



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

18 NOVEMBER 2009

www.hansard.act.gov.au

Wednesday, 18 November 2009

Financial Management (Budget Review) Amendment Bill 2009.....	5135
ACTION bus service—Redex trial.....	5138
Hospitals—Calvary Public Hospital and Clare Holland House	5164
Questions without notice:	
Hospitals—Calvary Public Hospital and Clare Holland House	5179
Gungahlin Regional Community Service.....	5181
Municipal services—pedestrians and cyclists	5184
Schools—removal of children	5187
Canberra Hospital—tuberculosis exposure	5188
Housing—community	5189
Fireworks—ban	5190
Childcare—fees	5192
Childcare—fees	5193
Hospitals—Calvary Public Hospital and Clare Holland House	5195
Supplementary answers to questions without notice:	
Canberra Hospital—tuberculosis exposure	5198
Housing—public.....	5198
Childcare—fees	5198
Hospitals—Calvary Public Hospital and Clare Holland House	5200
Financial Management (Board Composition) Amendment Bill 2009.....	5213
Environment—greenhouse gas	5236
Adjournment:	
Australian Baseball League	5259
St Thomas the Apostle school fete	5260
Miles Franklin primary school	5260
ArtSound.....	5260
Transgender and intersex exhibition.....	5261
Schedules of amendments:	
Schedule 1: Financial Management (Board Composition) Amendment Bill 2009	5263
Schedule 2: Financial Management (Board Composition) Amendment Bill 2009	5264
Schedule 3: Financial Management (Board Composition) Amendment Bill 2009	5265

Wednesday, 18 November 2009

The Assembly met at 10 am

(Quorum formed.)

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

Financial Management (Budget Review) Amendment Bill 2009

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

Title read by Clerk.

MR SMYTH (Brindabella) (10.02): I move:

That this bill be agreed to in principle.

The history of midyear reviews in the ACT is relatively recent. The then Treasurer, Ted Quinlan, introduced a requirement for midyear reviews of the budget in August 2003. Since that time there have been six midyear reviews. The first, for the 2003-04 financial year, was released on 13 February 2004. The most recent, the report for 2008-09, was released on 23 December 2008.

Mr Quinlan as Treasurer, and even Mr Stanhope as Treasurer, knew what a midyear report means. Apparently Ms Gallagher does not. Most of the six midyear reviews have actually assessed performance for the first six months of the finite financial year. This year Ms Gallagher, as Treasurer, decided that she would redefine what a half-year is. Ms Gallagher attempted to defend her position by asserting that the ACT's midyear review coincided with the release of midyear updates by all other Australian jurisdictions. This statement, of course, is wrong. That is not surprising, given the guesswork and inaccuracies that have been evident in the work of this Treasurer.

What all the other jurisdictions were doing was providing to their communities updates on their budgetary situations in the context of the upheavals in the world financial markets. The turmoil in the economies across the world necessitated governments trying to make sense of what was happening and devising policy responses. While some might have been called midyear reviews, there were some states that were still required to prepare a separate six-month midyear review. Indeed, if the Treasurer had undertaken the most basic research, she would have found that Victoria and Tasmania have legislated for midyear reviews that must take account of performance up to 31 December each year.

What Ms Gallagher should have done in November and December 2008 was say that, because of the global financial crisis, the ACT would be preparing an analysis of the effects of the crisis on the ACT and that, to the extent that it was possible, the ACT

government would be preparing policy responses as soon as possible. By following this course, the Treasurer would be acknowledging that some situations require a specific response from government that is outside the required or normal reporting requirements.

On 23 December 2008, Ms Gallagher said that there is no perfect time to deliver a midyear review. What a load of rubbish. There is a perfect time to release a midyear review: after the midpoint of the year has been reached. What the Treasurer should have said was that some events demand a specific and extraordinary response and the global financial crisis was one such event.

Let me turn to the nature of midyear reviews. The commentary in the latest midyear review, that for 2008-09, provided a summary of what each review should aim to do: provide an update of forecast results, provide financial and economic parameters, analyse the impacts of any policy initiatives, analyse the effects of any significant events since the annual budget, and review the territory's financial position.

The critical issue that my bill deals with is not the actual way in which the midyear reviews are currently prepared; rather, it deals with the period which is the subject of the review. As I noted a few moments ago, the Canberra community was treated by the current Treasurer to the nonsense of the purported midyear review for 2008-09 actually being released on 23 December 2008. It is obvious that, being released a week before the end of half-year, this review failed the test of being a midyear review. What it did do, though, was not cover up to two months of activity. Indeed, I was told by a senior Treasury official in a briefing on 9 December 2008 that the estimates for revenue expenditure were mostly based on data as of 31 October 2008, not the end of the year—except for interest revenue, which was calculated at 3 December; tax revenue, as at the end of November; commonwealth revenue, as at 18 November; and GST revenue and indexation adjustments, as at 5 November.

What a mishmash of an approach. It calls into question the veracity of the analysis contained in the midyear review. Clearly, this was not a review of performance to the end of the half-year. In fact, it is not possible to say what the cut-off point for this midyear review was. There is no way that having a cut-off for expenditure of 31 October, for example, represents a midyear review; it is only a third of the year. You have to question the relevance and usefulness of this approach.

The midyear review as it was prepared in 2008-09 ignored developments during the last part of that period. In 2008 these developments were most significant, as the world sank into the global financial crisis, and may have led to an inaccurate analysis of performance and developments. Moreover, in 2008 we had an Assembly election. As required by legislation, a pre-election budget update was prepared and published, on 18 September 2008. So not only did we not have a proper midyear review but we had a purported midyear review only three months after the previous review.

It is pertinent to recall the comments made by former Treasurer Ted Quinlan when introducing the requirements for a midyear review. In presenting his financial management amendment bill 2003 on 21 August, the then Treasurer said:

This bill also introduces a requirement for a mid-year budget review, to be presented to the Assembly 45 days after the end of the calendar year. This review will provide ... updated budget estimates to take account of any changed circumstances since the preparation of the original budget ... A review of the financial policy objectives and strategies statement will also be included in the mid-year report. The proposed timing will align presentation of this information ... with the quarterly financial statements.

I need to emphasise two comments made by Mr Quinlan. First, the review is to be presented by 15 February each financial year. That is, there are 45 days after the end of the first six months in which analysis can be undertaken and a midyear report can be prepared. I note that the dates on which the majority of these reports were tabled occurred in the second week of February each year.

Second, Mr Quinlan said that the timing proposed would align the midyear review with the quarterly financial statements. This is the critical comment. Quarterly financial statements are exactly that. As defined in the Legislation Act, quarterly financial statements are prepared on a defined quarterly basis, the quarters beginning on 1 July, 1 October, 1 January and 1 April. And these statements are to be released, also, within 45 days of the end of each quarter.

As a result, as Mr Quinlan said, the intention of the proposed timing of the midyear review was to “align presentation of this information ... with the quarterly financial statements”. That is a quite clear and unambiguous statement that is repeated in the explanatory statement: each midyear review shall cover the first six months of the relevant financial year—that is, the first two quarters—and the report shall be available by 15 February. Unfortunately, while the intention of the then Treasurer was quite clear, the provisions in the bill he introduced did not provide a precise specification of these requirements. My bill completes this requirement.

I should note the position of various other jurisdictions in Australia on this matter. I have already made mention of two states. In Victoria there is a requirement for each midyear report to present fairly the financial position of the state at midnight on 31 December. In Tasmania there is a requirement for the Treasurer to publish a half-yearly report for the six months ended the previous 31 December. Other states either have no such reporting requirements or require a report to be prepared by 31 December each year. Again, in these instances a requirement for a midyear report by 31 December calls into question the very notion of half-yearly reports.

A midyear review is a valuable document. This report on the performance of the economy and of any changes to estimates and projections is both a sound discipline placed on the government of the day and a means for telling the community how their local economy has travelled. Of course, the requirement for a midyear review or any other review does not preclude the preparation and release of other reviews or documents which may have been prepared because of the emergence of significant and exceptional events being experienced. I commend the bill to the house.

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

ACTION bus service—Redex trial

MR COE (Ginninderra) (10.12): I move:

That this Assembly notes:

- (1) the ACT Government's \$1 million trial of Redex between Gungahlin and Kingston;
- (2) that the Redex trial has already been scaled back and services from West Belconnen have been aborted;
- (3) that Redex services travel on the same roads as existing bus services with little potential for time improvements;
- (4) that routes 51, 52 or 59 provide fifty services a day between Gungahlin suburbs and the city;
- (5) that for Gungahlin residents in Nicholls, Ngunnawal, Casey, Forde and Amaroo that use a route 51, 52 or 59 service, the travel and connection time to and from the city on a Redex service will exceed the travel time of these existing route services to and from the city for 92% of services;
- (6) that during off-peak hours, Redex offer a negligible time saving to the existing route 5 services;
- (7) that there are no "park and ride" facilities at the Gungahlin Town Centre;
- (8) that in the absence of "park and ride" facilities there are concerns that commuters will occupy private car parking spaces at the Gungahlin Town Centre and therefore restrict trade for local business operators;
- (9) that the lengthy travel times are often caused by indirect suburban services and a lack of bus priority in key locations;
- (10) the potential for worsened bus bunching, especially on Northbourne Avenue;
- (11) the fuel cost and emissions from dead running buses between bus depots and the starting point of Redex services;
- (12) the existing stresses and lack of resources on other parts of the ACT bus network;
- (13) the opportunity cost within the network of spending \$1 million on these services; and
- (14) that a \$1 million investment in public transport could be better spent by providing:
 - (a) choice to Gungahlin commuters with more direct route services from Gungahlin suburbs to the Gungahlin Town Centre and city;

- (b) resources for improving bus priority on existing routes to cut travel times;
and
- (c) a “park and ride” facility at the Gungahlin Town Centre.

This week a \$1 million trial of Redex begins. Redex offers services between Gungahlin and Kingston, via the city, at a 15-minute frequency between 7 am and 7 pm. It has been touted by the government to be the future of public transport in Canberra and will be evaluated in six months time.

Redex means “rapid express direct”—the implication, of course, being that these buses are somewhat rapid, they are express, and they are more direct relative to other ACTION buses. However, this title is clearly only glossy rhetoric, covering up a service that is abysmally planned and does not deliver all the benefits to commuters that it claims to.

We would all, of course, remember the budget announcement of these rapid transit services that would link west Belconnen with Belconnen, the city, Barton, Woden and Tuggeranong. There was also the other link that would provide a rapid option from Gungahlin to the city, Barton, Woden and Tuggeranong. That has been scaled back to one service between Gungahlin, the city and Kingston, which is very unfortunate.

What does this government have against the people of west Belconnen? Who in the government or the Greens is advocating for west Belconnen? I did not hear Ms Porter or Ms Hunter criticise the minister’s decision to wind back services to west Belconnen. Surely, if they were effective, genuine and objective local members, they would have been speaking out in favour of better bus services for Belconnen.

Whilst I welcome an investment in services in Gungahlin and in other parts of Canberra, as I will shortly describe, there are no time savings, or negligible time savings, and the majority of commuters from Gungahlin will not benefit from this service.

It is easy to understand why when you look at the route map: the Redex buses travel down the exact same route as the existing routes 51, 52 and 59 services from Gungahlin to the city during peak hour, and the existing route 5 service during off-peak hours. They have to stop at the same traffic lights and contend with the same traffic that the current buses do.

During off-peak hours, routes 51, 52 and 59 provide links between Belconnen and the Gungahlin town centre through Nicholls, Ngunnawal, Amaroo and Forde and on to the city. During peak hours, there are 50 services a day which extend the service from Belconnen, Gungahlin suburbs, the Gungahlin Marketplace and on to the city interchange. Of those 50 services, 22 are in the morning and 28 are in the evening. So it is possible for someone in Nicholls, Ngunnawal, Amaroo or Forde to get a bus in the morning and go directly to the city. In the afternoon, they can get a bus from the city and go directly to their suburb. For one of these passengers to use the Redex, they would have to get off the bus which is city bound, wait at the Gungahlin Marketplace

and hop onto a Redex service which is going on the same road as the bus they just got off. It seems absurd to me that anyone would actually use this service.

An analysis of the timetable shows that, for 92 per cent of these services for Gungahlin residents in Nicholls, Ngunnawal, Forde and Amaroo on a route 51, 52 or 59 service, it is better to stay on that bus rather than change to the Redex service at the Gungahlin Marketplace. Changing buses would result in extra travel time, not less.

Yesterday's *Canberra Times* on page 5 talks about the Redex service which "gets the thumbs up". It talks about a commuter living in Ngunnawal who got the 8 am Redex service. An analysis of the timetables will tell you that if that person got on a route bus from Ngunnawal, he was better off staying on the 51 or 52 and going straight into the city than he was to get on a Redex service at the Gungahlin Marketplace. Why? Because before 9 am it is impossible to arrive in the city faster from Nicholls, Ngunnawal, Forde or Amaroo using a Redex connection than it would be if he used the one route bus.

Some people may say that the benefits are mainly for people in off-peak times. If so, why is there already a route 5 service which has been running on the same roads as the Redex, only during off-peak, for many months? This service is all about spin. It is not about delivering a better bus system or better services for Gungahlin. It is about ticking the box next to one of the lines in the Greens-Labor agreement. Unfortunately, the desperate and ideological Greens will not stand up for what is fundamentally not the best way to spend \$1 million on ACTION buses.

This brings me to my next point: if commuters from Gungahlin suburbs are to use the Redex service efficiently, they have to get to the Gungahlin Marketplace. As I have already discussed, changing to Redex from Gungahlin suburban routes extends rather than shortens the commuters' trips. So the only other option is to use a park and ride service. At the moment, because there are no park and ride facilities at the Gungahlin town centre, commuters are forced to park in private parking spaces at the Gungahlin shops. This means that traders in the Gungahlin town centre are disadvantaged because customers are discouraged from parking and shopping at Gungahlin. When traders start to complain that their businesses are being hurt by people parking in the Marketplace or "the G" undercover car parks, hopping on a bus and not shopping in Gungahlin, it will be because of Labor's and Green's lack of vision and lack of planning. If these shopping centres have to close their car park doors until after peak hour, have to put up boom gates or start charging for parking, it may well be because of this government's poor decision making regarding park and ride facilities.

The Canberra Liberals have a better plan for Gungahlin. The Canberra Liberals would invest in free parking to expand areas for park and ride commuters. It would also include cycle and ride facilities so that commuters could ride to Gungahlin and utilise public transport from there. Lockers would be available to protect bicycles from vandalism and theft, and would also provide storage for bicycle accessories such as helmets, pumps and clothing.

A safe location in Gungahlin, close to lighting, buses and local shops, and in consultation with the community, would be chosen. It would also be based on a site

for a mass public transit corridor—a real one, not a pretend one—and would provide expansion for future commuter growth and multistorey car park development.

The Canberra Liberals offer much more practical solutions to ensure that commuters have real options. The lengthy travel times that exist on the ACTION network have been caused by indirect suburban services and a lack of bus priority in key locations. Redex does nothing to address these issues. A \$1 million investment in public transport could be spent in a number of ways to provide improvements to the bus network, including the park and ride facilities which I have already described. Better choice for commuters could occur with more direct services from Gungahlin suburbs to the Gungahlin town centre, then on to the city.

The *Canberra Times* got it seriously wrong yesterday in their puff piece for the Redex bus services. I will quote from the last line of the *Canberra Times* editorial:

Just consider—an express bus every 15 minutes from major centres. Now there's a good idea.

Let me repeat that. This is the last line:

Just consider—an express bus every 15 minutes from major centres. Now there's a good idea.

It seems to me that the intertown bus service already operates approximately every five minutes between major centres like Belconnen, the city, Woden and Tuggeranong. So what does the *Canberra Times* actually want to achieve here? The intertown is quite successful because of its frequency and reliability, but the problem that both the *Canberra Times* and the ACT government ignore is the challenge to get from the suburbs to that town centre. Redex does not address these problems in the network.

The new system has potential for worse bus bunching on Northbourne Avenue. Bus bunching occurs because of the way the schedules of various bus routes interact, meaning that some commuters will be waiting for extended periods at bus routes when there are large gaps, making it likely that buses will run late.

What can happen is that buses get held up in the left lane of roads because buses in front are stopping at a bus stop, thus holding up buses behind. To try and get around this, the Redex service will not be stopping at all stops along Northbourne Avenue. However, this will create further problems as there will be an incentive for the Redex services to occupy the middle lane on Northbourne Avenue between stops. This means you have buses changing lanes in peak hour to try and avoid bus bunching. This creates serious safety concerns.

I have also been made aware that the fuel cost and emissions from the dead running of buses between the depot and the starting point of the Redex route will be significant. Some of the buses will travel to and from the depot at Tuggeranong to start at Kingston, and other buses will travel from Belconnen to the starting point at Gungahlin. This will extend to hundreds and hundreds of kilometres per week of dead running.

As is widely known, there are already stresses and a lack of resources across the ACT bus network. Rather than fixing problems with the network, precious resources have been applied to this experiment that is set to fail. This dead running will tally up to considerable amounts of fuel and emissions.

It seems, just like the ACT Labor Party on this matter, all that the ACT Greens are interested in are positive headlines. As part of the agreement, the Labor Party and the Greens signed up to the following:

2.4 Adopting a goal of guaranteed bus frequency of 30 minutes. The first stage of the proposal, considering time periods and appropriate locations should begin implementation by the middle of 2009.

It is now late 2009, and for the Greens to claim Redex is part of achieving the terms of their agreement is, indeed, very shallow. It shows that the Greens are not willing to be a third force in ACT politics and are nothing more than an appendage of the Labor Party in this place.

The Labor Party-Greens agreement also shows they are not even interested in Gungahlin commuters. There is no commitment to park and ride or bike and ride in Gungahlin as part of the agreement. How can the Greens claim to be a party of the environment and integrated transport if they cannot even make the simple commitments required for Gungahlin commuters? In a press release late last week, the Greens transport spokesman, Amanda Bresnan, said:

“If the REDEX trial is a success, we would like to see the Government expand the REDEX service to include another route in the 2010-11 Budget, either from Belconnen or Tuggeranong.”

As I have pointed out already, these services were announced as part of this budget but have already been abandoned. The Greens have nothing more than a shallow and glib commitment to the transport needs of the ACT.

The Canberra Liberals are the only party that offer practical solutions to the transport challenge and a move away from the stale and outdated approach of the other parties in this place.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.24): The ACT is committed to providing sustainable transport for Canberrans. The ACT government continues to improve our public transport system, which is paramount to reducing transport emissions and preparing for a low carbon future. One important initiative is the new Redex trial and, contrary to Mr Coe’s continued talking down of Canberra’s excellent public transport system, the government continues to invest to make our public transport system better.

The government will, not surprisingly I am sure, amend Mr Coe’s motion, and I will take the opportunity now to move the amendment being circulated in my name. I move:

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

- “(1) the ACT Government’s \$1 million trial of Redex between Gungahlin to Kingston, which will run to 30 June 2010;
- (2) that the Redex trial follows advice of transport planning experts and is in line with the Government’s draft Strategic Public Transport Network Plan;
- (3) that the Redex service offers a new transport service to Canberrans, including:
- (a) a new concept in the ACT of limited-stop, 15-minute frequency services all day, from 7 a.m. to 7 p.m., weekdays travelling from Gungahlin to Kingston via Mitchell, the city, Russell and the Parliamentary Triangle;
 - (b) a comfortable ride on the new MAN Euro 5 clean diesel buses, which are fully accessible and air-conditioned; and
 - (c) improved passenger information through the use of on-board information screens, which display information about upcoming stops and other ACTION services; and
- (4) that the Government will review the Redex service during the trial to consider its expansion as part of the Sustainable Transport Action Plan, in consideration with the finalisation of the Strategic Public Transport Network Plan.”.

The government has provided \$1 million in 2009-10 for ACTION to introduce the Redex, a rapid transit service. The concept of rapid transit services such as the Redex will complement the government’s long-term transport plan. The Redex trial commenced this week and will operate to 30 June 2010. A review of the trial and community feedback about the new services will inform the future of Redex and its potential growth within the ACT. The route between Gungahlin and Kingston via city, Russell and the parliamentary triangle is one of the key rapid transit routes identified in the draft strategic public transport network plan.

As background, in 2004 the ACT government released the visionary sustainable transport plan to set targets to help us increase the percentage of people using sustainable transport like public transport, walking and cycling in the future. We remain committed to these goals in 2009. Transport accounts for a significant proportion of the ACT’s emissions. We need to respond quickly and effectively to the dual pressures of declining fossil fuel reserves and rising carbon emissions by making sustainable transport options more attractive and accessible for more Canberrans.

Our sustainable transport goal articulated in the sustainable transport plan is to increase the percentage of people walking, cycling and using public transport to work from 13 per cent in 2001 to 20 per cent in 2011 and to 30 per cent in 2026. This requires 16 per cent of work trips by public transport, seven per cent by cycling and seven per cent by walking in 2026. Data from the Australian Bureau of Statistics indicates we are well on the way to achieving these targets but there is, of course, as we are all aware, still an awfully long way to go.

In July this year, the government brought together over 100 representatives of community and business groups to seek their ideas and input on the transport issues for Canberra and the region that are most concerning them in the future. At the roundtable I announced that the government is developing the sustainable transport action plan 2010-16. The sustainable transport 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 from 2010 to 2016. The input from the roundtable will be reflected in the sustainable transport action plan when it is developed over the next six months.

The sustainable transport action plan will link together four strategies which detail how we move around Canberra and the 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. We acknowledge that these aspects are strongly related and sometimes difficult to consider in isolation but it is also important to be clear to the community and business about where our intentions lie across the transport spectrum. The four strategies will be prepared alongside the overarching sustainable transport action plan in 2009 and will be released next year.

Also feeding into the sustainable transport action plan will be the feasibility studies for park and ride centres in Mitchell and Erindale. A park and ride in Mitchell would complement the Redex service from Gungahlin to the city.

As I mentioned before, the Redex route is one of the key rapid transport routes identified in the draft strategic public transport network plan. In preparing the draft strategic public transport network plan, the government has consulted with leading transport planning expert Jarrett Walker from McCormick Rankin Cagney. He advised ACTION that the trial would be more successful if we focused on the route between Gungahlin and the Canberra railway station in Kingston via city, Russell and the parliamentary triangle. By restricting the trial to one route instead of the original two, it also allows us to run it over a longer period and with more frequent services.

Redex services operate every 15 minutes from 7 am to 7 pm. Redex buses stop at specially marked, red-topped bollards along the route. These bus stops are strategically located along the Redex route. Redex services are high frequency, with limited stops between Gungahlin Marketplace and the Kingston railway station. However, it does need to be noted that Redex services are not express services the way that ACTION's Xpresso services are.

As noted in the timetable, the Redex services timings are currently approximate only. This is because the services run every 15 minutes, which is not a long time to wait for a rapid service and, in fact, it puts the ACT on par with rapid networks in some of the world's leading public transport cities that are of similar size and have similar urban densities as Canberra. As most people would find a maximum wait of 15 minutes to be a reasonable time to wait for a rapid service, there is no real need for a timetable. However, ACTION is conducting real-time, onboard timings over the first four weeks of the trial and adjustments will be made where necessary.

ACTION is encouraging as many people as possible to get on board a Redex service. Every customer on a Redex service is possibly one less car on the road. It is one of ACTION's goals to encourage more off-peak travel and non or infrequent bus users onto the Redex service. Canberrans based at Russell or Barton can catch a Redex to the city over lunchtime or for a meeting and have the confidence to know there will be a bus to return within 15 minutes.

The service is boosted by having ACTION's new MAN Euro 5 buses with internal information screens for customers' information. These buses are also equipped with bike racks for customers to have choices as to their mode of travel.

ACTION has already started to receive positive feedback from customers regarding Redex services. For example:

I wanted to commend ACTION Buses on this fantastic service. Convenient, new, air-conditioned bus can't ask for more.

Another:

I took the REDEX bus from Gungahlin Town Centre to the City in the morning and from the City to Gungahlin in the afternoon ... I thought the service was really good ... I liked the reduced number of stops along Northbourne Avenue.

Again:

I used the new REDEX service today and was most impressed.

Again:

On the bus from City to Gungahlin, the bus had a fancy screen showing the stops, along with a voice saying the next stop, which ... was very useful.

ACTION has also started to receive positive feedback from Redex drivers and I think all members would agree that happy workers, drivers in this case, lead to better customer service, which leads to a better public transport experience for all Canberrans.

To encourage non or infrequent bus users, ACTION is offering free travel for the first week, 16 to 20 November, on Redex services between 9 am and 4.30 pm. This offer ends on this Friday at 4.30 pm. In addition, in the first week radio station 106 is promoting Redex by having a mystery customer on the bus each day. The first person to ask the mystery customer whether they are from 106 wins three one-monthly bus tickets.

The Department of Territory and Municipal Services is currently undertaking a feasibility study to establish park and ride and bike and ride facilities along the Flemington Road corridor.

ACTION will evaluate the success of the trial by patronage, customer and driver feedback and is monitoring patronage on a daily basis. The concept of rapid transport

services such as the Redex will complement the government's long-term transport plan. The government will continue to plan for a sustainable future for Canberra and the region, supported and created by a sustainable, transport friendly, urban form with increasing sustainable transport options for all Canberrans.

Let me just reiterate, in the face of the continued opposition from the Liberal Party to the trial of this new rapid transit frequent service, a service that has been long demanded, that we hope this trial will enable the government to have the information and community support to continue to expand services such as Redex throughout the ACT. I find that remarkable.

It has been commented on by a number of radio commentators and, indeed, by the *Canberra Times*, that the Liberal Party's opposition for opposition's sake approach to almost everything that happens in this place and happens in government is exemplified by the attitude of the Liberal Party to the Redex service. They are not even prepared to give it a go. They are not even prepared to wait for the outcomes of the first day, let alone the first week. They trenchantly criticise the service before it has even commenced. They are not even prepared to support a trial of a new service and, in not supporting the trial of the new service, they simply do not understand what it is that commuters look for first and foremost in public transport.

What they look for first and foremost is reliability, frequency, the knowledge that if you stand at a bus stop or station a bus will come. It is the number one determinant of public transport usage or satisfactory surveys. The number one determinant is: can I stand at this bus stop and know with certainty that a bus will come within a certain time frame? In this instance, it is within 15 minutes. It is the great determinant—frequency, reliability. If I stand at this bus stop, this bus operator commits to me that at no time will I ever have to wait more than 15 minutes. It is the number one determinant and it is remarkable that the Liberal Party does not understand this and that the Liberal Party's spokesperson does not understand this.

Mr Coe: How do you get there, Jon, on a route service?

MR STANHOPE: Mr Coe, embarrassed as he has been by his attitudes to this, asks, "How does anybody get to it?" On the first day, the boardings were 1,398; 1,398 people knew how to get there, and the 1,398 people are incredibly grateful that the bus was there for them to catch. And they will long remember this, particularly those people—and it was interesting that even Alan Kerlin, the head of the Gungahlin community association, was among them—who are bagging the Liberal Party for not preparing to give it a go and, in not preparing to give it a go, bagging the Liberal Party for actually not supporting the residents of Gungahlin. Talk about a litany of lost opportunity by the Liberal Party here!

Mark Parton, that paragon of left-wing socialist support, bagged Alistair Coe for being oppositional for opposition sake. I have never heard anything like it. When Mark Parton comes out and says, "Young fellow, don't you think you ought to give it a go? Don't you think you should abandon your opposition for opposition sake's stance in relation to just this issue, if no others," I must say it is the high-water mark—Mark Parton, bagging the Liberal Party for being opposition for opposition's sake, not even being prepared to give it a go.

MS BRESNAN (Brindabella) (10.36): The ACT Greens see the commencement of the new Redex bus service as a positive initiative towards modernising ACT public transport. I have to say that I find Mr Coe's motion quite extraordinary in that it is criticising the success of a service before it has even had time to run. In fact, Mr Coe was out criticising the service before it had even started. Mr Coe's entire commentary on this issue has lacked any forward thinking. It shows the Liberals' true colours on public transport. Later I will be moving amendments which we believe reflect the needs of the community and a genuine understanding of the current transport issues in Canberra. Our amendments reflect the need for long-term planning, not short-term spitefulness. We would call upon the Canberra Liberals, as we always have, to engage with us and to join in providing effective solutions and new ideas. We would welcome their support. However, given their track record and their lack of understanding of public transport, we are not optimistic.

The Redex service is the type of service that has been proposed by Jarrett Walker, who has been engaged by the ACT government to undertake work on the sustainable transport plan. The types of services along the lines of Redex are envisaged to start building in rapid transit routes and corridors that not only become permanent parts of the transport network but also are built into the planning process for our city, so that transport becomes an essential part of that process. I will add that Mr Walker has been involved in transport planning for the city of Brisbane, which has become one of the best examples of transport planning in the country. I have to say that I would take Mr Walker's advice over Mr Coe's.

This new service is part of the Greens' push for greater bus frequency as part of the Labor-Greens parliamentary agreement. Providing a fast, regular and reliable alternative to cars is a cornerstone of the Greens' transport policy. We have pushed hard to get the Redex service up and, if successful, we will look to get more projects of this kind established on a permanent basis. If the Redex trial is a success we would like to see the government expand the Redex service to include other routes in the 2010-11 budget from Belconnen and Tuggeranong. I have already heard the view expressed by the department that they would expect to see Redex become a permanent part of the transport network and expanded to other areas. This is a very positive sign.

On frequency, paragraphs (1) to (6) show that Mr Coe has missed the point entirely of Redex. All of these paragraphs talk about how long it takes to catch a bus from Gungahlin to Civic, essentially. The point of Redex is not how long it takes to catch a bus but how often the buses come. Redex comes every 15 minutes from 7 am to 7 pm, whereas those existing bus routes Mr Coe was talking about only come about once every hour during off-peak times. The point of frequency is what it takes to get people out of their cars and onto buses. If there is a reliable service that comes often, people will trust that they will not encounter problems with delays or waiting around.

This is a trial that is trying to establish evidence for frequent and central services. Transport studies consistently show that the key issue in encouraging people to use public transport is frequency. It is also about, as I have noted already, building these permanent routes into the network so that people know that service will be there and will be reliable. The issue around how long a service takes is one the Greens have

discussed for quite some time and is why we have consistently stated we need to start investigating the need for more bus priority measures in the ACT. The problems experienced, particularly along Northbourne Avenue, are going to have to be addressed in the not-too-distant future, as has been identified by Mr Walker.

These rapid routes such as Redex are generally quicker, as has been demonstrated in the first few days of the Redex service, but it is with the introduction of other measures that these services will be even more enhanced. The issue is that we have to start building routes like Redex into our public transport network; otherwise we will never improve from what we have. We will continue along with more of the same and people will not be encouraged to travel on buses. Those are simply the facts. What these networks also allow for, as has been done in Brisbane, is a change of technology, if that becomes feasible in the future. Other countries have also adopted this approach.

Paragraphs (7) and (8) of Mr Coe's motion talk about the lack of park and ride facilities at the Gungahlin town centre. In the 2009-10 budget the ACT government included funding for a feasibility study for a park and ride facility at Mitchell. It is our understanding that the intention of the Mitchell facility is to service Gungahlin and the wider area and that this is something which is being considered in the overall plans for the transport network, including connecting services to more rapid and direct routes such as Redex. I would suggest that this work should be fast-tracked.

I note that in the transport work done by the government a bus interchange has been identified for Gungahlin. This is something that the Greens have called for. Planning for this interchange would have to include consideration of a park and ride facility, as has occurred with other interchanges. Furthermore, if the information gathered from the Redex trial indicates that the service will benefit from a park and ride facility at Gungahlin that is something we would obviously support. However, unlike the Liberal Party, the ACT Greens shall not judge the efficiency of the service on the third day of its operation.

In regard to criticising indirect suburban services, this is a paragraph that makes me wonder whether the Liberal Party and Mr Coe have read the strategic plan at all. If they had, they would know of the need for a coverage network to provide basic mobility for our community to access essential services. If Mr Coe and the Liberal Party have a problem with the occasional circuitous routes these buses have to take, we would happily leave it up to them to explain to the elderly, the disabled and the young how we will maintain these services without lengthy travel times. This is the politics of cheap shots and adds nothing to the conversation this city needs to have about the future of our transport systems.

Regardless of which bus service we are talking about, they have to start from somewhere, wait for people at bus stops and then finish somewhere. The issue of buses sitting idle at some stage is, unfortunately, something we cannot do much about, unless we are going to have buses no longer stopping at stops, which I would think defeats the entire purpose of commuter travel. I must say that I find subparagraph 14(a) quite bizarre, given that the very purpose of this service is to provide more direct route services from Gungahlin to the city. We would suggest that Mr Coe re-examine what he seeks to get out of this motion criticising Redex.

However, it should be noted that the Greens agree on one of the ideals of this motion, that there can always be improvement. Unlike Mr Coe and his cohorts, we believe genuine improvement comes from trials of new concepts of public transport. It is telling that the Liberal Party offer only criticism of the Redex service, not substantive suggestions for improvement. Moreover, suggesting that the investment should be redirected into providing what would be approximately two more buses in what they admit in their own motion is an inefficient system is incredibly disingenuous.

Redex services provide a more effective and user-friendly usage of public transport resources. Redex is the first step in developing better solutions. We do not see the \$1 million as money wasted. We see it as an effective step forwards. We agree that the government should invest in means to improve bus priority on existing routes to cut travel times. We have urged, and will continue to urge, the government to invest in dedicated public transport infrastructure.

This motion by Mr Coe is indicative of the difference between the role of the ACT Greens and the Liberal Party in this place. We have worked with the government to drive a long-term plan to improve services for the people of Canberra. We have examined concepts to provide for the future of public transport in this city, and we are proud to say that the Greens-Labor agreement was an integral part of this service. Compare this, if you will, to this vindictive motion by Mr Coe. This not only shows the Liberal Party to be unwilling to consider anything other than more roads, more traffic and more cars, but also shows they are unwilling to engage with the genuine problems the community faces. They have no understanding of the strategic network plan and no drive towards a better future. There is nothing but cheap, spiteful, misdirected political point scoring. The ACT Greens balance holding the government to account with working with the government to deliver better outcomes for our community. The Canberra Liberals will simply kick and scream to get a sound bite of criticism for their own petty political goals.

In relation to the particular points in Mr Coe's motion, yes, the Redex service travels on the same roads as existing services, but, as the first week of Redex has shown, people using this service have experienced savings in travel times. As to point No 5, to date ACTION does not have the data which Mr Coe has listed, so where Mr Coe has managed to get that information from, I do not know. Mr Coe has no proof other than his own speculations that point No 8 is factual. Point No 10 is incorrect, as the point of having frequent services is to stop bus bunching. Point No 11 is bizarre, as we always have dead running buses from buses travelling to and from their starting points and connecting up to services. That is simply a fact. Point No 12 again misses the point entirely, as the point of Redex is to reduce stress on other services and the existing bus network. I seek leave to move the amendments circulated in my name together.

Leave granted.

MS BRESNAN: I move:

- (1) paragraph (3), omit (b) and (c); and

(2) add:

- “(5) the Redex trial final plans focused on one route;
- (6) that Redex services travel on the same roads as existing bus services;
- (7) that routes 51, 52 or 59 provide 50 services a day between Gungahlin suburbs and the city;
- (8) that there are no ‘park and ride’ facilities at the Gungahlin Town Centre; and
- (9) that a \$1 million investment in public transport should be coupled with investment in:
 - (a) improving bus priority on existing routes to cut travel times; and
 - (b) consider an appropriate location for a ‘park and ride’ facility to service Gungahlin in line with plans for a Gungahlin bus interchange.”.

MS LE COUTEUR (Molonglo) (10.47): I think Mr Coe’s speech could basically be summarised as: \$1 million is not enough to solve all the problems of the ACT transport system, and particularly those for Gungahlin. If he had just left it at that point I think you would have furious agreement in this Assembly. One million dollars is not enough to solve every problem. Unfortunately, he did not leave it at that. As my colleague Ms Bresnan has said, he went into opposition for opposition’s sake. I was really surprised that this time he went slightly further than political opposition for opposition’s sake. He described everyone who caught the Redex system as being absurd—all 1,398 Canberrans. I am really surprised to find—

Mr Coe: I didn’t say that. It’s a Stanhope tactic.

MS LE COUTEUR: You said it would be absurd for anyone to catch the Redex bus. I am really surprised that he is now opposing the constituents of Canberra as well. I thank Mr Coe for mentioning the agreement items which are relevant to this. The Greens regard bus transport and sustainable transport in Canberra as being a very important issue. As Mr Coe rightly noted, there were two very relevant items to this in our agreement with the Labor Party. One was about better bus frequency. The Redex trial is certainly a way of trialling better bus frequency. It is a trial. I very much hope it will be a successful trial.

I am particularly disappointed that the opposition does not seem able to accept the concept of a trial, doing something new. If we are going to have improvement, we need to have change and we need to have new trials. The other thing that was part of our agreement with the Labor Party was the park and ride facilities. One of those will be at Mitchell. It will service the people of Gungahlin and also the people further north, from New South Wales. Both of these items are very relevant to this particular trial and to the transport issues in Gungahlin, which is what Mr Coe’s speech focused on.

Looking a bit more broadly at the transport problems of Gungahlin, there are a few other points I would like to make. Mr Coe was quite correct in saying that the Redex bus will go down the same route as the other buses. He also correctly pointed out that bus bunching is a problem on Northbourne Avenue. The Redex trial by itself clearly is not enough to solve these problems. We would call upon the government—and I believe it is putting some work into this already—to do more in terms of looking at bus priority for Northbourne Avenue—things like a bus priority lane and actually using the space down Northbourne Avenue. My understanding is that the government is working on that.

The Greens do not claim to be traffic engineers. What we would say is that the significant problem down Northbourne Avenue is creating problems for the rest of north Canberra. The Redex trial, as I am sure the government would agree, is not going to fix that problem by itself. We need to have a bigger change that will give more priority for buses and will get people out of their cars and onto the buses, because it is producing a huge problem for the inner north and the rest of north Canberra.

I would now like to move on to what is probably one of the things at the heart of Gungahlin's traffic problems—that is, the fact that there is almost no local employment in Gungahlin. If you can remember back to the Y plan, the idea behind the Y plan was that each town centre would have local employment. So the fact that there were not good transport connections between the town centres was not an issue. There have been a lot of problems with the Y plan. I am not standing up here to defend it, but I am very clearly saying that, to solve Gungahlin's transport problems and to solve quite a few of the problems of Gungahlin, we need some significant local employment. That is what Gungahlin has not got. It has not got a government department there.

You could basically say that if the office development that has occurred at the airport had occurred in Gungahlin we would not be having this conversation today, because a significant number of those people who live in Gungahlin would be able to work in Gungahlin. They would be able to walk or ride their bikes or use the local suburban bus services to their place of work and not cause the impacts that are being felt on both their own amenity and the amenity of the rest of Canberra. I call upon the ACT government to continue lobbying the federal government to move a department to Gungahlin.

Ms Bresnan referred to a bus interchange in Gungahlin. That is something that the Greens have been calling for for some time. Clearly, there is a need for a better bus service in Gungahlin. The Redex is part of it. A park and ride facility that services Gungahlin in a location to be determined and a bus interchange in the middle of Gungahlin would both appear to be a very sensible step forward for the people of Gungahlin.

Looking more broadly at bus travel and transport in the ACT, I have to point out to Mr Coe that Gungahlin is not the only place where we have problems. There is a real need for transport and planning to work together in Canberra. The phrase

“transport-oriented development” is something that needs to stop being a phrase in Canberra and start being a major part of our planning. It has been the Greens’ policy for a very long time that planning and transport should be looked after by one department because they are so interrelated.

As I imagine we are all aware, 25 per cent of our greenhouse gases are from transport. The rest is from stationary energy from buildings. Given that it appears that we are now going to commit to peaking our greenhouse gas emissions by 2013, with the aim, of course, of eventual zero net emissions, it is really important that we start looking at a transport system that is going to work and a transport system which will start helping to deliver actual reductions in greenhouse gas emissions. The Redex trial would seem to be one part of that puzzle of getting that together.

Talking about transport in general, my colleague Ms Bresnan has a motion on the notice paper, which I hope will be dealt with in the next sitting period, concerning transport and master planning in Erindale. Gungahlin is not the only place where we have stress. The inner north is not the only place where we have stress in our transport system. It is important to look at the whole system. I commend Ms Bresnan’s amendments and also say that the Redex trial, while clearly not adequate to solve all the transport problems of the ACT, is a positive step forward.

MR COE (Ginninderra) (10.55): There have been a few things said in this debate that are really quite inaccurate and not sticking up for the good people of Gungahlin. The people on the crossbench, the Greens, may not actually know where Gungahlin is, but it is that bit to the north of Lyneham or to the north-west of Watson, north of the inner north. It is where 40,000 live and 40,000 people struggle to get the bus to the city.

It is all very well to bolster the services between the Gungahlin Marketplace and the city. But how do you get to the Gungahlin Marketplace? If you look at the times, each morning there are 22 services which run from Gungahlin suburbs, through the Gungahlin Marketplace and on to the city. If you actually look at these times and you compare them to the Redex, you get some pretty interesting statistics. For instance, if I was to get a bus at 6.45 am—up nice and early—I hop on the bus and I arrive at the Gungahlin Marketplace at three minutes past seven. If I was to go into the city on the same bus, I would arrive at 7.25 am. So I leave at 6.45, arrive at Gungahlin at 7.03, go straight on through and I am there at 7.25 am. If I was to use the Redex, I would have to get off that bus, which is using the same road as the Redex. So I would get on the bus at 6.45 in Nicholls, I would get off at 7.03 am, I would wait for 13 minutes at the Gungahlin Marketplace, then get on the Redex, which is going on the same route as my other bus, and I would arrive at 7.46 am. It would be 21 minutes slower.

That might be an anomaly, so let us look at the next time, 6.59 am. I get on the No 52 at Nicholls. I arrive at the Gungahlin Marketplace at 7.13 am. I would keep on going through and I am there at 7.35 am. If I had done something differently, I could have got off the route service, which is going to the city, waited at the Gungahlin Marketplace and then hopped on a Redex. How much slower would I be? Eleven minutes slower that way.

If you look at all these times, this is how much slower they are: 21 minutes slower, 13 minutes slower, 11 minutes slower, 20 minutes slower, 11 minutes slower, five

minutes slower, five minutes slower, five minutes slower, nine minutes slower, three minutes slower, nine minutes slower, four minutes slower, five minutes slower. Not until 8.29 am is it possible to go from a Gungahlin suburb, through the Gungahlin Marketplace and on to the city on a Redex in a faster time. And how much faster is it? It is two minutes faster. So we are spending a million dollars to get a service which is two minutes faster and involves a connection.

Of the 50 comparisons I have done, of the 50 services each day between the city and Gungahlin suburbs, 46 of them are faster on existing services. On only four of them are you actually faster on a Redex. We are spending a million dollars on this trial for a service which is going to be slower for 92 per cent of the time. If the 40,000 constituents in Gungahlin who normally get the 51, 52 or 59 bus were to use the Redex service, they would be slower 92 per cent of the time than if they stayed on their normal route bus. These are facts. The only way that somebody would actually make the most of the Redex service would be if they got a lift to, got dropped off at or drove to the Gungahlin Marketplace.

So it seems to me that we have got a park and ride but with no park, because the only parking spaces that are available in Gungahlin at the moment are pretty much in the G shopping centre or in the Marketplace shopping centre. What is going to happen if you want to get in to work for 9 o'clock? Say you want to get on the Redex at 8.01 am, which gets you in at 8.35 am. You are going to drive in to the Marketplace and you will get a nice spot, under cover, right by the escalators. You will go up the escalators, hop on to your bus and you will go into the city. And a few other people might have this same idea as well—there might be a few hundred people—to get there nice and early, park in the undercover car park at the Gungahlin Marketplace or the G shopping centre, park right next to the door, go upstairs, hop on to a bus and go into the city.

Those people might never spend a dollar at the Gungahlin Marketplace or the G shopping centre, yet those businesses would be providing the parking—and they would be losing money because for the rest of the day all the parking spots right next to the door would be taken up by commuters. Park and ride is a good concept, but why should these businesses have to cop it? Why shouldn't the ACT government provide the park and ride stations? It seems to me this whole idea is very poorly thought out.

The Greens, Ms Le Couteur and Ms Bresnan, asked what we have got against trials. In this case it is a million dollars being spent on the exact same route as the No 5 service. That was the trial. The No 5 service has been in operation since network 08. There is your trial. Why don't we just look at the timetables of the No 5 service? Why don't we look at the patronage of that? Why do we have to rebrand it? Why do we have to spend a fortune on promotion to brand something which is the same as the No 5 service?

It is not surprising that my office has been contacted by a number of transport economists and also by a number of bus drivers who have expressed concern about the way this whole thing is panning out. When you look at it, you have got a park and ride without the park, and you have got a Redex express service which is not an express. You have also got a connection service that you cannot connect to. It is all

very well to have a 15-minute frequency, a 15-minute rapid service; but if the feed-in service is not at that same level of consistency, at that same rapid extent, you are going to be held up by whatever your route service is. And let us not forget that every route service is going on to the city anyway on the same roads. So the time it is going to take to wait at a bus stop is the time that you could have spent at your destination. The time between getting off your route bus and waiting for a Redex is where the fat is in this system.

There is way too much fat in this system. This system is totally dependent upon people being at the Gungahlin Marketplace. As anybody who has been to Gungahlin knows, there are not that many houses, there are not that many residents, in the Gungahlin Marketplace. In and around the Gungahlin town centre there are not that many residents. I think we need to have more residents there. We need to have more commercial activity there as well. But there are not that many residents, so somehow people have to get to the Gungahlin Marketplace.

I looked earlier at the stats of going into the city. The stats going away from the city in the afternoon are actually quite stark. Again, it is all very well to have a 15-minute service from the city going to the Gungahlin Marketplace. But, if you have got to wait for a connection at the Gungahlin Marketplace, you are only as fast as your last connection. So, for instance, if you wanted to get the No 51 bus, which leaves the Gungahlin Marketplace at 3.50, you could just hop on it in the city at 3.28 or you could get the 3.25 Redex service to make the connection—three minutes slower. If you want to get the No 52 bus, which leaves the Gungahlin Marketplace at 4.03, you could just get the No 52 bus in the city at 3.41 or you could get the Redex to connect at 3.25—leaving 16 minutes earlier in the city to catch the bus.

If you look at the afternoon routes, they range from being a minute slower through to 16 minutes slower. If you are going to Nicholls, Ngunnawal, Amaroo or Forde in the afternoon, it is absolutely impossible to use the Redex service to get there faster than you would on a 51, 52 or 59—absolutely impossible.

It is all very well to say that this is a trial and we have got to give it a go. But this trial has not been thought out very well at all. It is a million dollars of taxpayers' money that could have been spent better. For every single one of the 28 services that go from the city to the Gungahlin Marketplace—for every single one of them—you are better off sticking to your existing route service than getting on your route service and changing at the Gungahlin Marketplace.

It seems to me that this service has not been very well thought out. It seems to me that this government are quite anti small business, because they are taking up small business car parks. The Gungahlin traders are already doing it tough. They are doing it tough because there is very little commercial activity out there other than retail. The only incentive people have to go to Gungahlin Marketplace is the convenience of the free parking. If that parking is no longer free, or it is no longer available because hundreds of commuters are treating it as a park and ride station because this government will not invest in a park and ride in Gungahlin, it would be a real tragedy for the Gungahlin traders. They are already doing it tough, and they are going to be doing it much tougher because of what this government have done in not planning

properly and squandering \$1 million which could have been spent so much better for Gungahlin transport.

MR DOSZPOT (Brindabella) (11.06): I would like to thank Mr Coe for bringing this very important motion to the Assembly today. Mr Coe has put forward a very thorough case for his motion and covered many of the anomalies that accompany the Redex bus trial. As Mr Coe has said, everything about the name of the service and the way it has been marketed would suggest that it is a faster option for commuters. The use of the colour red in the promotional material intimates that it is an urgent, fast, expedient way to travel. But underneath the spin we see that it really is not the fastest option at all. What we see underneath all of the hoopla is a service that actually replaces services from west Belconnen that have been cut and does not provide anything extra for the residents of Gungahlin.

Mr Coe has also highlighted the other areas of concern: that Redex services travel on the same road as existing bus services, with little potential for time improvement; that there are no park and ride facilities at the Gungahlin town centre; that in the absence of park and ride facilities there are concerns that commuters will occupy private car parking spaces in the Gungahlin town centre and therefore restrict trade for local business operators; that the lengthy travel times are often caused by indirect suburban services; and a lack of bus priority in key locations.

I guess the most telling point is that the \$1 million investment in public transport would be better spent by providing a choice to Gungahlin commuters, with more direct route services from Gungahlin suburbs to the Gungahlin town centre and the city; resources for improving bus priority on existing routes to cut travel times; and a park and ride facility at the Gungahlin town centre.

I would like to take the opportunity that this motion provides to discuss ACTION bus services in more general terms and to put some focus on to the ACTION bus routes that service the whole of the ACT, including the electorate of Brindabella, and on some of the forward-thinking ideas of the Canberra Liberals.

The \$1 million being spent on the trial of the Redex service could be better spent in other areas of the transport network. We have already heard from Mr Coe that this trial does not provide anything extra or any real value to the taxpayer in Gungahlin, let alone to the rest of the ACT.

The ACT government should have a long-term commitment to provide public transport services that meet the needs and expectations of the community, particularly those members of the community who need support with additional transport. They also need to ensure that these public transport services are safe, reliable, sustainable and frequent.

In the 2006 budget delivered by the then Stanhope government, savage cuts were made to ACTION's funding, which in turn forced the introduction of unpopular network changes which featured substantial reductions in services. The impact on ACTION's patronage was so great that the government was forced to reinstate some funding in 2008, but the damage had been done. Even the Transport Workers Union,

which represents the majority of ACTION staff, at that time rated the ACTION bus network “the worst in 30 years”. At that point in time the ACTION fleet was still behind in its fleet replacement schedule, and the morale of the bus drivers having to work split shifts in a part-time capacity was at an all-time low.

Now, three years on, we are no further advanced in keeping pace with the replacement of an ageing bus fleet. Aside from the odd token new bus, in the main the fleet of buses are old and prone to breaking down. There is often a shortage of buses, reliability on the suburban routes is questionable, and the safety of patrons and drivers alike at interchanges and on the buses is still an issue.

In this year’s budget, the government waxed lyrical about the rapid transit services—these services that were supposed to link west Belconnen with Belconnen, the city, Barton, Woden and Tuggeranong. The services were also supposed to cover an express service from Gungahlin to the city, Barton, Woden and Tuggeranong. That has been scaled back to one service between Gungahlin, the city and Kingston. However, this already scaled-back trial is all we are left with.

The real key to fulfilling the notion of sustainable transport for those who have a choice is convenience. Convenience and frequency will get more people using ACTION. The current intertown services provide this convenient fast option if you are going to a town centre. However, the real challenge to this notion begins when commuters have to travel from the town centre to their homes in the suburbs. This is where the old buses are. This is where reliability is a factor and this is the real test for resources.

The Canberra Liberals took to the election a comprehensive plan to provide park and ride services across the ACT—free parking for cars and safe lockers for bicycles—all close and convenient to major transport routes and convenient shopping.

The Greens and their coalition Labor partners in this place would have us all believe that the park and ride concept is a new one and that they have it all sewn up. Ms Bresnan has talked up the possibility of a Calwell park and ride in her master plan for Tuggeranong motion. This is not a new idea, Ms Bresnan. This is an idea that I personally have discussed with the community since at least 2004 and an idea that the community of southern Tuggeranong have been discussing and investigating. I pay tribute to the energy and enthusiasm of Calwell businessman Nick Tsoulias, who has been a vocal advocate of this concept that has our support and that of many in the Tuggeranong community.

The operation of efficient and effective public transport services is a challenge that governments face throughout the world. The high cost of such services and the highly peaked nature of service demand make it difficult to operate services efficiently, and issues such as urban geography, road networks, population and employment dispersal, and traffic congestion are complexities in the design and delivery of effective services.

Mr Stanhope: Who wrote this speech, Steve?

MR DOSZPOT: Historically, the ACT has one of the lowest patronage rates in the country, so the challenges are increased. But it must be said that the Stanhope

government have had a long time to get things right—a long time, Mr Stanhope, to put some real effort into making our public transport better, not worse. As my colleague Mr Coe has so eloquently stated, it is now November 2009, and for the Greens to claim Redex as part of achieving the terms of their agreement is very shallow, and it certainly shows that the Greens are not willing to be a third force in ACT politics and are nothing more than an appendage of this Stanhope Labor government.

Mr Coe also pointed out that the Labor Party and the Greens agreement shows that they are not even interested in Gungahlin commuters—

Mr Stanhope: What have the Greens done? You've upset the Liberals today. What have you done?

MR DOSZPOT: No, Mr Stanhope—not even interested in Gungahlin commuters—and you are not interested in, and there is no commitment to, park and ride or bike and ride in Gungahlin as part of the agreement,

How can the Greens claim to be part of the environment and integrated transport if they cannot even make the simple commitment required for Gungahlin commuters? I commend Mr Coe's motion to the Assembly.

MS LE COUTEUR (Molonglo) (11.15), by leave: My brief comment is on Mr Coe's second speech, which basically shows he clearly has not been a bus user, because the most frustrating thing is when you stand there and you have missed the bus. Frequency does really matter with bus services, and that is one of the things that the Redex system will deliver. Frequency matters if you are a catcher of public transport, Mr Coe.

MR COE (Ginninderra) (11.15), by leave: Ms Le Couteur may well say that I am not a regular bus user. I would like to know when she last caught a bus. I caught a bus on Friday last week and the 51 and 52 services are not so crash hot. They are the ones that I get from Nicholls. And I can tell you what is more frustrating than waiting for a bus. It is getting off a bus that is going to your destination, waiting for a bus to then get on a bus that is going to the same destination—and it being 21, 13, 11, 20, 11, five, five, nine, three, nine or four minutes slower. That is more frustrating. That is far more frustrating than waiting for a bus. We are not talking about 15-minute buses from your suburb, from your actual start of journey. We are talking about 15-minute intervals for a bus in the middle of your journey, which you should not be getting, because it is going to be slower anyway.

So Ms Le Couteur's additional comments were not terribly useful. If she actually analysed the 727 and the Gungahlin bus timetables, she might understand that the Redex service is not all it is meant to be.

MR SESELJA (Molonglo—Leader of the Opposition) (11.17): I thank Mr Coe for bringing this motion forward today. What Mr Coe has done through his very detailed analysis of this new service and this new trial is show that the emperor has no clothes. We have got a government that like to give flashy names to things, like Redex. They

think that if they name it right, market it right and advertise it right, it will somehow make up for the serious flaws that have been highlighted by Mr Coe. Not one speaker who has responded to Mr Coe's motion has addressed any of the substance of what he has had to say—addressed any of the detailed substance that he has put forward in the media and that he has put forward here in significant detail.

Mr Coe has analysed these routes more than anyone in this place. Not one of the speakers who have come back has been able to debunk anything that he has said. Not one of them has said that there is anything incorrect. They might not like his conclusions, but there has been a distinct lack of facts on the other side of this debate.

It is worth going through what the Greens and the Labor Party are proposing to vote against before we go through the detailed facts that Mr Coe put on the table that have not in any way been refuted or debunked. What they are voting against today is all of these statements of fact:

- (1) the ACT Government's \$1 million trial of Redex between Gungahlin and Kingston;
- (2) that the Redex trial has already been scaled back and services from West Belconnen have been aborted;
- (3) that Redex services travel on the same roads as existing bus services with little potential for time improvements;
- (4) that routes 51, 52 or 59 provide fifty services a day between Gungahlin suburbs and the city;
- (5) that for Gungahlin residents in Nicholls, Ngunnawal, Casey, Forde and Amaroo that use a route 51, 52 or 59 service, the travel and connection time to and from the city on a Redex service will exceed the travel time of these existing route services to and from the city for 92% of services ...

Those are the facts that Mr Coe has put forward which the Labor Party and the Greens will be voting against. They have not been able to refute any of them. They have not been able to show where Mr Coe is wrong in any way.

It is worth again going through the facts that Mr Coe has put forward. Look at the morning services; go through the list, the detailed table that Mr Coe has brought together. If you go through the list, you will see that we have one that is 21 minutes slower under Redex—13 minutes slower, 11 minutes slower, 20 minutes slower, 11 minutes slower, five minutes, five minutes, five minutes slower, nine minutes slower. The list goes on. On this list, between 7.03 am and 9.24 am there are four that are faster. On the entire route, there are four that are faster.

Those are the details. Those are the facts that have been put forward and have not been refuted. They have not been refuted in any way. That is the point central to Mr Coe's motion here today. It is central to the motion that what we have is a government, aided and abetted by the Greens, who will pretend to deliver. They will pretend to deliver. They believe that, if they give it a fancy name—Redex—and seek

to market it in the right way, somehow people will believe that there are improvements, that there is action.

When it comes to public transport, we have seen the record in recent years from this government. We have seen constant chopping and changing on routes because they simply get it wrong. Some years ago we saw the gutting of a number of services and attempts to try and fix the significant damage to public confidence in our public transport system as a result of that. Now we have the stark facts that have been put on the table by Mr Coe in this motion—this well thought out, detailed and researched motion that Mr Coe has put forward. And we have not heard a counter-argument. We have not heard anyone say why he is wrong. We have not heard anyone say: “No; actually they are fast. They are actually fast. It is actually faster. What you say, Mr Coe, is wrong. When you say that 92 per cent are slower, you are wrong.” That is because he is not wrong: 92 per cent are slower, and he has pointed out how that is the case.

Again we see the Labor Party and the Greens not engaging in a debate on the facts, not looking at the numbers and the figures that are there for all to see. They resort to slogans. They resort to a lot of personal attack—that this was a vindictive motion. They were the words used by Ms Bresnan—that it is a vindictive motion: it is vindictive to bring forward facts and to put some facts into the debate; it is vindictive to critique the government when they get it wrong; it is vindictive, apparently, to hold the government to account for their promises.

Ms Bresnan: Oh, come on.

MR SESELJA: On this issue, what Mr Coe has highlighted and why we see such sensitivity across the chamber is this. We see such sensitivity across the chamber because they were hoping that no-one would ask questions, that no-one would actually do the detailed work to ask: “Is this the best use of \$1 million in our public transport system? If we are going to spend this \$1 million, is this the best way we can spend it? Will this get the maximum bang for our buck for commuters on our public transport system?” Clearly, that is not the case. Clearly, as has been demonstrated in great detail and at great length, that is not the case.

The sensitivity from the other side is evident. It is not surprising. When you so comprehensively debunk what the government have been saying, when you outline it in comprehensive detail, there will be sensitivity. But instead of coming back to us and saying, “You are wrong. This is why you are wrong. These are the facts,” we have not heard that. We have simply heard attacks from the other side. They do not like this being criticised, because they are trying to do a snow job on the people of the ACT on what they are actually delivering.

Let us be honest about this. This does not deliver faster services for the people of the ACT. It does not—in the vast majority of cases, in the vast bulk of cases—deliver faster services for the people of the ACT. Those facts need to be put on the table. Those facts should be debated. Those facts should be defended by those defending the trial, instead of resorting to slogans and the personal attacks that we so often see.

When we hear the next speaker in favour of Redex, either from the Labor Party or from the Greens—one of the defenders—perhaps they can take us through it. They can take us through these details and tell us why they are wrong. If they cannot take us through these details and tell us why they are wrong, they will be exposed. They will be exposed for simply defending it because they think it looks good—simply defending it because they believe it to be a good thing, despite the facts. We look forward to it.

MR RATTENBURY (Molonglo) (11.25): Having listened to all of this debate, I would like to stand up this morning to welcome the Redex trial. This is an interesting initiative. I am not sure if it is going to be the perfect solution, but I think it is appropriate to begin to trial these kinds of services. What we know from all the experts, from all the studies and from looking at other cities around the world is that one of the things that public transport users find key is frequency of services—frequency, regularity, knowing that if you turn up and miss your bus another one will be coming along in a short time frame and you will not have to wait nearly an hour. The principle behind this trial is one to be welcomed.

What has not been mentioned in this debate this morning is that Mr Coe's analysis has been entirely about transport between Gungahlin and Civic. Mr Coe has failed to take into account some of the other possibilities around this service. For example, I would be interested to see how many families take the approach of perhaps driving to the Gungahlin Marketplace—

Mr Hanson: Have you ever been to Gungahlin, Shane?

Mr Coe: That is the problem. Where is the park and ride?

Mr Hanson: Have you ever gone beyond the inner north?

MR RATTENBURY: Have you finished yet?

Mr Coe: Where are they going to park?

MR RATTENBURY: Do you want to hear the rest of the sentence?

Mr Coe: Where are they going to park?

MR RATTENBURY: Of taking the opportunity to drive to Gungahlin Marketplace, park, take a rapid bus to Civic, work for the day, come back, hop off, do their shopping at the Gungahlin Marketplace—we have a number of large after-hours supermarkets that are not available in the suburbs—do their business in the Gungahlin Marketplace, maybe then drive and pick their child up from sport on the way home and then go home. There is a possibility that Mr Coe has failed to mention this morning, which his direct bus No 51 from Nicholls will not deliver. But that is okay because Mr Coe wants to make a certain point.

Mr Coe has also failed to undertake any sort of analysis about people that work somewhere other than the city. The Redex service runs down Constitution Avenue,

runs to the Russell Defence services, then runs through the parliamentary triangle. Where is Mr Coe's detailed and comprehensive—I think "comprehensive" was the word that Mr Seselja used—analysis on that part of the service?

I have got to confess that I have not sat down and done that bit of anal work on the timetable yet. Frankly, I would like to hear it from Mr Coe. He has come in here and told only part of the story. Mr Coe's narrow focus on these things is why, increasingly, here in the community, Mr Coe is being referred to as the member for small things. Mr Coe only ever looks at part of the story. That is why people call him the member for small things. It is the same analysis, and the same reason people are making the comment, as when Mr Coe started getting stuck into green paint on cycle lanes and failed to take into account the big picture. He fails to look at the big picture. He is too busy focusing on just the little details where he can score a cheap point.

I invite the Liberal Party to look at the big picture rather than talking down this trial from the start and doing their best to ensure that it is a failure. Before the bus service even started—at least last Friday, as I recall it—Mr Coe was in the paper saying, "This is going to be a failure." That gives people in Gungahlin real confidence!

Mr Hanson: At least he looked at it, Shane.

MR RATTENBURY: I have looked at the timetable as well. Have a look at the map. Why haven't you done the analysis about the trips through to the defence forces? Why haven't you done the analysis through the parliamentary triangle? Because you are interested in the small things, Mr Coe. Go figure it. Think about the fact that you do not know absolutely everything about everybody in Gungahlin. Give us some real debate rather than focusing on just the minutiae.

MADAM DEPUTY SPEAKER: Mr Coe, are you closing the debate?

MR COE (Ginninderra) (11.29): I am happy to close the debate if that is the will of the Assembly. We have had some pretty interesting contributions today. A lot of it seems to me to be the Greens trying to cling to relevance. The Greens are desperately trying to say why they are relevant in this Greens-Labor agreement.

It seems to me that some people in ACTION have put this scheme together with no effort whatsoever from the Greens. It has obviously got flaws in it. The minister comes out and says it is fantastic, and the Greens blindly say it is fantastic too. I do not think any of them had actually looked at the timetable before today. I saw the Speaker looking over the old 727 timetable when he was in the chair earlier. I think that was the first time anybody from the crossbench had printed the timetable—the first time.

If Mr Rattenbury had this killer case that he looked at with the timetable over there—if they had looked at it before—surely that killer case would have come out in the speech of the first speaker for the Greens. But no. I do not think any of them had actually printed the timetable until half an hour ago, when the Speaker thought he might go and print it off and see whether the people of Gungahlin are getting a raw deal or not.

It was interesting that he should challenge me to produce the evidence for the services to Defence. I do not have that with me in the chamber. However, we have done that analysis, and the analysis is pretty similar. I will tell you why the analysis is pretty similar: regardless of whether you are going to get a bus all the way through from the Gungahlin suburbs to the Gungahlin Marketplace or not, you are going to have a transfer time; you are going to have a connection time. It is that connection time at the Gungahlin Marketplace where the time is being consumed. Whether you are going on to Defence, Kingston or other parts of the parliamentary triangle—regardless of whether you are going from Nicholls, Ngunnawal, Amaroo or Forde—you are better off staying on your bus going into the city. Why? Because you do not have to wait around at Gungahlin Marketplace.

It is interesting that Mr Rattenbury should talk about the scenario whereby someone drives in at 8 o'clock; gets on the Redex; works the day in the city; leaves work, presumably at 5 o'clock; goes and does some shopping—every day: every day they go and do a bit of shopping—and then goes and picks up their kids from sport. Everyone is better off and this will benefit the after-hours traders in Gungahlin! How about we go out to the Gungahlin Marketplace and do a quick survey of how many of them are going to go and do the after-hours shopping and then go and pick up the kids straight after the old Redex? I think we would get some interesting statistics based on that.

Just last week we had the Greens and Labor wrongly accusing us of only being pro big business, pro big supermarkets. The only traders I am aware of that are not in hospitality but that are open after hours in Gungahlin Marketplace are Woolworths, Coles and Aldi. All of a sudden we have Labor and the Greens having a go at us for allegedly propping up these businesses at the expense of small businesses. Yet here they are spending a million dollars on a trial that they say is going to directly support Woolworths, Coles and Aldi at the Gungahlin Marketplace. It seems to me that there are some inconsistencies in their argument. They really are clutching at straws to try and prove that what they are clinging to is worth clinging to.

It seems to me that if a million dollars is going to be spent on ACTION buses, there are far better ways of doing it than the way that this government has proposed. If I had a million dollars to play with for ACTION bus services in Gungahlin, what I would do is this. Instead of having routes that go weaving around Nicholls, Ngunnawal, Amaroo and Forde, I would make those services more direct. They would be more direct. If you could increase the directness, make them more direct, you would increase patronage.

At the moment, it takes about 15 minutes to go from the Nicholls shops to Gungahlin Marketplace. To drive takes three or four minutes. You are taking three, four or five times as long as it takes in the car. That is the real impediment in the system. The real impediment to the ACTION bus system is not the intertown system—not between Gungahlin Marketplace and the city—but the winding routes which go around the suburbs. If you speak to anyone who is a regular commuter, they say that is the frustrating bit. The frustrating bit is when you can almost see where you want to go but you have got another five kilometres or so of weaving around every suburb but yours. That is where the problem is.

It is also worth investigating whether there is scope for improved bus priority measures on Northbourne Avenue. Things such as priority traffic lights could be something that is looked at. Things such as priority lanes could be something that is looked at. Things such as park and ride at Mitchell or Gungahlin are things that could be looked at. None of these things are being looked at.

In typical fashion for Gungahlin, the government are catching up with the infrastructure. They are playing catch-up. So much are they playing catch-up that at the moment you have residents in the suburbs of Casey and Crace who do not even have a bus service. There is no bus service for Casey or Crace, yet they have residents there. There are residents in both those suburbs, yet you cannot get a bus.

Again, the government is falling behind when it comes to delivering infrastructure for Gungahlin residents. What they are doing with this service is lip-service. That is all it is. They are saying that they are delivering for Gungahlin when we all know that they are not. If they were serious about public transport in Gungahlin, they would make the suburban route services more efficient and more direct. They would make it more attractive for Canberrans to get to Gungahlin Marketplace and then go on to their final destination.

This government is anti small business and anti Gungahlin. It really is hurting the taxpayers of Canberra, who are spending \$1 million on a trial which will not work.

Question put:

That **Ms Bresnan's** amendments to **Mr Stanhope's** proposed amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr	Ms Le Couteur	Mr Coe
Ms Bresnan	Ms Porter	Mr Hanson
Ms Burch	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth
Ms Hunter		

Question so resolved in the affirmative.

Question put:

That **Mr Stanhope's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr	Ms Le Couteur	Mr Coe
Ms Bresnan	Ms Porter	Mr Hanson
Ms Burch	Mr Rattenbury	Mr Seselja
Ms Gallagher	Mr Stanhope	Mr Smyth
Ms Hunter		

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Hospitals—Calvary Public Hospital and Clare Holland House

MS BRESNAN (Brindabella) (11.43): I move:

That this Assembly:

(1) notes:

- (a) that ACT Government funded health services are provided for the benefit of the ACT people and those of the surrounding region;
- (b) the ACT Government's proposal to purchase Calvary Public Hospital from the Little Company of Mary Health Care Limited (LCM Health Care);
- (c) LCM Health Care's sale of the hospital is conditional on it purchasing Clare Holland House, the ACT's only hospice, from the ACT Government; and
- (d) the outcomes of the ACT Government's consultation on these proposals, through which the community has raised considerable opposition to the sale of Clare Holland House to LCM Health Care;

(2) requests that LCM Health Care reconsider the conditional link it has imposed on the ACT Government's purchase of the hospital with the sale of the hospice; and

(3) calls on the Minister for Health to write to the Board of LCM Health Care, advising them of this motion, and seeking a response to it.

The Greens believe public health facilities should be in public hands. We would like to see the ACT government, on behalf of the ACT people, have ownership of public health facilities in the ACT, and it is for that reason that I have moved this motion today. The ACT is currently at a crossroads on this subject. The Minister for Health has successfully been able to engage the board of the Little Company of Mary Health Care, or LCM, in discussions about a proposal that the ACT government purchase Calvary Public Hospital. But the LCM board will not sell the hospital without being able to purchase the ACT's one and only hospice, Clare Holland House.

To achieve one form of government ownership, we must give up another. This does not seem right and it does not seem fair. The Greens wish to see the government pursue an arrangement where it has ownership of both facilities. I would like to note that submissions to the consultation process from the Health Care Consumers Association ACT and the Australian Nursing Federation, ACT Branch, state support for the purchase of Calvary hospital by the ACT government but express concern about the transfer of ownership of Clare Holland House to LCM.

I want to also add that the Greens have been in close communication with the Health Care Consumers Association, the ANF and the Palliative Care Society throughout this process and in developing the motion today. The Greens have a variety of reasons for arguing that public health facilities are best placed under government ownership. The first reason is that public health services should maximise the benefits provided to the ACT people and those of the surrounding region. Our health dollars are precious, and already they total some \$1 billion on an annual basis in the ACT. That is one-third of the ACT government's budget, and yet we are in a situation where those dollars are inadvertently cross-subsidising private health care.

In 2008 the ACT Auditor-General published a performance audit report titled *Management of Calvary hospital agreements*. The report implied that there was a high risk that the agreements were not being complied with and the territory's financial interests were not being protected. I quote from the Auditor-General's media release:

In providing for a private hospital, the Agreements call for a high degree of separation between the hospitals.

That is, the public and the private. It continues:

This has not been achieved, and the lack of clarity and transparency has contributed to difficulties in managing the agreements.

The agreements define the funding of CHC as being on the basis of cost recovery. However, this has not been implemented effectively, with the risk that the public hospital has subsidised the private hospital.

The performance audit took a number of samples of major cross-charge calculations by Calvary Health Care and found that there were concerning levels of omissions and incorrect charges. However, Calvary Health Care often disputed claims of underpayments, and subsequent discussions with ACT Health led to agreed, often lower amounts being repaid. At a time of growing demand for health services and a commitment to universal health care, especially for those from vulnerable groups, we should do what we can to maximise our health dollars. Our public health system is there to provide for the ACT people; it is not there to subsidise a private organisation such as Calvary Health Care.

The same rule applies when we talk about the investment of dollars in the health system and capital. The Greens agree with the minister's argument that the \$200 million to be invested in a north side hospital should maximise benefit to the ACT people. If the investment is made and Calvary Health Care maintains ownership of Calvary Public Hospital, LCM balance sheets will reap the benefit and the ACT government will not. There is no way around this. The asset belongs to LCM through Calvary Health Care. Why should they, a national organisation with some 15 hospitals and a private body with some 9,000 staff, reap the benefit while the ACT people miss out?

The other reason why government should own public healthcare facilities is because of the need to be able to have control over the asset and the public health services

provided there. The Minister for Health and the Chief Minister have both put a question regarding Clare Holland House to the community, the question being: what will change if LCM takes ownership? I respond to this by asking the ACT government this: if we give up ownership, how can we be sure that LCM's management of Clare Holland House can adapt to the changes around it?

Let us take the relationship between the Palliative Care Society and LCM as an example. What if the fairly respectful relationship they have had to date changes? Do you think LCM will allow volunteers from the Palliative Care Society to continue to operate in the manner they do now? There are limits at the moment on how far LCM can push the Palliative Care Society, and the Palliative Care Society can make great use of the hospice's facility. But if LCM has full ownership and control of this site, they can limit the Palliative Care Society's access to facilities if they wish. This seems even more concerning given that the people of the Palliative Care Society are the ones that campaigned over the 70s and 80s to get a hospice up in the ACT. The hospice is a jewel of Canberra, one that is secular and belongs to the people of the ACT. How distressing it must be to see a facility for which they campaigned and in which they have ownership be transferred to a private body.

The other concerning factor about the proposal that has been presented to the ACT is that LCM will essentially have a monopoly within public health care that will take many years to break. Under the current situation, LCM requires the contract to provide public palliative care facilities on an annual basis. LCM serves around 221 clients at a time, up to 19 of whom might be in the hospice. The ACT community is being asked to agree to provide LCM with a 30-year contract to provide its current level of services with CPI. So, not only are we handing over the community's ownership of the hospice, but we are also giving them a guaranteed control over palliative care for many years to come.

I would like to put on the record that the Greens do not question the commitment that LCM has to providing palliative care services in the ACT and around Australia, nor does it question its experience. We also appreciate that, when a person is experiencing or witnessing the dying process, their spiritual needs are often at their greatest. The ability to provide caring and quality palliative care services that incorporate a client's unique spiritual needs is of vital importance. But how can we be sure that LCM is the best group to provide that service? How do we know, for example, that ACT Health or a mix of other providers could not do a better job? These are not propositions that have been tested.

In fact, I would argue that it is the staff of the hospice that make it what it is. Those staff are specialised in palliative care and are often endorsed as some of the best. And yet, if LCM takes ownership of the facility, many of the staff have indicated that they will leave. If they leave, that level of experience and insight into palliative care will be lost. If many of those staff leave, how would we know LCM would be capable of providing quality palliative care in the years to come?

There are a number of other concerns that have been raised with regard to palliative care, and we could spend many hours discussing them in this place. But, as a summary, some of the other issues that have been raised include concern about the

consultative model being used in home-based palliative care services. If LCM sold the hospice to another not-for-profit organisation to provide palliative care, the ACT people would have no say on who that non-profit organisation would be. Any staff who are employed at the hospice after the sale would be employed under different conditions to those currently employed. Non-Catholic patients in the palliative care system may have to make decisions about their health care using a Catholic ethical model.

I would like to point out that I do not think any of the MLAs or ministers in this place sought to make the debate about this proposal a religious one. The Greens' prime concern was about a private body having ownership and control of public healthcare facilities and services. By the same token, with this private body come ideologies that cannot be ignored. I note, for example, that when the chair of the LCM board was asked in a public meeting why LCM wanted the hospice, he referred in the first instance to a recent case concerning a man with a severe mental illness who was convinced that starvation would bring him closer to God. ACT Health, supported by the ACT Public Advocate, which was his legal guardian, sought permission from the Supreme Court not to force-feed him. The request was refused. But the most interesting thing is that the chair of the LCM board made the point that under LCM care such an application would never be made.

This point, I think, starts to get to the heart of why the LCM board are seeking ownership of Clare Holland House. The board are of the opinion that LCM must maintain a role in public health care in the ACT and must do this to ensure their charter is pursued and implemented in public health care. I must say, I have not heard a convincing argument from LCM as to how expanding on current contractual arrangements cannot achieve the same result for them as ownership will.

The Minister for Health did say on ABC radio on Monday morning that LCM holds all the cards; they have the power over the ACT government in the Calvary proposal. LCM has the power to say yes or no and to say whether or not the hospice is in the deal. That is why I am moving this motion today requesting that the Minister for Health write to the LCM board, notifying them that a motion has been passed in this place asking for LCM to reconsider the hospice. I appreciate that this may have been asked of LCM in the past, but it has not yet been asked of LCM by the Assembly, and this is quite a symbolic gesture.

I am proposing that we, as an Assembly, as the elected representatives of the ACT people, call on this organisation that states it has the ACT people's best interests at heart to respect what it is the ACT people need and want and remove any link between the sale of the hospice and the hospital. We as MLAs have been elected by the ACT people to lead them and make decisions for them. We are the ones who have been voted in democratically to undertake this role. This private body which controls a significant amount of public health care has not. It does not seem right and it does not seem fair.

I would urge all parties in this place, in particular the Liberal Party, who have been so vocal on the sale of Calvary, to support this motion today. This is so we can urge LCM to decouple the sale and have an unencumbered debate about the future of

health care in the ACT. Madam Deputy Speaker, I seek leave to move the amendment to my motion.

Leave granted.

MS BRESNAN: I move:

- “(4) requests that the Minister for Health table a report in the Assembly by 10 December 2009 outlining the issues that were raised by the community through the public consultation process, and the ACT Government response to these issues.”.

I acknowledge that LCM has great expertise in the provision of palliative healthcare services, and I think it does have a role to play in the provision of these services in Canberra. LCM can provide well-informed advice to MLAs about decisions regarding palliative care, but it should not exert such power that it is the decision maker. We have to remember that there are other key stakeholders with expertise in palliative care that must also be listened to.

The role of MLAs, be they ministers, members of the crossbench or the opposition, is not just to lead and make decisions on behalf of the ACT people, but also to represent and facilitate what it is the community is calling for. I am quite sure that the public consultation process that was conducted recently on the Calvary-Clare Holland House sale demonstrated that the community wants to have public healthcare facilities under government ownership, and this is what the Greens are seeking to achieve.

I note that the Minister for Health stated in Saturday's *Canberra Times* that the government is yet to make its final decision about the exchange of Calvary Public Hospital and Clare Holland House. I would like to think that the government's consultation period truly was a listening exercise and that the government may have some further negotiations with LCM about the deal. It is for that reason that I have moved the amendment to my motion, which calls on the minister to table the report in the Assembly by 10 December 2009, outlining the concerns that were raised through the public consultation process, including submissions by groups such as the Australian Nursing Federation, the Health Care Consumers Association and the ACT Palliative Care Society. I have also moved that the ACT government provide its response to the concerns that were raised.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.56): I will speak to the motion and the amendment. As members will know, we have just finalised or reached the conclusion of our community consultation process over the proposed ownership and governance arrangements of Calvary Public Hospital and Clare Holland House. I have attended a number of meetings through that six-week period, listening to people, talking with people and, where I can, addressing people's concerns over elements of the proposal.

The government will not be supporting Ms Bresnan's motion today. I do not have a problem with paragraph (1). I should say that the government has no problem with

paragraph (3). I am happy, if it is the will of the Assembly, to write to the board of LCM Health Care advising them of the discussion in the Assembly today and, indeed, in relation to the amendment requesting the minister to table the report in the Assembly by 10 December. All of those elements the government is very comfortable with.

However, with respect to the paragraph where Ms Bresnan requests that the conditional link on the purchase of the hospital with the hospice be reconsidered, as a party to the proposal which we are consulting on at the moment, whilst we had put that position to Little Company of Mary as a party to the agreement—and the proposal is being consulted on—we feel bound by that proposal at this point in time. Supporting this motion would call that into question and that is not something that I am here to do today, because the government, whilst we have not made a final decision on the consultation and the feedback we have had from the consultation—and that may result in changes to elements of the proposal—have not finalised their position on that. But we are committed to the framework of the proposal as it stands.

I think a lot of issues have been raised on the proposed purchase of the hospital and the proposed sale of the hospice. I think, through the consultation process, there has been considerable willingness through the community for the government to take over ownership and management of the hospital. This is my feeling from the feedback I have received. There are individuals who have not put that to me in the consultation process. In relation to a number of discussions with key groups, their concerns on the hospital are not as significant as the concerns on the hospice. That has been raised as a result of the community consultation process.

It seems that Clare Holland House has really become the focus of community concern on the proposal rather than the hospital. I have to say that, whilst I always knew that there would be some concerns on the hospice, I underestimated the extent of those concerns and I certainly have been discussing them with the organisations over the last few months. My position has been: let us focus on what we can do to address those concerns within the framework of the proposal—and I think that has been LCM Health Care's position as well—meet with groups, talk with groups, try to address the concerns that they have.

However, when we look at the proposal as it stands, I do not think the magnitude of the decision for Little Company of Mary Health Care to even consider removing themselves from ownership of the hospital can be underestimated. Part of that rationalisation in their own organisation has been on consolidating their role in palliative care. And it is central to Little Company of Mary's philosophy; it is at the core of their mission; and it is something that they have been after for some time. Dating back a number of years in discussions with the government, palliative care, their role in palliative care, security in knowing that their role in palliative care will continue in the ACT has always been an area of discussion between Little Company of Mary and the government.

In relation to some of the concerns that have been raised, I note the flyer on the Clare Holland House meeting last Thursday, which I was unable to attend because I was in Adelaide, had the words—I do not have the flyer with me—"Don't privatise our

facility.” I think that language is unfortunate, because there is not even a discussion about privatising the facility at Clare Holland House. Clare Holland House will continue to be a public palliative care service. It will continue to be 100 per cent government funded. For patients and families using Clare Holland House, if there were a change, if this transfer were to go ahead, there would be no change to the type of care or the quality of care that they currently receive.

Clare Holland House, I think everyone has acknowledged, was Canberra citizen of the year at one point in time. It is really, and I agree, the jewel in the crown of health care in the ACT. I do not get complaints on the quality of care or the type of care that is provided at Clare Holland House and I think the extent of the volunteer program and the commitment that is shown through the volunteer program are testimony to the strength of that service.

Both LCM Health Care and I have been in discussions with the Palliative Care Society on addressing a number of their concerns. The society is funded by ACT Health to provide the volunteer support service to patients receiving palliative care. That will not change. We will continue to do that under the terms of the current funding arrangement.

People of all faiths and backgrounds currently use Clare Holland House. There will be no change there. It is a multi-faith service. It always has been. Again, I have not received many complaints. I think I have received one complaint on a crucifix in a room, but that has been the extent of the complaints I have received over certainly the time that I have been Minister for Health.

In relation to some of the safeguards that have been sought, I think we have worked through a number of them but there are some other issues that have been put on the table which the government is currently considering. If there is any other capacity to address concerns from the community on the proposed transfer of ownership, it is on strengthening some of the safeguards that the community has called for. They are certainly things that I am in discussions with Little Company of Mary on. I do not think there is anything that we cannot address through negotiation and agreement, other than the transfer of the lease and, if it comes down to the transfer of the lease, that could be the thing that I cannot address the community concern on.

The facility is currently unleased. This proposal would require a lease to be created and for that lease to be granted to the Little Company of Mary Health Care. But the ownership and governance of it, of the service itself, would remain the same. I think the interesting thing that has arisen through the community consultation process is less about the lease and ownership of the building and more about issues that could have surfaced anyway, if we had not even been talking about the transfer of a building and a lease. They are issues on a long-term service level agreement. I have to say that my understanding is the contract has never been put out for tender but it has been rolled over time after time. I think that started under Michael Moore perhaps or maybe a little before that. But the issues that have arisen on the role of the Catholic healthcare provider in palliative care are issues that could have been issues last year or the year before or, indeed, back in 1994 when the arrangements commenced.

However, what has been brought to the forefront in these discussions and the negotiations has been that some of these issues could always have been there; so it is less about the building. When you talk to people, it is not about the building and it is not about the lease. It is about concerns on safeguards in terms of control of the care and the actual service that is provided to patients. They are things that I am actively engaging with Little Company of Mary on to seek to address the community's concerns.

I did presume the motion would get up. As I said, I am comfortable with paragraphs (1) and (3) and with the amendment, paragraph (4). It is probably useful for me to do that anyway, to provide further information to the Assembly as we navigate through the final decision-making stages of this proposal.

MR HANSON (Molonglo) (12.07): I have seldom seen a more politically opportunistic motion than that tabled by the Greens in this Assembly today. It is a stunt and nothing more. This is just a case of the Greens playing catch-up on the issue of Clare Holland House. We will not be supporting the motion as it stands.

There was much media fanfare from the Greens last week about standing. The title of the article in the *Canberra Times* was "Greens stand firm on opposition to the hospice sale". Let us be very clear. The Greens are not standing firm. They are, if anything, very wobbly on this issue. They know the facts just as everybody else in this place does.

Tom Brennan, the chairman of Little Company of Mary Health Care, has made it very clear that he will not separate the Calvary and Clare Holland House deals. The Calvary deal is entirely contingent on the sale of Clare Holland House. He said this publicly in a meeting on 12 November with the Palliative Care Society. He said, "We will not split the two." He was unequivocal.

Amanda Bresnan, who has tabled this motion today, was at that meeting. She heard it. She also had a private meeting with Mr Brennan, I understand, on 13 November. She might like to inform the Assembly whether she inquired of Mr Brennan whether he would split the proposal at that stage and whether Mr Brennan advised her at that stage whether he would be prepared to do so. I think we know what the answer to that is.

The Chief Minister and the Minister for Health, Katy Gallagher, also know what is going on. The health minister said today that she will not be supporting the separation of the deal. And she said yesterday in response to a question in question time:

I have approached Little Company of Mary myself and asked them whether they would consider the proposal being separated, as part of an outcome of the consultation process ...

The government remains committed to the proposal as it stands, and LCM have indicated a number of times that they are not prepared to not have a role in public health care in the ACT.

Let us be very clear that we all know what the response from Little Company of Mary will be, because we have all been told on numerous occasions. It is up to the government to separate the proposal. Katy Gallagher today in this Assembly ruled that out. It was the government, as we now know, that initially included the proposal for Clare Holland House with the deal to purchase Calvary; it was they who supported it; it was they that provided it to the Little Company of Mary; and it is for the government to separate it, because the Little Company of Mary are locked into their position.

I have found the changing rhetoric from the Greens most intriguing and I have asked myself the question: why is it that they were so quick to embrace the purchase of Calvary and the sale of Clare Holland House when it first came to light? I have researched the issue and I do understand that the purchase of Calvary is in line with their stated ideological position—and Ms Bresnan clarified it for us before—and that is:

The Greens think that public health services should be in public hands and we support the purchase; we think it is a good thing to be happening.

She said that on 17 June.

But the sale of Clare Holland House is entirely contradictory to their position and makes no sense. I must admit I have been a little confused about why it is that the Greens rushed to support the proposal. Could it be that the Greens' sell-out is because they failed to notice the \$9 million Clare Holland House package was part of the Calvary deal? Surely the Greens could not have allowed this to slip their attention. Surely their due diligence would have noticed that Clare Holland House was part of the deal. I have researched this. I think that is exactly what happened and I think you will find it quite interesting.

On 17 June I introduced a motion that, amongst other things, called for a consultation on the proposal. The motion was entitled "Calvary Public Hospital and Clare Holland House" and, amongst other things, called on the ACT government to conduct extensive consultation with the Canberra community on the purchase and the sale. Ms Bresnan amended my motion and interestingly removed all mention of Clare Holland House. She spoke to her amendment and she spoke to the motion and she did not mention Clare Holland House once.

Remember that her motion said "notes that the ACT Government is currently in negotiations to purchase the Calvary Public Hospital and ... conduct a survey of health consumers who use Calvary Hospital on the level of quality of services provided". Why is it that there was no mention of Clare Holland House? There was no need at that stage, according to the Greens. In fact, they voted against any consultation on Clare Holland House, as I proposed. All the Greens wanted and all they would support was a survey of users of Calvary hospital. They rejected my proposal for consultation on Clare Holland House.

Let me say that she went further and even had the gall to throw down the gauntlet to the Liberals. Let us hear what she said:

The thing we are still not clear about is: do the Liberal Party actually support this purchase? We have not had any statements about that.

So the Greens were criticising us for not having a position, whilst they are now backtracking like mad to try to defend their initial embracing of the deal.

That strong statement back in June, when the Greens criticised us for not having a position, shows quite clearly that they were solidly behind this proposal. They embraced it fully because they missed the fact that Clare Holland House was part of the proposal. If you are in any lingering doubt, Mr Speaker, let me reiterate what she said further in her speech:

I think the opposition do not actually understand the context of the situation.

Ms Gallagher: You do not.

MR HANSON: This is what Ms Bresnan said. Wait for this, Ms Gallagher; you will enjoy it:

It is a hospital and it is a religious organisation that we are talking about here. We are not talking about anyone else, land sales or anything like that ...

So we are talking about a hospital; we are talking about a religious organisation. Oops, we have forgotten there is a hospice. We forgot; we did not notice it. We missed a \$9 million part of a deal that included the hospice. That explains why the Greens are now madly playing catch-up and coming out with this pathetic motion today which is simply seeking to appease members of the community who are rightly outraged by being sold out by the Greens. Let me repeat it:

It is a hospital and it is a religious organisation we are talking about here. We are not talking about anyone else ...

And the Greens did not, because they missed it. They indeed, not the opposition, did not understand the context of the situation. They rushed out in support of the proposal and they forgot to look at the detail. If it was the Liberals or Labor, we would be held to account. But it seems to be okay for the Greens simply to forget the \$9 million part of this proposal.

Maybe the Greens should have agreed to my motion in October where I wanted to refer this package deal to the Auditor-General. But at that stage they refused to do that as well, because this scrutiny was going to be so rigorous. Clearly, it was so rigorous that they forgot the \$9 million part of the proposal.

The only explanation, other than incompetence, is that this was done maliciously. And I am prepared to give the benefit of the doubt to the Greens that this is, based on their prior form, a case of incompetence rather than of being malicious. So I think it is quite clear that the Greens' motion today is one of spin, with zero substance. It amounts to nothing; it is simply about making noise to try to appease the community.

I move the amendment circulated in my name.

MR SPEAKER: Sorry, Mr Hanson—

MR HANSON: I will circulate it.

MR SPEAKER: No, you will not be able to do it until we have dealt with Ms Bresnan's amendment, so you will have to move yours later. You will have to seek leave.

MR HANSON: Okay, I will speak again, and I am very happy to do so.

MR SPEAKER: You do not need to speak again; you can just move it.

MR HANSON: Thank you; I will move it then.

Let me outline why it is that the Canberra Liberals will not be supporting this proposal. It is because the \$77 million for transferring the ownership of the hospital will not result in any improvements to health in the ACT. Calvary is already a public hospital that delivers public health to the people of the ACT. And Katy Gallagher has admitted that the purchase of this hospital will have no impact on health care in the ACT. In fact, Calvary hospital's culture already provides a very high quality of care, and we risk this being lost.

The economic arguments being pushed by the government are equally flawed. No matter how the accountants treat the purchase, \$77 million of cash will need to be borrowed or be taken from the territory's savings, and it will result in an opportunity cost. It is \$77 million that could otherwise be spent on improving or enhancing the capacity of our health system. Katy Gallagher is very selective.

Ms Gallagher: That's what it's been spent on. That's what it's being spent on.

MR HANSON: No, it is being spent on a paperwork transfer. That hospital is already there, Katy. You were the one who told me that it will have no impact, and I have taken you at your word, Ms Gallagher, unless you would like to correct the record and say that you were misleading the Assembly when you said that it will have no impact.

Respected RMIT Professor Sinclair Davidson has described the government budgetary argument as "simply nonsense". He described it as "the snow-job the ACT government is pulling over the numbers" and said that the ACT Treasury figures, rather than supporting the government's position, actually show the most cost-effective manner to be "the maintenance of the status quo".

Terence Dwyer, whom Katy Gallagher attacked in the *Canberra Times* today, has shown that in fact the Calvary hospital proposal will cost the people of the ACT in cash, in real money, \$160 million.

Many people in the Canberra community have raised real concerns about why it is that we are going to be buying a hospital which we have already paid for. I understand that there are complexities around the legal ownership of the site, but I have not met a

single person in the Canberra community who thinks that \$77 million is not too much to be paying for a hospital that we have already paid for.

This desire to reclaim Calvary has been part of the government's agenda for years. We saw that with Simon Corbell, and it has been a pretty grubby episode, I would have to say, in the ACT's history. But the sale of Clare Holland House has taken it to new limits. There is no evidence and no justification to support the sale of Clare Holland House, other than that it is being used by the government as a bargaining chip, as a pawn, to make sure they get the Little Company of Mary over the line on their proposal to sell Calvary hospital. There is no other rational explanation, and even the Greens, I think, would agree that that is the case.

The archbishop has said about the process:

... this whole episode has been puzzling to me and left me with the sense after twelve months that something fundamental has gone wrong in the process, at least at the level of communication.

Indeed, the process has been flawed. Katy Gallagher had this plan stitched up. She wanted her heads of agreement signed before the last election. She wrote to Little Company of Mary asking for that heads of agreement to be signed. At the same time she was saying to the electorate, "Our plans are all on the table." Clearly, they were not on the table. When she said it, to put it bluntly, that was not true.

We are now in a position where we have just finished the period of consultation, which has been a sham. We know that the government are committed to this deal. They have made it very clear that they are committed to the deal, so I am not quite sure what this period of consultation has been about, unless this is an exercise in spin, in PR and in marketing.

Turning to the Greens, I would ask Ms Bresnan to clarify something when she speaks. You asked the Liberal Party, Ms Bresnan, in July: "Do the Liberal Party actually support this?" "Do you?" would be the question. Rather than your motion, which asks that a letter be written on a subject that we already know the answer to, why don't you clarify your position in this place? Why don't you let us know this: when the appropriation bill is tabled, will you be supporting it or will you not be supporting it? Ms Bresnan, I think that is the substantive issue here, rather than asking the government to write a letter seeking an answer to a question that we already know the answer to.

MR SMYTH (Brindabella) (12.22): Mr Speaker, this motion is simply a sham. This motion is about pretending to be concerned, but delivering nothing constructive to further the debate. This motion is simply catch-up because the Greens failed to analyse what the deal actually was, as so eloquently pointed out by Mr Hanson, when they said it was simply the sale of the hospital.

It is about spin. It is about a party that have been caught out, now trying to cover themselves so that when they are held to account at the next election they will say: "We tried. Here is a motion that we moved." But it is a motion that adds nothing and

it is a motion that is meaningless. What we have is a party, the Greens, now attempting to justify what they will do when the vote comes up for the purchase of Calvary hospital and the sale of Clare Holland House.

Despite what Ms Bresnan said at the start of her speech, that the Greens believe that public health facilities should be in the control of the government, they will sell a public health facility. That is what is going to occur; have no doubt about it. And the sham continues with the amendment that Ms Bresnan moves to her own motion, requesting that the Minister for Health table a report in the Assembly outlining what issues were raised by the community. Where is the motion from the Greens demanding that the government comply with their own guide to engaging with the community? On page 6 it says:

It is strongly recommended that the absolute minimum for any community engagement activity be six weeks.

In fact, it was six weeks and a day, so I guess that qualifies. But the paragraph goes on to say:

For large projects, policies and strategies seeking comprehensive feedback, twelve weeks is recommended.

Is the purchase of Calvary and the sale of Clare Holland House a large project? I would have thought it was. Is it something that deserves comprehensive community feedback? Absolutely. Yet we went for the minimum.

This is a government who said after the election: “We’ve learnt. We’re going to set up a better process for consulting with the community.” But when you get to the first major project from the government, they go back to their old ways—six weeks of consultation. It is interesting, because their own community consultation manual also says:

The timing of any engagement activity is crucial to its success.

True words. It goes on to say:

Activities undertaken at inappropriate times—

and here is the definition of inappropriate times—

(eg during school holidays or over the Christmas/New Year period) or within extremely short timeframes (eg less than 6 weeks) are counterproductive and minimise the ability of many to participate.

And what did we have? We had a project that was six weeks and a day, but indeed the first two weeks of the project, according to the Assembly calendar, coincided with the school holidays. So not only do we run the minimum, but we then breach the manual of community engagement by running it in a period which, as the government’s own document says, will minimise people’s ability to be engaged.

This is a government that have not learnt, and this is a Green party who vowed to keep them honest, who vowed to have a better process, who vowed that they would protect the public interest, and who will abandon that interest and that process, who will allow this sale to go ahead because they do what the government tell them.

This is about catch-up. As Mr Hanson so eloquently pointed out, Ms Bresnan, when she gutted the motion put forward by Mr Hanson, said: “Don’t you understand, it’s only about the sale of the hospital.” Yes, it is a hospital, and it is a religious organisation that we are talking about. We are not talking about anything else—land sales or anything like that.

This is a Green party who did not even know what they were talking about, and this is a Green party whose health spokesperson was not across the brief. So what do we have today? Having gutted a motion that would have sent this entire process to the Auditor-General, that would have ensured proper scrutiny, that would have ensured detailed scrutiny, we are now pretending, and the danger with pretending is that you often get caught out.

With respect to pretending to be concerned, putting up a motion pretending to hold the minister to some sort of account and asking Little Company of Mary to do something that both have already said they will not do is just to pretend. If you want to bring motions into this place, bring motions into this place that at least might achieve something. Simply to bring a motion into this place when you already know the answer—indeed, you had the answer again yesterday—is to pretend. This is about protection, this is about arse-covering, this is about looking to be doing something. This is about ignoring the truth of what is really happening.

We then get to Ms Gallagher’s contribution to this debate. It was quite interesting to hear somebody like the Treasurer, who I assume paid attention during estimates, who is also the health minister, say that no concerns have been raised with her. I refer her to the offering of Dr Paul Jones, the head of the AMA, during the estimates debate, when he said he is at a loss as to why this is going ahead. He cannot see any health benefits, and that is something the Treasurer, who is also the health minister, has not been able to make a case for, because there is no business case, there is no return on the investment and there is no health outcome that the minister can point to in this decision.

Mr Hanson: There’s already a hospital there.

MR SMYTH: The hospital is already there; it already provides good service. Indeed, you can go to the work done by Professor Sinclair Davidson. I want to read what the professor says about the consultation documents that the health minister has provided. The professor says that, contrary to what they imply, the ACT Treasury calculations do not support the purchase of Calvary Hospital; rather, they support the status quo or the base case. He goes on to say “the ACT Treasury analysis shows the cost-effective manner to be the maintenance of the status quo”. He goes on to say—

Ms Gallagher: No, he doesn’t. He’s got it wrong.

MR SMYTH: Well, he is saying it.

Ms Gallagher: And nobody—

MR SMYTH: Good; you get up. I will give you leave to stand up and debunk this, but you have not. He goes on to say: “The ACT Treasury provided four charts in their analysis; three of these charts are entirely meaningless.” So with respect to the consultation documents—the documents informing this debate, according to a gentleman who I believe is a professor of economics—three-quarters of it is meaningless. That is what he is saying. He goes on to say that part of this is based on cash flow. He talks about the fact that, when you include cash flow in a discussion, there are six basic principles. He goes on to say: “It is my opinion that ACT Treasury have not followed these criteria when undertaking the analysis.”

If you go to the academics, if you go to people who know about this, they say there are six criteria. What Sinclair Davidson says is that they do not follow those criteria. It would be interesting to have the Treasurer speak about this; she can have leave after lunch to come back and speak about it. I am sure we would like to hear it. His final paragraph is as follows:

It seems that the ACT Government are concerned that the public hospital may be cross-subsidising the private hospital, yet it is not clear why they have this concern or why they would care if it did in fact occur. The ACT Government does not own the Calvary Hospital, and contracts on a fee-for-service basis. At best, the ACT Government has a view that they are paying too much for the service that they receive, but if they wish to reduce ACT Health expenditure, they should state that desire clearly. The ACT Government needs to demonstrate that they are not getting value for money from the current arrangement at the Calvary Hospital, and as best I can see they have not made that argument, nor have they produced any evidence to support that view. Indeed, anecdotal evidence suggests that ACT residents prefer the Calvary to the Canberra Hospital.

So it does get back—

Ms Gallagher: That is rubbish.

MR SMYTH: I am quoting the gentleman. You debunk it if you want.

Mr Hanson: Read the annual report.

MR SMYTH: Read the report and debunk it. You have got the criteria wrong, three out of your four charts are meaningless, even the economic case is not made, and we do not see any health benefit for the people of the ACT.

That brings us back to Ms Bresnan’s motion and why we are here. The ACT Greens had the opportunity, when Mr Hanson moved his motion, to have a comprehensive analysis of all of this material by somebody eminently capable of doing that—the Auditor-General of the ACT.

What did the Greens say? “No.” And yet, now that the pressure is on, now that decision-making time is here, now that the Greens have woken up to the fact that it is more than just the sale of a hospital, and that, indeed, a block of land with a building on it called Clare Holland House is part of the deal, here they are, catching up. Here they are, saying, “We’re concerned.” Here they are, saying, “We will hold the government to account,” but this is just a sham. (*Time expired.*)

Ms Gallagher: We missed you, Brendan. We missed you last week.

MR SPEAKER: Order! Mr Smyth, during your intervention you used the phrase, as I recall, “arse-covering motion”. Based on precedent in this place, which has also been applied to my good self, I believe that is unparliamentary language and I would invite you to withdraw it.

Mr Smyth: Being in good company with yourself, Mr Speaker, I withdraw.

MR SPEAKER: Thank you.

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

Sitting suspended from 12.32 to 2 pm.

Questions without notice

Hospitals—Calvary Public Hospital and Clare Holland House

MR SESELJA: My question is to the Minister for Health. I refer to a meeting on 6 April this year attended by you, the Chief Minister, Archbishop Mark Coleridge and Bishop Pat Power to discuss the sale of Calvary hospital. The Chief Minister advised the Assembly on 12 November that there was no-one from the ACT government taking minutes, nor did he take notes of what was discussed.

Minister, did you take notes of what issues were discussed? If so, do these notes indicate whether you or the Chief Minister suggested in any way cutting funding or services or infrastructure, at that meeting, if the Little Company of Mary continued to own Calvary hospital?

MS GALLAGHER: I thank the Leader of the Opposition for the question. No, I did not take any notes at that meeting either, but I have sighted the minutes that were actually put together by Martin Lavery from Catholic Health Australia. The actual record of the meeting, which was the reflections on what people had said, shows no indication of any threats from any participant in that meeting at all about future funding or indeed future decisions around Calvary Public Hospital.

There is a section at the bottom of that record of notes—all I can call them is contemporaneous notes of a meeting that was held by one person—with some personal reflections on where to from here by the minute-taker, or by the note-taker because they were not minutes. I have only seen these notes subsequent to the article that appeared in the *Australian* in, I think, late October.

I have raised my concerns with other participants in the meeting, as I did not think that what was written in that article reflected a true record of the meeting that occurred, and I have had confirmation back, from certainly the archbishop, that there were not minutes taken of that meeting. I have got that in writing from the archbishop, and indeed from Bishop Pat Power, who also confirmed for me that there were no minutes taken at that meeting.

So there were no threats made. The meeting was very cordial, very respectful, and indeed I had another meeting with the archbishop yesterday to again confirm the government's commitment to work cooperatively with the Catholic Church, and indeed with the Little Company of Mary, regardless of the outcome of the proposal that is on the table, and I think that meeting was very constructive.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, given that you did not take any record or notes of the meeting, what did you base your letter to the *Australian* of 4 November on?

MS GALLAGHER: My participation in that meeting. The message of the meeting, and, indeed, the reason that we asked to meet with the archbishop, was that the government were considering a proposal to purchase Calvary Public Hospital. We understood and respected the interest of the Catholic archbishop in that proposal. We met with him and the local bishop to put to them the issues that faced the ACT government—the challenges that faced us. Indeed, I believe there is an understanding of those challenges from the archbishop and the bishop.

Whilst he does not agree—and we agreed yesterday to disagree on the proposal—with the sale of Calvary Public Hospital to the government, he did acknowledge the challenges that face the government in terms of how we finance the rebuild of the north side public hospital, how we manage that cost, how we deal with it in terms of budget decisions, and, indeed, whether or not—and this is at the heart of the proposal—the people of the ACT want to gift \$200 million to a third-party organisation. They were the issues that we put to the archbishop.

We also, at that meeting, indicated that the other option for the government to consider was the building of a third hospital, which, again, I have discounted a number of times. But they were certainly things that we have analysed and considered, as well as how we make the arrangements for the status quo work. But there were no threats given. This debate has not been around a Catholic or anti-Catholic sentiment at all. It has been about how we genuinely manage the future healthcare needs of this city.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Thank you, Mr Speaker. Minister, why wasn't anyone from the ACT government taking notes of such an important meeting?

MS GALLAGHER: I have a number of meetings where I do not require public officials or public servants to be there taking notes for me. That is really because I can manage these meetings on my own. It was a private meeting in that respect, but we had no problem outlining—I think the issues that we outlined to the archbishop have all been public. Indeed, the meeting I had yesterday with the archbishop was not attended by an ACT public servant either because I did not need to have one there.

MR SPEAKER: A supplementary question, Ms Porter?

MS PORTER: A supplementary, thank you, Mr Speaker. Minister, other than those views put to you by the archbishop, what other views have been expressed to you throughout the consultation with regard to this?

Mr Hanson: Point of order, Mr Speaker.

Mrs Dunne: I raise a point of order—after you, Mr Hanson.

Mr Hanson: You clarified the issues about supplementaries yesterday. This is a point of order on relevance. This is specifically about the meeting that was conducted between the archbishop and government ministers on 6 April rather than the broader consultation.

MR SPEAKER: One moment. Ms Porter, I think the question is rather more broad than the specific line of questioning about the meeting. Would you like to reframe your question?

Ms Porter: No; that is fine.

MR SPEAKER: I call Ms Hunter.

Gungahlin Regional Community Service

MS HUNTER: My question is to the Minister for Community Services.

Mr Stanhope: Just on a point of order, if I may—

MR SPEAKER: Mr Stanhope, you have really missed your chance. Ms Hunter has the call.

Mr Stanhope: I am moving a point of order.

MR SPEAKER: On Ms Hunter's question?

Mr Stanhope: No.

MR SPEAKER: One moment, Mr Stanhope.

Mr Stanhope: Can't I move a point of order on any issue?

MR SPEAKER: I would have expected you to have been quicker, Mr Stanhope; you are very experienced.

Mr Stanhope: I am seeking clarification, again. I assume that you have subsequently ruled Ms Porter's supplementary question out of order. I am just asking you in terms of your count of the number of supplementary questions, is that counted as a question, the fact that you ruled it out of order?

Mr Hanson: If she'd gone over the—

MR SPEAKER: Order! Mr Stanhope has the floor.

Mr Stanhope: This is a reasonable and legitimate issue for clarification. Having ruled the supplementary question out of order, is that taken into account in the number of supplementary questions you allow in relation to a particular question?

MR SPEAKER: One moment. Mr Stanhope, let me seek clarification on that. As part of trying to ensure that we have evenness, we are keeping a record. I will check whether we have been counting those or not. What I would say is that there is not really a specific quota per day; there is a broad quota where I try to keep an even hand. But the fact that Ms Porter has had a question ruled out of order does not preclude her necessarily on a specific day, if that helps clarify what you are asking.

Mr Stanhope: There's an unlimited number?

MR SPEAKER: Mr Stanhope, there is not an unlimited number; there is a broad balance that I am trying to stick to. What you will find so far is that, in fact, we are almost to the question keeping a fairly even balance in proportion to the numbers in the Assembly. Ms Hunter, your question.

MS HUNTER: My question is to the Minister for Community Services. Minister, I have recently been advised of federal and ACT government cuts to funding which will result in cuts to services provided by the Gungahlin Regional Community Service to disabled young people who are currently participating in the link to life and G club programs. Why were these funds discontinued, and are you meeting with Gungahlin Regional Community Service and the families of the disabled young people to discuss how funding can be continued for these vital services?

MS BURCH: I thank Ms Hunter for her question on the Gungahlin Regional Community Service. My understanding is that parents of young people with a disability who attend programs run by the Gungahlin Regional Community Service have been advised by the centre that programs will be reduced by January 2010 due to an anticipated loss of funding. This particularly relates to the G club, formerly known as the warehouse club, an after-hours and vocation program for young people with a disability.

The main issues, Ms Hunter, facing the Gungahlin Regional Community Service relate to funding that is currently being provided by the commonwealth government.

In particular, the commonwealth government has stated that delivery of the youth link program will cease at the end of December and will be replaced by a retendered service that does not have a specific focus on young people with a disability.

The funding currently provided by the ACT government to the Gungahlin Regional Community Service is not under threat. We understand that 29 families are supported at any one time to attend the warehouse program, and Disabilities ACT is working with the community service to identify options that will ensure continuation of existing programs as well as options for families to access other services.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, what are you doing to convince or to lobby the commonwealth government about reinstating this funding to these programs that have supported so many young disabled people in the ACT for many years?

MS BURCH: I thank Ms Hunter for the question. It is commonwealth funding that will be withdrawn, and that may have some impact on us, but we are working with the regional service and the families to ensure that services are continued. It is my understanding that the commonwealth is going through a retender process, but that the retender program will not be including young people with a disability. I am not aware of the detail of any conversation that my department is having, but I am happy to find out if we are and to bring that back to you.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, in your answer to the first question, you said there was no ACT funding at risk in this. Why does the letter that was sent to parents in relation to this say that there is a loss of current ACT government education and training non-government organisation programs for children and young people with a disability of approximately \$70,000, which will come into effect on 31 December, and that the ACT Department of Disability, Housing and Community Services Disability ACT funding scheme is due to expire on 30 June 2010?

MS BURCH: Mrs Dunne, without having the letter in front of me, I will go back to the department, get the letter and bring back an explanation.

MS BRESNAN: I have a supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, will you be expecting families who rely on these services for their disabled young people to simply manage on their own without access to after-school vacation programs?

MS BURCH: I would imagine that the Department of Disability, Housing and Community Services, as I have said, will work with the families to look at other options to ensure that support structures are in place for them and their families.

Municipal services—pedestrians and cyclists

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and it concerns walking and pedestrians in Canberra. How did the recent review of cycling and pedestrian networks cover suburban footpaths—that is, the local residential footpaths which people use to move around their streets and to get to bus stops et cetera?

MR STANHOPE: I think it is fair to say that the government has sought, as always, to consult as broadly as possible in relation to this particular review. As members are aware, Roads ACT commissioned a review of pedestrian and cycling infrastructure, primarily to assist in developing future capital works programs covering footpaths and bicycle paths between town centres, most particularly with a focus on those routes between town centres and within town centres and other employment nodes.

The review, as members are aware, is part of a broader sustainable transport plan where walking and cycling play an important role, particularly in the context of the modal shift which the government is seeking to achieve over the next 20 years or so in the context of our sustainable transport plan where we are hoping to increase the number of people walking and cycling to work quite significantly, incrementally, every year as part of our sustainable transport plan.

The government, or at least Roads ACT, has not yet concluded its consideration of the review. I understand that the review, indeed the current consultation, is a consultation based on a first report from the consultants employed to undertake the review. Some notional plans and sketch plans have been produced, are available on the Roads ACT website and are available for perusal. The government is inviting response and further community input into those.

Going to your specific question, around consultation with pedestrians or those that walk in relation to the footpath or pedestrian aspect, there is a pedestrian forum. I must say that there is not an advocacy group representing walkers or pedestrians with the force or with the activity and energy of that which represents cyclists. That of itself is an issue for government. Always, where we have a consultation, as in this instance, in relation to footpaths and cycle paths, the government is receiving quite vigorous representations from the organisation representing cyclists and not nearly the same level of responsiveness, vigour or energy in relation to issues affecting pedestrians.

In every consultation, this is always an issue for government where one strong representative group with an interest in a particular subject is very well organised, with the capacity to run its telephone chain and its rote letter. I have received, as I am sure have other members, exactly the same letter, with exactly the same wording, with exactly the same request, from significant numbers of members of the community. It is a form letter.

Mrs Dunne: Is there anything wrong with a form letter?

MR STANHOPE: Absolutely nothing. There is absolutely nothing wrong with it, but in the context where one is consulting on a multiplicity of issues where perhaps the issues or the interests of one group within a broader group produce a preponderance of responses, it is the role of government, surely, Mrs Dunne, to ensure that the interests of others are as affected by a particular consultation.

And we have it in relation to this. We are consulting on footpaths and cycle paths. The cycle lobby is strong and well organised and—this is the point of Ms Le Couteur’s question, quite rightly—the pedestrian lobby is not as strong and as well organised but potentially represents more citizens than does the cycling lobby.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, in determining which parts of Canberra get residential footpaths either installed or upgraded, do you prioritise locations where there are bus stops, aged populations or children?

MR STANHOPE: Thank you, Ms Le Couteur. This is a quite vexed issue. Roads ACT has always been incredibly responsive to requests from members of the community for particular footpaths. The issue of footpaths is a difficult one and it has always been a difficult one for successive governments.

Policies in relation to footpaths changed, I think, around about the time of self-government. Since around the time of self-government—I do not have the precise date—governments have as a rule provided footpaths in new suburbs, in new developments. But, of course, our history and practice prior to self-government was that in a preponderance of locations, and perhaps in a majority of streets, footpaths were not provided.

Governments, most particularly since self-government, have been left with increasing numbers of demands by residents, by citizens, for footpaths in all of those streets in older suburbs that were not provided with footpaths at the outset. It is a difficult issue for government, not just in terms of the cost.

I am advised by Roads ACT that there are within the ACT or the Canberra city footprint just over 5,000 kilometres of footpaths. I am told that if they were stretched end on end, you could walk on a footpath from Canberra to Cairns. That is the extent of footpaths that have been constructed in the ACT, yet there are hundreds of streets, perhaps thousands of streets, that do not have a footpath.

It is enormously expensive to retrofit. There are some streets where it is virtually impossible as a result of the nature of the street—steep streets, reasonably steep sites, where there are mature, historic trees—for them to be retrofitted with a footpath without major remodelling and without cutting down significant numbers of trees.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Yes, Mr Speaker. Chief Minister, what has the ACT government done to audit and benchmark the walkability of Canberra so that we can measure

improvements, especially as there are now international quantitative and qualitative techniques for measuring the walkability of urban areas?

MR STANHOPE: In the context of a qualitative assessment of the walkability of the city, Ms Hunter, I am afraid I am not aware what qualitative work has been done in terms of an official formal audit of streets within the ACT. In the context of streets with or without footpaths, the database maintained by TAMS, by Roads ACT, is amazingly complete. In the context of access to present footpaths there is a complete audit. I am guessing at one level here, but I would be surprised if on receipt of a request by anybody around a particular named street—did it have a footpath, on what side of the road was the footpath, what was the nature of the footpath?—that Roads ACT could answer the question immediately.

In that context, in terms of the database which is maintained, Roads ACT—I am sure members are aware of this—maintains a priority listing. There is a qualitative assessment to that extent, Ms Hunter, in that Roads ACT has assessed on a priority basis—and I do not have the criteria with me—the retrofitting or the construction of footpaths in all of the streets on its database in relation to which a request has been made for a footpath. I do not think the prioritising extends to streets where there is not a footpath in relation to which a request has not been made. For those streets which do not have footpaths, where a request has been made by a resident of that street for a footpath, there is a database which lists in priority order—and there are some hundreds of streets in priority order.

MS PORTER: I have a supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, can you outline how the findings of this review will build on the ACT's strong record in cycling and walking?

MR STANHOPE: Thank you, Ms Porter. The answer to the question, of course, is very dependent on the outcome of the community consultation and the views of representative organisations—the views of those representing cyclists and the views of those representing walkers or pedestrians—and indeed other issues of some concern to the government; in other words, resourcing, cost, do-ability, implications for traffic flow or public transport or all other means or modes of transport. So at this stage the government are consulting, but we have engaged on a very significant investment in recent years in both footpath maintenance and upgrade and a very significant increase or enhancement in bicycle or cycle infrastructure.

I do acknowledge the strong interest of the Greens party, in relation, most particularly, to that binding agreement that we have with the Greens, our partners, to pursue issues of mutual interest, one of which is cycling infrastructure. We are as a government investing in cycling infrastructure to a level and a degree which no other government has ever done. The investment in this year, this term and over the term of this government will set significant records in terms of investment in cycling infrastructure. There is a level of investment in cycling in this territory that has never, ever before been anywhere near approached. I think it is a great achievement that the

government, with certainly the very strong support of the Greens, has embarked on such a historic investment in cycling.

Schools—removal of children

MR DOSZPOT: My question is to the Minister for Education and Training and it relates to the report in today's *Canberra Times* regarding the two children that were unlawfully taken from school. According to the report, the person who took these children was not their legal guardian, and the children have been missing for two days. Minister, can you explain how two children were taken unlawfully from a sitting classroom during a school day in an ACT public school?

MR BARR: In responding to that question, I think it is first appropriate to express the concern of all members in the Assembly for the safe return of those two children. I am aware that the particular question that the member asks me is, in fact, currently the subject of a police investigation, so it is certainly not appropriate to be discussing it in this chamber at this time. The only comment I will make is that, clearly, this is a very distressing matter and very distressing for the family concerned. I would hope that all of our thoughts would be with those children and for their safe return.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, when were you first informed of this incident and what steps have you taken to prevent this from occurring to other children at risk?

MR BARR: The department of education has an established process for advising me of critical incidents within—

Mr Stanhope interjecting—

MR SPEAKER: Mr Stanhope!

MR BARR: They have a well-established—

Mr Stanhope interjecting—

MR SPEAKER: Mr Stanhope, you are interrupting your own colleague.

MR BARR: Thank you, Mr Speaker. The department has a well-established protocol for advising me of critical incidents. It is done verbally immediately and in writing within 24 hours. That certainly occurred in relation to this case. But as I have indicated, I believe it is highly inappropriate—in fact I am surprised that it has been raised in this manner today, in a question without notice in this chamber. We might all want to reflect on the motivation behind that.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, what procedures are in place to ensure that children are not taken by persons who are not authorised to do so from ACT government schools?

MR BARR: The department and schools abide by a range of protocols and procedures. Some, of course, are relevant to the individual cases of students within their care. Of course, the department has a broader policy that is available online for the member.

Mr Hanson: Mr Speaker, on a point of order: I may have misheard, but I believe there was an interjection from the gallery, from the Labor side of the gallery, an audible interjection, that sounded like “you’re a joke”. I would ask that you remind members of the gallery of the appropriate forms of behaviour in this place or seek to remove the injector.

MR SPEAKER: Mr Hanson, while such interjections would be out of order, I must confess that I did not hear anything. I will keep an eye on that. If it happens again, we will deal with it as required.

Mr Hanson: Thank you, Mr Speaker.

Canberra Hospital—tuberculosis exposure

MR HANSON: My question is to the Minister for Health and is in relation to the recent case of tuberculosis exposure in the postnatal unit of the Canberra Hospital. Minister, can you confirm reports that the strain of tuberculosis was found to be a multi-drug-resistant strain of the infection and advise the Assembly what the implications of this are?

MS GALLAGHER: No, I will not, because that would breach the Health Records (Privacy and Access) Act.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Have you met or personally spoken with the families of those children who have been treated for TB—or were being—and apologised to them? If not, why not?

MS GALLAGHER: I think two of the families have been in contact with my office. My health adviser has spoken personally to Dr Ellis, and I have written to Dr Ellis in response to concerns she has raised with me.

MR SPEAKER: A supplementary question?

MR SMYTH: Yes, a supplementary, thank you, Mr Speaker.

MR SPEAKER: Mr Smyth.

MR SMYTH: Minister, will you table in the Assembly the visits and shared-room policy of the Canberra Hospital and, if not, why not?

MS GALLAGHER: Yes, I am very happy to provide the policy to the Assembly. Indeed, I think that is the correspondence that I signed off today to Dr Ellis. It is the guidelines for the maternity unit.

MR SMYTH: A supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, can you advise the Assembly whether, on the night of 28 August 2009, there was an opportunity to provide the family of the TB carrier with a private room but that this was not done, thereby exposing another mother and her child to the carrier in the shared room?

MS GALLAGHER: With respect to the night in question that relates to Dr Ellis's concerns, I am not in a position to confirm who the TB carrier is, as that would breach, again, the Health Records (Privacy and Access) Act. On the night in question—and at that point in time the tuberculosis was not known to anybody—there were no single rooms available in the maternity unit. Dr Ellis was, as I understand it, transferred to a single room at 4 o'clock the following day, when one became available.

Housing—community

MS BRESNAN: My question is to the minister for housing and is about the accreditation of community housing providers. The previous minister for housing often referred in committee hearings to the \$245,000 that the ACT government has appropriated towards assisting community housing providers when they went through the accreditation process. Minister, how much of that \$245,000 will be allocated to the community housing providers to assist them in the accreditation process, and how will the rest of the money be spent?

MS BURCH: I thank Ms Bresnan for her question. Again, I seem to be fumbling for papers. I will bring that back to you; I think that is the shortest answer. I did have something here but now I cannot find it and I have had that before. I will bring it back.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Along with that information, minister, has the government informed all of the community housing providers about how much of the \$245,000 they will each receive?

MS BURCH: It is my understanding that Housing is working with the community sector on the regulations and the accreditation framework. A number of organisations have been in direct contact with the department. We are working through them. There were indicative costs, we understand, about the regulatory framework and the expectation of the work the community sector is to implement. So there are discussions in place. Housing ACT is working directly with all community providers.

MR SPEAKER: Yes, Ms Hunter; a supplementary question.

MS HUNTER: Minister, what work, analysis or quotes has the government received on how much it will cost community housing providers to undertake accreditation?

MS BURCH: Through the ongoing discussions and dialogue between the community housing sector and the department, a number of providers have raised what they think are indicative costs to come into regulation. Some of those costs are not appearing to be consistent across other providers. So there is an ongoing discussion and support to allow the community sector providers to implement the regulations, and support and advice will be offered.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Minister, how many extra staff will each of the community housing providers need to assist them in preparing for the accreditation process, and how will those staff be paid for?

MS BURCH: I thank Ms Le Couteur and the Greens for their interest in community housing. Community housing does provide an important function for tenants across the ACT. Housing ACT has set aside funds to assist all community housing organisations with the accreditation. It has previously been costed at around \$8,000 per organisation. As far as individual staff costs go, I think that the support and guidance offered by ACT Housing would be sufficient. I am not aware of any detail around the need to recruit and appoint a particular worker.

Fireworks—ban

MRS DUNNE: My question is to the Minister for Industrial Relations. Minister, in banning the sale and use of consumer fireworks in the ACT the former minister issued a regulatory impact statement. The statement under the heading “Mutual recognition” outlines the regulatory arrangements that exist in other jurisdictions in which fireworks continue to be available.

Minister, in determining to ban the sale and use of consumer fireworks in the ACT, what consideration was given by the government to the practice in other jurisdictions?

MS GALLAGHER: A great deal of consideration was given to what occurs in other jurisdictions. In fact, I am sure that you had a lot of these discussions, Mrs Dunne, with the previous minister.

Members interjecting—

MR SPEAKER: Order! Ms Gallagher has the call.

MS GALLAGHER: I have answered the question. A great deal of consideration was given to what happens in other jurisdictions. I think this has been a difficult issue for all members of the Assembly, but tomorrow we will have that debate—and certainly we on this side are really looking forward to hearing all of your speeches about how you have rolled over and changed your positions.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, what options did the government consider for the continued sale and use of consumer fireworks in the ACT?

MS GALLAGHER: As Mrs Dunne would know from being in this place, we have over the years seriously tightened up our legislation around the regulation of dangerous substances. In fact, I did a large part of that work. Minister Barr also then tightened up the regulations that I had tightened up.

The government reached the view that there was no further tightening that could happen under the regulatory approach that would deal with the issues that the community was concerned about. They related essentially to the illegal use of fireworks, because if everyone actually abided by the regulations, as the legislation stood, there would have been no problem. If people used the fireworks that were allowed under the regulations, if they used the fireworks within the time they were allowed to be used and on the days they were allowed to be used, I think the community would have been able to tolerate the continued use of fireworks. But that was not what was happening. The issues for animals, the issues for their illegal use, the issues for safety, residents' safety, were all at the forefront of the government's mind.

Having looked at this, and particularly from a health point of view, every year, when I inquired every day what injuries were presented to the Canberra Hospital or Calvary hospital through the fireworks season, there were always injuries, but thankfully they were always minor. The government got to this point: at what time do you draw the line and say, "The behaviour that's going on in the community with the illegal use of fireworks is no longer acceptable; it's putting other residents' lives at risk and, in terms of lives and safety, there are other additional concerns in the community that we need to respond to?" That is the decision. It is difficult for all of us, as many of us have enjoyed fireworks over many years. But that is the reality of the world we live in today, and that is why the government has moved to ban them.

MR COE: Supplementary?

MR SPEAKER: Yes, Mr Coe.

MR COE: I ask the minister: what options did the community put forward and what consideration did the government give to these options?

MS GALLAGHER: Through the history of this debate, which, from my memory, goes back to 2001—it could have been 2002, when a legal affairs inquiry with, it might have been, Bill Stefaniak, Kerrie Tucker and John Hargreaves looked at this issue—a variety of issues have been canvassed around the times of use, the types of fireworks that are used, the days they can be used and various options within that framework. We have looked at whether community use is something that could be considered—that is, the location where fireworks can be used and whether it could occur on community land as opposed to private residences. All of those options have been looked at.

At the end of the day, every single year there were hundreds of complaints around the illegal use of fireworks—serious complaints around the illegal use of fireworks—that the government has a responsibility to respond to. I note that in the heat of the election climate many of you opposite took the opportunity to beat up the government for being weak on fireworks and proposed that we ban them. In fact, I think you took that to the election. Then, all of a sudden, because it is not an election climate now, and it is a little more convenient for you, you change your position.

The reality of the community response and community concerns has not changed since I have been in this place. That is what the government is responding to with the move to ban fireworks. I hope that this Assembly disallows the disallowance motion tomorrow.

Childcare—fees

MR COE: My question is to the Minister for Disability, Housing and Community Services and it relates to childcare fees and the government's policy to provide for portable long service leave in the childcare sector. Minister, yesterday in answer to a question without notice you stated that childcare fees are "not something that we can influence". Minister, do you agree that government regulation influences childcare fees?

MS BURCH: I thank Mr Coe for the question. Indeed, I have been surprised this week that the light-load liberals are, indeed, showing such interest in my department. The government's role in childcare is around licensing, regulation and monitoring childcare standards. The determination of fees put in place by a childcare centre is a matter for the childcare centre. It is not a matter for us; it is a matter of what they determine on their own business model.

A report identified that a contribution of 1.67 of each employee's wage would be required to support the portable long service scheme. This is the same provision that each employee required under the current long service leave scheme. So portable long service leave is an entitlement for every worker. I remind you that you actually have no regard for workers' rights. We do not think that portable long service leave will impact on—

Mr Barr: It is a payment that should be being made, anyway. It is a legal requirement to make it.

MS BURCH: It is a payment that should be made. It is a liability for organisations. It is a liability for the centre. The ACT government is around regulation and standards. The fee setting is a responsibility for the sector itself.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Minister, what practical support will the government provide to childcare centres to accommodate any significant costs due to the implementation of the portability of long service leave policy for the sector's employees?

MS BURCH: I think I need to say again that portable long service leave for workers is a worker's entitlement that exists. Centres are responsible for long service leave. Centres are responsible for workers' rights and entitlements, and that includes long service leave now. Portable long service leave supports the workers, which clearly you do not. It is around bringing sustainability to the workforce and to the sector.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, will the government provide financial support to childcare centres which are forced to raise their fees as a result of the portability of long service leave policy?

MS BURCH: Because it is based on an assumption that I do not agree with, I think the response is that I do not agree with the assumption.

Childcare—fees

MR SMYTH: My question is to the Minister for Disability, Housing and Community Services and it relates to the provision of childcare in the ACT. Minister, yesterday you said, in respect of the portability of long service leave policy:

... when we introduced the long service leave provision last week, it was around increasing the workforce within childcare centres, therefore creating more spaces for participation.

Minister, have you received advice from your department to indicate that more jobs will be created in the childcare sector as a result of this policy? What was that advice and will you table it in the Assembly?

MS BURCH: Long service leave is around providing workers with their due entitlement that they can carry with them. It is a right for a good lot of the other sectors of workers nationally and in the ACT.

Again I go to your assumption that there is an increase in fees. I do not support that assumption. It is around sustainability in the workforce.

Opposition members interjecting—

MS BURCH: I have owned a childcare centre myself. I have operated a childcare centre myself.

Mr Smyth: But you've missed my question: did you get advice from your department?

MS BURCH: On?

Mrs Dunne: On whether there would be more jobs!

Mr Seselja: Did you hear the question?

Mr Smyth: Do you want me to read the question again?

MR SPEAKER: Order! Ms Burch has the floor.

Opposition members interjecting—

MS BURCH: I think I have responded to the question.

Mr Seselja: Perhaps Mr Smyth could repeat the question.

MR SPEAKER: Mr Smyth, would you like to ask the question again as a supplementary?

MR SMYTH: Obviously she did not hear the question. I will ask it again. Minister, have you received advice from your department to indicate that more jobs will be created in the childcare sector as a result of this policy? What was this advice and will you table it?

MS BURCH: Affording portable long service leave across the community sector, including the childcare sector, provides stability and sustainability within the sector.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne, a supplementary.

MRS DUNNE: Minister, how many new jobs will be created in the childcare industry as a result of this policy?

MS BURCH: In addition to portable long service leave, which clearly is not supported by those opposite, as workers' rights are not supported by those opposite, the strategy around the workforce in childcare includes a range of things. It includes CIT training and increasing quality. It is around a sustainable, increased workforce across a range of policies and programs. This year, we are putting in an extra 660-plus places. Next year, there will be 400-plus places. We are increasing childcare places. With a sustainable, supported workforce, the workforce will be enticed back and retained in the sector.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, how many new childcare places will the portable long service leave policy create? If it does not create new places, will the workforce be increased one way or the other, and will this mean new fees?

MS BURCH: I think I have already answered this. This year we have put in an additional 660-plus. Next year we are putting in 400-plus places into the childcare sector.

Mr Hanson: How does portable long service leave increase the workforce?

MS BURCH: Portable long service leave is around providing support to the workforce, which, clearly, those opposite just do not get. They have no regard for workers. They have no regard for a quality workforce around training support and industrial support for workers, and it is extremely disappointing for the sector that the workers in childcare are, indeed, not supported by those opposite.

Mr Hanson: On a point of order, Mr Speaker: the question is specifically regarding Ms Burch's quote, where she said that portable long service leave was around increasing the workforce within childcare centres. We have asked her repeatedly to explain how that will be so, and she has refused to do that. She is just giving a speech that we do not support workers' rights. She needs to answer the question.

MR SPEAKER: Minister Burch, do you wish to make any further comments?

MS BURCH: I have answered the question.

Hospitals—Calvary Public Hospital and Clare Holland House

MS PORTER: My question is to the Minister for Health. Minister, can you inform the Assembly of the issues that the Palliative Care Society have raised with the government with regard to the proposed overall transfer of Clare Holland House and how these have been responded to by the government?

MS GALLAGHER: I thank Ms Porter again for her question and her interest in the proposal to purchase Calvary Public Hospital and transfer ownership to Clare Holland House.

As members will be aware, we have been having an ongoing dialogue with the ACT Palliative Care Society to discuss the proposed transfer of ownership of Clare Holland House. I met with them on 18 June, on 25 August and on 20 October. The Chief Minister attended the meeting hosted by the ACT Palliative Care Society on 12 November, last week.

Right throughout these discussions with the Palliative Care Society, we have worked very hard to address the concerns that they have raised. The first issue they raised with the government was their concern that the proposal may affect the integration of palliative care services into the broader health system. In response to this, the government pointed out to the Palliative Care Society that Little Company of Mary Health Care have been providing the public palliative care service in the ACT for many years—and out of Clare Holland House since 2001. We all agree. Calvary Health Care and the ACT government have signed up to the palliative care strategy 2007-11, which outlines the commitment around future directions for palliative care in the ACT and largely signs up to the national agenda in this way.

The second area of concern was that, if the owner and manager of the hospice are the same, the influence of future governments over the provision of palliative care in the ACT may be limited. The government's response to this was that, as the government will continue to be the 100 per cent funder of the service to provide a public palliative

care service, there would be no reduction in the level of public service provided. Indeed, as the government has the contract and the specifications within that contract, we have the ability to ensure that the care provided is in line with current arrangements.

The society also felt that a single owner-provider might limit competition in the area of palliative care delivery in the ACT. Whilst this is an issue that has been raised, it is an issue that existed prior to the discussion around the ownership of Clare Holland House. Indeed, whilst there will be some growth in public palliative care services in the ACT, the expectation is that it will not grow in line with other health growth we are seeing in the acute sector. And, of course, there are other providers of palliative care, particularly through GPs, some non-government organisations and carers themselves.

The society also sought assurance that the sale site will be restricted to use as a hospice only—indeed, a public hospice. That is something that the government had agreed to and that can be dealt with in terms of the lease that would be provided. The society also sought reassurance that their funding through ACT Health would continue to be provided separately, and the government gave the Palliative Care Society that commitment.

The society sought a five-year service funding agreement—to extend the standard three-year funding agreement. This is something that the government are keen to look at, and again we agreed in principle that we could extend the contract arrangement with the Palliative Care Society in line with what they sought.

The society were also concerned that admission to the hospice may not continue to be on an equitable basis. Again, as the contract is 100 per cent funded by the government and the specifications of that contract would be clear, the government would ensure that there would be no change to any admission protocol in Clare Holland House. Indeed, I would be very surprised; it would go against the philosophy of the Little Company of Mary themselves to have inequitable admission criteria to Clare Holland House.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Yes, thank you, Mr Speaker. Minister, are there any other issues around the proposal to transfer Clare Holland House to the Little Company of Mary that have been raised in the community?

MS GALLAGHER: Thank you, Ms Porter, for the supplementary question. The society was worried that a decision might already have been made to sell the hospice. Indeed, I have given an assurance to the Little Company of Mary that, while there is a proposal out for consultation, the cabinet would consider the feedback received from the consultation and if we did take a decision to proceed with the proposal an appropriation bill would be introduced into the Legislative Assembly for debate. The issue they raised with us was that it would happen without coming to the Assembly. I certainly addressed that concern for them.

The society would also like to continue as occupants at Clare Holland House. This has been raised with the Little Company of Mary. The Little Company of Mary have agreed to enter into a memorandum of understanding with the Palliative Care Society to assure them that they will have space at Clare Holland House for their activities and that the current arrangements as they exist will continue.

In addition, one of the issues that have come up through the community consultation is euthanasia. As I expressed at these meetings, it is currently a criminal offence to aid or assist suicide under the ACT criminal laws. There is actually a law that prevents the ACT from legislating in this area. Euthanasia is probably something that does not sit very easily with the provision of palliative care at all. Appropriate care and treatment options which are determined from a clinical point of view, which occur every day—indeed today and every other day of the year—will continue. The Little Company of Mary have given an assurance that their current way of delivering the service will not change.

There was concern around whether there were enough palliative care beds for the ACT and surrounding region. There will be some small growth in this area. There are some additional issues, which I do not have time to go into, around staff, which I am also working to address. We have sought to address all the issues as they have been raised.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, as a result of your discussions with the Palliative Care Society, do they now support the sale of Clare Holland House—yes or no?

Ms GALLAGHER: I can determine how I answer that question; it does not have to be a yes or no answer. I think all members in this place, if they have paid any attention to the debate, would understand that the Palliative Care Society do not support the sale of the hospice. Indeed, when these discussions started and the known issues were raised, there were some additional issues around not changing the name of Clare Holland House and not allowing beds to be used for private patients at Clare Holland House. When all of those issues were addressed, we had correspondence from the then acting chair of the Palliative Care Society that gave a commitment to the government or an undertaking to the government that if we were able to address those issues, they would look favourably on the proposal.

Obviously, as an organisation, they have changed their views on that. They have changed their minds, as we are all entitled to do. At this point in time, they are not supportive of the sale as it is outlined in the proposal. But what I am working on is addressing all the concerns they have raised as a society and all the concerns that have been raised with me by staff—and there have been a few of those—in order to ensure that if this does go ahead, we can address the concerns as they have been raised to everybody's satisfaction. I still have some hope that we will be able to do that. That would be a better outcome, I think, than my ignoring the concerns or not working to address the concerns and just keeping moving along.

The government's position has been to work with the organisation, despite their opposition to it, in order to make sure that if there is any room to address their concerns satisfactorily, we are able to do that. The provision of palliative care in this city is an important matter. I would hate to see that deteriorate simply because parties could not speak to each other because we had a difference of opinion on something.

MR SPEAKER: Yes, Ms Bresnan; a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, along with concerns expressed by the Palliative Care Society, will you also be taking into account similar concerns expressed by key organisations such as the ANF and the Health Care Consumers Association?

MS GALLAGHER: Absolutely. The concerns that the ANF have raised are slightly different to the concerns of the Health Care Consumers Association, as they are representing different parts of the debate. But the Health Care Consumers Association, as I understand it, whilst they are very supportive of the sale of the hospital, share the concerns of the Palliative Care Society, and the Palliative Care Society is a member of the Health Care Consumers Association. So to me that is not a surprise that they have got those concerns, which are very similar.

In relation to the ANF, the ANF concerns are much more industrially focused. Yes, we are working through all of those currently as we speak and prior to my taking this matter back to cabinet.

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

Supplementary answers to questions without notice Canberra Hospital—tuberculosis exposure

MS GALLAGHER: I table the following paper relating to the overnight stay for a support person policy that was requested during question time today:

Overnight stay for a support person—The Canberra Hospital Maternity Practice Guidelines—May 2006.

Housing—public Childcare—fees

MS BURCH: I am bringing some information back from yesterday. Yesterday Mr Doszpot asked how many public housing tenants live in existing high density public housing in the inner north and inner south. The response is: there are 1,531 public housing tenants residing in multi-unit complexes in the inner north and there are 474 public housing tenants residing in multi-unit complexes in the inner south.

Also yesterday Mr Coe asked how the strategy around disruptive tenants compares with the other states and territories. My response is: all states and territories have a policy and/or a working definition of antisocial disruptive behaviour and specific

measures in place to address the problem. All states and territories are attempting to develop sustainable solutions to antisocial behaviour and most, including the ACT, have developed a two-pronged approach which involves both action to address the underlying causes of problem behaviour and the use of sanctions to support and protect the wider community.

Some of the strategies used across jurisdictions include specialist officers, probationary tenancies, memorandums of understanding with other agencies and acceptable behaviour agreements. The ACT employs specialist officers and utilises memorandums of understanding with other agencies, such as the Australian Federal Police, and also general orders through the ACT Civil and Administrative Tribunal. Further work on the issue is being progressed nationally as part of the reform measures associated with the national affordable housing agreement.

Yesterday Mrs Dunne asked a question about childcare fees and quoted me as having said:

I would imagine the cost of living would result in increased costs.

She asked:

Minister, have childcare costs increased at a faster rate than the cost of living and, if so, what factors have driven this increase?

My response is that the consumer price index for Canberra as a measure of the cost of living shows in the September 2009 quarter that there has been an average increase of 2.6 per cent per annum over five years. The report on government services shows that the average fees charged by childcare services increased by around 6.5 per cent per annum between 2004 and 2008. When the subsidies related to childcare are taken into account, the Australian Bureau of Statistics childcare index shows that there has been a relative decrease in the cost of childcare over the past five years. The childcare costs index provided by the Australian Bureau of Statistics shows a decrease in the cost of childcare in comparison to the cost of living.

In a supplementary, Mrs Dunne asked what advice or modelling the department has done on the impact on childcare fees of the government policy on portable long service leave. My response is that the government engaged an independent actuary during the policy development of the scheme to identify the potential cost of implementing the scheme. The actuary report identified that a contribution of 1.67 per cent of each employee's wage would be required to support the scheme. This is the same provision for each employee required under the current Long Service Leave Act 1976.

The introduction of the Long Service Leave (Community Sector) Amendment Bill 2009 will not change the requirements for organisations, including childcare centres, to make provisions for long service leave for their employees as required under the current act. The new scheme will not require organisations to increase provisions that they were previously required to pay under the Long Service Leave Act 1976. The government does not anticipate that the introduction of the scheme will result in increased costs over the long term.

The government proposes to provide transitional support to the sector to accommodate any significant costs due to implementation and the introduction of the scheme should not impact on childcare fees charged by independent organisations. Childcare centres set the rate of fees according to services delivered.

There was another supplementary by Mr Doszpot who asked what impact the childcare fees increase is having on the labour force participation rate. The response is that there is no indication that the childcare fees are having an impact on the labour participation rate. The ABS labour force survey study of October 2009 shows that the number of people participating in the labour force continues to rise.

Hospitals—Calvary Public Hospital and Clare Holland House

Debate resumed.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3:02): The ACT Greens believe that public health facilities should be in public hands. For that reason we support the ACT government's proposed purchase of the Calvary Public Hospital and have a number of concerns about the Little Company of Mary acquiring Clare Holland House. The ACT community and members of the Legislative Assembly on its behalf are faced with a difficult situation, where to achieve one form of government ownership we must give up another. Rather than accept this proposal, the Greens MLAs wish to see the government pursue an arrangement where it has ownership of both Calvary Public Hospital and Clare Holland House.

We acknowledge that the Little Company of Mary is in a position of great power in this situation. Its board has indicated it is unwilling to sell the hospital if it is unable to purchase the hospice. Public consultation was conducted by the ACT government. It has shown that the ACT community would like both facilities to be under government ownership, and it is on that basis that the Greens have moved this motion today calling on the Little Company of Mary to reconsider the inclusion of the hospice in the deal.

I note that the Liberals have criticised the Greens for believing public health facilities should be in public hands, but I guess we could draw another one about housing—an area where the Greens are not opposed to a level of community housing being under non-government ownership. My answer to that is that the Greens do support public housing being in public hands. In fact, we have a goal of 10 per cent public housing stock, which is much more than the Liberals have ever spoken about.

Mr Hanson: What has this got to do with the Little Company of Mary?

MS HUNTER: If you had not been interjecting you would have followed it through. What is done with small community organisations in a peer model is very different to what is done at a large-scale public level.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members, order! I cannot hear Ms Hunter. I think there are half a dozen private conversations happening. Can we please be quiet and listen to Ms Hunter.

MS HUNTER: Taking mental health, for example, we do support small and specialist non-government mental health services having ownership—

MADAM ASSISTANT SPEAKER: Excuse me again, Ms Hunter. Members of the opposition! I cannot hear Ms Hunter. Ms Hunter, please continue.

MS HUNTER: Thank you, Madam Assistant Speaker. Taking mental health, for example, we do support small and specialist non-government mental health services having ownership of their specialist and peer-focused facilities. I would also note, for example, that if the government were proposing to hand over a third of public housing to a non-government organisation we would probably have major problems with that.

The Greens recognise the structural deficiencies that exist where public and private hospitals operate within the one facility. Our health dollars are precious and already they total some \$1 billion annually in the ACT. Yet we are in a situation where those dollars were inadvertently cross-subsidising private health care at Calvary Public Hospital. The ACT Auditor-General's 2008 report on the management of Calvary hospital agreements found that the territory's financial interests were not being protected through the existing structure. There are a number of examples where major cross-charge calculations by Calvary Health Care featured omissions and incorrect charges. Unfortunately, Calvary Health Care often disputed claims of underpayments and subsequent discussions with ACT Health led to agreed, often lower, amounts being repaid.

The Greens do not question in any way the commitment that the Little Company of Mary has to providing quality healthcare services, including palliative care services, in the ACT and indeed around Australia. Nor do we question its experience. We appreciate that when a person is experiencing or witnessing the dying process many of their spiritual needs often become extremely important. The ability to provide caring and quality palliative care services that incorporate a client's unique spiritual needs is of vital importance.

We question the appropriateness of an organisation that is not government directed and fully accountable to the people to have such an influence on where and how public health services are delivered. While we respect the need for each health specialist to be able to determine what services they are personally willing to engage in, it is not appropriate for a large section of public healthcare services in the ACT to be limited to one particular organisation's ideology. With respect to palliative care, we do not wish to see non-Catholic patients in a public palliative care system having to make decisions about their health care and being limited to utilising a Catholic ethical model if that is not what is appropriate for them.

A final matter that I have quite a number of concerns about relates to industrial relations matters and staff at Clare Holland House. I would argue that it is the staff of a health facility that makes it what it is. Clare Holland House has been described as a jewel in Canberra's health system, but if staff choose to leave the hospice after its sale the loss of such experience and insight into this specialist service cannot be easily replaced.

Because of those concerns around staff and the industrial matters that have been raised with us by staff, and also through the Australian Nursing Federation, we would be seeking a discussion with the minister around how she is going to address those concerns, along with a number of other concerns that have obviously been raised by the Palliative Care Society, the health consumers and, as I have just said, the ANF. We will be seeking to have a meeting to get all the detail around the concerns raised and the solutions that have been proposed.

Amendment agreed to.

MR HANSON (Molonglo) (3.09), by leave, I move:

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

- “(1) notes that the Government’s proposal to purchase Calvary Hospital and sell Clare Holland House:
- (a) has followed very poor public process;
 - (b) will provide no health benefit to the ACT;
 - (c) will cost ACT taxpayers in excess of \$160 million over 20 years; and
 - (d) will result in the loss of Clare Holland House as a publicly owned hospice;
- (2) calls on the Government to immediately cease negotiations on the purchase of Calvary Hospital and sale of Clare Holland House; and
- (3) calls on the Minister for Health to outline new options to deliver improved public hospital services in the north of Canberra.”.

I have already spoken about the reason that we will not be supporting the Greens motion, because, ultimately, it is a sham. It is an exercise in playing catch-up and in spin. The morally superior speeches we are hearing from the Greens today are a desperate attempt to cover up the fact that ultimately when this was being debated back in June and October they completely missed the fact that Clare Holland House was part of this deal.

Everybody knows the facts—that is, the government went to the Little Company of Mary and took the proposal to sell Clare Holland House. It is the government’s proposal. Little Company of Mary have said that they will not do the deal without the sale of Clare Holland House. Indeed, that is why it was incorporated into the deal, and the health minister has said this. She said that she “approached the Little Company of Mary myself” and asked them whether they would consider the proposal being separated as an outcome of the consultation process. They will not, we know that. So, the exercise by the Greens today is an exercise in futility. It is up to the government to separate the deals, because they are the ones that put it on the table. Ultimately, they are the ones that will live or die on this decision.

I would question whether representatives from the Palliative Care Society, the Health Care Consumers Association and the ANF who spoke to the Greens are aware that back in June the Greens voted against any consultation being conducted.

Ms Gallagher: Don't you twist the truth.

MR HANSON: They did. My motion asked for the consultation to occur on Calvary and Clare Holland House. What the Greens put in as their amendment was simply that a survey be conducted for users of Calvary; it had nothing to do with Clare Holland House. They clearly did not understand that Clare Holland House was part of the deal.

Ms Gallagher: The proposal wasn't even out. There was nothing there.

MR HANSON: I will just reiterate, because the minister obviously did not hear me the first time: Ms Bresnan said in regard to the government's deal that she thought it was just about a hospital and a religious organisation and nobody else. So, she missed the fact that Clare Holland House was there. The Liberals have made their position very clear—that is, we will not—

Ms Gallagher: Yes, their hypocritical position that nobody really understands.

Mr Stanhope: Their dishonourable position, their position of no integrity. That position. We all know about that position.

MR HANSON: Well, clearly, we have a position, and we know what it is.

Ms Gallagher: It's the wrong one but it's a position.

MR HANSON: We will not be supporting this deal, because it is a bad deal. If the government benches wish to continue interjecting, I will again outline to them why that is. So the people that will have to make a decision on this will be the Greens. I have to say that it scares me that a party that failed to look at the detail of this proposal and that have been so politically opportunistic and inconsistent in their response are ultimately those who will have to make the decision in this chamber.

I think we all understand what that decision will be. I think we all understand that this is a deal that they will support and that the exercise of today's motion is an exercise of futility. It is about political spin. Underlying Ms Hunter's morally superior tone is the fact that she knows full well that she will be supporting this grubby deal while she is trying to moralise and lecture members of the Assembly.

My amendment seeks to stop this deal. It gives the Greens the opportunity to do so. So the Greens are going to put their money where their mouths are. If it is only rhetoric they have got, then maybe they will ignore my amendment. But if they actually want to stand up for the Palliative Care Society, for the Australian Nursing Federation, for the Health Care Consumers Association, for all of those people who are so concerned about the sale of Clare Holland House, I am giving the Greens the opportunity today to put their money where their mouths are. Will they take that

opportunity? We will wait and see. I am somewhat doubtful, because, as I have already outlined, their motion today is an exercise in political spin.

When it comes down to it, the Canberra community needs to know that the Greens and Labor are thick as thieves on this one. They have a deal stitched up and the Greens will be supporting the appropriation bill. If anybody doubts that, then why do you not stand up in this place and say that that is not true, that you support my amendment and you will vote against this deal? Otherwise, your motion will be seen for what it is, which is a crock.

My amendment notes that the government's proposal to purchase Calvary hospital and sell Clare Holland House—remember that bit, sell Clare Holland House—has followed very poor public process. We know that, from the secret deal before the election through to the mock consultation period—and Mr Smyth outlined how shoddy that really has been—this has been an appalling public process. The Greens have supported it. Where is the objection to the process from the Greens? I do not see any of it. It will provide no health benefit to the ACT, and Ms Gallagher has said this herself. Remember, “It will have no impact, you fool.” Remember those words? “No impact.”

Ms Gallagher: On health services.

MR HANSON: Correct. “It will have no impact on health services.” Thank you very much for clarifying that issue for us. It will have no impact on health services in the ACT. Thank you, Ms Gallagher. This will cost the taxpayers in excess of \$160 million over 20 years in cold, hard cash. That is taxes that will need to be raised. It will result in the loss of Clare Holland House as a publicly owned hospice.

My amendment calls on the government to immediately cease negotiations on the purchase of Calvary hospital and the sale of Clare Holland House. It calls on the Minister for Health to outline options to deliver improved hospital services in the north of Canberra. The government have been talking for years about the capital asset development plan, how their billion dollars of infrastructure savings is going to make the difference. But it certainly appears that the only plan that they have ever had, that they have ever countenanced, that they have ever been developing is that of purchasing Calvary hospital. Because when you ask them, “Where is your other plan?” and say, “Present your business case around the other plans; show us the cost-benefit analysis; show us where you have developed a series of options,” there is a stunned silence. We know that they have only had one plan. They have only had one agenda since Mr Corbell was the minister—that is, to get their hands on this hospital. That is all they have got. If you take that out of the locker, it is an empty locker. They have nothing.

This is a proposal that should be stopped. My amendment gives the Greens the opportunity to do so, to demonstrate that they are legitimate in their concerns about Clare Holland House. Will they sell out on the community that raised so many concerns? Will they sell out in their desire to see Calvary transferred to the government? Are they prepared to sell out on the rest of the people of Canberra? It would appear that that will be the case.

I say again to Ms Bresnan: you asked me in July, “Do the Liberal Party actually support this purchase?” Do we actually have a plan? Do we have a position on this? Yes, we do.

Ms Gallagher: Do you have a plan?

MR HANSON: Yes, we do.

Ms Gallagher: What is your plan B?

MR HANSON: I will tell you my plan B.

Ms Gallagher: None!

MR HANSON: Have you read my amendment? I call on you to present all the analysis that the government have done before they decide to present—

Ms Gallagher: No, no, I’m talking about your plan B.

MR HANSON: Let me give you a definitive answer: show some respect to the community. I will tell what we will do. We will continue on to provide health services to the north of Canberra, to the people of Canberra, and we do not need to purchase the hospital that is already providing public hospital services and we do not need to sell Clare Holland House in order to do that. I encourage members of the Assembly to support the amendment, and I suggest that the Greens start showing some respect to their constituents and stand up for them rather than just falling in line with the government again.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.20): The government will not be supporting this amendment, which I do not think will come as any surprise to any member in this place. We do not agree with paragraph (1), and we will not cease the negotiations that are currently underway. The Assembly will actually have the final say on that if and when the government brings forward an appropriation bill. But Mr Hanson simply seems to not understand the magnitude of the challenges facing the ACT and the ACT budget if the current arrangements continue. This is the issue that I just cannot understand Mr Smyth not having a view on as the shadow treasury spokesperson.

I cannot believe that the shadow treasurer would agree that the status quo—that is, essentially gifting \$200 million from our operating result onto the balance sheet of a third party—is the way to finance a new hospital for the north side of Canberra. That we should finance it, but not own it—I cannot believe that that sits with the economic beliefs, policies or views of the shadow treasurer. I will be very interested to hear him elaborate on how he believes this financial transaction should be managed in the future if the proposal does not go ahead.

I know the opposition loves to quote eminent professors who have been trained at Harvard—I think Dr Dwyer might have a Harvard background—as the gospel in

terms of their understanding of the financial analysis. Can I just inform the Assembly that no-one has been able to dispute the financial analysis. They have disagreed with it; they have said they think it is trivial; they have said they think these are simple accounting matters that can be dealt with. But nobody has been able to dispute the Treasury financial analysis which, when you look at it from a balance sheet point of view, from our operating impact and from our cash position, overall, is the best way forward in economic terms, in terms of our entire budget, not looking at our cash—

Mr Hanson: Why don't you send it to the Auditor-General then?

MS GALLAGHER: I am very interested that the position the Liberal Party have taken now is that the only measure that they are going to look at in the future is the cash position of the territory. They are not going to care about our assets. They are not going to care about our bottom line. That is what you have said.

Mr Hanson: If it was a greenfield site—

MS GALLAGHER: Your position as outlined on Calvary indicates that you do not care about the bottom line of the territory and you do not care about our balance sheet. What you care about is the cash, and that is the only indicator that you will be looking at in the future to measure whether or not something stacks up. That is what Jeremy Hanson is saying. And you are wrong; you keep using the \$160 million term, which is wrong, and you know it. You had the financial briefing. In net present value terms, it is \$110 million, and you have to look at that, because it is over 20 years. We have already discussed this in the Treasury briefing, but you keep using \$160 million because it benefits your argument.

Mr Hanson: Yes, because they are in your tables, they are in the Treasury analysis.

MS GALLAGHER: Yes, but then the column that runs alongside it, Mr Hanson, in the same table, it indicates it is \$110 million in net present value terms. That is the actual measure you need to use if you are going to use cash as the indicator to decide whether this stacks up or does not stack up on. It is in exactly the same table. But anyway, you use it because it supports your argument. But we now know that in estimates next year, whether or not the budget is a good or bad thing for the territory, it will be measured on the impact on our cash. It will not be measured on our balance sheet or the impact on our operating result.

Mr Hanson: We are talking about this proposal.

MS GALLAGHER: That is the position you have taken, because what you are saying is you want the current arrangements to continue. Despite the fact that LCM Health Care do not want to be there any more and despite the fact that they are a willing participant in the sale, you want to hold them and lock them into the hospital and then you want to give the \$200 million from our operating accounts to finance a north-side hospital. But then, when they actually want to consolidate at the hospice, you are not going to let them do that because that is not popular. Opposition for opposition's sake. Your position is hypocritical; it does not add up.

Mr Smyth: Why?

MS GALLAGHER: It is hypocritical, totally hypocritical.

Mr Smyth: Why?

MS GALLAGHER: “LCM, you stay in the hospital, despite the fact that you do not want to be there any more. We will determine that for you. But do not dare think you are going to get the same arrangements at the hospice.” That is what your position is. That is exactly what you are saying. It does not stack up, and the government will not agree with Mr Hanson’s amendment to Ms Bresnan’s motion. I think the Greens are in a difficult position—

Mr Stanhope: Don’t you dare sell the hospital and don’t you dare buy the hospice.

Mr Hanson: I look at what’s best for the ACT, not necessarily what is best for the Little Company of Mary, Jon.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Stanhope, members of the opposition, please be quiet so I can hear Ms Gallagher. Ms Gallagher, please continue.

MS GALLAGHER: I think the attacks on the Greens today by the Liberal Party have been astonishing. They started with the Redex motion and have followed through in this motion today.

Mr Smyth: So Redex is a Green initiative? Congratulations, they are running the government, apparently. Well done.

MS GALLAGHER: No, the attacks. I am talking about the attacks from the Liberal Party on the Greens. Just because the Greens do not agree with your position on certain things, then all of a sudden you unleash this vicious attack.

Mr Hanson: They’re your coalition partners.

Mr Smyth: So you can attack them, but we can’t.

Mr Hanson: I’ve never heard Mr Stanhope attack them ever, or Mr Barr!

Mr Smyth: Mr Hargreaves never attacked the Greens!

MADAM ASSISTANT SPEAKER: One minute. Mr Hanson and Mr Barr, please I cannot hear—

Members interjecting—

Mr Smyth: I’m insulted.

MADAM ASSISTANT SPEAKER: Sorry, I do apologise.

Mr Smyth: Withdraw that statement. I am shocked, Ms Le Couteur.

MADAM ASSISTANT SPEAKER: I do withdraw that, Mr Smyth. I am very shocked myself. Mr Hanson and Mr Smyth, please be quiet so I can hear Ms Gallagher.

MS GALLAGHER: At least the Greens are prepared to engage on the subject; the Liberal Party have not engaged at all. They have attended meetings. The angrier the meeting, the bigger the smile on Mr Hanson's face became. We have had a briefing. The first briefing was not very constructive. The Treasury briefing was maybe a little more constructive. I am not sure, because Mr Hanson failed to grasp the magnitude of the financial challenges that the status quo presents to the government. If he did understand it, he discounted it as not being politically convenient for the Liberal Party.

But the Greens are prepared to engage; they are prepared to consider the challenges facing the government. There has been no secret deal done. This proposal will be determined by this Assembly if and when an appropriation bill comes before it. That is the appropriate place for that debate, and it is a debate that will occur.

Mr Smyth: Secret deal. Heads of agreement deal. "Let's knock it off before the election."

MS GALLAGHER: I know it is unparliamentary to respond to Mr Smyth's interjections, but we did miss him last week. There was certainly an aura of calm and almost light in this place without you sitting there interjecting. We did miss you so much! But, in a way—kind of weird—it is nice to have you back as well, because we do expect it from you. There was no secret deal. The minute this proposal was determined—that is, the financial aspects of the proposal, which are critical for the community's understanding of the challenges that face the government—we went public on it. I think it was within a matter of four days of the cabinet determining a position that we took that position to the community. The community discussion has occurred over the last six weeks, and it will continue. I have got a number of meetings that I am still having over this proposal that I will finalise prior to taking a position back to cabinet.

This is a significant issue for the Assembly to consider. It is one the Liberals are trivialising. It is easy being in opposition—you can be friends with everybody and do nothing. You do not have to take a leadership position on anything, and that is what we are seeing from the opposition today. No leadership, no preparedness to genuinely consider the issues facing the future of our health system, just opposition for opposition's sake. They just say, "We do not care about this." This is a difficult decision. The Liberal Party are enjoying the fact that it is difficult for the government, but it would be negligent of the government not to raise this and have this community conversation because of the impacts that not having this discussion would have on our budget. Mr Smyth, you understand that. You must understand it, and you must disagree with the position that your party has put you in whilst you were away.

MS BRESNAN (Brindabella) (3.29): The Greens will not be supporting Mr Hanson's amendment. I would like to suggest to Mr Hanson and others in the Liberal Party that they should read some of the submissions to the consultation process and consider

what has come out of the consultation process. Those key stakeholders are stating that they support the sale of Calvary hospital but they do not support the sale of the hospice—which is exactly what the Greens are stating here today, and in our motion, and what we have talked about in the past. I suggest that you look at those submissions and pay attention—that the Liberals actually take account of what the community are saying and consider that in the type of position that they are putting forward. That is why we will not be supporting Mr Hanson’s amendment—because his amendment does directly ignore what the community are saying.

We have the Liberals here saying, “We do what the community wants; we are the only ones standing up for the community.” But they are ignoring what is coming out of the consultation process. In fact, even before the consultation process has been completed and submissions have been made, they have come out with their hardline position. Basically we see a party that are irrelevant. They are out of the negotiation process and they are putting forward this motion today because they have nothing else to do.

Question put:

That **Mr Hanson’s** amendment be agreed to.

The Assembly voted—

Ayes 5

Mr Coe
Mr Doszpot
Mr Hanson
Mr Seselja
Mr Smyth

Noes 10

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

MS BRESNAN (Brindabella) (3.34): I would like to thank all members for their contributions to this debate—thoughtful and interesting contributions, as ever, from the Liberal Party.

Mr Hanson: Thank you, Ms Bresnan.

Ms Gallagher: I think there was a little bit of sarcasm there, Jeremy.

MS BRESNAN: No, not at all. No sarcasm at all. I will say that this is not a game about who can shout the loudest, even though the Liberal Party obviously thinks so. This is about trying to achieve positive and constructive outcomes for the ACT people.

As I have already stated, the Greens are working with groups like the Health Care Consumers Association and the Palliative Care Society to achieve a good outcome. We are also in contact with groups such as the Australian Nursing Federation and the AMA.

It is true that back in June we had not envisaged the level of feeling in the community about the hospice that there is. The minister today noted that she had also underestimated the level of concern that has emerged about the hospice. I might add that when we met with them back in July the Palliative Care Society noted to us that they had not expected the level of concern that emerged about the hospice.

I will note that immediately after the meeting with them in July we did write to the minister stating that there needed to be specific consultation conducted on the Palliative Care Society, as we expected this to be likely to be the main point of contention that emerged from the sale. It was back in July that we did that. It is only as time has passed and more information has come to hand that the concerns have increased. I think everyone will admit that.

So yes, the concerns of the community have changed. Congratulations to the Liberal Party for noticing that. To the Liberals I will say that if you are criticising the Greens you are also criticising the community sector. Is that something you really want to be doing?

I note that Mr Hanson is willing to divulge in this place details of private discussions, which he has done previously. I will just refer to a meeting I had with Mr Hanson in about October, when he came to my office and spoke with me about the hospital and the hospice. He asked me why the Greens supported the sale of the hospice. I said to Mr Hanson that he would recall that the Greens had said they did not want to see the hospice sold and that we had recently started to have concerns raised with us by the Palliative Care Society. I have already mentioned that that was back in July. I told Mr Hanson to check my media releases as these outlined our public comments. I also told Mr Hanson that I expected the sale of the hospice to now be the key issue that would drive debate. Mr Hanson did not agree with me and in fact refuted what I was saying.

With regard to today's debate and today's attack by the Liberals on the Greens, can I say that Mr Hanson's memory is poor. Things suddenly drop out of his recall as he enters the chamber. We are seeing here today a party that are struggling to maintain relevance. To quote the *Canberra Times*, they get a D-plus on policy. They have been shut out of the negotiation process and are now just firing cheap political shots because that is all they can do.

There are three positions in this chamber about the Calvary proposal. Only one of them is in line with that of the community and key stakeholders, and that is the Greens' position. Just as the Liberal dinosaurs up on the hill struggle with a progressive community, so too do the Canberra Liberals. The Liberals have adopted a hardline position even before the public consultation process has ended and, quite obviously—

Mr Hanson: Showing the light on the hill, the morally superior Greens. Here they go again.

Mr Barr: It almost sounded like a born again moment there, Jeremy.

Mr Hanson: I nearly had. I nearly came over to the Greens.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Hanson, please be quiet. Ms Bresnan, you have the floor.

MS BRESNAN: Thank you, Madam Assistant Speaker. The Liberals adopted a hardline position even before the public consultation process had ended and, quite obviously, before reading submissions from key stakeholders—which, I again note, support the sale of the hospital but not the hospice. So let us get this right: the Liberals call for consultation and then, when it is conducted, come out with a position before it is even over. What do they think the point of consultation is? It seems—

Mr Hanson: At least I turned up to the public meeting, Amanda. Where were you?

MS BRESNAN: I was actually there, Mr Hanson.

Mr Hanson: You were not at the public meeting.

MS BRESNAN: The one that you were not meant to go to? It seems that the only time line that the Liberals care about is theirs—and when they can get into the media. They do not care about consultation time lines.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Members of the opposition, I cannot hear Ms Bresnan; she has the floor.

Ms Gallagher: How long have you been a member?

MADAM ASSISTANT SPEAKER: Ms Gallagher, Ms Bresnan has the floor.

Mr Hanson: I can explain to you what they do there in great detail.

MADAM ASSISTANT SPEAKER: Mr Hanson, please shut up. Ms Bresnan, I hope you can continue in quiet.

MS BRESNAN: Thank you, Madam Assistant Speaker, for that very intelligent comment. It seems that the only time line that the Liberals care about is theirs—and what they can get into the media. They do not care about consultation time lines; they do not care about government responses; they do not care about the timing of appropriation bills. Let me quote Mr Hanson from the 17 June debate:

The opposition have maintained open minds on this issue. We very much want to see the detail. We want to engage with the government and with the community to understand the issue. But to this date we have not been provided with sufficient evidence, we have not seen the process that the government should be following and we have not seen the consultation that allows us to make that decision.

The opposition reserves its right to make an informed decision once it has been made aware of all the facts. We will not be rushed. We will not be pressured by the government through some sort of scare campaign to force us to make a decision.

That is exactly what the Liberal Party is doing now.

Mr Seseljja: You decided before you had even seen any of the detail.

Mr Hanson: You were the ones who were saying why we would not come to the decision.

Ms Gallagher: This is your statement.

MS BRESNAN: That is your statement, Mr Hanson. Let us get this right. The Liberals are pushing for the Greens to make a final decision even though we are yet to see the government's response to consultations, we are yet to have a final proposal put before us and we will not see a final proposal until, most likely, next year.

Unlike the Greens, the Liberals were more concerned about making a fast decision than making a right one. They went and made a decision even before all the facts were out there, and now they are regretting it. They are out of the game and hurling abuse from the sidelines, because there is nothing else for them to do. The Liberals accuse the Greens of being hypocritical, yet the Liberals themselves are the ones who support—

Mr Hanson: If the facts aren't on the table, how are you able to make a decision, Katy, by that same rationale?

Ms Gallagher: We haven't taken a final decision on it. It has to go back to cabinet.

MADAM ASSISTANT SPEAKER: Ms Bresnan! Ms Gallagher!

Mr Rattenbury: On a point of order, Madam Assistant Speaker: Mr Hanson has consistently interrupted Ms Bresnan while she is speaking. I ask you to call him to order.

MADAM ASSISTANT SPEAKER: Yes. I think I should follow the good advice. Mr Hanson, please; I need to call you to order. Ms Bresnan has the floor.

MS BRESNAN: Thank you, Madam Assistant Speaker. The Liberals accuse the Greens of being hypocritical, yet the Liberals themselves are the ones who support private ownership of public health facilities and then do not support the sale of the hospice. Could it be that the Liberals' position is not based on their principles but, rather, could be labelled opportunistic? I note that the Liberals have accused this motion of being symbolic, but I would argue that it is incredibly powerful for the Assembly to call on a large private organisation that is a significant power in the ACT to step away from something that they are pursuing.

I am surprised that the Liberals do not want to support the Greens' motion today. It has been developed through consultation with groups such as the Health Care Consumers Association. Such a move would assist us in having an unencumbered debate about the hospital without the inclusion of the hospice. This is what the vast majority of submissions to the public consultation process want. Wouldn't it be nice if the Liberal Party actually listened to the public and joined us in pushing for this to occur? These groups obviously see that there is still a negotiation process in place and believe a change can be made. Why are the Liberals not listening to what the community is saying?

Mr Hanson stated that we should be calling on the government to decouple the sale; however, Mr Stanhope stated at the public meeting last week that the government wants to drop the hospice but LCM will not. As I noted earlier in my speech today, the minister has said that LCM hold all the cards. That is why, as an Assembly, we should be calling on LCM to listen to the community and the elected representatives and do what is best for the interests of the ACT, and not themselves.

I will add one final point: the minister herself stated, in response to Ms Porter's question today, that the decision remains open and cabinet still has to decide. I suggest that this makes my motion today extremely timely.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 4

Ms Bresnan
Ms Hunter
Ms Le Couteur
Mr Rattenbury

Noes 11

Mr Barr
Ms Burch
Mr Coe
Mr Corbell
Mr Doszpot
Ms Gallagher
Mr Hanson
Ms Porter
Mr Seselja
Mr Smyth
Mr Stanhope

Question so resolved in the negative.

Motion negatived.

Financial Management (Board Composition) Amendment Bill 2009

Debate resumed from 19 August 2009, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

MR RATTENBURY (Molonglo) (3.47): This bill today is part of the ongoing EPIC saga that should never have got this far. Back in May, when we debated in this place

legislation about the government's proposal to abolish the EPIC board, the Greens did oppose that legislation. The reason we did that at the time was that we felt that there was a real value in retaining a level of community expertise and community involvement in the board of EPIC because it is a unique facility. It is a facility that is very diverse, with more than 300 events a year, and it is a facility that I think having a range of perspectives on the board is very valuable to help it have new ideas and innovation. Possibly we are doing something a little bit different to the rest of the government venues and I think it is of value in Canberra to have that kind of diversity.

That was the basis on which we opposed the legislation at that time. However, we did also suggest some ways forward and we suggested to the government that they postpone the abolition of the board for at least 12 months to assess how it performs in the new portfolio because, as we discussed at that time, EPIC had been brought under the minister for tourism, Mr Barr, that he had a particular interest in it and that there was an opportunity for greater engagement from the minister as part of a new portfolio and it was linked more closely to some of the other work that was going on around town. There was an opportunity actually for improved performance, improved integration with government, without the need to absorb the facility into the government department. We put those suggestions forward in good faith at the time of rejecting the government's proposal.

Unfortunately Mr Barr at the time said, "We will give it 12 months and I can assure you we'll bring the legislation back." Unfortunately he could not wait and moved in the middle of the year to then stack the board with public servants from the Department of Territory and Municipal Services, which was quite contrary to the debate that had been had in the Assembly. I think at the time I did describe that as a hostile takeover.

This bill today seeks to unpick that decision and provide a clear path forward, which is more consistent with the nature of the debate that we had here in May. I think it is an important facility; it is one that, I would hazard a guess, almost every Canberran uses at some point during the year, and it is one which we are keen to see be very successful. We believe that having that community engagement will help with that success.

What the bill that Mr Smyth has put forward seeks to do is limit the number of public servants on the board. The Greens do accept there is a role to have members of government departments on the board—potentially one or two, depending on the size of the board—because there is value in having those linkages in exploring synchronicities with other things that are going on, without the government needing to necessarily completely control that organisation. We still, as I have stressed, do want that level of community input.

What Mr Smyth's bill also does is acknowledge that, where there is a special need or particular circumstances, the Assembly can agree to appoint greater numbers of public servants to the board. I think the proposal to have the Assembly grant that possibility is a good one because it keeps the flexibility open for the government, whilst putting a level of transparency and, I guess, a level of scrutiny into it in by saying, "We are quite open to accepting that, where you make a good case and where there are

particular circumstances.” Whilst Rhodium obviously was a territory-owned corporation and slightly different, it provides a good example of the situation where it makes sense to perhaps change the management of a particular organisation. Whilst it is not exactly the same, I think it illustrates the kind of situation we might consider.

Mr Smyth’s bill also revokes the appointments that were made in the middle of the year that took the representation of TAMS on the EPIC board far higher than was the intention of the Assembly when we debated this matter earlier in the year. The Greens will be supporting these amendments. We believe that they do match the discussion we had earlier in the year.

We will come back to discussing the amendments later because I understand there will also be government amendments, some of which I think also have merit, and we will discuss each of those as we come to them. But in terms of the in-principle stage, I would like to flag that the Greens will be supporting Mr Smyth’s bill in principle.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.52): Like the Greens, the government does not oppose the general governance practice and principles behind the provisions of the bill. The general thrust of the bill, with the exception of the last clause, is to limit the potential for conflict of interest issues in cases where public servants also act as members of the governing board of a territory authority. While the Assembly has not felt the need previously to incorporate those principles in legislation in such a prescriptive manner as is contained in this bill, they do in fact reflect, in the main, the current practice adopted by this government.

The government recognises the potential for public servants to have conflicting interests when sitting on the board of a territory authority. On the one hand, they are employed by the territory and, in most cases, within the department that administers the enabling legislation of the authority. On the other hand, they have a responsibility to that authority to act in its best interests. The government’s recognition of that potential for conflicting interest is reflected implicitly in the very low numbers of public servants that are currently appointed to the boards of our authorities.

Having said that, we do not oppose the bill in principle. However, there remain a number of concerns as to how these principles are captured and reflected in the legislation and, if this bill is passed unchanged, it would present some difficulties in the administration of our territory authorities. I will therefore in the detail stage move a number of minor amendments to the bill, designed to make it more workable. I understand Mr Smyth will be moving a couple of amendments. I can speak to the amendments in the detail stage.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.53): In speaking to this bill today, I recognise that the reason we are here is a result of some dissatisfaction from opposing parties to the government’s position in relation to Exhibition Park. In terms of the government’s view of Mr Smyth’s bill, we cannot support it unless there are significant amendments to it. As the Treasurer has indicated, we will not be doing that unless there are significant amendments. We will

be proposing a number of those to minimise the harm that would be done by the opposition's bill.

But in the end, we are determined to get this debate over and done with so that, whatever else happens, the government can get on with business. And that business is listening to Exhibition Park users through our new community advisory group, investing in Exhibition Park's facilities, with new food service areas and visitor amenities, and delivering great events at Exhibition Park, including a new Summernats which will be bigger and better than ever this coming year.

When we look at the opposition's bill today, it is hard not to be reminded of those old Cadbury ads, with the scientist Julius Sumner Miller asking himself, "Why is it so?" Why indeed? We are here. The bottom line of this bill really is that too much time has already been wasted on what is a silly debate.

It is very clear to everyone concerned that the government would prefer that Exhibition Park be brought into the Territory Venues and Events Group, like Manuka Oval, Canberra Stadium and Stromlo Forest Park. There are a number of synergies in these organisations—things like ticketing, event management, catering, crowd control. There are a whole range of skill sets that are common across all of those venues.

The government's view is that there would be some tremendous opportunities for the staff in each of those organisations to work on events and activities at each of the organisations and that being isolated to one facility and one area within government is limiting for staff and does not enable them to bring to bear the diversity of skills and experience that could be brought across all of those venues that, as I say, have many things in common, not least of which is that often events at each of those facilities involve the need to transport mass numbers of people to and from the event when there is no public transport provision across all of those venues.

But given the Assembly has voted on this matter this year, we recognise that that will not be the case at this point in time; so failing that, we would like to see the board of Exhibition Park contain the best people that it possibly can, regardless of whether or not they are public servants. We do not have a bent against public servants. But it appears that the opposition is determined to live in the Carnell era of managerialism in this area of ACT public service and, if they can get support for this agenda in this place today, then we recognise that that is life. We know there is really nothing more to this than opposition for opposition's sake and, again, that is life. But it is what we have come to expect.

I do not doubt that the Greens are beginning to draw their own conclusions about the opposition's motivations in this case. All along, the government proposed a simple budget measure to streamline public administration and to save the public money. That is all. And after six months of dealing with the opposition on this issue, it is possible that this may become a little clearer to the Greens party today than it was back in May. Certainly, the very long delay by the opposition in debating this bill, the fact that Mr Smyth has had to bring in a number of amendments to his own bill and, frankly, the chaotic approach that has been adopted by the opposition in the last two days as the debate finally approaches are rather revealing. At the least, these delays in

debating this bill really do stand in stark relief against the background of the rhetoric that we heard from the opposition spokesperson at times on this issue over the past six months.

Perhaps, as the community advisory committee grows in its role, the Greens party may come to reconsider the value of the continued existence of a board under the Financial Management Act. But that of course is a matter for the Greens party to consider over the coming months.

For our part, the government will not lose sight of the big picture. And the big picture is this: whatever the governance arrangements of Exhibition Park, the government is determined to get on with business, and that is listening to the users, investing in the facility and delivering great events.

The fact is that the Exhibition Park board that I appointed this year has been doing all of this and more. The new board has met five times since 30 June. The new board has a new focus on ensuring effective management, strategic direction, master planning and tourist accommodation options and, since its appointment, the new board, including public servants, has restarted the stalled process of the development of a master plan for Exhibition Park. Since its appointment, the new board, including the public servants, has commenced the strategic planning process and master planning exercise.

Since its appointment, the new board, including the public servants, has made progress on a number of long, unresolved issues relating to the service station contract on the EPIC site. They have finalised the negotiation for renting a new service station with a preferred vendor. Resolving this issue is fundamental to determining future master plan options.

Since its appointment, the new board, including the public servants, has overseen the completion of a new food service outlet and a range of comfort facilities associated with the farmers market pavilion. Thousands of customers and over hundreds of traders will benefit from a new bitumen floor installed to enhance the experience. There will also be a new cafe in the food area which will offer visitors more choice for refreshments and snacks.

Since its appointment, the new board, including the public servants, has completed a market analysis for low-cost tourist accommodation in the ACT and at Exhibition Park. And since its appointment, the new board, including the public servants, has completed negotiations for the retention of Summernats. Since its appointment, the new board, including the public servants, has completed the negotiation with relevant agencies for the extension of Exhibition Park's landholdings to allow for the development of tourist accommodation.

Since its appointment, the new board, including the public servants, has established a community advisory committee to work with the new board to provide greater community input into the running of the site. In fact, this year alone, Exhibition Park has hosted over 350 events, catering for more than 1.5 million who passed through the gates.

I think that is an important record of achievement within five months for the new board. I would like to take this opportunity to commend the chair, Mr Gary Byles, for his drive, energy and commitment to Exhibition Park and for the skill set that he has brought to the board. He has been an outstanding chair, and it is perhaps with some disappointment that, pending outcomes of particular amendments, Exhibition Park may actually have a new chair within the next six weeks. That, frankly, would be very disappointing for the board and for the park overall.

Having said that, we look forward to the debate on the amendments. The government have put forward a number of amendments that we believe are necessary to address problems that we have identified with the bill. I am pleased that Mr Smyth has recognised some problems with his initial bill and has brought forward some amendments of his own. I think there is one that we can support and, on the other two, there are competing government amendments. We look forward to the debate on those matters.

MR SESELJA (Molonglo—Leader of the Opposition) (4.02): It is as yet not clear to me from those two different contributions from the government what the Labor Party's position is on this bill. I could have sworn that we got two totally different stories there from the two leadership contenders in the Labor Party about this bill. Ms Gallagher seemed to be suggesting that it was something the government would be supporting. Mr Barr did not seem to want to address that point but seemed to suggest that the bill was opposition for opposition's sake. If he believes that, presumably he will be voting against it. So it is really not clear to me what the government's position is.

I suppose it is probably no surprise that, firstly, Ms Gallagher, in the less than two minutes that she took, did not want to go in to bat to defend the minister on this issue. And it is no surprise that the minister, Minister Barr, is grudgingly, it would seem, although it is not crystal clear, actually supporting this legislation.

I commend my colleague Mr Smyth for bringing this forward and for the leadership he has shown on what is a significant and important piece of legislation. We look forward to the Assembly passing this legislation because it is a worthwhile piece of legislation and it is a piece of legislation that will make a significant change. It is worth going into how we got to this point, but first let us look at what is the purpose of the bill.

The bill's purpose is twofold. It is to keep boards of certain organisations genuinely independent and commercially orientated. That is at the heart of this bill. These are bodies designed by their definition as being more efficient and more effective than and operate differently from existing bureaucratic procedures. These are organisations which the territory has already determined are better off carrying out their own business as independent experts. It defeats the purpose of setting up an organisation to operate independently if it is then stacked with public servants who answer to the minister. Mr Barr and ACT Labor obviously have hated this independence, which is part of the reason that the Legislative Assembly, through Mr Smyth, has actually had to bring this back.

The second purpose of the bill is to avoid blatant board stacking and, in this case, an attempt to ignore the will of the Assembly. That is what we saw from Mr Barr on this issue. That is why we saw his head down as he was delivering that. He would not say whether he was actually going to vote for it. We look forward to seeing whether Andrew Barr will vote for this legislation; whether he actually, now, sees the merit of it; whether he actually sees the importance of it. The Treasurer has clearly said that the government have no problem with this legislation, so we look forward to it being passed unanimously today.

The bill arose from an attempt by Andrew Barr to summarily dismiss a sitting independent board and take control completely by placing it under TAMS, and of course Mr Barr lost the vote on the Assembly floor. Mr Barr then sacked the independent chair and deputy chair and installed TAMS appointees: in effect a direct contradiction of the will of the Assembly. The Assembly had to act to protect the independence of boards from hostile takeovers or Andrew Barr's management bias.

Mr Rattenbury referred in his contribution to the saga that this has been. It is worth just reviewing how we have got to this position. Mr Barr introduced the Exhibition Park Corporation Repeal Bill 2009 on 26 March of this year, seeking to remove the board and bring the operation under Territory Venues and Events. The intent, according to the presentation speech, was "to transfer the roles and responsibilities of the corporation to the Department of Territory and Municipal Services". It also noted that there would be cost savings of \$50, 000—the cost of the board members sacked. The bill was voted down on 5 May 2009, with the Assembly noting:

What this would mean is that EPIC would move from being managed by a board that has a good combination of commercial, strategic and event expertise to being a facility that is managed by people who have no particular commercial imperative, who may not have any expertise in the nature of events that are suitable for EPIC and who may have no strategic planning experience whatsoever.

That was from the Canberra Liberals on this debate. We heard from the Greens:

We have formed the view that there is real value in retaining a board with a range of community input and experience.

By July 2009 the minister had sacked key board members and appointed TAMS officials. He was thumbing his nose at the Assembly. That is how we entered onto this path. For all of the bluster from Mr Barr in his speech, that is a large part of how we have actually got to be where we are today. It is because this minister ignored the will of the Assembly. It was clearly expressed by a majority of members of this place what they wanted, that they wanted an independent board. Andrew Barr, when he did not get his way in the Assembly, decided he would do it his own way; that he would go around the Assembly.

And we saw him caught out on 2 July 2009 on radio. Mr Barr denied the sackings but was caught out. We had Ross Solly putting the question to him: "You told the two outgoing members, including EPIC board chairman, Brian Acworth, not to bother

reapplying.” Andrew Barr replied, “No, that is not correct.” Ross Solly said, “Minister, we have spoken to Brian Acworth this morning. He didn’t want to come on the show but he said that you told him it would not be necessary to seek reappointment.” Andrew Barr, after a pause, said, “Well, I wrote to Mr Acworth and other members of the board along those lines, yes.”

He got caught out on radio, telling porkies, because he was embarrassed at the way he had handled it. He was embarrassed by his performance. He was caught out on live radio saying something that simply was not true. It was only because the interviewer had the background information that the minister was caught out. That interview with Ross Solly is indicative of the way this minister has handled this. He forced Brian Acworth out, he forced the chair out, and then he denied it. But he got caught.

Mr Barr: I called for expressions of interest before I said, “Don’t apply, Brian.”

MR SESELJA: He got caught.

Mr Barr: And he was not going to be reappointed.

MR SESELJA: We hear him interject now, churlishly. But he was caught. We can see the embarrassment from Mr Barr. He was caught out on the day and he has been caught out again here today. He is embarrassed and it is perhaps because of that embarrassment that we saw the different approaches from the Treasurer and Mr Barr here today, where Mr Barr still could not tell us whether he actually supports the legislation.

Mr Barr: No, I don’t—not unless it is amended. I have made that very clear.

MR SESELJA: Ms Gallagher seemed to be suggesting they were supporting it in principle. So will you be supporting it in principle?

Mr Barr: No.

MR SESELJA: So the Labor Party now will not be supporting it in principle. Ms Gallagher seemed to indicate they would be supporting it in principle. They have no problem with it. They have no problem with this kind of legislation. It will simply put into legislation something that they do anyway, apparently, in most cases. Ms Gallagher said it has not been deemed necessary up until now to actually put this in legislative form but there is no problem with it. But we hear a different story from Andrew Barr and we see the divisions on this issue. We know why the Treasurer would not want to go into bat for the minister on this. We know, because he has handled it so poorly. He has handled it embarrassingly poorly and we saw it. And it goes on.

This is a minister who says he should be able to control it, he should be trusted to control it, despite the will of the Assembly, and he will find a way to do it. Of course, in doing that, he did not comply with the law. Not only did he try and go around the spirit of the law; he did not actually comply with the letter of the law. We read about it in the *Canberra Times* of 19 October under the heading “EPIC blunder dumps director”:

ACT Tourism Minister Andrew Barr has been embarrassingly forced to dismiss a member of the Exhibition Park board because he had appointed one too many.

Living up to its name, the EPIC board will undergo yet another change today when Mr Barr dumps his recent appointee, ACTION buses business manager Liz Clarke, from the board to bring the numbers within the law.

This is a minister who says he and his department should be in control. He is telling us we should trust him; we do not need independent boards. But he cannot even get the numbers right. He cannot even count to nine in order to get the numbers right. The numbers man of the right cannot get the numbers right. This is the man who would want to have control. So we have a situation where he did not comply with the spirit of what the Assembly said. The Assembly gave a very clear intent that they wanted an independent board. So he tried to go around that, and he did not even comply with the letter of the law. And this is a minister who claims that he should be in control.

The story in the *Canberra Times* goes on:

Mr Barr only dumped Ms Clarke from the board after *The Canberra Times* told his office that the public service appointments had taken the number of board members to 10, above the maximum number of nine that is allowed under the Exhibition Park Corporation Act.

It is embarrassing when these kinds of things happen. But it is made far worse because of the way he has conducted himself throughout this process. It is not just one error here. It is an error in the context of a minister who has been given a clear indication from the Assembly and he has ignored it. He has gone on the radio and tried to claim that he did not sack board members when he did, and he has been caught out. Mr Smyth's comments in the *Canberra Times* are actually worth putting into *Hansard* because they sum it up very well:

"This whole affair now leaves the minister's credibility in tatters. This is just basic government function: getting the number of members on a board right," Mr Smyth said.

"This is why we have to take control of [EPIC] from this man, he's not capable of running it.

"He's not capable, clearly, of counting to nine, and clearly does not understand his legislation."

Hear, hear to that. Mr Smyth has summed up the position. He has summed up why this legislation is necessary. We now have the situation, of course, where even some of those decisions are called into question. Has there been legal advice and will the minister and the government table the legal advice to say that all of those decisions that were made by the unlawfully constituted board are valid? Are they all invalid? There is a question mark; there is at least a question mark over that. If you do not follow the law in appointing a board, if you cannot get the basics right, there is a serious question mark. So everything has been called into doubt as a result of ministerial interference.

This is an important piece of legislation. Mr Smyth should be commended for his work in bringing this forward, in leading this debate, in calling this minister to task, in taking him to task, on his performance, on his ignoring of the Assembly, on his not complying with the law and on him seeking to take over a board which was always designed to be independent, about which the Assembly clearly expressed a will that it would be independent. Mr Smyth's amendments are therefore worthy of this Assembly's support. The division that was expressed there between Ms Gallagher's position and Mr Barr's position has to be clarified: Ms Gallagher seemed to be indicating to us that they would be supporting it in principle and we had Mr Barr interjecting across the chamber saying they would not.

This is worth supporting. I know it is embarrassing for Mr Barr. It is embarrassing how it has been handled. But this legislation should now pass. We look forward, based on at least the first contribution from the Labor member, to it passing in principle unanimously, getting the unanimous support of the Assembly, so that we can move on from this saga. It has been poorly handled, but I once again commend Mr Smyth for his very strong work, his significant work, in bringing this legislation forward and we are hopeful that—and all the indications are there—it will become a law of the territory.

MRS DUNNE (Ginninderra) (4.16): I am proud to support Mr Smyth's bill here today because it is good work; it is the serious hard work that opposition members put into legislation and other matters in this place and it has paid off on this occasion.

We are here today because of petulance on the part of the minister. The minister put forward his massive microeconomic reform that was going to save the territory \$50,000, and since then it has been a complete muck-up. It is a complete mess-up by this less than stellar minister, the minister who came into this place with such promise yet in this term of the Assembly we have seen failure after failure. There was the catastrophe of school closures in the last term, but we thought he had got all that behind him. He was given a pretty unpleasant job there but we thought that if he had got it all behind him perhaps he would be able to get on and show what he is really made of.

What is he really made of? We have got the numbers man from the Labor right who cannot count to nine. He cannot read legislation. He is the minister for education who cannot read and who cannot count. What we have had here is what can only be described as an epic stuff-up—that is the normal use of the word “epic”, not the acronym EPIC—and it has been very handy for the subeditors around the ACT because they have been able to talk about Mr Barr's “EPIC stuff-ups”, with its dual meaning, for quite some time.

Mr Barr was so desperate, when he was thwarted by this Assembly, to stack the board of EPIC that he just simply mucked it up. The minister had access to all the advice he requires and we assume that he took the advice on this matter—and he still got it wrong. He was in a hurry. He was in such a hurry that he made basic errors. He did not check the instruments. No-one between him and the executive and the legislation register checked the instruments, and as a result of that the minister, embarrassingly,

was forced to sack a public servant from the board that he wanted to be filled with public servants. Unfortunately, the minister also chose to sack one of the women on the board, hence a change in the ratio of women on the board and probably in contravention of the government's stated policy. The facts of this mistake are revealed by the minister's true agenda all along.

As I said, he failed to abolish the board. He was thwarted by the Liberal Party and the crossbench and as a result of that he became petulant, and when you are petulant and you stamp your feet too much, you do not think very clearly—and that is when you make mistakes. It does seem to affect your ability to count and it is not a big number; you did not have to take your shoes and socks off or anything like that. He had to count to nine and he could not get it right. That aside, the epic blunder that resulted in the dumping of Ms Clarke is only a sideline on this issue.

This is all about the ego of the minister. The minister could not get his way. He tried to circumvent that, and there are good reasons why we are here today, fixing up his mistake. We are here today because we believe that when we have an organisation such as EPIC, a territory-owned corporation, there should be a level of independence between that corporation and the bureaucracy. There are good reasons for that: corporation law would require it to be so because if you have too many members of the bureaucracy on the board it opens to question whether the board is truly independent of government, and the board is supposed to be truly independent of government.

It was interesting in another context to hear the Chief Minister defend the independent board structure that we have at Actew and say why we have an independent board structure at Actew—so they can make decisions independent of government. The Chief Minister gave a very good exposition about why you have independent boards. This Assembly decided that it wanted an independent board for EPIC and essentially agreed with the Chief Minister's exposition on why you should have an independent board. But what happened was of course that the petulant minister went round, behind people's backs, presumably in the dead of night. Obviously, he must not have had a good enough torch under the blankets when he was furtively putting together these instruments; otherwise he would have been able to realise that he needed to count to nine.

What we seek in Mr Smyth's bill is to re-establish the original context of the whole process of why we have territory-owned corporations in the ACT: to ensure independence of the board; to ensure that ownership is separate from management; to ensure that the board of the TOC is responsible for accountable outcomes; to ensure that the structure and operation of the territory-owned corporation will result in a successful business model and operate effectively; and, most importantly, to ensure that board members are appointed having regard to their commercial and other expertise in the strategic management of the TOC.

We have no evidence that any of those things were taken into account when Mr Barr made his appointments. What we have to do here is, unfortunately, unmake those appointments. We need to make it clear that, in unmaking those appointments, we make no reflection upon the people who have been put in this position, in this

invidious position, by their minister. Their petulant minister has put them in a really invidious position where they are now going to be relieved of their duties, not through any fault of their own but through the fault of their minister.

We need to make it very clear that the only person who stands here being criticised is Andrew Barr, the minister responsible for EPIC—none of the people who as a result of the passage of this bill will be relieved of their duties on that board. We need to make that perfectly clear. We need to make it perfectly clear that we are debating this legislation today because the minister behaved like a petulant child and the minister got it wrong.

MR SMYTH (Brindabella) (4.24), in reply: I thank members for their contributions today. I do say that the actual position of the Labor Party is a little confusing. I thank the Treasurer for her gracious support for what we are attempting to do here. It is quite clear that the Treasurer agrees with some of the arguments that I use about the invidious position that Mr Barr's actions have put public servants in over conflict of interest. We have the government acknowledgment that Mr Barr actually got it wrong. We all make mistakes. It is about how you correct them.

Ms Gallagher has said: "Let us work through it. We have both got some amendments. Let us get on with the game and make sure that we have a structure set up so that everybody knows how the game is played." Mr Barr was on an entirely different planet. He trots out the old lines: first and foremost, the Liberal Party has got a bent against the public servants. That is not right. If that statement is true then the Chief Minister also has a bent against public servants. Let me read what the Chief Minister said about independent statutory authorities. Talking about Actew, he said that it—and I quote:

... is an independent statutory authority. We've created it to make these sorts of decisions on behalf of the Government because it requires a range of skills and expertise that aren't necessarily vested in government.

And:

I know nothing about building dams; I know nothing about building pipelines. So, that is why we have an independent statutory authority staffed by the most competent people.

That is what the Chief Minister thought. Minister Barr should listen to his leader more often. What we had from Minister Barr right to the end, right to the bitter end, was self-justification: "Everybody else in the world is against me. I am the only one that got this right."

He comes in and says, "Mr Smyth's bill is flawed because he has had to move amendments to his own bill." One of the amendments I am moving in my bill is because of the fact that Mr Barr could not count to nine. Part of my bill disallows the instrument he put in place on 30 June this year. He had to go and get rid of it because he got it wrong, because he broke the law. You have to have nine members on this board; he put 10 on. This is a minister of the Crown who cannot stop counting at nine. He went to 10. Yes, we do have to amend the bill but it is because of your incompetence, minister, that that particular amendment is in place here.

Minister Barr then rattled off a whole list of achievements; for instance, that the new board is working on a master plan. The old board had a master plan. It was held up by your government for five years. They wanted access to a block of land for five years. They could not get that. Apparently the new board can get that. So I am not sure whether he is suggesting that only insiders get access to government and get decisions out of government because, if he is, that is very sad and, indeed, highlights the conflict of interest argument that I was making.

Apparently the government does not listen to independent boards. They will not listen to boards chaired by a member of the bureaucracy under the control of the minister. That is a very dangerous situation and a very flawed argument from this minister.

We did have different stories from the two ministers. He made the statement “cannot support without significant amendments”. The amendments are not that significant. This is “Mr Spin” to the bitter end. The Treasurer was gracious; Mr Barr, spin right to the end. He spoke about wasting time and that it is a silly debate. Yes, we have wasted time on this. We have wasted time on this because the minister did not listen to the will of the Assembly when the Assembly said, “No, do not bring it into the bureaucracy; leave it with an independent board.” Too smart by half, he said: “I will get around what the Assembly said to me. I am not going to take no for an answer on this.” And he made those comments in the Assembly when the bill was not passed: “This is not the end of it.” And that is the problem.

Then we had the reference to Julius Sumner Miller: “Why is it so?” Why is it so? It is in this place today because of the arrogance of a minister. It is in this place today. Why is it so? Because we had a minister who failed to listen to the Assembly. Why is it so? Because we had a minister who has an inability to count to nine. Why is it so? Because we have got a minister who did not obey his legislation. Why is it so? Because we have got a minister who is too smart by half.

It is interesting that, in his press release when he appointed the new board, the minister said: “Isn’t it great? We are going to appoint more women to this board. This is an outstanding achievement.” Yet the first person he took off the board was a woman. So it was a very shallow achievement for a very short period of time. That is the shallowness of this minister, and we all recognise it well.

Minister Barr was so desperate to stack the board of EPIC, to have his own way, that he mucked it up. He simply could not count and he simply could not read. The minister has access to all the advice he requires—and we assume he took advice on that matter—and he still got it wrong. He was in such a hurry that he did not do the most basic checks of the instrument that he signed on 29 June 2009.

As a consequence of the haste of the minister, as a consequence of this minister’s haste to get around the Assembly, he was then forced to admit his error. We had the embarrassing back-down that has led to one of the amendments to my bill today, and he had to sack one of the public servants whom he had appointed to EPIC in such haste. This mistake by the minister reveals the minister’s true agenda all along. Having failed to abolish this board, he acted to appoint his own nominee, with indecent haste.

I have already quoted this but I will quote it again. Mr Stanhope gave some interesting reflections on the role of board members. In an interview on an ABC Triple 6 program on 3 September 2009, when he was talking about how Actew advises the government on what happens, in the course of his comments he said:

... is an independent statutory authority. We've created it to make these sorts of decisions on behalf of the Government, because it requires a range of skills and expertise that aren't necessarily vested in government.

He went on to say:

I know nothing about building dams; I know nothing about building pipelines. So, that is why we have an independent statutory authority staffed by the most competent people.

The Chief Minister was quite clear and unequivocal about the role of boards of statutory authorities: such authorities are established to perform particular purposes that are not suited to be performed by the government directly. The people who are appointed to the boards of those authorities have expertise that is specific to the activities of these authorities. Consequently, it is inappropriate to appoint public servants to a board where these people do not bring specific skill sets to the activities of the board, and this means commercial skill sets in particular.

I think we need to go back to the original intent of the corporatisation model. The proposal in 1990 sought to have territory-owned corporations, TOCs as we call them, that followed key principles, including:

- independence—ownership to be separate from management;
- performance—the board of the TOC be responsible and accountable for outcomes;
- structure and operations—the principal objective of each TOC is to be a successful business and to operate efficiently and, most importantly, board members are to be appointed having regard to the commercial and/or other expertise in the strategic management of the TOC.

A key principle in the 1990s, when we started to set these things up, was the commercial or other relevant expertise of people chosen to be board members.

We then have to look at the conflict between Corporations Law and government policy. The Treasurer touched on this. A person appointed to a board is first and foremost a member of that board. A person may have other employment, other interests and represent other constituencies but, as a member of a board, the person must exercise the responsibility of being on that board. Hence, if a person is both a public servant in the ACT government and a member of a board, there is a potential for significant conflict in responsibilities. On the one hand, there may be a requirement for the board to take action to enhance commercial activities of the entity but this action may be contrary to the interests of the government of the day. And it is not helpful to place a person in awkward situations unnecessarily. A person is appointed to a board for the contribution they can make to the objectives of the entity.

On the proposed amendments, I have prepared an amendment to my bill to establish the number of public service nominees for different boards. For the sake of clarity, this amendment will impose a limit of one public servant on any board that has six or fewer members. For boards with more than six members, two public servants may be appointed. This amendment will ensure that, in the case of smaller boards, there can be no argument about whether a public servant should be appointed or not. The amendment also places a limit of two on the overall number of public servants who can be appointed to larger boards. I have prepared this amendment following discussion with my colleagues, the Greens and the minister's senior adviser. I believe it provides a reasonable way forward on this aspect.

Mr Barr said it was unfortunate that we were wasting time here today. If there is anybody guilty of this being time wasting, it is purely and simply Minister Barr. Ministers do need to remember that they, in the end, have to come back and defend their actions in the Assembly. It is a shame that this has taken so long. What it has done is display how little regard Minister Barr has for the Assembly and how little understanding he has of the law in appointing members to a board.

I thank members for their interest in the matter. I thank the Greens for their support. I thank the Treasurer for the way that she has handled it. I look forward to the bill being passed and the EPIC board getting on with running EPIC, with the full support of the government because it is the best board of the day, not because it is a board with public servants on it.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR SMYTH (Brindabella) (4.34): I move amendment No 1 circulated in my name [*see schedule 2 at page 5264*].

Amendment 1 sets the date on which the bill will commence. What it does is set the starting date as 1 January 2010. That is six or seven weeks away. That should be a reasonable time for the minister to appoint a new board.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.35): The government will not support this amendment. We have a subsequent amendment which provides for a six-month delay in commencement, which is the normal time for legislation to be enacted unless otherwise specified. But I think it is unreasonable to believe that, if this legislation passes today—there is six weeks to get an appointment process underway, people appointed, that appointment to go to cabinet and that appointment to have effect by

1 January—this can be done. I think that is an unreasonable time frame and the six-month delay in commencement is a more reasonable time to find the expertise that we will need to find if this legislation passes today, particularly as it will relate to EPIC Corporation.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.36): Further to the Treasurer’s comments, it is clear that were this amendment to be passed it would be very destabilising for the EPIC board. It would mean that the membership of the board could fall below its statutory minimum and the government would be denied adequate time to canvass and select appropriate replacement board members. Pending some further decisions that we will make in the detail stage, the selection process might indeed be narrowed significantly, depending on whether a particular government amendment on the definition of a public servant is not accepted. We will wait to see what happens there. The government amendment that the Treasurer will be moving proposes that the act commence six months after its notification, and that would give time to see a proper process for appointment to this board.

I would certainly urge the Greens to consider this matter because six weeks is a very short process, particularly as it goes over the Christmas and holiday periods. And we have heard from members extensively about the difficulties in undertaking some of those processes and many other consultation processes and appointment processes during holiday periods.

MR RATTENBURY (Molonglo) (4.37): The Greens will be supporting this amendment. I think this matter has been lingering around for long enough now. We should simply get it resolved and move on. I think the government has been aware that this bill is coming on, that it has the numbers to pass, and I think we should simply move forward as quickly as possible to enable EPIC to keep moving with some of the important projects that it has got under its new arrangements.

Question put:

That **Mr Smyth’s** amendment be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

MR SMYTH (Brindabella) (4.42): I move amendment No 2 circulated in my name [*see schedule 2 at page 5264*].

The amendment is to clarify how many members can be on a board of what size. What it simply does is take away the percentage issue which can be an interpretive problem perhaps. But what it says is that, on a board of one to six members, one member may be a public servant. On a board of more than six members, two public servants may be members of that board.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.43): The government will not be agreeing with this amendment. We have a similar amendment which it looks like I will not be able to put that did seek to raise the threshold to 35 per cent. The second amendment which we would have moved in preference to Mr Smyth's amendment addresses the situation in which the board of a territory authority comprises fewer than five members. Two boards exist, being those of the Cleaning Industry Long Service Leave Authority and the Construction Industry Long Service Leave Authority. And the government amendment would be to allow at least one public servant board member, irrespective of the proportion of board members that might represent. Indeed, if it is not amended in such a manner—and your amendment goes to this—in a way Mr Smyth's amendment has addressed the small board issue.

This really is government by Assembly or government by committee but we believe there should be a higher threshold and greater flexibility to appoint to boards and authorities people that have the relevant skills or experience. And this really is a very prescriptive way, through Mr Smyth's bill and through his amendment, to control appointments to a board. Providing 35 per cent as the maximum number of members of the board to be public servants does allow some flexibility to respond to particular circumstances where the relevant skills and experience might be best provided on that board if the member was a public servant in addition to other members who may have been public servants as well.

MR RATTENBURY (Molonglo) (4.45): As I said earlier, the Greens do believe there is value in having members of the public service in their formal capacity on these boards to some extent but we do believe that the whole point of having a territory authority is presumably to have an organisation that is not run by the department and that community input and diversity are called for. Therefore, on that basis, I think Mr Smyth's amendment is valuable.

I think the amendment is clear, as the bill now refers to whole people and avoids the confusion over percentage. We did suggest this to Mr Smyth in a discussion after spending some time working through decimal points and rounding up part-people and the like, and I think this is just a crisper way of doing it. I appreciate Mr Smyth taking that on board. I think it also does allow for one public servant to be on boards of fewer

than four people, which previously was not clear with Mr Smyth's amendment. Again, this just clarifies the situation and the Greens will be supporting this amendment.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.46): Just on this matter, I do note the need for Mr Smyth's amendment and/or the government's one to pass here. As I have become acutely aware, there is a provision within the Financial Management Act that indicates that the chief executive officer of any of these territory-owned corporations is, indeed, a member of the board. It would appear that Mr Smyth's office and my office found this out jointly in the discussions in relation to possible amendments to this bill.

It was, perhaps, news even to the chief executive officer of the EPIC board that he was not *ex officio* on the board but was, under the Financial Management Act, because of the intersection of the two pieces of legislation—just to make matters somewhat more complex—in fact, a member of the board. As has become notorious, that was why there was an additional member. It was the department's understanding and the advice they provided to me in making the appointments back in June that the chief executive officer was an *ex officio* member, not a full member. Once it was established that the chief executive officer was, indeed, a full member of the board, that meant that the board had one more member than it should have had, and I immediately took action to correct that.

I do acknowledge that mistake. As I think I have said in the media, it was not a highlight of public administration. It will not go in anyone's scrapbook, except maybe the shadow treasurer's and the Greens' spokesperson's. On behalf of my department and me, I apologise to the Assembly for that error. I can certainly advise that it was not done maliciously and was, perhaps, a reflection of the complexity of two intersecting acts governing this particular board. I suppose it goes to further highlight the government's position in relation to the need for a board at Exhibition Park at all. But, that matter having been determined by the Assembly this year, there is no value in reliving that at this point in time.

As the Treasurer indicated, particularly in relation to the EPIC board, it is worth noting the impact of this amendment in terms of the people who will have to be removed from the Exhibition Park board. I note previous comments from some in this debate about the value of having some people who happen to be public servants who bring a certain skill set. If Mr Smyth's amendment is passed then at least one of those people will have to be removed from the new board. If the government's amendment is supported then it would be possible for that skill set to be maintained and for there to be some continuity. That is the reason that the government believes its amendment is better and more sustainable for the EPIC board in its new structure.

Amendment agreed to.

Clause 4, as amended, agreed to.

Proposed new clause 4A.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.49): I will speak to amendment No 3 circulated in Ms Gallagher's name. This amendment is to insert a note to require in the legislation that there be a definition and reference to the public servant and the statutory office-holder as they are defined in the Legislation Act. I think it is important that the Assembly makes that clarification, because, if it is not there, there is some potential legal confusion in relation to someone who may be a public servant in their main job but will be on the board in their private capacity. We believe it is important that this is clarified so that, when we are talking about public servants elsewhere in the legislation, there is a very clear definition of what we are talking about.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.51): I need to move the amendment circulated in my name; therefore, I move amendment No 3 [*see schedule 1 at page 5263*].

Proposed new clause 4A agreed to.

Clause 5.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.51): I move amendment No 4 circulated in my name [*see schedule 1 at page 5263*].

The fourth amendment is required to deal with the situation in which the only available board members for appointment to the chair or deputy chair roles are public servants. This might arise in cases where the Assembly has approved a higher percentage of public servants to a governing board, such as in the case where the entity is being restructured or wound down or several vacancies occur at short notice. In that case, the requirement for the board to have a chair and usually a deputy chair would not be possible if public servants were not allowed to be appointed to those roles. Therefore, the amendment is so that the restriction does not apply if a board has less than two non-public servants. The amendment also includes the provision for the Legislative Assembly to approve these appointments by resolution.

MR SMYTH (Brindabella) (4.52): I move amendment No 1 to the Treasurer's amendment circulated in my name [*see schedule 3 at page 5265*].

This amends the Treasurer's amendment No 4. We have had a circumstance like this before where the government came and informed the Assembly that it was to wind up Rhodium. As a consequence of that winding up, the board was almost entirely made up of public servants. There was a resolution that was passed by the Assembly, which seems to be a reasonable process to follow. In the amendment as put forward by the minister, they can do one thing or the other. If they are going to follow the course of putting a public servant in as a chair or a deputy chair, it is not unreasonable to follow the process that was followed in Rhodium where we had a debate in this place and it was agreed to.

So the amendment in my name removes the word “or” and replaces it with the word “and” so that the government must undertake both actions to carry out the course of having a public servant as chair or deputy chair. It would also be my expectation that this would be an unusual circumstance. The Assembly has said it wants independent boards, and to be independent, they truly cannot be chaired or deputy chaired by a public servant. I would expect this to only occur in unusual circumstances.

MR RATTENBURY (Molonglo) (4.54): Speaking to both Mr Smyth’s amendment and the government’s proposed amendment, the Greens will be supporting Mr Smyth’s. We do believe that it is important to have some flexibility and that circumstances will arise where it may be appropriate to appoint a public servant as the chair. But there is a value in having the Assembly cast its eye over that so that there is a point where the government comes along and makes the case and there is an acceptance of a good reason. We will be supporting both of these amendments and their combined effect.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.55): I speak in support of the government amendment, the effect of which is to permit the appointment of a public servant as chair or deputy chair of a governing board only when no member of the public is available to be appointed or where the Assembly approves the appointment by resolution. This government amendment would allow the Assembly to decide on a case-by-case basis whether or not a public servant is the best person.

In the context of this debate, particularly in relation to Exhibition Park, I would signal now that it would be my intention to seek the continuity of the current chair of the board. I would flag with colleagues in the chamber that it would be appropriate for Mr Byles to continue in that role. That said, I think it is important that the Assembly has the opportunity to make that determination and vote one way or the other on that. So, on that basis, I think the government amendment is worthy of support. It would certainly address the issues and concerns that members have expressed previously in relation to the will of the Assembly and will let the Assembly determine that. I think it is important for the continuity of Exhibition Park that that option at least be available, and then the Assembly can make its decision. Having that option available is important.

Mr Smyth: You did not want continuity back in June. Interesting.

MR BARR: No, because it was time for change then. You do not need to have three chairs in six months.

Mr Smyth’s amendment to **Ms Gallagher’s** proposed amendment agreed to.

Ms Gallagher’s amendment, as amended, agreed to.

Clause 5, as amended, agreed to.

Clause 6.

MR SMYTH (Brindabella) (4.57): I move amendment No 3 circulated in my name [see schedule 2 at page 5264].

Just so that it is quite clear, this revokes the new instrument that Mr Barr had to put in place when it was discovered that his instrument of late June was, in fact, in breach of the law. It is just so that there is absolute clarity in this—that is, given what we have passed already, there will only be up to two public servants on the EPIC board.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.58): Given the obvious outcome of this, the government will not seek to oppose this particular amendment from Mr Smyth. I do want to place on record my appreciation for the work of those members who have engaged in EPIC board activities through 2009 and acknowledge that, on the passage of this bill, the involvement of some will come to an end. That is unfortunate, but, nonetheless, that, as I said, is life, and we will move on.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.58): This is one of the final opportunities I have to speak on the bill in this debate. I want to clear up any confusion that the Liberal opposition have. The government's in-principle support, or the fact that we did not call for a vote on this bill at the in-principle stage, is because we read the numbers and it was very clear this bill was going to get through. However, as to the issues that Mr Smyth identified around skills and experience pertaining to Actew—I think he quoted the Chief Minister—the government would argue that the arrangements for the appointment of the Actew board are quite different to that in relation to EPIC. The reasons the government believed EPIC no longer required a board is because the skills and the expertise already rest within government and it is a duplication of effort. That is not the same in relation to some of the other territory-owned corporations. For example, the territory events section of Territory and Municipal Services already manages a number of venues, such as Canberra Stadium and Manuka.

Mr Barr: They used to have boards.

MS GALLAGHER: Yes, they previously had boards. They no longer have boards, and it is quite peculiar, I think, that Mr Smyth has taken such a furious position on the EPIC arrangements and is quite happy to see continued duplication of effort through the maintenance of an EPIC board when other events areas within government are managed within the one area inside government. However, being the Labor Party, we can count numbers. We know when we are going to lose, so the acceptance that this bill was going to get through required the government to make the amendments it has. I have to say that, at the end of this debate, we will be unhappy about this legislation, but, as it is the will of the Assembly, we will work within it.

Amendment agreed to.

Clause 6, as amended, agreed to.

Title.

MR SMYTH (Brindabella) (5.01): I just want to make a few comments. First and foremost, I would like to thank PCO for their drafting. As always, it is efficient and effective. I would also like to thank them for the amendments that they have helped me prepare. I would thank the Greens for their support in this. The Treasurer attempted to make the case that, because we put some sporting venues into one organisation, therefore, all the venues should be in that organisation. I think Mr Rattenbury made a comment in his speech that EPIC is different. EPIC is vastly different to either Manuka oval or Bruce stadium. It serves different markets; it serves a variety of markets, and I think it is quite appropriate to leave it exactly where it is.

I think there is a little bit of rewriting of the voting in this place going on. When the in-principle stage was called, there was not a single voice that said no. It went through with the unanimous assent of the Assembly.

Mr Barr: Yes, there was. I said no.

Mr Seselja: No, you didn't.

Mr Barr: Yes, I did.

MR SMYTH: I am quite happy to go and listen to the tape. If somebody can prove me wrong, that is fine, but I think we heard deafening silence. There was "yes" and nothing else. So it certainly did seem to go through with unanimous support in the in-principle stage.

That said, it is interesting that Mr Barr would flag that he is going to continue. As I said during debate on the amendment when I changed the word "or" to "and" in the Treasurer's fourth amendment, I would see this being used only in exceptional circumstances—for instance, the winding up of a board. Mr Barr spoke earlier of wasting time. It may appear that this issue is not over; it may appear that the minister has not learned. It is unfortunate that he has not listened to what has been said here today.

That said, I thank the Assembly for their support. I wish EPIC well. I would acknowledge the good work done by the current board but, by the same token, that was work that was attempted to be done by the previous board and was stymied by the cabinet, and therein lies the problem. I commend the bill to the Assembly.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.03): I was not going to rise again, but I cannot let those last remarks pass without some response. Let me be clear: I have full confidence in Mr Byles as chair of the board. I think he has done an outstanding job in the short time that he has had that responsibility. I think to do anything other than to seek that continuity would be a reflection on the job that Mr Byles has done already.

I will be up-front with the Assembly: that would be my starting position, but I do recognise with the passage of this bill that it will be a requirement to bring such an appointment back to the Assembly. I recognise that, and I hope to be able to convince colleagues in this place of the merit of that continuity.

In relation to Exhibition Park, it has always had the support of government. That said, there have been times—this is before my time as minister—when proposals that the board have put forward have not met with government support. It is not an automatic entitlement that just because a board puts forward a position to government it will be automatically endorsed. Whilst I know Mr Smyth has a particular issue about this—there may be something he would like to share privately outside the chamber about why that is—it is remarkable the level of attention that has gone into this matter. I think Mr Rattenbury has made some observation today in relation to those opposite and their obsession with small things.

The big picture is to ensure that EPIC does have a strong future. It is certainly my strong hope that, regardless of the administrative arrangements that are in place, through my portfolio, I will be able to see greater collaboration between Exhibition Park and our other major events venues. As I said, they actually have so much more in common than they do have differences. If I need to list them again to remind people, they are around ticketing, major event hosting, public transport, security and catering. There are so many areas where the venues have things in common and there are skill sets that are there across territory venues and events.

I would hope that we could see greater integration with what is a very small team of people who have a responsibility to manage Exhibition Park. It remains my view very firmly that it would be a much better administrative arrangement to see all of those people together and for them to be able to work across all of those venues. I have not given up on the hope that one day that might be able to be achieved.

MR SMYTH (Brindabella) (5.07): I would just like to reflect on some of the comments of Mr Barr. Mr Barr said that the previous board always had the support of the government. Well, for five years, they asked for a block of land that they were never given, and yet the new board received it almost immediately. For five years, they actually did have a master plan before the government. It was never approved. This is part of the problem in trusting this government, particularly this minister, on issues surrounding EPIC. For reasons unknown—perhaps the minister would like to explain—the cabinet refused consistently the requests of the previous board for access to a block of land to expand their operations to include low-cost accommodation that is now going ahead, and the master plan was never approved by the government. They are the questions that still hang over the cabinet and the minister. It may well be that this saga is not over yet if the minister is going to continue in this way.

I think we all think that EPIC is a very vital part of the ACT, and I think all in this place wish EPIC well. I urge the minister to get on with the job of putting the new board in place and complying with what has been expressed in this debate, complying with what the Assembly has said to him. Let us all get behind EPIC and make sure that it has the best board that it can have so that it can do the best in running EPIC for the benefit of the people of the ACT.

Title agreed to.

Bill, as amended, agreed to.

Environment—greenhouse gas

MS PORTER (Ginninderra) (5.08): I move:

That this Assembly:

- (1) notes:
 - (a) the importance of addressing climate change as one of the biggest policy challenges facing the modern world;
 - (b) ACT greenhouse gas emissions have increased by 10% since 2000 and our emissions are increasing at a faster rate than the national average;
- (2) endorses the Government decision to set an ambitious yet achievable greenhouse gas reduction of being carbon neutral by 2060 and to set a target of our emissions peaking in 2013;
- (3) notes that the Government has committed to set medium term targets in the first half of next year; and
- (4) rejects the view that as we are a small jurisdiction that our actions to reduce our greenhouse gas emissions are inconsequential.

I am very pleased to move this motion today on the most important subject of our time, climate change. In speaking to the United Nations on 22 September President Obama stated:

Our generation's response to this challenge will be judged by history, for if we fail to meet it—boldly, swiftly, and together—we risk consigning future generations to an irreversible catastrophe.

The ACT is a small player in terms of its contribution to Australia's greenhouse gas emissions and Australia is similarly small on a global scale. However, drawing again on President Obama's words to the United Nations:

Each of us must do what we can when we can to grow our economies without endangering our planet—and we must all do it together.

As the recent interim report of the Standing Committee on Climate Change, Environment and Water stated, and as the minister said yesterday, to say that because we are a small jurisdiction and therefore it does not matter if we do not act is a nonsense argument. We must all do our level best to make a difference now. Therefore, the ACT government considers it imperative that both the territory and the country have progressive policies and programs to tackle climate change and contribute to a global climate change solution. Prime Minister Kevin Rudd, speaking to the Lowy Institute recently, recognised that Australia and the world today stand at critical junctures in our national and global strategies to tackle climate change.

We have long championed the need to address climate change and the government has built a strong momentum through: the establishment of the Legislative Assembly inquiry into greenhouse gas reduction targets; Minister Corbell announcing yesterday the government's ambitious yet achievable greenhouse gas reduction targets of being carbon neutral by 2060 and a target of ACT per capita emissions peaking in 2013; the significant work underway across government to revise the climate change strategy weathering the change and associated action plan 2, to be released in 2010; and a government commitment to introduce legislation on greenhouse gas reduction targets by 2010.

While the government can set the parameters for what needs to be achieved, for example in setting targets, policies and programs, it is only through the combined effort of government, business and the people of the ACT that success will be achieved. Indeed, it is at the suburb, household and individual level that the real change is taking place. I acknowledge that effort is taking place and I congratulate those who are being productive and committed to changes that we must all make. Cities across the world are already making great gains, often in advance of national governments. Increasingly, it is recognised that cities, local and regional authorities play a critical role in designing and implementing energy infrastructure guidelines, investing in promotion and consumer awareness campaigns necessary to combat and address climate change.

Copenhagen, where world leaders will meet for next month's critical UN Climate Change Conference, is a good demonstration of what cities can do. It has reduced its CO₂-e emissions by more than 20 per cent over the last 10 years. We are looking to learn from leading sustainable cities such as Copenhagen and Freiburg in Germany, which share many features with Canberra and are widely regarded across the world as benchmarks in sustainability and uptake of solar energy. Canberra is ideally placed, of all Australian cities, to be a benchmark of sustainability, especially in showing the way to a realistic and low carbon future. Of course, our main challenge in the ACT is reducing the emissions caused by our built environment and transport.

As we move forward towards this low carbon future we will be seeking buy-in from business, community groups and all ACT residents to do what they can—for example, to use more renewable energy through solar hot water, solar panels or purchasing GreenPower; to use energy more efficiently in our homes by replacing light bulbs, sealing draughts and improving insulation; to purchase energy and water efficient appliances; and to reduce our carbon impact from travel, choosing to walk or ride more often.

Social equity is a key objective of the government's climate change policy, given the inevitable increase in energy prices over the coming years. We know that electricity prices will rise as a result of Australian government policies such as the carbon pollution reduction scheme and the renewable energy target and ACT-specific energy policies. The impact of price rises will be assessed and addressed through the development of programs with a focus on low income households and combined with increases in the community service obligations.

There is no doubt that the transition to a low emissions and cleaner economy will involve significant change. Career opportunities and growth in some sectors will result from adjustments in the economy to address climate change. The ACT government is facilitating business development and training to ensure opportunities are taken advantage of and to ensure there are sufficient and appropriately skilled workers so that labour shortages do not act as a constraint in meeting the greenhouse gas reduction targets, for there are real opportunities here in sustainable industries to meet the challenge.

The government offers business development support to small and medium business enterprises operating in the territory and will continue to do so as part of the move towards a sustainable economy. As an example, the ACT government's vocational education provider, the Canberra Institute of Technology, has developed specialist trades courses for energy efficiency, such as a new course for plumbers on installing and maintaining solar hot water systems. In fact, the new horticultural facility at the Bruce campus of CIT is a great example of this government's commitment to sustainability and skills development for the future. It puts the ACT at the forefront of horticultural skills training. In this new facility, students learn the skills to make this and other cities more sustainable.

As we know, there has been an enormous global shift in environmental attitudes over the past two decades. There is a renewed focus on environmental responsibility and management practices both at home and in the workplace. This shift brings with it a whole array of employment opportunities and educational offerings, including the CIT-developed diploma of ecology and environmental management and the diploma of sustainability.

With the diploma of ecology and environmental management, environmentally motivated people could be pursuing their passion as an environmental technician in a field laboratory, an analyst in a research organisation or an environmental officer in a government department in as little as two years. Students will not only learn in these buildings at CIT but also from these buildings. The lessons of sustainability are built into the very fabric of the CIT facility. It features a 5.2 megalitre dam catching runoff and 30 rain and bore water storage tanks which will not only water this site but that of the CIT's strategic partner, the Canberra Raiders.

The sustainability lessons learned by students will extend to them using their skills to further improve this facility. Photovoltaic cells will be fitted and managed by students as a training exercise. Students in horticulture, landscaping and turf management will work on projects around the Bruce campus, making it a live environmental training site. This great educational system is one example which we can certainly go to in the way in which this government is working towards a sustainable future.

In addition to programs such as that, we also have the feed-in tariff support which supports clean jobs in the short term, especially for solar panel installers. The government has consistently raised concerns with the commonwealth about the flaws in the current design of the CPRS. It is critical that the contributions of individuals and businesses in reducing emissions are properly accounted for in Australia's global efforts to reducing greenhouse gas emissions.

One change the commonwealth did make to the carbon pollution reduction scheme was to accredit GreenPower as an additional reduction in the greenhouse gas target. That is, any green energy purchased by ACT through GreenPower that is above the 2009 level will directly reduce the carbon pollution reduction scheme cap. Accreditation of the ACT's actions, in addition to GreenPower, is a key way for the carbon pollution reduction scheme to achieve additional reductions in Australia's greenhouse gas target. The government will continue to raise the ACT's concerns with the commonwealth. The legacy of today's political leaders will be shaped by what we are prepared to do on climate change for the benefit of future generations. The ACT has an opportunity to build broad political consensus on climate change. The inquiry into greenhouse gas reduction targets has played, and will continue to play, an important role in building this consensus.

Political consensus builds confidence within the community. Minister Corbell, in making brief comments when the inquiry interim report was tabled on 15 September, stated:

And a consensus position is essential if we are to get on with the very difficult and hard work of reducing greenhouse gas emissions ... changes of policy that will be required, the changes in behaviour that will be required, to achieve zero net emissions for our city.

However, I note that any consensus on this issue was very quickly under threat from the Liberal opposition yesterday. They cannot help themselves. They cannot come to grips with the reality of climate change and embrace the critical steps that the territory must take, just like their colleagues on the hill. The ACT opposition say that people will not take a 50-year plan on carbon emissions targets for Canberra seriously. The leader of the opposition has also been quoted as criticising the government's emission reduction targets, claiming they are empty promises. Where is your commitment and that of your colleagues, Mr Seselja?

The government has announced its intent to set a medium term and greenhouse gas reduction target in the range of 25 to 40 per cent by 2020 in the first half of 2010 and this will be included in the proposed greenhouse gas reduction targets legislation. We are not shying away from the importance of this. Our preference, as stated by my colleague Minister Corbell yesterday, is to set a target as high as possible. However, we do need to look at several factors.

The committee's recommendation clearly states that it supported a 40 per cent reduction, notwithstanding a range of issues that need to be considered. My government are doing this work. We will be looking at the final shape of the CPRS. We will look at the outcomes in Copenhagen. Additionally, and very importantly, we will look at the cost curve of the various options. We will look at the policy mix. We will look at the right combination of policies to ensure social equity, economic impacts and the important environmental considerations.

This government is proud of its record in implementing policies and measures to address climate change. The government's weathering the change strategy and action

plan 1 provided a solid foundation by building awareness and placing us in a strong position to move forward in the next stage in our journey to carbon neutrality. I will highlight some of the government's achievements to date.

Firstly, the ACT government introduced a greenhouse gas reduction scheme in conjunction with New South Wales on 1 January 2005. Electricity use is the biggest source of greenhouse gas emissions in the ACT. Targeting electricity production and consumption is a key step to achieving ACT greenhouse gas reductions. The greenhouse gas reduction scheme requires retailers of electricity in the ACT to reduce or offset their total greenhouse gas emissions. They do this by purchasing cleaner energy or undertaking energy efficient activities. In 2008, the scheme achieved 679,853 tonnes of emission abatement. The scheme has avoided 1,606,618 tonnes of emissions since its inception in 2005.

Secondly, the ACT has been using government buildings to highlight innovative renewable technologies to help the community understand the potential for cleaner generation and to encourage other building owners to follow suit. In late 2008, 19 solar panels were installed on the roof of Tidbinbilla visitors centre. This array will generate approximately 7MWh of clean electricity in the grid every year and be responsible for mitigating eight tonnes of carbon dioxide that will have been emitted. A larger installation will be operational by Christmas at Canberra Stadium.

Thirdly, since April 2001, all ACT electricity retailers have been required to offer GreenPower to each new or reconnecting customer. This action has contributed to an increased take-up of GreenPower. As President Obama said, each of us must do what we can.

MR SESELJA (Molonglo—Leader of the Opposition) (5.24): I thank Ms Porter for bringing this motion forward today. It is a very important issue and one worthy of the Assembly's time. We certainly support the first part of Ms Porter's motion, but I move:

Omit all words after paragraph (1)(b), substitute:

- “(2) notes the leadership of the Canberra Liberals in climate change particularly that:
- (a) in 1997 the ACT became the first government in Australia to sign up to targets for greenhouse gas reduction of 1990 levels by 2008 and a 20% reduction on those levels by 2018;
 - (b) the Canberra Liberal Government set about a project of quantifying the ACT's emissions and developing strategies for reduction;
 - (c) in 2007 the first ever bill to legislate for greenhouse gas emission targets was introduced into this Assembly; and
 - (d) the home insulation policy, the Solar Canberra policy and related election policies further support a commitment to addressing climate change;

- (3) notes the failure of leadership by the Stanhope Government particularly:
 - (a) in 2004 the Stanhope Government abandoned all work on the ACT's Greenhouse Strategy;
 - (b) in 2005 threw out the ACT's Greenhouse Strategy until 2007; and
 - (c) the Stanhope Government's 2007 strategy was widely criticised for refusing to set interim targets or to adopt any meaningful strategies or initiatives to reduce our long-term greenhouse emissions;
- (4) notes that there is now general agreement to legislate to set climate change targets; and
- (5) calls on the ACT Government to set strong and achievable medium-term targets which take into account the proposed Carbon Pollution Reduction Scheme and international developments.”.

Ms Porter had a lot to say about the need for a consensus, particularly towards the latter part of her speech. That is a goal that we share as well. But look at the statements that we get from time to time. We had them again from Ms Porter and Mr Corbell. They say one thing but they seem intent on trying to manufacture divisions on certain issues.

Let us look broadly at the issue of climate change. If we are going to say, “Let's come together and address this serious challenge,” then we need to acknowledge what has gone on in the past. We need to acknowledge the fact that there has been significant leadership shown on this issue by the Canberra Liberals. Mr Corbell should acknowledge that when he gets up as minister. That should be the first thing that he does.

There is no doubt that, both in government and in opposition, we have shown leadership on this issue. I will go through, in some detail, some of that leadership that we have seen. We can go back to 1997, when other governments around the country were doing nothing on this issue—or doing very little on this issue. In 1997, the ACT government—the Canberra Liberal ACT government—became the first government in Australia to sign up to targets for greenhouse gas reduction to 1990 levels by 2008 and a 20 per cent reduction on these levels by 2018. That was a significant leadership position and that should be acknowledged. Before it was popular, before it was something that the majority of the community really supported and was engaged in, there was leadership being shown here in the ACT by the Canberra Liberals—significant leadership. That should be acknowledged.

We have also—indeed, from opposition—put forward legislation to set very strong targets. We have had a position from the Labor Party on that that has been unclear. When we have introduced this in the past, it has appeared from their statements that they have not supported that—that they have not supported that 30 per cent target that was put forward. We can only assume from that that they thought it was too strong at the time. You would think that, if you were not going to set one—if your position was that you were not going to set one for a few years, but you thought that the 30 per cent

was not enough—you might support the 30 per cent with a view of increasing it down the track. This government, the Labor Party here, chose not to. They have not spoken in favour of those targets.

There has been significant leadership, both in government and in opposition. We have had leadership in terms of some of the policies we took to the last election. The record in government was ahead of all the other governments in the country, without a doubt. Then we had a continuation of that in the policy debate and the policy positions being put forward from opposition.

Unfortunately, we cannot fix the Stanhope government's record on climate change. I will come to that. It is touched on in the first part of Ms Porter's motion. We cannot fix it, but we can go back to the leadership that was shown last time we were in government and what we have advocated in opposition.

At the last election, we had issues like the home insulation policy; the solar power plant and renewable energy park; and the establishment of "Climate Change Canberra", a climate change task force, based on a UK model, that would drive efforts to identify energy and emission savings in government and the private sector. The UK experience has shown that such bodies have cut greenhouse gas emissions by more than 75 per cent by identifying poor practices in resource use and building design. That is a practical measure that would make a real difference. It has been proven to make a real difference.

It is about showing leadership in a number of ways. There are a number of ways that governments can show leadership on this issue. You can set targets. You can set long-term targets and you can set medium-term targets. You can then also take actions. You can take direct actions. You have got to start in your own backyard. You have got to start with the way government does business. That is the most obvious way and the most significant and direct leadership role that can be shown very early by governments.

Yet on many issues we see that on the one hand the government tells the community that we should have very ambitious targets for a long way away but on the other hand sometimes we cannot even get basic information on how the government conducts its own affairs. When we ask about how much the government recycles in its own departments, we cannot get clear answers. We cannot get clear answers about how much the department of environment recycles.

There are a number of ways you can show leadership. You can show leadership in your own activities; you can show leadership in the kinds of legislation you have and the kinds of targets you have. We need the whole mix of all of those things. But governments, in order to set ambitious targets, in order to set strong and achievable targets, particularly in the medium term, need to have the credibility in the community that they can deliver. They need to have the credibility to be able to say, "Well, look, we are making decisions on the way we do things. We are leading by example. We are going to ask the community to come with us but we will take that first step." On a number of these things, we see that that is lacking.

But let me go through it. The green loan fund was another policy of the Canberra Liberals. We said that “Climate Change Canberra” would be backed by a \$5 million green loan fund to finance innovation and environmental improvement by ACT government agencies and community groups. We have seen the strong interim and long-term targets that I have referred to, and we have had legislation to that effect.

This is something that, in the end, the Assembly will have to negotiate. We as an Assembly will have to come to a decision as to what is an appropriate medium-term target. It needs to be something that is strong; it needs to be something that shows leadership; it needs to be something that is achievable.

Then, of course, the hard part starts—the path to actually get there: laying out the plan of how you are going to do it. Anyone can set a target. It is about showing leadership in the other areas as well. That has been the critique; it has been so for a long time now. Ms Porter, you mentioned the comments in the press this week. This government has refused to set medium targets for a long time. It has stuck to the long-term targets because they are the easy bit. The people who set the long-term targets will never be held accountable for them.

The serious business is about setting targets in the medium term that are strong and show leadership but are also achievable. You can say to the community, “We will reach this target. If, by some chance, we do not reach it, we are going to miss it by only this much. It is an achievable target, and this is our plan to get there.” That is the task that we are faced with at the moment, and that is the task that we will be faced with now as an Assembly. You can talk about wanting consensus, but you need to start by acknowledging that the previous government did significant work in this area—nation-leading work in this area.

Ms Porter’s motion goes on. It says:

ACT greenhouse gas emissions have increased by 10% since 2000 ...

That acknowledges some of the policy failures of the Stanhope government. The Stanhope Labor government, ACT Labor, have been in charge for the vast majority of that time. They have been in charge since 2001, yet we have not seen things improving. They can do the symbolism and they can do the long-term targets, but in the eight years that they have had to do something about this issue we have seen emissions go up by 10 per cent. That is acknowledged in Ms Porter’s motion.

Ms Porter acknowledged a number of other things which are important and which I want to touch on. In her speech, Ms Porter talked about the need to lobby the commonwealth government on this issue. I agree with her on that. That is a very important thing that came from our committee process. Ms Porter will recall the evidence of Dr Richard Dennis, who has been very outspoken on the issue, both in our committee and in the media—the national media and the local media—on this issue. He said that the CPRS that the Rudd government wants to implement—of course, that is the CPRS that the Rudd government, if they had a majority in the Senate, would have rammed through—would take away the initiative.

Ms Porter highlighted this. I agree with you on this point, Ms Porter. We do not want to see a situation where local initiative is stifled—where voluntary initiative by individuals and groups is stifled because the CPRS is structured in such a way that they know that actions that are taken at a local level are simply going to allow someone else somewhere in the country to pollute more and do it more cheaply.

That is the critique from Richard Dennis. It is a serious one and one that needs to be taken seriously. And when we move forward with these medium-term targets, there does need to be a consideration of the national scheme. It cannot simply be done in splendid isolation.

Yes, there should be leadership. We saw leadership from the previous ACT government, as far back as 1997, in setting strong targets. But we also need to look at the fact that we will soon have a national target, a national scheme. There is no doubt about it: in one form or another, we will have a national scheme. We simply cannot ignore the fact that these things are going on, and I am glad that Ms Porter acknowledged that in her motion.

It is important also to look at some of the opportunities that are there for the ACT in this area. There are economic opportunities if it is done right. We heard from Ms Porter about the dominant part that electricity use plays in our emissions here in the ACT. That is where energy efficiency is right at the top of the list of achievable things which can be done here in the ACT—whether it is starting with your government housing stock; whether it is with low income houses, assisting people to make their houses more energy efficient; or whether it is going forward with better planning so that we ensure that more and more houses are able to have good solar access.

Mr Rattenbury: How about those hot-water systems?

MR SESELJA: Indeed. We are very pleased that our policy on hot-water systems got through and was endorsed by this Assembly. We do need to look at that. Solar aspect can be done much better through simple planning. We have talked about this; we have debated this many times.

Then we move to issues like public transport. Unless and until we have a planning system that underpins a sustainable transport system, all we are going to have is tinkering with a bus system that will always struggle to cope. That will be the future we face in the ACT unless we get those planning parameters right. We have argued for long enough as to why there should be more people living in our town centres so that we can underpin that—so that we can underpin it economically in order to get the environmental outcomes and the societal outcomes that go with a really good public transport system. You do not do it simply by trying to tinker with the bus system within the city that we have planned at the moment. That simply will not get it done.

There are other opportunities. I do not have much time left, but of course in the areas of technology and encouraging that technology development here in the ACT we do support strong medium-term targets. We look forward to debate in the Assembly on that when the government brings it back.

It is important that they do not ignore what is going on nationally, but it is important that we acknowledge where we have come from. We acknowledge that there has been leadership shown by the previous government. We acknowledge that that has stagnated under this government. Their refusal to show that kind of leadership has seen this stagnate. Any attempt to try and rewrite history should be seen in that context and seen in the context of those very clear facts.

We commend the amendment to the Assembly.

MR RATTENBURY (Molonglo) (5.39): Whenever we get up to debate climate change I am often frustrated by, in a political context, the failure to remember the urgency around this issue. I think it is something the community very clearly understands.

In preparing for today's debate we sat down in my office and pulled out some of the latest science that has been reported just in recent weeks on climate change. For the Assembly's benefit, I would like to touch on a few of those articles. The first one is from *New Scientist* magazine. Under the headline "No rainforest, no monsoon: get ready for a warmer world", it looks at a study from the UK meteorology office which reports:

By 2055, climate change is likely to have warmed the world by a dangerous 4 °C unless we stop pumping greenhouse gases into the atmosphere the way we do now.

It goes on to state:

Why so soon? Because temperature rises caused by greenhouse gas emissions are expected to trigger dangerous feedback loops, which will release ever increasing amounts of greenhouse gases.

This is why it is happening so fast. It goes on to say:

Even if we are lucky, we are still likely to hit 4 °C by 2070.

The report goes on to detail a few of the impacts that are likely to occur under these scenarios. It states that in a four-degree world, we will see over 83 per cent of the Amazon rainforest destroyed. The article goes on to talk about water, particularly in the tropical regions:

... simulations suggests that in a 4 °C world there will be a mix of extremely wet monsoon seasons and extremely dry ones, making it hard for farmers to plan what to grow.

That is what was stated in just one article. The next article is from the *Guardian*. The headline is "Arctic seas turn to acid, putting vital food chain at risk". The article states:

The carbon-dioxide emissions are turning the waters of the Arctic Ocean into acid at an unprecedented rate ...

This is research from France's National Centre for Scientific Research. It quotes Professor Jean-Pierre Gattuso, who says:

... now we realise the situation is much worse. The water will become so acidic it will actually dissolve the shells of living shellfish ... This will affect the whole food chain, including the North Atlantic salmon, which feeds on molluscs.

This next article is from the *Age*. It was published at the end of August. Under the headline "It's not drought, it's climate change, say scientists", the article states:

Scientists studying Victoria's crippling drought have, for the first time, proved the link between rising levels of greenhouse gases and the state's dramatic decline in rainfall.

It goes on to say:

... the 13-year drought in Victoria is not just a natural dry stretch but a shift related to climate change.

This is according to a three-year collaboration between the Bureau of Meteorology and CSIRO. The article goes on to state that scientists working on the program:

... say the rain has dropped away because the subtropical ridge—a band of high pressure systems that sits over the country's south—has strengthened over the past 13 years.

The next report is from BBC World, the BBC news service online. Under the heading "'Scary' climate message from the past," it states:

A new historical record of carbon dioxide levels suggests current political targets on climate change may be "playing with fire", scientists say.

In this case, researchers have used ocean sediments to plot CO₂ levels back 20 million years. What they found is that in the last period when CO₂ levels were sustained at levels close to where they are today, there was no ice cap on Antarctica and sea levels were 25 to 40 metres higher. It also notes that these CO₂ and sea levels were associated with temperatures three to six degrees higher than today.

That is just a sample of the science that one can find with a very simple Google search. It really underlines the urgency. It is an urgency that unfortunately is not being carried forward by political leaders as we move towards the vital Copenhagen climate summit because the outcomes at the UNFCCC in Copenhagen next month are unclear. Indeed, it is unclear whether they will get the kind of outcome that the global community actually needs. There is no doubt that there has been mobilisation of governments, non-government organisations, and church and civil society leaders around Copenhagen.

If we could measure the outcomes at the meeting in terms of the political will and motivation of hundreds of thousands of people around the world, surely we would get

some binding targets out of this meeting. It is hard to imagine that so many people want to see change but that our political leaders could ignore this call for change on such a scale.

Make no mistake: the political debate at Copenhagen is in many ways out of touch with the scientific reality. As I have just detailed, the science is increasingly clear as the models and the research develop almost by the week. What they underline is that developed countries need to make reductions in CO₂ of at least 40 per cent by 2020, and developing countries need to set a clear pathway to peaking their emissions and then rapidly transitioning to a low carbon economy.

It is in many ways a little depressing to consider the scale of the challenge that is upon us, particularly when we hear political language that dilutes the urgency, immerses us in bureaucracy and entrenches slow progress, political language that prevaricates and makes excuses as to why now is not the right time, political language that puts the problem onto others and abdicates responsibility.

Personally, I have had enough of that kind of language. I am encouraged to hear in this place that we may well be moving towards a consensus about the kind of action that needs to be taken, that at least the established political parties are interpreting the science, listening to the experts and feeling compelled at last to act. I welcome this.

I acknowledge that it is easier for someone like myself who has been working on this issue for over 10 years to see the urgency and also to feel as if the world has just started to catch up on what scientists have been telling us for around 20 years, perhaps more. It has been frustrating, make no mistake, to see the political inertia that has existed over the past decade. But it is indeed heartening to see that maybe we are starting to understand what is meant by “urgent” and, sadly, what may well be meant by “catastrophic”.

The time for political excuses is well and truly over and there is no bigger reason to put those excuses to one side now. We are talking about the future of our ongoing existence on this planet, the capacity of our children and our grandchildren to make a viable life for themselves and to have access to food, water and shelter. We are talking about the preservation of our natural systems so that those natural systems can, in fact, preserve us.

There is a lot at stake in Copenhagen. But if Copenhagen does not deliver, let us make no excuses here in the ACT not to do all that we can to reduce our impact on this corner of the planet for which we are the custodians. That is a really important thought about the future generations and ourselves as custodians because, as one of the worst emitters, I believe we have a moral responsibility to act.

I would like to preface these next comments by saying that I understand that life in the ACT is not good for everyone. There are many people who struggle to make ends meet, many who are not living the good life. But in general, and certainly by comparison to many other places around the planet, we are lucky here in the ACT. We are a genuinely wealthy city. We have good public facilities and we have the money to invest in good quality public infrastructure. We have, through both our direct

consumption of electricity and transport fuel, as well as our indirect consumption of energy and resources through buildings and infrastructure, a very high quality of life.

This is reflected in the size of our ecological footprint which is significant by national standards as well as in our per capita emissions. The argument is often put that we should not take action because it will make no difference to the global problem of climate change. This is an argument that has been used at an Australian level when considering taking global action. People say Australia contributes to less than one per cent of global emissions; so why bother taking action?

This is an extremely flawed argument. If only we could all get away with arguments like that. The truth is that while the US, China and the EU contribute to 40 per cent of global emissions, the other 60 per cent is made up by smaller contributions from the balance of other countries. It is true that nine other countries are ahead of us on that aggregate, including Indonesia, Japan, Russia and India. But just on the raw amount of emissions produced—putting aside the EU, the US and China—Australia is then ranked 10th.

It is a wonder that we rank so high given that we have such a small population. Those countries ahead of us all have significantly higher populations. But it is not so surprising when you notice that Australia's per capita industrial emissions are the highest in the world. Within Australia, while the ACT has a lower per capita emissions level compared to the rest of Australia, primarily because we do not have any heavy industry or manufacturing, our emissions are rising faster than the national average.

Coming to the announcement made by the government yesterday, as I said publicly yesterday, I believe that the aspiration of carbon neutrality is a good one to have, partly because it is a clear framework within which the whole community can develop all public policy. It overlays on policy making an approach that we should take to all development, all activities, even through to shaping our budget on an annual basis. It demands of us that we apply a filter to every decision that we as policy makers will take to assess the greenhouse impacts of decisions because we are moving towards that aspiration of carbon neutrality.

In the context of Mr Seselja's comments, I think the 2013 peaking target is a good thing because we need to turn the trajectory around and we need to do it quickly. This is a fairly close time frame. I think a peaking target is a good one. In the context of the ACT's continuing and rapidly rising emissions, we simply need to stop increasing our emissions and at least find a point where we say, "We are not going to grow our emissions any further."

I do believe we need a 2020 target and I am encouraged by some of the feedback we have had in discussions with the government today. When I come to my amendment later, there is some text that we have discussed there that does identify that a 2020 target is coming down the line. I do not think there is a need to wait. The science and the economics are clear that early and decisive action is needed.

Pinning any decision on what our local responsibility is on the fate of the CPRS and the outcome of Copenhagen is simply a fallacious argument. I would like to know

what difference people think they are actually going to make. We have a clear scientific, economic and moral set of drivers that we can set a target by now. I think it is important that this entire Assembly gets on and legislates a 2020 target as soon as possible to complement the aspirational target of carbon neutrality and the 2013 peaking target.

The Greens understand that the people of Canberra have clearly indicated a strong desire to see real action on climate change. As a result of just one particular item in the ALP-Greens parliamentary agreement, we will have legislated targets by the middle of next year. I think that is an achievement we can be proud of. The Greens came to this place saying that we were determined to act on climate change. We are starting to see the fruits of that commitment coming through now with the announcements of these targets and the steps that are to come.

The targets are important because they will guide us in this city as we seek to restructure our energy use, development and transport planning right across the city. Strong legislated targets will also send a powerful signal that Canberra is the place for green energy industries and other sustainable industries to invest.

As I said earlier, we welcome the aspirational target for our city to be zero net emissions but we do need to see action. We look forward to seeing the most crucial aspect of the government's response to the climate change committee's recommendations for a 40 per cent target by 2020. I would urge the government to be courageous in their approach to setting this target and they can be assured of the Greens' support if they were to agree in full to the recommendation to set the target at 40 per cent. We need to be bold, we need to think big and we do need to do what is right.

Having said that, with regard to Ms Porter's original motion, I would like to use my last couple of minutes to comment on Mr Seselja's proposed amendment. Let me first express a little frustration about the way this place operates. It happened on the EPIC bill as well.

There is a complete failure to actually talk about these things at times. The first I saw of Mr Seselja's proposed amendment was about half an hour before we started this debate, despite the fact that certainly the Greens sent through our proposed amendment to Mr Seselja at lunchtime today. I think it is a very unhelpful way to proceed on such important matters. It does not set a good tone for finding political consensus on the issue that really must redefine the way we do politics, if no other issue ever does.

Whilst there are some interesting points in here, and probably some correct factual statements about the ACT Liberals setting a target in 2008, I think some of the comments are unhelpful. I think that they are simple politicking. They do little to add to Ms Porter's motion. I acknowledge that Ms Porter's motion was also a bit of a pat on the back for the government but we will come to that when we come to the amendments.

I am interested to note Mr Seselja's comments about the Liberal Party setting a target. He will be pleased to note that when it comes to my amendment, I have managed to

capture and ensure that the Liberal Party are included as well because we note that emissions have, in fact, risen 25 per cent since 1990 and 10 per cent since 2000. So we have actually managed in that amendment to capture the failure of both Liberal governments and Labor governments. I did not want the Liberal Party to be left out. Do not worry, Mr Seselja; we will be looking after you there.

I think that when you talk about the need to wait for the CPRS and international developments, I really am keen to hear what difference you think that is going to make because, as I said earlier when you were out of the chamber, we do have a clear economic, ecological and moral imperative to act now.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.54): I would like to thank Ms Porter for bringing this matter to the Assembly for debate today. It is a timely debate both in the context of developments internationally and also in the context of the government's response to the Legislative Assembly inquiry's report yesterday.

I will turn to Mr Seselja's comments and his proposed amendment shortly, but firstly I want to outline where the government stands on these issues and the future policy directions for us. I am proud, as the Minister for the Environment, Climate Change and Water, that it is the Labor government that has put on the agenda the issue of carbon neutrality; that it is Labor that has said that carbon neutrality for our city must be the objective. And I am proud that we have put in place a clear time frame for achieving that.

I know there has been some commentary about that time frame and whether or not it is reasonable. But let us not forget that the standing committee's report, tabled in the Assembly, said that we should achieve an 85 per cent reduction in greenhouse gas emissions by 2050. So the committee itself set an 85 per cent reduction, compared to the baseline year of 1990, by 2050. The government's position around carbon neutrality basically builds on that recommendation. It says that we can achieve a complete reduction, a net zero emissions position, 10 years later, by 2060; that we can achieve the final 15 per cent in that last decade between 2050 and 2060. So, if there is going to be criticism of the government's target on 2060, there should also be criticism of the Assembly's recommended target of 85 per cent by 2050. It is interesting that we do not hear that criticism.

Let us put that carbon neutrality target in some context. The government has also said very clearly that 2013 must be the peaking year. It is going to be a hard ask. It is going to be a very challenging ask for our city. I know that there are risks for the government in agreeing to that target because it might not be met. It is going to be hard. But we are going to do everything we can to meet it.

I know also there has been commentary about the alleged lack of interim targets. Well, there is not a lack of interim targets at 2050 or at other points. What I said yesterday in my tabling statement and what I have said in the government response is that there will be interim targets and they will be in the legislation when the legislation is introduced into the Assembly. What I have said is that we need to do more detailed

work about exactly what those targets should be, and we should have regard to the national and international context in doing that. There is nothing wrong with that; in fact, it is a reasonable and considered approach.

What I do have a problem with, when turning to Mr Seselja's amendment, is that we have this position from the opposition which criticises what the opposition believe is a failure in terms of target setting. But we then have a position from the Leader of the Opposition that refuses to commit to any target whatsoever. If you turn to his additional comments, as he was of course a member of the committee inquiry into greenhouse gas reduction targets, he refused to endorse any target at this time. He described the setting of targets at this time as pre-emptive. He went on to say that pending the results of Copenhagen and the finalisation of a CPRS it would be pre-emptive on the part of the committee to agree to a target now. I am frustrated by this position because we have the Liberal Party criticising the government for setting targets but we have the leader of the Liberal Party in his additional comments in the committee inquiry saying, "It is pre-emptive to agree to any targets now." I think the Liberal Party need to get their story straight on what they believe the position should be in relation to targets. On my way of viewing it, it is a case of having it both ways and a real case of sitting on the fence.

I agree with the comments of Mr Rattenbury about the process that we got to in this debate today. The government has sought to engage constructively with the Greens on how this motion can be put together, and I am grateful for the dialogue that Mr Rattenbury and I have had through our offices on achieving what I think is a good and strong way forward that sets out a position that this Assembly can agree to. The government therefore will not be supporting the approach that has been adopted by Mr Seselja in his amendment.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR CORBELL: The other point I wish to make about the Liberal Party's position is that, yes, you can certainly say that the policy and the thinking behind the greenhouse strategy that they released in the early 90s was well based in terms of the science and the understanding of the issue. But did they fund programs to deliver the reductions? Did they put in place budget proposals to drive down emissions? No, they did not. So they had a good policy, but they did not fund it, they did not resource it and they did not deliver the results that they committed themselves to.

Let us look at what has been happening to date as part of this agenda. The most significant greenhouse gas reduction measure we currently have for the territory is the greenhouse gas reduction scheme, the GGAS, in which we are a partner with New South Wales. That scheme, put in place by the Labor government in 2005, has avoided 1,600,000 tonnes of emissions since its inception in 2005. In 2008 alone, the scheme achieved 679,000 tonnes of emission abatement—a practical on-the-ground measure, independently audited, that works in reducing emissions; an important initiative put in place by this government.

Of course the feed-in tariff, a tariff championed by my former colleague Mick Gentleman, endorsed by this Labor government and now being investigated for

expansion by me as the responsible minister, is a policy that is driving the uptake of solar energy in our city. I was delighted less than a week ago to announce the 1,000th solar panel installation for our city, in Lyons, as a result of the feed-in tariff. Of course, there are a whole range of other measures.

Mr Seselja criticised the government for not walking the talk. I do not know where he has been, but it is worth highlighting that we are now in a position where we purchase 30 per cent of all of our power needs for ACT operations from GreenPower. We are investing money to do that, and we will continue that, subject to the normal budget processes, to increase our uptake of renewable energy for ACT government operations.

We will continue to argue that there need to be improvements in the operation of a CPRS and we have done that in relation to compensation to states, territories, community organisations and so on. We are doing that. States and territories have been successful, particularly in the context of green power. We now have the concession from the federal government that the purchase of green power will add to the overall national target in terms of the CPRS. So there is an opportunity for local action to have a meaningful impact on national policy. The purchase, the uptake and the generation of renewable energy are going to be a key element of that and we need to capitalise on that opportunity.

Those are just some of the things that are happening in this space. There is more work to be done but I do not for a moment shy away from the importance of setting a long-term target. As Mr Rattenbury has said, it shapes and should inform all of our thinking around how we view the challenge in terms of abatement, but also we need to have those targets in the short term and that is why we have taken what I think is a decision not without some risk for the government, in agreeing that peaking should occur by 2013. But we are prepared to do it because the issue is important—indeed it is vitally important—and we must demonstrate leadership in that regard.

I welcome the motion from Ms Porter and I thank her for bringing it to the Assembly. The government will not be supporting the amendment by Mr Seselja.

MRS DUNNE (Ginninderra) (6.04): I am pleased to support Mr Seselja's amendment here today and also to congratulate Ms Porter on bringing forward what is an important issue. It is without doubt that climate change is an important, significant issue and a considerable challenge for all legislators, and not just legislators but for people in all walks of life no matter where they live across the world. But it is important that we put in context the work that has been done and the work that needs to be done in the future.

We have had Mr Corbell's revisionist history. He does not really want to dwell on the past, which I suppose is understandable considering the poor history of the Stanhope government and of many of his predecessors that have occupied the environment portfolios in the eight or so years of the Stanhope government, because what we have seen is the best part of a decade of failure and a steadfast resolution to avoid a systematic and thorough approach to addressing this issue, sector by sector, across the community.

It is dwelt on by some of the comments that Mr Corbell has made. He made much, and they should be applauded, of the improvements in relation to renewable energy in the ACT government sector. But that has not been, as yet, mirrored in other parts of the ACT community. The fact that the ACT government is now buying 30 per cent GreenPower is good and laudable, and I have always advocated that we lead by example, but there is much to do to encourage the rest of the community down that path so that we can be in a position where a substantial amount of our power—eventually all of our power—is from renewable sources.

I want to spend some time perhaps dwelling on the past, because I am proud of the record of the Canberra Liberals in relation to this—at times when we were not supported by the Labor Party; at times when we actually even encountered some difficulty from past Green members of the Assembly in even getting certain inquiries and certain work done in the Assembly. We start with the signing up by the Carnell government in 1997 to the Kyoto targets. We were the first jurisdiction in the country to sign up to Kyoto targets, and that is something that I am very proud to have been associated with. I am very proud to be associated with pioneers in this matter.

I am the first to say that I do not think that, at the time, we actually understood the enormity of what we had done and I think that it is fair to say that we did not achieve as much as was needed to set us on that path. But we did take the first steps. One of the things that I am always mindful of is a review of Mr Smyth's climate change strategy, because it was Mr Smyth who eventually brought in the climate change strategy, that came out in 2002 and said that it was a good first effort essentially. When other jurisdictions were only just beginning to think about climate change strategy, they were saying that this was a good first effort but it was too diverse, there were too many little elements in it and that we should review it and come up with something with some grunt that would give us the results that we needed.

That was thrown out by the Stanhope government; it was ignored. The climate change strategy that Mr Smyth introduced was put on the backburner and, after not talking about it for some time in the run-up to the 2004 election, in 2005 the government abandoned it. So we had no climate change strategy for almost two years in the ACT and essentially no work was done for two years while Jon Stanhope and his colleagues sat on their hands. We did eventually get a climate change strategy, but it did all the things that the 2002 review criticised the first climate change strategy for—lots of itty-bitty little programs, with no real grunt in it.

The Canberra Liberals took to the last election substantial policies that were the beginning of substantial cuts: solar Canberra, house warming for those who need it, the green bins initiative, the Canberra climate change authority initiative, which was modelled on the London climate change authority, and the work of the Woking Borough Council. I am glad to see that the minister has finally caught on to this and was recently able to visit and observe the work of the Woking Borough Council and the now successor of the London climate change authority to see the work that can be done. I hear in the words that he uses that he has eventually picked up on the message, so I congratulate him on that—for taking the initiative to visit these places. He is picking up on the message and I hope that we will see some work there.

It is interesting that some of the initiatives that were taken up in these places have not been taken up here; for instance, the \$4 million revolving fund. The minister keeps saying: "Well, we have a revolving fund but it does not work. It is being reviewed but there is no incentive." He does not have an answer as to why it does not work here but it worked elsewhere. I hope that he has learnt something from his travels about how the revolving fund can work to improve energy efficiency and cut greenhouse gas emissions in the community and in government departments. It has been a very powerful implement with the London climate change authority and in other places in Australia. Ms Porter would recall that the Penrith City Council has had a revolving fund for a number of years and it has worked very effectively there as well. There is much that needs to be done. There is much that we as Canberra Liberals are proud of.

I am very pleased now that there is general agreement in this Assembly that there should be legislation for climate change targets, greenhouse gas emission targets and associated targets, because in 2007 when I introduced the first piece of legislation like that it was pooh-poohed by the then climate change minister, Mr Stanhope. He made it perfectly clear that he had no intention of going down that path; he was not interested in medium-term targets; he was not interested in targets that would take us along the way to energy efficiency and renewable energy.

We have seen a change and that is welcome. But today, having seen Mr Rattenbury's amendment, I do not think that the Liberal opposition are prepared in this motion here today to say what those interim targets should be, because I think that is something that has to be worked out in a collegial way with all the parties in this place in relation to—

Mr Corbell: We had a committee inquiry. You were on the inquiry.

MRS DUNNE: I was not. I was not on the inquiry.

Mr Corbell: The Liberal Party was; your leader was.

MRS DUNNE: The Assembly has received recommendations from a committee. The government has views. The Greens have views. The Liberal opposition has legislation on the table. The final number is something that needs to be worked out collegially and put in the legislation which the minister has foreshadowed.

The other important issue, along with setting the targets, is to ensure that if we actually set targets we do not diddle ourselves in relation to the carbon pollution reduction scheme, which is currently the case now. If we do all this work, it will just free up carbon for somebody else to use. One of the most important things that this minister needs to do is to ensure that the initiatives and the effort that Canberra people put into this do not go wasted because somebody else gets to pollute with our savings.

MR SMYTH (Brindabella) (6.14): When I was upstairs, it was interesting to hear Mr Corbell talking about leadership and things that they are doing. I look at the motion, and I thank Ms Porter for bringing this motion on. Paragraph (2) endorses the government decision to set the ambitious yet achievable greenhouse gas reduction

target of being carbon neutral by 2060. In 2060, I will be 101. In 2060, my son who is currently three—what will he be? What will that make him? Let us see—he will be 54. It is ambitious! Most people in this Assembly, more or less, will probably be dead, based on current life expectancies, by 2060. I hope we are not. I hope the technology keeps us all going for as long as we can. I hope to be a feisty 101 year old. But let us face it: ambitious and 2060 do not match.

You would think that Mr Corbell is the only one to discover leadership on green issues because he is heading these ambitious targets. I am quite proud of the fact that I am the first minister in the country to have set a greenhouse gas strategy in place. You would think that, until Mr Corbell had discovered these issues and they had established their department, nobody had done any work on this. This Assembly has been working on greenhouse gas issues since I have been here and since Mr Corbell, who predates me, has been here.

Some of the things that we did, some of the things that I was the minister for, I am extremely proud of. What disappoints me is that Mr Stanhope, when he was minister for environment, abandoned and betrayed so much of it. This Assembly had a government, this territory had a government, that was willing to go to Kyoto and sign up, put money where its mouth was, put a draft out and then put a strategy out that set targets. We had it a decade ago and it was abandoned for seven or eight years by the Stanhope government, which has only just discovered the greenhouse gas issue.

NOWaste by 2010 epitomises this government's approach to climate change, because they abandoned it—through Bill Wood, then John Hargreaves, then Jon Stanhope. They abandoned NOWaste by 2010. We led the world on the issue of motivating communities to do their bit. Why? Because the community said that was what they wanted to do. They wanted to do something real and practical, and they wanted an opportunity. We came up with a strategy to match that. We spawned an industry around the world. Everywhere from Wales to Mexico City, from Singapore to the Solomons, people adopted no waste by 2010. In the city that put it together, the Labor government abandoned it, paid lip-service to and did nothing to further the position of the NOWaste by 2010 strategy since they came to office.

As we left office in late 2001, a request for tender or expressions of interest was out on the next step of NOWaste by 2010 to build a facility to assist in mechanical sorting. Give Bill Wood his due: he continued it and went around some of the various jurisdictions in this country and looked at facilities that they had built. That was as far as it got. Labor's commitment to NOWaste by 2010 was a road trip by the minister, and then it got killed by Jon Stanhope and his cabinet.

So do not come in here and talk about leadership and ambitious targets. Fess up to the fact that for the last eight years you have done nothing. We said we would sign up to the earth charter. Give Kerrie Tucker her due: the earth charter was initially to be discussed in Adelaide. The South Australian government pulled out. Kerrie Tucker came to me and said, "For a small amount of money, we can hold a forum here on discussing the earth charter. We could have the honour of that discussion and, indeed, we can be the first jurisdiction to sign it and pass it," which we became. Give Kerrie Tucker her due: she gave me the idea. She said, "We need some bucks." I found the

money and we did it. It was appropriate for the nation's capital, and I have to say that I was immensely proud when the United Nations Ambassador for the Environment and several well-known international individuals in the environmental movement stood up with Sir William Deane, the Governor-General of Australia, and said, "This is what we can achieve together."

But what has happened on the earth charter since the Stanhope government has come to office? Absolutely nothing. It was fantastic yesterday to hear about the firewood strategy. There was Mr Corbell espousing how good the firewood strategy was. Who did it? I am quite pleased to say I did it. I did it with the support of the Assembly. Again, I will give Kerrie Tucker her due: we had a lot of discussions about it, but we got together and we did something. The fact that it is still in place today says the leadership showed a decade ago was appropriate, the strategy was appropriate and it was a good thing.

So, Mr Corbell, do not come in here being Mr Environment and saying you are the only one showing leadership. It is not true. We have got on the record things like our high quality design and sustainability, where we said—and I did this as planning minister—"Let us make sure our design is sustainable." Look at the record of the Carnell government. We shifted a town centre to save endangered species. We put land back in reserve—yellow box, red gum, grassy woodlands, for instance, in Jerrabomberra Valley. I started that process. The former government started that process. There is the work we did at Tidbinbilla to build the environmentally friendly information centre which then fostered and supported the programs to help endangered species like the rock wallabies, some of the frogs and the other species out there.

Something I am particularly proud of is the fact that we put money into the new shed at the tip site for Revolve. Yes, we put the money into the tip site for a new shed for Revolve so that Revolve, a community-minded organisation that employed people with particular problems, could assist the community in recycling. And they did a great job, until they were locked out of their facility by the Stanhope Labor government. I can go on and on. We looked at things like bike racks on buses. Yes, that was a Liberal initiative. Funnily enough, it was stymied by the union for a couple of years because they did not want to do it. We were not helped by the Labor Party to get it up, but bike racks on buses started under the Liberal Party.

One that I have to say is curious is the green bin trial. Should Canberrans have a third bin? Again, we did that in 2000 and 2001. We went to Chifley as an ideal suburb and gave them all a green bin, tested it and got a report back that said green bins were the go; green bins would work; the people of Canberra supported them; people liked them; they actually worked. We devised a system that actually worked, that actually allowed Canberrans to, again, increase their efforts in recycling. Anybody would have had the logical expectation that that idea might have got up, but here we are, eight years later, and we do not have green bins in the ACT.

In terms of tree plantings and all those sorts of projects, we started those sorts of projects. I would say we clearly carried on some of the work of the Follett government, which also did tree plantings. But there was an effort there to get the

urban forest back in place, to link communities, to give communities opportunity to cover denuded earth, to make sure that we got it right, that we undid some of the mistakes of the past. The criticisms are interesting. The forgetting of the record, I think, is sad. We will give you guys credit where credit is due. But let us not say that somehow the last eight years have been a paragon of virtue in regard to green issues in this Assembly, because they simply have not been. And the sad reality is that the job now will be so much harder because of the years of neglect.

I can remember Jon Stanhope coming in here—was it March last year?—and he suddenly said greenhouse was the biggest issue facing the people this century. It had taken him seven years to come to the conclusion there was actually a problem there. In those seven years we had the lost opportunity, the lost expertise, the people who left the public service and went to other jurisdictions or started up their own businesses.

There are a number of organisations through our R&D grants that were sponsored and assisted and funded to develop. Prime Water is an example; systems that ran biological purification of water rather than chemical. We have got one at Tidbinbilla and, oddly enough, the firm, wanted to set up one for the department of housing in Beijing. So there was an expert in industry. We saw sustainability industries as an opportunity. Yet we had the disgraceful episode here where Mr Hargreaves said, “I don’t understand it,” and Mr Stanhope basically said, “I don’t care”. That is the attitude of this government. Give Mr Corbell his due: he has taken up the cudgels in his new ministerial role. Good luck to you—I wish you well—because your enemy will probably be your own cabinet. The cabinet has not shown significant leadership on greenhouse gas issues for the last eight years.

Question put:

That **Mr Seselja’s** amendment be agreed to.

The Assembly voted—

	Ayes 3		Noes 8
Mrs Dunne		Mr Barr	Ms Hunter
Mr Seselja		Ms Bresnan	Ms Le Couteur
Mr Smyth		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

MR RATTENBURY (Molonglo) (6.28), by leave, I move:

Omit all words after paragraph (1)(a), substitute:

- “(b) ACT greenhouse gas emissions have increased by 25% since 1990 and our emissions are increasing at a faster rate than the national average;
- (2) endorses the Government decision to legislate a greenhouse gas reduction target of the ACT being carbon neutral by 2060 and to legislate a target for the ACT’s emissions peaking in 2013;

- (3) notes the Government has announced its intent to set a medium-term greenhouse gas reduction target in the range of 25% to 40% by 2020 in the first half of 2010 and this will be included in the proposed greenhouse gas reduction targets legislation;
- (4) acknowledges that, despite being a small jurisdiction, the ACT's actions to reduce our greenhouse gas emissions at a local level are an essential contribution to taking action on climate change;
- (5) acknowledges the associated benefits from legislating a target include increased investment in the green business sector and financial savings from increased energy efficiency; and
- (6) calls on the Government to:
 - (a) include a renewable energy target of at least 15% by 2012 and 25% by 2020 in the ACT energy policy;
 - (b) release a final energy policy for the ACT by mid-2010; and
 - (c) amend the *Electricity Feed-in (Renewable Energy Premium) Act 2008* to include installations larger than 30kW as soon as possible in 2010.”.

The amendment seeks to add some clarity and certainty to what we believe is the intent of Ms Porter's motion. I do appreciate that Ms Porter brought the motion on, because it has been very valuable to be able to have this debate today. Our amendment seeks to put on the table some key dates by when we think the government needs to deliver on climate and energy policy. In essence, we are seeking to put some meat on the motion and avoid it being what it might otherwise be.

Mr Barr: Which is?

MR RATTENBURY: I am trying to be polite. I would like to acknowledge some frustration here.

While the committee process and the establishment of legislated targets are on track, there is no doubt that the ACT government have been slow to deliver on an energy policy—very slow, in fact. In 2006 they released an energy policy consultation paper, and then it appeared to fall into a hole. We in the Greens had expected to see a draft policy in December last year, but we did not. I have been informed by the minister that work on a draft policy has been progressing well more recently, and he has committed to releasing that draft policy before the end of this year. We cannot imagine that now a finer policy will emerge or even should be produced before the middle of 2010, given that public consultation is going to be a very important stage. But we absolutely do not want to see the time line for an energy policy blow-out any further than the substantial blow-out we have already seen.

Just in terms of the couple of specifics of my amendment, one is to change the baseline from 2000 to 1990. As we now have seen in the government response, 1990 will be the baseline on which the legislated target will be based, and it is also the

recommendation of the committee. I have added a new paragraph at (5), which acknowledges that there are other benefits for setting a target for emission reductions besides greenhouse gas abatement. I think it is particularly important for the Liberal Party to focus on that and understand some of the other benefits, because in their public comments they are not acknowledging those other benefits.

Clause 6 is also a new clause. It calls on the government to undertake certain actions. These are the examples of the rubber hitting the road, because, as I have said publicly, the targets also need timelines to make them real; they need concrete actions. These are the sort of steps that prevent what could be an aspirational target only from becoming greenwash and in fact really delivering.

We are particularly concerned about the delay in amending legislation to deliver stage 2 of the feed-in tariff for installations larger than 30 kilowatts. We understand that it is rather more complex than just choosing a number or percentage for extending the premium. There are issues around setting the correct premiums for various technologies, but we do need to move forward on this and not simply see it disappear out in the future. As I have said in this place before, the Greens are aware that there are industry players waiting to come to the ACT. They are just waiting for us to get this legislation in place. That is real jobs and real investment in this territory, which we would all welcome. That is the agenda behind my amendment. I do not want to speak too long in light of the hour of the day. I look forward to debating these further down the line.

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

Adjournment

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

That the Assembly do now adjourn.

Australian Baseball League

MR RATTENBURY (Molonglo) (6.33): I would like to speak briefly about the exciting news today that the ACT is to be a foundation team in the Australian Baseball League. This is great news and I, along with many other Canberrans, am looking forward to the first season commencing in November 2010. The campaign for an ACT team was called "Let's do it Canberra". I think it proved to be a good motto because they have now done it. During the campaign I joined with a number of my fellow MLAs in a public event to sign up as foundation members. We joined thousands of other Canberrans in pledging our support for the bid by, I guess, speaking out in support of it and also putting our \$20 on the table to help finance the bid as well as signify our commitment. I am pleased that that group of MLAs is now part of what has become a successful bid.

When I made that pledge I met a group of local baseball players. It was great to have a chat to them about their aspirations. One of them even played in the American Major League for the Chicago Cubs but was a product of Canberra. Canberra has produced a

number of high-quality baseball players over the years. Many have had to move away from the ACT to be able to play at a higher level. Now that the ACT is to have a foundation team in the national league our talented locals will not have to travel quite so far or quite so quickly. That is a good outcome for the young players in Canberra. An ACT team in the national league can only boost the number of high-quality baseball players coming out of Canberra. Canberra consistently punches above its weight in the quality of baseball players it turns out. The campaign team for “Let’s do it Canberra” continued in this ACT tradition of punching above our weight and I congratulate them on a job very well done.

The campaign team have said today that they have a lot of work to do to be ready for the start of the roster in November next year. I wish them well in the work ahead to meet that deadline. Judging from the way they have carried out the campaign so far, I think this work will be in safe hands. I look forward to seeing the ACT team run out onto the pitch for the first time. I think it is great that we are participating in this national league. I look forward to hopefully the ACT team taking out a premiership in a very short time after the start of the league.

**St Thomas the Apostle school fete
Miles Franklin primary school
ArtSound**

MRS DUNNE (Ginninderra) (6.36): Mr Seselja touched yesterday on some of the fetes around. I would like to pay tribute to some of the people involved in the fetes that I attended on the weekend. Yes, I did attend the St Thomas fete in Kambah. It was well attended by MLAs, as well as members of the public. I hope that we did not frighten them off in future years. I pay tribute to the hardworking communities—the school principals and the fete organising committees—across the town who worked so hard for their school communities.

While I was at St Thomas’s I had the opportunity to be taken on a tour of the school’s refurbishment. As with most other schools, there is a vast amount of building going on. St Thomas’s is just in the process of finishing the refurbishment to its kinder, 1 and 2 classes and its library. It now has wonderful classrooms. All the plastic concertina doors have gone. There is double glazing and carpet in the right places and there are hard surfaces in the right places. It really is fantastic. They are about to replicate that refurbishment in the other half of the school through the stimulus package money.

One of the things that I was concerned about was that I was told that the first refurbishment of six classrooms, a breakout area and a library, which is at least the equivalent of two classes, cost \$650,000 from the block grants and another \$400,000 raised by the school. The stimulus money is going to refurbish the other half of the school. That includes eight classrooms. I was really surprised and quite concerned to learn that the second part of the refurbishment is going to cost \$2.2 million compared to \$1.05 million for the first half of the school. That is a matter of some concern. One of the besetting problems with the stimulus package is that there seems to be an inflation of prices.

I also had the opportunity to attend Miles Franklin school. Unlike Mr Seselja, I do not go back to my old school; I go back to my children's old schools. Miles Franklin primary school in Evatt is where some of my younger children attended for many years. It is a wonderful school. It now has a much better car park than it did, thanks to the work of people like Mr Pratt in the previous Assembly.

Again, I pay tribute to the hardworking school communities that run a fantastic fete year in, year out. On the theme of fetes, I always have a great time at the book stalls. I had to extract my husband, as usual, from the book stalls this year with a huge supply of books which were knocked down. We got a vast number of books, including a collection of old dictionaries which are going to the dictionary for Timor project, all knocked down and which were taken away in a re-usable shopping bag. We had to stop them giving us change for \$5 for a substantial number of books which will be of great benefit to our children and to us for our holiday reading.

On Sunday I went to another book fair which was associated with the ArtSound radiothon. I pay particular tribute to ArtSound. It is a fantastic organisation in the ACT community. Ms Le Couteur, the Chief Minister and I did promotions for the ArtSound radiothon. I want to report to the community that, as a result of the ArtSound radiothon, they have managed to raise in excess of \$31,500. They hope to get it to \$32,000. This is a fantastic effort by the ACT community and a fantastic effort by the ArtSound community. I pay particular tribute to Clinton White, who people know as my senior staff member, who on Sunday during the book fair and open day was on air from seven in the morning till six at night. Even at 6 o'clock at night he still sounded fantastic. He is indefatigable and a great asset to ArtSound and to the Canberra community more generally.

Transgender and intersex exhibition

MS BRESNAN (Brindabella) (6.40): I would like to take this opportunity to talk about the excellent transgender-intersex exhibition that is currently displaying in the exhibition room in the Assembly. Most members have probably walked through this mini-exhibition on the race down to the chamber. If not, I urge you to do so. Those of you who have seen this very colourful photo exhibition I think will be in agreement that this is a great showcase, although just a snapshot of the many faces of the transgender community. It provides an opportunity for talented artists to display their personal and challenging insights into this community.

One of the most creative photo line-ups that stood out to me personally is labelled "Jessica"—a collection of photos of Jessica. The artist, through these photos of Jessica, effectively causes the viewer to question their innate assumptions on gender sexuality. There are also very intimate photos of families. As the artist explains, these photos attempt to explore that "family" is an emotive word, no less so to people in the queer community. To have a family is a human right and by presenting some of these families that exist in Australia we can attempt to challenge the conventional definition of the word "family".

In light of the Civil Partnerships Amendment Bill that was passed in the Assembly last week and in light of this creative exhibition on show, I think it is timely that we

explore some of the barriers the transgender community face. As the title of the exhibition suggests, gender rights are human rights. It is important in recognising this point that we also recognise that gender rights include transgender rights. We have signed up to the Human Rights Act in the ACT and we therefore need to live up to this commitment and continue to lobby for real law reform on issues of gender diversity. I note that the civil partnerships legislation has taken an active approach to promoting the human rights of gay and lesbian Canberrans. Although this is a significant step forward in terms of equal opportunities for same-sex relationships in the ACT, we still need to do more to address transgender relationships.

I would like to share some points Dr Helen Watchirs, the ACT Human Rights and Discrimination Commissioner, gave when opening the transgender exhibition in the Assembly. Dr Watchirs made some very valid points about the ACT's responsibility to truly fulfilling the Human Rights Act in terms of the gender diverse community, particularly in recognition of sex in official documents such as birth certificates. Dr Watchirs noted:

In the Commissioner's view—

this is in relation to the Birth, Deaths and Marriages Registration Act—

this law is inconsistent with the human right to equality and recognition before the law and the right to privacy, which are protected under the *Human Rights Act*. The Yogyakarta principles on the application of human rights law to gender identity provide that “no one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilisation or hormonal therapy, as a requirement for legal recognition of their gender identity.

What this shows is there is still significant prejudice towards the transgender community. As the ACT human rights commissioner aptly states, formal equality is not enough to rectify systemic and inherent discrimination against the gender diverse community. The reality is there is still a long way to go to apply human rights in a principled way to reform its existing laws and policies.

I would like to conclude by once again welcoming this excellent exhibition in the Assembly. It has exposed the many faces of the transgender community, including the many challenges and adversity these communities face. However, it also shows the compassion and solidarity of the intersex and gender diverse community. The Greens strongly support law reform to promote the equality of rights of gender diverse people in the ACT. The civil unions legislation passed in the Assembly is a significant step forward and it has provided a foundation for further law reform.

Question resolved in the affirmative.

The Assembly adjourned at 6.44 pm.

Schedules of amendments

Schedule 1

Financial Management (Board Composition) Amendment Bill 2009

Amendments moved by the Treasurer

1

Clause 2

Page 2, line 4—

substitute

2

Commencement

- (1) This Act (other than section 6) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75(1)).

- (2) Section 6 commences 6 months after this Act's notification day.

2

Clause 4

Proposed new section 78 (4A) (b)

Page 2, line 16—

omit proposed new section 78 (4A) (b), substitute

- (b) the appointment would result in—
- (i) more than 1 public servant being a member of the board (whether as CEO or otherwise); and
 - (ii) more than 35% of the members of the board (including the CEO) being public servants.

3

Proposed new clause 4A

Page 2, line 22—

insert

4A

Section 78 (6), new note

insert

Note The terms *public servant* and *statutory office holder* are defined in the Legislation Act, dict, pt 1.

4

Clause 5

Page 3, line 1—

omit clause 5, substitute

5

**Appointment of chair and deputy chair
New section 79 (2A)**

insert

- (2A) Also, the responsible Minister must not appoint a public servant as chair or deputy chair unless—
- (a) there is no member of the board who—
 - (i) is not a public servant; and
 - (ii) is available to be appointed; or
 - (b) the Legislation Assembly approves, by resolution, the appointment.

Schedule 2

Financial Management (Board Composition) Amendment Bill 2009

Amendments moved by Mr Smyth

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

This Act commences on 1 January 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 4

Proposed new section 78 (4A) (b)

Page 2, line 16—

omit proposed new section 78 (4A) (b), substitute

- (b) if the governing board has a maximum of 6 members or less—the appointment would result in more than 1 public servant being a member of the board; and
- (c) if the governing board has a maximum of more than 6 members—the appointment would result in more than 2 public servants being members of the board.

3

Clause 6

Page 3, line 7—

omit clause 6, substitute

6

Repeal of Exhibition Park Corporation (Governing Board) Appointment 2009 (No 3)

The appointments made under the *Exhibition Park Corporation (Governing Board) Appointment 2009 (No 3)* (NI2009-519) are revoked and the instrument is repealed.

Schedule 3

Financial Management (Board Composition) Amendment Bill 2009

Amendment moved by Mr Smyth to the Treasurer's amendment No. 4

1

Amendment No 4

Clause 5

Page 3, line 1

Paragraph (2A)(a)(ii)—

omit "or", substitute "and"
