our goal is to increase the percentage of people walking, cycling and using public transport to get to work from 13 per cent in 2001 to 20 per cent in 2011 and 30 per cent in 2026. This will see 16 per cent of work trips made by public transport, seven per cent by cycling, and seven per cent by walking in 2026. The latest data from the Australian Bureau of Statistics indicate that we are well on the way to achieving these targets, which is a fantastic outcome.

Working in harness as a community, I have no doubt that we can achieve great things. Last month the government brought together more than 100 representatives of community and business groups to seek their ideas and input on the transport issues confronting Canberra and the region in the future.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Can we have silence, Mr Hanson, Mr Smyth and Mr Coe.

MR STANHOPE: The transport roundtable was chaired by the ACT Commissioner for Sustainability and the Environment, Dr Maxine Cooper. I again thank Dr Cooper for facilitating such a well-attended and interesting event. Significantly, we also had at the table for that conversation our friends from across the border, in recognition that, for the purpose of sustainable transport, Canberra and Queanbeyan are a single urban

unit. The Queanbeyan mayor, Tim Overall, and I have resolved to work closely and to ensure that our officials work closely over the coming period so that we can coordinate our activities and develop sustainable transport options that do not stop and start at our borders.

At last month's roundtable I announced that the government is developing the sustainable transport action plan 2010-16. That action plan will be a detailed policy document setting out how the government will implement the sustainable transport plan in the short to medium term. The inputs from the roundtable will be reflected in the sustainable transport action plan that we are developing over the coming months.

The sustainable transport action plan will consist of four strategies governing how we must move around our city and our region. These four aspects of the integrated transport system—parking, public transport, cycling and walking, and transport infrastructure—require detailed planning and strategic policy thinking.

The four strategies will be prepared alongside the overarching sustainable transport action plan 2009 and will be released with next year's ACT budget. The parking strategy will draw on work released for public comment in 2007, updated to include input from studies currently underway relating to an integrated transport-supportive parking pricing policy, parking supply options and a parking offset fund.

The public transport strategy will be based on the strategic public transport network plan developed by McCormick Rankin Cagney and will incorporate public comments from consultation conducted in August 2009 through online surveys, bang-the-table discussions and face-to-face workshops.

The cycling and walking strategy will be based on two studies running concurrently from August 2009, both of which will involve community engagement. The first study relates to cycling and walking infrastructure and accessibility in the town centres and major employment nodes, and will produce infrastructure plans for each of the study areas. The second study will review the policy, regulatory and behavioural initiatives that can help achieve greater mode shifts towards cycling and walking in Canberra.

The final strategy under the plan will be a transport infrastructure strategy. This will be based on input from the other strategies and will include an updated road infrastructure forward work program and incorporate appropriate elements of the ACT's road safety strategy. The transport infrastructure strategy will set out the capital investments to both secure greater mode shifts towards sustainable transport options and respond to capacity constraints in the transport system in the short to medium term.

I encourage all Canberrans to be actively involved in this exciting work. I ask that they think about the value they generally put on things such as cheap and freely available parking, regular and viable public transport, free-flowing traffic at peak hour and greenfield housing developments.

I think we would all agree that one thing is certain: we cannot consider sustainable transport in isolation from urban form. The two are interdependent. Changes to one

will catalyse things in the other. The Molonglo development, for instance—Canberra's latest greenfield front—has been designed with deliberate and close collaboration between the transport planners in the Department of Territory and Municipal Services and the land use planners in the ACT Planning and Land Authority. This collaboration has allowed Molonglo to be planned as an accessible urban space with excellent walking and cycling connectivity and a street design that will support effective and frequent public transport services.

The high-density residential zones and mixed-use development will be oriented around a transit corridor. Similarly, the future East Lake development will incorporate sustainable, transport friendly features to create a lively, high-density urban community, a showcase of sustainable development.

While we are stuck with the legacy of our geographic sprawl, we can make significant changes. We can retrofit our spaces. An example of that is occurring in Belconnen, where transport is being better integrated into the shopping centre and other public spaces and office spaces, with new transit corridors giving residents of Belconnen greater opportunities for moving easily around the town centre and beyond.

The notion of integrating transport and land use planning is becoming a well-established part of how our agencies work together. This is reflected in ACTPLA's sustainable futures program, which commenced in 2008. It has run a number of well-attended public forums and generated robust and informed debate.

MADAM ASSISTANT SPEAKER (Ms Burch): The discussion is concluded.

Public Accounts—Standing Committee
Reference

MR SMYTH (Brindabella) (4.13): I move:

That:

(1) the Standing Committee on Public Accounts inquire into:

(a) potential changes required to the Gaming Act due to the unforseen circumstances raised by the potential sale of the Labor Club Group and therefore proposed profit taking by the ACT Branch of the Labor Party and the national office of the Australian Labor Party;

(b) given the circumstances, the appropriateness of the Chief Executive Officer of the Gambling and Racing Commission being a public servant;

(c) concerns raised in a letter from the President of the ACT Labor Club Group to various members of the Australian Labor Party relating to outside interference in the operation of the Labor Club and the potential implications under the gaming, corporations and tax law; and

(d) whether the sale of licensed clubs for profit would undermine the community gaming model and is in keeping with the spirit of the Gaming Act; and

(2) the committee report by the first sitting week in 2010.

This is a very important subject. What we have at risk by the events of recent months is whether or not we really are an Assembly that is committed to the spirit and the keeping in place of the community gaming model that so many of us in this place on many occasions, both in this place and publicly, have said that we support.

The proposed sale of the Labor Club Group raises significant issues and those issues are not raised by outsiders. Those issues are raised by members of the board of the Labor Club Group. Those issues involve improper influence and certain potential unlawful acts. Those acts have not been resolved, and we are not aware of what the answers might be at this stage. The inquiry by the Gambling and Racing Commission will answer some of those questions. Nevertheless, there are questions on the coverage of the commission's inquiry. I would emphasise that there are important issues of public policy that must be considered relating to the sale of poker machines.

The Gaming Machine Act, in section 14, prohibits the use of gaming machine licences for individual or commercial gain by someone other than a club. It is quite interesting that section 14 of the act, grounds for refusing initial licence application by club, states:

> (1) The commission may refuse to issue a gaming machine licence to an applicant that is a club if satisfied that—
>
> …
>
> (b) someone, other than the lessor or leasing agent, will receive a payment or benefit during or at the end of a lease, agreement or arrangement entered into by the club for its premises;

This goes to the heart of the matter. It is very unclear who owns the Canberra Labor Club Group and it is very unclear who might get the benefits of this sale. It is very unclear how much the benefit of this sale might be.

We saw intervention. We saw intervention from the administrative committee; we saw intervention from head office. Head office claims that 50 per cent of its asset base is wrapped up in the Canberra Labor Club Group. How can that be? If you read the act, it is quite clear that the only people that can benefit and have an interest in this are those to whom the licences were issued. This is a very important issue.

It was never intended, when the act was made, when poker machines were allowed into the ACT, or at any time when the act has been revised, that you could sell a poker machine licence and get a profit. It belongs to the people who own the club.

There is another issue. Who does own the club? We know the Chief Minister thinks that the ACT branch of the Labor Party owns the club. We know that head office think they own at least a share of it and we know that the board is concerned that other people would think that. It was the president who wrote to people and made this public, who raised the interesting case of the undue influence. It is interesting that we cannot get a clear answer out of the Chief Minister on this issue. This is why it is important that this motion be agreed to by the Assembly today.

We had a motion yesterday that the Chief Minister clarify his position, something that I note he has not done. I reiterate that we had an unequivocal no from four ministers who said no, they had not; no, their staff had not; no, their representatives had not exerted inappropriate influence in this matter. The only person not to make such an unequivocal statement is, of course, the Chief Minister.

Yesterday, in my speech, I said the commission could only investigate the gaming issues and the commission cannot examine the application of the Corporations Law or any possible tax implications. Indeed, the commission cannot determine policies relating to gambling. This is a role for the Assembly alone.

Oddly enough, I find myself in startling agreement with the Treasurer. She agreed that the Gambling and Racing Commission cannot look at the Corporations Law and possible breaches of the tax act. That is why it is important that this referral to the public accounts committee be agreed to by this place.

We actually have the admission from the Deputy Chief Minister that I was right. She said:

> I was interested to hear Mr Smyth say something correct in his speech, which is always good …

Thank you, Treasurer. We agree that it is always good to be correct in our speeches. She said:

> 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.

I am not asking for us to administer or interpret these laws. There have been allegations made. From what I can see, no-one is investigating these allegations. It is appropriate that the public accounts committee, which looks after the financial wellbeing of the territory in matters financial, as well as gaming and racing, actually take an active role in the scrutiny of what is going on because, if the sale goes ahead, it will be seen as a precedent. I do not recall, and no-one can tell me when I have asked, an example where a club that is not in financial trouble has been sold as a going concern. If you read the act, it is quite clear that it was never envisaged that clubs would be traded in this manner. And that is another issue that has to be resolved.

It is quite appropriate for PAC to inquire into this, and that is why I bring the motion forward today. The motion has four parts, (a), (b), (c) and (d) to paragraph 1, which says:

> (1) the Standing Committee on Public Accounts inquire into:
>
> (a) potential changes required to the Gaming Act due to the unforseen circumstances raised by the potential sale of the Labor Club Group and therefore proposed profit taking by the ACT Branch of the Labor Party and the national office of the Australian Labor Party;

This was never envisaged by the act. It may be that, down the track, on recommendation from the commission and potentially from an Assembly committee or as a result of a bill in this place, the sale of poker machine licences will be allowed in this manner. But I do not believe, in the spirit of the act, that a provision for sale exists at the moment. There is a provision for surrender. There is not a provision for sale. There is a provision for surrender and a provision for reissue. And that is the important thing.

There are a number of other important issues at stake at the moment. One would be the cap. I think the discussion paper went out in 2007 and we are yet to get a position from the government. Another is the ability to transfer licences within a club group between venues, which has been out since early this year and which the club industry is waiting on. These are matters that all need to be looked at in conjunction with the sale that is going on.

This is why I say "potential changes required to the Gaming Machine Act". That is why it is appropriate that PAC have a look at this so that when the government makes its decision on the cap, tables it and we discuss it and any arrangements they might like to put in place about transferring licences between venues, if there are other issues, they can all be conducted and discussed in the same debate. That would be appropriate.

Part (b) talks about "given the circumstances". These circumstances are that, in effect, the commission has now been asked to investigate the Labor Party. That is what it is; this is it; that is what this is. The president of the board of the Labor Club Group is raising issues that affect the administrative committee and the national office. In effect, the Gambling and Racing Commission is now investigating the government. That is what is happening here. A minister in the government has responsibility for administering the act.

After my 11 years in this place, after numerous occasions, it is something that is still unresolved. We need to look at the conflict of interest provisions. Standing order 156 still needs to be looked at as to how those provisions are applied. Is it appropriate for a public servant to investigate the government of the day? That is, in effect, what will happen. It is not a slur on the public servant; it is about actually protecting that public servant.

Ms Gallagher: It is the commission; there are five of them.

MR SMYTH: Yes, there are five of them. That is correct. But the CEO is a public servant and the question is—and this is something that PAC should consider—is the CEO—

Ms Gallagher: This is your logic: you sack the CEO and then you have got four commissioners.

MR SMYTH: Then sack the board. Mr Barr sacks boards. He does not like the board; sack them; easy. "I do not get my way in the Assembly; sack the board."

Mr Gallagher: You guys are truly paranoid.

MR SMYTH: No. What we want is openness, not paranoia. You are paranoid; that is fine. What we want is openness. One question that needs to be raised is whether or not the CEO becomes a statutory appointment, not unlike the Auditor-General, so that there can be no doubt.

Part (c) states:

> (c) concerns raised in a letter from the President of the ACT Labor Club Group to various members of the Australian Labor Party relating to outside interference in the operation of the Labor Club and the potential implications under the gaming, corporations and tax law;

As I have said, the gaming part of this will be looked at by the commission. But the problem is that the allegations raised about the breaches of the Corporations Law and tax law are not being looked at, to the best of my knowledge, unless the Treasurer can tell us, by anybody. She said so herself yesterday. That is not the purview of the commission.

If the commission is not looking at it—and we have brought to the attention of the Assembly potential breaches of law—what are we going to do about it? It does raise the question: what is the Attorney-General doing about it? He is the man responsible for the administration of law in the ACT.

Ms Gallagher: Yes, and I think you will find they are not ACT laws.

MR SMYTH: They are certainly not ACT laws. But if there are potential—

Ms Gallagher: They are regulatory bodies.

MR SMYTH: Have you referred it to the federal government?

Ms Gallagher: And there are regulatory bodies.

MR SMYTH: Have you referred it? The minister interjects, "There are regulatory bodies."

Ms Gallagher: I have done my job, Mr Smyth.

MR SMYTH: She has done her job. She has sent part of this to the gaming commission which potentially falls in her portfolio but has she referred the corporations concerns or the potential tax breaches to, if not the local Attorney-General—and she is right, he does not have control of this—to the federal Attorney-General? And the answer is clearly not.

If the government, when it has brought to its attention potential breaches of law, will not take actions to investigate those potential breaches of the law, then logically it is up to the Assembly to ensure that that occurs. If the Treasurer has not referred the

Corporations Law and the tax law to the federal Attorney-General, then I think it just raises more doubt about the sincerity of the Treasurer to get to the bottom of this.

To me, the most important thing is part (d):

> whether the sale of licensed clubs for profit would undermine the community gaming model and is in keeping with the spirit of the Gaming Act;

I have been approached by a number of members of the Labor club who have said, "We are not happy; we do not want the club sold." It was never designed to be sold; it was never set up to be sold; it was never set up to take a profit.

Ms Gallagher: You wanted it sold.

MR SMYTH: No, I have never said, "Sell it." I said, "Don't take the profits of problem gambling and gambling and fund your political campaigns and your political office out of it." That is what I have said. You go back and check. That is what we said.

We have had numerous motions in this place. We actually moved to stop donations to political parties being portrayed as community contributions. It did not get up. At one stage, for every dollar that went to a political party, an extra dollar had to go to a community organisation because the Assembly acknowledged that these were put in place for the benefit of the community. But the Labor Party refuses to acknowledge that. We now see from the Chief Minister his acknowledgement that there is a conflict here, after all these years. Implicit in this is the acknowledgement that there is a conflict of interest here. That is why the clubs are being divested by the ALP.

In doing that, does it attack the community gaming model? Many concerns have been raised about where the money goes. From the profits of poker machines, there is a community contribution. But from the profits of the sale, the money is all going into the coffers of the Labor Party. There are many in the community who are doubting this and questioning this and wondering why the Labor Party gets to make a windfall from what is a gift of the community. This money should go back to the community.

I suggested that the committee report by the first sitting week in 2010 because that would give adequate time for the commission to report; it would give adequate time if somebody in the government refers the other two important potential breaches of Corporations Law and tax law to the federal Attorney-General. But by the sound of it, that is not going to happen,

The Treasurer has just washed her hands of it. She said, "I have done my bit. I have sent the letter I got to the commission, the commission under my portfolio, the commission in my purview. I have done my bit but I am not going to risk sending the same letter to the person who administers the tax act and the person who administers the corporations act." You can only ask yourself why the Treasurer would not do that.

This is an important issue. This government has put our clubs under enormous pressure through increased taxation. You have got a government that is addicted to taxes from gaming machines. They have raised the tax level to raise the revenue to

cover their poor management. We have got a club sector that has consistently asked just for some certainty in what is going to occur, only to have it changed time and time again.

They accept and acknowledge that some change is required to deal with either problem gambling or smoking issues. Many have made allowances for that. But the viability of the club sector, because of the management of the portfolio by this government, is becoming increasingly difficult. If what we see is an indication from the Labor Party that they would rather cut and run and take their money, rather than stay in the club sector, it is an interesting indication of where they potentially think the club sector is going. And that is the problem for the club sector. They lack certainty. They are saying to me that they do not get—

Ms Gallagher: You haven't read the latest letter they sent you, Brendan, no doubt.

MR SMYTH: Yes, I have read the latest letter. It said, "We have got some concerns." I commend the motion to the house.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (4.28): I will be very brief as we have had this debate a number of times this week in the Assembly. I would raise again my concern that Mr Smyth, being as concerned as he is with the club industry, did not take part in any of the consultations we have recently held over the reallocation of gaming machine licences. I would question his genuine concern on this. This is a political campaign; this is one he is going to keep pursuing. It is a waste of the Assembly's time.

The Gambling and Racing Commission is quite appropriately dealing with this matter. I referred the letter at the first instance. I know it disappointed the Liberals that I had actually made that referral. They thought they had something. They do not. They should just let the commission do their job and stop making such a fool of themselves by racing in legislation, without consultation with the major stakeholders in that industry. You are making a fool of yourself. Wait for the commission to report and then the Assembly will be all the wiser for it.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.30): The Greens do support an inquiry into the serious accusations that were raised in the *Canberra Times* and the *Australian* newspapers regarding the proposed sale of assets by the Canberra Labor club. However, last week we supported a motion to refer this matter to the ACT Gambling and Racing Commission for a full inquiry into any possible breaches of the Gaming Machine Act 2004. This inquiry is currently being conducted and the Greens will be honouring this process by waiting for the outcome of the inquiry.

However, the Greens will be watching this issue very closely until we have a full resolution of the claims. This motion raises questions about the spirit of the community gaming model and the way it is translated in the Gaming Machine Act 2004. The Greens fully support the community gaming model and expect it to be followed in a way that ensures all profits from gaming in the ACT are returned to the community.

The Greens will not be supporting this motion today. As I said, we will be waiting for the outcome of the Gambling and Racing Commission inquiry. We expect the inquiry to be conducted in a thorough, without fear or favour, manner, which would be in keeping with the professional responsibilities of the commission. We also expect that the findings will be reported to the Assembly within a reasonable time frame.

I reiterate again what I have said last week and this week: the Greens are taking a measured step-wise approach to calling for an investigation of these very serious claims. I repeat that we will be watching this issue very closely until we have some resolution of the claims.

MADAM ASSISTANT SPEAKER (Ms Burch): I call Mr Smyth.

MR SMYTH (Brindabella) (4.31): Thank you, Madam Assistant Speaker. To close this—

Motion (by **Mrs Dunne**) put:

> That debate be adjourned.

The Assembly voted—

Ayes 6	Noes 11	
Mr Coe	Mr Barr	Ms Hunter
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Ms Porter
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Seselja	Ms Gallagher	Mr Stanhope
Mr Smyth	Mr Hargreaves	

Question so resolved in the negative.

It being past 30 minutes after the time for Assembly business was extended, the debate was interrupted in accordance with standing order 77.

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent the Assembly completing its consideration of notice No 3, Assembly business.

MRS DUNNE (Ginninderra) (4.37): I thank members for the opportunity to conclude this debate. It would have been helpful if they were going to conclude this debate for the manager of government business or the whip to have actually told the manager of opposition business or the opposition whip that that is what they were going to do. It would have saved that little bit of a problem.

Mr Smyth brings forward an important matter today and it is interesting to reflect on exactly how much work is being done on this Thursday in relation to executive business. What we are actually doing here is Assembly business. We are debating whether or not there should be a reference to the Standing Committee on Public Accounts in relation to a particular matter. It is interesting to reflect that again most of the day has been taken up not with executive business but with anything but executive business, because this executive has almost no business to deal with.

Mr Smyth's important motion needs appropriate consideration and support because of the impact that the sale of a licensed club as a going concern would have on the whole concept of the community club organisation. Mr Smyth has on a number of occasions in this place talked at length about what the ethos of the community club movement is about and how the sale of a club as a going concern in this way for a substantial profit will be distributed. We do not quite know how, but certainly it will not be for the benefit of the thousands of members of the Canberra Labor Club Group.

That is an important matter. It should be looked into. I am constantly reminded of this, especially when there are large sporting events on the TV. You see the New South Wales clubs advertising themselves as community clubs and how it is about the community. The advertising takes place to the extent that for every person who walks through the door of the club the name changes from Fred's club to Joe's club to Karen's club et cetera.

I think that it constantly reminds us about the anomaly that we have here in the ACT with the Canberra Labor Club Group being part of the so-called community clubs movement. I think that for a long time the community clubs movement has been a little uncomfortable about that association and it has come to a head here.

The issue in a sense really is not about the sale of the Labor club; it is about whether or not it is appropriate to sell a club as a going concern, and if you sell a club as a going concern, how you might go about that. It is clear in the legislation—Mr Smyth has pointed this out and I worked for the Treasurer who was the responsible minister when this legislation was put together—that no-one ever conceived of the possibility of selling a club as a going concern.

There are provisions which in a pinch account for and allow for the changing of hands of clubs that are in financial difficulties, and we have seen that on a number of occasions. The West Belconnen Warriors Rugby League Club, Western District Rugby Union Club, Canberra Royals Rugby Union Club, and a couple of others that do not quite so easily come to mind, have all changed hands because they were in financial difficulties and there was no profit essentially to be made from that transaction.

But no-one ever envisaged that we would be in a situation where a profitable, going concern organisation would want to wind itself up and sell itself on for profit. And no-one has ever envisaged how we would deal with that situation. We are breaking new ground in policy and this is why Mr Smyth has recommended, and the Canberra Liberals party room supports his move in this, that we should be actually looking at how we deal with this in policy terms.

You, Madam Assistant Speaker Burch, raised this issue the other day. You asked whether it was appropriate for a committee to look at these things and whether it would be appropriate if it was the Vikings club or any other club. I take the view that it is appropriate that we look at this issue. The issue stands independent of which club is putting itself on the market.

Ms Gallagher: Why wasn't the referral written like that if that was the case?

MRS DUNNE: Because that is the impetus for this. That is the impetus. It is the only club that is putting itself on the market. This is the only profitable club putting itself on the market and as a going concern—not one in financial difficulties—wanting to sell for profit. Therefore, Madam Assistant Speaker, this is an appropriate reference to this committee.

Members interjecting—

MRS DUNNE: I think there is a conversation rather than a debate going on.

MADAM ASSISTANT SPEAKER: Mr Seselja, Mrs Dunne is asking for silence. I call Mrs Dunne.

MRS DUNNE: Because we are venturing into a new policy area—

Ms Gallagher: You lack a bit of genuine interest.

MRS DUNNE: Come on, Katy; give it a rest. Because we are venturing into a new policy area, it is appropriate that a committee look at the policy implications of what is ahead of us. I commend Mr Smyth for this reference. If the members of the Assembly do not like the terms in which this reference is couched, I encourage them to come up with an amendment that would give them a set of words which is more appropriate. But I also challenge them to dare to actually ask the questions about whether what is being proposed out in the public in relation to the Canberra Labor Club Group fits the policy as it was envisaged and as it is described in the gaming machine legislation and whether or not we do actually have the policy mechanisms to deal with this.

I have had a discussion with the Gambling and Racing Commissioner. He admits that he does not have the policy mechanisms to deal with this. It was completely unforeseen. My recollection is that he is an experienced officer who has worked in the commission since its inception. It is clearly the case that no-one ever foresaw this.

This is why this Assembly should be looking at the policy so that we make sure that we get the policy setting right and that it deals with not just this case but with any other case which may arise in the future. I commend Mr Smyth for his motion. I commend the motion to the house.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (4.45): I rise because I do not want Mr Seselja to selectively

quote part of conversations. Having been coached by the puppet master over here, he is likely to do that.

Mr Seselja: Clarify what you said, then, John.

MR HARGREAVES: I will. What we are seeing before us is a commercial arrangement. We have rules around the future of poker machine licences, and people have to adhere to them. There have been many clubs subsumed into larger ones, particularly over the past decade.

The actual decision to sell or not sell is not, in my view, in the purview of the commissioner. Rather, what happens to those poker machine licences? That is the bit you ought to write down: l-i-c-e-n-c-e-s, licences.

Mr Seselja: None of his business.

MR HARGREAVES: Yes, we can selectively quote. Knock yourself out.

Mr Smyth: That's what he said.

MR HARGREAVES: You would just be true to form. You are just so true to form—predictable. No wonder you got a short tenure.

We are talking about a private concern which is no business of Mrs Dunne's—none. You are not a member. Any disposal, any sale, of any club like that has to be determined by the members. When the members determine that such an action will happen, that is fine. But these guys! Mr Smyth is a member of the Vikings club. What he is proposing will cause anger in that club. I want to be there when they come around to his house and have a chat. I want to be there. I would like to know whether he has had a conversation with the board of the Vikings and said, "How do you like what we are doing?" They are going to say, "Brendan, we really don't think this is a good idea, mate—not a good idea at all."

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Burch): Mr Seselja and Ms Gallagher, can we stop the cross-floor conversation.

MR HARGREAVES: Whether to get in or out of a business is a business decision of the board of that particular business, regardless of whether it is a viable or an unviable prospect. We know that when a business that has the opportunity to have poker machines on its premises decides not to continue business, the rules applicable under the purview of the commissioner kick in. I do not see a problem. That is where that commissioner's involvement actually sits, and rightly so—quite rightly so. But whether to be in business or not be in business is nobody's business except the people who are running it.

This is an amazing statement that I see coming out of Mr Smyth, who wants to muck around on the internal affairs of a small business. That is what it is—not big business. BHP it ain't.

Mr Coe: What's your definition of small business?

MR HARGREAVES: You do not know the difference, do you, sunshine? You do not. BHP it ain't. Woolworths it ain't, Mr Coe. I will tell you what it is not, Mr Coe. It is not a pole-dancing parlour. It is not a pole-dancing parlour, Mr Coe.

Of course, Mr Smyth, the former small business adviser to Peter Reith, would know about it. You were a small business adviser to Peter Reith. Now we see the very same attitude coming out here in this chamber tonight.

Mr Coe: Have you ever started a business?

MR HARGREAVES: You know: get in the way; get in the way of it. Mr Coe says, "Have you started a business?" Mate, you have not even got your year 12 certificate; do not come in here and talk to me about business. When you have got your drivers licence, you can come in here and talk to me.

Mr Coe: Good on you, John.

MR HARGREAVES: If you are going to go into the cut and thrust, then come prepared. Come prepared.

Mr Coe: So I haven't started a company, okay?

MR HARGREAVES: You can bring it on, sunshine, because I am afraid you do not unsettle me and you do not faze me.

This motion by Mr Smyth is very simple. He is just trying to stop the Labor Party from accessing funds from a legitimate business. The Labor Party was formed with the express view, through its membership, to serve its membership. Nobody is forcing people to join the Labor club. Nobody is forcing people to join the club. I joined the Workers Club. Nobody forced me to do that. I joined the Labor club. No-one forced me to do that. You can join the Labor club if you want; no-one is forcing you to do it, though. I would like to see how long you would last as a member, though.

Mr Coe: You mean the democratic socialist party?

MR HARGREAVES: That is a good one. Go to the top of the class, mate, but do not take your books, because you will not be there long enough.

Madam Assistant Speaker, it is all about Mr Smyth trying to manipulate the amount of funds which may flow to a political party. That is all it really is. That is what it is. But we do not see any even-handedness. What about the 250 Club? Do we see anything about that? No. What about Mr Murphy? Did Mr Murphy decide that he had so much faith in the small business adviser to Peter Reith that he was going to bankroll him? No. Why did Jim Murphy walk? Because he did not like Reverend Smyth and his mates. That is why he walked. Are you laughing there, Mr Smyth? Stand up here and tell me I am wrong. Come on. It is all about money. He is trying to manipulate the whole of the legislative process just to—

Mrs Dunne: Point of order, Madam Assistant Speaker: I would like to stand up and tell Mr Hargreaves he is wrong.

MADAM ASSISTANT SPEAKER: That is no point of order, Mrs Dunne.

MR HARGREAVES: That is a vexatious point of order. I suggest that you name Mrs Dunne—although I should not want to name Mrs Dunne at all; there is an old adage in politics: "Don't name your opponents." I have got lots of names, but I will not use any of them.

That is what it is all about. Mr Smyth cannot raise any money any more, because Jim Murphy has left him out in the cold. So he says, "If I can't raise any money, nobody can." That is what he is doing.

Mr Coe: What have you got against Jim Murphy?

MR HARGREAVES: What has he got against Jim Murphy? I think he has got great judgement to abandon you lot; that is what I think. I did not think much of his judgement before that, but when he walked I thought, "What good judgement you have got. It is great." That is why you are all spewing.

Quite frankly, this is just a taste of Brendan Smyth spewing. Let him do it, but I do not think this chamber will take him very seriously at all.

MR SESELJA (Molonglo—Leader of the Opposition) (4.52): We did not get the clarification that Mr Hargreaves apparently jumped to his feet for. He had the opportunity to tell us what he meant when he said that this was none of his business, referring to the CEO of the Gambling and Racing Commission. I do not know what Mr Hargreaves meant when he said that, but he clearly said it across the chamber. He has not clarified. He took the best part of 10 minutes and did not clarify.

It does partly go to the heart of this motion. This is a minister of this government already seeking to give direction. He is already seeking to give direction to this public servant about his inquiry. He is saying it is none of his business—none of his business. That is what Mr Hargreaves has said in relation to the CEO of the Gambling and Racing Commission. He has had the opportunity to clarify it, and he has not clarified it. He is seeking to give direction to the CEO of the Gambling and Racing Commission. I would have thought that the sale of clubs, the transfer of licences and all that goes with that would be very much the business of the Gambling and Racing Commission—would very much be the business of the CEO of the Gambling and Racing Commission.

This inquiry—I thank Mr Smyth for bringing this forward—is important. It is important that we inquire into these matters. There are a number of questions that have been raised. There are a number of questions that have been raised in relation to the proposed sale and how that has the potential to impact, particularly, on the community's goodwill towards community-based gaming.

There has been a long-held view in the community that there is a trade-off with poker machines and clubs. That is why people support the community-based model. The trade-off is this: there is a recognition that there are negative impacts of gambling on certain members of our community. No-one here would dispute that. We all have a responsibility to try and limit that as much as we can; there is no doubt about that. The clubs recognise that; people in the community recognise that. People recognise that for some people, unfortunately, gambling comes with a significant cost to their lives and to the lives of their families.

But there has been a trade-off: "If we are going to have clubs with poker machines, if we are going to have poker machines, we will confine that to the not-for-profit sector; we will confine that to community-based clubs." That is a different model from what is done in some other jurisdictions. With that trade-off, people did not consider that poker machines would be able to be used in massive windfall profits. That was not the idea behind the establishment of these clubs. That was not the idea behind allowing poker machines in these clubs. The idea was that the money would stay in the community, that they would be used to provide those community facilities and that there would be money flowing back into the community—the charity sector, the sport sector and the community sector. That has been the understanding of Canberrans; that has been at the heart of the broad community support for the model. It is a model that we support.

There have been a number of questions raised in relation to the sale and in relation to the implications of making profits from gaming machines in the ACT. We need to have a look at where some of this started. This was not initially raised by the Liberal Party. The concerns were not initially raised by the Liberal Party; they were raised by the president—

Mr Hargreaves: Absolutely codswallop.

MR SESELJA: What did Mr Hargreaves just say?

Mr Hargreaves: I said "codswallop".

MR SESELJA: He said it was codswallop. It was not a Liberal who, as president of the Labor club, wrote a letter raising serious concerns. It was not a Liberal who did that. It was not a Liberal who did that and I do not think it was a Liberal who put him up to it. I think he did it off his own bat, raising concerns. As president of the Labor Club Group, Brian Hatch raised these concerns. He raised these very serious concerns.

There are a number of reasons why this inquiry is important. One of them goes to the issue around the chief executive officer of the Gambling and Racing Commission, who Mr Hargreaves has sought in some way to direct in the chamber today. There are a number of questions. I would be happy to give the minister leave to speak again to answer some of these questions about the extent of the investigation by the Gambling and Racing Commission. It is important that she does speak to this in this debate so that we can understand the extent of this investigation.

How detailed will it be? Will the commission be investigating the activities of people who have been alleged to have influenced the sale, or halting of the sale, of the Canberra Labor Club Group? Will the commission be inquiring of the board what influence other people may have brought to bear on the sale, or halting of the sale, of the Canberra Labor Club Group?

If the commission does not exercise these powers, will the minister be asking for reasons for not doing so and presenting a response to the Assembly? Will the commission be requiring documents or records from those who have been reported as having influenced the sale, or halting of the sale, of the Canberra Labor Club Group, including the Labor Party administrative committee? Will the commission be requiring documents or records from the board of the Labor Club Group regarding communications with those who have been reported as having influenced the sale, or halting of the sale, of the Canberra Labor Club Group, including the Labor Party administrative committee?

Will the commission be requesting interviews, statements or evidence from those who have been reported as having influenced the sale, or halting of the sale, of the Canberra Labor Club Group, including the Labor Party administrative committee? Will the commission be requesting interviews, statements or evidence from the board of the Labor Club Group regarding communications with those who have been reported as having influenced the sale, or halting of the sale, of the Canberra Labor Club Group, including Labor Party administrative committee?

If the commission does not exercise these powers, will the minister be asking for the reasons for not doing so and presenting the response to the Assembly? Will the report contain reports of those interviewed, by whom, and what their testimony was? Will a list of documents requested and the results of those requests be included? Will the Assembly have time to consider the matters and have the questions noted answered? Will the methodology of conducting the investigation form part of the final report, or are only conclusions included?

These are questions which remain outstanding. We do not know what detail this investigation will have. It is very difficult, given the lack of detail that has been given on these very questions. I would ask the minister to speak again and answer all these questions or inform the Assembly by the close of business today of the answers to these questions. This is critical for our knowing how extensive this investigation will be.

We have raised questions. We have raised questions about the government potentially investigating members of the government. That is what is at stake here. That is the potential. We have a public servant being put in a very difficult—virtually impossible—position in relation to this.

On the broader issue, these claims were raised by the president of the Labor Club Group. We do not know what his rationale was for making these claims; we do not know what his rationale was for writing this letter. But he felt compelled, for whatever reason, to write this letter to a number of individuals in the Labor Party and to ask these questions.

There are a number of outstanding questions. There are questions around the Gaming Act. There are questions around Corporations Law. There are questions around tax law. All of these issues have been put onto the public record now and into the public arena. Originally, certainly in writing, they were put by the president of the Labor Club Group.

These are serious matters that need investigation. What we have sought to do—what Mr Smyth has sought to do—in moving this motion is to say, first and foremost, that the Assembly is the proper place to inquire into some of these matters. The inquiry needs to be wide-ranging. And indeed, it is an issue not just around the claims that have been made but also around the possible implications—for the club industry and support from the community for the community-based gaming model—of an individual group making a massive windfall profit from the sale of poker machines. These are all significant issues that need to be resolved.

I again ask the minister to actually answer the questions that have been put. If she needs to go and check, she could come back and report to the Assembly by the end of the day on these detailed questions about the scope of this inquiry—about how it will be conducted, what will be reported back to the Assembly and what will be reported back to the minister—so that we can have some more certainty and some more knowledge about the detailed nature of this investigation.

We reiterate our concerns about it. It would be far better for the Assembly to inquire into this matter. That is why Mr Smyth has brought this motion today.

MR COE (Ginninderra) (5.02): It is a shame really that we are in a position where we had to move this motion today. If this government and if the minister were actually interested in good governance, integrity and process, then we actually might get a government that would actually voluntarily initiate this themselves. Instead, what we have is a minister who is resisting due process, who is resisting integrity and who is trying to come up with a second-rate solution. We want to get clarity and we want to give some assurance to the people of Canberra that all the laws are being abided by. However, obviously, the government thinks otherwise.

Paragraph (1)(a) of Mr Smyth's motion says that:

> (1) the Standing Committee on Public Accounts inquire into:
>
> (a) potential changes required to the Gaming Act due to the unforseen circumstances raised by the potential sale of the Labor Club Group and therefore proposed profit taking by the ACT Branch of the Labor Party and the national office of the Australian Labor Party …

This is a very reasonable motion, yet we have a government that are dragging their feet, refusing to do the right thing and to actually let the people of Canberra scrutinise this issue to a point whereby even the Labor Party would actually be better off. Surely the Labor Party would be better off if they knew that the system in place was actually something that they could actually say with all honesty was transparent and done with the interests of the ACT public in mind.

There is, of course, doubt about who does actually own the Canberra Labor Club Group. A lot of people have raised these concerns, including the Chief Minister. He, too, has bought into this debate and gave a valuable contribution in that he certainly outlined some of the vagaries in regard to the ownership. Regardless, the Canberra Labor Club Group as at 30 June 2008 held about 9.8 per cent of the poker machines in the ACT. This is according to the review of the maximum number of gaming machines allowed in the ACT as published in September. So we have this issue whereby the Canberra Labor Club Group, which could be owned by the Australian Labor Party, the governing political party in the ACT, is requesting from a commission comprising public servants—

Ms Gallagher: One public servant.

MR COE: Sorry, comprising a public servant in that capacity, and perhaps other public servants in other capacities. They are put into a very, very tricky situation, I would think. Of course, they are all good people and they will do what the government requests of them. However, when you have loyal public servants who will do their jobs to the best of their abilities but who are put in a situation that is undesirable, that is not their fault; that is the fault of the government for bringing about that process. Again, the burden falls upon the government to actually show some leadership here and to actually do the right thing.

It is interesting that this report also highlights the amount of money which the average Canberran is actually pouring into poker machines. I think these figures are absolutely startling, and I think it is well worth stating this in the Assembly. In 2004-05 the per capita expenditure on gaming machines by the average adult was $746. I do not put anywhere near that amount into a gaming machine in any given year. I would not think that any of my colleagues would put in $746. Therefore, there must be quite a few people who are putting in way above $746 per year, thus driving up the mean to $746.

What is the median, I wonder, of this data set? I doubt it is $746. I would think the median would be actually far lower. There are a significant number of problem gamblers who are perhaps driving the mean up to $746. That is a startling figure, and one that I think the Assembly really needs to look into as to how we can better empower the commission and the club sector to deal with this issue. They are, of course, experts in this space, and any support that we as an Assembly can give them would be appreciated.

The club sector have a vested interest in being responsible, and the club sector are very keen for their own reputation and for the welfare of Canberrans to do the right thing and to help curb problem gambling as much as possible. It is for this reason that the legislation states that revenues from poker machines should be for the community's benefit. That is an eminently reasonable position. However, it is disappointing that it is possible that the Australian Labor Party could, in fact, be profiteering to the tune of $50 million on the back of problem gambling.

I said earlier last week that in Belconnen the percentage of poker machines owned by the Labor Club Group is pretty startling. In June 2008 the Labor Club Group operated

367 machines in the electorate of Ginninderra out of a total of 1,178. That is the suburbs of Belconnen, Nicholls and Hall. At the time of the election, there were 68,358 adults in Ginninderra and there were 367 machines. In Ginninderra alone, the Australian Labor Party had 5.35 machines per 1,000 adults. That is an incredible figure. That is comparable to all the poker machine operators in Tasmania combined. In Tasmania the figure is about 5.8 or 5.9 poker machines per 1,000 adults. Here you have one operator alone with 5.35 machines per 1,000 people.

This is a ratio in a fairly dense population, unlike Tasmania where you have a population dispersed over a reasonable geography. Here in the ACT, everyone in Canberra is within a very short drive, if not a walk, from poker machines. So if you live in Belconnen, you have got 68,358 adults within a five or 10-minute drive of 367 Labor club poker machines. If you have that sort of exposure in an industry, surely the onus is on that provider to be putting that money back into that community. It is a very defined community. The district of Belconnen is pretty well defined. It would be quite easy to actually put the money collected from poker machines back into that community in a similar way that the other clubs do. It would be extremely disappointing if we saw the Labor Party profiteer on the back of such gambling, perhaps to the tune of $50 million.

In conclusion, Mr Smyth's motion is very worthy of this Assembly's support. It is disappointing that, at this stage, it seems the Labor Party will not be supporting this motion. I commend Mr Smyth for moving this motion, and I commend it to the chamber.

MR SMYTH (Brindabella) (5.12), in reply: In closing, much has been said today and some concern was raised about the angst in the clubs community about my actions. Well, I can tell you there is a lot of angst in the community about the Labor Club Group's actions and the Labor Party's actions. I know that the community is greatly concerned about what is happening here, the lack of transparency and the clear lack of openness in what is going on. People are worried about the implications, and this chamber should be worried about the implications. The implications for gaming in the future lead me to say that we should be sending this off to the public accounts committee for inquiry. This is a very important issue in regards to the future of community-based gaming in the ACT.

I was at a meeting last night where a member of the Labor Party said, "Just keep going. You tell them that we didn't set the club up for the politicians to sell for their benefit. Don't you stop." He said that when he and his mates set it up, there were a couple of people that took the loans out over their houses to get it going. He told me some of the history and some of the stories, and he said, "We didn't set it up to sell it. You find out. You need to get to the bottom of this and find out why they're doing this." And that is what we need to do.

I am disturbed by some of the comments from the minister, who said she has done her bit. She sent it to the Gambling and Racing Commission; that is her bit; that is all she has to do. The minister needs to read the ministerial code of conduct. Section 2 refers to respect for the law and the system of government and says that ministers will uphold the laws of the Australian Capital Territory and Australia and will not be party to their breach, evasion or subversion.

Ms Gallagher: Is that in the members code, too?

MR SMYTH: Well, I am not sure. I am talking about your code; I am talking about the ministerial code. You go and get my code out and you check it for me. This is the code that you have signed up to: ministers will uphold the laws of the Australian Capital Territory and Australia and will not be party to their breach, evasion or subversion. So the minister says, "I am aware of concerns that have been raised. All I have to do is to send it off to the bit I am responsible for." There is an inherent conflict. She has sent a document about her party to an organisation for which she is responsible—the Gambling and Racing Commission. We have the conflict of interest there, but we will get back to that in a minute. She said, "I am not responsible for corporate law. I am not responsible for tax law." Well, who is? Ministers will uphold the laws of the Australian Capital Territory and Australia.

Which minister here will uphold the laws of Australia? It will not be the Treasurer, because she said she will not. It is not the Attorney-General, because he has bolted. He has done nothing about it, although he is not in the loop. He did not get the letter. Mr Barr got the letter. But give the Treasurer her due, she at least forwarded the letter. I have praised the Treasurer on a couple of things, and I will do it again. She at least forwarded the letter to the commissioner. Mr Barr got it and did nothing. Where is Mr Barr in this? Where is Mr Barr upholding the laws of the Australian Capital Territory and Australia? Absent, missing—same as the Chief Minister. Did the Chief Minister, who has overall responsibility for the ACT, abide by his own code of conduct and uphold the laws of the Australian Capital Territory and Australia? Apparently not. That is what is wrong here. That is why this referral to the public accounts committee should be endorsed by the Assembly today.

We know it is not the Treasurer. We know the Attorney-General is irrelevant; he does not even get the letter. We know that Mr Barr has not said anything. We know that the Chief Minister will not even come down and tell us his part in the whole fiasco. You have to question why he will not tell us that. Perhaps it is Mr Hargreaves who is going to uphold the laws of the Australian Capital Territory and Australia. No, no, he said it is not his bloody business. He said to the CEO of the Gambling and Racing Commission that it is not his bloody business. That is what Mr Hargreaves thinks about this. However, it is his business. That is what he is there for. You have got this conflict between the Treasurer and Mr Hargreaves and, again, this is the problem.

This is so unclear; this is murky. The chief lines are run out: it is the Liberal Party just making politics out of this. It is not. We did not raise these issues; they were raised by a member of the Labor Party; they were raised by the President of the Labor Club Group. He said, "I am concerned at the actions of the Labor Party, their administration committee, the national office." We should all be concerned about this. It would appear that only the Liberal Party are concerned today about the broader, far-reaching implications of what is going on and the lack of activity of the government, who are charged by their own ministerial code of conduct to uphold the laws of Australia, which they are refusing to do. The Treasurer just washed her hands of it and said, "Done my bit. I just sent it to the bit that I can control."

There are broader implications raised by this debate, and I thank the Labor Party for extending the debate. I think it has been very educational to find out how they really feel about this and what they really feel about community gaming in this city. They have shown it on a number of occasions over the last eight years where they have increased taxes, they have taken away certainty, they have put extra bonuses on the clubs. They keep changing the rules when the constant plea has simply been "give us some certainty".

This sort of inquiry would have given them some of that certainty, because there are a number of issues that are going to come out of this at a time when eventually the Treasurer gets around to telling us what the new arrangements might be for the transfer of licenses between clubs and a group and we have a discussion on the cap. That has been taking years; there is no certainty in this. Everybody is waiting for the answers on these.

Ms Gallagher: I've only had it for six months or something.

MR SMYTH: You have only had it for six months?

Ms Gallagher: The portfolio.

MR SMYTH: The portfolio? I thought you got the portfolio in November. It is August—10 months. "I've only had it for six months." It is actually 10 months. That is why she is the Treasurer; she knows the difference between six and 10! That is the problem with this, and that is the problem of what we are doing here today.

Ms Gallagher: I can give you all the submissions on it, if you want them?

MR SMYTH: The minister has just offered me the submissions. I would love to see all the submissions.

Ms Gallagher: With the permission of the people; I don't have a problem. I have got 24 submissions.

MR SMYTH: Yes. If I could see the rest, I would be delighted. I could give you some advice on what to do with them.

Ms Gallagher: I would like your advice on them.

MR SMYTH: Well, come and talk to me.

Ms Gallagher: I think it's complicated.

MR SMYTH: Is your office going to ring mine or is my office going to ring yours? "It's complicated," the Treasurer says. It is complicated. That is the whole point of this debate. It is complicated; it is not as simple as, "I've sent a letter to the commission and everything is going to be right." We have got a government that has made no decision on the cap. I understand that the Treasury is still coming to grips with all the reports. So the question is, what is the Treasury up to, let alone how long the cabinet process will take when the cabinet finally gets to it. That is a problem.

We have got a government that refuse to uphold the laws and they break their ministerial code of conduct. It is not worth the paper it is written on. But at the heart of it, we have got an Assembly that is not interested in what these changes mean and what these circumstances mean. They were not thought of when this act was drafted. It was not considered that somebody would sell a club as a going concern and walk away with a massive profit.

The profits from poker machines belong to the community. That is what they were given for. These licences are a gift from the community to the organisations for the benefit of their members and the community at large. No-one intended an enormous windfall profit to any organisation. No-one ever foresaw this circumstance. Where we are confronted by changing circumstances, the Assembly has an obligation to act. It has an obligation in this case to act swiftly, because I would not mind betting that the circumstances will change after the Labor Club Group, the national office, or whoever owns the Labor Club Group, sells, gets the profits and pockets them away. Watch the rules change then. Once they have sold it, watch the cap change. Watch the rules for shuffling machines between venues change.

The Labor government should tell us today what they are going to do in relation to both of those, because if they do not and they expect their sale to go ahead before the changes are made, it shows the conflict of interest. Here is the Labor Party manipulating the system, the government are manipulating the system. In this case it is for their own financial benefit. I would bet you that the rules will change if the Labor Party—or whoever owns the Labor Club Group—manage to divest themselves and the national office or the local office get their cut and the community misses out. That is what will happen here, and that is the problem. That is why it should go to the public accounts committee, because, at the end of the day, the community will miss out if it goes ahead without scrutiny, if it goes ahead without proper legislation, if it goes ahead without the questions being answered, and if it goes ahead with the murky cloud that exists over the Labor Club Group sale in the ACT at the moment.

We did not raise these issues; members of the Labor Party and the Labor Club Group did. They ask, they beg, that these issues be investigated. Not just the little bit that fits inside the commission, but the community benefit, breaches of the tax act, the future of community gaming. They are all embodied in this motion. It is worthy of going to the public accounts committee; it is worthy of being voted in favour of today.

Question put:

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

The Assembly voted—

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

Crimes (Bill Posting) Amendment Bill 2008

Debate resumed from 11 December 2008, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

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

> That order of the day No 1, Executive business, relating to the Crimes (Bill Posting) Amendment Bill 2008, be postponed until a later hour this day.

Work Safety Legislation Amendment Bill 2009

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

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.26): The opposition will be supporting this bill, save one element, which I will address later. The bill provides the vehicle for a range of routine provisions needed as a consequence of the Work Safety Act 2008, which I will now refer to as the act, and which commences on 1 October 2009. In addition, it facilitates the transition arrangement that introduces a number of more substantive provisions.

As with the act, the bill will come into effect on 1 October or later, if notified. It repeals the existing OH&S laws, regulations and instruments. There is a range of non-contentious, consequential and transitional provisions, as well as minor amendments relating to matters that require clarification and to ensure consistency. The bill also provides for incorporation of related documents, allowing the regulations to keep pace with changes to best practice; for example, Australian Standards. The bill also protects a member of a work safety committee from civil liability for accident or omissions done honestly and without recklessness.

Among the more substantive provisions is one that expands the sharing of information. The principal change is to enable information to be shared with another person administering a corresponding law, a defined term, within the Office of Regulatory Services, across other territory agencies and with interstate jurisdictions and the commonwealth where that sharing is in the interests of work or public safety.

The bill introduces two offences. The first reframes offences under the current Occupational Health and Safety Act 1989 in relation to obstruction of work and safety representatives. The second protects the privacy of a worker's personal health information, including an employer from disclosing that information to a work safety representative without the employee's consent.

Of concern to the opposition is proposed new section 55A, which the bill would insert into the act. It is an extension to the existing provisions enabling the chief executive to direct an individual employer to establish a health and safety committee if the chief executive is satisfied that the employer's workplace is hazardous and that the

committee will improve work safety. The new section gives the chief executive a similar power for an entire industry, to direct, by way of a notifiable instrument, all employers in a particular industry each to establish a work safety committee. This power is given without any requirement to consult with the industry.

Whilst its intent may be in the best interests of ensuring safe workplaces for employees—which we support—it is an unchecked power which is draconian, anti business, and anti employment. While it remains in that form, we cannot support it. Any decision that affects an entire industry must be fully transparent with lines of accountability and a proper process of full consultation across all relevant stakeholders, including expert advice, and it must be subject to public scrutiny.

Such a power as this that lies in the hands of the community sector, a public servant—not even the minister—someone who is not involved in the business sector, someone making decisions that affect the business sector, potentially in a profound way, may not be appropriate or relevant for one reason or another. Businesses engaged in an industry will vary considerably in size, work safety track record, existing safety practices and so on. For example, the plumbing industry deals with potentially hazardous work situations, chemicals and equipment. Businesses within that industry invariably will include small businesses. Some might only have one or two employees. Would a direction to direct all employers in the plumbing industry require those small businesses to form a work safety committee be fair and reasonable? It would be a ridiculous situation, in which a non-compliant employer would be exposed to a strict liability offence involving 100 penalty units.

The bill and the explanatory statement fail to explain the rationale for this new and substantial power that this new section affords to the chief executive. It also fails to explain how this power might work in practice. They fail to contemplate the potential impact on the business sector across an industry. They fail to provide any leeway or guidance or for exemption. The Canberra Liberals will be opposing proposed new section 55A in the detail stage.

MS BRESNAN (Brindabella) (5.31): The Greens will be supporting this bill. The Work Safety Amendment Bill 2009 is largely unfinished business relating to the Safety Act 2008, which is, in essence, a modernisation of the ACT's existing occupational health and safety regime.

I have previously made comments as to the shift towards safety duties in this and other areas, such as the control of dangerous substances. Last week we debated the Road Transport (Mass, Dimensions and Loading) Bill, which was the ACT implementation of a national road transport project, and took the same approach.

In this case, however, the ACT work safety legislation is at the front of a national scheme that could be up and running in about three or four years. National projects, however, do not always move as fast as is hoped. So, in the interest of good work safety practices and the wellbeing of workers in the ACT, the Greens are pleased to support action in the ACT.

What underpins this approach to legislative protection in the workplace and in transport and other areas is the establishment of legal responsibility to follow safe

procedures, meet statutory requirements for responsible action and behaviour and establish processes and records that can demonstrate to authorities or the courts how this responsibility has been met.

Generally, it is about extending our duty to accept legal responsibility for the wellbeing of others where our work or decisions we take in our work can impact on them. The work safety legislation, in common with other acts, needs to give legal weight to these everyday responsibilities. It also needs to give a range of people some authority in scrutinising, testing and assessing how those responsibilities have been met and powers to do so.

Consequently and obviously, this legislation also sets up a number of offences, defences and penalties. As has already been outlined by others here, this bill does a number of formal and necessary things. Significantly from our perspective, it brings all public and private sector employers under this one regime. Having different work safety practices and requirements for different sectors is confusing at best. New provisions in this bill that are of wider interest include part 1.9, which inserts proposed new section 55A, giving the chief executive the power to direct all employers in an industry to establish health and safety committees, and changes to confidentiality provisions that enable protected information to be shared.

I understand the concerns that some small businesspeople might have about a requirement to establish a formal work safety or health and safety, committee. An instruction for a workplace to create, organise and service a work safety committee could be onerous, even where that workplace deals with hazardous substances or activities. However, the whole notion of a setting up such a committee is predicated on the reasonable grounds that not only is the work being done hazardous but that the establishment of a committee will improve work safety. This is a matter of some sensitivity, however, and it is for that reason that the Greens will be supporting an amendment that the Liberal Party will move in the detail stage making any such direction made by the chief executive under this section disallowable in the Assembly.

The other issues of substance centre on privacy. In particular, this bill will allow protected information to be made available more widely between safety regulators. I note the detailed discussion of secrecy and data matching in the scrutiny of bills report, and we appreciate the timeliness of the government's response. We welcome the amendments that take on board scrutiny comments.

The issues around secrecy are more complex and we accept that some care has been taken to consider the legislation's effect from a human rights perspective. We also acknowledge the broader debate being led nationally by the Australian Law Reform Commission on this matter. It may be that we will need to review ACT legislation more generally in this light further down the track.

I note the reference to the ACT Human rights Office issuing a compatibility statement. Given the complexity of these matters and their sensitivity, this might have been an occasion where Human Rights Office analysis was released with the compatibility statement.

Finally, I will make a couple of comments on the impact of this legislation. I have no doubt that the bill introduced last year and this follow-up legislation were presented to cabinet with consultation reports and regulatory impact statements of a kind. It was somewhat entertaining and informative to hear Minister Barr chiding the Greens for failing to independently commission and provide a regulatory impact statement with our energy efficiency bill. I have been unable to find any such analysis produced by the department to inform cabinet deliberation anywhere on the public record.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.36), in reply: With the debate here today on the Work Safety Legislation Amendment Bill 2009 this Labor Government has reached the next important milestone in the rollout of what is some of the most progressive work safety legislation in the country.

The Work Safety Legislation Amendment Bill 2009 makes consequential and transitional arrangements necessary to enable commencement of the Work Safety Act 2008 on 1 October 2009. Critically, this includes the repeal of the Occupational Health and Safety Act 1989 to allow the Work Safety Act 2008 to replace it. The bill also repeals schedule 3 of the Public Sector Management Act 1994. Schedule 3 provided a range of work safety obligations for the public service. The repeal means that public and private sector employers in the territory will all be required to comply with one work safety regime—as it should be, Mr Speaker!

In addition, the bill provides for various appointments and arrangements under the existing OH&S act to continue when the regulations commence on 1 October 2009. Other transitional aspects of the bill include appointments of current OH&S council members and the OH&S commissioner. Further, existing workplace arrangements, including health and safety representatives and health and safety committees, will be transitioned to become work safety representatives and work safety committees when the new act commences. The bill also supports compliance measures, including prohibition notices, so that they remain valid and effective after 1 October 2009.

The government believes that the role of the new Commissioner for Work Safety is critical to the delivery of best practice in the workplace. To that end, I am pleased to inform the chamber that the Stanhope Labor government has delivered an additional $120,000 annually for the promotion of work safety. The work safety fund will be devoted to the promotion of better OH&S practices and will enable the commissioner to target and respond to specific work safety issues. Importantly, the work safety fund will also support the establishment of joint initiatives with work safety partners to develop and trial innovative methods of work safety training and education.

As members would be aware, in June last year the government released an exposure draft of the Work Safety Bill 2008. That release came about at the same time that discussion continued at the national level on the issue of how to establish nationally consistent occupational health and safety legislation. What was important about the release was that it commenced a most extensive and wide-ranging multilevel consultation process. This process has continued seamlessly since that time, most recently with the last special meeting of the Occupational Health and Safety Council

on 7 August 2009 to consider the issues that have been raised in the most recent round of public consultations, specifically on matters relating to the act's draft regulations.

On that point, this is the most recent round of consultation on the bill. The first six weeks of consultation took place when the exposure draft was released for consideration in June last year. Preceding the last meeting of the Occupational Health and Safety Council the government again undertook a further six weeks of public consultation to engage all stakeholders and get as much feedback as possible on the development of the work safety draft regulations.

I acknowledge that I digress a little from the bill before us. However, I believe it is important to put into context how extensive engagement has been with all who have had a stake in this legislation. Consultation has underpinned the development of the various elements in this legislation. In fact, it continues as we move towards notification in October of the Work Safety Act Regulation.

Importantly, the Work Safety Act requires that, before making regulations, the government must consult with the council on the subject matter of the regulation and have regard for the recommendations made to the executive by the council, and this is exactly what the government is doing.

On another matter, I must admit to having grave concerns about the opposition's commitment to workplace safety—a concern, no doubt, that would be shared by the broader Canberra community. The impression I am getting from Mrs Dunne is one of lack of real commitment to the core issue—workplace safety. The opposition's opposition to proposed new section 55A is a case in point. Mrs Dunne would seem to prefer that there was no other identification in the bill as to what is a hazardous workplace.

Should it be that those working in smaller enterprises should have no protection in the law against hazardous work environments and hazardous work practices? Quite simply, it is an outrageous proposition that we should have second-class workers in this city—second-class workers who, I dare say from Mrs Dunne's comments on Tuesday in the long service leave debate, not only do not deserve protection from dangerous work practices or dangerous workplaces but do not deserve long service leave either. I wonder what else Mrs Dunne believes those workers in smaller enterprises should be entitled to. I wonder where she gets her inspiration from. It all sounds a little like Peter Reith, former federal Liberal workplace relations minister of Patrick Stevedores fame.

Could it be that Mrs Dunne gets her inspiration from Mr Smyth, former small business adviser to Peter Reith, or is this par for the course in the Liberal Party, both at the federal and territory level? Is it the death rattle of Work Choices that I hear from across from the chamber? I fear that it is not the dying gasp, but the sound of wishful thinking on the part of those opposite that would take us back 100 years and indenture most workers if they had their druthers.

In noting the changes in proposed new section 55A, I would like to emphasise here and now that I look forward to the day when those opposite rise to move disallowance in the declaration of a dangerous workplace, Yes, I do. For it will reveal them for

what they really are—an anti-worker party, a profit at all costs party, opposed for opposition's sake, deprived of relevance and one that is completely out of step with contemporary Australian workplace standards. After Mr Coe's sycophantic adulation of John Howard, that comes as no surprise.

I would like to thank and congratulate the people who have been instrumental in bringing this forward: Robert Gotts and the work safety policy team; Louise Gilding, who is sitting in the gallery at the moment; Katherine Jones and John Rees. I thank them very much for their contributions to bringing this bill forward. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Schedule 1, amendments Nos 1.1 to 1.8, by leave, taken together and agreed to.

Schedule 1, amendment No 1.9.

MRS DUNNE (Ginninderra) (5.44): I move amendment No 1 circulated in my name on the primrose paper *[see schedule 1 at page 3906]*.

This is a simple and straightforward amendment. It goes to the heart of proposed new section 55A.

As I said in my opening remarks, proposed new section 55A allows the chief executive to declare an entire industry essentially an unsafe industry and require every employer in that industry to have a work safety committee, irrespective of its size. At the moment, as it stands, it is a power which is reflected in the previous section 55, which allows the chief executive to declare an unsafe workplace.

We do not have a problem with the notion of declaring an unsafe workplace, as much as Mr Hargreaves would like to put together this old, classic Labor class warfare argument that would contend that we do. But the notion of declaring an entire industry essentially unsafe and requiring everyone in that industry, regardless of size and regardless of their record, to behave in a particular way is unreasonable. It is a matter of considerable concern to us and to people who are employees in this industry.

We do not know where this will fall. It would be better if, for instance, this was a power that best rested with the minister. The minister could at least account to the Assembly for why he was proposing to do this. But, as it currently stands, the chief executive can make this determination. He does not have to account to anyone for why this happens and it is done by a notifiable instrument. The Assembly gets no say in something that could have wide-scale ramifications for employment in the ACT. It is a bad piece of legislation and it should be opposed.

MS BRESNAN (Brindabella) (5.47): This amendment would remove proposed new section 55. As I argued in the in-principle debate, the Greens accept the need for the chief executive to declare an industry hazardous to ensure that workplace safety processes are in place across the board. It is not an action that will be taken as a matter of course, but as a fallback. It is a way to make and enforce a requirement that workers need to be involved in safety procedures in their workplace in that particular industry. The question really revolves around ensuring improved workplace safety. This legislation has been developed over many years with employer, worker and regulator involvement.

As I have already said, the Greens will not be supporting this amendment to delete proposed new section 55A, but instead support the Liberal Party's back-up amendment that would make this section disallowable. We will also have a closer look at the regulations when they are made available.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.47): The government will not be supporting this amendment. I think I made that abundantly clear in my speech in reply.

Amendment negatived.

MRS DUNNE (Ginninderra) (5.48): I move amendment No 1 circulated in my name on the white sheet *[see schedule 2 at page 3906]*.

This amendment deletes from the new proposed section 55A(3) the provision that this is a notifiable instrument and makes it a disallowable instrument. This is the Liberal Party's fallback position. As I have said before, we think that the capacity for the chief executive to declare an entire industry, irrespective of the performance of people in the industry, as a dangerous one, on the face of it, seems unreasonable. At the very least, the chief executive should be answerable to the Assembly on such a potentially draconian decision. Therefore, by making this a disallowable instrument, such a declaration would come before the Assembly and could be disallowed if it was deemed necessary to do so. This is the absolute bare minimum of accountability that we need when we are making such important laws.

MS BRESNAN (Brindabella) (5.49): As I have already indicated, we will be supporting this amendment.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.50): The government will not be supporting the amendment. I cannot for the life of me think why the declaration of a workplace as being an unsafe place would need to be dealt with here. If an industry is so hazardous that an inspector has to declare it as hazardous then it should be declared as hazardous, and I think it should be notifiable.

Notwithstanding that, the other thing, of course, that we are ensuring is that if those opposite want to move to disallow such a declaration they are going to have to put on

the public record all the details about it. If you want to talk about naming and shaming in public, this is a good way to go about it. In a funny kind of sense, in an obtuse kind of sense, the mere fact now that this can be a disallowable instrument means that industries and components within it now run the risk of actually getting themselves named in this place because a workplace inspector thinks they are a dangerous place to be but those opposite do not think it is a dangerous place to be. I look forward to that debate.

I look forward to the debate where the opposition says, "No, this is not a hazardous workplace," yet a person who is qualified looks at it and says, "Somebody could get killed here." But, no, these blokes opposite know much better than that. They know a hell of a lot more than a qualified inspector would because, in fact, they are experts in train crashes.

Amendment agreed to.

Schedule 1, amendment No 1.9, as amended, agreed to.

Schedule 1, amendments Nos 1.10 to 1.18, by leave, taken together and agreed to.

Schedule 1, amendment No 1.19.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.52), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 3 at page 3906]*.

I table explanatory statements in respect of those amendments. The government will be moving two amendments arising from comments from the scrutiny of bills committee report No 10 released on 10 August 2009. Each amendment has been made to clarify the objectives of the bill. These amendments are to clause 1.19, section 211, which deals with the use of protected information. These amendments will ensure that the intention of the provision is unambiguous and does not go further than necessary to achieve the purpose of the legislation.

Amendment No 1 removes the words "under a summons or subpoena". The scrutiny committee advised that these words restrict the operation of this section and this amendment will ensure that the disclosure of information to a court will be permitted in all circumstances. It is accepted that the provision, as amended, will fulfil the essential purposes of permitting disclosure without narrowly restricting the disclosures to only those instances where a summons or a subpoena has been issued in relation to legal proceedings.

The second amendment changes the definition of corresponding law by removing the words "whether or not the law corresponds or substantially corresponds to this act". This means that a corresponding law for the use of protected information can only be a law of the commonwealth or a state that is declared by regulation. This will ensure that it is clear that it is not the government's intention to permit or allow data-matching by another government agency with which the relevant information is shared.

In this context, data-matching refers to the large-scale comparison of records or files collected on file for different purposes. While it is not considered that the bill, as tabled, permitted data-matching, in light of the concerns raised by the scrutiny committee about the provision facilitating other uses of information, this amendment will put the issue beyond question. I would like to express the government's appreciation to the committee for its advice in this matter.

MRS DUNNE (Ginninderra) (5.54): As the chair of the scrutiny of bills committee, I thank Mr Hargreaves for his graciousness and his thoroughness in dealing with this matter. It was a matter of comment in the scrutiny of bills committee meeting the other day, when we received Mr Hargreaves's response, how well the department had dealt with this. I compliment him on it. We will be supporting these amendments.

MS BRESNAN (Brindabella) (5.55): The Greens will be supporting these amendments which, as has already been stated, simply pick up on the recommendation from the scrutiny of bills committee.

Amendments agreed to.

Schedule 1, amendment No 1.19, as amended, agreed to.

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

Bill, as amended, agreed to.

Campaign Advertising—Select Committee
Report

MS BURCH (Brindabella) (5.56): Pursuant to order of the Assembly of 1 April 2009, I present the following report:

> Campaign Advertising—Select Committee—Report—*Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*, including additional comments.

I move:

> That the report be noted.

I am pleased to be able to speak to the report of the Select Committee on Campaign Advertising *Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*. The committee received a number of submissions and held public hearings where we heard from a range of stakeholders. I would like to thank all the witnesses that took the time to appear, as well as the organisations and individuals that made a submission. I would also like to thank other members of the committee—Mr Coe and Mr Rattenbury—for their participation and contribution, and last but certainly not least, the committee secretary, Sandra Lilburn, and Erin Anderson for their excellent assistance.

Madam Assistant Speaker, I do support the development and implementation of accountable mechanisms to ensure appropriate use of public funds in government advertising. While submissions and witnesses were supportive of the intent of the bill, they also identified a range of problems with the bill and noted the need for a number of amendments. Submissions could be divided into two camps with respect to the best mechanism for implementing an appropriate framework—that is, whether this could be best achieved through a legislative framework or through an administrative framework.

This report contains 14 recommendations. I will not speak to them. Rather, I suggest that members read through the report. I also suggest that members refer to *Hansard* for a fuller description of issues raised, because there were multiple issues raised by witnesses and through submissions. The report recommends the development and implementation of a framework for government advertising, as does the ACT government, as is evidenced in its submission and through the public hearings.

With the indulgence of other committee members and members here, I would like to use the time I have to focus on my additional comments. This report identifies a series of concerns in a number of areas. However, even though the majority, if not all, of submissions and witnesses raised a number of concerns with the bill, only a few have been included in this report. Some of the other concerns raised included amendments to the principles and objects of the bill; authorisation requirements; exclusions, such as opinions; and a lack of clarity regarding statutory authorities and TOCs.

Firstly, I do not support recommendation 2—that a legislative framework for the regulation of government campaign advertising be adopted by the ACT. The ACT government provided a submission which outlined an alternative administrative framework and noted their guidelines provide the basic principles that would be observed by ACT government departments and agencies.

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.

MS BURCH: As noted by the ACT Auditor-General, the commonwealth guidelines are still being revised, indicating the value in a planned implementation and review process. I quote the ACT Auditor-General:

> Based on our discussions with the Australian National Audit Office, they are improving the guidelines. Also, the process was reviewed throughout the last 12 months or so.

I suggest that the ACT government adopt an administrative approach, including guidelines that could be reviewed after two reporting periods. This would allow for the guidelines and reporting framework to be adjusted as necessary, hence leading to a framework that is tailored for best results for the ACT.

I do not support recommendation 6—that $40,000 be the cost threshold for review and reporting of government advertising. As the committee noted that production and

development costs are to be included in the threshold of $40,000, this low threshold seems to indicate that other members of the committee sought to capture as much advertising as possible without consideration to the usefulness of this exercise. The threshold was also raised at public hearings, with most commentary saying $20,000 was too low and suggesting a range of between $50,000 and $100,000 as a more appropriate threshold. As the Auditor-General said:

> I think something between $50,000 and $100,000 could be more reasonable.

The Electoral Commissioner went on to say that "somewhere between $50,000 and $100,000 feels right intuitively". The Democratic Audit said:

> It looked low to me. The drafters did not give you an indication of why they pitched on that amount?

The Democratic Audit went on to say:

> But there was some sort of analysis undertaken before the number was arrived at. The issue I am raising, and essentially it was raised by the Auditor-General, is: if you are going to pick a number, you need to be able to substantiate why you have picked that number, what happens above and below that number. So it should be a properly documented number. If it is confidential then it seems to me that the rationale is not transparent. There should be a transparent rationale.

The Democratic Audit also added:

> … but I do not understand what the reasons are or whether there is any sort of transparent research that has been conducted around that.

That is, the figure of threshold. I suggested to the committee a range of between $50,000 and $80,000 as a more appropriate threshold, based on evidence given through the committee process and on information on hand. I ask: where did this arbitrary figure of $20,000 come from, given the comments by the Auditor-General, the Electoral Commissioner and the Democratic Audit? I can only assume that Mr Seselja's vision was simply: "Well, let's just get them all, and let's hope the Auditor-General can sort them out." There must have been a turn of his luck when the Auditor-General came to the hearing and made it quite clear that she was not interested in being part of this process. Not only did she not agree with the threshold but also she did not agree to her involvement in the process. I quote:

> To be independent, and to be seen as independent, the Audit office should not be involved in this.

The committee also supported the Auditor-General in not wanting to be part of this process, and indeed recommended that an independent panel undertake that function.

I do not support recommendation 13—that territory-owned corporations be covered by the proposed legislative framework for campaign advertising. Madam Assistant Speaker and those opposite, TOCs are companies. They are governed by a board. They are covered by the Corporations Act and they do not report to a minister. In short, they are not a government agency. I do not support the inclusion of TOCs. This

was also considered unworkable by the Managing Director of Actew and problematic by the ACT Auditor-General, who said:

> We are struggling with the idea of whether or not TOCs should be covered. The reason the government set up TOCs often is that they have commercial obligations and hence they are not normally subject to a number of government policies and guidelines. So if this legislation applied to TOCs such as Actew and ACTTAB then it will be a step away from the normal government legislation coverage.
>
> I think that could be very hard for government legislation in terms of complying with policy and procedures to be intended to cover TOCs.

The fact is that this bill was so hastily created, so politically motivated, so half-baked, that it can only be assumed it is nothing more than a petty trawling exercise by the Liberals, a result of no policy, no ideas and confusion about what advertising is—advertising by a political party, the government or a corporation. I will just provide a couple of examples—firstly, most crucially, the lack of meaningful definitions in the bill. The original definitions provided by Mr Seselja were so fuzzy and meaningless that after extensive criticism from a range of parties we have been left with recommendation 11, which states that, should the bill proceed, clarification of these terms would be required.

But my favourite of all, Madam Assistant Speaker, was the original insistence that advertising slogans be banned. As mentioned earlier, we were fortunate to have a number of expert witnesses come before us. One was from the Advertising Federation of Australia, which is responsible for slogans such as "slip, slop, slap". These slogans are still memorable and have saved many lives. Slogans are a valuable way to get a government message across in an effective way. But, according to Mr Seselja's original bill, this was not so. It was quite a counter-productive approach.

Mr Seselja had some insight and sought to amend it, but even his amendment showed that he did not just quite get it. If only this policy of no slogans had been taken to heart by the Liberals before the last election, we could have been spared from their slogans brains trust. What were they? "Zed instead"—that was a classic. In Brindabella, we had "a better fella for Brindabella"—a slogan if ever I heard one. We also had—and he is not here—"Doszpot for top spot." I did not notice that there was an objection to those slogans.

Madam Assistant Speaker, I would like to point out that at no time throughout the hearings and through all the deliberations did Mr Rattenbury or Mr Coe provide the committee with an actual example of a politically motivated government campaign—not one actual example. The closest we got was the confusion about advertising by an independent corporation when Mr Rattenbury waved around a budget brochure in one of the hearings. Since this was the great piece of evidence, and it was the only piece of evidence provided to the committee implying a politically motivated campaign, I will just address that brochure for a moment.

Of course, the government has a need, a right and a responsibility to keep the community informed of how it spends its money in its budget initiatives. The government has sent informative brochures to Canberra on a number of occasions. Let

us look at the 2007-08 budget. What did we do to publicise that budget? We had a wide-ranging public information campaign, using both print and electronic media.

Let us go to last year's budget. At a considerable cost saving, the government opted for a low-key letterbox drop approach—the brochure that Mr Rattenbury still holds in his hot little hands, I am sure, or did at the last committee hearing. Let me repeat: last year, the government opted for a low-key letterbox drop on a budget rather than, as it did the year before, a wide-ranging print and electronic media campaign. In an election year, this government spent around 40 per cent less on advertising its budget compared to the year before. I use those words with a level of caution, because I hope it does not lead to a committee inquiry around the lack of budget information provided to the public last year.

But I cannot blame Mr Rattenbury for holding on to that brochure and looking with interest at the many great initiatives that this government is continuing to deliver in his electorate of Molonglo. It was an excellent brochure, and something worth while to hang on to. The fact is that Canberrans have a right to know what the government's priorities are through the budget process. The community has a right to know, and expects to be told. Advertising is just one way governments everywhere share the information with the community.

I will conclude and allow others to comment on the report. I support, quite clearly and without hesitation, the development and implementation of an administrative framework involving guidelines, but I do not support a legislative approach. Until such time as I am presented with even a scrap of evidence that any politically motivated advertising has ever taken place under this government, that will remain my position. The other thing I note on "a better fella for Brindabella" is the use of a government asset. I wonder if that too could be considered as inappropriate use.

MR COE (Ginninderra) (6.10): It is a pleasure to speak to this report *Inquiry into the Government Agencies (Campaign Advertising) Bill 2008* by the Select Committee on Campaign Advertising. Firstly, I would like to add to the thanks given by Ms Burch to Erin Anderson and Sandra Lilburn. They were very diligent and very professional in their approach throughout the short life span of this committee and they did a fantastic job.

I will talk very briefly to the recommendations. The point of sending to a committee a bill such as the one proposed by Mr Seselja was to get recommendations, to further consult and to get further expert opinion so that we can get a better result for Canberrans. That is exactly what has happened. What I thought was a good bill was put forward to the committee, and it got even better by our going through that process. Going through that scrutiny and hearing more from expert witnesses added to the value of it.

It is important to note that the underlying sentiment that governments should be very careful about how they spend taxpayers' money on advertising and in what format they do it was endorsed by this committee. It is very important that the government—indeed, the opposition or the crossbench—actually take on these recommendations and propose something to this chamber that reflects them.

Recommendation 2 is an important one. It calls for a legislative framework. We considered both a regulatory framework and a legislative one. The legislative framework, in addition to other guidelines, was proposed by the committee.

The committee discussed whether we should send relevant advertising decisions to the Auditor-General or to an independent expert panel. Personally, I still see some merit in going to the Auditor-General, but I do see merit also in the independent expert panel, and that is something that I am sure the opposition will consider.

Recommendation 4 is an important one. It talks about the appointment of appointees of a proposed independent expert panel being done by a disallowable instrument. That will mean that this Assembly has the ability to amend that disallowable instrument and to make sure that the best people are going to that job.

Mr Hargreaves: You cannot amend an instrument; you have to kill it.

MR COE: Mr Hargreaves may interject and say that you are not allowed to amend a disallowable instrument, but that is not actually true. You can amend a disallowable instrument; you just cannot amend a disallowable instrument that has a money relationship.

Recommendation 5 is another very important one. It brings about the inclusion of production and development costs into the total costs when calculating the cost of a government advertising campaign. That is where the production and development costs are easily identifiable and attributable. That is very important. It is important that we get that sort of investment into a campaign included in the overall spend.

Recommendations 6 and 7 are quite clear, but recommendation 8 needs a little bit more thought by this committee. That is that we need to clarify what the prohibition period is before the election. That rolls onto recommendation 10, that this Assembly still does need to work out what that blackout period is for an election in terms of government advertising.

I want to go very briefly to recommendation 13, on territory-owned corporations. The territory-owned corporations have a unique position in terms of companies that exist and operate here in the territory. They are fully owned by the ACT government. They have two shareholders, the Chief Minister and the Deputy Chief Minister. Because of that special position they have in the market and because of that control that the ACT government does have through being the shareholders and through the Territory-owned Corporations Act 1990, I believe that, through that act, we actually have the ability to put such restrictions or processes in place as to how they operate. That is a very worthy recommendation that should be taken on board.

I would like to extend my thanks to Mr Rattenbury and Ms Burch, my fellow committee members, for their commitment to this process. It is a process that I thought was quite stimulating—very interesting subject matter—and something that I hope this Assembly takes on board when drafting or redrafting this legislation.

MR RATTENBURY (Molonglo) (6.16): This report is a valuable contribution to the discussion about the bill tabled by Mr Seselja. At the time the bill was tabled, I indicated that the Greens supported this bill in principle but had a number of questions about it. That is why we decided to take it to the committee.

As Mr Coe has touched on, that committee process was very valuable, because we were able to receive very helpful input from a range of experts, stakeholders and interested parties who really opened up the committee's eyes to a number of points—some of which we were already aware of; others were new to members of the committee—and provided us with some helpful suggestions as to how some of those problems may be fixed, how areas of the bill may be improved. A lot of that information comes through in the committee's report and no doubt will be reflected in potential amendments to the bill when it is brought back before the Assembly.

I will touch briefly on a couple of issues. Both Ms Burch and Mr Coe have already covered a lot of the substance of the report. I would like to just note a couple of points of particular interest to me.

The ACT government made a submission to the inquiry which was particularly helpful because it set out a lot of the detail and addressed many of the questions that were being raised about the original bill itself. A particularly interesting example was about a lot of early criticism from the government that the definition of "party political" was nigh on impossible. I note that on page 44 of the committee's report the government has very helpfully provided a definition of party political which can be usefully picked up as we work through amendments to this bill in order to ensure absolute clarity. It was very helpful of the government to provide such clear answers to some of those questions that members of the Assembly found so vexing.

One of the key debates in the committee was around whether we should have an administrative model or a legislative model. Personally I prefer that the legislative model be adopted, and this is where the committee ultimately came down. I think there is too much scope for an administrative model to perhaps disappear in the government or be implemented at levels that the Assembly may not have in mind.

Having a legislative model enables the Assembly to provide the level of political direction that it wants to give. That empowers the public service, in the broad sense, to implement that political direction that the Assembly has appropriately given it. The trick now is to give the right level of legislative direction and perhaps not overprescribe the implementation. That is obviously a matter of some subjectivity; I think that as an Assembly we need to work to find the right balance there. A lot of the evidence given to us in the committee process will be very helpful in finding that balance.

Finally, I go to the last specific issue I will comment on; I will leave my further detailed comments until we debate the bill. When the bill was first tabled I did express my reservations about having the Auditor-General as the appropriate arbiter, for want of a better word, in looking at some of these models. Certainly, the Auditor-General filled out those concerns with the evidence that she and her staff gave the committee. The proposal put forward in the government submission to have a panel was a very

constructive and useful suggestion. The committee has picked that up. The committee's recommendations provide a useful way forward here in delivering the external accountability that we are looking for without creating a significant administrative process. I commend that recommendation particularly in terms of finding a constructive way forward.

In conclusion, let me say that I think the committee has done a good job. It has been a very educational process. I look forward to resumption of the debate on this bill and particularly, in preparing for that, to discussing some of the amendments that I think we will need to make in order to ensure that the intent that is in the bill is delivered well, delivered clearly and provides a clear direction. I think that that is quite possible. The committee's work has shown that we clearly can solve a few of the drafting issues that need to be worked through; I do not think there are any major hiccups there.

Finally, I would like to associate myself with the notes of thanks that both Mr Coe and Ms Burch have made towards the committee staff. I also thank my fellow committee members for what was a well-conducted inquiry.

MR SESELJA (Molonglo—Leader of the Opposition) (6.21): I thank the committee for the report. We look forward to digesting some of the recommendations. From a first glance at them, I think that there are a number of reasonable recommendations. I am really pleased with how this process is going. We have got a piece of legislation. As part of this process, we will be very pleased to consider sensible amendments which will improve, clarify and give us a workable piece of legislation which ensures that we do not see governments using taxpayer dollars for their own political purposes. That is the intent of this bill. That is very much what we set out to do.

We were very pleased for the bill to go to a committee. We hope that it can be improved through taking on some of the recommendations that have been endorsed by this committee.

This is a very important process. It is very important for accountability. It is very important to hold governments in check. What a bill like this will do is send a very clear message to government that it needs to be very careful in advertising. There are many forms of legitimate government advertising; they will not be affected by this legislation. But government departments will have to think twice about the necessity of certain advertising. It will not affect safety, health, important public notices or the ordinary course of government. What it will do is ensure that we do not see the kind of wasteful spending that we have seen in the past from this government. It will ensure that we do not see this government continuing to use taxpayer dollars for its own party political purposes.

I thank members of the committee. We look forward to going through the report and the recommendations, and then, hopefully, negotiating with all parties in this place for some sensible amendments which can see us pass this bill in the next month or so. I thank members again. We look forward to moving this process forward.

Question resolved in the affirmative.

Adjournment

Motion by **Mr Hargreaves** proposed:

That the Assembly do now adjourn.

Legislative Assembly—members' vehicles

MR SESELJA (Molonglo—Leader of the Opposition) (6.24): We were all interested in Mr Stanhope's remarks during the MPI, where of course he was having a go at certain Liberal members, including me, for our choice of vehicle for our family. I want to spend a bit of time contemplating his attack, which of course is not just an attack on us but is an attack on a lot of families in Canberra who choose certain vehicles in the best interests of their families. Of course, we know families choose their vehicles for a variety of reasons. Safety is always paramount, as is space, performance, price.

A lot of people want to purchase Australian made. Look at the list of six-cylinder vehicles, which is quite extensive, and at the number of Canberrans who drive Falcons, Commodores, some Magnas. Some Territories have been mentioned. Some Camrys are 6-cylinder. There are Landcruisers, Klugers, Patrols, Outlanders. The list goes on—ordinary family cars.

The attitude of this government, as expressed by the Chief Minister today, towards families and towards car users is interesting. We actually see it in a number of ways. We have seen it with discriminatory taxes that they have introduced, which give tax breaks to someone driving a Lexus but not to someone driving an ordinary family car. We have seen it with their attitude to motorists, of course. It is very hostile.

Not only do they have this elitist view of the world where they are critical of families who choose family-sized cars, there is also this hostility to motorists expressed in their cancelling of the V8s; their backflip on their commitment on the dragway; their stated goal of forcing people out of their cars through their parking strategies, which are making it more difficult for families when they have to drive their car into the city or into the town centres, by giving them fewer options to park.

This innate hostility of this government is becoming more and more apparent—this hostility towards ordinary working families in the suburbs. We saw it expressed neatly by the Chief Minister today that they really do not like these people. They do not like them; they do not like the choices that they make for their families; they do not respect these choices; and they are inherently critical of the choices that ordinary Canberra families are making on behalf of their families.

When they choose to purchase a car that they feel is safe, that they feel is reliable, that has the space and the amenity that they need for their family and of course fits within the price—many of course want to purchase an Australian car—we have the Chief Minister, in criticising certain members of the Liberal Party, criticising tens of thousands of Canberrans who make these choices.

Mr Hargreaves: That is a long bow.

MR SESELJA: It is not a long bow at all. It is crystal clear. What Mr Hargreaves in his interjection is suggesting is that he is only critical of some drivers of six-cylinder cars. You cannot have it both ways, actually. It is a criticism of all families who drive six-cylinder vehicles. It is a criticism of some families who drive four-cylinder vehicles which are not as energy efficient as some other cars. Many families cannot afford, nor is it appropriate for them, to drive a Prius or many of the other vehicles that the Chief Minister would suggest.

But this hostility towards ordinary Canberra families is expressed in their desire to take away their car spaces; their hostility towards motorists in taking away the V8s; in reneging on the dragway; and now, in criticising people for daring to drive a family car for their families—

Mrs Dunne: Bring back the donkeys and a dray.

MR SESELJA: Indeed, this is the attitude. It is elitist and we will not accept it. We will not be critical of families for making these legitimate decisions. We will not condemn them for daring to buy a safe, reliable family car in the best interests of their family. We are not hostile to motorists, as this government is by taking away their car parks and taking away their motoring events. They are hostile to motorists and hostile to Canberra families.

Bushfires—warnings

MR SMYTH (Brindabella) (6.29): I want to follow on with some more information I supplied to the Assembly yesterday in regard to my Bushfire Warnings Bill. If people can get hold of a copy of the interim report of the 2009 Victorian Bushfires Royal Commission, it is an interesting read. It is online. Chapter 4 talks about warnings. There is one very poignant paragraph, paragraph 4.1.56:

> Mr D. Brown—

who gave evidence—

> explained that his wife listened to the radio … and monitored the CFA website …
>
> Mr D. Brown also stated that information about the fire danger index would have helped people understand the severity of the fire. He said:
>
> > I think it would have been a very graphic way of demonstrating the level of potential risk. When you have an index that normally runs from 0-100 as its top end and it was registering 328, that is a very graphic illustration of the seriousness of the potential event and I think that would have been quite easy for people to understand and I think … it would have caused us to think a lot harder about the potential risk the Kilmore East fire, once we learnt about it on the afternoon of the Saturday, represented to us.

So 0-100 is the normal standard that we work in. In the days when the McArthur fuel

fire index was actually just a manual calculator, you twisted a few dials and it gave you the number; it actually only allowed for 0-100. But it has been computerised now. When you feed in the data, you get these extraordinary figures. Remember in Canberra, on 18 January 2003, the fuel fire danger index the night before was 62.

Mr Hargreaves: What about the 2001 fire? What about that one?

MR SMYTH: I do not have that data. Perhaps you could find that out for us, Mr Hargreaves.

Mr Hargreaves: You were the minister at the time.

MR SMYTH: No, 2001.

Mr Hargreaves: No, your government was in. Yes, your government was in power. Your government was in power preparing us for the 2001 fire.

MR SMYTH: Mr Hargreaves forgets his history. It is an important issue, despite the interjections of Mr Hargreaves. So 0-100 is the norm. In Victoria, the Kilmore east fires were 328. A chart on page 157 of the interim report, under the chapter "Information", gives the fire danger indices forecast for 7 February 2009, moving from locations generally in the west of the state to the east of the state. In the 0-100 range, it was 62 in the ACT out of 100 on 18 January 2003.

The indices for Victoria were: Walpeup, 148; Swan Hill airport, 159; Horsham airport, 137; Stawell, 133; Ballarat airport, 185; Hamilton airport, 128; Mortlake, 102; Bendigo airport, 142; Shepparton airport, 127; Mangalore airport, 131; Geelong airport, 129; Coldstream, 142; Tullamarine, on the western side of Melbourne city, millions of people, 164; Dunns Hill, moving towards the eastern side of Melbourne, 136; Wonthaggi, 79; Albury-Wodonga, 100; Wangaratta, 100; Hunters Hill, 86; Latrobe Valley, 133; east Sale airport, 112; Mount Moornapa, 125; Orbost, 84; Gelantipy, 95; Falls Creek, 56. Every single one of those is above the 50 mark, which makes it an extreme day at the start. Some are two, three and four times that size. And when you go to the grass fire index, they are even higher.

What I think those words from the Brown family "we just didn't understand what extreme meant" show is that we have to have a very serious think as a nation about what we do with the index. I will finish by reading again what Mr Brown had to say:

> When you have an index that normally runs from 0-100 as its top end and it was registering 328, that is a very graphic illustration of the seriousness of the potential event and I think that would have been quite easy for people to understand …

We need to make it easy. I would ask people to look at my bill in light of some of those numbers. What they are forecasting in Victoria is that potentially the coming fire season in Victoria is as bad, if not worse, than what was occurring in February of this year. I think we need to take it very seriously. We need to put things in place quickly, even if they are interim measures, to make sure that we have warning systems in place for the coming season.

Sustainable House Day

MS LE COUTEUR (Molonglo) (6.33): I rise to talk about a very nice event that will be happening: Sustainable House Day. Sustainable House Day is the offshoot of what used to be Solar House Day. It started, certainly from my point of view, in the late 1980s. In those days, it was organised by ANZSES, the Australia New Zealand Solar Energy Society. This has since morphed into the Sustainable House Day and has the backing of the Alternative Technology Association.

The first time that I met Mrs Dunne was at one of those days. She came to my house, which was there as an example; it was a retrofit house. Sustainable House Day involves a bunch of Canberra houses whose owners put them on display so that you can see what you can actually do in Canberra practically to have a more sustainable house. There are new houses and there are retrofit houses, as mine was.

This year it will be totally free; there has been sponsorship so that it will be totally free. If you want to go, which I would recommend to everyone, to see what we really can do here, just Google "Sustainable House Day". It is on 13 September, in many locations in Canberra, including where I used to work, which is Canberra's first six-green star office building, Australian Ethical. There is also an intro night on Tuesday, 8 September; so if you want to come and hear more of the theory behind sustainable houses, the feed-in tariff and the topic we were talking about this morning, development density in the ACT, I would recommend this to all members.

Legislative Assembly—sitting hours

MRS DUNNE (Ginninderra) (6.35): Tonight I would like to talk about the intent and implementation of extending the sitting days that were brought in at the beginning of this term of the Legislative Assembly. If you recall, the Canberra Liberals argued strongly that extra days were the better way forward, giving more chances for private members' motions to be brought on, more debates to occur on non-executive business and, more importantly, more question times to scrutinise the government.

The Greens proposed and pushed through an alternative: fewer weeks than we proposed but extended the days in order to deal with the business. I think we should have a look at how that has gone. In short, there has been use of extra time but there have been lots of wasted opportunities. I am not talking about robust debate which, even though the Greens sometimes seem to dislike it, forms an integral part of the parliamentary process; I am talking about interminable interruptions, petty points of order and, most importantly, the total lack of agenda that sees the government business days finish early time after time. In fact, today the government proposed to suspend standing orders so that we did almost no government business again. Just this week, the government's pathetic parliamentary performance continued as they failed to fill their day with business, finishing 4½ hours short of the allocated time on Tuesday.

What issues did they need to address? They had shaved the Fringe Festival; they had demolished the TAMs budget; they had a tax ticked off by the courts; and we had lost yet more bulk-billing doctors. But what did the government bring forward this week?

They canned cracker night for Canberrans and they still have on the agenda an attempt to criminalise kids if they put up a sign for their lost dog. This is despite some of the most flagrant filibustering I have ever seen in this Assembly.

It cannot go uncommented that in relation to a straightforward amalgamation bill the other day we had, in addition to the minister responsible, the Chief Minister, Ms Burch and Ms Porter speak on the bill. Ms Porter's contribution included a history of furlough from colonial times until today.

It took 15 minutes the other day for me to get some letters tabled. They were letters that were from people directly affected and that were related directly to a bill that this Assembly is considering. It availed them not. The government left the chamber again well short of the time available—on Tuesday, almost 4½ hours short of time.

Last Thursday, after seven weeks on winter break, the government finished at 11.20 in the morning session and the Assembly adjourned at 4.28 pm. On Thursday, 18 June, another day when the government had a full control of the agenda, government business lasted about half an hour.

From time to time we have been critical of the government on these issues. Back on 1 April the Deputy Chief Minister said, "There is nothing unusual about this, because we are a new government coming into the first term, but once we get past the budget there will be lots of government business."

Mr Hargreaves: Look out.

MRS DUNNE: "Look out; there will be lots of government business." But there has not been. Here we are in August, with the Greens and the opposition filling their day with more than enough business but there is nothing going on upstairs, except for the government in the doldrums of damage control, with the shipmates struggling over control of the rudder.

There is, however, one agenda item that finds plenty of time on that agenda to address, and that is leadership. Last Monday, the late night Liberals noticed who was left in the car park—not the Chief Minister, nor the Deputy Chief Minister; but every single one of the right faction members. Perhaps they were involved in their own fireworks plot: blow up the Chief Minister with a regulation that he did not want, was not consulted on and was forced to accept. Were they planning to fringe the Fringe Festival and foist it on the folkies and forget about the rest? On Tuesday night, they were there again; the right faction meeting long after the Assembly had adjourned and Jon and Katy had left the building and gone home.

There is something going on upstairs but it certainly is not leadership. The Chief Minister is not a happy Jon. His one highlight was a zippy one-liner that he has been using for years. He is like that embarrasing uncle who always comes up with a gag that everyone laughs at outwardly but shrugs off and grimaces afterwards. But what we actually have is Mr Stanhope on the ropes; not long, Jon; you cannot tell Corbell; and do not go, latey Katy; which leaves "what is Andrew up to?" And that is the real question.

AFS Australia

MR COE (Ginninderra) (6.40): On Tuesday night, Mr Smyth and I had the privilege of attending the AFS Australia 50-year celebration. AFS Australia was established in 1959, with the first students going on exchange in 1960. For 50 years, Australians have had the fantastic experience of going abroad and receiving people from such far away places as the United States of America, Japan, Slovakia, Portugal and many other places. Today, students from Canberra, the capital region, Australia and around the world travel as part of a high school experience, to volunteer abroad or for short cultural programs.

Tuesday night's celebration at the Crowne Plaza was a fantastic occasion for volunteers, host families, students, past and present, to share stories and enjoy the wonderful experiences provided by AFS. I thoroughly enjoyed hearing more about the organisation and the life-changing experiences so many people have had.

The history of the American Field Service dates back to World Wars I and II, when young people served as volunteer ambulance drivers and in other essential support services. Upon returning home, an organisation was formed "to promote peace through international student exchange". The organisation is largely run by volunteers whose service includes everything from hosting students, holding fundraisers, promoting the exchanges, supporting students and much, much more.

I would like to extend my thanks to the volunteer office holders of the AFS Canberra team, including the chairman, Craig Kerr; host student support coordinator, Michelle Freeman; sending team leader, John Anderson; recruitment team leader, Tracey Giffard; entertainment book coordinator, Kaylene Williams; and barbecue fundraising, Tania and Roger Hancock. I had the pleasure of meeting a few of the people just mentioned and the president and CEO of AFS International, Tachi Cazal from New York. On Tuesday night, Mr Cazal said of AFS, "It turns places into people," which I think is a wonderful way at looking at the great work done by this organisation. We were also joined by the National Director of AFS Australia, Aasha Murphy, and I would like to acknowledge her work for the organisation.

AFS is a great organisation that has a tremendous impact on the lives of so many young Canberrans. I look forward to supporting the organisation in any way I can and we look forward to the next 50 years of AFS in Australia. Anyone interested in the exchange program, sponsorship or volunteering should call AFS on 1300 131 736 or visit their website at www.afs.org.au.

Health—general practitioners

MR HANSON (Molonglo) (6.43): I rise tonight to sadly tell the story of yet more bad news for Canberra families, with the decision that has been made this week that the two large clinics that were previously bulk-billing in Canberra will no longer be doing so for many of their patients, although there will be still bulk-billing for children up to the age of 16 and for pensioners. There are lots of families now who find it very difficult to find a bulk-billing GP in Canberra—in fact, any GP in Canberra—who now will find it even more difficult to do so.

We already have the lowest number of GPs in the country, the lowest number of bulk-billing GPs in the country, and what we hear from the government is very little in response. The minister has essentially washed her hands of it. She said that she is not responsible; it is a business decision; there is nothing she can do. What we see here from the Minister for Health is the minister not responsible for anything. When it comes to GPs, she has washed her hands of them.

The government's piece of media spin that they put out on that day was that they were going to advertise in a magazine for overseas doctors. That was their substantive response. When you got on the ACT Health website, the live-in-Canberra website, you are taken to the Division of GPs' website and trying to find any information about any support that the ACT government was going to be providing to GPs was impossible to find.

You will see reported this week that a doctor that came from Germany, who has had immense trouble coming from Germany to settle as a GP in Canberra, was provided little, if any, support by the ACT government to ease his transition from Germany to Canberra. There is so much that could have been done by the ACT government to help him out with the reams of paperwork and that was not done.

The minister is the minister not responsible for GPs. She certainly does not seem to have any plan or take account of or responsibility for the elective surgery rates that we have in this town. We have the lowest rate, the longest waiting time for elective surgery in the nation. So you will wait longer for your elective surgery procedures in the ACT than anywhere else. In emergency departments, you will wait longer than any body in—

Mr Seselja: New South Wales Labor is doing better in health.

MR HANSON: Frightening thought, is it not? In emergency departments, you will wait longer in the ACT than anywhere else. When is the minister actually going to start saying, "Yes, I am responsible"? The Stanhope-Gallagher Labor government have been in power for eight years. This is not something that happened overnight. "We have been in power for eight years. This has happened on our watch. This has not happened overnight. We inherited a very good health system and we have started to run it into the ground."

The only reason that we are actually doing anything in this town about GPs is twofold. One is the community outrage over the incessant GP closures and the impossibility of finding a new GP in this town. The second is the pressure that we have applied collectively in this Assembly, led by the opposition with a motion that was put to the Assembly a number of months ago.

Meanwhile, what do hear from the minister? Nothing substantive this week on health! But what we heard was a dissertation on the government's wonderful record on capital works in the Australian Capital Territory.

Mr Seselja: Including the prison.

MR HANSON: She mentioned the prison. That is right, Mr Seselja. She talked about what a wonderful initiative it was. She neglected to mention that it was a year late; that it was reduced in scale by about 25 per cent; that is does not have a gym, as was planned; that it does not have a chapel. When it was opened, it was opened without a number of the security apparatus that should have been up and working but were not and, as a result, drugs, needles and razor blades got into the prison.

There was no mention of $57 million in rollovers in ACT Health this year. No, it has been another bad week for the people of the ACT and, I would have to say, another bad week for the Stanhope Labor government. Anyone who is a keen observer of this place would have been here on Tuesday or would have listened to—or I would invite them to read the *Hansard*—the speeches which were given by the government. They were simply a matter of time wasting, trying to fill the agenda, trying to speak for the sake of filling the day when this government has run out of the legislative agenda. They have run out of ideas; they have run out of initiative, of motivation; and they spend more of their time squabbling and having factional meetings than they do in governing the ACT.

Question resolved in the affirmative.

The Assembly adjourned at 6.48 pm until Tuesday, 15 September 2009, at 10 am.

Schedules of amendments

Schedule 1

Work Safety Legislation Amendment Bill 2009

Amendment moved by Mrs Dunne

1
Schedule 1
Amendment 1.9
Page 7, line 13—

omit

Schedule 2

Work Safety Legislation Amendment Bill 2009

Amendment moved by Mrs Dunne

1
Schedule 1
Amendment 1.9
Proposed new section 55A (3) and note
Page 7, line 26—

omit proposed new section 55A (3) and note, substitute

(3) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Schedule 3

Work Safety Legislation Amendment Bill 2009

Amendments moved by the Minister for Industrial Relations

1
Schedule 1
Amendment 1.19
Proposed new section 211 (3) (f)
Page 13, line 18—

omit

under a summons or subpoena

2
Schedule 1
Amendment 1.19

Proposed new section 211 (5), definition of *corresponding law*, paragraph (b)
Page 14, line 1—

omit paragraph (b), substitute

(b) a law of the Commonwealth or a State that is declared by regulation to be a corresponding law.
