Debates

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Thursday, 19 November 2009

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

Death of Mr James Pead MBE
Motion of condolence

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

> That this Assembly expresses its deep regret at the death of Mr James Pead MBE, a proactive and loyal resident of Canberra who made significant contributions to the commercial and administrative development of the city, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, Jim Pead was in many ways a quintessential Canberran. Like so many others who came to call this city home in its earliest decades, he was born elsewhere, but he helped shape the culture and community—as well as the look—of the fledgling national capital in its first century.

Jim Pead arrived as a toddler, the son of a construction worker engaged on the building of Old Parliament House. At the official opening of the parliament he rode atop his father's shoulders, while the older Pead drove a water truck, spraying water to keep the dust down during the ceremony. Photos of the time show sheep grazing between the cameras and the official party. There would have been plenty of dust to settle.

The family lived at No 2 the Causeway, and young Jim attended St Christopher's school in Manuka. Like others of the time, Jim and his classmates probably calculated the time of day by the sound of the hooter at the nearby Kingston powerhouse, Canberra's oldest public building. As a young man, Jim studied for a degree at Canberra University College, the earliest incarnation of the ANU, and in the finest of Canberra traditions, he worked for some time in the commonwealth public service, in the then Department of Foreign Affairs.

But an entrepreneurial spirit could not be long resisted, and Jim soon left the public service to open Canberra's very first self-service supermarket at the Yarralumla shops. In the early 1950s he was Chairman of the Yarralumla Progress Association, a role that no doubt kindled his interest in community representation and community activism, activity that over the coming decades would stamp his mark on so much that happened in the ACT. And "stamp" was not a verb too far from the truth, at times.

On 31 March 1969, as Chairman of the ACT Advisory Council, a predecessor of this parliament, Jim led a mass resignation of council members. The trigger, recalled by Eric Sparke in his book *Canberra 1954-1980*, was the cavalier attitude taken by the

then federal minister for the interior to the sage advice and thoughtful recommendations of the council. Fifty recommendations on matters of importance to Canberrans had been ignored by the commonwealth. The final straw was the closure, against the council's advice, of Canberra's government-owned and operated abattoir, a decision Jim Pead described as "an act of contempt for this council".

In his book, Sparke describes the scene, the gallery of the council chamber crowded with appreciative abattoir workers and their families and friends, clapping and cheering as the members of the council, one by one, resigned, and then signed a manifesto of all they believed was wrong with the system, a system that left Canberrans with little say in their own destinies. The push for genuine and meaningful self-government was on.

That dramatic resignation was not the end of Jim Pead's political career. The council was reappointed some months later. After 20 years chairing the ACT Advisory Council, Jim Pead was elected inaugural president when the council was replaced by a wholly elected, 18-member, part-time Legislative Assembly in 1974.

Still, that new incarnation, like its forerunner, was very much an advisory body with little actual political power. Then, as now, there were not too many votes to be had by treating Canberrans as fully fledged citizens. Jim Pead once said that Canberra, in his time in politics, was always, in his words, "subject to a minister's views and whims, and those of his immediate family, his friends and cronies, and anybody—the cat, the dog—who liked to get into the act". It is a lament that some among us might say has some resonance even today.

Over his decades in public life, Jim Pead was frequently the official face of Canberra at events of significance. He welcomed to Canberra the Queen and the Queen Mother, and heads of state of many nations. He represented the people of our city at the constitutional conferences in the 1960s. He saw Canberra grow from a handful of suburbs to a city with its own satellite cities.

Jim Pead was among the dignitaries at the inauguration of the District of Belconnen in 1966, a ceremony attended by heightened security given the shooting of the then Leader of the Opposition, Arthur Calwell, just days earlier at an anti-Vietnam war rally. Jim's connection to Belconnen continued, and one of his greatest legacies was the bold establishment of the Canberra Commercial Development Board, which designed and built the Belconnen Mall. The mall was funded by a public float, fully subscribed. The notion was to operate a shopping mall and put the profits back into services to Canberra ratepayers. In 1978, when it threw open its doors, many locals knew the mall simply as Pead's palace.

Ours has always been a city and a community in which ideas and their pursuit is a way of life. A publicly owned shopping mall, the first in the country, was a grand idea, an experiment that ended almost a decade later in 1986 when the commonwealth government abolished the Canberra Commercial Development Board and sold the mall to a joint venture between the Commonwealth Superannuation Fund Investment Trust and Westfield.

Perhaps only Jim's family now know whether the deep disappointment he felt at the end of that wonderfully utopian dream played a part in the fact that 1986 was also the year Jim left Canberra, retiring to Broadbeach in Queensland.

One thing is certain: Jim Pead's departure from the city he saw grow from infancy was felt across every aspect of our shared life because, quite simply, Jim Pead was a part of almost everything our city had to offer. He was a past Chairman of the ACT Electricity Authority, forerunner of Actew Corporation, and encouraged the utility to build and own its headquarters. His counsel and influence were identical when he was Chairman of ACTTAB. A dedicated building on Northbourne Avenue was the outcome.

By now, you probably understand that Jim Pead liked building things. He liked building services too. He was a one-time Chairman of the Canberra Community Hospital, later the Royal Canberra Hospital. Some time afterwards, he was Chairman of Woden Valley Hospital. That institution went on to occupy the place once fully taken by Royal Canberra in the community's heart, when it became the Canberra Hospital, a decade after Jim Pead left the city.

Jim's dedication to the development of Canberra extended into the area of sport. He was patron of the ACTAFL for many years and established the Easts Hockey Club in Deakin. Like any genuine social activist, Jim believed in the power of persuasion, and even went so far as to establish a newspaper, the bi-weekly *Territorial*, in collaboration with an individual called Ken Cowley.

Ken Cowley, who went on to become the boss of Rupert Murdoch's News Ltd empire, once told a journalist of the first conversation he had with the media mogul about the idea for a truly national newspaper. The year was 1962. The *Territorial* was gamely competing on the turf of the Shakespeare family's iconic *Canberra Times*. The end result of that conversation between Rupert Murdoch and Ken Cowley was that the *Territorial* was amalgamated with, morphed into and became subsumed into the phenomenon we now know as the *Australian*.

Our history as a city is not a long one in the scheme of things. As such, it is still possible for it to be said of one man or one woman that they witnessed much of that history firsthand. It is still possible for it to be said of one individual that he or she contributed to almost every page of the official history book. Jim Pead was such an individual, and it is why I am pleased that his children have accepted our offer of a state funeral for Jim. He was, in every meaningful sense, an office-bearer for this city, an advocate for this city, socially progressive in the sense that all of his endeavours were aimed at the progress of the society he belonged to.

In the 1972 honours list, James Harold Pead received the Order of the British Empire—Member (Civil), a worthy recipient. As in any rich and full and adventurous life, there were disappointments along with the triumphs. It is the whole life, the whole man, that we celebrate—the rough with the smooth.

On behalf of the ACT government, I convey the condolences of all in this place and of all who knew, worked with and respected Jim, to his family and friends. In particular,

I extend sympathy to Judith, Gary, Anthony, John, and Roderick Pead, and Tasman Christian Thomas-Pead. Jim Pead may have spent his last years in less bracing, less demanding climes than ours, but he will always be a Canberran.

MR SESELJA (Molonglo—Leader of the Opposition): It is a pleasure to join with the Chief Minister today to offer condolences to the friends and family of James Harold—Jim—Pead, and to mark with honour and respect his contribution to the development of the ACT, and the development of self-government in the ACT in particular.

Jim Pead passed away last Sunday at the age of 85. He left behind a legacy for all of us in the ACT that has impacts across nearly all aspects of our city and our territory. His importance to this chamber stems from his unstinting commitment to self-government for the ACT, and I join those who feel it fitting that he be recognised with a state funeral.

Mr Pead served his country during World War II and received the Order of the British Empire—Member (Civil) in the new year's honours list of l January 1972. These achievements alone are worthy of recognition, but it is his work for the development of the territory that makes him a truly remarkable Canberran.

I did not know Mr Pead personally, but I am certainly aware of the influence he has had and the trails he blazed for the ACT. As I learned more about Mr Pead, I discovered that his input and influence was felt in a great many areas of territory development, some of which I learned were in colourful and unexpected places.

Mr Pead was a leading figure in the days before this Assembly existed. Indeed, it can reasonably be said that this Assembly exists in the manner it does in no small part to the dedication and efforts of Mr Pead. Mr Pead was a member of the ACT Advisory Council, the predecessor of this very Assembly, for 20 years. That is a two decade commitment to a body whose future as a genuine seat of regional government was yet more decades into the future. He became the first President of the ACT Legislative Assembly in 1974, a role similar to that of our current Speaker.

During their respective times, the ACT Advisory Council and the first Legislative Assembly, although advisory bodies, were the only forums for elected representation for the people of the ACT, and Jim was a leading light in both institutions. Jim Pead was also a prominent local advocate for many other institutions and organisations—sporting, business, planning, development, healthcare, administration—either promoting directly or assisting the establishment of them as the city made its way forward during the important years leading up to self-government. Then, Royal Canberra Hospital, the ACT Electricity Authority and the Woden Valley Hospital, where I, like many Canberrans, was born, all benefited from Mr Pead's professionalism and enthusiasm.

I was particularly interested to learn of Jim Pead's impact in the Belconnen area. In 1966, when Belconnen was open paddocks and rolling fields, Jim Pead was there when a commemoration stone was laid in the Aranda playing fields by Richard Kingsland, the Secretary of the Interior. In 1978, when Belconnen Mall was a state of the art centre and recognised as one of the best in the southern hemisphere, it

was Jim Pead who was Chairman of the Canberra Commercial Development Authority, the body that designed and built the Belconnen Mall. It is interesting that, while so much else in Canberra has changed radically, the Belconnen Mall has served its purpose for this entire intervening time, and he would recognise instantly the building he helped to construct more than 30 years ago.

I was also interested to note his interest and impact in the media. As politicians, we are all, of course, interested in the media, but few of us would have the same impact as Jim Pead, who started his own newspaper to give a national voice to events. That paper, as noted by the Chief Minister, started with another prominent local, Ken Cowley, still publishes to this day, but it is known not under its original title of the *Territorial* but as the paper that is now known nationwide as the *Australian*.

As I looked at Jim Pead's history, I was surprised to find his influence in unexpected places. One of those stories, along with the grand achievements of Jim Pead, shows another side to his influence. The story I uncovered is related to the carousel that we walk past most days in Petrie Plaza in Civic. This carousel is undoubtedly a landmark, and I had wondered about its origins. It turns out it very nearly was not a landmark. I quote from the Carousel Organ Restoration Group newsletter of April 2006:

> The advice to the then Chairman of the Canberra Advisory Council, Mr Jim Pead, was that it was beyond repair and should be disposed of. Fortunately, Mr Pead sought a second opinion from Canberra organ enthusiast, Mr Terry Lloyd, who travelled to Melbourne to inspect the organ. His advice was that, despite it is deteriorated condition, the organ should be retained and brought to Canberra.

It is a great story from an amazing life. As we stand here in this Assembly, we thank Jim Pead. As we drive through Belconnen or walk through Belconnen Mall, we can thank Jim Pead. As we walk past the carousel and hear the music drift through Civic, we can think of Jim Pead and thank him for his contribution to Canberra. Mr Speaker, the Canberra Liberals offer their recognition for this important Canberran, and our sincere condolences on his passing.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens): On behalf of the ACT Greens, I rise to offer our deepest sympathies and condolences to the family, friends and colleagues of Jim Pead. Mr Pead was a prominent Canberran and we are saddened by the loss of a tireless and passionate advocate for Canberra.

A local businessman and public servant educated in Canberra, Jim was Chairman of the ACT Advisory Council from 1964 to 1974 and then President of the Legislative Assembly between 1974 and 1984. He played a key role in the furthering of democracy and local government in the ACT, including advocating for full self-government.

It was clear that he felt that control of the ACT should be in the hands of ACT residents as much as possible, and he was extremely vocal on the issue. He also expressed his frustration at the process for the Advisory Council, with things taken through federal ministers who had no responsibility to our electorate. In *Reluctant Democrats, the Transition to Self-Government in the Australian Capital Territory*, Jim said:

> If a matter went up that wasn't within the direct portfolio of the Minister for the Interior, he had to take it up with his colleague. There were too many fingers in the pie of the Territory.

His long commitment to the Canberra community, both inside and outside the political process, is evidenced by his work with the Canberra Hospital Board and the Woden Valley Hospital, the ACTTAB Board, the Canberra Commercial Development Authority, the ACT Electricity Council and the media. This morning we have heard about his involvement with the *Territorial*. He was also a great supporter and patron of a number of sporting clubs. All of this commitment was recognised when he received an MBE in January 1972.

While I did not know Jim personally, it is clear that he was a dedicated and active member of the Canberra community. Again, I offer our most sincere sympathy to Jim's wife, Ita, his children and his friends as they mourn the passing of this great Canberran.

MRS DUNNE (Ginninderra): I would like to add my words of condolence on the passing of Jim Pead.

As we have heard, Jim Pead was born in Sydney and arrived in Canberra with his parents at the age of 18 months. His father worked on the building of Old Parliament House and the Peads lived at the Causeway. Jim attended St Christopher's school in Manuka and eventually obtained a degree from the Canberra University College. According to his sons, one of his boyhood highlights was when Australia's first native-born Governor-General, Sir Isaac Isaacs, on departing from Canberra, gave Jim his dog Blackie. From then on, the vice-regal dog lived at the Causeway.

Jim worked for a time in the Department of External Affairs as a trainer. It is fitting to know that Jim's daughter Judy followed in her father's footsteps, rose through the ranks and has had a distinguished career in foreign affairs. Jim left the public service, as we have heard, to open Canberra's first self-service supermarket, in Yarralumla. Yarralumla was the centre of the Pead family life for many years.

In 1954, Jim began his long political career when he was elected to the advisory body—according to Jim's son Gary, almost by accident. For the next 30 years, Jim served the growing city of Canberra. He was Chairman of the Advisory Council from 1964 to 1974 and became the President of the advisory ACT Legislative Assembly from 1974 to 1984. Over all those years Jim was a sort of de facto mayor of Canberra. In that role, he greeted vice-regal dignatories and presided over civic functions.

During the course of his public life, he was involved in the establishment of the milk authorities, the water control board, the ACT Electricity Authority and ACTTAB. He served on the boards of Canberra Hospital and the Woden Valley Hospital.

Jim considered that one of his greatest achievements was the establishment of the Canberra Commercial Development Board and the design and building of the Belconnen mall. We have heard the Chief Minister and Mr Seselja speak about that. Jim was bitterly disappointed when the federal government sold the mall and put the

profits into commonwealth consolidated revenue. Jim believed that this deprived Canberrans of ongoing advantage, and it was a matter of great and continuing regret to him.

Jim was patron of many sporting groups and had particular interests in AFL and hockey. We have heard about Jim's involvement in the setting up of the *Territorial* newspaper. It is interesting to note that for a short time before the *Territorial* became the *Australian*, Canberra was indeed a two-paper town.

In January 1972, Mr Pead was awarded an MBE for his contribution to Canberra. Jim's sons tell me that all of this service was performed on a part-time basis on a modest honorarium that at one stage rose to the princely sum of $360 a month. When Jim retired in 1986, he moved to the Gold Coast, where he resided until his death last Sunday.

When I first came to Canberra in 1979, Jim was still involved in public life. I came to know him, but I came to know the Pead family principally through Jim's son Tony. Tony sang at my wedding and has been a family friend ever since. Not surprisingly, given his pedigree, Tony was an expert on the 2½ degrees of separation in Canberra and could always regale you with a boyhood story about any old Canberra identity you cared to identify. I also knew Gary as the newsagent in the early years of the Kaleen group centre. The other Pead children that I know live further afield. Judy lived the peripatetic life of a diplomat but has recently settled in London, while Rod has been writing and publishing in London for many years.

Jim's contribution to Canberra has been an extraordinary one, for both the length and the diversity of his service. It is my personal hope that as a community we can mark the service in a more tangible way beyond the state funeral so generously offered by the Chief Minister. Such things need to be worked out in consultation with Jim's children. As we say "Vale Jim Pead", I offer my personal condolences to Gary, Judy, Tony, Rod and Tas at the time of their loss. They can be consoled by the manner of Jim's death and the knowledge of the great contribution their father made to this city that we all call home.

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

Rates and Land Tax Amendment Bill 2009

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.23): I move:

> That this bill be agreed to in principle.

The Rates and Land Tax Legislation Amendment Bill 2009 is a bill to amend the Rates Act 2004, the Land Tax Act 2004 and the Land Titles (Unit Titles) Act 1970 in four respects.

Firstly, the bill will ensure that any outstanding taxes under the Rates Act 2004 and the Land Tax Act 2004 are paid in full for a parcel of land before the parcel can be subdivided into units.

Secondly, it will ensure that a redetermination of unimproved land values for error or changed circumstances can be applied across all affected years for the determination of an average unimproved value.

Thirdly, it will clarify that the definition of an owner of a parcel of land includes owners who have obtained effective ownership of the land, but who have not yet been registered on the title to the land.

And fourthly, it will provide a stronger mechanism to help ensure that property owners and their agents notify the ACT Revenue Office about the rental status of a property for land tax purposes.

The first amendment will ensure that the rates or land tax payable on a property are paid when the property is subdivided into units. Under the current provisions, the rates and land tax acts impose liability on the new owners of a subdivided property from the beginning of the financial year or quarter after the subdivision occurs. This has made it difficult in some circumstances to recover the full amount of rates and land tax.

Ordinarily, with the sale of a property, the liability for any outstanding rates and land tax transfers to the new owner along with the change in the ownership of the property. The amendment will bring the payment of taxes for unit owners in a subdivision into line with those for other property owners.

The second amendment made by this bill will ensure that there is a consistent approach to applying unimproved values in the Rates Act. The amendment will ensure that the average unimproved values that are used to calculate a rates or land tax liability can be corrected across time when they are inaccurate. Such inaccuracies arise when a clerical error is made or a change in circumstances occurs which affects the unimproved value of the land. The amendment aims to eliminate inequity between taxpayers by ensuring that only correct values are used when calculating rates or land tax liabilities.

The third amendment will ensure that an owner who has not yet become registered on the title to the land is an owner for the purposes of the rates and land tax acts. The amendment will clarify that the rates and land tax acts impose liability on owners of land when they obtain effective ownership of land, regardless of whether or not the necessary formalities surrounding the registration of the person's name on the title to the land have been completed.

The fourth amendment is being made to provide a more robust mechanism for property owners to notify the ACT Revenue Office when their property becomes rented. It will provide clarity and certainty for taxpayers by providing a standard method for notification. The process implemented by the amendment will better ensure that notification of a property's rental status will occur in a timely fashion and reduce non-compliance.

The measures outlined in these amendments are designed to improve administrative efficiency and equity for ratepayers. I commend the Rates and Land Tax Legislation Amendment Bill 2009 to the Assembly.

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

Workers Compensation Amendment Bill 2009

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.28): I move:

> That this bill be agreed to in principle.

The Workers Compensation Amendment Bill 2009 is intended to improve the performance of the ACT's private sector workers compensation scheme, a scheme which obliges employers to compensate workers who suffer an injury arising out of, or in the course of, their employment.

The bill will amend the Workers Compensation Act 1951 to reduce red tape for ACT employers, it will improve the compliance framework and it will implement a new national framework for the approval of workplace rehabilitation providers.

By way of background, in 2002 the Workers Compensation Act was significantly amended to create an environment that would facilitate the return of injured workers to safe and sustainable work. The 2002 amendments introduced a number of new elements to ensure that employers, insurers, treatment providers and injured workers were equally obliged to participate in personal injury plans. Claims were dealt with expediently and statutory benefits were aligned with the scheme's return to work goals.

Further changes were introduced in 2006 to establish the default insurance fund, of which this Assembly has heard much this year from my colleague and the former Minister for Industrial Relations, John Hargreaves. Then in 2006 the ACT government initiated an independent review of the ACT workers compensation scheme. The review was to evaluate the success of the 2002 reforms and identify the scheme's ongoing cost drivers and it made a substantial number of recommendations. Against a number of important criteria, the ACT scheme is not performing well and, indeed, is one of the most expensive schemes in Australia.

Critically, the ACT has one of the highest average premium rates and lowest lump sum and death benefits in the country; average claim costs that are 25 per cent higher than New South Wales and 80 per cent higher than Tasmania; 10 per cent of claims accounting for approximately 80 per cent of total scheme expenses; and exposure to more than $4 million in annual employer costs associated with regulatory compliance.

The ACT scheme is far from competitive and far from efficient in its functioning when compared to other Australian workers compensation systems. Significantly, businesses report the cost of operating in the ACT can be a disincentive to both existing and potential entrants to the territory's employer market. Businesses also report they are increasingly under pressure to operate outside the territory or to structure their business in a way that moves workers through the jurisdiction rather than establishing a permanent workforce within it. This is of itself creating issues for our own default insurance fund, the safety net for workers of uninsured employers.

The bill proposes a range of improvements to the scheme that, over time and in conjunction with further planned reform, will deliver an affordable system for employers, fair treatment of injured workers, improved performance of scheme providers and an effective governance and management regime for the scheme. The improvements outlined in this bill are intended to be the first step in achieving the objectives of the 2006 review.

The purpose of this amending legislation is threefold: to reduce red tape and administration costs; to implement the new national framework for the approval of workplace rehabilitation providers; and to strengthen the compliance framework.

Firstly, the bill gives effect to the government's intention to reduce administrative barriers to workers compensation compliance and improve the affordability of behaviour that upholds the purpose, the intent and the operation of the workers compensation scheme. The bill eliminates the requirements for employers to provide both a statutory declaration and a certificate from a recognised auditor when providing wage-related information to insurers. It is estimated that these changes will save ACT employers over $4 million annually.

The bill further reduces administration costs by refocusing rehabilitation services to ensure a more targeted and effective use of resources. Insurers will no longer be required to involve the services of a rehabilitation provider in the development of an injured worker's personal injury plan. The bill refocuses the use of the rehabilitation providers to ensure a timely and appropriate use of their workplace rehabilitation expertise.

The bill requires the insurers to appoint a rehabilitation provider in the event that an injured worker's return to work is not progressing as expected. If, at four weeks after the injury was notified, the worker has been unable to return to work, then the insurer will appoint a rehabilitation provider. The extent of the provider's involvement in the claim will depend on the individual facts of each case. These provisions will not preclude an insurer from appointing a rehabilitation provider earlier in the life of the claim if required. This amendment ensures that the assistance of a third party is available if a claim is not progressing as well as expected. It also injects a degree of transparency about the provision of rehabilitation services to injured territory workers.

Secondly, the bill enshrines a new national framework for the approval of workplace rehabilitation providers. The framework has been developed by the national heads of workers compensation authorities and at its core establishes a system of mutual recognition for rehabilitation providers. Where a provider is approved in one workers

compensation jurisdiction, all other workers compensation authorities will recognise the provider's status. The framework takes into consideration the variety of businesses operating as rehabilitation providers and providers an approval regime that applies regardless of entity size.

The framework develops an agreed and transparent national model of workplace rehabilitation, including uniform service definitions and expectations of providers that are designed to deliver high quality workplace rehabilitation services to workers, employers and insurers. It provides a robust national approval system across the workers compensation authorities and reduces administrative costs and complexities for providers, employers and insurers who operate across multiple jurisdictions.

Finally, the bill amends the compliance framework underpinning the Workers Compensation Act to ensure that it operates in a robust and discriminating manner to improve the effectiveness and efficiency of the ACT scheme. The bill provides for the equitable application of compliance costs consistent with the principles of fair competition and economic growth. In particular, the bill enhances existing offences through the introduction of new civil penalties for non-insurance and underinsurance. These penalties equate to double the amount of the avoided premium and may be applied retrospectively for up to five years for those employers who consistently avoid their statutory responsibility.

This "avoided premium" provision is consistent with those operating in other jurisdictions such as New South Wales and Victoria and will have the effect of scaling the penalty to be commensurate with the size of the employer and disproving the perception that noncompliance is a cheaper alternative to the cost of complying with workers compensation laws. The inclusion of escalating penalties targets those employers who demonstrate persistent noncompliance with the law, while ensuring that appropriate penalties are available for initial, one-off acts of noncompliance. The bill provides for a hierarchy of penalties that culminate in possible criminal prosecution and/or a cease business provision that would operate until such time as the noncompliant employer has a workers compensation policy. Clearly, the protection of workers in the workplace is not optional.

The bill also introduces personal liability for executive officers when there is a debt associated with the new civil penalties for non-insurance or underinsurance. Consistent with most other workers compensation jurisdictions, the bill also prohibits injured working directors of uninsured entities from claiming compensation from the default insurance fund; the person responsible for avoiding their responsibilities should not be eligible to compensation from the default insurance fund. Every claim made against the fund by a working director of an uninsured entity represents an increased cost to those compliant employers and undermines the compliance objectives inherent in the Workers compensation Act.

Critically, these amendments also close the loop on employers who fail to discharge their statutory obligations. There are an increasing number of individual labourers and tradespersons who operate as contractors with an ABN, an Australian business number. The sole trader with an ABN has become a vehicle for contractors further up the contracting chain to avoid paying workers compensation insurance, portable long service leave and payroll tax. The prevalence of this contracting structure severely

penalises those employers who employ their workers on an appropriate basis and comply with their legal responsibilities. The commercial advantage these contracting arrangements bring is so significant that the viability of businesses doing the right thing can be under extreme threat.

This bill clarifies the broad definition of worker, thereby limiting the opportunity for premium avoiding and sham contracting. If an individual on a work site, in a cafe, at a retail shop or commercial cleaning company supplies "labour only", then without doubt they are a worker, regardless of whether they have an Australian business number. These workers must be protected by their employers.

In conclusion, the bill will save the ACT employers approximately $4 million in reduced red tape and administration costs. The bill will implement a new national framework for the approval of workplace rehabilitation providers, strengthen the compliance framework and signal that sham contracting is an unacceptable business practice in the territory. I commend the bill to the Assembly.

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

Fair Trading (Motor Vehicle Repair Industry) Bill 2009

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.38): I move:

> That this bill be agreed to in principle.

The Fair Trading (Motor Vehicle Repair Industry) Bill 2009 provides for the licensing and regulation of people in the motor vehicle repair industry. The bill is designed to replace the existing Fair Trading (Motor Vehicle Service and Repair Industry) Code of Practice established under the Fair Trading Act 1992.

The code commenced in 1999 and was developed following a recommendation made by the ACT Motor Vehicle Repair Industry Working Party in its report titled *Motor vehicles repairers in the ACT: an options paper for government*. The working party, consisting of industry, consumer and government representatives, made the recommendation to resolve the regular and numerous concerns expressed from consumers about motor vehicle repair issues. Particular problems experienced by consumers included the quality or necessity of works performed, unauthorised repairs exceeding quotes and estimates, and the costs of parts used in repairs.

Consultation with key stakeholders of the motor vehicle repair industry has recently revealed that the code is subject to a number of inadequacies, and as a result is losing its value to those repairers who register under the code each year. The main inadequacy identified is that the code is difficult to enforce. The code is only

enforceable through action by the Commissioner for Fair Trading and does not provide a private right for individuals to sue for breaches of the code.

The only enforcement power available for the commissioner under the code is to seek an undertaking that a repairer will comply with the code. If the repairer does not give an undertaking, then the Office of Regulatory Services can apply to the Magistrates Court for an order that the repairer act in a way that would have been required by the undertaking. Failure to comply with such a court order has a maximum penalty of 50 penalty units.

There are also problems with the dispute resolution mechanism provided for under the code. The code establishes a dispute resolution committee, comprised of an independent chair, a representative of the industry and a consumer representative, to hear matters raised by consumers. However, due to the lack of an ability to compel principals to attend a hearing of the committee, the results of the hearings are sometimes inconclusive.

The code also does not give inspectors from the Office of Regulatory Services powers of investigation unless a suspected breach of the code is also a breach under the Fair Trading Act 1992.

While recognising that the code is subject to these inadequacies, there are a number of features which have been working well and have therefore been incorporated into the bill that I have presented today. The bill does not introduce significant policy changes—it maintains the existing obligations and responsibilities of parties in the industry and continues to offer consumer protection measures. The bill does introduce a new disciplinary scheme which ensures that breaches can be acted on efficiently and effectively.

The bill develops a business licensing model for people carrying on business as a motor vehicle repairer in the ACT. This captures people who perform motor vehicle repair work for reward. The definition of motor vehicle repair work in the bill replicates the existing definition of "repairs" in the code.

The bill provides exceptions to this general rule. The main exception ensures that individuals who perform motor vehicle repair work in the course of their employment are not regarded as carrying on the business of a repairer. Other exceptions include members of a partnership, and publishers of advertisements relating to a business carried on, or a service provided, by a repairer.

The business licensing model ensures that a person, including partnerships and corporations, is prohibited from carrying on a business of motor vehicle repair work for reward without a licence.

The bill sets up the application process that must be completed in order to obtain a licence. The licensing of motor vehicle repairers will be undertaken by the Commissioner for Fair Trading. While it will not be necessary for a person applying for a business licence to hold relevant qualifications, there will be eligibility requirements which must be satisfied by an application prior to the issuing of a licence—that the applicant is an adult, and is not a disqualified person.

A licence application will also need to be accompanied by a police certificate, and a signed statement that the applicant has obtained the relevant planning and other approvals required to carry on a business at each premises where the applicant proposes to carry on the business under the licence.

The code contains general obligations of principals that must be complied with in respect to the provision of repairs. These obligations have largely been replicated in this bill as conditions on the licence that a licensee must comply with, with the exception of the three which provide a separate ground for occupational discipline, being compliance with fair trading, environmental, and occupational health and safety laws.

The bill replicates the existing framework under the code, which provides for a licensee's obligations to a consumer in relation to the performance of repair work as a condition on the licence. It will be a condition for a licensee to provide estimates of the costs of repair work required and obtain authority for the repair work, as well as explaining, providing estimates and obtaining authorisation for any additional repair work.

The code also requires a principal to provide a consumer with information that would alert the consumer to the existence of the code, the general obligations of the principal, and the responsibilities the consumer has in his or her dealings with the principal. The bill replicates this obligation through a condition on the licence which requires the licensee to give an information sheet, approved by the Commissioner for Fair Trading, to a person prior to commencing repair work for the person.

Any breach of a condition on a licence by a licensee will be a ground for occupational discipline which may be dealt with by the ACT Civil and Administrative Tribunal. Section 66 of the ACT Civil and Administrative Tribunal Act 2008 sets out the different types of orders the tribunal may make. A breach of a condition on a licence will also be a disqualifying act, and therefore will impact on a person's eligibility for application or renewal of a motor vehicle repair licence.

The bill provides two mechanisms to allow exemptions from the provisions of the act. Firstly, exemption of a person through regulation made by the executive and, secondly, exemption of a person by application to the minister. The minister may only make an exemption where the exemption is not likely to cause a substantial detriment to consumers.

The bill provides transitional provisions to acknowledge the registration of existing principals under the code and also provides the executive with a transitional regulation-making power to deal quickly with unanticipated issues to ensure for effective regulation of the motor vehicle repair industry.

The bill also amends the Fair Trading (Consumer Affairs) Act 1973 to ensure that part 3 of the Fair Trading (Consumer Affairs) Act applies to the motor vehicle repair industry, enhancing enforcement of the licensing scheme. Among other things, the application of part 3 will ensure that inspectors under the Fair Trading Act will be able to use their powers to investigate complaints about the motor vehicle repair industry.

During the development of this bill, consultation with the code administration committee, containing representatives of industry and consumers, expressed interest in considering a more comprehensive licensing model which would result in the licensing of all participants in the industry and would lead to requiring employers and employees to possess formal qualifications or undergo training.

This proposal would involve a significant policy shift from the existing regulatory scheme, and as such would need to be supported by a thorough and extensive analysis of the impact on the market, on employers and employees, as well as business costing to assess the value of such an approach. I would indicate to the Assembly that I remain open to such an approach and will be working further with the code administration committee on these matters.

But for now it is important to put in place reforms that further strengthen the existing code of practice. The bill I am introducing today is therefore an important move towards ensuring more effective and efficient regulation of the motor vehicle repair industry and will deliver significant improvements for both industry and consumers. Government has committed to considering the expansion of the regulatory scheme but will not rush into amendments of such a significant nature without a further and full examination of the issues involved. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2009 (No 4)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.48): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2009 (No 4) is the 23rd bill in a series of legislation that concerns the Justice and Community Safety portfolio. This is the fourth portfolio bill I have introduced this year. The bill focuses on the final stages of the transition to the ACT Civil and Administrative Tribunal, the ACAT, and the transfer of trustee company regulation to the commonwealth.

The bill also includes an amendment to the Security Industry Act 2003 to ensure that people wanting to work in the security industry have access to information about workplace rights and responsibilities under ACT and commonwealth legislation. I would like to take this opportunity to reflect on the size and scope of the ACAT legislative drafting program.

The establishment of ACAT has been a major drafting and republication exercise for Parliamentary Counsel. I understand that the process required amendment to and republication of almost all of the legislation on the ACT statute books. The parliamentary counsel's office is to be commended for the exemplary job it has done on this very significant project.

The amendments contained in the bill I present today are substantive re-enactments of modifications contained in the ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009. The modifications contained in the regulation temporarily modified the operation of the law relating to the ACAT. The modifications will expire on 2 February 2010, 12 months after the ACAT commenced operation. The government is now seeking to make these minor modifications permanent through the bill that I am presenting today.

The amendments deal with a number of matters which have been raised during the transition to the new tribunal. An amendment to the ACT Civil and Administrative Tribunal Act 2008 includes a new section providing that ACT government agencies which do not pay a fee up-front for the commencement of proceedings in the ACAT shall pay the fee into the ACAT trust account.

Amendments to the Legal Profession Act 2006 reinsert a provision dealing with the naming of lawyers prior to the expiry of the appeal period for occupational discipline matters.

The Magistrates Court Act 1930 is amended to provide that, where a person represented another person in proceedings before the ACAT, that person may continue to represent the other person in any enforcement proceedings before the Magistrates Court.

Finally, the Utilities Act 2000 will be amended by inserting a provision dealing with ACAT into the annual licence fee determination provision.

In addition to the ACAT amendments contained in this bill, there are a range of amendments to effect the transfer of regulation of trustee companies to the commonwealth. Following a decision by COAG, the Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009 of the commonwealth will transfer the regulation of trustee companies from the states and territories to the commonwealth. It will insert a new chapter 5D into the Corporations Act 2001 of the commonwealth to effect this transfer.

The commonwealth changes will harmonise the regulation of trustee companies. This will reduce the regulatory burden on these companies while creating a national market for trustee services. The new chapter will also protect consumers by establishing a national consumer protection and disclosure regime under the Corporations Act and the Australian Securities and Investments Commission Act 2001 of the commonwealth.

The amendments will authorise certain corporations to operate as trustee companies and require them to hold an Australian financial services licence. They will deem

traditional trustee company services to be financial services for the purposes of the Corporations Act. They will provide that ASIC will regulate trustee companies in the provision of these traditional services. They will apply the consumer protection, licensing, conduct, disclosure, advice and dispute resolution provisions of the Corporations Act and the ASIC Act, as modified. They will regulate the fees that trustee companies may charge and how those fees are disclosed and they will prohibit a company that is not a trustee company from providing traditional trustee company services.

While the commonwealth changes will effectively displace existing ACT laws on trustee companies, amendments to the ACT laws to complement the changes are desirable. This JACS bill will effect a gradual repeal of most parts of the Trustee Companies Act 1947, consistent with the staggered commencement of the new commonwealth regime, to commence from 1 January 2010. The bill will also amend the definition of "trustee company", for the purposes of territory law, consistently with the definition in the new commonwealth scheme.

Finally, the bill will amend the Security Industry Act 2003 to expand the current suitability criteria and prerequisites for applicants for an employee licence to work in the security industry. This amendment will expand the current suitability criteria to require applicants for an employee licence to obtain information about their workplace rights and responsibilities as an employee working in the security industry. This information will be provided by employee representatives of a registered organisation under the commonwealth Fair Work Act 2009. Armed with this information, employees will be in a better position to know their legal rights, as they relate to their entitlements under the Fair Work Act 2009, and their rights and responsibilities under the ACT Work Safety Act 2008, thereby promoting greater productivity and economic growth in the security industry. Mr Speaker, I commend the bill to the Assembly.

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

Racing Amendment Bill 2009

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.55): I move:

> That this bill be agreed to in principle.

Today I introduce the Racing Amendment Bill 2009. This bill introduces a race field product scheme which will provide a new source of revenue for the ACT racing clubs. The legislative backing will allow the clubs to charge for their own race field information. It is estimated to provide around $1.5 million per annum in aggregate for the three clubs. The revenue generated by the scheme will belong to the clubs. It is not

a government fee. The purpose of the bill is to provide a legal framework for the clubs to charge a fee for the use of their race field information. The clubs have a product—namely, their race field information—but without the legal framework it would be impractical to collect fees for its use.

The scheme that the bill enables requires licensed Australian wagering operators to obtain approval to use ACT race field information. Those approved operators whose annual assessable turnover on all ACT racing exceeds $1.5 million will be liable to pay the charge. The scheme is consistent with similar schemes in other Australian jurisdictions. Wagering operators throughout Australia are currently paying fees to interstate racing bodies to bet on their racing.

This bill will give the ACT clubs a similar ability to obtain access to revenue from the national wagering turnover generated by their racing. The government has consulted with the ACT racing clubs in introducing this legislation and the clubs have supported its introduction. The bill makes it a requirement for licensed Australian wagering operators to apply for approval if they wish to use ACT race field information and for the Gambling and Racing Commission to consider the applications.

Conditions will apply to the approval to use race field information. The main condition is that a charge will be payable by approved operators whose assessable turnover exceeds a threshold of $1.5 million on all ACT racing in the approval year. As I mentioned before, the revenue generated by the charge will belong to the ACT's racing clubs. Regulations will prescribe other conditions of approval, such as requiring the wagering operator to advise pertinent changes and circumstances and any disciplinary action taken against the operator by a racing control body. While the threshold determines which operators are liable for the charge, the amendments provide for the charge itself to be calculated as a fixed percentage of the wagering operator's net revenue.

Each relevant racing controlling body will determine the rate that applies to its racing. Smaller operators, whose turnover on all ACT racing is less than $1.5 million, will not be required to pay the charge, but they will be required to be approved to use the information. The amount of revenue that would be generated by these operators is relatively minor. The bill will make it an offence to use race field information without approval, to fail to pay the race field information charge and to fail to comply with a condition of approval. Each offence carries a maximum penalty of 50 penalty units, imprisonment for six months or both.

It is not intended that this scheme place an undue administrative burden on wagering operators. Most, if not all, wagering operators who wish to wager on ACT races will have systems in place to pay the charges. This is because they will already have undertaken similar requirements imposed by other jurisdictions. The charge will become payable from 1 March 2010. This date will provide time to obtain applications from wagering operators, to consider their approval and to revise them accordingly. As I mentioned, this scheme is similar to those established in other jurisdictions where there is a charge for race field information.

In all states the scheme is enabled by legislation. However, unlike schemes in most of the other jurisdictions which are administered by the local racing control bodies, the

ACT scheme will be administered by the Gambling and Racing Commission on behalf of ACT racing clubs. The clubs have agreed to pay a fee for that work, and that fee will be established by a disallowable instrument.

The scheme is not without legal risk. There have been a number of legal challenges to similar schemes in other jurisdictions. For example, in August this year the Supreme Court of Victoria found that fees imposed by the Victorian thoroughbred and greyhound racing clubs on Tabcorp did not contain a legally certain liability. In response to this finding, Tasmania, although continuing with the requirement for approval, has deferred implementing the charge. There are currently two challenges to the New South Wales scheme. The reserve judgement for the challenges is not expected before February or March 2010.

The ACT bill has therefore been prepared, as much as possible, to avoid those elements that have attracted legal challenges. Elements that are already working well in the other jurisdictions, such as eligibility criteria, conditions of approval and administrative processes, have been adopted for the ACT scheme. It should be noted that if the ACT scheme is found to be void, it is likely that the schemes in those other jurisdictions will also be found void. I am advised that this outcome will place the ACT in a better position because more money flows out of the ACT in fees paid by ACTTAB to other racing bodies than will flow to the ACT racing industry from the charge.

Although there is a risk that this legislation could be challenged, we must move now. The racing industry is important to the territory. While the ACT is the odd one out, the industry will receive less revenue. While we have waited as long as possible to develop this legislation in light of legal challenges to legislation in other jurisdictions, we cannot wait any longer. To do so would severely disadvantage the ACT racing industry.

This reform is part of the government's plan to secure funding for the racing industry from the ACT budget. Currently, clubs receive funding equivalent to 4.5 per cent of ACTTAB's totaliser turnover on racing. With the changing nature of the betting industry, ACTTAB's turnover is facing increasing competition, which is threatening the ACT racing industry's funding.

It is clear that in the future a large proportion of funding for the ACT racing industry will need to be provided from the budget. The exact amount will be determined in the context of the 2010-11 budget and the outyears. Whatever the figure, the industry will not be worse off than they would be under the current scheme. The new arrangements will provide much more certainty for the racing clubs.

This bill facilitates implementation of an important revenue source for the ACT racing clubs and will assist them in continuing to deliver the services that the racing community expects. I commend the Racing Amendment Bill 2009 to the Assembly.

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

Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2)

MRS DUNNE (Ginninderra) (11.04): I move:

> That Subordinate Law SL2009-43, being the Dangerous Substances (Explosives) Amendment Regulation 2009 (No. 2), be disallowed.

Fireworks have been part of our way of life in Australia for generations. I can remember my own childhood wonder and amazement as my father set off catherine-wheels and skyrockets, lighting up the yard and the sky with a blaze of colour and sparkles, blending with those let off, almost simultaneously, by many others in the neighbourhood.

I can remember the community occasion that was cracker night. Family and friends would gather in the early day. A bonfire would be set up, the barbecue lit, the fireworks made ready for the fall of darkness and the subsequent display of colour. I can remember the kids in the street, and that tradition continued with my own family.

What pleasure I took as a parent to see the faces of my children in their awe and wonder and their squeals of delight as they had their own backyard cracker nights. How delightful it was to see their excitement and anticipation of the first skyrocket zooming into the night sky.

According to the results of the last telephone survey conducted by the government in August 2008, 56 per cent of Canberrans felt the same way. They too can remember the delights of those gatherings of family and friends. They too can remember the delight of children. They too can remember the once-a-year special occasion that cracker night was.

But it is clear that the Stanhope Labor government and the Greens do not remember those once-a-year special occasions. They do not remember or care about the delight of their children. They do not remember their own squeals of delight when they were kids themselves. They do not remember or care about the gatherings of family and friends, and they do not remember and care about what fun it was to have that once-a-year special occasion that was cracker night.

Instead, the Stanhope Labor government and the Greens have become fun police. It is especially poignant considering the Greens are standing in contravention of their stated policy at the last election. The Green-Labor alliance has said to the Canberra people that no more can there be squeals of delight of children in the family backyard. The Labor-Greens alliance has ignored the 56 per cent of Canberrans who agree that consumer fireworks should be able to be purchased and used in the ACT.

While at this stage I have painted a rosy picture of what cracker night is, it is true that there are differences in the community and it is true that there are problems. Indeed, the issue of fireworks has been a very difficult one for this community. It is important that we acknowledge the darker side of the fireworks debate.

There are those in our community who abuse the privilege that they are being offered to buy and use fireworks. There are those who let them off outside the regulated hours. There are those who seek to disrupt residents' rights to a quiet enjoyment of their urban amenity. There are those who scare people and animals.

There are claims, too, that people use fireworks to make explosives to blow up letterboxes and cause other property damage. Although most of us have from time to time in our childhood, seen, and perhaps even participated in, the blowing up of letterboxes—usually insubstantial ones in country towns—I am unconvinced that the fire power required to blow up an Australia Post letterbox can be obtained from a modern-day firework.

A huge number of fireworks would have to be dismantled and re-assembled to extract sufficient explosive for the purpose. I am more persuaded to the suggestion that either home-made explosives, easily manufactured from available recipes on the internet, or illegal fireworks are used for this purpose. The bottom line here is that the people who abuse their privileges are, by a long shot, in a minority and the government is simply not doing enough to enforce the regulations it has spent so much time and effort tightening.

I acknowledge the efforts the government has made over a long period to tighten up the regulations. The considerable number of documents that I obtained under the Freedom of Information Act—not, however, from the Department of Justice and Community Safety—clearly demonstrate that the government and the bureaucracy in particular have gone to great lengths to review and tighten the regulations.

There was even something of an exclusive group and mentality in the bureaucracy, which was highlighted in one email where the salutations started, "To my fellow firework suppressors." However, once again it is a case of a government that is incapable of backing up policy with the resources required to implement or manage that policy, or perhaps it is simply that the government does not have enough imagination and inventiveness in the formulation of its policy in the first place.

I also acknowledge the process of public consultation over a long period. Again, the FOI documents obtained indicate the extent of that consultation. My question, however, is whether this government has actually given any credence to the outcomes of that consultation. I suggest it has not. I suggest that this government has given credence to the side of the debate advocating a ban and has considered little on the other side of the debate.

The most telling piece of consultation is three telephone surveys that were conducted in October 2007, June 2008 and August 2008. The 2007 survey said that the community was equally divided on the question. By October 2008, 56 per cent of Canberrans agreed that fireworks should be available and 41 per cent disagreed with that notion. That is quite a difference and even if the remaining three per cent undecided were to join the disagree group, that would be a split of 64 to 44—still a substantial difference.

Other results that emerged from those surveys underline the general community's acceptance of consumer fireworks. In August 2008 41 per cent of those surveyed liked the spectacle of fireworks; 39 per cent thought that they were great for children and that they were fun and exciting. These figures were higher than the results from the October 2007 survey. In August 2008, 49 per cent were concerned about the impact of fireworks on animals, down from 51 per cent in 2007; 26 per cent thought that they could be unsafe, but only three per cent thought that they were not good for children.

In terms of misuse of fireworks, 22 per cent of people observed fireworks being used outside the regulation period in 2008, which was down from 28 per cent in 2007. Only 12 per cent experienced any animal welfare issues, down from 27 per cent in 2007 and 56 per cent of people in 2008 said that they had no issues with fireworks. In 2008 only two per cent of people raised issues about fireworks with the authorities, which was down from seven per cent in 2007.

There are other statistics too that in general point to a lower level of concern and a higher level of acceptance in the ACT community. This is borne out by the membership of the Facebook page called "Lift ACT ban on fireworks" established by anti-ban campaigner Clare Hogan. The lift-ACT-ban-on-fireworks page has more than 9,700 members. All of those members have joined in the last three months since the page was established, shortly after the ban took effect in August.

By contrast another Facebook page, which is called "Keep the ACT ban on fireworks" has managed to attract around 1,200 members. Even a protest from this group from Glebe Park to the Assembly advocating retention of the ban was reported in the *Canberra Times* on 15 November as attracting about 20 people and, as the *Canberra Times* put it, "their canine companions". Regardless of any opinion anyone in this chamber might have about the efficacy or credibility of Facebook, we cannot ignore the views of those moved to become members of Facebook pages: 9,700 or more wanting the ban lifted and 1,200 wanting it to remain.

This government has ignored those views. It has ignored the telephone survey results. It has ignored the general views of the community about the continuing availability of consumer fireworks. It has certainly ignored Facebook's following. Furthermore, this government has failed to consider the options of the continuing availability of consumer fireworks. It has failed to consider the regulatory arrangements in other jurisdictions, particularly the Northern Territory and Tasmania, where consumer fireworks continue to be available.

There is yet another aspect of this issue on which the Stanhope government has been silent. That is the question of people who visit Canberra simply because we have cracker night. I am aware, principally by anecdotal evidence, that there are people who travel to Canberra from interstate to be with their families on the Queen's Birthday weekend, primarily to participate in that special once-a-year occasion, the family cracker night. One mother at one of my children's schools recently told me how, since they have moved to Canberra, her parents travel from Queensland to spend the weekend with their children and their grandchildren simply because we have cracker night in Canberra and they do not have it in Queensland. This is not an isolated event.

The economic benefit to Canberra of cracker night tourism has not been measured and the government, as I have said, has been silent on the matter. I acknowledge the portfolio of documents that the former minister provided to members in July 2009 and I also acknowledge the briefing from the minister that I received not long afterwards. The portfolio contained a copy of a ministerial brief, or what purported to be a copy of a ministerial brief, 10 attachments, including the three telephone surveys, and a range of other documents seeking to give evidence for the proposal for a ban.

Apart from the telephone survey documents, which were buried at attachment 9, the overall assessment of the portfolio was that it was put forward to represent the minister's known biased view. Apart from the telephone survey results, there was little in it to demonstrate any public support for retention of the availability of fireworks. Indeed, there was little of any substance in the portfolio to support the then minister's stand on the subject.

In summary, the minister put forward a very unconvincing case for the ban. Indeed, the government's handling of this issue could be seen as the antithesis of its handling of the Griffith library fiasco. In that case the then minister refused consultation because he knew what the answer would be. In this case we have seen successive ministers engaging in an extensive consultation process costing the taxpayers thousands of dollars and then ignoring the results because the results did not give them the answer that they wanted.

I can say again and acknowledge that in the Canberra community there is some division in relation to consumer fireworks. It has been a difficult issue to resolve because whatever the answer, there have been from time to time up to half of the community that is not satisfied. But one important thing is to ensure that the whole community is satisfied that their elected representatives have given the issue their best shot. To date the community does not hold this view in relation to this decision. This once-a-year special occasion, cracker night—the enduring tradition of many generations, the smiling faces, the squeals of delight, the family gathering, the colour, the sparkle, the community-building—cannot be ignored.

It should not be shut down because of the behaviour of a few. It should not be shut down on the grounds of ideology. The fun police should not be allowed to shut down a longstanding tradition. This is why we have moved this motion to disallow the Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2) and it is why it should be supported by this house.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.18): Sometimes when you walk into this place you can be forgiven for thinking that you are in a parallel universe—particularly just then when listening to Mrs Dunne's speech. Perhaps it is appropriate that I start my speech with a quote from a former member of this place:

> There does come a time when we need to draw a line in the sand and say, "Enough is enough."

That was from Bill Stefaniak in his discussion over Mr Pratt's bill to ban fireworks. There were quite a number of contributions, including one from—

Mr Coe: Neither is here.

MS GALLAGHER: Well, we will just wait, Alistair; there is more to come. Mrs Dunne, let us just—

Mrs Dunne: And you voted against that bill, didn't you?

MS GALLAGHER: Yes, we did. And you can reflect on the debate and Mrs Dunne's quote:

> The quality of the debate in here in defence of the indefensible is very low—

that is, I presume, the defence of fireworks—

> It is time that the members of this place took a good hard look at themselves and, in accord with the overwhelming views of the community, supported Mr Pratt's legislation.

We have got some gems from Mr Smyth; we have got some gems from Mr Doszpot as well. We will come to those, I am sure, in the course of this debate.

As members are aware, the government will not be supporting this disallowance motion. The Dangerous Substances (Explosives) Amendment Regulation 2009 amends the Dangerous Substances (Explosives) Regulation 2004 to ban the use of fireworks by members of the public. The use of fireworks by the public on the Queen's Birthday weekend will no longer be permitted. Retailers will no longer be able to sell fireworks to the public.

I have had a long involvement in this, as Mrs Dunne has. I was the Minister for Industrial Relations back in 2002 when we implemented a tighter regulatory regime. I was there when we opposed Mr Pratt's bill, again in the belief that we could tighten regulations and deal with the community concern that was coming. For a couple of years, we did see some gains in community compliance around the consumer use of fireworks, but those have not been sustained.

Governments need to take decisions based on the evidence before them. That is why this government has taken the decision we have, to move in line with other jurisdictions and move to ban the use of consumer fireworks.

If we look around the country, we see that it was Western Australia that first introduced a ban on the use of consumer fireworks. This occurred in 1967. So 42 years ago the Western Australian government took the decision to ban consumer fireworks. They took this decision after increasing pressure from the medical fraternity and parents who were concerned about the number of injuries, particularly to children.

Five years after that, in 1972, the Queensland government brought forward a regulatory ban on the use of fireworks by members of the public. The reason the government took this action was the number of injuries occurring to people and

animals. The annual indiscriminate property damage caused by users of consumer fireworks also informed their decision that such items were not suitable for consumers.

Thirteen years after that, the Victorian government followed suit and implemented a ban on consumer fireworks. That was in 1985, 24 years ago. They announced that their ban was due to the untold injuries, death and distress caused by consumer fireworks. Now, as with other states, the use of fireworks is legal only under the control of a licensed pyrotechnician.

New South Wales joined the other states in 1987. They took their decision based on the extensive and serious injuries to people and animals, the death of animals, distress to animals and people and senseless property damage.

From that we can see that all of the issues that face this community have faced all of those other jurisdictions as well. They moved earlier than we have. Perhaps that is around our community's own fondness for and connection to cracker weekend. As someone who was born in the ACT, I have been attending cracker night since probably 1971. I have enjoyed it. Even as late as this year, my children and I enjoyed the use of consumer fireworks.

But the time has come. The situation is that we are seeing repeated complaints from the community, senseless property damage, distress to animals and distress to people. It is being caused by the minority of people, but there is not a legal framework that we can implement that will address the issues around the illegal use of consumer fireworks. We have tried. If you reflect on the *Hansard* and go back to all the debates, you will see just how much effort—Mrs Dunne acknowledged this in her speech—has gone into ensuring that the legislation, the regulatory regime around the legal use of consumer fireworks, addresses the issues of community concern. But it has not worked. Complaints are rising every year. For the past two years, complaints to the Office of Regulatory Services have increased.

Let me look at some of the issues over the last long weekend. Seventeen people presented themselves to accident and emergency with injuries related to fireworks. The ACT Ambulance Service attended one incident relating to a firework injury. The Fire Brigade received four call-outs that appeared to be firework related. These included one grassfire, two bonfires which were outside the regulations and a fire set in a drain. There were three dogs killed, four dogs injured and 53 dogs reported as lost during this past fireworks season.

These are the issues that the government has had to look at and see how we respond to that antisocial behaviour occurring within our community under the guise of the legal use of fireworks. No-one is saying that the issues are caused through people abiding by the legislation. It is about people who are using the protection of the legislation to purchase consumer fireworks and then engage in illegal activity.

All of us have read the stories of property damage that have become almost the standard newspaper stories for the weeks leading up to and after the June long weekend. The Queen's Birthday long weekend saw ACT police receive 86 reports of firework-related injuries. The most serious damage suspected to be related to

fireworks included damage to two vehicles, damage to a public toilet and damage to five mailboxes.

The reason the government has moved to ban the use of consumer fireworks is, as I said, to remove the ability for those who use fireworks illegally to disguise their illegal activities under the cover of what has been an authorised explosives celebration on the Queen's Birthday long weekend.

And every year we have to acknowledge other communities. Every time I went to workplace relations minister meetings—and it is probably the case for Minister Hargreaves—on every attendance there, other industrial relations ministers asked the ACT government to ban the use of consumer fireworks. It is not just an issue that is peculiar to our community. We know that every year interstate residents regularly make the pilgrimage to Canberra to stock up on consumer fireworks.

Certainly the former industrial relations minister has been lobbied. I know that the Hon Bob Debus wrote to members of the ACT government to urge us to consider the importance of public safety when continuing to allow the sale of consumer fireworks in the ACT. In his view, in the arguments he put forward, and in the view of his government, the risk of injury to individuals and animals from fireworks outweighs public support for the private use of such fireworks. Other than border patrols, there is no regime that can be implemented to prevent a person driving in from New South Wales to illegally acquire a substance prohibited in their home state and then take it back home to breach even more regulations.

As members will be aware, the banning of consumer fireworks is a contentious issue within the Canberra community. I think it is a fifty-fifty split. We can look at individual phone surveys that may shift around that, but all of the data that I have seen over a number of years has the community equally divided on this.

It was with some difficulty that the government reached its final position on this. As members of this place know, and I am sure it happened in every party room, there were individual perspectives on this and memories of enjoying cracker night. I have put my hand up to be one of those. I am sorry that next June I will not be able to have fireworks in my back garden with my kids—maybe a few sparklers—but as health minister I also spend the June long weekend sitting there listening to loud explosions, hoping that some kid has not got their hand blown off and hoping that some teenagers mucking around in the drains are not doing something that is going to impact on them and their friends in a very horrific way.

These are the issues that have been debated within internal party rooms within this place. At the end of the day, the government has reached a position where we believe that further regulatory reforms, even ramping up enforcement, will not address the issues that confront this community for the month leading up to June and the month after June.

In the two previous fireworks seasons we have seen more complaints received. There was some easing off of this in around 2003, 2004 and 2005. I think the complaints started to ease off then. But between the 2005 and the 2008 fireworks seasons, there has been a 300 per cent increase in complaints to the Office of Regulatory Services. In

addition, where Regulatory Services would normally receive one complaint of a fire being started by fireworks, the previous two seasons respectively saw 14 and 17 fires started that were suspected of being caused by fireworks.

Mrs Dunne spoke around the surveys and community consultation that were done over 2007-08. Again, earlier work that was done with community consultation did bring around further regulatory changes in relation to the use of consumer fireworks and the regime which regulates it, which I believe implemented the strictest controls in place on the sale and use of these products. However, at the end of the day, whilst you feed in community consultation and community feedback, there are other factors which governments and individuals need to consider when they are looking at a change like this. It is about issues around public safety, animal welfare and senseless property damage, and it is about when we draw the line. Do we wait till someone is seriously injured? Do we wait until presentations at the emergency department hit 50 before we start saying, "Well, this is no longer acceptable."? They are the issues the government considered and debated before we took the action that we have taken.

With respect to the Liberals' position on this, I am absolutely unclear about why they have backflipped on their position. I do not think that anything has changed from when Mr Pratt brought in legislation that sought to ban fireworks. We opposed it at that time. We opposed it because we felt there was more room to move in terms of the regulatory regime. We tightened up that regulatory regime. We did oppose the ban at that point in time.

Since 2003, the Liberals have had a position to ban fireworks. It has been regularly documented through Mr Pratt's releases and through quotes from Mr Stefaniak. There is a classic from Mr Smyth:

> Banning things is something we should avoid until we get to the stage where, because there has not been a response, it is the sensible and reasonable thing to do.

Mr Doszpot said:

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

That position has been held by the Liberals since 2003. The situation has got worse—more complaints, more property damage. The Liberals backflip and change their position. I just cannot see why they have done it, when they have taken such a strong view on this in the past. The situation has not improved under the regulatory regime.

When those things happened, the response from this government was to review the current situation, the issues in the community. Every June long weekend we go through a tortuous review of how many complaints were received, how many people attended A&E and what property damage was done. We go through this review every year. It is not getting better; it is getting worse. That is why the government has changed its position on fireworks. It is why we are seeking to ban them and why we will not be supporting the disallowance motion brought forward by Mrs Dunne.

In conclusion, I would like to acknowledge the work of a former Minister for Industrial Relations, John Hargreaves, on this. It has been a passion of his. He is not here to close the circle today, but I know that he will be listening in some way. I certainly support the work that he has done and will be not supporting this motion today.

MS BRESNAN (Brindabella) (11.33): The ACT Greens will not be supporting the disallowance motion by the Liberal Party. The Greens arrived at a position on the issue of the sale of consumer fireworks after much consideration. This included considering the results of the ACT government's consultation process which included an online survey which anyone in the general public could respond to, a telephone survey, community focus group discussions and interviews with the industry. We also looked at the views of key stakeholders, including the police and the RSPCA, and consulted with the membership of our party. We also received many representations from constituents, which I am sure all members here did, and the overwhelming majority were in favour of a ban on consumer fireworks.

We took the issue very seriously and recognised that it is an issue which people in the community are very passionate about, both for and against the ban. After going through this process, the Greens arrived at the position to support a ban on the sale of consumer fireworks.

I would like to briefly note some of the results from the quantitative surveys. On the question "To what extent do you agree or disagree that the Canberra public should be able to buy and use fireworks?" 15 per cent agreed strongly and 35 per cent agreed moderately, which accounts for 50 per cent, and 15 per cent disagreed moderately and 35 per cent disagreed strongly, again which accounts for 50 per cent. With the internet survey the results were somewhat different: 36 per cent agreed strongly, 10 per cent agreed moderately, which is 46 per cent, and four per cent disagreed moderately with 50 per cent disagreeing strongly, which is 54 per cent. So this almost equal split, with a slightly higher number in the internet survey disagreeing with the sale of fireworks, I think is representative of the feelings in the community. It is an issue which splits the community.

I also met with the person behind the establishment of the Facebook fireworks supporters group, which Mrs Dunne referred to, Clare Hogan. She acknowledged that the government consultation process was thorough and that the group also had access to the results from the survey. I do acknowledge and admire the determination behind their campaign. While a significant number of people have joined this group, it has not actually translated into direct action in terms of contact that has been made with members here or other organisations, at least in relation to correspondence which my office has received, which was about three emails from members of that group.

I note the issues the Facebook group has raised. However, I would point out that the many public firework displays will continue unhindered under the legislation, and there are provisions for registered community groups running activities such as Chinese new year. Again I would note that the vast majority of correspondence the Greens have received supported the ban. There have been strong representations from the RSPCA and other wildlife groups, but I do not think anyone could argue that

representations from the fireworks industry and lobby have been any less vocal or active than groups such as the RSPCA.

I would like to read some of the information from the RSPCA's response to the fireworks policy statement of February 2009 in relation to the impact on the RSPCA's workload of the fireworks weekend:

> With a threefold increase in workload on the weekend in question and increased workload following the weekend, resources simply cannot keep pace with demand. In 2008 demand on the Monday was so strong that our telephone system malfunctioned as a result of incoming calls.
>
> Additionally during this time RSPCA ACT resources are directed away from the proper care and assistance to people attending our centre for regular business interactions.

In relation to the number of dogs that end up at the RSPCA on the June weekend, the average number of adult dogs presenting to the RSPCA in each month is 86; in June the average increases to 106, representing a 23 per cent increase in workload.

I would also like to note another noticeable inconsistency in the Liberal Party's stance on fireworks, apart from the fact that, as we have already heard, they have consistently supported a ban over a number of periods of the Legislative Assembly. This is that they claim to be supporters of the RSPCA. Mr Seselja and other Liberal members even attended an RSPCA wildlife breakfast not so long ago where the fireworks ban was discussed and was recognised as a great achievement for the RSPCA and something which they were very pleased with and were encouraging members to still support. Yet the Liberals have moved this disallowance, which is directly against the policy and position of the RSPCA and ignores the evidence they have presented on many occasions.

As has already been noted on a number of occasions, the Liberal Party have been great and vocal supporters of a ban on consumer fireworks over a number of Assemblies. I refer to a speech by Mr Steve Pratt in 2004 when he stated:

> The amendments are straightforward: they ban the sale of consumer fireworks to the public all year round. This is another bid by the Liberal opposition to protect the community and their pets from disturbance and danger. Against the general concern of community safety and generally disruptive behaviour and property damage, complaints about fireworks top the list of concerns that I and my colleagues have received, and are continually receiving, over 2½ years.

I do not think this has changed at all. The question has to be asked: what has changed and why, after all this time when the Liberal Party have called for and tried themselves to pass a ban, are they now not supporting the ban? There is no rhyme or reason to their stance and, while I agree with statements made by Mrs Dunne that, yes, it is important to have the debate, what is the reason behind their sudden change in position? Did the Liberal Party go to their members and decision-making bodies and change their policy on banning fireworks? Was there fair and open debate on this?

I do acknowledge that political parties change their policies from time to time in order to react to changing circumstances. It is a realistic expectation and one that may be easy to score political points from. However, our concern is the immediacy with which they have changed their position. If their constituents and Liberal Party members had a change of heart and the Liberal Party democratically chose to change their position to embrace fireworks, in spite of the dangers and nuisances they create as Mr Pratt clearly stated and recognised, that is their prerogative. However, I suspect that this change of heart was not driven by the honest and open process we just outlined. I believe that this is yet another example of the kind of involuntary response that the Liberal members have in this place. Where rank popularism leads, the Liberal Party is bound to follow, and the principles laid out by Mr Pratt in 2004 fall by the wayside.

With the fireworks issue, we also need to consider the impact the sale of fireworks here has on other states, as we were the only state or territory that sold consumer fireworks and a significant number of these fireworks ended up being used in other states. There are many issues, including the sale and use of consumer fireworks, which cannot be considered in an ACT-only context.

I note in the information that was provided to the ACT Greens MLAs, and also, as Mrs Dunne noted, to the Liberal Party, that there are a number of letters from other members of parliament urging the ACT to review the sale of fireworks in the ACT. One particular comment from the Minister for Home Affairs, Bob Debus, echoes the other concerns raised:

> The ability for fireworks previously purchased in the ACT by private individuals to be transported into other states makes it exceptionally difficult to continue bans in those states.

In conclusion, I will refer to two comments from constituents in the last few days which were sent to Mrs Dunne and copied to other MLAs:

> We wish to express our disappointment at your plans to reintroduce Fireworks Sales in the ACT. The last few years have seen the disruption and destruction of property in our area. Particularly upsetting are the extremely loud fireworks that frighten animals and some people, including ourselves. We are not against controlled Fireworks displays, only the misuse of them by some members of the public over a period extending before and after the official weekend.

And a further comment:

> Fireworks not only disturb animals, they disturb humans' right to a quiet night's sleep. Every year we are kept awake for at least two weeks around the Queen's Birthday Weekend while huge fireworks are let off in our neighbourhood during all hours of the night. The police have more important things to do than try to catch offenders, who are always long gone by the time the police arrive. Also, there is the considerable damage done to property, both personal and public. Please—don't overturn the legislation.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (11.42): I would like to thank Mrs Dunne for referring us to the Facebook

site. It seems that the Facebook site "Lift ACT ban on fireworks" is her hallmark argument for lifting the ban on fireworks. So I will just read some extracts from this Facebook site:

> Ho Ho. Still got a few crackers to throw at the house of dogs.
>
> we need fireworks, what else would drunk people light then throw at each other
>
> HOW THE HELL AM I SUPPOSED TO BLOW UP LETTER BOXES WITH THIS SHITTY NEW LAW?!?!
>
> You do know if they keep the ban, fireworks are going to be coming in illegally and there going t be targeting the politians/people who brought this idea up.

Then it goes on to:

> I almost blew my hand off with fireworks while drunk the other night.

It is a very good Facebook site you have referred us to, Mrs Dunne. And then there is another one which is so badly peppered with bad language that I will not be able to quote it, but the intent is:

> What would u rater do fireworks or watch stupid flowers i think i know what i want to do … the flowers thats all is left for … that got no … life n the government needs to do something to get money in the act.

This is, indeed, the quality and the thinking around people and fireworks. So drunks want to blow their hands off, they want to blow letterboxes up and they want to indeed blow dogs up. So thank you, Mrs Dunne, for that Facebook site. There are more, and I might get to them, but I have limited time.

Much has been said about the government's decision to ban fireworks. Apart from the Facebook entries, so eloquently put, opinion pages have been full of hotly-worded letters. There have been fiery talkback radio debates. A pro-fireworks group has sprung up on the internet; thank you, Mrs Dunne. Animal protection groups and the government have had the mandatory "fun police" accusations hurled at them.

Ridiculous arguments have been submitted as reasons for the government continuing to allow people access to this form of explosives. When the issues of animal protection and welfare have been raised, I have heard a number of pro-fireworks people comparing the explosive discharge of a firework to that of naturally occurring phenomena such as thunderstorms. "Should the government ban thunderstorms in case animals get frightened?" was one such comment.

To be honest, I have never heard such nonsense arguments being put forward to defend those in our community who are unable to abide by the restrictions that are put in place regarding the sale and the use of consumer fireworks. The noise levels reached by both thunder and fireworks may appear similar in intensity and both noises may frighten and terrify animals. However, animals react to those two very different events with completely different behaviours. When subjected to a thunderstorm, the natural instinct for most dogs is to cower, tremble and try to find cover. When

subjected to the loud, random and percussive explosions which are produced by fireworks in close proximity, a dog's natural flight or fight response will kick in and they will usually try to flee from the sound.

As we are all aware, the last firework season in the ACT had the strongest controls in respect of buying and discharging fireworks. Only two four-hour windows were allowed for members of the public to discharge consumer fireworks. If ever there was an opportunity to prove that the public could be trusted to abide by regulations, it was this past season. The previous Minister for Industrial Relations had been quite open about his intentions to bring forward legislation that would ban consumer fireworks. The public were aware that this last Queen's Birthday long weekend may have been the last time consumer fireworks were available for sale in the ACT. As such, many people stringently abided by the strict regulatory regime that was in place. However, not all were able to discharge their fireworks within the legal period.

The breaching of the time restrictions on discharging consumer fireworks was directly responsible for the death of at least one dog. Some in this Assembly may have heard of the tragic story of the Cormie family and the loss of their much loved greyhound, Snozzie. For those of you who are unaware of this devastating loss, I would like to take this opportunity to relay their tale. At lunchtime on Sunday, 7 June 2009, the Cormies decided to take a trip in to Civic to have lunch and see a movie. They knew they wanted to be back at their house before 5 o'clock to ensure that their three dogs were safe, sound and protected from any distress before the nightly explosions commenced.

When they left the cinema and turned on their mobile phone, they were bombarded with messages from their neighbours. Their beloved dog Snozzie was severely injured with a badly broken leg. When the Cormies arrived home they were confronted with an unimaginable horror—hardly the sight that Mrs Dunne was expecting, with the glee in her eye. There was their big beautiful dog, with his front right leg severed and hanging by two strips of skin. The muscles and sinews had been sheared to the bone, leaving a large section of the bone exposed and his muscles bunched up to the top of his leg. Snozzie also had suffered enormous blood loss. The dog was not able to be touched without him howling in pain. When Snozzie saw his distressed owners, he tried to stand and walk to them.

The family knew that their only option was to have their beloved pet immediately euthanased. Eventually, they were able to get hold of a friend with a station wagon, who took the family and the dog so that the dog could be euthanased. The neighbours that assisted Snozzie in his great distress told the family that there were two very loud booming explosions that went off very close to their yard. It was shortly after these explosions that the neighbour heard the extreme distress and howling from Snozzie. In trying to flee the vicinity of the explosions, Snozzie had attempted to jump the fence. It was a galvanised, childproof fence. Unfortunately, there was a two-centimetre gap between the gate and the fence and it was this gap that ripped Snozzie's leg from his body. The family, who are caring pet owners, had taken all precautions to ensure that their animals would be protected.

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

MS BURCH: The Cormie family are very caring and responsible pet owners. They had taken all precautions to ensure that their animals would be protected during the prescribed times for discharging fireworks. They had all their dogs well secured in their backyard. They had timed their absence from their house so they would be back in time to care for their pets.

Snozzie was only one of four dogs that died this past fireworks night. Members are aware that the previous two Queen's Birthday long weekend celebration seasons were the worst recorded by the Office of Regulatory Services for complaints: more animals were reported lost, more animals were reported as injured and more animals were reported as being killed as a result of fireworks. However, the lost, killed or injured animal statistics are only those reported by animal lovers and pet owners. As such, those statistics can only ever be seen as the tip of the iceberg for injuries and deaths of pets and urban native wildlife as a result of fireworks.

I call for the Assembly to support this regulation.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.51): The interesting approach adopted by the opposition on this matter is one that can only be characterised as extraordinary hypocrisy or, if not hypocrisy, then simple populism. We have seen since 2003 a position from the Liberal Party that opposed the sale of shop-bought fireworks in the territory. They went to the last election with a policy of opposing the sale of shop-bought fireworks in the territory. Now, today, they are going to reverse six or seven years of a consistent policy position, but on what argument?

The bottom line is that they do not have an argument. They have got a Facebook site. That might say a lot about how the Liberal Party operates generally, because we know how enamoured they are of Facebook as a medium, even when it libels and denigrates other members of this place. But they have no other argument. The fig leaf that Mrs Dunne stands behind to protect her otherwise incredibly embarrassing completely exposed position is the argument of enforcement—if only there was better enforcement there would not be a need for that. Well, the challenge with enforcement, of course, is that unless you adopt the Steve Pratt doctrine of policing—that is, there is police officer stationed in front of every letterbox at every house in this city, 24 hours a day, seven days a week—you are not going to be in a position to effectively deal with breaches of the law.

What we have in these circumstances is a legal product—shop-bought fireworks—which are being abused, but they are freely and easily available. They were sold widely; it was easy to purchase them. But, unfortunately, it was just as easy to abuse them. Members should know, particularly those on the opposition benches, that if you want to prosecute somebody, you need to have sufficient evidence to do so. You need a strong evidentiary base to prosecute in these circumstances. You need, basically, to catch people in the act, and it is not just the neighbour catching a person in the act; it needs to be someone who is able to mount the charge and present it to the court, and there needs to be sufficient documentary evidence to back it up.

That is an incredibly difficult threshold to meet in the context of people operating in public places, usually at night, and who do not tend to hang around after they have let the fireworks off. So, in those circumstances, the ability to enforce and take action against those who do the wrong thing is incredibly difficult. But that is not to say the government and its agencies did not attempt to do so. We placed additional patrols of police focused on this issue and there were additional call-taking staff through police operations to receive the many hundreds of calls or complaints that were regularly received from members of the public. We made sure that our fire brigade services were able to respond promptly with particular emphasis on these issues, and we put additional regulatory inspectors, civilian inspectors, on call and on duty at appropriate times to assist with the regulatory arrangements.

So to suggest that there has not been sufficient enforcement is simply the fig leaf that it has to be for the Liberal Party in this debate, because without that fig leaf they have nothing in terms of why their position has changed, except, of course, the quick, political populism that they think they may be able to get by opposing this unfortunate but necessary move. Of course, this populism comes on the back of some very strong language from members of the Liberal Party.

Indeed, the former leader of the Liberal Party, Mr Stefaniak, said back in November 2007 that since 2003 it has been the position of the ACT Liberal Party to ban the purchase of fireworks by members of the public. He said that with such a potentially dangerous product, it is important that regulations are in place to stop as far as is practicable irresponsible and reckless use. That is the position of the Liberal Party from one of their former leaders. He went on to say that there does come a time when we need to draw a line in the sand and say enough is enough.

Of course, then there was Mr Pratt, who indicated that it was absolutely essential to ban fireworks. Indeed, he presented a bill to this effect. He said in August 2003:

> A barrage of complaints from the community has fallen upon successive governments regarding the disruption to the community and the acts of vandalism caused by fireworks.

Mr Smyth said:

> The sensible and reasonable thing for all members to do today would be to support this bill.

That is reference to the bill to ban fireworks. I think Mrs Dunne's quote is the best one, though. She said in that same debate in reference to this government:

> Their track record on this is one of flip-flopping around and backflipping … The quality of the debate in here in defence of the indefensible is very low. It is time that the members of this place took a good hard look at themselves and, in accord with the overwhelming views of the community, supported Mr Pratt's legislation.

Out of their own mouths. So what has changed? What has changed in relation to the Liberal Party's position? They have no defence for this extraordinary backflip. They

have no defence whatsoever. What about Mr Doszpot going to his electors in Tuggeranong only last year and saying, "I stand strong with the policy of the Canberra Liberals on this issue that the retail sale of shop-bought fireworks should be banned in the ACT"? They went to the last election with a policy of banning shop-bought fireworks in the territory.

It has always been Labor's position, in contrast, to make sure that the response responds to the circumstances most effectively. That is why, over time, we have increasingly restricted and further controlled the use of shop-bought fireworks in response to the concerns of a large number of people in our community. But we have reached the conclusion that further regulation is not going to achieve any further improvement in public and community safety and amenity, and there is only one option available to the government now—that is, to ban the sale of shop-bought good fireworks.

It is something that personally I am disappointed about as well, as my colleagues are. I have young children; they enjoy fireworks. They will not have that opportunity in the territory in terms of shop-bought fireworks. But I recognise that there is a broader public interest. That interest needs to be had regard to, and issues around community safety and amenity are important for tens of thousands of Canberrans, and those views are also important.

So that is why the government have taken the action they have. It is a reasonable and consistent evolution of the approach we have adopted ever since we were first elected to government. In contrast, we have the embarrassment of the Liberal Party, after years and years of consistent opposition to the sale of shop-bought fireworks, now hiding behind this puny and diminishing fig leaf of a defence about why they should change their position six months after they went to an election saying that shop-bought fireworks should be banned.

MR COE (Ginninderra) (12.01): I, like so many other Canberrans, have very fond memories of spending time with family and friends congregated on the Queen's Birthday long weekend to enjoy cracker nights. For a place that really only grew to a city of critical size in the 1950s and 1960s, the place has a very distinct culture and proud heritage. Whilst the city cops more than its fair share of criticism, those of us that have been here for a while love the city and all that it has to offer. I think the acceptance and recreational use of fireworks has been one of the defining components of perception of the ACT interstate. Let us not deny that Canberra is said to be a boring and stale place by the city's critics. However, the fireworks helped rebuff that perception. Firstly, I do not agree with the critics of Canberra, and nor do I think they necessarily deserve a response. But the fact is that Canberra is synonymous with fireworks, and this banning is a shame and a turning point for Canberra.

I believe governments tinkering with culture is a very risky business. It is my opinion that the hasty ban imposed by the government is doing just that. We in this place should be cautious about orchestrating such changes to the culture of Canberra without going through due process. I know there are some that will refute this argument and say that fireworks are a very small part of our culture. The debate about culture will always be had, and culture can be different things to different people. But

the fact is that there are many people that very closely link living in this city with memories of fireworks.

As has been reported in the *Canberra Times*, I use new media extensively, and I see great merits in that form of communication. On this, I would like to commend Clare Hogan and the others that have constructively put their views forward on Facebook. The "lift the ACT ban on fireworks" group has 9,726 members as of 10 am today and is a great reflection of what I believe is a strong groundswell of support in favour of the responsible use of fireworks.

My colleague Mrs Dunne has already spoken about the consultation in the form of telephone surveys undertaken in 2007 and last year. As of August last year, 56 per cent of Canberrans agreed that they should be able to buy and use fireworks. It makes you wonder why the government undertook this survey. If it was to gauge community views, has the message not been sent? What is the point of doing such surveys if the results have no impact on the subsequent decisions?

I am the first to admit that there are problems with the irresponsible use of fireworks. There are also problems with the irresponsible use of other legal products, such as cars, motorbikes, knives, scissors, cricket bats, baseball bats, hockey sticks, spades, axes, and the list goes on and on. Some will say that fireworks are different because, even if they are used responsibly, they are troublesome. However, there are many activities, products, events and venues, which we tolerate that have consequences beyond our back fences. I am sure everyone in this place either has a dog or has a neighbour who has a dog that barks every now and again, which is audible beyond their backyard. I am sure we have all heard loud voices, laughing, music, lawn mowers, whipper snippers and more coming from a neighbour's house. We accept these things, because that is what living in a city is all about. It is what living in a suburb is all about.

We have products that, even when used responsibly—that is, as they are intended—cause problems. Cigarettes are one such product, yet where are the Greens and the ALP when it comes to banning that product? I am not for one minute implying we should be banning cigarettes. I am simply highlighting the inconsistency in their argument. We accept there is a road or a path to better regulation on the issue of cigarettes. Why do we not accept that there is a path or continuum for better regulation of fireworks?

We in this Assembly must move away from overlegislating and overreaching into the lives of our constituents. We are not here to run the lives of those whom we represent. I will not stand here and say there are no problems with the use of fireworks in Canberra. However, I do believe we have not given the safe and responsible use of fireworks a fair go. As someone who is opposed to excessive government, including over-regulating, it amazes me when laws are passed or regulations put in place that are not enforced. What is the point of such actions? Is it simply to threaten people?

I do not think that the ACT government properly enforced our laws regarding fireworks and, because of this, irresponsible use was allowed. Imagine if we did not enforce road rules. I think we would get more irresponsible behaviour than we get now. Most people acknowledge this and thus support the reasonable enforcement of

road rules. Why was not the same approach given to fireworks? Could it be that some of those opposite almost wanted the system to fail?

There are other parts of the world where cracker nights still exist: parts of the United Kingdom, New Zealand, Canada, South Africa and the Caribbean and, of course, the fireworks capital of the world, China. I never thought I would say this, but proponents of fireworks might have to seek refuge in the People's Republic of China. Of course, there are many other issues in China to contend with.

Even the Chief Minister on 27 August 2009 said in the *Canberra Times:*

> I regret the decision. I think of decisions I've made in Government it's one of the decisions that I have significant regret around. I always enjoyed fireworks, cracker night, I loved it as a child. My children loved it, and it's a matter of regret that there are generations of children now that will never have that same experience or that same joy, and I regret that.

Chief Minister, I share your concerns. As the youngest person in this Assembly, I can say that, of the people of Canberra I know of a similar age, many also regret the decision taken by your government.

I think there are many other options for the safe and responsible use of fireworks that could be explored. Firstly, I would support a system which cracked down on illegal use. As I have already discussed, fireworks, like many products, if used irresponsibly, can be dangerous. People that do this should be punished. Why do we not look at alternative options like on-the-spot fines? The current suite of options open to enforcement officers does not include this tool. I believe it would help in obvious cases of abuse of the laws and serve as a deterrent. As Mrs Dunne has said, given that not one person has been prosecuted for using fireworks outside of regulated times, it shows the system is not working well.

Mrs Dunne has also flagged the possibility of limiting the fireworks weekend to just one night rather than two. This is something which should be on the table for consultation. What about nominations for parts of Canberra where people can congregate and let off fireworks or watch others let off fireworks? The event could even be facilitated by service clubs or other community organisations. There are many options which should be on the table but sadly are not.

Only the Canberra Liberals are committed to genuine consultation and genuine representative and responsible government. I think this is a sad day for Canberra. Some may think I am being melodramatic, but for many in our community, fireworks are more than colourful lights in the sky; they represent families, friends and communities coming together and enjoying each other's company. Whilst it seems to be a done deal, I urge Labor and the Greens to rethink their approach to this issue.

MRS DUNNE (Ginninderra) (12.09), in reply: I thank members for their participation. I am not surprised but I am disappointed that this motion will go down. What we are doing here is acknowledging that the people of Canberra are not satisfied that the government or this Assembly have done their best to explore all the options in relation to shopgoods fireworks. The people of Canberra are not satisfied that this government and this Assembly have considered any kind of reasonable compromise that can be

reached—a compromise that, on the one hand, will respect the concerns about peace and quiet and safety of people, property and animals and, on the other hand, will keep the tradition of cracker night alive.

There is no doubt that this has been a tough issue for a long time. Members in this place today have dwelt upon the debate in 2003 in which my former Liberal colleague Mr Pratt called for a ban on fireworks. The Liberal proposal at that time was in response to the report of the former Standing Committee on Legal Affairs which, in 2002, recommended a rewrite of the laws relating to the use of fireworks.

More importantly, though, Mr Pratt's proposal responded to community views at the time. No doubt those community views reflected and perhaps were the result of the inadequacy of the regulatory framework at that time. But this Stanhope government did not support that ban. Indeed, during the debate, government members went to great lengths to say that they wanted consumer fireworks to continue to be publicly available. Even Mr Hargreaves spoke in that debate and, in that debate, while he declared his commitment to a ban, he failed to translate that commitment into action and he voted with the government to put down Mr Pratt's bill.

A lot has changed since 2003. Since then the regulations have been tightened and strengthened while continuing to make consumer fireworks available to the public. We need to reflect on what has actually changed. The minister said that back in the 60s the WA government did away with consumer fireworks because they were dangerous, and in the 1960s they were. They did blow up letterboxes—I have seen kids do it—because we had big bangers and things like that. These sorts of fireworks no longer exist and are not available. The amount of explosive material in fireworks today is a small proportion of what it was in the 1960s. Many of the arguments about safety issues have been addressed by this government over time.

Today, we have much tighter regulations, and that is why we are now seeing an increasing majority of people agreeing that the sale and use of consumer fireworks in the ACT should continue. How have the government responded to that? They have really pulled down the shutters and their approach is to ban it altogether. They have not listened to the public consultation; they have ignored the majority and they have not considered the options that could be put forward.

Has the government considered a program of on-the-spot fines that could be given to people who illegally use fireworks outside the framework? It has not. The minister said in her speech that "there is no legal framework that would work" and that "we have tried". The government has not tried the notion of on-the-spot fines. Not one person has been prosecuted for using fireworks outside the regulated times. Officers do not have the power to issue on-the-spot fines.

Has the government considered going back to the use of consumer fireworks on one night? It has not. That is clearly shown by the FOI documents that I have received. This would limit the disruption. Has the government considered looking at having designated cracker areas like parks or ovals? It clearly has not. The documents show that quite clearly. This notion, which has been put forward by members of the community, would create community meeting places where people could come together and enjoy cracker night. They may not even let off crackers themselves but

they would have the opportunity to watch other people do so. Has the government looked at only allowing retailers to sell fireworks at those designated community venues? It has not. This approach would increase community involvement and have less impact on the surrounding areas.

The Canberra Liberals believe there are practical solutions that have not been tested and that could lead to the reinstatement of this fun family and community event. Clearly, the government is not interested in pursuing and finding solutions. Clearly, it is not interested in serving the community. Clearly, it is interested in trying to de-emphasise its backflip today, but it is clear that there is not one person in this Assembly who has previously made a public statement in relation to shopgoods fireworks who does not now have a different opinion. Let us just suck it all in. Most people have changed their views on this, as, too, have the communities as regulations have changed and as there is better compliance with the regulations.

In concert with the Greens, the government are taking the easy way out. They have decided that it is too hard. It is not too hard, although the Stanhope government think so. It is complex, but in this place we have a duty to the people of Canberra to tackle complex issues with energy and take the community with us. We have a duty to pursue this to the very end. The end has not been reached and it is clear that the people of Canberra do not agree with what is happening today. I commend the motion to the Assembly.

Question put:

> That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mr Coe	Mr Barr	Ms Hunter
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Ms Porter
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Seselja	Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent Assembly business having precedence over Executive business and continuing until consideration of Assembly business, Notice No 2, has been completed.

Campaign Finance Reform—Select Committee
Appointment

MR SESELJA (Molonglo—Leader of the Opposition) (12.20): I move:

That:

(1) a Select Committee on Campaign Finance Reform be established to examine campaign financing in the ACT, including:

(a) regulation of:

(i) donation size;

(ii) political party campaign expenditure; and

(iii) third party campaign expenditure;

(b) disclosure laws;

(c) public funding;

(d) regulation of:

(i) personal candidate funding; and

(ii) corporate and union donations; and

(e) any other relevant matter;

(2) the committee shall report back to the Assembly by the last sitting day in April 2010; and

(3) the committee shall be composed of:

(a) one member nominated by the Government;

(b) one member nominated by the Crossbench; and

(c) one member nominated by the Opposition;

to be notified to the Speaker within 24 hours of this resolution being passed.

I rise to present a very important motion that affects every aspect of our democracy in the ACT, and I urge all parties to support this motion on the issue of campaign finance reform. In comments I have made in bringing forward this reform, I noted the importance of seeing campaign finance reform debated and analysed before a committee process. This is an important debate that must be had to defend a fundamental aspect of our governmental system: that democracy should not be up for sale; that democracy is a measure of your ideas and ideals, not a measure of your bank balance.

This is a debate that is currently being had around the country. The federal and New South Wales governments are currently debating this very topic. Even Labor in other jurisdictions, across states and at the federal level, realise the importance of this reform and realise that the time has come to have this discussion.

First, I would like to put forward the case for why reform is necessary. I believe there to be both substantial and compelling indications that reform is required across all levels of Australian government, from local and state levels to the entire federal system. As I indicated, I am not alone in this view. The federal Labor Party is in the process right now of investigating campaign finance reform. One paper, from which I will be suggesting that the committee take some guidance, has already been published. Another paper is open for submissions, even as we take our own steps in our parliament here today.

It is a call for reform that is not limited to one party or to one parliament. Both Kevin Rudd and Malcolm Turnbull have called for reform at a federal level. Both Nathan Rees and Barry O'Farrell have called for reform in our biggest state and closest neighbour, New South Wales. We cannot be isolated as an island of outdated thinking and ossified policy. We must accept that reform is required now, just as it has been required in the past.

One of the interesting things I discovered when researching this topic, and of particular interest to those who seek to deny or decry the need for change, is that reviewing campaign finance when its political influence outweighs the public benefit is not a new concept at all. Throughout history, those who have sought justice in democracy have also fought for equality, transparency and responsibility in financing the campaigns of those seeking to control the highest offices in power. Those high offices demand that the high democratic principles upon which our system of government is based are not corrupted by turning success in government into a competition for cash.

This issue is canvassed in some detail in the electoral reform green paper *Donations, funding and expenditure* of December 2008, published by the federal government. It notes that the Commonwealth Electoral Act 1902 contained a limit on candidates' electoral expenses of £250 for a Senate candidate and £100 for a House of Representatives candidate and required candidates to lodge returns detailing their expenses. It goes on to say:

> The *Commonwealth Electoral Act 1918* added a requirement for newspaper proprietors, and for *'every trade union … organisation, association, league or body of persons'* incurring expenses on behalf of, or in the interests of, any candidate or political party, to lodge returns detailing their expenses.

The issue was revisited again in the Commonwealth Electoral Act 1946, increasing the caps on electoral expenses to £500 for a Senate candidate and £250 for the House of Representatives. In 1966, it was revised again to $1,000 for a Senate candidate and $500 for a House of Reps candidate. The point the paper makes is that campaign financing is an issue this democracy has had to deal with throughout its entire history. It is not just about now, and it is not just about the ACT.

Another lesson to be learned from history is that maintaining regulations on the influence of finance requires constant vigilance, continuing monitoring, an open mind and a willing intellect to accept the truth of its requirement and the need for its review.

Across the country, we see that the time for such a review is now upon us. We see it from those from all walks of life engaged in the pursuit of parliamentary equity: politicians from all sides, commentators in the media, academics and researchers—all are calling for change.

From the federal parliamentary level, we see the green papers being prepared by the Labor government, that I have just referred to, which offer a detailed look at reform from a federal Labor perspective. Yet we also have calls from the Liberal opposition matching those calls. In an article titled "Campaign finance needs reform" on 3 August 2009, Tony Bartlett reports:

> Federal Opposition Leader Malcolm Turnbull says national reform of campaign finance is needed at every level of government.

At state levels, Labor Premier Nathan Rees was reported on 5 March this year by the ABC as saying he wants to be a campaign informed "cheerleader"—and that was at a time when the New South Wales Premier had three of his own members facing questions about their campaign donations. Mr Rees did not defend the system or deny the problem—he called for reform. On 17 August this year, the Liberal Leader of the Opposition, Barry O'Farrell, issued his own statement calling for reform, saying:

> Raising standards is long overdue in NSW. By restoring confidence in decision-making, campaign finance reform would put the public back at the centre of government.

He added his own view on a way forward:

> Imposing caps and restricting the source of donations will help allay community concerns about a "decisions for donations" culture. Similar reforms have been successfully implemented in countries such as New Zealand, Canada and Britain, which have comparable democratic institutions and histories.

They are precisely the issues that today we are asking this Assembly to consider via the committee system.

The chorus of support continues into academia. Graeme Orr submitted a peer-reviewed academic paper to the *University of New South Wales Law Journal* titled *The currency of democracy: campaign finance law in Australia* in 2003. In it, he detailed several proposals for reform, catalogued many sources of concern and highlighted some of the issues in implementing regulations around those issues. Importantly, at this initial stage in our own discussions, he noted:

> The differential receipt of public subsidies can distort a competitive environment—in this case, the electoral playing field. And, if the nature of political competition is affected, the tenor of political debate can also be affected.

Dr Orr went on to say:

> Of gravest concern is the perception of the sale of governmental favours …

And he noted the danger that:

> … if the sale of political favours is assimilated as an acceptable part of the 'commerce' of parties, then politics risks collapsing into a business, not a public service.

In a paper submitted to *Australian Review of Public Affairs* in September 2007, Carmen Lawrence wrote an extensive piece titled "Election 2007: campaign finance reform". Ms Lawrence provides a very frank overview of the situation. She says:

> What we have not achieved is a more equal distribution of the power to influence government decisions between elections; we cannot claim that all citizens enjoy an equal opportunity to participate in the political processes and decisions which affect their wellbeing and status.
>
> Nor are all candidates and parties equally able to present their credentials and policies to the electorate, and some of this inequality derives from the way we fund political parties and election campaigns.

Ms Lawrence further notes:

> Well-funded lobbying and campaign donations do more than reduce electoral competition; they also strip average voters of equality at the ballot box … Apart from the political inequality inherent in the system, the possibilities for corruption and influence peddling are real.

Ms Lawrence says much more, but her voice is only one amongst a host that raise concerns.

From my own personal perspective, I was disturbed on a trip to the United States where I was given a pointed insight into where unfettered funding arrangements can lead. I was told that there a candidate's primary function was fund raising—not policy, not representation, but money. I was told it was a requirement that all candidates must raise a set figure for the campaign coffers, amounting to tens of thousands of dollars each and every week. I do not want the Australian system to end up in that place. I do not want a system that is an arms race that escalates at every election cycle. There is ample evidence that this is precisely where we are headed, and it is up to us to head it off.

It is important to recognise what the motion I have put forward today, the resultant committee and, we hope, eventual legislative reform are about, and what they are not about. Firstly, they are not about attacking a single side of politics or a group or a campaign financing model. I am well aware of the sniggers and jeers from those who wish to protect their vested interests, but this is simply not borne out by the overwhelming support for the concept that I have just outlined. As we have seen from just some of the sources I have cited today, it is not about Labor or Liberal or small or large jurisdictions. The debate currently going on around the country is not about the ACT or about our local issues specifically.

This motion is simply a recognition that reform is needed and a calling cry to those with the ability and will to amend the current system. The areas that will be investigated include donation size, party expenditure, third party expenditure, disclosure laws, public funding, and regulation of corporate and external donations. The committee would also look at the use of government resources for electoral purposes, such as using government facilities for creating party political advertising during election campaigns.

None of these issues are beyond the contemplation that some reform may be necessary. None are issues isolated to the ACT. None deserve hysterics or histrionics. The community has a right to expect that all political parties in the ACT will join in this discussion. It remains only to see whether all parties in this place are willing to be part of that nationwide discussion or be left behind to fight against a tide that is surely changing.

Our system of democracy is designed to give an equal voice to all members in society. As we have seen time and time again, from all levels of our society, that equality is being eroded. It can only be reformed if those of us in positions of power stop clinging to our positions through the pursuit of pecuniary superiority and the means with which to spend. It is needed to ensure that the democratic process remains, in fact, what it was intended to be—that is, a system of government that is open to all comers, that is free from influence from outside parties with ulterior motives, and that is an informed and open expression of the will of the people, not a flexing of fiscal muscle.

I am a passionate believer in the need for this reform. It speaks deeply to me as a person, a citizen and a parliamentarian. It has bipartisan political support around the country, academic support and ethical support. I commend the motion to the Assembly.

Sitting suspended from 12.31 to 2 pm.

Private members business notice No 3
Supplementary questions
Statement by Speaker

MR SPEAKER: Before I call the Leader of the Opposition, I would like to make a couple of brief comments.

Yesterday, the Assembly debated a motion by Ms Bresnan concerning the proposed purchase of the Calvary hospital. During debate on that motion, Mr Hanson moved an amendment that was identical to notice No 3 on today's notice paper. Mr Hanson's amendment was negatived.

I have spoken before in this place about standing order 136. As the notice is the same in substance as the amendment that was negatived, and as outlined on page 138 of the *Companion to the Standing Orders for the Legislative Assembly* that such notices have previously been removed from the notice paper, I accordingly direct that the notice in Mr Hanson's name be removed from the notice paper.

On one other matter, relating to question time, yesterday the Chief Minister raised a point of order concerning my ruling that a supplementary question was out of order. I originally thought Mr Stanhope's point of order was as to whether a question ruled out of order was taken into consideration by me when allocating the call for supplementaries. It seems that I misunderstood the Chief Minister's question. Following a further conversation, I wish to point out that if a supplementary question is ruled out of order, it does not mean that an extra supplementary question can be asked. In other words, only three supplementaries can be asked after the original question is asked, regardless of whether a question is ruled out of order. I am sorry, Chief Minister, for misunderstanding your question yesterday but I was corrected later in the day.

Mr Stanhope: Thank you, Mr Speaker.

MR SPEAKER: I hope that clarifies both of those matters for members.

Questions without notice

ACT Gambling and Racing Commission—inquiry

MR SESELJA: My question is to the Minister for Gaming and Racing and concerns the Gambling and Racing Commission inquiry into potential breaches of the gambling and racing act by the ACT Labor Club. Minister, yesterday during the debate on the EPIC board the Treasurer said:

> 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 authority, or of our authorities.

Minister, given the government's position as stated by the Treasurer, is there a conflict of interest in having a public servant, the CEO of the Gambling and Racing Commission, investigating an entity that is controlled and/or influenced by members of the government and their staff?

MR BARR: No.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, where is the inquiry up to, have you been briefed and when do you expect to receive the report?

MR BARR: The inquiry is a matter for the Gambling and Racing Commission. I met with the commission yesterday to have an initial briefing, having taken responsibility for the portfolio. I did ask on progress and was advised that the inquiry was not complete and would be unlikely to be complete this calendar year.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, will you guarantee that you and any member of your staff have no conflict of interest in the conduct of this inquiry?

MR BARR: Yes, Mr Speaker.

MR SPEAKER: Mr Smyth, a further supplementary?

MR SMYTH: Yes, a supplementary, Mr Speaker. Minister, will you guarantee that you will allow the board to continue to be independent?

MR BARR: Yes, Mr Speaker.

Water—supply options

MS HUNTER: My question is to the Minister for Environment, Climate Change and Water, and it relates to information that informed the government's decision to proceed with the Cotter Dam project at a cost of $363 million. Minister, can you explain why economic analysis undertaken by the Centre for Independent Economics in August of 2009 on the net economic benefit of new water supply options did not compare the Cotter Dam project directly with the Tantangara transfer option but, rather, included the Cotter project in three out of four scenarios modelled?

MR CORBELL: That modelling was not commissioned by the government; it was commissioned by Actew Corporation. I will have to seek advice from Actew as to what the parameters were for the commissioning of that work.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Thank you. Minister, given that the net economic benefits for Angle Crossing and Tantangara appear larger than those for the Cotter Dam under the 2070 climate scenario, are you concerned that there was no analysis provided of a combined Angle Crossing-Tantangara transfer option?

MR CORBELL: Again, the parameters for that work were undertaken by Actew. They commissioned the report and they would have set the parameters for that work. So I would again indicate that I would seek advice from Actew as to the reasoning for that. I understand that document has been provided to all members of the Assembly already.

In relation to the comparison of relative projects, it is important to remember that the water transfer from Angle Crossing to Googong with water being purchased from Tantangara is not sufficient in and of itself to deliver the water security we need for this city. Tantangara and Cotter are both needed to provide us with the level of water security that the community is looking for. So it is important that any analysis give consideration to that. In relation to the specific question Ms Hunter is asking, I will seek some further advice from Actew and provide an answer to the member.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, have you seen analysis that provides direct comparisons of the net economic benefit of each of the water security projects individually?

MR CORBELL: Yes. The government is provided with a range of analyses at different points about the net economic benefit of all these projects.

MS LE COUTEUR: I have a supplementary supplementary. What other information was the government provided with, in addition to the final cost of the project, which assisted you to make the decision to proceed with the extended Cotter Dam project as the most effective option for securing Canberra's water supply?

MR CORBELL: I am interested in the line of questioning, Mr Speaker. It seems to suggest that the Greens do not believe that Cotter Dam is a cost-effective project, and perhaps they do not support it. That would seem to be the underlying assumption of the question.

The Cotter Dam is an important project for Canberra. The government supports it. We believe that it is important and we believe that the community wants to see that project go ahead to provide the water security that our city needs.

In relation to the specific analyses that have underpinned the government's decision making around which project should proceed, all that information is available. It has been made available in response to the request that the Assembly made through the resolution of the Assembly in the last month or so—it has since been provided by Actew. In a range of reports that have been tabled over the last three to four years, the government itself has indicated its views on the comparative benefits of different water security projects. All of that material is already on the public record.

Consolidated annual financial report

MR SMYTH: My question is to the Treasurer. Treasurer, the consolidated annual financial report that you tabled last week shows that total employee expenses for the general government sector increased by 9.6 per cent or $103 million between the financial year 2007-08 and the financial year 2008-09. Treasurer, how much of the increase is attributable to increasing staff numbers and how much is attributable to wage increases?

MS GALLAGHER: The wage increases contained in the certified agreement are roughly in the order of around three per cent per annum. There have been some staff increases for the territory, and they have been outlined clearly in the budget papers that Mr Smyth would have. I think there have also been in the consolidated financial reports some technical adjustments as well around employee liabilities, and I am happy to report back to the Assembly on the exact nature of those.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Yes. Thank you, Mr Speaker. Treasurer, in cash terms, payment for employees increased by $43 million from the 2008-09 budget estimate to the 2008-09 actual. How much of the increase is attributable to increased staffing numbers and how much is attributable to wage increases?

MS GALLAGHER: I will take that on notice.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Treasurer, what average staff level did the government budget for in 2008-09, and what was the actual average staffing level for the government in 2008-09?

MS GALLAGHER: I think the figures that we budgeted for in terms of staffing numbers are contained in the budget papers. This is something that the government keeps a very close eye on in terms of staffing growth. Some of the decisions we took in 2006 about ensuring that our budget is sustainable were around containing our staffing costs. However, members will note from many of the budget initiatives that have been put in place, particularly in health and in education, that there have been increases in the ACT public service. This has been known to the government. They have been decisions that we have gone into with our eyes open, and it is something that the government keeps a very close eye on in terms of any unexpected growth in staffing numbers. This is something on which reports are provided to cabinet, because we realise that, in terms of controlling our budget, controlling our staffing costs is key to that.

I would say that we are increasing our staffing numbers where we need to in relation to delivering high quality services to the people of the ACT. But we make sure that there is not any unanticipated employee growth that is not factored into the budget initiatives that the government supports through open decision making in the cabinet process.

Housing—public

MS LE COUTEUR: My question is to the minister for housing and concerns tenants' income assessments for rent and rental rebate calculations. How is income calculated for self-employed people such as artists, consultants and micro-business owners for the purposes of eligibility for public housing?

MS BURCH: I thank Ms Le Couteur for the question. Housing ACT has over 23,000 tenants in 11,000 properties and there are rebates and systems for assessment. But the details around how artists and independent business—

Ms Le Couteur: Self-employed in general.

MS BURCH: I will take that on notice and bring it back to you.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Also, as you take it on notice, if the self-employed people have business expenses, are they included in the income calculations and do they need to be certified by an accountant?

MS BURCH: Thank you, Ms Le Couteur. That level of detail, even with the support of my department, I do not have in front of me, so I will bring it back.

National Multicultural Festival

MR DOSZPOT: My question is to the Minister for Multicultural Affairs. Minister, I am advised that the cost for a large commercial stall at the 2010 Multicultural Festival has increased by approximately 150 per cent and a small community stall has increased from zero to $230 since last year's festival. Last week in question time you said in relation to the increased costs for stallholders at the Multicultural Festival:

> Indeed, they have increased costs of the stalls—increased with indexation, I have been advised.

According to the ABS, the consumer price index increase between the September quarter of 2008 and the September quarter of 2009 was 1.3 per cent. Minister, what index did you use to calculate the increases?

MS BURCH: I thank Mr Doszpot, indeed the Liberal Party generally, for their interest in the Department of Disability, Housing and Community Services. It is amazing what a couple of weeks can do. It has gone from my having a light load to indeed every question time having a barrage of questions.

Mr Hanson: Mr Speaker, I rise on a point of order. Clearly the minister is filibustering. She is not being relevant. She needs to get to the point of the question.

MR SMYTH: There is no point of order. Ms Burch.

MS BURCH: Thank you. Again, their interest is extraordinary. I am overwhelmed by it all. Agreements are for goods and services and providers. We have issued a participation policy which is around having groups in and participating in the Multicultural Festival. As to applications for the stalls, as at 16 November there were 35 applications from the diplomatic community, 126 from the multicultural community and 18 from commercial organisations. Indeed, there are charges there that have increased, I dare say considerably, but it has not stopped interest from those involved in the multicultural community.

Mr Hanson: On a point of order, Mr Speaker: the question is specifically about indexation and the contradiction in her answer to a question last week about the CPI and the scale of the amount of money now being paid by stallholders. It is not about who is running the stalls and so on. She is not going to the point of the question.

MR SPEAKER: Ms Burch, you have the floor. Mr Doszpot's question was quite clear.

MS BURCH: I believe I have answered the question, Mr Speaker.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: I do not believe my question was answered. I was simply asking: what index was used for the calculation?

MR SPEAKER: Is that your supplementary question?

MR DOSZPOT: No, that is not my supplementary.

MR SPEAKER: There is no preamble on supplementaries; so come straight to your question, thank you.

MR DOSZPOT: My supplementary is to the minister again. What feedback have you had from small community stallholders about this increase in costs for the stalls?

MS BURCH: Again I go to my comments that it is around participation from multicultural communities, organisations and the diplomatic community—35 applications from the diplomatic community, 126 from the multicultural community, 18 from commercial organisations for a three-day festival that is maintaining key, signature events.

Mr Stanhope: One hundred and twenty-six. That's the reaction. One hundred and twenty-six community organisations are very happy with the fee.

MR SPEAKER: Mr Stanhope, you drowned out your colleague. Ms Burch has the floor.

Opposition members interjecting—

MS BURCH: I will be quiet now, thank you. Until they stop, I will sit down.

MRS DUNNE: Supplementary question, Mr Speaker. Minister, what consideration was given by you and your department to small community stallholders who may not be able to afford to pay the fees for the 2010 Multicultural Festival?

MS BURCH: The government Multicultural Festival participation policy is on the Multicultural Festival website and has been distributed to all community groups, diplomatic corps and those with an interest in commercial operations there. That participation policy has dual purposes. One is:

> … to provide a framework that ensures that the opportunity exists for all members of Canberra's ethnic community groups wishing to showcase their respective cultural traditions can do so as stallholders or as performers as well as to ensure the financial viability … into the future.

It is around if they have commercial enterprises. Whether they are having cultural enterprises is a decision for them to make.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, can you tell the Assembly what indexation you used to calculate the increase in fees for the 2010 Multicultural Festival?

MS BURCH: The fees that are applying this year have been discussed with the community. There is a participation policy that outlines the stall structures, whether they are a commercial enterprise. As outlined on the festival website, the three-by-three-metre stalls providing information only do not incur a charge. Applicants wishing to seek a waiver because they are providing a cultural activity and information only can put that in writing. Commercial enterprises—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order, Ms Burch! Stop the clock.

Mr Hanson: I raise a point of order on relevance. The question was specific. It was about the indexation. If she does not know then she should come back and let us know later. She can table it later. If she does not know, stop this waffle. It is a point of order on relevance.

Mr Stanhope interjecting—

Mr Smyth interjecting—

Mr Hanson interjecting—

MR SPEAKER: Order! Gentlemen, don't make me warn you today. Ms Burch—

MS BURCH: I believe I have answered the question.

National Multicultural Festival

MR COE: My question is to the Minister for Multicultural Affairs. Minister, last week in question time you said in answer to a question on the reduced Multicultural Festival in 2010:

> There is a smaller budget, a budget that will be managed within budget and delivered within budget this year.

Minister, given the massive cost blowouts of previous multicultural festivals, what makes you so sure that you can manage and deliver the festival within budget when your predecessor could not?

MS BURCH: Again, I thank you for the interest in the multicultural community we have here in the ACT. We have put in strong government arrangements through strong project management committee oversighting of the Multicultural Festival this year. The participation policy clearly sets out the infrastructure costs for anyone wishing to undertake commercial activity and the like which, again, are fully described and outlined in the participation policy. So the structures we have put in place I am confident will manage it and will manage it on time and on budget.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Minister, what aspects in particular of the reduced multicultural festival of 2010 will enable you to manage and deliver the festival within budget?

MS BURCH: I believe I have answered the question, but I will outline again that there is a three-day program maintaining the signature events that the overwhelming feedback showed was wanted—that is, the multicultural night market; the food and dance spectacular, which is overwhelmingly popular and successful; the Pacific Islander showcase; diplomatic missions; carnival in the city; the Greek Glendi; and the Chinese new year. It is a very successful festival, something that the Canberra community embraces, and I believe that this year it will be very successful.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, can you give members some examples of the groups that are interested in running stalls for the food and dance event, which makes it so successful and financially viable?

MS BURCH: I thank Ms Porter for the question. We have a broad multicultural community from over 200 countries and with many languages. They come together over the Multicultural Festival, including islanders and those from Asian areas. Food, culture, dance and music are the order of the weekend. It will be the order of the three days. Again, with respect to the response from the community sector, over 200 are showing interest already, and it looks like we will be having another successful weekend.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Thank you, Mr Speaker. Minister, you mentioned improved governance measures that will be introduced. What governance arrangements are you looking at improving on?

MS BURCH: Given that I was not a minister at the time of the last festival, I can certainly ask my department about the governance arrangements. But I am satisfied with the governance arrangements that are in place now. There is a strong committee which will go to the detail and have ongoing oversight of every aspect of this festival. There has been a great response from the community so far. We have outlined a clear participation policy. We have kept the signature events. Everything is lining up for it to be a very successful Multicultural Festival.

Childcare—portable long service leave

MRS DUNNE: My question is to the Minister for Disabilities, Housing and Community Services and relates to the policy of portable long service leave and how it might affect childcare centres in the ACT. Minister, what consultation took place between the government and childcare providers prior to the development of the portable long service leave policy for childcare workers and its passage through the Assembly?

MS BURCH: Again, I am overwhelmed by the interest of the opposition party to the Department of Disability, Housing and Community Services.

Mr Seselja: Overwhelmed by the simplest of questions.

MS BURCH: Simple minds, simple minds. ACT government is committed to implementing the portable long service leave scheme. You on the other side clearly have no regard for the sector or the employees in the sector. A portable long service leave is in the best interests of community services. The community were engaged, actively engaged, in the lead-up to and the discussion around portable long service leave. The scheme will support community organisations and the childcare sector retain a skilled work force. That fosters, indeed, Mrs Dunne, a more sustainable childcare industry, which I do not think you actually have an interest in, because you are not supporting a sustainable work force.

Mrs Dunne: How did you consult with them?

MS BURCH: There was ongoing discussion with the community sector, even in the week leading up to the bill coming into this Assembly. I can only say that every opportunity the Liberals have to sacrifice employment entitlements they will take, and that is shown here again today and last week when they voted down the bill. The Liberals must want Work Choices to come back, but it will not, because we are ensuring that workers' rights are maintained.

Mrs Dunne: What did you say to the childcare centres about the implementation of the scheme?

MS BURCH: There was a forum. In 2008, there was the ACT children's services forum, Mrs Dunne, which examined options to address work force issues in the ACT children's services sector. Portable long service is a key work force issue, Mrs Dunne, contrary to your belief.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne, a supplementary question.

MRS DUNNE: Minister, did certain childcare operators indicate that they currently put aside the requisite 1.67 per cent of their salaries to cover the long service leave entitlements of their employees, and did they indicate what happens to this cash after employees leave without accruing long service leave entitlements?

MS BURCH: I am not quite sure if Mrs Dunne is saying that she knows of organisations that are indeed not fulfilling their obligations in making sure—

Mrs Dunne: No.

MS BURCH: Workers' rights and entitlements are considered. Going back to the forum, it considered a range of workforce issues, including recruitment and retention, professional development, status and standing and sector development and capacity building, including portable long service leave. Portable long service leave is a cost, a liability, that every employer has, whether it is in the community sector, the public sector, a childcare centre or the local garage—an entitlement that is due to every worker. Portable long service leave is to benefit the sector through improving retention and the sustainability of the workforce.

MR SPEAKER: Supplementary question, Mr Hanson?

MR HANSON: A supplementary question, Mr Speaker. Minister, given that childcare centres will now have to expense long service leave on a regular basis—perhaps fortnightly or monthly—without the opportunity to recover the money when an employee leaves before the entitlement is accrued, are you still sure that childcare fees will not increase?

Opposition members interjecting—

MR SPEAKER: Order! I call Minister Burch. Minister Burch has the floor.

Mr Stanhope: What have you got against childcare?

MS BURCH: Mr Speaker—

MR SPEAKER: He is your own colleague, Ms Burch.

MS BURCH: What I think the opposition is failing to understand is the sustainability, the retention of a workforce, the improvement of the capacity within the workforce. I have been an employer myself. I have managed organisations myself. This is clearly around portability, which is for the betterment of workers, the workers in the sector.

MR SPEAKER: Mr Hanson, a further supplementary?

MR HANSON: Minister, what advice have you received from your department to assure you that childcare centres will not have to raise fees and will you table this advice?

MS BURCH: Again, it is based on the assumption that portable long service leave will increase childcare fees. We had this discussion yesterday. Childcare fees are the responsibility of the operator. We have, through the introduction and passage of portable long service leave, indicated transitional support across the sector.

Visitors

MR SPEAKER: Before I take the next question without notice, I would like to take the opportunity to welcome our guests from the University of the Third Age who are in the Assembly today and who are joining us for question time. Welcome to question time. It is quite an event.

Questions without notice

Alexander Maconochie Centre—review

MS BRESNAN: My question is to the minister for corrections and is in regard to the community sector's involvement in the one-year review of the AMC. Minister, I understand the previous community reference group has been disbanded and it will be at least a year until a new group is in place. Given this, how is the ACT government consulting with key members of the community sector about the form of the AMC one-year review?

MR CORBELL: I am still coming fully to grips with some elements of the corrective services portfolio since I was appointed last week. This review, I am aware, is ongoing and I can advise the member that I anticipate that all of the community service providers who provide services to ACT Corrective Services will be consulted and their views sought in relation to the operation of the facility. Indeed, that is an ongoing process anyway, from my perspective and from Corrective Services' perspective. We value the input of our community sector partners, those non-government bodies that provide services to Corrective Services, and I would expect and indeed I am confident that there will be opportunities for those groups to provide feedback to the corrective services department, to the justice department, as part of that work.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, is the government looking to take on recommendations from the ACTCOSS Corrections Coalition and examine key health statistics in the one-year review?

MR CORBELL: Corrections health, of course, is the responsibility of the Minister for Health, so in some respects it is more appropriate that I direct that question to her. However, I can say that both I and the Minister for Health are taking a close interest in health issues at the prison.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: A supplementary, Mr Speaker. With regard to reviews at the AMC, can the minister advise us on the status of the review of the needle and syringe program? Can the minister advise the Assembly, given the confusion around the opening date of the AMC, when that review will be tabled?

MS GALLAGHER: I can partly answer that because I have responsibility for the review of the needle and syringe program, or whether or not we proceed with the needle and syringe program. The government committed to having a review based on

18 months of data on the operation of the Alexander Maconochie Centre. The Minister for Corrections and I are just finalising the arrangements of how that work is to proceed. Corrections health, as it operates out at Alexander Maconochie, is already collecting the data that will inform that review, but the final processes of how the working group is going to work across corrections and ACT Health are to be finalised with the new Minister for corrections.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister for corrections, in regard to the one-year review of the AMC, can you ensure there will be ex-prisoners on the new community reference group that is to come out of this review?

MR CORBELL: As a matter of principle, the government seeks feedback from a broad range of people who have had involvement in the corrections system. Obviously, prisoners themselves, both present and past, have brought perspectives to share on the operation of the facility. Their views will be sought.

Hospitals—Calvary Public Hospital

MR HANSON: Mr Speaker, my question is to the Minister for Health. Minister, yesterday, you said this in relation to discussions with the Catholic Church on 6 April:

> 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 …

Minister, what analysis has been done by the government on the option of building a third hospital in Canberra, and will you table this analysis in the Assembly?

MS GALLAGHER: Some analysis was done very early on in my term as minister, back in 2006, around a request that I made of the department to investigate whether we needed a third hospital. It was really around an idea that some people had mentioned to me around having an elective surgery centre in the ACT and whether there could be a stand-alone elective surgery centre. That work was examined at the beginning of the work that led into the capital asset development plan.

The advice that came back to me was that the ACT could not sustain a stand-alone elective surgery centre or a third hospital, based on our population and the fact that it would compromise the services at the existing two hospitals—that is largely around the intensive care units and the emergency departments and the fact that you would have to build a third intensive care unit and a third emergency department in this city, which our community could not sustain—and that in fact, if we did proceed down that path, it would compromise the current intensive care units at Calvary Public Hospital and the Canberra Hospital.

I was satisfied with that advice. It is advice that has been supported over the years in representations to me, particularly from the medical profession, that our community of 350,000 cannot support a third hospital. I will check what the form of that advice was,

because it was very early on in the capital asset development plan—as to whether I can table some further information that will assist you.

Essentially, whilst it is something that the government has looked at as part of how we manage the rebuild of a north-side hospital, it had to be one of those issues the government considered. It is largely around the economic argument—the financing of what is going to be required on the north side, regardless of who owns or operates the Calvary Public Hospital.

The Treasury advice is very clear on that. It supports the buy option. Certainly from a budgetary point of view, that is the best way forward.

Mr Hanson: But from a cash point of view.

MS GALLAGHER: From a budgetary point of view—I am interested again to hear the interjections from the opposition: they are now only interested in the cash performance of the ACT budget; they are no longer worried about the operating impact or indeed the balance sheet impact of any government decision.

For all of us here, with estimates next year, just worry about the cash. Don't worry about anything else. The opposition do not care about anything else. They will only look at the cash component. They will not look at the big picture.

Governments need to lead. They need to lead on issues like this. They need to have these discussions, however hard they are for the community. The opposition for opposition's sake that we have seen for the past 12 months is obviously going to continue—an opposition without the courage to have these very difficult and controversial debates, debates that, once resolved, will be in the best interests of the community in the long run.

MR SPEAKER: Supplementary question, Mr Hanson?

MR HANSON: Yes, Mr Speaker. Minister, will you confirm that you have categorically ruled out building a third hospital in Canberra?

MS GALLAGHER: What I have said at a number of public forums and, indeed, in this place is that I think it would be the worst outcome out of this. I do not see any government in the near future being able to support the building of a third hospital. To do so would be the end of Calvary Public Hospital. That is not something that this government supports.

However, as our community grows and as our needs change, there may in the future need to be a third hospital. But at this point in time, it would be the worst outcome and it is not something that the government is actively pursuing. But as the government considers the future of our health system, it would be wrong of us not to look at all the options that present themselves.

That is what governments do. I know oppositions can support whatever is popular in the paper—in the *Canberra Times*—on any day of the week. But governments need to look at the big picture, examine all the options, and then in this case go forward with a

proposal on what we think is the best way forward and to have that discussion with the community.

It is not good enough for governments just to choose the easy out or to choose the popular way out. That is not what we are elected to do. We are elected to lead and to make decisions in the best interests of the community. That is what we are trying to do and you guys have just backed yourselves into a corner. You are ignoring all the logic, all the figures, all the future decisions that need to be taken for a politically convenient decision at the moment.

Jeremy, you have got this wrong and in time you will come to realise that you have got this wrong. If you say that you genuinely aspire to this position, god forbid you get onto this side of the chamber, because if you do, you will understand that the purchase of Calvary Public Hospital is the right decision to take.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, what, given that you have considered all the options, are your contingency plans in the event of the purchase of Cavalry hospital not proceeding?

MS GALLAGHER: Well, the contingency plan is that we have to finance the upgrade of Cavalry Public Hospital under the current ownership arrangements. That is the contingency plan. I look forward to the Liberal Party's support of continued budget deficits, should that be the case. The criticism of the seven-year plan that you have, the criticism of the deficits that are foreshadowed in the forward estimates—

Mr Smyth: The criticism is that there's no plan.

Ms GALLAGHER: Just wait a second, because they are going to get a lot worse if the current arrangements continue. Brendan, you understand this. I just cannot believe that someone of—well, I will not go there. I am never short of a word, but I just went to compliment you, and it just would not come out. I cannot believe that someone with your longstanding interest in budgets cannot understand the financial challenges that are facing the government. If the contingency plan is to go ahead, then the Liberals driving the budget into further deficit will be the headline of the 2010-11 budget.

MR SPEAKER: A supplementary question?

MRS DUNNE: I have a supplementary question, Mr Speaker. Minister, why did you refuse to send the whole proposal to the Auditor-General, if you see that there are so many problems ahead?

MS GALLAGHER: The Auditor-General has a particular role, and her role is not to endorse or not endorse a government policy decision. This is a policy decision of the government. The Auditor-General has a legitimate role to scrutinise that, once it has reached a point so that she can do that. This is a proposal that is being put to the community. It will come to the Assembly, it will come through the appropriate

scrutiny, and I imagine the Auditor-General will have a very significant interest in this proposal if it proceeds to the point that her role becomes relevant.

At this point in time, and I have to say at different points of the discussion around Calvary, I have asked the chief executive of ACT Health to keep the Auditor-General informed on how the process is moving along, and that has occurred. But her appropriate scrutiny role of any final decision as it proceeds is there for her to determine. I have nothing to hide from this, but the Auditor-General is not a decision maker about whether or not the government should own Calvary Public Hospital. She has some particular tasks and she can do this at any point. She is an independent office holder, and she can inquire into the Calvary proposal at any point in time.

The government has absolutely nothing to hide on this. We have put all the information out. Everybody knows about the discussions that occurred and the proposal as it stands. If the Auditor-General wants to scrutinise that, at whatever point that she determines that it is the right thing for her to do or that it is a role for her office, it is there for her to do it.

Trade mission

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister as Minister for Business and Economic Development. Minister, can you update the Assembly on the outcomes of the recent trade mission you led to the United Arab Emirates and the United Kingdom?

MR STANHOPE: Thank you, Ms Porter. I am more than happy to do that. As members are aware, I led a government trade mission to the United Arab Emirates and the United Kingdom. These missions, designed and delivered in collaboration with Austrade, continue to be a crucial means of helping aspiring Canberra exporters make the connections and get the introductions that they need to capture a share of the global market for goods and services.

While we do not embark on these missions with the ambition of delivering instant results for participating companies, it is gratifying when, just weeks out from a mission, stories of success do start to come in. This trade mission, I am very pleased to say, was no exception.

One of the participating businesses was Poachers Pantry, this region's premier manufacturer of gourmet smoked meats. As a consequence of their participation in the mission, Poachers Pantry has secured orders from the Grand Hyatt in Dubai and from the Jumeirah Group in the Middle East. While in the UAE, the company had an extremely successful meeting with Spinneys, which is the premier supermarket chain in the Emirates. Discussions are now progressing that will hopefully see Poachers Pantry products on the shelves of 25 supermarkets in Dubai and Abu Dhabi in the new year.

Another of the participating companies, Recruitment Systems, has secured five deals—three in new markets and two consolidating their market share in existing markets. They are also chasing another three agreements, all as a consequence of their participation in the trade mission. The general manager of Recruitment Systems,

Brent Juratowitch, said that, of the five firm deals that arose as a direct consequence of the trade mission, one is in Kuwait, Recruitment System's first entry into that market; one is in Oman, again a new market; one represents an entree into the lucrative government contract market in Abu Dhabi; and they also struck a deal in both Dubai and London. In addition, the company is chasing down possible business in Bahrain, Dubai and Scotland.

The CIC Group also has good news to report in the immediate wake of the mission. Director Carol Cooke reports that the company has received requests to quote for products in Abu Dhabi. The potential client is Ferrari World, which is keen to showcase CIC's CQRiT product in the region. CIC is heading back to Abu Dhabi in February to follow up on appointments and contacts forged during the mission.

Another participating company with plenty of good news to report as a result of the mission is Eway. During the mission Eway established a contact centre with Confero to handle UK inquiries, with 30 operators to handle calls 24 hours a day. Eway also used the mission to relaunch its UK website and UK business centre. In addition, it secured new business with the Allied Irish Bank, the Royal Bank of Scotland, the Bank of Scotland and Chase Paymentech.

I think that these early successes are clear proof of the value of government-led trade missions for the businesses of our town. And of course over time, the longer-term benefits of stronger relationships and greater awareness of the ACT's strengths will deliver additional outcomes.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Yes, thank you, Mr Speaker. Can the minister update the Assembly on other opportunities he took during the mission to promote awareness of the ACT in overseas markets, and other investigations he made that might deliver benefits to the people of Canberra?

MR STANHOPE: I am very happy to do that. As members would be aware, the United Arab Emirates is an incredibly rich and growing market. In Dubai, I met municipal government representatives and officers from the Dubai Department of Economic Development. The Dubai municipality indicated it was keen to sign an MOU with NICTA here in Canberra regarding collaboration on e-government, and the negotiation of that MOU with NICTA is ongoing.

In Dubai I also had a fruitful meeting with the Executive Director of Zayed University, which is looking to broaden its links with international campuses, including Australia's. I met the Abu Dhabi Education Council and visited an educational expo targeting school leavers in the UAE. With education one of the ACT's biggest export earners, I will encourage Canberra's universities to participate in future expos. Indeed, I learned while in the Emirates that there are 1,500 Emirati university students in Australia, with almost 1,400 of the 1,500 at universities in Queensland. So I think there is some work for other universities around Australia to do.

A highlight of my time in the UAE was a visit to the new zero-carbon Masdar City. This visit gave me the opportunity to inspect the large-scale solar power plant, the sort

of facility we are looking to develop here in the ACT, and to take my first ride on a European-produced electric bus. Masdar City is a quite fascinating city or concept, a city of 30,000, including people travelling to Masdar to work, with a plan for the city to be constructed as carbon neutral. It is a quite stunning concept.

Since my return, I have indicated my intention to look seriously at converting a proportion of our government car fleet to electric.

I also did visit in Abu Dhabi the forensic evidence department of the Abu Dhabi Police, who are looking to forge closer relations with the University of Canberra and its forensic department. A relationship that has attracted Abu Dhabi to the UC is UC's relationship with the AFP. I will just conclude on the point that the AFP's reputation in the Middle East is incredibly strong and it is a great credit to Australia.

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

Supplementary answers to questions without notice

Housing—community
Gungahlin Regional Community Service

MS BURCH: I said I would come back with some information. Yesterday, Ms Bresnan asked for information around community housing providers and said that the previous minister had referred in committee hearings to a figure of $245,000. My response is that I am not aware of the former minister claiming that an amount of the magnitude of $245,000 was available. There has been some money set aside in previous years under the former commonwealth-state housing agreement for accreditation of community housing providers. That money is still available and will be used to pay the accrediting agency to assist providers as needed.

I would like to make it clear that accreditation against the national community housing standards is separate from the process for registration under the regulatory framework for not-for-profit housing providers. In 2006, Housing ACT entered into an agreement with New South Wales Housing to allow their New South Wales Housing community housing standards and accreditation group to accredit ACT community housing providers. The estimated cost was $8,000 per provider.

Since that time the New South Wales government has decided to outsource accreditation. Therefore, the ACT will also tender for an accreditation provider before the end of this calendar year. Costs may, therefore, vary from the $8,000 quoted in 2006. However, Housing ACT is still intending to meet the reasonable cost of providers, and providers have been working towards accreditation since at least 2006.

Mrs Dunne asked a question about the impact of reduced funding for the Gungahlin Regional Community Service disability program. My response to Mrs Dunne is that the funding outlined in the correspondence sent out by the Gungahlin Regional Community Service could have been clearer, as it could have implied that the ACT government was cutting funding. That is not the case.

The Gungahlin Regional Community Service letter refers to three funding sources. The first is a youth link program. This relates to a funding initiative between the

commonwealth and the Gungahlin Regional Community Service. It is our understanding that the commonwealth is currently retendering the funding for this service and that this process is not yet complete. The office of children and young people and family services also provides over $120,000 annual funding to the Gungahlin Regional Community Service for after-school and vacation care. There are no plans to cut this ACT government funding.

The second funding source relates to funding provided through the ACT Department of Education and Training. It is my understanding that this is funding that was part of a federal agreement and was also commonwealth funding. I am advised that the department of education recently asked organisations to put in a new bid for this funding, but the Gungahlin Regional Community Service decided not to apply for an extension.

The third funding source referred to in the letter by the Gungahlin Regional Community Service relates to the funding agreement with Disability ACT. There is no intention to reduce any funding support provided by Disability ACT to these services now or in a funding agreement due for renewal in July next year. Disability ACT has been in ongoing discussions with the Gungahlin Regional Community Service around information that can be sent to individuals and families regarding alternative services and supports that would be available in the event that the commonwealth may or may not alter its funding to the Gungahlin Regional Community Service.

Disability ACT's current funding agreement with the Gungahlin Regional Community Service continues until 30 June 2010. As part of discussions for the next funding agreement with Disability ACT, the Gungahlin Regional Community Service is developing a service delivery model which will be considered by the department when it is completed.

Mrs Dunne, referring to your letter, I am not quite sure whether it was read selectively or whether it was read directly, but it is recognised that it has generated some confusion. The service itself has recognised this. I am advised that the Chief Executive Officer of the Gungahlin Regional Community Service has agreed to send a follow-up letter out to its clients clarifying the situation. You may wish to get a copy of that, Mrs Dunne.

In response to the supplementary question from Ms Hunter, my reply inferred that the commonwealth's retendered program would not include people with a disability. I reiterate that it is our understanding that the commonwealth government has stated that the delivery of the youth link program will cease on 31 December 2009 and will be replaced by a retendered service that does not have a particular focus on—rather than does not include—young people with a disability. Once I have further information about that program from the commonwealth, I am happy to bring it back to the Assembly.

Schools—Focus on the Family seminar
Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing), by leave: I rise today to report to the Assembly the findings and recommendations of a

Department of Education and Training investigation into a seminar conducted by an organisation known as Focus on the Family at Canberra high school on 26 October this year. As members would be aware, a complaint was made by a parent about the content of seminars conducted at Canberra high school on 26 October and I immediately asked the Department of Education and Training to investigate. This complaint was the subject of some media interest.

The investigation considered both the content of the seminar provided at Canberra high school on 26 October and the selection process used by Canberra high school in selecting Focus on the Family to deliver the seminar. As part of the investigation, the department interviewed a number of people, including the principal and five teachers from Canberra high school and principals of three other high schools who have used Focus on the Family in the past. It considered a number of documents, including comments provided by a sample of students following the seminars and material provided by Focus on the Family relating to the seminars.

Mr Speaker, I will go through the allegations made in the complaint and impressions from teachers when interviewed. The impressions alleged from the complaint included that "sex is bad". No teachers interviewed believed that this message was made or implied. "If you have sex, you will catch AIDS or some other STD and die". No teacher believed this message was made or implied. However, one teacher recalled that the presentation suggested unsafe sex could lead to AIDS or STDs and that this could lead to death.

"If you have sex, you are bad". No teachers interviewed believed that this message was made or implied. "You can become gay by watching gay pornography". No teachers interviewed believed that this message was made or implied. "You can become attracted to animals by watching bestiality pornography". No teachers interviewed believed that this message was made or implied. However, teachers reported that bestiality pornography was mentioned as an example related to desensitisation.

"Homosexuality and bestiality are part of a continuum of wrongness". No teachers interviewed believed that this message was made or implied. However, one teacher reported that bestiality was not painted in a positive light. "If two people have sex, it is the boy's fault". Teachers reported that this was not stated directly but felt that some messages could have been misinterpreted. For example, a video clip about teenage pregnancy implied the boy was at fault. "Girls should not incite boys by, for example, wearing make-up or putting their hair up". Teachers reported that this was not stated directly but that reference was made to girls dressing provocatively.

According to the report, Canberra high school teachers were positive in their feedback regarding the seminars, but some did say that some of the examples used could have been more wisely selected. All teachers, principals and the presenter reject the notion the young people would have formed the impressions suggested by the complainant. Principals from other government schools provided similar feedback.

Students' feedback indicated that some content was ill-advised. There was no evidence to support that Canberra high school students formed lasting impressions. However, some misconceptions were raised. For example, in the student feedback

form students were asked, "What key messages did you take away from the guest speaker?" A student wrote, "It is girls' fault for getting raped because they dress sluttier than previous generations."

Overall, Mr Speaker, I release the following findings and recommendations. Firstly, there is no indication that the seminars conducted at Canberra high school were inconsistent with the provisions of the Discrimination Act 1991 or the ACT Department of Education and Training providing safe schools P-12 or religious education in ACT government schools' policies.

Secondly, it is unlikely that students would have been influenced to the extent that they would have formed the impressions stated in the complainant's letter. Thirdly, a rigorous process of selection of this presenter was not undertaken by Canberra high school. Fourthly, the Focus on the Family seminars were not part of an education program at Canberra high school.

The following recommendations have been made: firstly, that the department develop a quality assurance process that accredits and approves outside organisations and individuals prior to their involvement with schools; secondly, that schools be required to have parental approval prior to a student attending any event conducted by a non-government organisation or individual; thirdly, that schools develop more rigorous selection processes when assessing the services of outside organisations or individuals; fourthly, that schools vet all content before an outside organisation or individual presents to students and that schools have appropriate preparation for students prior to presentations and appropriate follow-up lessons; and, fifthly, that schools evaluate and seek feedback from students and teachers after seminars and performances that have been presented by non-school staff to address any student issues or concerns.

I accept all of these findings and recommendations. It has been found that, whilst the complaint has not been upheld, better selection processes and parental consent processes should be present in ACT public schools. It remains firmly my view that parents of ACT public school students are best placed to make decisions on the nature of extracurricular content that their son or daughter will participate in. I take this opportunity to assure the Assembly that these new processes will be in place at the beginning of the 2010 school year.

Roads—users

Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Bresnan be submitted to the Assembly, namely:

> Protecting and prioritising vulnerable road users.

MS BRESNAN (Brindabella) (3.02): I am very pleased to have this opportunity to discuss this matter of public importance. In some ways, this topic might sound like a

narrow one. In fact, the way that we protect and prioritise the different modes of transport is closely linked to the quality of life in our city. It is also a key factor in our response to climate change.

Protecting and prioritising our vulnerable road users is a very high priority for the Greens. In particular, my colleague Ms Le Couteur has given a lot of energy to this issue in the last year. She will be contributing to this debate later by talking about some changes we can make in Canberra. This is a topic that we think needs significant attention from the government.

Firstly, I will clarify that, by "vulnerable road users", I mean those who are the most sensitive to road injury. It is a term that recognises the inherent vulnerability of humans who use roads without protection. This idea should be clear to all of us. We have all been exposed to traffic, and we all know how one sided a collision is that involves a car, truck or bus and a pedestrian or cyclist. Primarily, I am talking about pedestrians and cyclists. They are the most vulnerable within these groups, though there are some special categories, such as children.

The vulnerability idea is a crucial concept to include into our planning and policy making. It recognises that some road users need special consideration and protection. In fact, it may also be appropriate to start entrenching this concept into our laws as a way to improve safety for non-motorised road users, such as bicyclists and pedestrians. This is happening in Europe, where planners and safety organisations are using this concept to categorise and describe non-motorised road users.

This MPI is about protecting and prioritising vulnerable road users, but, in many ways, prioritising these road users is the same thing as protecting them. By building policies and a traffic environment that prioritise pedestrians and cyclists, these modes of transport are made much faster and safer. However, even putting safety aside for a moment, the fact is that the forms of transport used by vulnerable road users—that is, walking and cycling—are the ones we need to prioritise anyway.

Some key issues point to this need. The first factor is climate change. Our current transport patterns create around a quarter of all energy-related carbon dioxide emissions. Despite this, the ACT's transport emissions are increasing each and every year. A second issue is peak oil. Car dependence is a problem that drives oil vulnerability. If Canberra provides other alternatives through public transport but also through walking and cycling, we will become resilient and sustainable in the face of this crisis.

A third issue that requires us to prioritise pedestrian and cycling transport is health and obesity. The Heart Foundation reports that currently 57 per cent of Australians do not achieve sufficient levels of activity for a health benefit. That is the equivalent of the Assembly's entire opposition and crossbench heading towards preventable heart disease, leaving only the government in good health. Members may have seen some of the Heart Foundation's excellent material on health and the built environment or attended the foundation's forum on active transport earlier this year.

Despite these imperatives, here in the ACT, the government maintains very much a pro-car approach to traffic management. Take the Gungahlin town centre, for example.

Despite the many shops and the opening of a new library, it is anything but pedestrian friendly. All the space between the gutters is traffic space for motor vehicles. Pedestrians are segregated. All the public community space is squeezed into the footpath area.

A pro-car approach is easy to see, especially when we look at the action that has been taken around the world. Progressive cities like London, Copenhagen, Barcelona and New York have committed to a joint benchmarking project to measure the progress that each is making on walking. Copenhagen reversed the invasion of cars in the city with progressive public space policies beginning in the 1990s. Now, two-thirds of its commuting population use bikes for public transport.

New York is another good example. The recently re-elected Mayor Bloomberg has enacted bold plans to reclaim large parts of the city back from motor vehicles. A recent project has "pedestrianised" a large strip of Broadway in mid-town Manhattan. If New York can do that, anywhere can do it.

International surveys show that people are most scared to take trips as pedestrians, especially in cities that take a pro-car approach to planning. In fact, when Australians are surveyed, they cite pro-car policies as one of the biggest impediments to walking. They list this as a much bigger obstacle than people in other countries do. In Copenhagen, 33 per cent of all people who do not cycle cite bad weather as a reason. That is not really a problem we have here in Canberra—we have the problem of pro-car policies.

So what is the result of prioritising motor traffic over a long period? Look at the city of Los Angeles as an example. Driving is almost the universal way to travel in LA. The negative effects of this trickle down to all areas of life. Transport systems are inextricably connected to the quality of life in cities. In LA, there is terrible congestion. The city has suffered intractable air pollution. Shops are set back from the street to make way for parking. Most retail sales are made by the big businesses in big malls. Street life and street socialising is greatly reduced, and, of course, the consumption of non-renewable energy in LA is also very large.

It is instructive to think about what will happen to a city like LA when peak oil strikes. What if petrol reached, say, $10 a litre or more, which is likely to happen? Policy makers in LA are desperately reacting and trying to undo some of the entrenched sustainability problems. Interestingly, LA shows us that bad planning eventually stimulates innovation. For example, LA ran one of the very first emission trading systems. It was for air pollution, and it has also developed some of the most sophisticated air pollution regulations and agencies around. Incidentally, the LA emissions trading system failed, largely because big industrial polluters shape the policy agenda, and trading credits were given away free. Of course, I am sure we would never fall for that again!

We should ask these questions about Canberra. What will happen in our city when we reach peak oil? Despite this, we are still designing a city for car use, locking in transport patterns for decades to come. I acknowledge the government has been developing a sustainable transport plan. I see that it has a 2020 goal of 14 per cent walking and cycling. By international standards, that is a modest target. It needs

context as well. The government must answer this question: are car trips being replaced by sustainable travel? If bike trips replace public transport trips, that is not really a help. Nor is it a help if bike trips replace pedestrian travel. We need to displace car travel, otherwise we get high cycling rates but also high driving rates. That is the case already.

So what is actually changing through the sustainable transport plan? Here are some quotes from another plan—ACT Labor's policy platform:

> ACT Labor is preparing for the future. ACT Labor has … made it easier … to travel by road … We're investing massively in road infrastructure.

Consistent with this, the government has provided record funding for roads from the ACT budget. They broke the funding record in 2008-09, then it broke that record again in 2009-10. These figures look interesting in a pie chart. When comparing them to the funding for pedestrian cycling infrastructure, one sees they get a tiny slither of the pie. This all happens at the exact time that we need to make an incredible modal shift in transport use. Some 23 per cent of the ACT's total emissions are produced by the transport sector, and they are increasing. In 2006 the ACT's transport emissions were 25 per cent higher than 1990 levels and 10.5 per cent higher than 2000 levels. You cannot promise to invest massively in roads and at the same time have a revolution in Canberra's transport patterns. It cannot be both ways.

One of the lessons from cities around the world where cyclists and walkers have reclaimed streets is that you need some sticks as well as carrots. There need to be some restrictions on use of road space by cars rather than just endlessly accommodating more and more cars. The Canadian city of Ottawa is an example. It has high cycling, walking and public transport rates but also low car travel rates. Its sustainable transport success began from the 1970s when it started cancelling most of its freeways. This is not something anyone has been willing to look at here.

We know that all this road investment from the government is inconsistent with a sustainable transport future. Fortunately, I can quote the government's own light rail submission as evidence of this. The submission says:

> Canberra's existing transport system is not sustainable from an environmental, economic and social perspective and is already imposing significant costs on the ACT economy and society.

It goes on to make this explicit point:

> More road capacity … cannot reduce carbon emissions. Reduced congestion encourages greater car use and greater carbon emissions and will not make Canberra transport more sustainable in environmental terms.

The Greens say that it is time for the ACT to go on a road diet. We need a modal shift in transport. It is effectively a type of greenwash—which we see a lot from this greener-than-Greens government—to claim that cycling or walking is increasing but at the same time to continue to encourage growing motor vehicle use.

I will leave the issue of sustainability for a moment to talk about other reasons for prioritising pedestrians and cyclists. Walkable and rideable communities are cohesive and vibrant communities. They accommodate everybody and remember that everyone is a pedestrian. They massively increase the social dividend of our towns by promoting interaction, engagement and street life. The streets become busy with life, which, of course, makes them safer.

Evidence from around the world also shows redesigning cities to prioritise walking and cycling is great for business. These places attract more people who stay for longer. This contrasts to the drive-by shopping we are seeing in areas designed for cars. Look at Brighton in England, for example, which introduced pedestrian-friendly shared spaces to its town centre. It has measured an incredible 600 per cent increase in staying activity in the area. When people stay, they also spend money.

I also want to mention that motorcyclists can be identified as vulnerable road users, and I acknowledge the recent motorcycle awareness week, which was a joint initiative between the Motorcycle Riders Association of the ACT, the Canberra branch of the Ulysses Club, Girls on the Move and Canberra Riders, with support from the ACT government. Motorcycles make up only 4.5 per cent of all registered passenger vehicles on Australia's roads, although this is growing, but they account for 15 per cent of road deaths and an even higher proportion of road-related serious injuries. Motorcyclists are 23 times more likely to be killed per kilometre travelled than car occupants and 41 times more likely to be seriously injured.

One of the key aims of the Motorcycle Riders Association is to improve road safety outcomes. The association has been campaigning on the type of roadside barrier systems. For example, although wire rope barriers are being touted as the silver bullet for stopping car crashes on freeways, they can be lethal to motorbike and scooter riders. There is concern that this style of barrier contributed to the death of a Canberran this year. I understand the riders association met with the Minister for Territory and Municipal Services this year and were given assurances that Roads ACT would look at improving the current arrangements. I will be interested to see how this issue has progressed.

There is much to say on this matter of public importance, and the Greens are advocating for a number of changes in this area. Ms Le Couteur will add some further thoughts on the Greens' perspective. In conclusion, I want to emphasise that Canberra has so much further to go. We are not a city that is really prioritising its vulnerable road users, and they are not as protected as they should be. Non-motorised transport needs to become a key transport mode for the future. For that to happen, we need a genuine shift from the government to prioritise it and its attitudes, policies and funding.

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) (3.16): I am very pleased to be able to speak on this matter of public importance today.

The safety of all road users, I am sure we all agree, is something that we take very seriously. As Minister for Transport, I do take this matter seriously. In fact, one of the first things I did as transport minister late last year was to look into the ACT road safety strategy. It was at a meeting with Alan Evans from NRMA Motoring and Services that we decided to jointly chair a meeting of key stakeholders to see if there was serious interest in heading in the direction of a new approach to road safety in the ACT—the vision zero approach, which has been adopted quite successfully, most particularly, in Scandinavia.

The ACT has a very good road safety record in comparison to other parts of Australia, and indeed the world. This includes records involving vulnerable road users. The ACT has the benefit of an established and well-designed road system and a small, well-defined geographic area.

Despite this, there is no room for complacency. Each year about 14 people are killed and 500 people are injured on ACT roads. In the five years from 2004 to 2008, 76 people were killed. This year alone we have had 11 fatal road crashes, resulting in the deaths of 12 people.

This overall level of death and injury is a tragedy for, and a significant burden on, a great number of ACT families. The economic cost to the community of ACT road crashes has been conservatively estimated to amount to around $220 million a year.

As Minister for Transport, and indeed as Chief Minister, I remain very keen to raise the public profile of road safety issues and to engender a cultural change whereby all of us take our responsibilities for road safety to the next level. The current ACT road safety strategy is a higher level policies and principles document which outlines key strategic goals for road safety. It is supported by two two-year action plans which spell out specific activities to achieve the goals and objectives of the strategy.

The current strategy covers the four-year period 2007 to 2010. A new strategy will be needed for the period from 2011. The action plan for 2007-08 has been completed. The action plan for 2009-10 is in place, and this includes measures to assist in positioning the ACT for the next strategy.

The key road safety issues for the ACT, as outlined in the strategy and action plan, include addressing attitudes so the community shares the responsibility for road safety; the importance of moderating travel speeds to achieve a safer road system; the proportion of motorists who continue to drink and drive; lack of care and driver distraction; and vulnerable road users, including motorcyclists, cyclists and pedestrians.

As outlined in recent national road safety action plans, and as agreed by transport ministers, Australia's approach to road safety improvement is guided by the safe system approach. A safe transport system requires responsible road user behaviour, but also makes allowance for human error and recognises that there are limits to the forces humans can withstand in a crash.

An essential element of the road safety system approach is the design of roads and vehicles to reduce the risk of crashes and to reduce the harm to people if a crash does happen—and speed management to limit impact energy. These principles are particularly important for vulnerable road users—pedestrians, cyclists and motorcyclists—who, unlike car occupants, are not protected by being within a vehicle.

The current ACT strategy and action plan are already based on the safe system approach. However, there is scope to do much more in relation to these principles. The need for a culture change in how we view road crashes in the ACT has been identified, and I am pursuing the vision zero concept as a goal.

As mentioned previously, Alan Evans and I co-hosted two roundtables: in May this year with a follow-up roundtable in October. Key stakeholders present at the roundtables included NRMA Motoring and Services, NRMA Insurance, NRMA ACT, the Road Safety Trust, ACT Policing, Pedal Power, the Australian Driver Trainers Association of the ACT, the Motorcycle Riders Association of the ACT, the Canberra Pedestrian Forum, the Australasian College of Road Safety, the Australian Hotels Association, ClubsACT, the Alcohol and Drug Foundation and ACT and federal government departments. All participants in these two roundtables expressed their general support for the vision zero concept and expressed a determination to continue to work together to advance road safety and to advance the possibility of genuinely engaging with and adopting vision zero.

Vision zero's aim is that eventually no-one will be killed or seriously injured within the road transport system. Zero is not a target to be achieved by a certain date. It is, however, a change from an emphasis on current problems, and possible ways of reducing these, to being guided by what the optimum state of the road transport system should be.

The vision is based on ethics—every human being is unique and irreplaceable—and science—human physical and mental capabilities are known and should form the basis for road design. Knowledge of our limited ability and tolerance in a crash should be premises for chosen solutions and measures.

Vision zero also changes the emphasis in responsibility for road safety from the road user only to a shared responsibility by all those who have an effect on, or participate in, the road traffic system—politicians, designers, planners, road managers, transport companies, vehicle manufacturers, the police and road users. Sweden has backed up the vision zero concept with strong political support and considerable investment in infrastructure and enforcement.

The two approaches, vision zero and safe system, complement each other. Whereas vision zero can be seen to be the public face of the goal, the safe system approach provides the technical support and methodology to move towards the goal.

A discussion paper is currently being prepared by the government, coming out of the roundtables, which will respond to issues that were raised at those roundtables. This discussion paper will assist with the development of the next ACT road safety strategy, which will cover the period from 2011. Work on the new strategy will

continue through 2010. Public consultation will also be part of this process, with public forums planned to be held during 2010. I will certainly welcome input from members of the Assembly as that work proceeds.

I believe that, with support from politicians, stakeholders and the community, the next ACT road safety strategy can be a step up to the next level, with a much stronger vision component, a more proactive approach and clearer activities to address cultural change.

As part of this, the following issues would need to be addressed. The aim of zero road deaths would need to be shared with and owned by politicians, stakeholders and indeed the entire ACT community. Measures to embed a cultural change in relation to speeding would be required, given the critical importance of speed management in delivering a safer road system, particularly for vulnerable road users. Best practice road engineering using safe system principles, including a focus on the needs of vulnerable road users, would require significant infrastructure investment, and we would need to explore possible measures to obtain these additional funds.

We would also need stronger efforts to educate and encourage all road users, not just car drivers, to obey the road rules and to be unimpaired and alert when using the road system. A lifetime learning approach to road safety has been suggested. And there is a need for the ACT community to become less tolerant of offenders and more serious about traffic enforcement measures.

I look forward to the support of all members for the next road safety strategy when I bring it forward to the Assembly in due course. I repeat that this is an issue which the government takes extremely seriously. All of the identified stakeholders convened two well-attended roundtables this year, at which every one of the stakeholders that I just referred to was able to bring to the table a particular perspective representing a particular constituent organisation within the ACT community and at some levels nationally.

They were very positive and productive meetings. There is a genuine will within all of those within our community that have an interest in roads, road engineering, road construction, road safety, the welfare of the community and the rehabilitation of members of the community impacted or affected by road safety to do something about the appalling tragedy, loss and hurt that road crashes cause here within the ACT and indeed throughout Australia and the world.

It is one of those issues which—because of the nature of road crashes or road death, road injury or road trauma—we do not respond to individually in the emotional way that we respond to other tragedies where there are perhaps mass deaths. It is a comment that I have made recently—and I believe it is part of the issue around behavioural change, or the lack of behavioural change or lack of response to road deaths—that they happen on an individual basis. They affect a particular family, and a particular workplace perhaps, but they do not impact emotionally on the broader community. We do not respond or change our behaviour in the way that these appalling statistics would suggest that we ought. We ought and must change our attitude to driving and to road safety when we as individuals get behind the wheel of

our car, onto our motorbike or onto our bicycle—indeed, when we walk the streets of this city.

It is a stunning death toll that since 1 January 2004, 88 people have died on the ACT's roads: 88 people have died in Canberra since 1 January 2004. In that time, it is probably fair to suggest that somewhere in the order of 4,000 Canberrans have suffered injury in road crashes. Of those 4,000, some have suffered injuries of a most debilitating, life-changing and traumatic nature, including quadriplegia, paraplegia, significant brain injury and other injuries that have devastated their capacity to live the lives that they would be living had they not been involved in the crash.

This is a serious issue, a major issue. At one level it is an intractable issue. But, as with all issues, there are ways forward: some of them around the application of the law; some of them around engineering, as Ms Bresnan has commented; and some of them around the mode of transport which we individually choose or employ.

We do need to deal with the realities; we do need to change behaviour; we do need to enhance our engineering; we do need to have better enforcement regimes. But at its heart, this is a problem that requires the acceptance of individual responsibility, most particularly by those of us that drive motor vehicles. There is a need for each of us to be aware of the consequences of not paying attention, of breaching the rules or of driving in a dangerous and unacceptable way.

It is a most important issue. I am thankful that Ms Bresnan nominated it as a matter of public importance. It certainly is and it deserves the attention of the Assembly.

MR COE (Ginninderra) (3.28): I too am very pleased that Ms Bresnan has nominated this as the MPI for today. It gives me and other members an opportunity to reflect on what is an important issue and also to commend a number of organisations and a number of people doing great work in this space.

Going on from what the Chief Minister said, 88 people are dying—avoidably, really—on ACT roads. There are many reasons why accidents occur, but many of those reasons are avoidable. It would be a great shame if that number was to increase, especially at an increasing rate. If you were to graph that, I imagine that it would be a bit like an asymptote: you keep getting closer and closer to zero but you may not actually ever get to zero. All the same, it is certainly worth investigating, and it is worth doing all we can to make our roads safer for all to use and, hopefully, more efficient.

The first organisation that I will talk about which I believe are doing some very active work in the community are Pedal Power. Pedal Power and I have had a somewhat—

Mr Hanson: Robust?

MR COE: robust relationship on one or two issues, I think it is fair to say, but we have always had a very constructive relationship. It has always been one with good dialogue and I very much appreciate the feedback that they have given me on different things that I have said, different things that they would like me to say and different ways that Canberra people might be able to support cycling in Canberra.

They were very supportive of our cycling policy at the last election—a policy that I too am very proud of and one that everyone on this side of the chamber is proud of. I might reiterate the key components of that cycling policy that we took to the 2008 election.

Those five points are these. We promised to spend $900,000 to signpost the entire cyclepath network; that is something which I think is well overdue. We also committed to spending $2.1 million on a maintenance blitz to repair and replace degraded, unsafe and substandard sections around our ageing network of off-road cyclepaths. The off-road cyclepaths are a great way to encourage cyclists new to cycling. It is all very well to have on-road cyclepaths, and they certainly target a certain cycling demographic, but for people who are not cycling they can be intimidating. If we have an off-road cyclepath that is in a good state of repair, we will be encouraging people to cycle and thus be rewarded with all the benefits that come with that.

We also promised to consult with the cycling community to prioritise key missing links in our cyclepath network—both the on-road and off-road networks. We provided $4 million for that, beginning in 2010. There are many missing links in the network. Anyone who lives in the northern parts of Canberra would know that getting from Belconnen to the inner north or from Gungahlin to the inner north can be tricky. Whilst there are a couple of links, it would be good to have those links upgraded—and perhaps even put a few more links in there as well.

We also promised to invest $120,000 in secure bike lockers at the park and ride facilities across Canberra. Again, that is something which is long overdue—both the park and ride facilities and additional secure bike lockers. We also said that we would ask the new independent infrastructure commissioner to assess and publish estimates of the maintenance work needed to sustain the existing network into the future as well as to sustain proposed new sections of the network.

Cycling in Canberra has a very long and cherished history. It would be a shame if our neglect of the current network meant that that did not continue into the future. From Pedal Power, I would like to commend for their good work the President, John Widdup; the vice-presidents, Jeff Ibbotson and Leon Arundell; and someone that I have dealt with in particular, Tony Shields, who is the coordinator of advocacy for Pedal Power. They do a fantastic job with their advocacy. They are probably one of the most effective advocates in any particular cause here in ACT politics; they are doing a great job for their members.

I would like to point out one particular part of the network which I think is failing cyclists, bus users, other road users and even pedestrians. That is just around the corner here on Northbourne Avenue and London Circuit. If you are heading southbound on Northbourne Avenue where it meets London Circuit, in the space of 50 metres or so you have a bus stop as part of the bus interchange, you have a turn-left lane, you have a cycle lane and you have three lanes of traffic going southbound. In addition to that, you have traffic lights and there is a red light camera. And there are also pedestrians there. In addition to that, it is a very, very busy part of the city.

I have written to the Chief Minister about this, and he stated that he thought it was satisfactory. He said that it was not as good as it could be, as desirable as perhaps we would all like it to be, but that, given the circumstances, he was satisfied with the situation. He said that he would continue to monitor it.

But I want to flag again that I think that part of the network is extremely dangerous. I urge the government to consider alternative ways of dealing with that problem. Whether it means moving stop 10 from the bus interchange to somewhere else, I am not sure, but I do think that is a particularly dicey part of the network and I am concerned about the safety of all users there.

I would like to give a plug to another organisation that I think are doing a fantastic job, the NRMA-ACT Road Safety Trust. This was set up when Brendan Smyth was the minister for urban services a few years ago. Eddie Wheeler, who is the secretary/manager there, does a fantastic job. A few weeks ago, on 11 September, Mr Hanson and I had the privilege of attending the road safety postgraduate scholarship showcase event. That was quite enlightening—an opportunity to hear about some of the great research that is being done around the issue of road safety. The level of detail and the level of investigation that so many academics are going into with regard to road safety are really quite extraordinary.

It is, of course, a very serious issue, and one that I am glad is getting due attention—and appropriate recognition and appropriate funds through the ACT Road Safety Trust. I would also like to commend Professor Don Aitkin, who is the Chairman of the Road Safety Trust.

The NRMA are doing a superb job more generally as well. They produce much literature to support safer road use and to limit the undesirable incidents which occur on our roads. The figures that they publish are somewhat startling, especially with regard to drink driving. Drink driving contributes to one in five fatal crashes. That is quite extraordinary. If you look at that number that Mr Stanhope mentioned earlier—88 people—one in five are linked to drink driving, so roughly 17 or 18 people died as a result of drink driving. Those deaths are completely avoidable. It is a tragedy that alcohol is still one of the main killers on our roads.

In the time I have left, I would like to recognise the good work done by the Motorcycle Riders Association. Motorcyclists—not unlike motorists in general—often get a bad name. The Motorcycle Riders Association has been fantastic in showing that motorcycle riders are just like any other road users: they too are concerned with safety; they too want to use the roads in the safest, most efficient and most effective way. The advocacy work they are doing is very good. I would like to commend the president, Jennifer Woods; the senior vice-president, David Ault; the vice-president, Kathleen Parsons; the secretary, Nicky Hussey; and the treasurer, Sylvia Sinfield. They also have a number of project managers that are working on particular areas of the organisation.

In my remaining 30 seconds, let me say that I have had dealings with Leon Arundell, who is the Convenor of the Canberra Pedestrian Forum. He has got quite a challenge ahead of him. He has some very ambitious plans for how we can better use our roads

here in the ACT. I have met with him and heard his ideas for Canberra. They are well worth hearing about and well worth investigating. Hopefully, we can take on a few of his ideas to make Canberra a more pedestrian-friendly city.

MS LE COUTEUR (Molonglo) (3.38): I would like to thank Mr Stanhope and Mr Coe for their useful contributions to this topic. I am very pleased to find that we all are in furious agreement that it is an important area and something which Canberra can do better at. The reality that 13 people died on our roads last year and 500 were injured is not satisfactory. And 500 injured would be an understatement. I assume that would only be the people who went to hospital or maybe required police reports, because the actual rate of transport-related injuries would be a lot higher than that.

I also, of course, would like to thank Ms Bresnan for her presentation on this topic and second everything she said, in particular the context that transport makes up 23 per cent of the ACT's greenhouse gas emissions. We need to look at changing that and some of the modes of transport which we need to prioritise because of that, like walking and cycling, which are the ones that leave people more vulnerable.

Our city needs to change. I agreed with Ms Bresnan when she said we need to go on a road diet. I also agree with the government's submission on light rail, which said that Canberra's existing transport system is not sustainable from an environment, economic and social perspective and is already imposing significant costs on the ACT economy and society.

I would like now to mention a few other things apart from those mentioned by the three previous speakers. Firstly, and probably given where we are most importantly, we need to have a change of attitude from those in power—from ACT Roads, from transport, from the Legislative Assembly. Transport development needs to be focused on people, not focused on motor vehicles. At the heart of everything from a transport point of view are pedestrians—we all walk. At a recent New York walking conference it was said that what we need is more footprints and less carbon. I think that is an absolutely great slogan.

Secondly, we need to reclaim space for the community. About 25 per cent of the landmass in Canberra is covered by roads. That is extraordinary. In the 1960s, Copenhagen was as congested with cars as any other city. Then the council noticed that the community had started using a decommissioned parking lot for community activities—markets and community gardens. The city let them keep this space and then instituted a policy to decommission a parking lot every year. The people-friendly policies grew and the community embraced them and the space that had previously been closed to them. Today, as people would be aware, it is probably the walking and cycling capital of the world.

One of the ways of reclaiming space is through a concept called shared space. Shared spaces remove the traditional segregation between motor vehicles, pedestrians, cyclists and the traditional controls, such as signs and traffic lights. The result is an environment where car drivers do not have priority; it is a space shared by all users of the street—cars, cyclists and pedestrians. Bendigo has got some very good examples of that, and we also have some examples that partially do this in Canberra. The ANU near the union does some aspects of this, as does the space by the old portrait gallery.

As I have pointed out many times before, Bunda Street in the city and Hibberson Street in Gungahlin are ideal places where this could happen. I am very pleased that the consultant employed by the ACT government to review the ACT's cycling and pedestrian network has agreed with that conclusion.

Other things I would like to see the government promoting is what is being called second generation traffic calming. Now, we all know what first generation is, but second generation traffic calming is fun, community-based traffic calming. It is finding creative, innovative ways to slow traffic, recognising psychological, social and political factors that influence traffic and speed. It combats the idea held by motorists that traffic environments are meant only to accommodate motorists travelling at high speed, and predictable traffic environments feel like that. Second generation traffic calming creates environments that contain some unpredictability and end up slowing down traffic, and this is something the community can really be involved in.

Another area for the safety of road users, as I think Mr Stanhope mentioned, is lowering vehicle speeds generally. The Greens have advocated this through our parliamentary agreement with the Labor Party where we required the government to investigate introducing 40-kilometre zones around community and shopping centres, although possibly we should be really going for 30 kilometres. Evidence shows that low vehicle speeds make a substantial difference to reducing the risk of injury for cyclists and pedestrians. An example is the city of Kingston-upon-Hull in the UK. It introduced widespread 30-kilometre zones. Between putting in the first 30-kilomtere zone in 1994 and in 2001, Hull saw a 14 per cent decrease in all road casualties compared to a 15 per cent increase in the surrounding shires.

Another area where the Greens are putting a lot of thought is road rules in general. One I would particularly like to highlight is that governing road user liability. The laws of some Northern European countries put a special duty of care on bigger, more dangerous vehicles when it comes to collisions. For example, the laws make cars strictly liable in terms of crashes with cyclists. Equally, a cyclist would be strictly liable in a crash with a pedestrian. Thus, what that means in practice is, the driver of the more dangerous vehicle—that is, the bigger, faster, heavier vehicle—would have to show that they were not negligent. This recognises that vulnerable road users are in a special position and that care is needed to protect them. It also would overcome the evidentiary issues faced by injured pedestrians and cyclists who are in the position at present of having to prove that the person driving the car or truck that hit them was negligent. Interestingly, studies from the world around have shown consistently that cyclists are the cause of less than 10 per cent of bike-car accidents. So that shows the sense of this.

I would like to stress that we are not trying to say that cyclists and pedestrians should not have the same responsibilities as other road users. There is clearly the risk and clearly the reality that cyclists and pedestrians sometimes cause serious injuries and fatalities. The Greens strongly support the requirement that cyclists be responsible and for our laws to properly encompass inappropriate behaviours by bike riders and pedestrians.

One of the initiatives we would like to see promoted is a safe cyclist project. This would target both safety, by focusing on visibility, and cyclist etiquette and obeying the road rules. We think that maybe there could be things like free reflective accessories for cyclists which contain messages about cycling etiquette and that this could be a way that we promote visibility of cyclists and encourage better relations between different road users.

On that note, I would like to point out that all users of our roads need to be responsible, regardless of the mode of transport. I have seen irresponsible actions from car drivers who brush past cyclists. Equally I have seen very irresponsible acts from cyclists who break road rules or wear all-black clothes at night with no lights. We have seen pedestrians, also, who cross roads diagonally with their backs to the oncoming traffic. We all have to behave responsibly on the road, no matter what form of transport we use, and we do not want there to be generalisations like "bikes are bad" or "car drivers are unsafe".

I would like to finish off in the small amount of time I have got left reflecting on some of the things that Mr Coe said but in general about bike riding and where bike riders choose to ride. Before I was elected here, I used to ride my bike to Bruce, which was a much harder ride, because it was up a hill. It was harder physically, but mentally it was a lot easier, because there was plenty of space on the roads or they were nice suburban roads. Now I go down Northbourne Avenue, which is the opposite. From a mental point of view, it is kind of scary riding down Northbourne Avenue. The trucks are next to you. They are big and they do not always stay where they should be. I know as a car driver myself that car drivers do not always see you. Every time you go past a cross street, you are wondering whether the car is going to see you. Almost always it does, but you always have that slight feeling of "oh my God, will it?" There is a real need for on-road cycling lanes, but they are not the only path. The other alternatives are footpaths. There are issues with footpaths—I have run out of time. *(Time expired.)*

MS PORTER (Ginninderra) (3.49): I also thank Ms Bresnan for bringing this matter to the Assembly. The ACT government takes the safety of all road users very seriously. Earlier this year, the government embarked on a series of roundtables with key stakeholders on the future of road safety in the territory and whether the ACT could adopt a vision zero approach to road safety from 2011 onwards. But the ACT's record of road safety does not begin here.

The ACT government has a strong history in ensuring our roads are safe and secure for all road users, particularly those users who are vulnerable. Within the Department of Territory and Municipal Services, Roads ACT has a special road safety unit which shas undertaken advertising and awareness-raising activities over the past few years. As we know, road safety is something we all need to be aware of and take responsibility for. Road engineering and traffic control are not the whole answer. That is why this advertising, which raises awareness of road safety, is so important and includes specific road safety advertising aimed at increasing awareness of vulnerable road users, including pedestrians, cyclists, motorcyclists and novice drivers. There is also advertising aimed at increasing awareness of specific behaviour affecting all road users, such as speeding, using mobile phones while driving, drink-driving, tailgating, and the danger of driving whilst fatigued.

There is also the series of articles on road safety behaviour and issues affecting all road users which appears in the *Canberra Times* each month. There are cyclist-specific advertisements encouraging the use of lighting at night and helmets which appear in the print media and also as posters in cycle shops and coffee shops. As members may be aware, there is a new TV and radio campaign to remind Canberrans to slow down in residential streets and to obey the 50-kilometre default speed limit. In these ads, the use of children's voices emphasises that the 50-kilometre zones are to help protect vulnerable road users. A share the road TV campaign is also currently being developed, which emphasises safe road behaviours between all road users, with a particular focus on vulnerable users.

The government regularly consults with key stakeholder groups on road safety issues and provides ongoing support. Groups advocating for vulnerable road users include: the walking school bus; Canberra Pedestrian Forum; the Bicycle Advisory Group, made up of Pedal Power, Canberra Cycling, the NCA and ACT government departments; and the Motorcycle User Group made up of Roads ACT, the Motorcycle Riders Association, the ACT's motorcycle rider training provider, Stay Upright, NRMA motoring services, ACT Policing, and ACT motorcycling industry representative.

I would also add my comments to those that have already been made about the vulnerability of motorcycle riders and the good work that these various groups do in trying to educate and assist motorcycle riders to take more care on the road and also to raise awareness amongst car drivers and other road users about the vulnerability of motorcyclists.

Also, we have had the 2008-09 motorcycle awareness week, which has been spoken about, the ACT motorcycle riders handbook, and the learners and provisional licence review.

The ACT government also receives funding through a federal Auslink nation building black spot program. Projects can be proposed by the community as well as the ACT government and are assessed by the black spot consultative panel, which includes members from vulnerable road users like Pedal Power and the Motorcycle User Group, as well as representatives of the road safety college and the NRMA. To date, 55 projects have been funded in the ACT under the federal Auslink nation building black spot program. The program funds relatively low cost safety works, such as roundabouts, signalised intersection improvements, fresh barriers, signage and street lighting in places where there have been serious crashes or where serious crashes are likely to occur.

Vulnerable road users are always taken into account and, where possible, safety improvements based on road safety audits are incorporated to reduce the risk of serious injury. The value of the black spot nation building funding for the ACT in 2009-10 is $966,000, plus an additional $966,000 through nation building 2, totalling $1,932,000.

There have been a number of initiatives to identify the needs of and prioritise improvements for vulnerable road users. As part of the sustainable transport action

plan, a review of the cycling and pedestrian infrastructure requirements has been commissioned, and this work is currently underway. This project includes a review of previous work, the establishment of a process to identify and prioritise pedestrian and cyclists needs, and a program of work that can be used to develop capital works programs over the next seven years.

This work also looks in more detail at pedestrian and cycling networks within the various town centres and includes an accessibility and mobility assessment in each town centre in conjunction with the ACT Guide Dog Association. Public comments are currently being sought on this review, and submissions close on 4 December. I would encourage people to make comments to that review.

Other measures that are aimed at improving the safety of vulnerable road users such as cyclists and pedestrians include review of the design standards associated with the provision of infrastructure and the introduction of measures such as the green lane cycle lane treatment on major intersections to reinforce in other users' minds the presence of cyclists on roads and to improve the safety for left-turning traffic.

Improvements to the footpath and off-road cycle network continue to be implemented on an annual basis, and these are prioritised in consultation with various road user groups and a technical assessment against various criteria. Some $4.6 million is spent annually in maintaining the condition and the safety of existing community path network in the ACT, which extends over some 2,400 kilometres, as I believe Mr Stanhope was saying yesterday in this place.

Mrs Dunne: No, that was footpaths.

MS PORTER: Yes, the community path network. The government is also installing safety screens on bridges across the ACT starting from next month as part of a $2.4 million initiative to prevent rock-throwing at vehicles and to protect vulnerable road users. I think it is very sad that we actually have to go to this extent to do this. We are installing safety screens on 14 bridges across the ACT. Screens will be installed on pedestrian bridges across Erindale Drive, Ginninderra Drive, Isabella Drive, Carruthers Street and the Cotter Road vehicle bridge by Christmas. Another nine screens will be installed on bridges over the next four years. The government also continues to provide on-road cycle lanes as part of the resealing program to provide cyclists with their own safer part of the road space.

This government have a strong record in road safety, and we will continue this through the next road safety strategy which, as I said before, will adopt a vision zero type of approach. I would encourage all road users to be aware of each other so that we can in fact ensure the safety of vulnerable users.

MR SPEAKER: The discussion is concluded.

Campaign Finance Reform—Select Committee
Appointment

Debate resumed.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.57): The Greens strongly support an inquiry into electoral and political party funding, as we have long called for reform in this area. I move the following amendment to Mr Seselja's motion:

> Omit all words after "That", substitute:
>
> "(1) the Standing Committee on Justice and Community Safety inquire into electoral and political party funding in the ACT, including:
>
> (a) regulation of:
>
> (i) donation size;
>
> (ii) political party campaign expenditure; and
>
> (iii) third party campaign expenditure;
>
> (b) financial disclosure laws;
>
> (c) direct and indirect public funding of elections;
>
> (d) regulation of:
>
> (i) donations by private individuals, corporations, unions, organisations and other contributors; and
>
> (ii) personal candidate funding;
>
> (e) enforcement of funding and financial disclosure law;
>
> (f) the relationship between ACT electoral law and Commonwealth electoral law;
>
> (g) any Constitutional matters; and
>
> (h) any other relevant matter.".

This amendment provides greater clarity in the terms of reference as well as some additional points such as taking into account the relationship between the ACT electoral law and commonwealth electoral law.

The Greens have campaigned nationally over many years for change to the way in which donations to political parties may influence government and the decisions of those in office. Senator Bob Brown was one of the first national leaders to call for serious revision and examination of the funding of elections and the way in which our current arrangements affect the democratic process. Senator Brown stated that the hallmark of a healthy democracy is that no elector is disenfranchised through a lack of opportunity to ensure that her or his vote is of equal weight and to know that the democratic process of this country is governed by the principle of one person, one vote, one value.

Here in the ACT the Greens clearly state in our policy platform the need for transparency and swift reporting of any political donations, and we have an item in the integrity section of the parliamentary agreement with the ALP in regard to electoral reform.

The Greens are pleased to see that other states are examining the issues of electoral reform, as it is clear that current arrangements for the financing of politics are failing to meet the basic standards required in a healthy representative democracy. Recently, Queensland Premier Anna Bligh announced that her government will ban political donations of more than $1,000 by mid next year, as well as outlawing "success fees" from lobbyists, as part of wide-ranging integrity and accountability improvements. New South Wales Premier Nathan Rees has followed suit by announcing last week that there will be a ban on developer donations to political parties in New South Wales. This was followed by severe criticism from the outgoing head of the Independent Commission Against Corruption, Jerrold Cripps QC, who condemned the relationship between property developers and the New South Wales state government. He was quoted in yesterday's *Financial Review* as saying, "I don't think anybody denies that political donations and lobbying are activities that are unmistakably conducive to corrupt conduct."

A healthy democracy requires that diverse views are represented in parliaments, debates and campaigns. It is through the presence of different voices that new agendas can be created, that vested interests can be challenged and that governments can be held accountable. Australians are justly proud of our achievements as a nation in the field of electoral democracy. David Farrell and Ian McAllister open their definitive study, *The Australian electoral system: origins, variations and consequences*, by saying:

> In the pantheon of representative democracy, Australia has its name stamped on many of the major advances in electoral system design as well as on the steps towards democratising electoral laws.

The Greens believe that the ACT must also look at our current arrangements in the light of these reforms and how we can improve accountability to the people of the ACT. The amendment I have moved to Mr Seselja's motion encompasses all aspects of the way in which political donations interact with the electoral process and how reforms within the ACT could reflect changes nationally. Arrangements with regard to electoral funding should promote open, honest and accountable government and bring the constitutional idea of political equality closer to reality.

The Greens support disclosure requirements that inform voters about potential influence of donors, and public funding that preserves the significance of voters' voices in the political process. All citizens have the right and the responsibility to participate in the process of government, and participation in democracy should not relate to the amount of money that individuals or organisations are able to donate to a political party.

The call for an inquiry is not about any specific political party or the targeting of individual candidates. Instead, the purpose is to create a fairer political environment.

Any lack of transparency or perception of conflict of interest creates distrust in the community and loss of confidence in our democratic system. Therefore, political finance reform is a sound method of managing risk against possible political corruption.

Because electoral matters are at the heart of democracy on the one hand and of politics on the other, the issues are complex. However, genuine electoral competition is essential to a robust democracy. I encourage all members to support this motion because as representatives of the people of Canberra we cannot afford the public's faith in our electoral system to be diminished.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.03): The government will be supporting this motion today and also the amendment proposed by Ms Hunter. However, I move the following amendment to Ms Hunter's amendment:

> Insert the following words after "ACT" in paragraph (1): "having regard to the Commonwealth Government's Electoral Reform Green Paper, *Donations, Funding and Expenditure* (December 2008)".

This is an important debate and it is important to recognise the contribution that jurisdictions from around Australia are making to the public discussion and debate on the issues of campaign finance and options for reform. Most significant of these other contributions is the commonwealth government's green paper on electoral reform, donations, funding and expenditure, which was released in December 2008, providing substantial background and material to inform the work of the committee.

What is particularly important about this paper is that it captures the current issues and provides discussion points to examine matters that affect all jurisdictions. The paper does have regard to the different legislative and regulatory regimes that apply in each state and territory, as well as options for reform at the commonwealth level. For example, it provides an examination of the effectiveness of provisions in relation to campaign funding and a comparative examination of approaches in other jurisdictions, including in comparable overseas jurisdictions.

The green paper sets out fundamental matters such as the rationale for the reasons for regulation of electoral funding and donation. It lays out the principles that inform regulation of electoral funding and disclosure. The committee may wish to consider these principles in its deliberations. It includes principles such as integrity, transparency, accountability, enforceability, the right to privacy, participation, freedom of political association and freedom of expression. These are all important issues that should be front and centre of the committee's deliberation, and that is why I am proposing in my amendment that specific reference is made to this green paper. I note that Mr Seselja in his comments during his speech also made reference to this document.

So, members, what I am proposing is a simple amendment that will reassert the importance of this particular document. It does not mean that the committee must only have regard to it at the expense of others, but I think this particular document is

perhaps the most complete examination of issues around campaign finance reform that has been done anywhere in Australia. Indeed, it is a report and an options paper that looks at the regulatory structure for campaign finance in each Australian jurisdiction. Much of the work of the committee will be informed by this type of analysis, and I see no difficulty in having it incorporated in the way I suggest into this motion.

I acknowledge that the commonwealth government is not the only Australian government that is considering electoral reform or which is contributing to the current public debate. I understand that the Greens are concerned that by making reference to the commonwealth paper this will limit or in some way restrict the work of the standing committee. I do not believe that is the case. The broad terms of reference are set out there, and they remain, but it is important to ensure that the committee have specific regard to such a body of work as the commonwealth green paper.

Another important issue for members to consider is that ACT electoral funding laws to a large degree have traditionally corresponded with the laws of the commonwealth in this area. There are distinct advantages in taking into account the desirability or otherwise of consistency between the ACT and the commonwealth in relation to electoral funding laws. To do so would mean that we can continue to maintain a strong level of consistency between both jurisdictions. This allows for ease of reporting, reduces confusion and the possibility of errors being made by political parties and other participants in the political process when it comes to reporting, and it has a practical implication of potentially reducing the burden on ACT resources in implementing and managing a system that does not hold at least some level of consistency with the commonwealth.

I raise this point simply to say that there are issues around implementation that should always be given regard to. They should not be the driver of the debate; they should not be the primary consideration, but they should be a consideration. In a small jurisdiction with a small electoral commission, an overly onerous, complex, complicated or divergent scheme from the commonwealth does impose additional costs on the territory and it is something that should be given regard to. As I have just said, it also opens up the prospect of confusion in the reporting regimes, particularly where people make donations to all three political parties, for example, represented in this place, at both the federal level and at the territory level. Different reporting regimes, if they are widely divergent, can lead to confusion.

The final point I would like to make is that this proposal for investigation is a worthwhile one. It is one that the government will willingly engage in. We have previously made changes to the electoral laws of our own volition in relation to thresholds for reporting; for example, with disclosure of donations the disclosure thresholds were lowered by me as the responsible minister, if I recall correctly, approximately a year ago. These reforms reduced the threshold at which donations must be disclosed, and we maintain a strong interest in an equitable, efficient, transparent and fair mechanism for dealing with campaign finance, dealing with the issue of donations and dealing with the issue of campaign expenditure.

I commend my amendment to members. It simply reasserts the importance of consideration being given to the commonwealth's green paper as well as to the broad range of other issues that I am sure the committee will have regard to.

MR SESELJA (Molonglo—Leader of the Opposition) (4.11): The Liberals will not be supporting Mr Corbell's amendment, but we will happily support the Greens' overall amendment. I will speak to both. In relation to Mr Corbell's amendment for reference to the commonwealth's green paper, Mr Corbell did make some good points in relation to the green paper, and I am sure that the committee will reference that green paper in their inquiry. It is an important body of work. But it is not the only body of work. My only concern with referencing one particular paper in this process would be that it would in some way elevate it above all other contributions to the debate.

This will be a wide-ranging inquiry and I would certainly say, on behalf of the Canberra Liberals, that we would want to see the committee examining this green paper and looking at what is coming out of the commonwealth process—there is no doubt about that—but we do not see a need to actually include that in the formal terms of reference. For that reason, we will not be supporting Mr Corbell's amendment, as much as it may well be well intentioned.

In relation to the Greens' amendment, in the end we took the view that it was worthy of a select committee. We still believe that. But in the end what we need is an inquiry that includes all the parties, that has broad terms of reference. That is what we are getting today, and I am very pleased with that. So we have no dramas with it. I think there are a couple of wording changes in some areas, but they are relatively minor. We are now looking at a fairly broad-ranging inquiry.

It is important that the committee has the proper time to consider this issue. It is a complex issue in some ways. It is an issue that will take some time to look at. Without trying to determine the terms of reference or the reporting time frame, to see something from the committee between the middle and the second half of next year would be good, with a view to bringing something back to the Assembly. That would certainly be our hope for what the committee could do.

In relation to some of Mr Corbell's comments, it is important that what we get out of this is something that is not aimed at any one particular party, either for benefit or disadvantage. In the reforms that Mr Corbell referred to in terms of lowering the threshold, and some special clauses requiring certain organisations to disclose their members and their contributions but not other organisations, I think there is no doubt that that was aimed at the Labor Party, to the Labor Party's advantage while they still have a majority. There is no doubt about that.

This will be a tripartisan issue. Hopefully, we can get a consensus report out of this committee, with a view to bringing something back to the Assembly. That would be our hope for it: that we see reform that is long lasting and that is not in any way designed to knobble one party or to advantage one party in particular but one that would be about improving democracy here in the territory. This is not just about now; this is an opportunity for the next 10, 15, 20 and 30 years, because fortunes will change—things go up and down—in terms of fundraising and electoral fortunes.

What we want is a robust system that allows democracy to thrive in the best possible way. It is complex. It is not easy. But that would be my hope from this committee

inquiry and that is hopefully what all members of the committee in their contributions to it will be working towards; something that will stand the test of time; hopefully, reforms that broadly will stay in place for a long time because they have the confidence of the community and the confidence of this Assembly.

I will say more in closing after Ms Hunter and others have contributed, but just to summarise: we will not be supporting the amendment from Mr Corbell, simply because we do not believe this green paper should be put above others, but we are happy with the Greens' amendment, because it is broadly in line with what we brought, and in the end we will be getting a committee inquiry, which we believe is very important to progress this issue.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.16): In speaking to Mr Corbell's amendment, it is the ACT Greens' belief that it is not necessary to pick one particular body of work to put into the terms of reference. I acknowledge the points that have been made by Mr Corbell. This is a significant body of work; it is an important body of work. I find it highly unlikely that a committee with the terms of reference that are set out here would not look at that body of work and make it part of its inquiry. Mr Corbell raised some points about the relationship between the ACT electoral law and the commonwealth electoral law—how those systems interact and so forth and the extra costs that might be incurred if different systems were put in place.

I go back to my amendment to Mr Seselja's motion. Subparagraph (f) of the amendment goes right to the heart of this issue. It talks about the relationship between ACT electoral law and commonwealth electoral law. That really is where I see that link to the body of work done by the commonwealth comes in. We want to look at this issue broadly. We want to look at other work, other reviews, other papers and other research that has been done in this area right across Australia. I reiterate that we see the commonwealth's body of work as incredibly important. It is not necessary to put that body of work into the terms of reference explicitly. The Greens believe that it will be very much part of the inquiry that will be run by the Standing Committee on Justice and Community Safety. That is why we will not be supporting Mr Corbell's amendment.

MR SMYTH (Brindabella) (4.18): This is a very important motion. It is a very important motion about the maturity of the ACT and the political system in which we work. I congratulate the leader of the opposition, Mr Seselja, on bringing it forward. I know that Zed has been speaking on this matter for months now. He is very concerned to make sure that the system works and that it works equally for all.

Ultimately, in the end, it is not about us; it is about the people we represent. It is about making sure that what they need is delivered. It is about making sure that their ambitions are met and their potential is unleashed so that the ACT can be a great place to live. That starts with the campaigns. It starts with what all parties offer and the ability of whoever is in government to deliver. It is about honesty and it is about people understanding exactly what the parties are saying—not being swamped, because somebody can have a massive spend, or somebody not getting a voice because they cannot get access. In that regard the motion is very important. It is about maturity, not just democracy, in the ACT.

I note that in the year that we celebrate 20 years of democracy—as the bottom of the letterhead shows—it is something that Australia has, in many ways, led the world on for a long time. As Mr Seselja said earlier, going back to the early days, there were limits on expenses of members of the House of Representatives. It was doubled for a member of the Senate. The reporting that went into it is clearly something that may not have been at the forefront of the political process at all times but it has certainly been at the back of the political process. People have been considering our democracy, which is one of the longest continuous democracies in the world, and asking: how can we protect it; how can we open it up and make it more accessible; how can we ensure that everyone has an equal say? That is something that all Australians talk about, aspire to and, I hope, believe in. It is something that I think they do believe in.

Again, I congratulate the leader of the opposition on what he is attempting to do today. It sounds like the motion has broad support, which is great. The only way it can go forward is in a tripartite way when all parties in this place, indeed all parties beyond us—all groups in the community—feel that when this inquiry gets underway they can front up to the committee, have their say, know that they are being heard and see what they said reflected in the final report. Then mid-year or late next year and in subsequent years as we in this place discuss this issue and formulate a way forward we can actually do it with the interests of the voter, the constituent, in mind—because they are the people we are here to serve.

It is a very important day in terms of the maturity of this place. I think it is very apt that, hopefully just by coincidence, it is occurring in the 20th year of our democracy. I think it says quite clearly to other jurisdictions—I note what the federal parliament is up to and the discussions that are occurring in New South Wales—that they should look at what we are doing. As Mr Seselja said, other democracies—Brazil, Canada and the United Kingdom—are working on this. They perhaps lead us at this stage. Perhaps the ACT as a jurisdiction can become the shining light when it comes to electoral reform, honesty, openness, accountability and having elections based on substance. As the elected representatives of the people of the ACT, we can represent their needs and aspirations. By understanding their needs and aspirations we can make good law and govern to meet their needs and their aspirations. My congratulations go to the Assembly on the mature way people are approaching this and also to the leader of the opposition on bringing forward this motion today.

MR SESELJA (Molonglo—Leader of the Opposition) (4.23): To close the debate, I thank members for their contributions and support. I think this is an important step forward. This is the first step that we have taken today as an Assembly towards, hopefully, some very substantial and long lasting reforms in the way that campaign financing occurs in the ACT. This is not something to be underestimated. Our democracy and all of the institutions and laws that underpin it are critical to the wellbeing of all Canberrans, and indeed all Australians as we look nationally.

We have a robust democracy. We have one of the best and most well-functioning democracies in the world. We should never take that for granted. We should never take it for granted that, because we are now a very well-functioning democracy, there are not areas for improvement, there are not things we can do better and there are not things we can reform in order to continue that process. If you are not reforming in

these areas then eventually you are going to go backwards. Eventually you are allowing complacency to creep in. At times we have seen extremes around Australia and around the world of corruption in the process. We need to put in place laws that guard against that to the maximum possible extent.

There is no doubt that the vast majority of people who stand in public life are people of goodwill who seek to serve their communities to the best possible extent and to comply with the laws of the nation. Of course, we know that occasionally people come into the process who are not. Our laws need to give confidence to the community. They need to give confidence that the system is as robust as possible, that it is as open and as transparent as possible. Hopefully, what we have today—and I am sure we do have it today—is the first step in improving that process in the ACT, the first step in reforming things.

We can lead the nation on this. There has been a lot of discussion from leaders around the country. As has been noted, there have been discussion papers, green papers and the like at the federal level. There has been discussion at the state level. We could well be one of the first jurisdictions to act on this, to take strong action to make genuine reforms. We have an opportunity in this Assembly to make, hopefully, long lasting reforms which will stand the test of time.

Our community deserves this. We will continue to lead the way and to push for this. We now turn it over to the committee. We trust that the tripartite committee will look at this rigorously. We trust that they will look at this with an open mind and with a view to improving and safeguarding our democracy. We trust that they will ensure that the laws that we put in place now stand the test of time for the next 10, 20 or 30 years and beyond. I commend the motion to the Assembly and I thank members for their support.

Mr Corbell's amendment to **Ms Hunter's** proposed amendment negatived.

Ms Hunter's amendment agreed to.

Motion, as amended, agreed to.

Executive business—precedence

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

> That Executive business be called on.

The Assembly voted—

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

Question so resolved in the negative.

Justice and Community Safety—Standing Committee
Report 3

MRS DUNNE (Ginninderra) (4.31): I present the following report:

> Justice and Community Safety—Standing Committee—Report 3—*Inquiry into the delay in the commencement of operations at the Alexander Maconochie Centre*, dated 19 November 2009, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The opening of the Alexander Maconochie Centre in September last year was a matter of considerable fanfare. Since then it has been a matter of considerable embarrassment for the Stanhope government because it has become clear that, at the time of the opening, the Alexander Maconochie Centre was nowhere near ready to be opened.

The Standing Committee on Justice and Community Safety, at the initial request of Mr Hanson, inquired into the circumstances surrounding the delay in the commencement of operations at the Alexander Maconochie Centre, because of the wide-scale community concern about the impacts that this was having. There was wide-scale community concern about the impacts, particularly, on prisoners and remandees, the staff at ACT corrections facilities and the overall perception that the community had been sold a pup during the election campaign, because the AMC was opened with such fanfare and it took another six months after that for the AMC to actually come into operation.

Over the period, especially over the Christmas period, there were considerable concerns in relation to safety of prisoners and remandees and there were a number of incidents that appear to have arisen because of the adverse situation in which people, prisoners and remandees, were being housed, especially at the BRC. We know that for a very long time this has been an issue and a cause for concern for members of the community, but it was increasingly so during the summer months in the run-up to the opening of the AMC.

The AMC was the largest capital works project that we have seen in the ACT for a very long time. This inquiry showed that there were lots of things wrong with the process. When the government started to receive adverse comment in relation to the failure to commence operations at the AMC, the Attorney-General made a big song and dance about the fact that it was absolutely and utterly beyond the government's control and that it was all down to the security contractor. He said it in the paper, it was reported on the news and he said that he looked forward to this inquiry because it would clear the air and show quite definitely that, in fact, this was all down to the responsibility of the security contractor. But what we have here today is a unanimous report from all of the parties associated with this that show there was a litany of errors. We have 25 findings in relation to the opening and 11 specific recommendations so that we can learn for the future.

A lot of what was done here was to look back and see what happened. The structure of many committee reports is really about recommendations for the future. We needed to reflect on the past and make particular findings because we were asked to do particular things—for instance, to find out how much these delays had cost—and we felt that we needed to make recommendations to ensure that these things did not happen in the future.

I will go to the last of the findings. Finding 25 says:

> At the time of reporting the cost to the ACT of delays in construction of the AMC is $3.516 million.

So over six months, the failure to commence operations at the AMC had resulted in a cost of $3.516 million. That is not a final cost. It is possible it may go up; it is possible it may go down. The issue in relation to liquidated damages is not resolved. The committee makes particular recommendations in relation to liquidated damages, requiring the government to report to the Assembly about progress and the final resolution related to liquidated damages.

This has been, as I said before, a matter of considerable embarrassment to the government, and a lot of it hangs on the statements made by the minister at the time. The minister, as I said, tried to lay the blame entirely with the security contractor in relation to this, but the committee, in finding 22 in paragraph 5.65, says:

> While there were significant delays in installing the AMC security system not all the delays to the commencement of operations of the AMC were due to the security system as the Attorney-General has contended.

We go back to the whole process. The findings in relation to the building process dwell on a litany of errors and a breakdown in communication—or not so much a breakdown in communication but a labyrinthine style of management that meant that communication on many occasions was very poor.

It also became apparent to the members of the committee that, as a result of this poor communication, there was a very poor quality of briefing going to the ministers and that what the ministers were apparently receiving was factual briefings that said, "The commence dated was X but it has blown out by five days," and then another briefing saying, "The commencement date was Y but that has been blown out by 10 days."

At no stage did we see any evidence that there was any analysis going to the minister saying, "We now have a cumulative five, 10, 15 or 30 days blow-out in the completion date and this means the following things." Possibly, it means that the security contractors did not get access to the site for what was called a "blackout" site, so that there was no-one else on the site except the security contractors to do the final installation and the initial testing. That never happened. It meant that there was no analysis of "If we don't open when we said we would, what implications will that have for remandees, the people interstate, for our capacity to move people interstate?" et cetera.

There was no analysis anywhere by the government. All that the ministers received was factual information in relation to these things. There was nothing that said, "Here are the delays and the implications for that are X, Y and Z." There were no alarm bells ringing, it seems, anywhere in agencies to say that there was anything wrong with this. It was like, I suppose, the boiling frog principle. You put the frog in the water and the temperature goes up, you have a few days delay and you do not think anything more about it. But when the frog has really boiled, it is too late to do anything about it and there has not been any contingency in the whole process.

The committee made a number of findings in relation to the impact on prisoners. There are some interesting things in that regard. From December last year, sentenced prisoners were not being moved to New South Wales. There is no satisfactory explanation as to why that happened. In fact, the evidence that we received from officers from Corrective Services and the evidence that we received from the New South Wales prison service were quite contradictory. There was never a satisfactory explanation given to the committee as to why prisoners were not transported interstate.

We made findings that the delays had exacerbated the already bad conditions at the BRC. We noted that eventually, when the Quamby remand centre became available, Corrective Services officers acted quickly to alleviate some of those particular problems by opening up the old Quamby site for remandees.

A number of findings, 15 to 22, relate to what was missing from the prison at the time of its opening. The RFID, the radio frequency identification system, is not installed and there are recommendations in relation to the radio frequency identification system, requiring the minister to report to the Assembly on when it is completed and installed and at what cost.

The committee was concerned that there is no uninterrupted power supply for the building management system, so that if the power goes out, some of the security system may go out as well. We recommend that those problems be addressed and that the minister report to the Assembly. We also made some assessments in relation to what has now become the famous defect 2.6 involving the hierarchy of the security system and the master control system, which is unresolved. We ask the minister to report on that as well.

One of the principal findings that the committee made in relation to the security system was that, unlike almost every other part of the contract, the contract for the security system was a design-and-build contract. Chubb, who eventually received the contract, not only had to install the security system but they had to interpret a very large brief of some hundreds of pages and turn that into a system that met the requirements in that. Part of the problem, again, was communication—what people put in the brief and what Chubb said they brought out at the other end did not always marry up. This is an ongoing matter of negotiation and mediation between the contractors.

This was an unusual inquiry in that most of the inquiry was conducted in camera and large elements of the evidence have not been published by the committee. We take this very seriously because it is a departure from the practice of committees in this

place. But because of the sensitivity regarding the security system around a prison and the issue of ongoing legal and financial disputes between the parties, we believed that, while there was privilege that would cover those legal and financial issues, it was probably prudent not to publish the evidence, and it was definitely prudent not to publish the evidence in relation to the security system.

Members have contemplated some thousands of pages of contracting information and reports, but at the same time we are not convinced that we received all of the information that was necessary. It was most interesting that, when Mr Hanson made a freedom of information request, he received documents that had not been provided to the committee but that we had asked for in our original request for documents. The government provided the committee with a copy of the documents that had been provided to Mr Hanson.

On a number of occasions we went back and said, "Well, here are categories of documents that we didn't initially receive; can we have those now?" and they were never provided to us. We received things in dribs and drabs but we still believe that we have not seen the full picture in relation to the AMC.

This is a very important document because it is about learning from the mistakes of the past. The government is about to embark on $100 million worth of health infrastructure refurbishment. There is going to be money spent on forensic units; there is going to be money spent at Fairbairn on emergency services; there is the dam. It is actually quite chilling: if you look at the diagrams in this document about the communication process, some of those diagrams look very similar to the ones that relate to the alliance for the bulk water infrastructure.

There was a deep concern in the committee about the capacity of the government and its agencies to manage large-scale infrastructure programs. There are a number of recommendations in relation to briefing, in relation to project management, whether we should have project management in-house, about communication. They are here for the Assembly to contemplate. Some of them refer to the PAC. So your committee, Madam Assistant Speaker Le Couteur, will have some matters to consider. We hope it is not an onerous task in relation to your work on procurement solutions.

In closing, I would like to pay tribute to the hard work of the secretariat staff—in particular, Hamish Finlay, Derek Abbott and Lydia Chung. This was a very difficult report. I would also like to thank my Assembly colleagues Mary Porter, the deputy chair, and Meredith Hunter, who worked so hard on this. I would like to thank Ms Porter for her contribution, as I think this will be her last report as a member of this committee. I thank her for her work on this report.

MS PORTER (Ginninderra) (4.46): Mrs Dunne referred to a number of incidents that occurred in the remand centre and said that the committee found that the delay caused the incidents. I am thinking of just what she said—

Mrs Dunne: No; I actually corrected myself.

MS PORTER: The committee did not find that the AMC delay was the cause of these incidents. All witnesses said that there was no evidence that there were any

more incidents at all. It was a hot summer, but hot summers occur every year, and we are experiencing one now. Whether the AMC had opened or not was not going to change the weather.

The committee found that the major reason for the delays was the number of different players that were involved, particularly those who were involved representing the commercial entities—not sheeting this responsibility for the lack of communication to the minister at all.

As Mrs Dunne said, this is not a reflection on the minister. It was due to the complexities of the contract, the way the contractors worked together and how they communicated with each other and with the government agencies. If you look at the complexity of the particular project, you will realise how many people were involved in this project and how they communicated with one another, as we were given evidence about.

It is something that, as Mrs Dunne said, we can look at into the future. We can look at how these particular projects are so large, with contractors talking to one another across the communication lines that have been established without informing those above them in the line, that it has caused considerable confusion for people and, therefore, caused messages not to be relayed in a timely fashion to the minister and sometimes not be relayed at all to the minister. Of course, that will create confusion and misinformation.

We did recommend that this could be something that we could look at into the future, to ensure that the departments are given sufficient support to be able to make sure that this does not happen in the future. It is difficult to manage these large projects. I just make it clear that we know that the minister was not aware of these delays. And the delays came one upon another—for instance, quite out of the control of anybody, there was the arrival of a whole batch of switches none of which worked, which was another delay on top of many more delays. None of these delays by themselves were of a huge nature, but in the end they did create the situation we found ourselves in.

But they are not unusual in any large project. I do not think that people should go away from this place this afternoon and imagine that something terribly unusual has happened here. This is normal. My stepson is a project manager and I am well aware that in the large projects that he has managed—I have said this numbers of times in the committee—these delays are quite normal and quite to be expected. Unfortunately, as I said before, the communication at the time was a problem, because of the confusion with so many people being involved.

MR HANSON (Molonglo) (4.51): I have participated in many of the hearings. I will speak briefly on the report, which I have just had the chance to glance through today.

What is evident here is that Simon Corbell, as the minister, mismanaged this project. He then handed off his responsibilities for the chaos that he caused to his good mate John Hargreaves.

In the first 12 months or so in this place, I spent much time attacking Mr Hargreaves for the chaos that the corrections portfolio was in, mainly caused by the debacle

around the AMC through its fake opening and the ongoing delays. But what has become apparent through the course of the committee inquiries, and indeed it is confirmed by this report today, is that the man responsible, culpable and accountable for the mismanagement of the AMC, who caused so many of the problems that we saw with corrections—in particular, the overcrowding and the continued, exacerbated, human rights breaches that we saw at the Belconnen Remand Centre, to use the words contained in the report—is Simon Corbell. That is what this committee report has found.

That is what you find as you go through the findings. I look forward to going through the detail in the report, but that is pretty clear to anyone who just skims over the findings. It astounds me that the Chief Minister would seek to give this portfolio back to the minister who stuffed it up so badly. I find it quite remarkable. We can only hope that, throughout the course of the next few years, or however long he has the portfolio, he can do a better job than he did when he had it last time.

Let me turn to some highlights from the findings that I have been able to uncover in the last few minutes. The report confirms that the opening was indeed a sham. Look at finding 2:

> On 4 February 2009 when the Committee undertook a site visit, the AMC was clearly not ready for handover and it was apparent to the Committee Members that considerable work still needed to be done.

Why is it that the committee, unanimously, five months after the mock opening, could go out to the site and see that it clearly was not ready for handover, yet the minister was quite prepared to open it on the eve of the 2008 election? How is that? Finding 14 says:

> At the time of the opening, as the Minister was not appropriately briefed on the delays …

It is a minister's responsibility to make sure that his department is briefing him on the delays, particularly when, as noted in finding 13, in the period leading up to 11 September, in the previous six months, there had been eight delays.

How is it that a minister in charge of a major project that has experienced eight delays does not seek the briefings from his department, does not even bother to go out and look to confirm whether this prison is ready to be opened or not? Could it be that, on the eve of the 2008 election, Simon Corbell wanted this open come hell or high water? We know that that is the case, because it was not ready to receive prisoners until a good six months later, in March the following year.

Ms Porter and Mrs Dunne have talked about the communication failures. Finding 23 refers to the communication failures between the various parties: the client, which in this case I read to be the government; the contractors; and the subcontractors. I repeat: communication failures.

There is also the question of New South Wales prisoners and why they were brought back early. Clearly, New South Wales thought this jail was opening in September. They had their plans to ease pressure on their jails and make sure that prisoners were

returned or no more prisoners were sent to New South Wales. They closed the doors in September, thinking—as we all did at that stage—that this prison was open. That exacerbated the human rights concerns. If you go to finding 7, it says:

> While the ACT's remand facilities have always given rise to serious human rights concerns, these concerns were exacerbated during the period between the official opening … and the commencement of the transfer …

It is pretty damning stuff. I note from finding 15 that the radio frequency ID system is still not operational. I look forward to the minister letting us know when it is. I hope that it is imminent—in excess of 12 months after the official opening.

There was a finding that when the prison received prisoners there was no uninterrupted power supply for the building management system. I would have thought you would have made sure that a prison that was open had an uninterrupted power supply. The defects remain. Not only have elements of the system not been delivered, but defects remain in the system. There is defect 2.6 about the hierarchy of alarms.

We know that the territory is currently out of pocket some $3.5 million as a consequence of the delays. That is liquidated damages. I understand that there will be a case in the courts, but there is no guarantee that we will get that money back. As a consequence of this mismanagement, as a consequence of the delays, there is every chance that we will be out of pocket to the tune of $3½ million of taxpayers' money. And it is down to Simon Corbell.

I will leave the best to last—finding 22. I will read it in full:

> While there were significant delays in installing the AMC security system not all the delays to the commencement of operations of the AMC were due to the security system as the Attorney-General has contended.

I remember this quite clearly when the Attorney-General was called before the committee. It was not his fault, Madam Assistant Speaker. No; it was Chubb's. He said no, that he did everything. We have seen that he did not. He blamed Chubb; he blamed the contractors. None of it was his fault! The unanimous finding of the committee members, including his own colleague, found, and I will say it again:

> While there were significant delays in installing the AMC security system not all the delays to the commencement of operations of the AMC were due to the security system as the Attorney-General has contended.

He was saying one thing to the committee, to the inquiry, and they found that that was not true. That is pretty damning stuff.

This is based just on reading the findings. I look forward to reading the whole of the book. It is a very damning report with very damning findings. But largely it confirms what we knew: Simon Corbell mismanaged his portfolio; Simon Corbell botched the AMC; Simon Corbell then had a sham opening, which was an election stunt, on the eve of the last election. To say that he knew nothing—the Sergeant Schultz defence, that it was not his fault and that he did not know what was going on—when there had

been eight successive delays leading up to the opening was at best mismanagement but at worst an attempt by the minister to interfere with the electoral process of this territory by opening—

Mr Corbell: On a point of order, Madam Assistant Speaker: that is a most improper accusation. I ask Mr Hanson to withdraw.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Yes. Mr Hanson, please withdraw.

MR HANSON: Yes, I will withdraw that. I think that is a conclusion that could be drawn, but I do withdraw.

MADAM ASSISTANT SPEAKER: Mr Hanson, you have to actually withdraw it.

MR HANSON: I withdraw it.

In conclusion, let me say that this has been a very, very disappointing episode for the territory. I hope that Mr Corbell, when he does table his response to the government, does not try to blame others and does not try to hide behind spin but fronts up, says he got it wrong and says that he is going to do everything in his power to make sure that moving forward with the management of the AMC and the broader portfolio of corrections generally is managed better.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.01): I have had the opportunity to briefly read the report and its key findings and recommendations. Obviously, the government will respond in more detail in due course, but I thought it was appropriate, given some of the very strong language that members have used in this discussion this afternoon, to make some observations of my own.

Firstly, I would have to say that the findings that the opposition is using in their critiques are not backed up by any analysis in this report whatsoever. I would turn to finding No 22 in particular. It asserts that, while there were significant delays in installing the AMC security system, not all the delays were due to the security, as I have contended. But the committee says in the page prior to this—and let me read it to the Assembly:

> The Committee is satisfied that this failure—

that is, the failure of the security system—

> was so unusual and unforeseeable that there were no steps that either the Territory or the contractor could have been reasonably expected to take to prevent it.

What was the major reason for delay? The major reason for delay was the security system, yet this committee has made a finding that is not backed up by the evidence. This is a sham of a recommendation and finding. An absolute sham. There is no analysis in this report to back it up. The committee as a whole should reflect on this. It

has made a finding and it has made a recommendation that is not backed up by any evidence. The committee itself says that the fault in relation to the security system was so unforeseeable and unusual that neither the territory nor the contractor could have been reasonably expected to take steps to prevent it. So let us be very clear about this. The key criticism of me was the result of a fault that I could not in any way have reasonably foreseen. This committee has the gall to make this accusation without any evidence.

There are a few other glaring deficiencies in this report. Finding No 5 is that the cessation of transfer of prisoners to New South Wales was never satisfactorily explained to the committee. Yes, it was. New South Wales was full. I do not how much simpler we can get, but New South Wales was full. New South Wales was so full that it was putting prisoners in police station cells because it did not have any room in its system. So how the committee can draw the conclusion that the cessation of transfer of prisoners was never satisfactorily explained is beyond me. The simple fact is that New South Wales was full. It was full; it had no more beds.

The committee goes on to make the astounding finding that ACT remand facilities were not human-rights compliant during this period. Well, shock, horror! Belconnen Remand Centre was probably not human rights compliant when it was built. That is why we were building the prison. Has an Assembly committee taken over a year to work out that the Belconnen Remand Centre was not human rights compliant? For heaven's sake, that is why we were building the prison in the first place.

It is interesting that finding No 11 finds that I, as the minister, was not well briefed on delays in completing the AMC. Well, I reject that; I was well briefed. In the evidence I gave to the committee, I made it quite clear that the delays in the handover of the facility were expected in a short period of time after the immediate opening, and that it made sense to open the prison when we opened it. I stand by that. I made that decision on advice provided to me at the time by Corrective Services, and it is entirely appropriate to open a prison at a time when it does not have prisoners in it and it is not operational. It is entirely appropriate to do so, and I reject any assertion to the contrary.

The Liberal opposition seem to believe that you do not have the opening until all the prisoners are in it and it is all operational. I do not know whether they saw who went to the opening, but they included judges, politicians and a whole range of personnel. It would be highly unfeasible to have those people all in one place inside the prison whilst it was operational.

This committee has the gall to act as though it is some commission of inquiry or a court. It is not satisfied with recommendations; it has to make findings—not just recommendations but findings—that are not backed up by any analysis and that are completely contrary to the facts. This inquiry has been a sham from go to whoa. It has been quite clear what the agenda has been from Mrs Dunne: they are going to try and pin the political blame on the minister. Ignore the facts, ignore all the evidence, just pin the blame on the minister, because that is what it is all about. It is just a simple sham inquiry to achieve a political end. This report is a sham, it should be considered a sham, and I reject the assertions that are in this report.

MRS DUNNE (Ginninderra) (5.09): Madam Deputy Speaker, I seek leave to explain some words under standing order 47, which the minister clearly doesn't understand. I do not think I need leave to use standing order 47.

MADAM DEPUTY SPEAKER: I doubt that you need leave. Please explain.

MRS DUNNE: In compliance with standing order 47 I have to go back to the point where the minister selectively quoted from paragraph 5.8. I would like to point out to members that paragraph 5.8 is the last of three paragraphs—

Mr Corbell: On a point of order, Madam Deputy Speaker: the standing order is very specific. It allows members to explain words; it does not allow members to go back and put some context around the debate. It says "explain words". Mrs Dunne must be confined, under this standing order, to explaining words, otherwise it is an abuse of the standing orders. There is a longstanding convention in this place that this standing order is not used to allow members to make further points in the debate; it is simply to explain words, and Mrs Dunne should be held to that.

MRS DUNNE: What I was going to do, Madam Deputy Speaker, was draw members' attention to the fact that the paragraph the minister quoted from was the last of three paragraphs that relate to a thing called a catastrophic failure, which is a subsection that does not relate—

Mr Corbell: On a point of order, Madam Deputy Speaker: Mrs Dunne is not explaining words; she is adding context to a debate. She is out of order and she is abusing the standing orders.

MADAM DEPUTY SPEAKER: Mrs Dunne, you can only explain your words; you cannot actually debate it through this process. That is all you can do.

MRS DUNNE: Okay. He is too, too tender.

MR SESELJA (Molonglo—Leader of the Opposition) (5.11): That really was one of the most extraordinary contributions we have seen in this place for some time from Mr Corbell. In spraying the committee and seeking to defend his own position, he has claimed that Ms Hunter, Mrs Dunne and Ms Porter engaged in a sham process. That is what the Attorney-General has just said in this Assembly. He has questioned not just the honour and integrity of his opponents in this place, particularly Mrs Dunne, which we would expect him to do, but he has gone further, and in desperately trying to defend his position he has actually attacked the integrity of Ms Porter, Ms Hunter and Mrs Dunne. He has sprayed his own colleagues because the findings are damning.

The findings are damning and they are unanimous. They are unanimous findings. There is no dissenting report from any of the members. The Labor member, the Green member and the Liberal member on this committee have all agreed to these findings and to these recommendations. They are damning, and we can see why the Attorney-General is so sensitive on this point and why he has now engaged in this extraordinary attack on his own colleague, not only on the basis of the findings but indeed calling into question the integrity of the whole process, calling this committee inquiry—

Mr Corbell: Findings that have no evidence to back them up.

MR SESELJA: And he continues in his interjections. He is claiming some sort of politically motivated attack, it would seem.

Mr Corbell: It is a sham.

MR SESELJA: It is a sham, he says. So he is saying that his own colleague, his own Labor party colleague, has engaged in a sham in order to damage him in this place. That is the only finding. That is the only thing we can take from those comments, which Mr Corbell continues to make in his interjections: that every member of this committee was engaged in a sham, that this was a sham process that presumably was a politically motivated attack on him.

That is an extraordinary attack and an extraordinary display of division between Mr Corbell and yourself in this place, Madam Deputy Speaker. We can see why he is so tender as we look through these findings. These finding do not reflect well on the Attorney-General. Any claim of a politically motivated attack is completely undermined by the fact that this is a tripartisan, unanimous report. It simply does not stack up. If we look briefly at some of the findings, finding No 11 states:

> At the time of the official opening, the Minister for Corrective Services was not well briefed on delays in completing the AMC …

He claimed that he was well briefed. In his contribution he claimed that he was. So he went ahead with the sham opening, even though he was well briefed on the fact that there were going to be significant delays. You cannot have it both ways. Either the briefing fell down or, if we are to believe the minister, he was briefed, and then he decided, despite being well briefed on this issue, to go ahead with the sham opening anyway.

It needs to be put into context. This is a government that has failed to deliver infrastructure; it has failed to deliver major projects. We saw it in the context of the election with the GDE and with the prison. It needed something to open. It desperately needed something to open before the election, and Mr Corbell, despite the fact that it was not ready, despite the fact that this prison was not finished, went ahead and had the sham opening anyway. That is what he did. That is why he is so tender—because he has been caught out. And he has not just been caught out by his political opponent in Mrs Dunne; he has been caught out by the entire committee. He has been caught out by the Greens and the Labor Party in this investigation, in this committee inquiry.

This disgraceful defence, this desperate defence, of attacking his own Labor Party colleagues highlights, firstly, his desperation and, secondly, the serious divisions that are now opening up in this place between Mr Corbell and indeed some of his right faction opponents, including Ms Porter.

The report goes on. In terms of briefings, finding No 14 states:

> At the time of the opening, as the Minister was not appropriately briefed on the delays, the community was not adequately informed about the delays …

So we were not adequately informed before the election. This is a pattern from this government. Before elections, they will just try and get away with it. We have seen it before, haven't we? "All the plans are on the table except for the secret deal on Calvary. We are not going to close schools—yes we are, after the election. We have got a prison to open—oops it's not ready."

This is a pattern, and Mr Corbell has been caught out. The facts are so compelling that even his colleagues cannot defend him. Ordinarily, we would expect some sort of defence. We would expect that, if there was even a slight argument in his favour, we would have seen a Labor dissenting report. We would have seen some words to defend him, but we have not seen them. We can only draw two conclusions from that. One conclusion is that there was no credible defence put up by Mr Corbell. The other one is that there are serious divisions and that, in fact, Mr Corbell is right when he says that there is a political attack coming at him from his own party, that his own party has engaged in a sham, that his own Labor Party colleagues have engaged in a sham in order to stitch him up. That is the extraordinary claim that has been made by Mr Corbell in this place today.

The findings go on. Finding No 15 is:

> The Radio Frequency Identification System was not completely operational …

Finding No 20 is:

> At the time of the commencement of operation of the AMC Defect 2.6 (involving the hierarchy of the security system and how the master control and subordinate control points relate to each other) was unresolved.

And, of course, finding No 22, which is fascinating to us all, states:

> While there were significant delays in installing the AMC security system not all the delays to the commencement of operations of the AMC were due to the security system as the Attorney-General has contended.

Let us just reflect for a moment on what the finding is actually saying. This unanimous report from the JACS committee is saying that he was not being up-front, that he contended something that was simply wrong. He contended something that was wrong, and he has been caught out. That is a serious finding and a serious charge. Let us have it again:

> While there were significant delays in installing the AMC security system not all the delays to the commencement of operations of the AMC were due to the security system as the Attorney-General has contended.

This is what Ms Porter signed off on, this is what Ms Hunter signed off on and this is what Mrs Dunne signed off on in this unanimous report. They are saying that the Attorney-General was not up-front. He made claims that were simply wrong, claims

that he could not back up. The logic of all of these findings was so compelling that every member of this committee, every member from every party, has condemned the Attorney-General. We see now perhaps why the minister was so desperate for this debate not to come on today, why he called that vote, which he knew he was going to lose, in a desperate attempt to try and avoid this debate happening.

It is embarrassing for him, but it opens up a serious rift where one of two things is happening here, and perhaps both. One, there is not compelling logic in the defence that the Attorney-General put up. In fact, finding No 22 says he was not being up-front, he was not being open and honest. The other one that has come to light in this extraordinary attack is that there is a serious division now opening up where the Attorney-General is attacking his own Labor Party colleagues, claiming that you, Madam Deputy Speaker, have engaged in a sham process. We can only try and guess why the Attorney-General believes that you would have engaged in a sham process, but it is a serious charge against one's own colleague.

I do not believe this has been a sham process. This has been a rigorous process conducted by a tripartisan committee. In any way you try and claim there is a political conspiracy here, it fails at the first hurdle, because the report is unanimous. It fails the test. The Attorney-General, instead of attacking his colleagues and instead of attacking the three members of this committee, needs to say why they are wrong, and he has not been able to do it. His case is severely undermined by the fact that all parties in this place have condemned his performance as minister for corrections and the Attorney-General. This is a serious finding, and I thank the committee for their work in delivering it.

MR SMYTH (Brindabella) (5.21): Madam Deputy Speaker, during Mr Corbell's tirade, he attacked the committee for having the temerity to have findings—particularly, he said, findings without a shred of evidence. I was shocked that a committee would put forward findings without a shred of evidence, so I simply went past that page with findings and recommendations and went to the body of the text. It was interesting. Finding 1 says:

> Despite specific requests made in writing and repeated in hearings, copies of all relevant Ministerial Briefings were not provided to the Committee.

That seems a fairly reasonable finding. You yourself, Madam Deputy Speaker, having been there, would know what occurred. But if the minster has not read page 2 and 3—and it does not take much to get to page 2 and 3; they are the bits at the start of the document—we could go to paragraph 1.8:

> The Committee also learned that Mr Jeremy Hanson MLA had received extensive documentation as a result of the release of information under the Freedom of Information (FOI) Act. Those documents were also provided to the Committee. While these documents largely represented a subset of the documents already received by the Committee, Mr Hanson's FOI request also included documents that had not been included in the documents provided to the Committee following its letter of 22 January 2009, referred to above.

So the government, when asked for documents, were selective. They chose not to give the full picture straight up to the committee. Indeed, the committee were aware of this only because Mr Hanson had more documents.

It goes on further in paragraph 1.9. Remember that Mr Corbell has asserted that there is not a shred of evidence to back up these findings. It says:

> Further documentation was made available to the Committee during the course of the inquiry, either at the Committee's request or due to the actions of witnesses who wished to place information before the Committee. Some of the information requested by Committee members at hearings, such as the full set on briefings to the Minister for Corrective Services on the progress of the project, was not provided.

I cannot understand why the minister would say that. Finding 1, for instance, says:

> Despite specific requests made in writing and repeated in hearings, copies of all relevant Ministerial Briefings were not provided to the Committee.

That sounds to me like a statement of fact, and it is backed up by text in the document. So this concept of not a shred of evidence falters at the first check of just the brief text in the document. Let me go to paragraph 1.10—

Mr Hanson: You sound surprised.

MR SMYTH: Yes, I am. I am shocked. I am shocked that the minister would make this assertion that there was not a shred of evidence. If he reads the document, it is clearly outlined. Paragraph 1.10 says:

> The Committee also notes that certain documents that were common to all parties that addressed key issues in the inquiry were only offered to the Committee by certain witnesses.

Again, is the government fair dinkum in backing up the Assembly and allowing it to do its work by providing information or is it not? The answer is that it is not. Just on the basis of that, I think finding 1 is fairly reasonable—that not all the copies of the ministerial briefings were provided to the committee. Let me go to finding 2:

> On 4 February 2009 when the Committee undertook a site visit, the AMC was clearly not ready for handover and it was apparent to the Committee Members that considerable work still needed to be done.

That is an interesting thing. Let us see if there are any shreds of evidence that back that assertion up. The committee visited the AMC site. Let me go to paragraph 1.14:

> The Committee visited the AMC site on 4 February 2009 and toured the facility. The tour was conducted by senior staff … There was considerable installation and fit-out work taking place.

Obviously, tradesmen and women were still working on the site. If you are still working on the site, the site is not fit to be opened: it is not ready to be open. It continues:

> The Committee was informed that some of the work related to the installation of the Radio Frequency Identification (RFID) system …

Fine. It continues:

> Workers were sweeping the oval with metal detectors.

That sounds like reasonable work that has to be done before something can be opened. It continues:

> The Committee's progress around the site was hampered on a number of occasions by the failure of doors and locks.

I would simply say that, if you read pages 4 and 5, minister, you will find the shreds of evidence that you seem to have overlooked that back up finding No 2. Let us move on; let us pick a finding. Let us go to 22. Apparently, finding 22 has upset the minister. It says:

> While there were significant delays in installing the AMC security system not all the delays to the commencement of operations of the AMC were due to the security system as the Attorney-General has contended.

That is finding 22. When you go looking at finding 22, the shreds of evidence that you need, minister, are on page 55:

> The Committee does not believe that this is an accurate assessment …
>
> Chubb bear some responsibility for delays … but it would be unfair to suggest, as the Attorney-General has, that they are the sole reason for delays …
>
> While the parties are divided on … Chubb's responsibility for the delays, they are in general agreement that, as the delays continued, Chubb was doing everything it could to fix the problems. The Minister for Corrections told the Committee that:
>
> > There is absolutely no reason at all that I can think of—and I have been involved in the security game on and off for 40 years—and there is no way that if the name of Chubb as a subcontractor was put up that I would suspect that they could not deliver; full stop.

Again there are paragraphs here that lead the committee members to a finding. The assertion by the minister in his defence that there is no evidence to back up the findings and the recommendations falls even on the brief few pages I have been able to read since I came down here a few moments ago. I know that the minister is upset when he is held to account. He is often upset like this. He has been upset like this for the decade that I have been here whenever he is caught out.

Let us face it. The opening was a sham. It was an election stunt, and that is all it was. It was not done with regard for prisoners. It was not done with regard to better justice in the ACT. It was not done for rehabilitation. It was done for electoral advantage, and that is all it was. They opened it. They knew it was not open. The minister can blame whomever he wants but, at the end of the day, the committee—a unanimous, tripartite committee, with no dissenting report and with at least some shreds of evidence to

back up the findings—clearly came to the conclusion that the Attorney-General was incorrect in his defence.

I would be upset if I had had a report like this ever tabled about me. Members will go through it, look at the 25 findings over time and, hopefully, look at the 11 recommendations—so that we can avoid this farce in the future. This is all it is. This is the minister for farce. He can get indignant; he can rage; he can rant. But at the end of the day, a member of the Greens, a member of the Liberal Party and a member of the Labor Party wrote this report. They concluded the 25 findings. They concluded the 11 recommendations. They lay the blame fairly and squarely at the feet of the Attorney-General for not doing his job.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.28): I was not going to rise today to talk to this report but, after the contributions that have gone on in this chamber in the last 30 minutes or so, I feel I have to say something. I am totally unimpressed by some of the contributions that have happened here this afternoon. The inquiry into the delay in the commencement of operations at the AMC was a controversial inquiry, and once we got into it it was a very complex inquiry. It involved boxes and boxes and boxes of papers and contracts and so forth. There were many hearings. There were many people who gave their time to come along and give evidence at those hearings.

What happened in this report is that there has been a series of findings and recommendations and a lot of those findings and recommendations go to the heart of a very complex infrastructure project and the sorts of complexities that surround building something like a prison—a project that was done for the first time here in the ACT that involved, obviously, some very complex sort of arrangements, particularly around security.

I find it pretty astounding that a report is tabled and within a few minutes there are people who get up and decide that they have a complete understanding of what is going on and put their own interpretation on findings and also on recommendations. There is nothing in this report that talks about the opening and electoral advantage and sham. There is nothing in here; it does not exist.

I am also not pleased for the committee to be attacked for their conduct in this inquiry without people taking the time to read through and to see the amount of time and work that has gone into it—the hours and hours of transcripts, the hours and hours of hearings. So I would really appreciate it if people would go away and spend time going through the report, because it does contain some important recommendations. If the ACT is going to continue getting involved in large infrastructure projects and so forth, there are some lessons to be learnt from the AMC around contracts, around lines of communication, around lines of responsibility and so forth.

So I would very much urge everybody to take the time out to read the report. Obviously all the *Hansard* and submissions are available. As I said, I was not gong to have a say but I feel it is totally necessary.

Mrs Dunne: Not all of the *Hansard* is available.

MS HUNTER: Sorry, not all of the *Hansard* is available; that is correct. Some of the hearings were held in camera because of the nature of the evidence given, but there are submissions there and there were public hearings, so I do encourage people to go and read those and then maybe at a later date we can have a more informed discussion about this report.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to reportable contracts under section 39 of the Government Procurement Act 2001. The Government Procurement Act 2001 requires agencies to provide the public accounts committee with a list of reportable contracts every six months. Reportable contracts are defined, with some exceptions, as procurement contracts over $20,000 that contain confidential text. Agencies provide the committee with the names of the contracting parties, the value of the contract and the nature of the contract. The committee is aware that the information chief executives provide in relation to reportable contracts is readily available in the public domain on the ACT government contracts register.

The Minister for Territory and Municipal Services has informed the committee that consideration is being given to changing the process for the reporting on reportable contracts. As an interim step in this process, the committee welcomed receiving the list of reportable contracts for this period in one consolidated report. The public accounts committee believes that this information should be available to all members, and the committee will continue to table this list as it receives it. I therefore seek leave to table the list of reportable contracts for the period 1 April 2009 to 30 September 2009 as received by the public accounts committee.

Leave granted.

MS LE COUTEUR: I present the following paper:

> Reportable contracts—Agencies reporting reportable contracts for period 1 April to 30 September 2009—Table.

Statute Law Amendment Bill 2009 (No 2)

Debate resumed from 15 October 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.34): The opposition will be supporting this bill which amends a significant number of acts and regulations for statute law revision purposes. The substantive elements of the bill are contained in four schedules. Schedule 1 provides for minor non-controversial amendments initiated by government agencies. Six acts and three regulations are amended. I highlight a couple.

A number of the amendments are made to the Casino Control Act 2006. The amended act will require control procedures to include details about the level of supervision that is appropriate and reasonable for a casino employee and a job description of licensed staff. It will allow the commission the option of additional time beyond the existing period of one week to consider changes to procedures before they become operational and it will make it clear that games can be conducted in accordance with proved rules. It will prevent employees from accepting gratuities and it will allow patrons to buy food and drink using EFTPOS but preserve the prohibition on cash withdrawals.

Amendments to the Gaming Machine Act will remove the need for clubs with annual gaming machine revenues of less than $200,000 to have their financial accounts audited. Certified accounts will need to be submitted to the commission. They will also require the report to include the number of members by class at the end of each financial year.

The amendment to the Gaming Machine Regulations 2004 is designed to make the voting process more transparent. It introduces two new sections enabling the commission to appoint someone other than the club secretary to conduct the voting functions and also for the commission to have the power to supervise those functions.

There is also a change to allow clubs to recommend to members how to vote. While this particular issue is not contentious, I do draw members' attention to the fact that the club industry was unaware of these regulations and these changes until they were brought to their attention by the opposition. That highlights again a poor process of consultation in relation to this.

The club industry, as it turns out, do not have a problem with these, but it was fairly late in the piece when we went to them and asked, "What do you think?" They said, "What are you talking about? We do not know what you are talking about." Again, this is possibly one of the problems with slab bills like this. The responsibility for carriage goes with the Attorney-General but the subject matter underneath that is often the responsibility of other ministers. There needs to be some communication to ensure that agencies do communicate with affected people.

Schedule 2 provides for structural amendments to the Legislation Act initiated by the Office of Parliamentary Counsel. The amendments in this bill are to add a new definition of bankrupt or personally insolvent, to add a new definition of home address and to amend the definition of gazette to allow for internet publishing. The advantage of making new amendments to the Legislation Act is that they can be held in one piece of legislation with relevant other legislation simply pointing to it rather than duplicating it. Nearly 80 acts are amended under schedule 3 as a consequence.

Other amendments in schedule 3 provide for minor and technical amendments to a range of acts and regulations initiated by the Office of Parliamentary Counsel. Schedule 4 repeals two now redundant acts, the Financial Relations Agreement Act 2000 and the Murray-Darling Basin Agreement Act 2007.

This bill is yet another example of the commitment and dedication of the Office of Parliamentary Counsel to a good legislation register. The work that they do to ensure that the ACT's legislation register remains contemporary, accessible and consistent is much valued and appreciated. The opposition is pleased to support the bill.

MR SMYTH (Brindabella) (5.38): I wish to say a few words on this bill. I think that consultation is very important. I spoke to the club industry about this bill and they were quite sad that they had not been consulted. There is a pattern here. Earlier we had another bill where, indeed, another industry had not been consulted by the Treasurer. It is very important.

One of the big issues at the last election was consultation. It does seem that the government has not learnt its lesson. I will just say those few words. It is important that we involve the community in these processes.

MR RATTENBURY (Molonglo) (5.38): The Greens will be supporting the Statute Law Amendment Bill (No 2). The bill makes a wide range of amendments, all of which improve the ACT's statute book. The amendments update the laws of the ACT to make them clearer and easy to access, and the Greens fully support that objective. The amendments are minor and technical and are necessary to keep the statute book up to date. By themselves, the amendments would not be sufficient to warrant separate amendment bills on an act-by-act basis.

In total, the bill amends over 100 pieces of legislation and regulation. Statute law amendment bills such as these certainly are the best way to make these necessary changes. I thank the staff from the Office of Parliamentary Counsel and other departmental staff who have worked on the bill.

The majority of the amendments are minor and technical changes. I will not go through each specific amendment and make comments. It is enough to say that we have tracked through the changes and agree that the majority of them fit into the minor and technical category.

There are a couple of interesting points to raise, however, on how one of the amendments will be implemented. Section 105 of the Casino Control Act is amended to disallow food and beverage workers, valet parking officers and cleaners from accepting tips. This will bring them into line with the rest of casino staff who are already prevented from receiving tips.

The reasoning behind this is clear. For a customer to tip staff in a gaming environment opens up the potential for an expectation that the staff will then favourably treat the customer. These are dangerous grounds for staff to enter on to, and the Greens support the clarification that the no tipping rule applies to all casino staff.

What is important to note, however, is that it is an offence for staff to accept a tip. The penalty is 50 penalty units, six months imprisonment or both. That is a significant penalty and reflects the serious nature of casino staff accepting tips. I draw the Attorney-General's attention to this matter and point out that educating people about this clarification may become important.

I think this speaks to the point that Mrs Dunne was also just referring to around the need to ensure that the affected industry is fully engaged in these sorts of discussions. The amendment does clarify the existing solution where the original intent was for no casino staff to accept tips. If in clarifying this through the amendment there is short-term confusion created, the Greens would then ask the Attorney-General to take steps to explain the situation to casino staff so that nobody inadvertently breaches the new laws. The Greens will monitor if this specific amendment causes any unintended confusion.

In conclusion, the Greens support this bill. It makes for a better statute book where the intent of what we are passing in the Assembly continues to be clearly expressed in legislation.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.41), in reply: I would like to thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Committees—standing
Membership

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.42): Pursuant to standing order 223, I move:

> That the following changes be made to the membership of Assembly committees:
>
> Ms Burch be discharged from the Standing Committee on Education, Training and Youth Affairs and Ms Porter be appointed in her place.
>
> Ms Porter be discharged from the Standing Committee on Justice and Community Safety from 23 November 2009 and Mr Hargreaves be appointed in her place.
>
> Ms Burch be discharged from the Standing Committee on Health, Community and Social Services and Ms Porter be appointed in her place.
>
> Ms Porter be discharged from the Standing Committee on Climate Change, Environment and Water and Mr Hargreaves be appointed in her place.
>
> Ms Burch be discharged from the Standing Committee on Public Accounts and Mr Hargreaves be appointed in her place.

Question resolved in the affirmative.

Building and Construction Industry (Security of Payment) Bill 2009

Debate resumed from 15 October 2009, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (5.43): Madam Assistant Speaker, the opposition will be supporting the Building and Construction Industry (Security of Payment) Bill 2009. I note that the objective of this bill, according to the explanatory statement, is:

> … to entitle certain persons who carry out construction work (or who supply related goods and services) to a timely payment for the work they carry out, and the goods and services they supply.

The practical impact of this bill will be to allow small businesses, in particular in the construction industry, to improve their cash flow. The importance of cash flow to small businesses cannot be overstated. Owners of small businesses are often reliant on the strength of their business on a week-to-week basis for their wages or salaries; so any measures that sensibly improve the ability of small businesses to secure their cash flow are worthy of consideration and support.

This bill also highlights the importance of good regulation. I was disappointed that the Assembly did not have the opportunity to discuss small business red tape yesterday, and I look forward to the discussion in future sittings. However, today I will touch on the importance of governments taking a common-sense approach towards regulation.

The Productivity Commission has defined "regulation" as "government rules that influence or control behaviour and the administration and enforcement of those rules". It includes legislation and formal regulations, as well as quasi-regulations such as some codes of conduct and advisory instruments. The key point here is that regulations are government rules that influence behaviour. When a business is influenced by the government, it costs it time and money. Therefore, government regulations should be used as efficiently as possible.

Of course, governments will always need to regulate a number of activities. The challenge for government is to implement good quality regulations that are not unnecessarily burdensome on business. Often this simply requires a common-sense approach from government. We have seen the recent heavy-handed approach by the government towards outdoor displays in Garema Place. This is an example of the government placing an unnecessary burden on business. I am sure that most would agree that the government has not taken a common-sense approach in that instance. Indeed, we could go on about that.

This bill is an important piece of legislation for small business and it is now incumbent upon the government to manage it to ensure it becomes quality regulation that is a positive government influence on business and that it does not become an unnecessary burden on business, big or small.

We note that industry are broadly supportive of this bill and are supportive of moves to ensure that contractors are paid on time. However, industry groups have raised some concerns with the opposition on some aspects of this bill, which I would like to raise on their behalf.

The MBA have some issues with the bill, even though they are supportive, and there is some concern that a threshold should be placed on the size of the transactions that are subject to adjudication. The HIA are concerned that without a threshold, adjudications involving large payments may need more time than the allotted 10 days to adjudicate the dispute and that the adjudication may not be completed properly.

The Canberra Business Council would like the government to consider the option of ensuring that payments are made immediately following adjudication, even though that adjudication may be under appeal. With these concerns in mind, I will be moving amendments to the bill to bring the review date of the legislation forward from 2015 to 2012.

Given that this bill introduces a rapid adjudication system, one where issues surrounding payments to contractors should be resolved very quickly, the government should have enough evidence to commence a review of the bill after it has been in place for two years. Two years should be ample time for the government to properly consider the views of industry and then report back to the Assembly on ways to improve the bill.

I will just say in closing at the in-principle stage that there is, as I said, broad support in industry. I think there will be some concerns about some aspects of it, and there will be a challenge when implementing this in getting it right. Whilst I have had a number of contractors approach me who have said that it is a wonderful idea—that they do have issues around being paid on time—there is another view. Whilst it is designed hopefully to level the playing field in some of these operations so that particularly small and medium enterprises do not have their payments delayed, and therefore their cash flow delayed, there is a counterpoint.

This is something that I think will need to be watched very carefully. This could actually be something used by big business or big developers to whack small and medium enterprises in terms of cash flow as well. They could use it to actually inundate a small business with paperwork claiming payment and there would be a limited time to respond to that. I would be hopeful that that would not be the case and we will obviously need to watch it closely.

That is why we believe bringing the review forward will be important. The intent is very good. We have seen it work in other jurisdictions, but it is not without fault. That is, I suppose, the flip side that we have been hearing from industry. I have spoken to all of the major industry groups and also to a lot of individual business owners. Whilst many of them have been positive, there have been some of those residual concerns, and some of that complexity has been expressed to us. I put those concerns on the record on behalf of business groups and some individual businesses.

On balance, though, we believe it is legislation worthy of support, but the review will be very important to ensure that those concerns that have been expressed do not actually eventuate once the bill is put in place. Otherwise, I commend the bill to the Assembly.

MS BRESNAN (Brindabella) (5.49): The Greens will be supporting this bill today, which protects jobs, protects small business and protects clients against the problems which occur when a single player in the building and construction industry fails to pay. The building and construction industry today is characterised by a complex interrelationship of contractors. Power imbalances are widespread and large players can get away with ignoring basic business requirements like timely payments. The late payments are a problem for everyone, be it the principal who wants the building built, the third party contractors not related to the dispute, or the workers on site.

The Greens welcome this move by the government to introduce a rapid adjudication process that helps restore balance to bargaining power in the industry. The jobs of Canberrans working on site are reliant on the smooth flow of funds down the contract hierarchy, and any move to ensure that payment obligations are fulfilled properly improves job security. The Greens believe that the bill before us strikes the right balance between the rapid resolution of payment disputes and maintaining parties' rights in the judicial system.

I note that the bill originates from a recommendation by the Cole Royal Commission into the Building and Construction Industry. Whilst today's bill makes it permissible for contractors to withdraw their supply to push for timely payment, action by workers to defend fair and timely payment and health and safety on site is unfairly regulated by the discriminatory regime known as the Australian Building and Construction Commission, also established as a result of the Cole commission.

It is commendable that the ACT government wishes to prevent the loss of jobs and the resultant hardship that hits families and communities. Preventing companies from going under due to business partners failing to pay on time is a goal that should be pursued by responsible governments to protect jobs and the rights of workers. However, we would contrast the experience of companies and company directors who have failed to pay and thereby caused the loss of jobs in the construction industry with the experience of building and construction workers who have been subject to orders imposed on them by the Australian Building and Construction Commission.

Workers interrogated by the commission have been denied access to the legal representation of their choice, been subject to gag orders and have had their integrity attacked over and over again. The Greens oppose discrimination on any basis, including employment. Whilst there may be some difficulties with unlawful activity on site, this should not entitle federal governments to apply unjust laws that undermine basic principles of jurisprudence to construction workers who simply want fair pay and to come home from work safely.

Whilst we do not support unlawful industrial activity, intimidation or coercion, we also do not support the creation of an extrajudicial body like the ABCC, which has stripped the rights of thousands of workers just so that a minority could be punished.

Equality before the law is a basic principle of democracy, one that has been sacrificed for base political expediency. Abolishing the coercive powers of the ABCC and Fair Work Australia is a step that Australia must take to restore one law for all.

Without asking for an amendment to the bill, we would ask ACT Labor and ACT Liberals to take a stand on principle and insist that their federal counterparts commit to fairer practices in the construction industry for everyone. If we are to ensure best practice in securing prompt payment, as this bill does, we should ensure fairest practice in the industry for clients, contractors, employees and unions alike as well. We welcome this bill as a step forward in ensuring that all participants in the building and construction industry are treated fairly, that disputes are resolved quickly and correctly, and that fewer jobs are lost as a result of payment issues.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.53): I thank members for their contributions and their support for this legislation. Security of payment problems have a number of causes. The two main security of payment issues are slow or disputed payment and insolvency of someone in the contracting chain. Whilst there are limited statistics available dealing with insolvency and bankruptcy in the building and construction industry, there is strong anecdotal evidence of the types of problems and the reasons for them. Major studies in the building and construction industry have concluded that failure to pay subcontractors money due to them has a substantial impact on their capacity to operate as small to medium business enterprises and on the security of their employees.

Relatively low capital backing and heavy reliance on cash flows to sustain business typify the building and construction industry. The structure of the industry is a chain of principals, agents, contractors, subcontractors and suppliers with cascading payment obligations. This structure can multiply the negative effects of partial, non and slow payment by one party in the contracting chain. Resolving payment disputes under the current court system can be very costly for individuals and for the industry as a whole, where legal expenses, time delays and damage to good working relationships may result.

While difficulty in ensuring that subcontractors and others are paid fully and on time is not unique to the building and construction industry, it is often worse than in other industries that generally do not depend to such an extent on subcontracting. The objective, therefore, of establishing security of payments legislation is to facilitate timely payments between the parties to a construction contract and provide for the rapid resolution of payment disputes when they arise.

Rapid adjudication systems established in other jurisdictions appear to have worked effectively and significantly reduced instances of spurious claims and unfairly withheld payments. Evidence in the UK and in New South Wales indicates that a security of payment system can be cost neutral to government and to industry. In the UK, expensive involvement of the legal profession in building and construction industry disputes has decreased, while more fruitful and cost-effective mediation has increased.

The deterrent value of security of payment legislation has also increased the speed of payment turnover and overall efficiency in the industry. The increased clarity and understanding of contracts has also been a result of the legislation, with many flow-on benefits. As the security of payment scheme proposed by this bill is modelled on the New South Wales legislation, it is also likely that it will have a proportionally positive impact on small business.

I think it would just be worth while to cover off on the governance arrangements for this new scheme that were first brought to our attention by the previous Minister for Industrial Relations when he introduced this legislation. New South Wales and Queensland differ on the administration and licensing of security of payment. The New South Wales model gives the relevant minister discretionary powers for administering the scheme. The minister then transfers responsibility for the licensing and monitoring of adjudicators to the approved authorised nominated authorities. It is a minimalist, hands-off approach to regulating security of payment that requires less than one person for the whole of New South Wales. This is in contrast to the Queensland approach, which has required the establishment of a separate agency, comprising three full-time equivalent positions, consisting of one senior executive, an administrative officer and a customer service officer.

Consideration was given to whether a security of payment function will be located within government. The role involves establishing a panel of appropriately qualified adjudicators and referring cases to an adjudicator in a timely way. As this does not require the determination of issues between the parties, the role is more akin to that of a registrar than a tribunal or court. In other jurisdictions, administration resides in specialist units in the public works and construction portfolios. In the ACT, this means it could reside in the Planning portfolio. This option would allow the scheme to operate in the context of other regulatory regimes that apply in the building industry.

ACTPLA already administer building and construction industry regulatory and licensing functions and, further to this, the legislative framework for licensing pre-exists in the Construction Occupations (Licensing) Act, which is also administered by ACTPLA. With the preferred model for administering security of payment being that of New South Wales, it is fitting that the best location for the scheme should be ACTPLA. In this arrangement, an officer in ACTPLA will oversee the licensing, registration and monitoring of ANAs and adjudicators.

Earlier this year I wrote to the Minister for Planning seeking his consideration of this function being located within ACTPLA. I am pleased to say that the minister agreed that, with its other statutory functions in the building and construction industry, ACTPLA would be the appropriate location for the administration and licensing for security of payment. I should say that that was the former Minister for Industrial Relations.

The ACT's building and construction industry will benefit substantially from the introduction of this legislation. I thank members of the Assembly for their support for this legislation. I also indicate that Mr Seselja's proposal in both amendments to bring forward the review of the scheme by three years is something the government would support. We think it is a good idea.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill as a whole.

MR SESELJA (Molonglo—Leader of the Opposition) (5.58), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 1 at page 5389]*. I have already spoken to the amendments. We are about to adjourn so I will not speak for long. The amendments seek to bring forward the reporting date. I thank the Labor Party, or the government, for their support.

MS BRESNAN (Brindabella) (5.59): The Greens will be supporting these amendments, as has already been said. They bring forward the review date and then obviously the reporting date. They seem like reasonable amendments.

Amendments agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

At 6 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment

Ms Gemma Sisia
Australian Chamber of Commerce and Industry
Dr Craig Emerson

MR SESELJA (Molonglo—Leader of the Opposition) (6.00): I had the opportunity earlier this week to attend the parliamentary prayer breakfast at Parliament House. It was an excellent event, as it always is. It was well attended by all senior politicians at the federal level, including the Prime Minister and Opposition Leader and a number of senior ministers. But I do not want to speak about them today; I want to speak about the guest speaker, Gemma Sisia. People may have seen the *Australian Story* episode about Gemma some time ago. Gemma is an Australian who grew up on a New South Wales farm with seven brothers and went to Africa on a mission and established the School of St Jude.

Gemma Sisia is quite an extraordinary individual. She originally saw footage about Ethiopia on TV and felt the urge to make a difference. She went to Africa to work with sisters in Uganda, and she realised that what children needed most was education. So she started by sponsoring individual children into schools with donations and scholarships. She started with $10 in a bank account to build a school for poor but bright African children in Tanzania.

St Jude's school has been an amazing success story, and it was quite a moving thing to hear about it. It is a school dedicated to providing top-class education to bright but poor children. It is built near Mount Mary, adjacent to Mount Kilimanjaro. Volunteers built the school brick by brick, persuaded local builders to supply materials and opened it in 2002 with two blocks.

Universities in Africa teach in English. St Jude teaches English to a very high standard. Because of those standards, it has attracted some of the best teachers and produced some of the best graduates. It is run completely on faith and donations. The bank balance regularly hits $5 or $10, and it relies on volunteers. It now has over 890 students who were otherwise facing a life of manual labour. It attracts an extra 200 new students every year. The standard is a 100 per cent pass rate, not five per cent, which is usual for rural schools.

I would just like to pay tribute to Gemma Sisia, an Australian woman doing extraordinary work in Africa and serving some of the poorest people in Africa. She spoke about the very strict criteria for the school. They get hundreds and hundreds of kids coming every Friday, and they only take a few of them. They have to be five, six or seven years of Attorney-General, they cannot be going to a private school, they have to be the poorest of the poor, and they need to be able to read and write. They are tough requirements, but they can only look after so many. I just wanted to pay tribute to her work and just say how impressed I was to hear her in the flesh at Parliament House on Monday.

I wanted to also speak briefly about the Australian Chamber of Commerce and Industry dinner, which I attended last night. It was well attended, as always, and I would like to thank the outgoing president, Tony Howarth; the new president, David Michaelis; and Peter Anderson, the chief executive.

But I did want to also mention Craig Emerson and actually give him a bit of a plug. Craig Emerson spoke at this dinner and I believe gave one of the more honest assessments of the global financial crisis and the reason that Australia has done so much better than so many other nations around the world that I have heard. Despite having a little bit of politics in it, as always, it was a far more honest assessment than we have heard from any Labor politician on this issue to date.

He identified five things in order. No 1 was our banking system and the strength of our banking system. He paid great credit to the reforms made under the previous coalition government. No 2 was, indeed, monetary policy; No 3 was the China stimulus; No 4 was the Rudd stimulus; and No 5 was the fact that business did not panic and did not lay off workers in a mass panic but, instead, held on to workers by making flexible arrangements. In Dr Emerson's opinion, these were the main factors behind Australia's resilience in the face of great global difficulties.

I pay tribute to him, in stark contrast to people such as the Prime Minister, who have sought to rewrite history, who have failed to give credit to the previous government, and, indeed, who have failed to actually take account of all these other factors, including the China stimulus, including monetary policy, including the banking system and all of those things that helped us survive it. It is a tribute to the resilience

of the Australian people; it is a tribute, indeed, to the reforms of the previous government. I pay tribute to Craig Emerson for actually having the honesty and the decency to acknowledge those things and to give an honest assessment, which I think was appreciated by those who attended the dinner last night.

Go home on time day

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.05): I would like to bring to the attention of the Assembly an event occurring on Wednesday 25 November—go home on time day. This event has been created and promoted by the Australia Institute, with the aim of drawing the nation's attention to the large amount of overtime Australian employees work and the important industrial, health and social consequences that that can have. Each year, Australians work more than 2 billion hours of unpaid overtime and, according to the institute, we work the longest hours of any country in the developed world.

In its policy brief, "Something for nothing: unpaid overtime in Australia", the institute notes:

> Across the workforce, the 2.14 billion hours of unpaid overtime worked per year is a $72 billion gift to employers, equivalent to 6 per cent of all economic activity in Australia.

The amount of unpaid overtime worked in Australia is the equivalent of 1.16 million full-time jobs. The institute survey also found 45 per cent of Australian workers and more than half of all full-time employees work more hours than they are paid for in a typical work day. Some 44 per cent of people who work unpaid overtime say that it is compulsory or expected, and another 43 per cent say that it is not expected but also not discouraged.

Ongoing overtime has negative impacts on the work-life balance. While employers may gain short-term benefits from staff working regularly working late, it can cause long-term health and safety issues, not to mention an increasing number of sick days.

My colleague Australian Greens workplace relations spokesperson, Senator Rachel Siewert, has brought this matter to the attention of the federal parliament in relation to the Fair Work Act. I hope the federal government heeds her calls for action on this matter by reviewing the act to bring us more closely in line with best practice in other jurisdictions internationally.

Though the environment we work in here in the Assembly often requires overtime and long hours for ourselves and our staff, I think go home on time day gives us a useful reminder of the importance of a health work-life balance. So on Wednesday 25 November I will be making sure that my staff will go home on time, and I am encouraging all members to also look at the Australia Institute's research on this matter and the go home on time day website and ensure that their employees and their staff do go home on time. I hope, also, that that extends to chamber support and the committee office and so forth—the wonderful staff that support us here in the Assembly—and that they also go home on time on 25 November.

West Belconnen Health Cooperative Ltd

MS PORTER (Ginninderra) (6.08): Last evening, along with Mrs Dunne and about 30 residents of Canberra's north-western suburbs, I attended the annual general meeting of the West Belconnen Health Cooperative Ltd. I attend many AGMs of not-for-profit organisations in this town; however, last night's meeting was particularly significant. It was significant because the meeting was held in the premises of the West Belconnen Health Cooperative Ltd, which it will occupy when it opens its doors for business early in the new year.

In October 2004 I attended a public meeting held in the Ginninderra Labor Club. A group of concerned residents got together—I believe Mrs Dunne was also there, if my memory is correct—to discuss what options might be available to them to address the lack of GPs and related medical services to the 20,000 people living in Charnwood and the surrounding suburbs of Macgregor, Latham, Flynn, Dunlop and Fraser. At that time there were no GPs in those suburbs, as the three doctors had either retired or left the area.

As a consequence of the public meeting, it was agreed that a steering committee would be established to determine the most appropriate way forward to address the lack of medical services. I was one of those who became a member of the steering committee, and I know Mrs Dunne also attended a number of those meetings. I can remember morning after morning turning up at the Charnwood primary school at breakfast time. I know that people who attended those meetings included Michael Pilbrow, Peter White, Brian Frith, Roger Nicoll and Brian Reinhardt. All were determined to make their shared vision a reality. I was very proud when they offered me the role as patron of the committee.

Early next year, the West Belconnen Health Cooperative Ltd will open its doors in premises that many of you would remember as the site of the former Charnwood high school. As the name implies, it will be no ordinary health centre. In fact, there is only one other like it, and that is the one in Footscray, on which the Charnwood centre has been largely modelled. The centre is not for profit and is owned by those who are its members. For a small annual fee, depending on your income, members will be able to attend the centre and see the doctor of their choice by appointment, something which is becoming all too rare in this day and age of corporate medical practices, where you attend the centre, get a number and then wait your turn to see the next available doctor.

During my time in this city, I have been involved in the establishment of a number of community organisations. However, I have never before had the opportunity of helping to establish an entity such as this. Can you begin to imagine the hurdles that needed to be overcome in order to make this dream a reality? When that group of people got together just over five years ago, all they had was the burning commitment to help deliver much needed medical services to their community

The original steering committee also had the foresight to retain the services of David Bailey, a highly respected and experienced medical practice manager. With the guidance of this man, the board has been able to put together an excellent business model and also recruit a team of professionals to staff the centre for its opening.

I have no doubt that West Belconnen Health Cooperative Ltd will become an outstanding example of how a committed group of people are able to identify a need in their community and then work together to establish an organisation to fill that need.

I particularly wish to recognise those who were on the original steering committee and those who are now serving on the board. The board now is: chairperson, Michael Pilbrow; deputy chair, Roger Nicoll; secretary, Peter White; and board member, Brian Frith, who is also the local pharmacist. They are all originals, and they have been joined by Dr Jenny Porteus, Jo Courtney, Ross Maxwell and Paul Flint, who is the current treasurer. I just would like to make sure that those people are recognised for their tremendous effort over the last five years to bring to fruition this tremendous service. As I said, it will be opening its doors in the near future. I am very pleased to say that they have been able to attract doctors from outside of this place, so they actually are adding to the sum total of doctors that will be in the ACT.

In closing, I would also like to thank the Stanhope and Rudd governments for their financial support. I would particularly like to thank Bob McMullan and Jon Stanhope for their continuing support throughout the process.

ACT Muscular Dystrophy Association

MR DOSZPOT (Brindabella) (6.12): Last night after the adjournment of our Assembly sitting, I was pleased to attend in my capacity as shadow disability and education minister the inaugural fundraising dinner for the ACT Muscular Dystrophy Association held at the Canberra Deakin Football Club. The invitation was sent by Miss Ella Oakley, a year 10 student at Canberra Girls Grammar School. Ella, who assisted with the organisation of this fundraiser for the ACT Muscular Dystrophy Association to help a very worthwhile cause and also as part of her studies, was inspired by her father, Rob Oakley, who has a form of muscular dystrophy and who has overcome many hurdles and challenges to become an internationally successful equestrian. He is currently competing for a place at the World Equestrian Games.

I commend Ella for her contribution to such a successful evening and also her school, Canberra Girls Grammar, for their encouragement of student involvement in such useful contributions to the community.

I met the President of ACT Muscular Dystrophy Association, Mr Tony Millar, and Mr Rob Oakley, Ella's father, who is also heavily involved in the association and the organising of the evening. I also met Mrs Terry Millar, who has been the executive director of the association in a voluntary capacity for the past 10 years.

The ACT Muscular Dystrophy Association is a small, voluntary, self-funded, not-for-profit organisation formed to assist people in the ACT and surrounding regions affected by muscular dystrophy and other neuromuscular diseases. The majority of those affected are children, and the association plays an important role in assisting these children and their families overcome the many obstacles and difficulties, both physical and financial, they endure as a result of these diseases. I was informed that the association and the disease struggle to get recognition in the ACT, despite the fact that muscular dystrophy is very prevalent in our territory.

Carrie Graf, coach of the Australian Opals and the Canberra Capitals, was the guest speaker at the fundraiser, and I must commend her also for her contribution at such worthwhile fundraisers. This is the second such function I have attended over the past two weeks, and Carrie was a major contributor through her presence at both events. I am sure she attends quite a few other such community events each week, and she is a wonderful ambassador for her sport and the Canberra community.

Also in attendance was Andy Campbell, legendary Canberra Cannon and Australian Boomer, who donated his Boomers playing strip and some Cannons memorabilia for auction. The fundraising evening was attended by around 80 people and raised around $6,000 for the ACT Muscular Dystrophy Association.

Canberra Symphony Orchestra

MS LE COUTEUR (Molonglo) (6.15): I rise tonight to talk in appreciation of the Canberra Symphony Orchestra. One of the pleasures and privileges of becoming an MLA is the invitations we receive to a large number of events, including the Canberra Symphony Orchestra concerts, which I have been lucky enough to be able to go to—not all of them, but many of them. I have seen Mr Coe and Mrs Dunne there.

Classical music has not been one of my strongest loves—let me put it that way—but I have certainly gained a much greater appreciation of it during the year, especially some of the more, I guess, accessible parts. We are very lucky in Canberra, being really such a comparatively small place, to have such an incredibly high quality orchestra that performs for us on a regular basis. I would particularly like to pay tribute to Matthew Lendrum, who seems to sort of do everything and is an incredibly enthusiastic young man, and Henry Laska, who, of course, is the CEO.

I guess it is also one of the big advantages we get from having the ANU, and more particularly the School of Music, as part of Canberra, as obviously the orchestra draw heavily on the expertise from the School of Music. It has been a pleasure to go to all of the events that I have been able to go to and I look forward to attending more in the future—and probably seeing some more of you there as well.

West Belconnen Health and Wellbeing Cooperative Ltd
Ms Gemma Sisia
Miss Saigon
Dancing in the Desert

MRS DUNNE (Ginninderra) (6.17): I think I am going to do the arts round-up as well, but before I do I would like to add my words of congratulation to Ms Porter's words of congratulation. It was a wonderful experience to attend the annual general meeting of the West Belconnen Health and Wellbeing Cooperative last night and to know that, within a few short weeks, they will be occupying the space with doctors and nurses and that we will have a functioning medical practice. It is an inspiring model and I hope that in the future we will see other models like it.

I also want to echo the words of Mr Seselja in relation to Gemma Sisia and St Jude school. As I said, I think, in this place when I returned from Tanzania, I had the

privilege of meeting Gemma there and also the inestimable privilege of meeting some of her students, who were bright, articulate and enthusiastic. I suppose it is part of the Tanzanian nature to be bright and outgoing and extremely welcoming. I did not have an opportunity to visit the school as some of my colleagues did, but I understand that it was quite an experience and, if members are thinking of wanting to make a difference in Africa, I would suggest that that would be a worthy cause to support.

Mr Coe earlier this week touched on *Miss Saigon* and I can only echo his high praise for *Miss Saigon* and the work done by the Phoenix Players and Supa Productions. *Miss Saigon* is a very difficult production to put on, and this was exemplified by the fact that at some stage, towards the end, you actually have to have a helicopter land on the stage. I noticed that Bill Stephens in the *City News* had high praise for the chopper and its landing during the production. It was an astounding performance and an astounding production by an amateur cast.

Also last week I had the opportunity of attending the concert given by Salut! Baroque. The founding members and the artistic directors are Sally Melhuish and Tim Blomfield. They are the sort of grunt behind this great baroque orchestra and they gave a fantastic concert in Llewellyn Hall which was part of their series. While the core of their organisation is based in Canberra, they also perform a concert series, one night in Sydney and the following night in Canberra, throughout the year. Their last concert this year was a program of Italian baroque music which was extraordinary—Scarlatti, Corelli, Cesti and others—and the highlight of the evening was the fantastic vocal work of the counter tenor, Tobias Cole.

Also on Saturday I had the opportunity of going to the opening of Carmel McCrow's *Dancing in the Desert* at the Belconnen Arts Centre. Ms McCrow's images of the Australian desert are an exemplary delight. She works with oils, pencils, pastels and acrylics. She has a very light touch and does some very high quality painting but also some quirky pieces that show her individuality as an artist. Her work was set off beautifully in the exhibition room at the Belconnen Arts Centre.

Members have spoken during the week in this chamber about their arts experiences. It shows just how rich the artistic endeavours of Canberrans are and how rich our experience can be. We should be ever grateful to the people in the Canberra arts community who make it possible. Many of them do it on a shoestring. Many of them are amateurs and they do it for the love of the artistic endeavour. Even professional artists in this town often are not paid very much at all. I commend them all, and we in the Assembly should support them as much as possible.

Orienteering ACT
Mr Michael Hodgman QC MP

MR COE (Ginninderra) (6.22): I rise today to commend one of the great sporting organisations that operate here in the territory, Orienteering ACT. In an Orienteering ACT leaflet entitled "Welcome to orienteering", the sport is described as:

> like a 'car-less' motor rally where the participant provides the motor power **and** does the navigating. Orienteering is unique in the opportunities it offers as a competitive sport, a compelling recreation, a healthy form of cardiovascular exercise and an exciting component of education.

A couple of weeks ago Zed Seselja and I had the privilege of going out to one of the Runners Shop twilight orienteering events at Campbell Park. It was the first time for both of us, so we were not as proficient as the vast majority of the other competitors. I think we got to about half or so of the checkpoints, but managed to escape injury or needing to be rescued. It was a very enjoyable evening and we were grateful for the invitation. I understand 201 people participated in that twilight event, which is very close to being a record turnout.

The level of organisation on the day was extremely professional and their use of technology for scrutineering is very impressive. The five clubs that are members of Orienteering ACT are Abominable O-Men, Parawanga Orienteers, the Bushflyers, the Red Roos and the Weston Emus. I know the local orienteering community is excited about the Australian three-day event to be hosted here in Canberra in April next year. The event will be a great tourism event for Canberra and a wonderful opportunity for Canberrans to be exposed to orienteering. I urge all members to support the event in any way possible,

This Sunday, Orienteering ACT are holding their annual dinner from 5.30 pm at Hudsons in the Garden. It will be an opportunity to celebrate the achievements of the past year and recognise award winners. I hope they have a fantastic evening. Of course, without the skill and dedication of the board of directors, the officials and the other office holders, Orienteering ACT would not be able to do the outstanding job that they do. The board of directors includes Geoff Wood, Ann Scown, Pat Miethke, Mary McDonald, Rohan Hyslop, Allison Jones and Bob Allison. I congratulate Geoff, Bob and the rest of the team for all the work they do and wish them all the best for the future. I look forward to going out again, and hopefully finishing the course in the allocated time.

I would like to pay tribute to the Hon Michael Hodgman QC MP, Liberal member for Denison in the Tasmanian parliament. Today, Mr Hodgman announced he would not be recontesting his seat at the March 2010 election. Mr Hodgman first entered politics in 1966 as a member of the Tasmanian Legislative Council seat of Huon. He served in the upper house until 1974 and was elected as the federal member for Denison in 1975, a seat he held until 1987. In 1992, he was elected to the Tasmanian House of Assembly seat of Denison. In 1998, when the Assembly reduced in size from 35 to 25, Mr Hodgman lost his seat, but re-entered the Assembly in 2001.

The Liberal Party are doing well in the polls and he can take much personal pride in being part of the team, led by his son, which is in a strong position to win government next year. In his own electorate, the Liberals look like gaining a second seat.

Many in Canberra will have fond memories of Mr Hodgman when he served as Minister for the Capital Territory in the Fraser government. Today in parliament he said:

> In 1980 I was fortunate enough to be appointed Minister for the Australian Capital Territory, and minister assisting the Minister for Industry and Commerce.
>
> The Australian Capital Territory, of course, at that time had no self-government, so I was effectively local premier, mayor, local councillor and minister, all rolled into one.

During this time, much happened in Canberra. Construction commenced at ADFA, the AIS was opened, significant work at Parliament House was undertaken, the National Gallery was opened and many other significant projects occurred. We Canberrans have much to be grateful to Mr Hodgman for. Today he also said:

> I do strongly believe that the essence of being a good member of the Parliament is more often than not found in the constituency work that a backbencher does. When someone comes to see their local member, or writes to them, or rings them, or e-mails them, they have often exhausted all their options. They are often at their wits' end.
>
> And there is no more noble task of any member of parliament, Liberal, Labor, Green or anything else but to give these people a voice … Sometimes it is helping with a housing problem or fighting bureaucracy. Sometimes it is organising a petition for them, or asking a question in parliament, or having a word in the ear of a minister in the chamber asking for some consideration for this particular person's plight.
> …
>
> Sometimes it is writing a representation for them. Sometimes it is holding up a banner and marching with them. Sometimes it is making a speech on the adjournment for them or visiting them at home, in their work or in school or in a nursing home. That is the really great thing about being a member of parliament
> …

As a member of just over one year, I think there is much I can take out of those words. I had the privilege of meeting Mr Hodgman a few years ago, and I know a number of other younger Liberal Party members met him recently at a conference in Hobart. He certainly has a positive impact on those whom he comes into contact with. In fact, some were so inspired by meeting him that they established an online group called The Hon Michael Hodgman QC MP Appreciation Society, a group whose membership rocketed in numbers. He is a legend of Australian politics.

Mr Hodgman is a passionate Tasmanian, Australian and constitutional monarchist. I will close by quoting a couple of phrases for which he is famous: firstly "Ever onwards, ever upwards" and, secondly, "God save the Queen".

Department of Housing and Community Services

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (6.27): I rise today to acknowledge and say thank you to the Department of Disability, Housing and Community Services at the end of my first week in the chamber here as minister. I just want to recognise their efforts and say thank you to Martin Hehir, Brett Phillips, Meredith Whitten, Lois Ford, David Collett, Maureen Sheehan and Megan Mitchell for their work and support in transitioning me into the ministry.

I have just been flicking through the annual report and it states:

> The Department's Statement of Purpose, found in the Service Delivery Platform is: We deliver high quality, coordinated human services to significant sectors of the ACT community through engaging and involving our clients, building community partnerships, contributing to good governance and performing as a best practice organisation.

The client base of the department's services needs to be considered, given some comments earlier this week. We service people with disabilities, children with developmental delays; families, children and young people, including those who are at risk of neglect or abuse; culturally and linguistically diverse groups, migrants and refugees; Aboriginal and Torres Strait Islander peoples; people in need of housing support and assistance—those at risk of or who are experiencing homelessness; people who receive concessions, rebates or community services; women and older people; and community groups and organisations. So that is a broad, complex, exciting group and sector to work with. Anyone who thinks that is a light load really does need to read the annual report.

Across the department there are 1,158 staff, of which 380 work in the Office for Children, Youth and Family Support, 350 work in Disability Act, 217 work in Housing and Community Services, and 104 work in Therapy ACT. I also thank them for the strong partnerships that they have created over the years with the community sector. Anyone who understands the work that we do would recognise the significant activity that we put through the community sector, which again provides front-line support and services across our community, often to the most vulnerable.

Question resolved in the affirmative.

The Assembly adjourned at 6.30 pm until Tuesday, 8 December 2009, at 10 am.

Schedule of amendments

Schedule 1

Building and Construction Industry (Security of Payment) Bill 2009

Amendments moved by Mr Seselja (Leader of the Opposition)

1
Clause 45 (1)
Page 39, line 19—

omit

2015

substitute

2012

2
Clause 45 (2)
Page 39, line 21—

omit

2016

substitute

2013

Answers to questions

Bushfires—controlled burns (Question No 330)

Mr Smith asked the Minister for Police and Emergency Services, upon notice, on 13 October 2009 (*redirected to the Minister for Territory and Municipal Services*):

(1) In relation to hazard reduction activities what areas, comprising in aggregate 6200 hectares, were subject to slashing and what happened to the vegetation that was slashed.

(2) What areas comprising in aggregate 4000 hectares were subject to grazing and was any grazing conducted on rural leases.

(3) When was the grazing referred to in part (2) carried out.

(4) What areas, comprising in aggregate 750 hectares, were subject to chemical fuel management and what quantity of vegetation remained in these areas after the chemical fuel management.

(5) What areas, comprising in aggregate 700 hectares, were subject to prescribed burns and what vegetation remained in these areas after these prescribed burns.

(6) When were the prescribed burns referred to in part (5) carried out and what is the reason for the difference between the 700 hectares referred to in the Assembly on 16 September 2009 and the 373 hectares referred to in the advice received from the Minister for Territory and Municipal Services in his letter of 8 September 2009.

(7) What areas, comprising in aggregate 300 hectares, were subject to physical fuel removal and how was the fuel removed.

(8) What happened to the fuel referred to in part (7).

(9) What funding was provided for the hazard reduction activities referred to above for each year between 2002-03 and 2008-09 and how much of this funding was utilised in each year.

(10) What were the reasons for any underspend if the total budget was not spent on an activity in a year.

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

(1) There were over 160 separate locations where slashing was used as the means of hazard reduction. These are clearly identified in the TAMS Bushfire Operational Plan (BOP) 2008/09 and range from the Dunlop grasslands in the north to areas around Tidbinbilla Nature Reserve and Namadgi in the south. Slashing is undertaken on grass areas and slashed grass remains on site to decay.

(2) The 2008/09 BOP provides details in relation to grazing. Grazing was conducted by leaseholders on rural leases.

(3) All strategic fuel management grazing is commenced in the period from late spring/early summer depending on seasonal conditions and local grass growth.

(4) The 2008/09 BOP provides details of chemical treatments. Chemical treatment aims to eliminate regrowth of shrubs and trees in targeted areas, predominantly grasses remain. Four of the five identified activities were completed.

(5) The 2008/09 BOP provides details of prescribed burns. Territory and Municipal Services (TAMS) achieved the target of a mosaic burn across the 750 hectares by ensuring approximately 30% of the treated area remained unburnt.

(6) The 700 hectares (detailed in the Answer to Question on Notice No. 262 from Mrs Vicki Dunne MLA on 16 September 2009) refers to the hazard reduction burns that were identified in the 2008/09 BOP, indicated as "identified burns" for that year. The information provided on 8 September 2009 in answers to your earlier questions was the actual area completed at the time of the question, which was a total of 373 hectares.

(7) See the 2008/09 BOP. Physical removal involves the elimination or reduction of fuels by hand or by using machinery. A total of 22 activities were completed out of the planned 23 activities. The one area not completed was deemed not necessary and rolled over into the 2009/10 BOP.

(8) Vegetation removed during the physical removal process is either left on site, chipped or relocated outside the fire zone.

(9) Funding for Fire management is provided at the overall Programme level. All subsequent break-up into operational components including those that you have mentioned above is the role of the TAMS Fire management Unit. Fuel management, referred to above, has only been separated out and reported against since 2007 after the three land management agencies were amalgamated into Parks, Conservation and Lands. Prior to that date it is not possible to separate out the money expended on specific operations.

Year	**Total Budget allocated**
2002-03	$1,070,000
2003-04	$4,994,000
2004-05	$3,730,000
2005-06	$3,587,000
2006-07	$5,332,000
2007-08	$5,505,000
2008-09	$5,049,000
2009-10	$4,834,000

Total budget allocated includes fire insurance, appropriation, initiative and capital works.

	2009-2010	**2008-2009**	**2007-2008**
Task	***$ allocation***	***$ allocation***	***$ allocation***
Chemical		77,000	38,000
Grazing	37,500	0	0
Physical removal	192,986	389,000	628,263
HR Burn	70,000	84,000	94,000
Slashing	489,100	489,500	190,250
Fuel management	789,586	1,039,500	950,513
Access	1,924,200	1,612,542	1,533,200
Other	2,120,214	2,396,958	3,021,287
Total	4,834,000	5,049,000	5,505,000

Note: 'Other' includes infrastructure, equipment, training, auditing and monitoring, plant, seasonals, fire standby, etc.

The Fire Management budget has always been fully expended.

(10) Not Applicable.

Department of Territory and Municipal Services—school site security patrols (Question No 332)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) In relation to each of the former school sites being managed by the Department of Territory and Municipal Services, what is the number of security patrols undertaken.

(2) What is the cost of security itemised by "ongoing" and "call-outs".

(3) What is the number and nature of security incidents or breaches.

(4) What is the number of (a) graffiti incidents and the cost of repairs, (b) broken window incidents and the cost of repairs, (c) times alarms were activated and (d) call-outs and what is the cost of these.

(5) What is the number and nature of (a) incidents to which police have been called, (b) complaints about management of theses sites made to TAMS and (c) TAMS visits to these sites.

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

(1) The Department of Territory and Municipal Services (TAMS) manages the former Flynn Primary and Giralang, Macarthur and McKellar Pre-schools sites. The remaining sites have been transferred to the Department of Disability, Housing and Community Services. Giralang is not patrolled. Flynn Primary and Macarthur and McKellar Pre-schools sites receive eighteen security patrols, as well as call outs, to try and curb vandalism. With regard to Flynn and in response to recent tree vandalism these patrols were increased on 6 November to include one guard on site from 8.00pm to 6.00am three nights week inclusive. The need for these additional guards will be reviewed at the end of November.

(2) The current agreement provides for both ongoing and call out charges. The cost in relation to this agreement is $12,780.

(3) This information is included in FOI material recently provided to Mr Coe.

(4) (a) There is graffiti on the buildings. Graffiti at surplus sites is not immediately removed, unless it is considered offensive, due to the potential for it to reoccur. All graffiti on the buildings will be removed and, if required, the area made good prior to reuse. Costs have not yet been collated.
(b) This information is included in FOI material recently provided to Mr Coe.
(c) This information is included in FOI material recently provided to Mr Coe.
(d) TAMS staff have been called out to repair damage on eighteen occasions at a cost in the order of $4,000.

(5) (a) This information is held by the Australian Federal Police. The question will need to be addressed to Minister for Police and Emergency Services.
(b) This information is included in FOI material recently provided to Mr Coe.
(c) Records are not kept about every visit by TaMS staff to former school sites.

Department of Territory and Municipal Services—repairs to public assets (Question No 333)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) Has the Government had to undertake repairs to public assets as a result of construction work on private property.

(2) What contribution has the Government sought for the completion of the work referred to in part (1);

(3) Have developers completed repair work to public assets and what is the value of this work.

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

Yes. The Government has had to undertake repairs to public assets as a result of construction work on private property. More information on specific incidents of damage to public assets would be required to respond to this question.

Planning—data centres (Question No 335)

Mr Seselja asked the Chief Minister, upon notice, on 14 October 2009:

(1) What sites have been identified for data centres in the ACT.

(2) What community consultation has occurred over the selection of these sites and how were they chosen.

(3) What plans are underway to develop these sites as data centres.

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

(1) None. The ACT Government has not conducted any data centre site identification work since the December 2008 announcement regarding Block 20 Section 23 Hume.

(2) Not applicable.

(3) Not applicable.

Government—community consultations (Question No 337)

Mr Seselja asked the Chief Minister, upon notice, on 14 October 2009:

(1) Has the Community Engagement Unit been re-established in the Chief Minister's Department; if not, is the Government planning to re-establish this unit and when will it be done.

(2) How much will this policy initiative cost.

(3) Is this a firm commitment or an aspirational one.

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

(1) The Community Engagement Unit was re-established in the Chief Minister's Department in February 2009.

(2) $113,000 was transferred from the Department of Disability, Housing and Community Services in 2008-2009. This included $33,000 for Community Council grants and staffing costs for 1 full time equivalent transferring with the Unit. The 2009-10 Budget provided additional funding of $398,000 in 2009-2010, $152,000 in 2010-2011, $157,000 in 2011-2012, and $161,000 in 2012-2103. Funding in 2009-2010 has been provided for a position to oversight the implementation of a number of co-ordinated community engagement initiatives and seed funding for specific initiatives.

(3) These costs have been incorporated into the Chief Ministers Department budget.

Roads—speed limits (Question No 344)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) When will the Government make a decision on implementing 40km/h speed limits.

(2) What consultation has been done or will be done about this proposal.

(3) How much has the consultation process cost and how much will it cost.

(4) Is this a firm commitment or an aspirational commitment.

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

(1) In line with a resolution of the Legislative Assembly passed 24 March 2009, the Government will be reporting back to the Legislative Assembly with a plan of action by the last sitting day in 2009.

(2) Consultation with road safety stakeholders and the public will occur in November 2009.

(3) Roads ACT has engaged a consultant to investigate the feasibility of extending 40 km/h speed zones to shopping and community facilities and to undertake consultation on this issue. The total value of this project, including the consultation phase, is $41,800 (incl GST).

(4) The Government is committed to consulting on reducing speed zones around shopping and community facilities, and reporting back to the Legislative Assembly with a plan of action.

Electricity—renewable sources (Question No 353)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 14 October 2009:

(1) What is the target date for the ACT Government purchasing 100% renewable electricity.

(2) How much will this policy initiative cost the ACT.

(3) How reliable will the source of the ACT Government's electricity be.

(4) Is this commitment firm or aspirational.

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

(1) A strategy for increasing the ACT Government's purchases of renewable energy to 100% is currently being developed. This will be outlined in *Action Plan 2* of the ACT Government's climate change strategy - *Weathering the Change*. This is expected to be released in early 2010

The ACT Government has progressively increased its purchase of GreenPower as part of its total renewable energy purchase. In 2005-06 17% of energy purchased was generated from land fill gas (a renewable source), additional Green energy was sourced from accredited providers to increase this to 20% in 2005-06, 23% in 2006-07 and 30% from 1 July 2009.

(2) The total future cost of increases in the proportion of renewable energy purchases to 100% will be subject to timing, prices, negotiations and indexation.

(3) The ACT, including all ACT Government agencies, source the majority of its electricity via the National Electricity Market (NEM). The NEM covers the eastern states of Australia and consists of over 200 major generation facilities and a comprehensive network of transmission lines. The diversity of generation and transmission options result in a high degree of reliability.

Any renewable electricity purchases sourced from the NEM will have to meet the reliability requirements of the NEM. As such, renewable electricity purchases by the ACT Government will be as reliable as other energy sources purchased via the NEM.

(4) The ACT Government is firmly committed to achieving carbon neutrality in its operations, including through the purchase of renewable energy.

Public service—playschool facilities (Question No 355)

Mr Seselja asked the Minister for Education and Training, upon notice, on 14 October 2009 *(redirected to the Minister for Community Services)*:

(1) Has space been provided for all playschools and playgroups in ACT Government facilities; if not, when will it be provided.

(2) What is the total cost of this policy initiative.

(3) Is this a firm commitment or an aspirational one.

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

(1) Where requested, the Government has provided space for playgroups and playschools in government facilities.

(2) The policy initiative cost will be met out of current funds.

(3) The Government has given a firm commitment to house playgroups and playschools, where requested.

Building—universal design criteria (Question No 356)

Mr Seselja asked the Minister for Disability and Housing, upon notice, on 14 October 2009 *(redirected to the Chief Minister)*:

(1) What progress has been made in implementing the introduction of universal design criteria.

(2) What consultation has been held with industry and user groups.

(3) When will this initiative be completed.

(4) What is the cost of this policy initiative.

(5) Is this a firm commitment or an aspirational one.

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

(1) Phase II of the *Affordable Housing Action Plan* included an initiative to work with industry to develop universal design guidelines for the Territory, and requires that by the end of 2010, 20 per cent of all new detached housing comply with those guidelines. Consultation with industry groups has commenced with a view to developing universal design guidelines for the Territory by early 2010.

(2) In developing Phase II of the *Affordable Housing Action Plan*, the Affordable Housing Steering Group consulted with a wide range of industry representatives in developing its recommendations on universal design. In particular, a cross section of the aged sector was consulted in their role as members of the Advisory Group to the Affordable Housing Steering Group.

Since the release of the Phase II report in August 2009, the Chief Minister's Department has also consulted with the ACT Planning and Land Authority, and with the Master Builder's Association and Housing Industry Association in relation to development of universal design guidelines. Further consultation with relevant stakeholders is due to take place during November.

(3) The universal design guidelines themselves are due to be finalised by early 2010. The initiative will be considered complete when 100 per cent of all new detached housing constructed in the Territory complies with the universal design guidelines. The target is for this to occur by the end of 2020.

(4) The development of the universal design guidelines, and implementation of the guidelines is to be coordinated as part of the implementation of the *Affordable Housing Action Plan*. No additional resources or funding are anticipated for this initiative at this stage.

(5) The Government has endorsed the recommendations of the Affordable Housing Steering Group for Phase II of the *Affordable Housing Action Plan*, and now aims to implement those initiatives.

Planning—initiatives (Question No 359)

Mr Seselja asked the Minister for Planning, upon notice, on 14 October 2009:

(1) When will the neighbourhood planning process be reinstated.

(2) In which suburbs will neighbourhood planning be reinstated.

(3) How will Master Plans be integrated into the Territory Plan.

(4) What is the total cost of this policy initiative.

(5) Is this a firm commitment or an aspirational one.

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

(1) In accordance with the Agreement, the Government has commenced a program for neighbourhood planning, with urban planning frameworks being prepared for both Kingston and Dickson Group Centres. This will be followed by Tuggeranong Town Centre and a planning study for Pialligo was recently announced, and will be the subject of budget deliberations. The program will review other locations according to priority, into the future.

(2) See (1).

(3) The outcome of such planning exercises is to produce precinct codes for the Territory Plan

(4) The planning studies are the subject of budget decisions.

(5) The Government is committed to undertaking its planning studies based on priority needs, as determined through the budget process.

Government shopfronts (Question No 362)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 14 October 2009:

(1) When, if ever, will the Government establish a Government shopfront in Gungahlin.

(2) What is the Government doing to ensure shopfront services in Civic are adequate.

(3) When, if ever, will the Government re-establish a shopfront in Civic.

(4) What is the total cost of these initiatives.

(5) Are the Government's commitments on shopfronts firm or aspirational.

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

(1) The Government is undertaking planning work to establish a presence for Canberra Connect services in the Gungahlin library and school complex. A budget bid for these services will be considered in the 2010-11 Budget process alongside competing priorities for funding. Given the progress of the building program it will not be possible to achieve these services in time for the 2010-11 opening of the building.

(2) The Government believes that shopfront services in Civic are adequate. This includes the existing Canberra Connect Drivers Licence Service in the Civic Library, which also offers customers free internet access for information and bill payments. In addition there are also two Australia Post outlets in Civic available for ACT Government bill payments.

(3) The Government will continue to monitor the current shopfront service provided in Civic.

(4) Specific costings will depend on design and inclusions which are yet to be detailed.

(5) The Government is committed to shopfronts, and will ensure that appropriate planning is undertaken before investing in future shopfront services.

ACTION bus service—Calwell (Question No 370)

Ms Bresnan asked the Minister for Transport, upon notice, on 15 October 2009:

(1) How is the Calwell Park n' Ride promoted to local residents.

(2) Is it promoted in conjunction with express services from Calwell to the City.

(3) How many car spaces are there.

(4) Can the Minister provide a record of how regularly it is used.

(5) Is it marked on the ACTION bus route.

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

1. The Calwell Park 'n' Ride is promoted by signage at the site and on the ACTION Website.

2. No. However, the Department of Territory and Municipal Services is currently reviewing the strategy for Park 'n' Ride. The strategy is likely to change to focus on public transport corridors that have frequent and fast bus services. Establishment of new park and ride facilities will include programs of promotion that encourage people to use the facilities.

3. There are 10 car spaces identified for Park 'n' Ride at Calwell.

4. The Calwell Park 'n' Ride does not require a permit to park. Usage figures are not recorded for this area.

5. No. However, once the Park 'n' Ride review is completed it is proposed that all Park 'n' Ride facilities will be included in new passenger information.

Information technology—open source software (Question No 376)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 15 October 2009:

(1) How much does the ACT Government spend on Microsoft products, for example, office, desktop operating systems, server software, exchange per year.

(2) Does the Government purchase these Microsoft products through one vendor or many;

(3) If the Government purchases these Microsoft products from one vendor, who is this vendor.

(4) Is the ACT licensed per user or as a group and can these costs be broken down into amount spent on education and other information communication technology.

(5) How much of the software is Open Source.

(6) Where is Linux used.

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

(1) The ACT Government spends approximately the following amounts excluding GST on Microsoft products per year:

- ACT Government $2.3 million
- Department of Education $800,000.00
- CIT $90,000.00

(2) The ACT Government purchases Microsoft products through a single Large Account Reseller.

(3) The ACT Government has leveraged off a Commonwealth Government standing offer negotiated by the Department of Defence, and has selected Data#3 as the Large Account Reseller for Microsoft products.

(4) The ACT Government licensing approach for Microsoft products is different for computers on the ACT Government network, to those on the Department of Education, including student and teacher networks, and the Canberra Institute of Technology (CIT) network. This is broken down as follows:

- ACT Government - licensed per device across ACT Government network;
- Department of Education - licensed by user (for all K-12 public school students and full time equivalent Education staff) across student and teacher networks; and
- CIT - licensed per full time equivalent across CIT network

The Department of Education and CIT are charged at educational pricing which is a significant discount on standard government prices. The breakdown of expenditure is outlined in the response to question one.

(5) The ACT Government utilises Open Source products across the entire desktop standard operating environment deployed across the ACT Government network, with extensive utilisation made in the Education network environment.

There are over 9000 desktops utilised in the ACT Government network all of which have at least two different Open Source products installed on them. There are also a number of other centralised business systems such as My Source Matrix; (a large number of ACT Government websites are developed utilising this software).

A number of Open Source products are imbedded within a range of business applications used across Government. For example, the whole of Government Financial and Human Resource Management systems, and the Department of Housing and Community Services HomeNet system are all supported by an open source based operating system.

In addition, CIT has considered Open Source solutions to meet CIT business needs and where appropriate have implemented these solutions. For example, all software used to serve CIT's Intranet and Internet web sites are open source. This includes the operating system (GNU/Linux), the web server (Apache), the database (PostgreSQL) and the Content Management System (MySource Matrix).

(6) Linux is used extensively across the ACT Government:

- ACT Health utilise Linux to host Pharmacy software.
- Canberra Connect utilise Linux to host front-end web servers for Smartforms.
- MySource Matrix is used widely across ACT Government to host both internal (intranet) and external (internet) websites.
- CIT use Linux based products for website management, online learning management systems, proxy servers, ID management, monitoring, student information management, staff collaboration and student email.
- Linux is also used for network monitoring, and on a number of network appliances and proxy servers.
- In the Department of Education and Training, each school site has a proxy server running Linux, all of the schools' websites, email and learning management systems are Linux based and Linux is also used on some of the network appliances, such as ContentKeeper.

Environment—urban street trees (Question No 378)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 15 October 2009:

(1) Does the Government keep statistics on the numbers of street trees which have caused damage by dropping branches and what kind of damage these branches have caused; if so, does this information include human injuries and fatalities and will the Minister make this information available.

(2) What is the role of the Conservator of Flora and Fauna in the street tree replacement program.

(3) What number of trees are felled annually as part of the street tree replacement program and will the Minister provide a breakdown of the reasons for tree felling, for example, what types of sickness the trees suffered from, including types of ageing.

(4) Is it the Government's assessment that it is too uneconomical to manage trees into the future on an individual basis and to maintain them to the end of their life.

(5) What type of costings does the Government have comparing the ongoing costs of managing street trees on an individual basis compared to on a neighbourhood basis and will the Minister provide this information.

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

1. Yes. Since March 2006 a database has been maintained on claims for damage from trees on unleased Territory land. The following table provides a summary of the

number of incidents reported to the Department where damage to private property was caused by falling trees or falling branches. The data does not include details of the kind of damage caused by fallen branches nor statistics on fallen branches that did not cause damage.

The total number of all tree related claim inquiries for the period March 2006 – October 2009 is 1067.

Public Inquiries - Tree Related Claims for Fallen Branch/tree caused damage to property

(IAMS Data from March 2006 to October 2009)

Year	2006	2007	2008	2009	TOTAL
Number of inquiries:	36	43	55	54	**188**

2. The Conservator would need to be consulted in the event that tree management was planned to be undertaken for a registered tree.

3. The number of trees removed annually under the capital works funded Tree Replacement Program varies. The 2008/09 program involves the removal of 282 trees of varying sizes.

A range of factors are taken into consideration as a total by suitably skilled persons before a decision to remove a tree is made:

- the species of tree;
- the health of each tree;
- the presence and extent of die back;
- presence and type of structural defects;
- presence of fungal decay;
- presence of hollows;
- the location of each tree and whether and the likely consequences should the tree fall or shed substantial branches;
- landscape contribution.

Each of these factors is assessed against weighted criteria and a recommendation is made regarding the treatment of each tree.

Wherever appropriate, tree maintenance will be undertaken to make a tree safe but sometimes removal is necessary to ensure public safety.

4. No. Street and parkland trees are removed because they have been assessed as being dead, unsafe, structurally deficient or in poor condition and where pruning is not a viable option. If considered feasible, they are pruned and retained.

5. Trees are currently managed on an individual basis. Maintenance work is timed to occur on streets where a number of trees require management and urban parks in order to increase the efficiency of work teams. The tree replacement program targets streets and parks where a number of trees have been identified as being in need of replacement. This program does not consider the management of trees on a regional or a neighbourhood basis.

A more strategic approach is being considered by Government which will include the management and maintenance of urban trees on a neighbourhood, street or park level basis depending on the outcomes of community consultation. Trees will continue to

receive individual attention through a cyclic maintenance program that will ensure trees are kept in a healthy condition.

Information comparing the ongoing costs of managing trees on an individual basis compared to a neighbourhood basis is not available.

Housing—homelessness services (Question No 386)

Ms Bresnan asked the Minister for Disability and Housing, upon notice, on 15 October 2009:

Can the Minister provided a table that outlines a breakdown of funding for homelessness services in the ACT, with categories reflecting how much (a) was ACT Government funding, (b) was Commonwealth Government funding, (c) was program funding, (d) was capital works funding and (e) of each government's funding reflected an old and then a new appropriation for (i) 2007-08, (ii) 2008-09, (iii) 2009-10, (iv) 2010-11, (v) 2011-12 and (vi) 2012-13.

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

(a) – (e) the information requested is contained in the table attached.

Funding Source	**2007-08 $'000**	**2008-09 $'000**	**2009-10 $'000**	**2010-11 $'000**	**2011-12 $'000**	**2012-13 $'000**
ACT Funding - NAHA	0	0	9,794	10,065	10,686	11,203
ACT Funding - CSHA	3,464	3,578	0	0	0	0
ACT Funding - SAAP	6,171	6,350	0	0	0	0
ACT Funding – Homelessness and Other Funding	5,393	6,002	6,636	7,023	6,930	7,082
ACT Capital	14,237	14,731	8,628	7,334	7,000	7,000
ACT Funding - New	0	147	0	0	0	0
Total ACT Funding	**29,265**	**30,808**	**25,058**	**24,422**	**24,616**	**25,285**
Commonwealth Funding - NAHA	0	0	26,123	25,279	24,361	23,387
Commonwealth Funding - CSHA	19,056	19,320	0	0	0	0
Commonwealth Funding - SAAP	6,167	6,247	0	0	0	0
Commonwealth Funding - Capital	0	225	945	0	0	0
Commonwealth Funding - New	0	7,389	70,661	30,385	7,419	2,401
Total Commonwealth Funding	**25,223**	**33,181**	**97,729**	**55,664**	**31,780**	**25,788**
Apportioned as Follows:						
Program Funding	40,251	44,844	46,705	43,707	43,378	43,073
Capital Works Funding	14,237	19,145	76,082	36,383	13,018	8,000
Total Funding	**54,488**	**63,989**	**122,787**	**80,090**	**56,396**	**51,073**