Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

9 DECEMBER 2009

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Wednesday, 9 December 2009

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The Assembly met at 10 am.

(Quorum formed.)

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.

Petition

The following petition was lodged for presentation, by **Mrs Dunne**, *from 592 residents*:

Planning—Hawker

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that Block 8, Section 34 Hawker is listed for auction on 18 March and 2009 and the development of the site may adversely affect parking for the Hawker Group Centre.
>
> Your petitioners therefore request the Assembly to ensure that any future development on Block 8, Section 34 Hawker isn't at the expense of adequate public parking for the Hawker Group Centre.

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

Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009

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

Title read by Clerk.

MR HANSON (Molonglo) (10.02): I move:

> That this bill be agreed to in principle.

I rise today to introduce this important bill relating to road safety. This is not the first time that this important legislation has been introduced into this place. Indeed, similar legislation was first introduced into the Assembly back in 2005. I am hopeful, however, that this time the Assembly will seize the opportunity to grasp the important road safety imperative and finally legislate on this largely missing link in the current ACT road safety law.

Why are we bringing random drug testing back to the Assembly now? The question that is being asked by the community is: why aren't we already doing random drug testing in the ACT? The time for inaction and excuses is over. The evidence exists and it is crystal clear. We had only to see the story in Monday's *Canberra Times* to see the impact of inaction on this issue. The tragic story of Alison Ryan, the grieving mother of a young girl who died in a car being driven by someone who was under the influence of drugs, showed us the human face of why we so desperately need this legislation.

This legislation will finally give ACT police the power and authority to randomly test for drugs in drivers on our roads, and it will save lives. I will go through the operation of this legislation in further detail later in my tabling speech. Let me first say that this is nothing controversial. Random drug testing is enacted in some form or another in every other state and territory in Australia. Random drug testing has been in operation since 2003 in Victoria. It is now a standard road safety initiative practised in every state and territory except for the ACT. The ACT has simply failed, through deliberate inaction by this government, to stay current and up to date with legislative developments in every other jurisdiction. Nowhere have I seen such a willingness by government to remain non-responsive to progressive and badly needed reform, life-saving reform, than with this government.

The principles contained in the legislation relating to random drug testing, or RDT, are exactly the same as those for random breath testing. I know this government have wrestled with this legislation. They have been intrinsically opposed to it from the beginning, despite the evidence—indeed, the mountains of evidence—and the conclusiveness of the science, not to mention the unnecessary loss of life.

It is worth looking at this government's record on this issue and examining exactly why they have been so reluctant to introduce this badly needed reform. I know that the community remain utterly confused and bewildered by the position, as do our police. The government's ongoing opposition to RDT is in stark contrast, and in spite of, the evidence in relation to the prevalence of drug driving, as well as the evidence that drug-testing equipment is reliable, non-invasive and inexpensive.

We know from one local University of Canberra study alone that seven per cent of Canberra drivers tested positive for the presence of cannabis, ecstasy and methamphetamine. In addition, we know from the 2004 national drug strategy household survey, which contains the most recent state-by-state breakdowns of numbers, that the ACT records the second-highest result in illicit use of drugs—and that is behind only the Northern Territory.

The trends in relation to illicit drug use nationally are also clear. Since data began being recorded in 1985, there has been an overall increase not only in the use of illicit drugs but also in the availability of drugs. In the ACT alone, the 2004 national drug strategy household survey indicated that the ACT recorded a worse result than the Australian average. With respect to our use of a number of drugs, for ecstasy, for instance, our use is six per cent versus the national average of 3.4 per cent. Methamphetamine use in the ACT is higher than the national average, at 4.3 per cent versus 3.2 per cent. And cannabis use is 14 per cent versus 11.3 per cent.

The government's own drug-driving discussion paper cites the results of the Victorian trial which showed that "more than twice the number of drivers tested positive for one or more of three illicit drugs than to levels of alcohol over the prescribed legal limit". Twice as many, Mr Speaker.

The discussion paper also outlines evidence showing that driving under the influence of cannabis has the equivalent impact on driver performance of a blood alcohol content of 0.15. That is three times the legal limit. For the government, and the Chief Minister in particular, to somehow suggest that drug driving is not a problem, or less of a problem in the ACT, as he did in his press release, is not only disingenuous but highly offensive, especially for those families, such as Alison Ryan's, who have lost a loved one due to drug driving.

We know beyond doubt that there are three issues relevant to this debate that are based on sound and conclusive evidence. There is an illicit drug use issue where the ACT records a worse result than the national average. We know that Canberra drivers are driving under the influence of drugs, and we know that drugs impair judgement and the ability to operate a vehicle safely, just as alcohol does.

For the government to continue denying the evidence, to essentially deny the science and pretend that drug driving is not an issue here in the ACT, is highly offensive, it is disgusting and it is nothing more than a head-in-the-sand approach. It is an opposition for opposition's sake approach that the government often accuses the crossbench of following.

It is worth looking at this government's record on RDT in this place, and revisit some of the ludicrous arguments used by them against introducing random drug testing. The Chief Minister, when this was introduced before, labelled this legislation—and I have it here in the *Hansard*—as "the redneck bill". That was Jon Stanhope's response when RDT was introduced by the opposition in 2005. I would challenge Jon Stanhope to tell Alison Ryan that she is a redneck and that this bill, which she fully supports, is a redneck bill; that our city's fine men and women in blue, our police force, who support this legislation, are rednecks; and that every other state and territory in Australia is governed by rednecks.

John Hargreaves, as the minister responsible once upon a time, continued to dither on this issue, citing issues with the testing equipment, questioning the accuracy of the tests and wanting to engage in a conversation about random drug testing, human rights and so on. Four years have passed and we still see this inexcusable inaction on this issue.

Mr Speaker, I invite you to read the *Hansard*, because by doing so you will get a sense of the real reason that this government have had to be dragged kicking and screaming to the table on this issue. They are simply more concerned about the rights of individuals to take illicit substances and drive than they are about public safety. I just cannot interpret any other logical conclusion.

For a government that prides itself on taking the national lead on a number of issues, from gay marriage to a bill of rights, it has been found utterly wanting in a

much-needed area of road safety reform, and we see that the ACT now remains the only jurisdiction without a fully rolled-out random drug testing regime in place.

It is even more curious when you consider that this legislation merely proposes to give the police the powers to actually enforce existing territory road law. It is already an offence to drive whilst impaired, whether it is by alcohol or drugs, but random testing, as for alcohol, will simply provide the deterrence. So why is it so different to have this legislation in place for alcohol but not for drugs?

Given the weight of evidence in favour of introducing RDT, I still fail to see why the government have been waiting for so long, and why they continue to wait. The comments by the Chief Minister and the Attorney-General in recent days in relation to the opposition's continued and demonstrated leadership on this issue have been the subject of scorn and derision by members of the public as well as by the police force.

The public is rightly questioning why the government continue to deny the evidence in support of introducing RDT and why they refuse to do nothing about this issue. A number of years have now passed, so they cannot claim that this is some sort of knee-jerk or ill-thought-out proposal. Let me remind members again that RDT exists in every other state and territory.

It is worth looking briefly at the other jurisdictions. Victoria introduced the world's first roadside trial in 2003 in response to the growing trend of drug driving, and I applaud them for doing so. Due to the overwhelming success of the trial, the Victorian RDT program became permanent law on 1 July 2006.

Tasmania introduced their RDT legislation in July 2005. It is worth noting, and the Greens members of this Assembly should heed this, that when this legislation was introduced in the Tasmanian parliament their Greens colleagues in that state supported the RDT legislation because they sensibly saw this as a road safety initiative. In addition, when Tasmania introduced trace particle testing as a cheaper and faster means of detecting the presence of drugs, the Tasmanian Greens supported that initiative also. I was very pleased to see that the Tasmanian Greens had agreed to do that and I would urge our local Greens to do likewise. But it does serve to demonstrate that ACT Labor's position on this is actually sitting to the left of the position of the Tasmanian Greens.

In December 2005, the South Australian parliament passed the Road Traffic (Drug Driving) Amendment Act, which legislated for random drug testing in that state. New South Wales did so in 2006, Western Australia in October 2007, Queensland in December 2007 and the Northern Territory in 2008. So every other state and territory has introduced and rolled out fully functioning RDT regimes, and the legislation I propose is similar to that introduced in these other jurisdictions.

The opposition's proposal has the backing of the AFP. I quote from a press release released by Mr Jim Torr, the CEO of the AFPA:

> The Australian Federal Police Association is concerned that Jon Stanhope is putting politics above public safety as he refuses to take action against drug driving in the ACT.

He goes on to say:

> "I cannot understand the naivety and disregard for public safety being shown by the Stanhope government by failing to take action on drug driving."
>
> "Alcohol and drug consumption go hand in hand. It is naive to suggest that the ACT needs to only tackle drink driving. Public safety is ensured by giving police the power to conduct roadside alcohol *and* drug testing."
>
> "The Australian Federal Police Association represents the men and women who actually enforce the law. Our members are often exposed to the devastating consequences of drug-driving, yet are powerless to prevent this problem."
>
> The AFPA—

and he states this in his press release—

> has no political affiliations. The AFPA supports good policy which increases public safety. The Stanhope government will be judged by members of the AFPA and the community if it fails to take action on drug-driving.

I do not think you could get a stronger statement from those who represent the people on the front line who deal with this issue every day.

The NRMA also support this legislation. They advised me of their support after consulting with them on this bill. Importantly, my proposed legislation has the backing of members of the community, who all seem to agree that something does need to be done. I have the backing of Mrs Alison Ryan. I am sure many of you would have seen Monday's *Canberra Times*—I have a copy here—and you would have read the story about how her family was affected through the death of her 15-year-old daughter. Mrs Ryan has a victim impact statement that she has provided to me and I will, if I have time at the end of this speech, read elements of it, because they are very moving and present to us the human face of this tragedy.

Despite the plea from a mother of a victim of drug driving—indeed, a victim of drug driving herself—I ask: how many deaths will be enough, Mr Chief Minister, before you will enact or agree to this legislation? What is the number of destroyed lives before you will act? How can you say that you are serious about road safety while you play politics with this issue? You are not serious and nor is your government.

We have seen the tragic impact that drug driving has on individuals, families and communities. The time to act on this is now. The time for excuses is over. Every other jurisdiction has done this. RDT will not only serve as an effective deterrent but it will also, importantly, serve as an effective means of enforcing the law; otherwise why do we have the laws in place?

I will now go through how the testing will work under the proposed legislation. I note that Jon Stanhope has publicly criticised the bill before he has even seen it, but it is similar to the legislation that has been introduced in every other state and territory.

From the outset, anyone who reads this legislation will see that it is essentially similar to the procedures surrounding random breath testing for alcohol. Just like for random breath testing instruments, the minister must approve an acceptable oral fluid screening device to test for the presence of a prescribed drug, and the officers authorised to carry out drug testing must also be approved under the legislation. A driver, when instructed by police and after having gone through an assessment for drug impairment, will be asked to undergo a screening test for drugs. If the oral fluid test detects the presence of a prescribed drug, the person will be taken to a hospital for a blood test, similar to what happens with a random breath test. If a blood test confirms that a prescribed drug was found to be present then the driver will be charged—and I will touch on the penalties later.

The oral fluid analysis is proven and mature technology. It is estimated to be at least 99 per cent accurate. I do note that from time to time, early on, there were rare occurrences with false positive readings. However, there is broad acknowledgment that the rate of false positives in any testing will never be zero and the accuracy is very good for this technology. Given the public benefit, I believe that the testing equipment is accurate enough to warrant the introduction of roadside RDT, as does every other jurisdiction in Australia.

The penalties for driving under the influence of a prescribed drug are a maximum 10 penalty units for a first offender and a maximum 25 penalty units for a repeat offender. This is entirely consistent with the penalties for drink-driving offences and the courts will no doubt determine the appropriate penalty accordingly.

The bill amends the Road Transport (Alcohol and Drugs) Act to apply the provisions relating to drink driving already contained within the act to drug driving. This bill only allows for the detection of the active presence of a drug, rather than measure a certain concentration. In other words, the testing procedure does not allow us to test for sobriety in the same way that we would for alcohol. I stress, though, that the testing, as it is conducted in other jurisdictions, only tests for active presence of a drug in the blood system insofar as it impairs driving. In other words, the test is not designed to detect the residual presence of a drug that may have been consumed in the days or weeks leading up to the test, but rather, immediately prior to the person driving. So this is not about catching drug users; this is all about road safety. Any suggestion otherwise is pure mischief.

Mr Speaker, if you need further proof, remember that the penalties applied for this are not for drug offences but for traffic offences, the same as they are for drink driving.

In relation to some of the human rights concerns that have previously been put forward, I fail to see how random drug testing will undermine or compromise my fellow Canberrans' human rights, or, indeed, how random drug testing departs in any way from the same procedures we have for random breath testing in terms of its impact on human rights and its compliance with the Human Rights Act. In fact, I would argue that this bill is about protecting rights. It is about protecting the rights of those people, all of our fellow Canberrans, to use our roads safely.

I do agree that random drug testing alone will not solve the issue of drug driving. No measure works in isolation. We need to continue to tackle drink driving, and we await some action from the government on this. We have a disgraceful rate of DUI in the ACT and this government has failed to act. For eight years, it has failed to act.

We have the most lax drink-driving legislation in Australia. We are all awaiting some action from the government on DUI, and I hope this will now prompt them to act. But no matter how much action they take on DUI, if they ignore random drug testing then they are ignoring half of the problem. We must give our police the ability to tackle the drug-driving problem as well as the drink-driving problem if we are to reduce the carnage on our roads and make our roads as safe as they can be.

I do believe that this single change that we are proposing today in this legislation will be a significant step forward and will have a positive transformative effect within the community. It will impact on attitudes surrounding drugs and driving, just as the DUI legislation did when that was introduced many years ago. It will impact on the culture of drug driving and it will reduce the incidence of drug driving.

Finally, I wish to state that the opposition is happy to work with the government and the Greens on this bill. The community expect us to act on this and they will not tolerate any political party that plays politics with road safety and with people's lives. This is worthy legislation. It will save lives and it will reduce the carnage on our roads. I commend this bill to the Assembly.

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

Planning and Development (Notifications and Review) Amendment Bill 2009

Ms Le Couteur, pursuant to notice, presented the bill.

Title read by Clerk.

MS LE COUTEUR (Molonglo) (10.22): I move:

> That this bill be agreed to in principle.

I am introducing this bill today to propose a few improvements in the current planning legislation. The current Planning and Development Act, effective since March last year, has now had sufficient time for some of its shortcomings to be brought to our attention. Over the past year while being the Greens planning spokesperson, I have had the opportunity to hear much community feedback on our planning legislation. The issues I raise in my bill today are stand-alone items, which can easily be remedied without affecting other parts of the planning act. The bill proposes solutions to a number of problems which have arisen in our development application process.

There are a number of broader issues within the Planning and Development Act which also need to be remedied, but I understand that the government will be tabling

additional amending bills next year, so issues around that can wait till then to be addressed.

This bill, my Planning and Development (Notifications and Review) Amendment Bill 2009, does three things in relation to development applications. Firstly, it ensures that ACTPLA undertakes full public notification with the full information available at the onset on all merit and impact track DAs. Secondly, it allows ACTPLA and the Civil and Administrative Tribunal, ACAT, to consider a broader range of issues when we are dealing with DA decisions, such as territory plan zoning and objectives as well as the territory plan rules. Thirdly, it increases standing for community members to appeal DA decisions.

These changes address problems which have been presented to me by members of the Canberra community. I am confident that the proposals I am putting forward today will have a positive impact on our planning system.

I will go through each of these items separately, starting with the requirement for public notification of all the relevant information about a development application.

This bill amends a current loophole in the act. Currently, if ACTPLA fails to correctly follow public notification requirements and notify the full information for an impact or merit track DA, this does not affect the validity of the DA approval. The loophole exists for both public notification to adjoining premises and major public notification for merit and impact track proposals. This is, in effect, a "get out of jail free" card for ACTPLA any time it makes a mistake with notifications.

This issue was most spectacularly brought to our attention through a case in Latham earlier this year, when a DA was notified for public consultation but the DA notification contained only the lease variation proposal for the old petrol station site. The actual demolition and development proposal information for 13 residential apartments was omitted completely from public notification. I have also had numerous complaints where ACTPLA's website does not contain all the information for the DA when the consultation period starts: it only appears on the website after people complain.

So my amendment has a standard to assess whether or not a DA is valid. It says that the failure to follow public notification requirements is only acceptable if it has not unfavourably affected the person's awareness of the existence and nature of the application or denied or restricted the opportunity of the person to make representations about the application.

Should an omission in the notification process occur, ACTPLA may make a declaration stating that it is satisfied that the failure has not resulted in such a circumstance. This declaration would be a notifiable instrument and would be reviewable alongside other aspects of ACTPLA's decision on a development application. In our current legislation, if people do not comment on the original DA, in general they cannot appeal the decision, so it is very important that the original notification is properly done.

I believe that my amendment is fully consistent with the objects of the Planning and Development Act, which does in fact require appropriate community consultation for proposed developments in the merit and impact tracks. The Greens are very concerned to ensure that community consultation is an integral, respected and properly working part of our planning system, and is not avoided through loopholes in planning legislation.

My next proposal is no less important in terms of achieving a more consistent—and more thoughtful, may I say—approach to implementing the principles of the territory plan. My bill proposes that the reconsideration of development application decisions should allow consideration of the full range of issues that the original decision maker used—for example, the territory plan objectives and zoning, as well as the territory plan rules.

Current clauses in our planning legislation specify that when ACTPLA or ACAT review a DA decision, they are restricted to considering the development proposal decision against the territory plan rules, without being able to consider the overall intent of the territory plan. This means that many of the important principles in the territory plan, which may have been taken into account as part of the original decision, cannot be considered in the review of the decision.

The bill removes this restriction and also allows ACAT to have the same jurisdiction as ACTPLA to investigate the full range of issues considered when it made its original decision. This proposal should ensure that greater consistency is applied to decisions and reconsiderations by decision makers at all levels in assessing development applications across the territory.

The third, and I suspect the most controversial, point in this bill is around improving standing rights for review of development application decisions. The bill inserts a number of provisions that increase standing rights allowing people to challenge development application decisions on their merits.

One amendment to increase standing is to expand the definition of an "eligible entity". Currently, the act allows only a list of "eligible entities" the right to appeal a decision to ACAT. This bill expands these standing provisions so that people "whose interests are affected by a decision" also have the right to apply to ACAT for review. This would mean, for instance, that a community group that has made a submission on a development proposal, but does not have this issue within the objects of its constitution, would still be eligible to apply to ACAT for reconsideration of a decision.

Furthermore, the bill removes references to entities suffering "material detriment", and instead extends the eligibility to make an appeal to any entity which made a representation or had a reasonable excuse for not making one. The argument of material detriment is not as important to the right for standing as "having an interest in the matter", which of course can include material detriment anyway.

There are fears that opening up appeal rights to the broader community will lead to ACAT being flooded with a deluge of appeals. That was the commentary from the

Liberal and Labor parties in the *Canberra Times* yesterday. Similar New South Wales planning legislation has broader appeal rights than ours, and it seems not to be the case. The New South Wales Environmental Planning and Assessment Act allows for open standing. Justice Peter McClellan, Chief Judge at Common Law, New South Wales Supreme Court, studied the first 25 years of these increased standing rights, and found that they did not cause the floodgates to open, and in fact have led to better decisions overall.

Standing provisions under section 123 of the New South Wales planning and assessment act, which covers all New South Wales planning and environment issues, state:

> (1) Any person may bring proceedings in the Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach.
>
> (2) Proceedings under this section may be brought by a person on his or her own behalf or on behalf of himself or herself and on behalf of other persons (with their consent), or a body corporate or unincorporated (with the consent of its committee or other controlling … body), having like or common interests in those proceedings.

I would like to share with you many of the gathered thoughts of Justice McClellan in his 2005 paper titled "Access to justice in environmental law: an Australian perspective". He says:

> When the Environmental Planning & Assessment Act was introduced into the Parliament—

the New South Wales parliament, 30 years ago—

> the Minister said of the legislation that it would provide greater opportunities for public participation. The opposition spokesman … expressed a fear—

which would be familiar to members of this place—

> that it would be inevitable that open standing would delay the processing of development applications.
>
> Other members of the Parliament were troubled by s 123—

the standing provisions—

> expressing concern about the possibility of the delay of development and mischievous proceedings. The Local Government Association and The Shires Association, representing the councils with primary responsibility for development control, were opposed to open standing.
>
> In other places the provision was described as "opening the flood gates", the constant theme being that open standing would be exploited by the mischievous individual or a commercial competitor, to delay and frustrate legitimate and lawful development.

Justice Priestley of the New South Wales Land and Environment Court made comments of particular relevance to standing when he said:

> About the only thing that can be said with complete assurance about these "rules" is that they are moving towards greater readiness to recognise plaintiffs as having locus standi no matter what it is that moves a plaintiff to have the court decide a question of law … it seems to me to follow … that when A raises a question whether B is in breach of a law, it is more rational for a court to ask whether it is true that B is in breach of that law than to ask why A should be allowed to ask the court to answer the question.
>
> Although this seems to me to follow as a matter of generality, it also seems to me there must be limits to it as a universal proposition; clearly for one example, there will be cases where the alleged breach is of such a kind that its investigation would be of insufficient significance to justify the various costs. But the proposition to my mind is at least valid to the extent that when A seeks to have B's alleged breach investigated in court and B claims A has no locus standi, B should have to show why the question should not be answered, rather than that A should be required to justify his presence in court.

Justice McClellan also says that many cases in the Land and Environment Court are:

> … matters where an individual has taken proceedings to restrain a proposed domestic or commercial development which will impact directly on their own property.

He says:

> In an urban environment it is likely that the plaintiffs would have had standing without the benefit of s 123 of the Environmental Planning & Assessment Act … my best estimate is that in at least 70% of the matters commenced by private individuals or corporations common law standing would have been available. It is probably greater …
>
> There may be good reasons why any person in a community should not have a right to bring a criminal prosecution, or, at least, the state should have the right to terminate such a prosecution. However, with respect, it is difficult to understand how it can be legitimately argued that any citizen should not have the right to bring proceedings to enforce a public law. If, as Justice McHugh argues, the particular law is no longer relevant or appropriate, having regard to contemporary problems, the legislature may repeal it, or, a court in the exercise of its discretion, may decline to enforce it. To adopt the position that a citizen cannot approach a court to ask that a member of the executive or a government agency should obey the law, which the Parliament has provided in the interests of the general community may itself carry significant dangers for the stability of the community … Given that the court has a discretion as to whether or not to make orders these dangers are likely to far outweigh any risks from the bringing of proceedings.

In terms of the argument about floodgates opening, Justice Stein, a former judge of the New South Wales Land and Environment Court, analysed third-party applications

in class 4 of the court's jurisdiction in the years 1989 to 1995. In an article in the *Environmental Planning and Law Journal*, he observed that there had not been any obvious growth in the use of "open standing" provisions over the seven years and concluded that section 123 had not caused the "floodgates" to open. He also noted that any analysis of relevant filings would include unknown applicants who would have had common law standing in any event.

Justice McClellan agreed with Justice Stein and said:

> … the analysis undertaken of various cases over the 25 years since the Act commenced operation does not suggest that a "flood of cases" has come to the court which could not have been brought but for the provisions of s 123. There are some cases where standing may have been an arguable issue and some where it may have been denied, but many cases and probably most cases would fall within the common law principles defined by the Australian High Court as they have more recently been applied …
>
> Any fears that open standing will encourage proceedings which have the potential to destabilise orderly government have been unfounded …
>
> There is no doubt that proponents of individual projects which have been challenged in the court feel a sense of frustration. Very often the challenge has been to the actions of the government authority obliged to consider the environmental merit of the project and where the proponent has little or no control over the quality of the authority's actions. If the assessment of the project is found to be legally wanting, significant issues with respect to the exercise of the court's discretion arise. On one occasion the plaintiff succeeded in proving that a major sewerage project was being undertaken without the necessary environmental assessment. Having regard to the advanced stage of the project when proceedings were commenced and the community benefit from a coordinated sewerage scheme the court declined to intervene … A similar outcome occurred in Liverpool City Council v Roads and Traffic & Anor where the council proved that a proposed major roadway had not been assessed as required by the Act but the Court declined to grant relief …

As well as these three more substantive issues, my bill contains a number of amendments relating to how notices on decisions are served, as well as clarification on ACAT having the ability to extend the review period at its discretion in line with reviewable decisions under other legislation whereby the extension of this period can happen in limited circumstances and ACAT must set out reasons for granting such an extension.

There is a new provision that the decision maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision. Interests of people who are affected by a decision may be far broader than interested entities, which are more narrowly defined.

The reviewable decision notice must also be given to eligible interested entities, as is current. Entities who are "interested" and "eligible" to appeal are outlined in schedule 1.

At the end, I would like to say that, while this does appear to some people to be a somewhat nerdy bill—even my fellow Greens have described this as such—it is trying to tidy up a few possibly inadvertent—

Mr Seselja: Most legislation is a little bit nerdy, Caroline.

MS LE COUTEUR: Well, true—a few inadvertent loopholes, or hopefully inadvertent loopholes, in the current Planning and Development Act. The act has now been in operation for a bit more than a year, and it is time to reflect on how it is going.

I have not submitted the bill as an exposure draft, due to the very limited feedback I got on the two previous exposure drafts I put out in this place. But I do intend to leave this bill to sit for a number of months to allow for feedback from the community and, obviously, from both the Liberal Party and the Labor Party. I would be delighted to give briefings to both of them on the subject.

The idea behind the bill is simply to work together to improve Canberra's planning system so that the community feels that its legitimate concerns are brought into account and that we use the full knowledge in the territory plan in reviewing decisions, not just the quick distillation of it in the technical rules. I commend this bill to the Assembly.

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

Infrastructure Canberra Bill 2009
Exposure draft

MR SESELJA (Molonglo—Leader of the Opposition), by leave: For the information of members, I present the following paper:

> Infrastructure Canberra Bill 2009—Exposure draft.

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

Leave granted.

MR SESELJA: The need for better infrastructure in Canberra is clear to anyone who struggles along the gridlocked GDE each morning, who limps along the airport roads or who wonders how the Cotter Dam has blown out its costs by a quarter of a billion dollars. The solution is far less obvious or easy and requires a dispassionate look at the real cause of the problems.

One of the significant problems is the inherent conflict between the political cycle that rewards short-term thinking and infrastructure development that requires long-term planning. Let me be clear: this does not mean that governments should not have the ability to make decisions about infrastructure, but I strongly believe they should do so in a strategic, long-term framework, a framework prepared with the assistance of independent and highly qualified experts, a framework backed by legislative authority.

In his report to COAG in December 2008, the Chair of Infrastructure Australia, Sir Rod Eddington, stated:

> Efficient infrastructure is essential to driving sustainable economic development and growth, lifting levels of productivity and boosting employment. It provides the foundation for vital community services such as schools, hospitals and housing. It is the key to managing population growth and meeting current and future environmental challenges. It is how high standards of living can be achieved.

The report also highlights that the current system is riddled by a:

> … lack of accountability and transparency; inadequate evidence to support decisions; cost-shifting between entities; inappropriate infrastructure pricing; and mixed messages to industry and communities about infrastructure investment.

Locally, there has been a call for coordinated, strategic planning for infrastructure delivery for many years. The Property Council, builders and developers, businesses and investors have all identified the need for change in this area and all have been ignored.

The question then becomes: is legislation required to be imposed to guarantee infrastructure has the long-term direction it needs? The federal government came to an unequivocal conclusion when it introduced the Infrastructure Australia Act, which came into effect on 9 April 2008. In a joint statement on 21 January, the Prime Minister, Kevin Rudd, and the Minister for Infrastructure, Transport, Regional Development and Local Government explained that a legislative approach was essential to develop a strategic blueprint for Australia's infrastructure needs and ensure future projects are determined by economic, social and environmental needs—not short-term political interests.

The federal government absolutely supports the need for regulatory reform to ensure that policy goals are met and not diluted to a mere mirage of politically motivated headlines. Based on our local experience of ACT Labor, the Canberra Liberals believe the need for legislative authority is even more compelling. For too long we have seen the government promise massive capital expenditure but fail to deliver by between a half and a third of their promised amount, as the capital works reports show. For too long we have seen the government promise to deliver projects by a certain date, but miss those deadlines by years, as the GDE demonstrates nearly 10 years after it was first discussed.

Not many years ago, journeys over 40 minutes to work were unthinkable. These days, they are daily occurrences for many Canberrans. In 2001, a four-lane GDE was estimated as costing $53 million and could be completed by 2004. It was not until late 2005 when a contract was signed to even begin on the project. It took until 2008, by which time the road for just two lanes now cost $120 million. If the price tag is adjusted in real terms, we are looking crudely at an approximate doubling of price, but road construction and maintenance costs increased by only 28 per cent over this period, as measured by the federal Bureau of Infrastructure, Transport and Regional Economics.

The reason is a failure of foresight and the dominance of political expediency over a strategic plan. Government studies published in 2002 warned that the GDE would be busy upon opening and that widening to four lanes will need to be considered relatively soon after the opening of the initial construction. Don't we know it! And in 2004 the CEO of the Department of Urban Services made the remarkable admission to a parliamentary committee that a two-lane road would provide an extraordinarily good service to people in that part of Canberra for something like 22 hours a day. In other words, Stanhope Labor's plans for a two-lane road would guarantee the GDE was dysfunctional in peak periods, as we now see.

For too long we have seen cost projections overrun by ever-increasing margins as the Cotter Dam blow-out, the biggest in territory history, shows all too clearly. For years the Stanhope government fought tooth and nail against building any dam. On 28 March 2006, Jon Stanhope told the Assembly:

> … it may be that we do not need to think again about whether or not we will ever need a dam. Perhaps we will in 30 years time, perhaps later and perhaps never.

It took until late 2007 before ACT Labor finally conceded that Canberra needs more water storage capacity.

The unfolding saga of the costing of this project is now before the ICRC to try and sort out the drama, but a precis of events shows that in April 2005 Actew Corporation's future water options report estimated the cost to enlarge Cotter reservoir to 78 gigalitres would be $120 million. By October 2007, Jon Stanhope announced that the Cotter reservoir would be enlarged at a cost of $145 million. In April 2008, the Halcrow Pacific report, commissioned by the ICRC, notes that Actew believes the final target out-turn cost may be up to 30 per cent higher, or $188.5 million. On 18 May 2009, Mark Sullivan told the estimates committee:

> In early 2008, the ICRC accepted an estimated cost of $145 million. We are working on an estimate of costs that we warned in that report could be 30 per cent higher on that again.

That is, $188.5 million. On 30 May 2009 the *Canberra Times* reported Mr Sullivan as suggesting the costs could now be up to $246 million and on 3 September 2009, Mr Sullivan announced that the total out-turn cost would now be $363 million. That is a $243 million blow-out. We still do not know what happened, why, or who was responsible, but this is the pattern we see time and time again: a government that delays and neglects long-term decisions is finally forced to act and leaves us with projects that are over time, well over budget and often fail to meet the requirements of the day, let alone the needs of the future. The plan I am putting forward would help avoid some of these failures.

I announced as part of our election platform and again in the Assembly in my budget reply speech that the time had come to take a holistic approach to infrastructure in Canberra and that the Canberra Liberals would take the steps to make that happen. It is clear that urgent structural reform is needed to ensure that the litany of mistakes and neglect in infrastructure are not repeated in the future. That is why I am introducing the Infrastructure Canberra Bill.

The most important element of the bill is the requirement to prepare and deliver an infrastructure plan. As stated in the purpose clause, the main objects of this act are to provide a long-term approach for identifying infrastructure priorities, to meet the demands of future population growth in the ACT, to establish a plan for that purpose, to establish a commission and appoint a commissioner to monitor and report on the plan, and to establish an independent board with appropriate expertise to advise on the commission's functions.

This is a vital, visionary plan that is missing from this government and has been for the entire time they have been in office. The draft bill goes further. It includes the areas that need to be addressed in the plan. They include whole-of-life cycle costs for constructing, maintaining and decommissioning public assets, the scope for technological innovation in building and maintaining infrastructure, environmental sustainability including recycling of materials, waste management and efficient consumption of resources, the supply of labour and training requirements necessary to build and maintain infrastructure, regulatory reform including simplification of government administrative procedures to encourage private investment, availability of funding, including funding from the private sector and the commonwealth, the economic impact of infrastructure, the national capital plan, the territory plan and other ACT government plans.

The areas this body will examine are evident in the broad-reaching, overarching ambit outlined in the legislation. They include health and community services; education and training; roads, car parking and cycle paths; public transport; water supply and sustainability; electricity, gas and alternative energy; communications including broadband; interstate freight and import-export; sporting facilities; cultural and tourism facilities; public places; waste management; waste water management, including stormwater and sewerage; the city centre and town centres identified in the territory plan.

The other important element of the bill is the establishment of an expert commissioner and an independent board to provide the expertise required to make the plan a reality. The commissioner has the following functions: to advise the minister on the preparation of the infrastructure plan; to consult the community about infrastructure priorities; to monitor and report on the progress of the infrastructure plan; to oversee the state of infrastructure in the ACT; to refer appropriate infrastructure projects to the Auditor-General for audit; to report annually to the appropriate Legislative Assembly committee; and to publish data that helps to inform the debate on infrastructure. As you can see, it is a comprehensive strategic look at the territory's needs.

The Infrastructure Canberra Bill is one part of a suite of solutions to provide precisely that. Presently each ACT government department makes separate bids for infrastructure funding and the Labor cabinet makes arbitrary decisions about which proposals have the strongest merit. Larger departments and agencies sometimes get greater say or influence than lower profile agencies. Under the Liberal infrastructure plan, the ACT government will receive an independent and professional view from an infrastructure commissioner who is not beholden to the agenda of any single department or agency.

It is important to note that this is the foundation element of building a better infrastructure system and is the beginning of a range of issues that must be addressed and a range of solutions that must be provided. The Canberra Liberals have been in intense discussions with industry groups within the ACT and peak bodies on a national level. The Infrastructure Canberra Bill is the first part of a comprehensive solution package we will develop and present to the public as this debate moves forward.

Other areas of reform in infrastructure include options to make procurement processes more efficient, without comprising integrity, and reforms to the planning system to ensure that critical projects are not frustrated by unreasonable delays. Treasury has costed the plan for an infrastructure commissioner before last year's election. This modest cost should be compared to how much would be saved by having a long-term, independent approach to infrastructure spending.

If the commissioner could identify and produce just a 10 per cent efficiency in infrastructure spending, that would mean $36 million saved just on the Cotter Dam alone. It goes to show what could be achieved with only an incremental saving from the process. The benefits to the city and the territory are immeasurable.

Still the basic facts remain undeniable: infrastructure coordination in the territory under the current system is not well coordinated and has failed to deliver the infrastructure maintenance and accountability that the community deserves and demands. I am presenting an exposure draft of the Infrastructure Canberra Bill for comment today. We have already received many supportive and constructive comments and I hope to receive more as we plan for better infrastructure in the ACT.

Major reform is needed to address the problems of which the GDE gridlock, the airport roads, the dam blow-out, the prison debacle and many more examples stand as daily frustrating reminders. Our bill is a key part of that reform.

Planning—Tuggeranong and Erindale

MS BRESNAN (Brindabella) (10.53): I move:

That this Assembly:

(1) notes:

(a) the ACT Government's positive commitment to undertake a planning study and master plan for the Tuggeranong Town Centre;

(b) the benefits of integrating transport and urban development planning more broadly;

(c) proposed changes to transport services in the Tuggeranong Valley, including the development of:

(i) park and ride facilities at Erindale; and

(ii) a bus interchange at Erindale, as detailed in the ACT Public Transport Strategic Network Plan; and

(d) that road plans in the Tuggeranong Valley are yet to reflect future development; and

(2) calls on the ACT Government to:

(a) take a more thoughtful approach to planning for the whole Tuggeranong Valley; and

(b) commission an additional master plan for the Erindale area, focussing in particular on:

(i) transport planning in the Tuggeranong Valley; and

(ii) the views and perspectives of local experts, businesses and residents; and

(c) report to the Legislative Assembly with a completed Erindale Master Plan by the first sitting week in June 2010.

The Greens acknowledge the impact that planning matters can have on transport and the way people live in general. We believe it is important that our plans for future communities encourage methods of sustainable transport and that infrastructure needs are built into forward designs. The motion that I have moved today seeks to recognise this principle at a local level by calling on the ACT government to undertake an Erindale master plan. I have moved this motion because Erindale is a hub for both business and community and is getting bigger every year. Current residents are concerned about what the suburb will look like in the future and have asked for the assistance that a master plan can provide in ensuring growth is achieved in an orderly and respectful manner.

In addition to addressing the concerns of residents about the current situation, future development in Erindale will need to ensure that sustainable transport is paramount in government thinking. The Tuggeranong Valley has not received the greatest levels of attention from government for some time. An effective Erindale master plan will go some way to rectifying shortfalls in action in the region.

To quote from the Woden master plan:

> The master plan process is not about developing a schedule of Government funded capital works. Rather, it is about creating a framework for change that assists the Government and private sectors to work in partnership to adapt quickly to changing commercial, social and environmental realities. Without this overview, individual projects often fail to materialise due to the difficulty of dealing with all the issues in the absence of an overall context.

Master plans sit within the structure of the territory plan, which allows for special plans and codes to be adopted by the planning authority. As such, the master plan will

be taken into consideration when the ACT Planning and Land Authority is assessing development applications.

The master planning process is one which looks at the overall structure, uses and facilities of the area in tandem with looking at local employment, business and traffic levels. It gives all government departments, local residents and business owners a roadmap to work with, a way of thinking about what activities and uses for land in the area may be missing or overabundant.

A master plan gives the government the room to plan further into the future than most other shorter term planning and consultation processes. At the same time that the government is starting to do longer term transport planning into the next few decades, we need to ensure that the key areas which are integral to the new transport plan have the infrastructure ready for the new, improved bus system.

We know that for our city to be sustainable and functional into the future, we need to greatly improve our public transport system, but, in hand with that, we need to ensure that our planning and infrastructure is on the same page. My motion asks that the Assembly note proposed changes to transport services in the Tuggeranong Valley, including the development of a bus interchange and park and ride facilities at Erindale. The development of this infrastructure is more than welcome. However, there appears to be some concern amongst the local community in Erindale as to where exactly those facilities will sit and what impact they will have.

I also recognise that the ACT government has committed to undertaking a master plan for Tuggeranong, and I believe there are efficiencies that can be achieved for the planning bureaucracy and the community if these processes are conducted alongside each other.

As part of the ACT Greens' commitment to community involvement and direct engagement with the constituents of my electorate of Brindabella, my office has been talking to people and groups throughout the Erindale area about the idea of an Erindale master plan. Through this consultation process, community members expressed to us the priority areas that they wish to see addressed in Tuggeranong and Erindale master planning, and these are some of the issues I will outline.

The first concern that constituents raised was the need for the government to conduct meaningful consultation, for meaningful consultation produces better outcomes. With all due respect to the town planners, developers and engineers that plan and build new developments, without community engagement, we cannot ensure that local residents and the business community will have maximised benefits.

Consultation also facilitates the achievement of balance between various stakeholders and their needs. The needs of the community, the government and the developers can sometimes be conflicting, and the consultation process can provide a forum in which those conflicts can be recognised and negotiated. If a strong consultation process is to be put in place for the Erindale master plan, we will need to see a greater level of information made available to the public.

Erindale residents have suggested that consultation on the master plan be conducted through active organisations such as the Tuggeranong Community Council, Neighbourhood Watch, and Business Tuggeranong. It was proposed that active groups like these meet with key parties to the master planning, including ACTION, ACTPLA, and local businesses and developers. The government needs to commit to bringing these groups together to ensure that Erindale and surrounds are planned effectively. It is important that these groups are given adequate notice of all consultation meetings and community forums.

It is important that the government not just make token efforts of consultation with residents of Erindale. This motion calls on the government to take a more thoughtful approach to planning for the whole of the Tuggeranong Valley. Constituents have demanded thoughtfulness in planning. The community has said they want a rigorous, thorough and considered process that they can easily participate in. This is making a positive statement about what can be achieved and has come from the views expressed to us by constituents.

I do note that the government will be moving an amendment to this part of the motion, which the Greens will support as it does retain the idea of taking a bigger picture view and future focus for the Tuggeranong area. Given the Erindale master plan may have an impact on residents throughout the Tuggeranong Valley, it is important that the government give all those who will be affected by changes in the Erindale area the opportunity to have their voices heard.

Interested stakeholders with whom I have consulted have also informed me that they wish to discuss transport through the master planning process. Constituents have asked that the proposed changes to transport services in Erindale be outlined to the community before these changes occur. We all know that prior to the election which brought me and my three ACT Greens colleagues here, the Labor government had developed somewhat of a reputation for implementing decisions with what could be called a cursory regard to community input. We need to ensure that action without community involvement is a thing of the past.

Creating community trust is central to delivering the outcomes that master planning seeks to deliver. This will involve talking to the community about the implications of the sustainable transport plan and the 2031 strategic network plan, including plans to create a bus interchange in Erindale and how this will affect the area. The ACT Greens have always maintained that fast-track decisions without regard to community input leads to bad decisions. We want smart decisions, community-driven decisions, the right decisions.

Constituents have reported to me a range of existing road and transport problems in the Erindale precinct. It is said that the Erindale restaurant strip has not been set up for the volume of traffic it now experiences, especially on Friday and Saturday evenings. Consumers have noted that parking on busy days such as Saturdays has also become difficult. There is also frustration that the Gartside Street precinct, originally set up as a car repair and maintenance area, has since developed into a restaurant precinct without adequate planning, including reasonable transport-related facilities. Effective

master planning can help address these issues, as well as providing a drive to future growth and prosperity for Erindale businesses.

There is also some concern that having a bus interchange or park and ride objectives in Erindale may not work effectively if they are based around the current road infrastructure. Without effective changes to current roads and parking, it may be unlikely that people will travel to Erindale through congested traffic to find a car park for a bus service. As well, Erindale Drive currently services a large number of cars per day, and questions have been raised as to its ability to take on a larger amount of traffic.

The ACT Greens also call upon the government to talk to the people of Erindale about how best to maintain access to shopping, restaurants, clubs and medical facilities whilst reducing congestion and facilitating better access to effective public transport. A transparent and inclusive master planning process ensures that the future of Erindale is inclusive, not divisive, and gives residents a stake in the future of their community. The ACT Greens emphasise the importance of developing an effective public transport network into the future. However, these needs must be addressed while ensuring the continuation of community services and local business.

As part of the master planning process for both Erindale and Tuggeranong, and in acknowledgement of the sustainable transport plan, we also call upon the government to examine the options available for planned interchanges and park and ride facilities in Tuggeranong. As has been noted by Nick Tsoulis of Neighbourhood Watch, other locations may be more appropriate for a park and ride facility servicing the Erindale area, including a possibility for a Calwell park and ride facility, which would then have bus services that link to Erindale and the interchange.

There is a concern that a bus interchange in or around the Erindale shopping centre may put additional pressure on traffic congestion. There is concern that facilities in the area are busy and near capacity and pressure from increased traffic from buses and other cars would impact on business owners, consumers and residents in the surrounding area. It is important that the centralisation of services, schools, medical centres, bus interchanges and park and ride facilities consider the overall needs and locations of suburbs in the Tuggeranong Valley.

People who have participated in this consultation are in agreement that Erindale is an area which requires and needs immediate attention. The community needs to be involved at all levels, from the beginning of the planning process until the end. As I previously noted, the master plan should consider if Erindale is the most appropriate location for a park and ride facility. This may indeed come out of the planned feasibility study for the Erindale park and ride. Other sites I have mentioned, such as Calwell and even Chisholm, may be more appropriate and could be considered. There also needs to be a consideration of how rapid bus services would integrate with park and ride and any future bus interchange at Erindale.

There are a wide range of existing concerns about roads and access to arterial connections in Erindale and the Tuggeranong Valley. The Greens maintain that more and bigger roads are not a solution. However, reducing congestion and ensuring easier

access to arterial roadways is important in building sustainable transport solutions for the Tuggeranong Valley for all commuters.

The ACT Greens believe that in Tuggeranong, as well as the rest of the ACT, planning, roads and sustainable transport cannot be considered in isolation. Effective planning in Erindale can create spaces that encourage residents to walk down to their local shops or community centres, get on a bus to work and get to work in a cheap and timely fashion. Good planning can invigorate local business, reduce crime, increase the take-up of walking, cycling and public transport and deliver more integrated, happier communities.

The ACT government have indicated that they are committed to implementing a master plan in a more equitable and practical manner than has been done in the past. We are thankful that the government have agreed to undertake a master plan for Erindale at the same time as Tuggeranong, and we think the residents will be pleased that comprehensive planning for the valley is now happening.

If this motion succeeds, the ACT Greens look forward to working with the government, the opposition and the dedicated members of the Erindale and wider Tuggeranong community to develop a plan for their future.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.06): I thank Ms Bresnan for bringing this motion forward today. The government is taking a very careful approach to planning in the entire Tuggeranong Valley. In Tuggeranong, as in the rest of the ACT, we are looking to make our city more ecologically and more economically sustainable. But whilst we are looking forward, there are legacy issues we need to deal with which will impact on how we achieve these goals.

When Tuggeranong was originally planned, the thinking about the development of our cities was quite different. At the time, the key influence on the urban form was transport, particularly the car, and creating an efficient city structure that enabled easy movement between Canberra's various centres. Since then, there has been a significant evolution in thinking, and with the realisation that cities of the future face challenges around energy and water in particular due to climate change, planners now seek to build adaptable cities. This means a reduced ecological footprint, less resource use and the ability to cope with change. This means that our community must also adapt. We must think about how we live and the sort of city we live in. We must plan for a population that is changing and moving. We need to accept higher levels of housing and urban density. The quarter-acre block can no longer be the only form of housing; that is no longer sustainable.

Mindful of this, at the last election, ACT Labor committed to invest $200,000 in a planning study and master plan for the Tuggeranong town centre. It is intended that this work will be undertaken in the 2010-11 financial year. In preparation for this work, the Planning and Land Authority will shortly commence an infrastructure study. The infrastructure study will require an investment of $100,000. It will determine the adequacy of current infrastructure, including roads, car parking, cycle and pedestrian paths, public transport, and utility services.

The motion includes noting that road plans in the Tuggeranong Valley are yet to reflect future development. In this context, we are determined to listen to the Tuggeranong community before commencing a plan for the Tuggeranong Valley. The master plan process will provide a sound basis for this. It will provide a snapshot of the Tuggeranong town centre's infrastructure capacity. Allowing a time frame of 1½ years for the completion of the work, we may expect then to have an updated Tuggeranong town centre master plan by late 2011. This timing will, of course, depend significantly on the complexity of the issues that emerge in the months ahead.

I am pleased that the Greens party has agreed to support a government amendment to the motion, which I will move shortly, that recognises the work that we are currently doing and the fact that 2011 is the earliest that this work can realistically be completed.

I have been discussing with the Greens party the idea of undertaking an additional master plan for Erindale. Recent work confirms the importance of Erindale as a preferred major public transport interchange in Tuggeranong, as Ms Bresnan has indicated, primarily due to its strategic location. That is why, as previously mentioned, I have committed to seek budget funding in 2010-11 to develop a master plan for Erindale concurrently with Tuggeranong. I can advise that this work will be conducted in a similar manner to that being undertaken on the Dickson and Kingston master plans. The engagement of local businesses, residents, shop owners and young people is generating new ideas and creating a sense of ownership of the outcomes.

In closing, I thank the Greens for bringing forward this motion and agreeing to sensible amendments that I will move shortly, amendments that take into account the big picture in Tuggeranong. I also acknowledge that Mr Smyth will bring forward some amendments on behalf of the opposition that the government is happy to support, and I understand the Greens will as well. We will have, it would appear, a burst of unanimity in this final sitting week in relation to master planning in Tuggeranong. This can only be a good thing for the people of Tuggeranong, and one would hope that, with this agreement across all parties in this chamber, we will see a very productive master planning process in the Tuggeranong Valley through 2010 and 2011.

With that, Madam Deputy Speaker, I seek leave to move the two amendments circulated in my name together.

Leave granted.

MR BARR: I move:

(1) omit paragraph (2)(a), substitute:

"(a) ensure planning for the Tuggeranong Valley achieves progressive social, economic and environmental objectives;"; and

(2) omit paragraph (2)(c), substitute:

"(c) report to the Legislative Assembly with a completed Erindale Master Plan by the first sitting week in June 2011.".

MR SMYTH (Brindabella) (11.12): It is good that there is tripartite agreement on this because this is an issue that the Liberals have been talking about for some years now. Indeed, in 2004, it was part of our policy that there be a master planning exercise done for Erindale. I recall the minister at the time, Mr Corbell, said there was no need. Indeed, he said there was no need to do planning for a master plan for Tuggeranong because everything was okay south of the lake. So it is good to see the reversal of the position of the Labor Party and I congratulate Mr Barr on coming to that conclusion.

I think those of us who live in Tuggeranong and enjoy using the services of both the Tuggeranong town centre and Erindale understand that there is work to be done so that those two locations can reach their full potential and, through that, serve the people of not just Tuggeranong but the ACT much better. So thank you, Ms Bresnan, for bringing this on. Thank you, Minister Barr, for having far more sense than your planning predecessor. It is great that all of us are moving forward on this.

I will move an amendment shortly but there is a history that seems to suggest that Erindale was in fact the desired location for the Tuggeranong town centre. Whether that is an urban myth or not is hard to determine. But it is quite clear that having two significant centres quite close together actually does involve some need for better planning. The minister's objective of linking the two planning studies makes a great deal of sense in that way. There is no point doing planning for Tuggeranong that will counteract what is done at Erindale and there is no point doing planning for Erindale that will counteract that which is potentially done for Tuggeranong. In that regard, the two studies being done jointly is a very good suggestion.

It is important that we get this right. If you have seen some of the planning that has been done over the last couple of years in the Erindale area, it has not led to better outcomes. There was a lot of controversy about where the petrol station that Woolies has erected should go. Indeed, at that time we called for a master plan to be done before that could go ahead but the previous planning minister did not agree with that.

I think there is a lot of disquiet. McBryde Street is an interesting street as the main street through Erindale because of the twists and turns that it makes. Gartside Street in the last couple of years has really developed into quite a nice area but it fronts a car park. There is not room for all those restaurants now on Gartside Street. There is the Turkish Grill, which is doing incredibly well. As I go up the street, I am going to miss somebody; so I will probably get into trouble. I have eaten at probably all of them.

Then there are the takeaways like Ali Baba, Kingsley's, Goodberry's and Slow Noodle Fast. They drag in a lot of business that comes and goes. Then there are Thai Amarin, Thai Basil, Sunny's, the Punjabi Hut and Erindale Vietnamese. The anchor tenant of that part of Erindale, of course, is the Vikings club who, for those who do not know, this year are celebrating their 30th anniversary.

You get a lot of traffic through that area. It has not been addressed and it actually needs to be addressed. The opportunity exists to rectify that, with the unfortunate closure of the garden centre. I understand a DA for a childcare centre was put in and then withdrawn. If we can get people to agree that the opportunity exists—and I think

all three parties agree that the opportunity exists—and if we can get the community to have some input, there is an opportunity with, I suspect, very little effort, particularly on Gartside Street, to rectify that. We will have to talk to the business owners and the government and work out who owns what.

But that street, as a two-way street, is an absolute disaster. If you are there on a Friday night or a Saturday night, indeed probably most nights now, it is an absolute disaster. If you want to enjoy the amenity of the 28 degrees that it was in Tuggeranong at about 7 o'clock last night and sit outside, you cannot because it fronts directly onto the car park. The sidewalk itself is not wide enough to accommodate a decent number of tables in a safe manner.

There are a number of issues here but it is a great opportunity to get this right, particularly with the tripartisan support, and actually give something quite special to that very central area that is Erindale.

There are movements afoot in regard to the ownership of the buildings around the Erindale centre: the building next door, the Allen's building, and the Oriental Terrace, the Chinese restaurant. Again, it would be good if we could get a boardwalk or walkway next to the Erindale centre down to the college, which, of course, contains the library and the sports centre. There are a number of places here that can be developed. There is an immense amount of potential that can be unleashed and there is a great deal of good that we can actually do in this case.

I seek leave to move the amendment circulated in my name.

MADAM DEPUTY SPEAKER: You cannot do that yet. We have to deal with Mr Barr's amendments first.

MR SMYTH: Until we have done that, I foreshadow the amendment. It makes it quite clear what we expect of the minister. I have shown this to the minister and his office. Particularly, I foreshadow paragraph 2(ba)(v), which is the need to redevelop the area around Gartside Street to enhance this as a restaurant precinct. There is a very rare opportunity and it exists now. We should get this right. I have talked to all the retailers there. There is a lot of goodwill for this to happen.

People who use Erindale regularly do appreciate the ability to come down from Wanniassa, across from Fadden, up from Monash, Gilmore, Gowrie and Chisholm to use this area. It is a nice area and if we can get this right that will be a good thing.

The other area that I would like to talk about is subparagraph (ii) of my amendment which talks about an appropriate policy governing infill proposals. We have two recent proposals in the last 18 months or so—one in Monash, to the south of Erindale, and one in Wanniassa, on McWhae Circuit—where large-scale developments were touted, simply because they are quite close to Erindale. Both of these were within walking distance of Erindale and, in that regard, have a great deal of merit. But the surrounding population is saying, "We do not want our amenity destroyed in facilitating the increase in density in the area surrounding Erindale." Particularly in relation to that matter, I think we have got to get that right.

We have talked about road structure. In terms of road structure, there is that nightmare that exists between Sternberg and Ashley crescents every morning where four lanes feed into one lane for about 300 metres. As I am reminded by my leader, in the election campaign we promised to duplicate that. It is appropriate that that is looked at. Indeed, in relation to the future of Ashley Crescent, it was clearly designed to be duplicated. In fact, the rest of Erindale Drive from the roundabout at the Mobil service station all the way down to Tuggeranong has clearly been set aside for duplication. The question is whether that is now required.

But in terms of getting the transport links in and out correct, the public transport and the private vehicles, it is about making sure that there is that need. If the need is proven, we need to do it long term. We need to start getting people having the discussions, doing the planning and getting it into budgets. It is important to get those transport links correct. Areas will thrive with public transport but the personal transport is also important.

There are a number of big issues. I am sure the minister has got the sense of it. From his words, I get the sense that the minister clearly understands what is required. I think it is very smart that it is done in conjunction with the Tuggeranong town centre proposal because it will create a strip between Erindale and Tuggeranong. There will be even more pressure on that area. There are a number of schools, there are a couple of sporting facilities, there are the suburbs of Monash, Oxley and Wanniassa. It will have impacts on them. If we do this properly it will be much to the minister's credit. I think if it is done properly it will be to the credit of this place.

Mr Barr: You will issue a press release to that effect, will you?

MR SMYTH: I was going to give the minister credit where credit was due, and I have done that on a number of occasions. We will see how the minister reacts in kind. But it is quite clear that all three parties agree. It is time to move forward. I will move my amendment after the minister's amendments are dealt with. I commend the motion to the house.

MR SESELJA (Molonglo—Leader of the Opposition) (11.22): I am pleased to have the opportunity to speak on this issue. The Erindale centre is one of the group centres in Canberra that perhaps have the most potential. But there is no doubt that the overall design and the way that the centre has evolved over the last 20 or so years have been far from ideal. And we see a lot of those issues manifesting themselves. Mr Smyth, I think, has outlined a lot of the issues very well.

But it is worth reflecting on some of those issues. This was home ground for me. I grew up around the corner from Erindale. It has suffered, I think, from poor planning over the years. I think the traffic management issues have been one of the most important examples of that.

The restaurant precinct that Mr Smyth referred to is, I think, one of the more significant restaurant precincts in a suburban area in Canberra by far. There is a wide variety of eating venues.

Mr Barr: It is nearly as good as Dickson.

MR SESELJA: It is quite significant. And it would be comparable, I think, to a Dickson. But the layout of that area is far from ideal. Anyone who has been there on a Friday evening or a Saturday evening trying to pick up a meal would know that it needs a wholesale rethink in terms of the layout of that area. It has the potential to be an absolute jewel for Tuggeranong. I think it is a wonderful place for people to come. People already do come there but I think the way that it is planned does not allow it to reach its full potential.

I think we are all agreed that a master planning process for Erindale would be an important step forward, dealing with not just the traffic management issues—the traffic management issues are critical—but also with the issues of density. Mr Smyth highlighted some of the concerns of residents around there. When there is a push for density, there is always that clash between existing residents and the need for more medium density housing in the ACT. But there is no doubt that our group centres are places where we should be looking for appropriate levels of development and where we have the opportunity for more people to live at them. That said, we need to get the balance with the surrounding residents right.

We also do need to do it in a strategic way. We do need to look at how it relates to the Tuggeranong town centre. The Erindale centre was originally looked at as a potential town centre for Tuggeranong and there are many arguments back and forth as to whether that would have been the right decision or not. But clearly, as a result of that thinking and as a result, I think, of its geographic location, it is a very important centre.

It is a very important transport hub. It should become a more important transport hub because, whilst the internal traffic management is quite challenging, the roads that service it, aside from the issues that Mr Smyth raised, are very good. The road links servicing that area are certainly Erindale Drive and Sternberg and Ashley crescents, of course.

So we want to see this as a real jewel for the people of Tuggeranong. At the end of this process, we want to see, hopefully, a way forward that allows this centre to really grow, to grow in a way that attracts people to live and that attracts business. We need to take account of all these things. Mr Smyth has foreshadowed his amendment which has been circulated. We need to be looking at all of the issues, not just transport but opportunities for business development, appropriate policy governing infill, existing road structure, transport links and the need to develop the area around Gartside Street to enhance this as a restaurant precinct.

I will not have the opportunity to speak to Mr Smyth's amendment but I state now that I think it is a very sensible way to go, it is a very comprehensive way to go. It looks at all of the issues that need to be covered in the area of Erindale and I would commend it to the Assembly. I look forward to the ongoing debate where we can have the opportunity to hopefully fix some of the mistakes of the past and hopefully improve the amenity of this centre for a large part of Tuggeranong which uses it on a regular basis.

MS LE COUTEUR (Molonglo) (11.27): I rise to support this motion. I am really pleased that we seem to have a tripartisan approach.

Mr Hargreaves: Do you know where Erindale is—

MS LE COUTEUR: I do know where Erindale is, Mr Hargreaves.

Mr Hargreaves: because I'll take you for coffee there.

MS LE COUTEUR: I have been there this year. I am really pleased that we have tripartisan support for the idea of better planning in the ACT and for master planning. Admittedly, I speak as someone who does not go to Erindale on a regular basis, but it seems to particularly need master planning.

I will start off by talking a little about Tuggeranong as a whole, following on from Mr Barr's comments. Tuggeranong was planned a long time ago. Those of us who remember the Y plan know that Tuggeranong is the "Y" in the Y plan. You could say that Tuggeranong is the "Y" in the Y plan from a planning point of view. As Mr Barr said, it was planned a long time ago. At the time of the planning processes the car was not so dominant and we had a very different social system. The idea was that each family would have one breadwinner and you would locate your household in the appropriate area of Canberra so that the breadwinner could walk to work. The rest of the family would stay home. We were not meant to be totally car dominated. It was a very 1950s view of how families work. I guess we can say it has spectacularly failed and it is not how we run our lives at present.

I agree—as Ms Bresnan said in the original motion—that we need a more thoughtful approach to planning in Tuggeranong. Tuggeranong is a beautiful place in which to live. I have heard a lot about the restaurants there, which are great. I am a patron of the Turkish Pide. I must admit that I have not had the opportunity to eat at Erindale as extensively as Mr Smyth; there is a limit to how much a girl can eat.

Mr Barr: You're more of a Dickson girl, are you?

MS LE COUTEUR: I am. I agree with Mr Barr; I am a bit more of a Dickson girl in terms of my eating. As a Downer resident, I am more of a Dickson girl. Speaking more broadly about Tuggeranong, it is a really beautiful place to live in a lot of ways. It is surrounded by the mountains. It has the Murrumbidgee River to the west, which has lots of swimming holes, and Namadgi is just next door to the south.

For the information of those people who ask why the town centre in Tuggeranong is where it is, because clearly it is not in the centre of Tuggeranong, it is because of environmental concerns about the Murrumbidgee River on the other side. Originally it was planned that the town centre would be in the centre of Tuggeranong. For anyone to say we have thoughtful planning in Tuggeranong, with the town centre where it is, it is not a proposition which can really be defended by anybody.

The other thing about Tuggeranong is that, according to our current beliefs and our spatial plan, we would not build it. It is simply a long way from the city. It is

35 kilometres from the city and it is a really long commute. I have a friend in Gordon. If I need to go and visit her, it takes three-quarters of an hour for me to drive from my place to her place. Unfortunately, there is a really poor public transport system. Many residents find they have no alternative but to have a car for each adult in the house or else spend a huge amount of time waiting for buses.

It took 20 years, unfortunately, for Tuggeranong town centre to get some life. It really did not happen much until the Centrelink building was built and the apartments were added. These were both great additions and I would really like to see something like that happen in Gungahlin. We need local employment to base a town centre on. Tuggeranong is fortunate that it has got that. In terms of looking at a more thoughtful approach to planning, I would like to see a thoughtful approach to location of employment and locate some in Gungahlin.

Going briefly through some of the points in Ms Bresnan's motion, as I said, I am pleased to see the support for town planning and master planning. I note it was part of the Greens' agreement with the Labor Party for more master planning and neighbourhood planning. I totally agree with the benefits of integrating transport and urban development planning, as I am sure you do, Madam Deputy Speaker. You currently chair the planning committee. We are having an inquiry into aspects of inner north development, where the integration of planning and transport is clearly a major issue. I note that in the ACT 25 per cent of our greenhouse gas emissions comes from the transport system. It is really important to locate everything so that we minimise our transport emissions and maximise the usefulness, amenity, convenience and safety of our transport. The other 75 per cent of our greenhouse gas emissions, unfortunately, comes from buildings.

We have spoken quite a bit about point (c) in Ms Bresnan's motion concerning transport services in the Tuggeranong Valley, particularly the park and ride facilities at Erindale. That brings me to the Erindale group centre. Erindale is in the centre of Tuggeranong, unlike the Tuggeranong town centre. We have already spoken at great length about the restaurants et cetera. As a north-side resident, I will not attempt to compete with Mr Smyth's encyclopaedic knowledge of Erindale.

There are clearly issues with transport and parking in Erindale. We support the idea of a park and ride facility there, or possibly a bus interchange, but we think that serious planning is going to be needed to do something like this. It was not planned there originally and it is not entirely clear how this will happen. The idea is great and we want to see the government do the work to make it happen in a way which will work for Erindale as a thriving shopping centre and for the residents of Tuggeranong as a whole.

In paragraph (2) of the motion Ms Bresnan calls on the ACT government to take a more thoughtful approach to planning for the whole Tuggeranong Valley. I have to second, third, fourth—whatever number—that comment. I have already noted the location of the Tuggeranong town centre as the most outstanding example of thoughtful planning in Tuggeranong! But there are a lot of others.

Tuggeranong, as I mentioned, has some wonderful views, but they tend to be to the west of people's houses. Tuggeranong has an unfortunately large number of houses

with huge picture windows to the west, which is very beautiful, but it does lead to considerable overheating problems, particularly in the summer, as many of these houses do not have external awnings. That can also hardly be regarded as thoughtful planning. The fact that some of the streets in Tuggeranong are so small and narrow that garbage trucks and buses cannot easily access them is hardly an example of thoughtful planning. Overall, I commend this motion to the Assembly. I am pleased that both the Liberal Party and the Labor Party are taking it seriously and have moved some quite thoughtful amendments to it.

MR DOSZPOT (Brindabella) (11.35): I thank Ms Bresnan for the motion today. The opposition strongly believe that more consultation with the community will be beneficial and that a planning study and a master plan is a good way to start this conversation. I acknowledge that there is funding in the 2009-10 budget for the staged development in the Tuggeranong town centre. However, this has been a long time coming. It can be said that generally Tuggeranong has been relatively left out of much of the overall infrastructure planning of the territory. In saying that, it must also be said that the Tuggeranong Valley has come a long way. In the 17 years that I have been a resident there I have seen some tremendous changes, but with those changes comes the need to examine the efficiencies of infrastructure.

There is still much growth on the horizon and the rapid expansion of the Lanyon Valley is one perfect example of this. Members of the community are very clear on what they want to see happen in the valley. They want to see better access and egress via Tuggeranong's three major arterial connections: Tharwa and Johnson Drive onto Monaro Highway in the south; Erindale Drive; and Drakeford Drive onto the Tuggeranong Parkway.

The community also want to see more efficient and effective public transport. Commuters are often stuck in the bottleneck that exists in most of the arterial roads of Tuggeranong. When they do finally get into the city or Woden they are faced with the issue of parking, both the availability of it and the cost. The implementation of park and ride facilities provides a viable and sustainable option. The Canberra Liberals took to the election a comprehensive plan to provide park and ride services across the ACT—free parking for cars and safe lockers for bicycles—all close and convenient to major transport routes and convenient shopping. In fact, we supported funding and upgrades at four additional locations for park and ride facilities.

Ms Bresnan's motion is obviously welcome. As a Tuggeranong resident, I strongly welcome and applaud the bipartisan approach that is taken here today. But I do wonder why north side residents have been neglected in this discussion so far by the Greens. As my colleagues Mr Coe and Mrs Dunne have reflected recently during the Redex trials, there is quite an urgent and fundamental requirement for park and ride on the north side as well.

As I mentioned, we supported funding and upgrades at four additional locations for park and ride facilities to help commuters reduce their reliance on car travel and to reduce parking pressures in town centres. Such a policy, and indeed the intent of this motion, should be positive for residents, commuters and the businesses of Tuggeranong as well as have benefits for the environment.

The Canberra Liberals have been strong advocates of reliable public transport. Park and ride refers to a journey, usually to a work or education centre, that is completed partly by car and partly by public transport. This has been practised around the world for many decades, but in the ACT there has been limited support from government for this transport solution. It works at its best when there is a combination of high-frequency bus services, adequate car parking and the convenience of a local shopping centre.

In a recent debate in this place on the Redex bus service I said that the Greens and Labor members would have us all believe that the park and ride concept is a new one. Ms Bresnan's motion mentions the possibility of an Erindale park and ride. This is, again, not a new idea. This is something that I have personally discussed with the community since at least 2004. I am glad to hear Ms Bresnan mention her discussions with the Neighbourhood Watch people, the Tuggeranong Community Council and all those who are expressing views on this topic and have been expressing them for quite a while. Unfortunately, the government has not listened until this stage.

The concept of an interchange at Erindale is fraught with some difficulties and begs the question: which should come first—the roads or the buses? Unless Erindale Drive is expanded to accommodate three lanes of traffic, it would be very ineffectual to place an interchange at the Erindale centre. Whilst the concept is reasonable, much work has to be done to make it a reality.

The operation of efficient and effective public transport services is a challenge that governments face throughout the world. The high cost of such services and the highly peaked nature of service demand make it difficult to operate services efficiently. Issues such as urban geography, roadworks, population and employment dispersal and traffic congestion are complexities in the design and delivery of effective services. Mr Barr has talked about the need to think about how we live. We can think all we like, Mr Barr, but if we do not have the infrastructure we cannot realistically move forward. There are many families in Tuggeranong who seek to take the sustainable route, but if the infrastructure is not there, it is impossible.

As I mentioned earlier, it is paramount that the views of local business and the community are taken into consideration before any planning is undertaken. When it comes to roads, it is vitally important that the whole job is done, not just a half-hearted effort which creates a bigger gridlock at peak times than existed before. The government talks about a careful approach—that is something we agree with—but the careful approach cannot mean an apathetic approach. We must move forward from the planning study already committed to and not leave it sitting on the backburner for years to come. We must also listen to the community and take into consideration what has and has not worked in the past.

I thank Ms Bresnan for her motion on planning in Tuggeranong. As a resident of Tuggeranong for the last 17 years, I am obviously well aware of the issues and problems that have faced the residents of Tuggeranong for quite a long time. There is a strong feeling in Tuggeranong that the greater Tuggeranong area has been neglected during the past eight years of the Stanhope Labor government. There was a drop in

support for the government at the last election, with their only minister based in Tuggeranong just managing to get re-elected in fourth place in Brindabella in the 2008 elections, compared to our Liberal deputy leader, Brendan Smyth, getting the top spot in Tuggeranong. Obviously these results in Tuggeranong, the loss of a Labor seat and the poor performance of former minister Hargreaves in the last election emphatically underline the strong feeling of long-term neglect felt by the residents of Tuggeranong. Mr Hargreaves, this is something that they have been saying for a long time and you have not listened until now. Hopefully, that last election result will make you see how important it is to listen to our electors.

Having said all of that, we support Ms Bresnan's motion and Mr Smyth's and Mr Barr's amendments. The need for a Tuggeranong master plan is well overdue, at least eight years overdue. We support these initiatives—the park and ride options. As I mentioned, I obviously support the amendments put forward by my colleague Mr Smyth and agree that it is necessary to take into account opportunities for business development and appropriate policy governing infill proposals, the existing road structure around Erindale centre and transport links to and from Erindale centre.

The need to redevelop the area around Gartside Street to enhance this as a restaurant precinct has been mentioned. I was there only yesterday. The problem one has in trying to reach a restaurant or one of the shops is that it is a bottleneck for every single person who wants to get in there. It has been like that for a while. Again, Mr Hargreaves, I would be interested in your point of view as to how that area can be improved, let alone the major improvements that we are talking about. I too applaud the collegiate approach with regard to the Tuggeranong Valley. Hopefully, we can agree on some things. It is important to get this right and listen to the community. I applaud Ms Bresnan.

MR HARGREAVES (Brindabella) (11.44): I recall a conversation only this morning suggesting that Mr Doszpot did not have any mongrel in him. Well, we found that not to be true, didn't we? He had a crack at me and, dear me, that hurt! It really hurt; it got me right in the ticker. It was pretty shocking. I will have to watch myself from now on.

I have to say that this new-found zeal about the welfare of the valley is heartening. I exclude Mr Smyth from these remarks because not only has he been a long-term servant of the valley in this place; I also acknowledge his 12 months in the House of Representatives doing the same thing. I have heard of the phrase "furious agreement" and when it comes to the Tuggeranong Valley Mr Smyth and I have been in furious agreement on more than one occasion. I also acknowledge the length of service that he has had as a member of the Tuggeranong Community Council. We could have a bit of a fight about how long we have each been a member, as my service goes back to about 1989, but not by much, I will admit.

I welcome the motion from Ms Bresnan. I was critical in this place at one point of Ms Bresnan for not living in the electorate. However, I pay credit to a member for Brindabella for bringing a motion like this to the chamber. That needs to be said. I am particularly heartened to see the response from my colleague Mr Barr, recognising that it has been a neglected part of the world from governments of both sides, notwithstanding advocacy on the part of their members, whether they were inside or

outside of the cabinet. Members in here will never know the strength of advocacy Mr Smyth or I took to the cabinet. However, when Mr Doszpot talks about who got elected in what form, I suggest he go back and have a good look at Hare-Clark and also consider the number of times people have been returned to this place. There is a very good reason for that.

The Erindale area of town—and we have said it a number of times—was regarded as the potential town centre for the valley. Whoever decided to put the town centre next to the river I do not know, but I can suggest to you that they did not live in Kambah at the time, and they would not be welcome in the Tuggeranong Valley, anyway. However, we have developed the Tuggeranong town centre to be, in my view, the most beautiful of the town centres in terms of its architecture and its setting. Ms Le Couteur, I think it was, said that it was 20 years before there was some life coming out of the Tuggeranong town centre. Well, she clearly did not go to Platform 3 in the one visit last year, or to PJ O'Reilly's, to the Buffalos club, to the four Vikings clubs, to the Burns Club or the—

Mr Hanson: No-one is denying that you went there frequently, John. No-one doubts that you were a regular attender of all the pubs in Tuggeranong.

MR HARGREAVES: She did not go to his place in Kambah. Mr Hanson, of course, you would have known where the nudist beach was at the Kambah pool; it is just down the road from your place.

Mr Hanson: The thought of seeing you naked, Mr Hargreaves—

MR HARGREAVES: You would know all about that. You could take Ms Le Couteur down to that part of the pool and we will all come down and make sure you have a good time.

Mr Hanson: No, no. I do not really want to see you naked.

MR HARGREAVES: There are so many things about the Tuggeranong Valley which are absolutely fantastic, but it is a mistake to think that there was no town centre master plan for the Tuggeranong town centre. It did exist. I can remember Mr Smyth and I drawing swords when we talked about development around the lake foreshore. But essentially we applauded the organised sport that was going on around that lake; it was just the details that we disagreed on and also the consultation process, which quite frankly drew a mark of two out of 10.

Notwithstanding that, the Erindale area has been in dire need; I have been talking for years of another organised approach to it. It has been the subject of band-aiding for a very long time. Mr Smyth talked about the positioning of the petrol station. I can remember the furore over the positioning of the exit from that Scottish restaurant on the street opposite the car park. We will not say McDonald's in here, but we will say Scottish restaurant.

The thing is that it has been the subject of band-aiding for a considerable amount of time and now is the time to stop the band-aiding. We have put in speed humps, we have put in pedestrian crossings, we have tried to accommodate the big trucks getting

into the centre—all manner of things. The exit from Comrie Street into Sternberg and going into McWhae, for example, is good if you happen to be a rally car driver—Mr Gentleman had a great time going in and out of there in his blue beast. But we do need to organise forward.

We have all been trying to do our best along the way. I know Mr Smyth did. I did and both governments have, and I am pleased to see that Mr Barr is picking up the process. And I do thank very much Ms Bresnan for bringing this motion forward. For Ms Le Couteur: Tuggeranong is not a long way from the city. Mr Smyth got it right: it is the other way around. We cannot move it closer to the city, although we would if we could. But you have also got to understand that it is not a long way from the city. I lived in Holt; that was a long way from the city. I have relatives that live in Gungahlin, which is a generation away from the city. The fact is that the roads are so fantastic that nowhere is more than 20 minutes from the city; in fact, it is about equal distance.

Mr Doszpot: The roads are so fantastic?

MR HARGREAVES: You would not know any more because you do not live here. You used to live in Kambah—the place improved when you left. When you look at the distance from the city through to Belconnen, it takes you the same amount of time to get to Holt and it takes you the same amount of time to get to Gungahlin. And at the wrong time of the day it takes you the same amount of time to get from Civic to Downer, if you are on your bike.

What I am hoping to get out of this particular planning process is a departure from the notion that Tuggeranong is a set of dormitory suburbs. That is the one thing that I have been fighting against since the day I got elected in 1998—the notion that Tuggeranong is a set of dormitory suburbs—because it is not. We need to look at having a second economic food chain in the Tuggeranong Valley to keep the kids there. It was my dream that people could be born in a hospital, on their first day go back into Tuggeranong and never have to leave it: they could get their jobs there, they could get their education there, they could die there.

As for Mr Barr, he is an itinerant gypsy anyway; he moves in and around the cave dwellers of the city north. He would not know what it was like to have a nice bunch of kids in the backyard and that lovely sound of the tinkling toenails up the wall—all those sorts of things.

We have got to get away from Tuggeranong being a dormitory set of suburbs. It is not the case that Tuggeranong will provide the workforce for the cave dwellers of the inner north. They are entitled to have their economic opportunities; they are entitled to have the same things as everybody else. But do not mistake it: the Tuggeranong Valley—the town centre, Erindale, Chisholm, Calwell, Gordon, Conder and all the others—has very vibrant places. The Tuggeranong Valley did have a night life—but it got better when the Anketell Street development occurred. It was always fantastic, but it got better.

I will not allow anybody to stand up and say that the Tuggeranong Valley is not a really nice place to live, for whatever reason. It could just be better, and I am hoping that will be the case. Again, for the record, to Ms Bresnan, thank you very much.

Amendments agreed to.

MR SMYTH (Brindabella) (11.53), by leave: I move the following amendment to the motion:

> Omit paragraph (2)(b), substitute:
>
> "(b) commission an additional master plan for the Erindale area, focussing in particular on the views and perspectives of local experts, businesses and residents;
>
> (ba) take into account in developing this master plan:
> (i) opportunities for business development;
> (ii) an appropriate policy governing infill proposals;
> (iii) the existing road structure around Erindale Centre;
> (iv) transport links to and from Erindale Centre; and
> (v) the need to redevelop the area around Gartside Street to enhance this as a restaurant precinct; and"

This amendment adds clarity, and I have discussed it with the two other parties. It is important that we get this right. We often start with the intention of master-planning an area but do not get the desired outcome, which is that it becomes a better place for the people of that area to live, to work and to enjoy themselves. So, for the sake of clarity, I have put these five points in.

I have taken the final line from Ms Bresnan's motion—that in addition we focus on the views and the perspectives of the local experts, the businesses and the residents—because they are the ones who will use it the most. But, occasionally, if people like Mr Barr and Ms Le Couteur come down to enjoy the ambience that will be the new Erindale centre, they will get to enjoy it as well. For the people who live there, work there and for whom it is their daily shopping centre, it is a real chance to get it right.

For those that do not know the area, there are a number of Housing ACT residences there. There is some high density that has gone in recently. There are some new businesses that have built there. So Erindale continues to grow, but it is growing in an ad hoc manner. I acknowledge that Ms Bresnan said that we need to consult with businesses. Many people will know that there is a business incubator at Erindale; it is just across the road from the Mobil service station. There is a great opportunity to build on some of the things that Mr Hargreaves was talking about, about people not just living, working and dying in Tuggeranong—working fruitfully and living much longer in Tuggeranong. The incubator has been there for some time. I can remember it being funded back in the 1996 and the 1997 budgets by the then federal Liberal government.

There is still a large amount of migration every morning out of the Tuggeranong Valley as most people do not work in the valley. If we are serious about sustainability, this is an opportunity to create opportunities in the valley and ensure that business

gets heard here as well. The more businesses we get there and the more viable we make them, the more viable the community will be.

Under my point "opportunities for business development" I think of the whole concept when, say, Manuka and Griffith were updated—and I was really pleased to be the minister at the time. We put money into the public space because we knew there was a dividend there. It was about renewing suburbs and shopping centres that had got a bit old and were looking a bit tired. The people at the Griffith shops particularly really grabbed the concept. They said, "We want to be the healthy shopping centre of the ACT." They wanted good restaurants there. It has really come together for the people of Griffith. But it is to the advantage of all the people of the ACT. So we have got to get this right. We need to work on the businesses. It is not just about it being a restaurant strip or an eating place. It is about all of the other services that are there that support the community and support places like Erindale College.

My next point talks about the appropriate policy governing infill proposals. McWhae Circuit is on the north side of Erindale and there was a proposal for a conglomeration of blocks that was to be quite high density, but it has not gone ahead, which I think is a great decision for those that live in that area. But we have got to come to a position where we tell, particularly the development community, what is acceptable. We all talk about greater density, but we knock off so many proposals because it is not that sort of density that we want. So we need an appropriate policy governing infill in that area. It is a very large shopping centre—it would be one of the largest of the group centres in the ACT—and it is appropriate that it is supported by appropriate population. As the demographic changes and the size of families continues to decline in the ACT, it is important that we keep these areas available.

Many have spoken about the existing road structure, both in Erindale and around Erindale. The piece of road particularly between Ashley Drive and Sternberg is a great conundrum for people most mornings if you go that way. It can take a long time to get through, which is not a desired outcome. If people are going to use their cars, we should provide a system that allows them to use the roads effectively. Bottlenecks like that are long overdue for cleaning out.

I acknowledge the strong interest in transport links to and from Erindale. If we can get Erindale and Tuggeranong working together in concert in terms of providing transport that allows people to move through quickly without going to an area and stopping and changing, that would be a good outcome, particularly given the central location of Erindale. If we can get that working properly, that will be a great boon to public transport, not just internal to Erindale but inside the Tuggeranong Valley. I note Mr Barr's comments about being below the Sulwood line. This will be a defining moment in the way people in Tuggeranong certainly see themselves. He refused to tell me whether we are wearing rebel grey or union blue, but the Sulwood line is there now. It is the people of Tuggeranong against the rest led by Mr Barr. We will remember that comment for a long time to come.

But it is a discrete area. It is the leg in the "Y", as Ms Le Couteur pointed out, and in that role, of course, there is Tuggeranong holding up the rest of the ACT. It needs to be acknowledged that as the centre of 94,000 or 95,000 people it is the largest of the

areas of the ACT. Getting transport right for an area like Tuggeranong will make it easier to get it right for the rest of the ACT.

Point (v) of my amendment talks about the need to redevelop the area around Gartside Street. When I first started looking at this area, some of it came out of concerns about security in the area. It has had a number of restaurants there for a long time, but a lot of people did not think it was worth going to because there were incidents of violence. There were certainly a number of break-ins and vandalism. Mr Hargreaves will remember debates earlier this decade about police response times and issues concerning that. We have moved on slightly from that, but it has not grown into the area that it could be.

The potential in this area is absolutely enormous to make sure that we build community. A couple of weekends ago, we had the Tuggeranong Community Festival, which has been going for some time. Indeed, Mr Hargreaves, you win the prize for going to Tuggeranong Community Council for much longer than I have. If you were there in 1989, you were there some time before me, so you get the long service leave badge first. Tuggeranong Community Council used to meet at Erindale and it was great because it was central for everybody and there was a hall available there. But it is no longer there; I think it has been redeveloped. It was very much a psychological heart as well as being the actual physical heart of Tuggeranong. I think—no, I know—that the opportunity that exists just in that will be great for Tuggeranong.

Something we have not talked about are the youth facilities that are there. PCYC is there, Gugan Gulwan is there, Erindale College is there, the library, the activity centre, the Vikings—so there is a great potential to make it a good place for our young people to go to as well, as long as we keep it safe and as long as we ensure that when we do the planning we design crime out of the area. Activity itself keeps crime away, so the more active we can make this place the better it will be. If we can get the street alignments right, if we can get the sidewalks right, if we can get the lighting right, if we can get the public visibility right, if we can get the right sort of charisma to the place, the oomph that it deserves, that will be a good thing for all of us as well.

I thank members for their support for my amendments. This truly is a great opportunity to make sure that we get it right for Erindale and it will lay the foundation for other areas that we will need to go back and look at—Woden, Weston, Belconnen and, years from now, Gungahlin. Hopefully, people will say: "Let's make it look like Tuggeranong. We want to be like Erindale."

MS BRESNAN (Brindabella) (12.03): I would just like to thank members for their contributions today and for their support. I guess we can say that there has been an outbreak of goodwill—not quite an outbreak of love but an outbreak of goodwill—which is good to see.

Mr Smyth: Tis the season to be jolly—

MS BRESNAN: Yes, that is right; perhaps it is that the Christmas season is upon us.

I thank members for their contributions and also for the amendments which have been put forward. Mr Smyth's amendment does specify some areas, which I mentioned in

my speech, for business opportunities in Erindale, particularly the restaurant strip, which has a lot of potential to become a real centre for not just Erindale and Tuggeranong but other people to go and visit.

As has been noted, there are a lot of different facilities provided at Erindale. As Mr Smyth mentioned, we have the school, the college, a sports ground, the club, a shopping centre and obviously all the restaurants and other services. On the plan to have a bus interchange there and also the park and ride, as I mentioned, the comment which was often put to me and which I have made is: where will it go? It is a very busy area already and we do need to have this planning process. Again, I am thankful for the support I have had from the government and from the opposition for this because we do need to make sure that we plan it properly and that these facilities are done in a way which benefits everyone in the community.

As Mr Smyth also mentioned, residential planning is very important for the area because of the situation recently with McWhae Circuit. If we can plan properly, we can obviously have residential areas and a bus interchange and make it a real centre for people to live, work and travel to and from.

So, once again, I thank all members for their contributions, for their support today. It is good that we have had support from all parties for this because I think we can put in place something which has real long-term benefits for not only the people of Erindale but also the wider area. I commend the motion to the Assembly.

Amendment agreed to.

Motion, as amended, agreed to.

Government Agencies (Campaign Advertising) Bill 2008
Detail stage

Debate resumed from 1 April 2009.

Clause 1 agreed to.

Clause 2.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (12.07): I have previously circulated the government's response to the committee inquiry into this bill. I will now table a copy of it for the record. I table the following paper:

> Campaign Advertising—Select Committee—Report—*Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*—Government response.

I move amendment No 1 circulated in my name *[see schedule 1 at page 5624]*. Amendment No 1 relates to the commencement clause. The government's amendment

goes to a matter of practicalities that the bill as circulated proposes, as I recollect—that the bill commence after notification.

There are certain administrative issues proposed in amendments that are to be moved, most particularly the methodology for the appointment of a reviewer of proposed government campaigns that would, if it were passed, rely on the Assembly taking certain decisions around the identify of that particular person. Of course, in the context of the scheme that is proposed, that is something that could not happen until next year, and most certainly not before February.

It is also proposed, in the context of some of the issues relating to a proposed reviewer, for instance, and to remuneration, that those issues be referred to the Remuneration Tribunal. Subject to the outcome of the appointment process and subject to the outcome of a referral to the Remuneration Tribunal, there is then the issue of an appropriate appropriation with respect to that person—subject to the outcome of proposed amendments which I understand, from discussions with colleagues, will pass, despite other amendments that I might propose to move.

Just as a matter of practicality, there needs to be a delay in the commencement of this legislation, taking into account issues around the earliest possible point for appointing a reviewer, which cannot be until at least February, then a referral to the Remuneration Tribunal, then an appropriation. I believe that we need a commencement clause that allows a date to be fixed by written notice, as happens in relation to a whole range of legislation where there are reasons such as this for doing that.

At this stage, that would be some time, I would imagine, after March. In the context of the issue of appropriation, at this stage there is no appropriation; there are no identified funds for paying a person to do this job. I would think that the most reasonable point of commencement will be 1 July, but that is something that we might be able to deal with administratively or we might be able to cash-manage. Certainly, I would not anticipate that this legislation can effectively commence before March. I would ask members of the Assembly to recognise the sense of that and support this first amendment.

MR SESELJA (Molonglo—Leader of the Opposition) (12.11): The opposition will not be supporting this amendment. My concern with it is that, whilst it is perhaps well intentioned, simply by delaying the entirety of the start of the legislation to a day fixed by the minister, the other administrative issues will not be able to be addressed because we would have a situation where none of the legislation is operative. So with respect to the procedures for appointing the reviewer, the legislation to enable that would not have commenced. That is the problem with the proposal put forward by the government on this issue.

We believe that there will be the opportunity to appoint the reviewer early next year and that, obviously, there are unlikely to be large numbers of government campaigns to come before the reviewer before then. There are also other provisions within the act that allow ministers to tick off in certain circumstances, which may well apply were there to be some urgent need to put forward a government advertising campaign in that time.

The fundamental problem I have with the amendment is that it would simply delay everything and then we would also have to start the process from there. We would then have to start the process of appointing the reviewer and all of the administrative arrangements that go with that. For that reason, we will not be supporting this amendment.

MR RATTENBURY (Molonglo) (12.13): I think the discussion that is going on around this amendment is symptomatic of the debate we are going to have today and points to some of the underlying frustration that I certainly have with the way we are about to go through this bill. Mr Stanhope's amendments came out about an hour ago. Before that, there were some amendments that came from the Liberal Party earlier this morning, and so it goes back over the last couple of days. I think this is an entirely unsatisfactory way to make laws for the ACT.

Both Mr Seselja and Mr Stanhope have just made arguments that probably each have merit. We now have to sit here and vote on this. None of us have really thought it through, yet we are going to have to, at some point in the next minute—and, frankly, I am going to have to in the next minute—decide which of these is the better model. What we should have been doing was sitting outside, or sitting in someone's office, at a more thoughtful pace and finding a way through this. We do not want to see this legislation dragged out or not implemented in a timely manner, but equally there are probably some important arrangements to be put in place. So I find this question of the commencement an important and somewhat perplexing one in this case.

Ultimately, the Greens will not support the amendment. In the time that I have had to think about this, I think that we probably do need the act to commence, to enable the government to commence the steps to put in place the systems that are being proposed, in order to have the power to move to recruit and bring to the Assembly a suggestion as to who might be the independent reviewer. But I accept that there are probably other ways to think about this and it underlines the fact that we need to find some better ways to go about making these laws. We are making real laws for real people in the ACT and this sort of last-minute back and forth is not really a satisfactory way to do that.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (12.15): I agree entirely with Mr Rattenbury in relation to this. It needs to be understood that we received the Liberal Party's amendments at 10 past nine this morning. We did get an unproofed draft at close of business yesterday. We received them formally this morning at 10 past nine. This amendment is a direct response to an amendment which we received at 10 past nine this morning and which parliamentary counsel then responded to, as best he could, by 10.30 this morning, to deal with what is an obvious problem with Mr Seselja's legislation. Mr Seselja proposes here a commencement date—

Mr Seselja: The commencement hasn't changed.

MR STANHOPE: No, but what does change is the proposal—

Mr Seselja: You've had the commencement for a year.

MR STANHOPE: But you have introduced a provision now in relation to the methodology for the appointment of the reviewer which is different from the methodology proposed in your bill. Today, you have circulated an amendment, which was finalised at 10 past nine this morning, that the reviewer be appointed by a two-thirds majority of the Assembly. That cannot happen for two months, yet you expect the legislation to commence immediately. So what happens to government advertising between now and the appointment, which cannot happen for perhaps three months? What is to happen, Mr Seselja? Is there to be a ban on government advertising? This legislation passes, but without a reviewer. Does that mean that the government cannot advertise? I understand—indeed, the Minister for Health spoke to me yesterday about this—there is a very important and significant health campaign scheduled to start in the next week.

Mr Seselja: They are specifically exempted.

MR STANHOPE: So all health campaigns? I am pleased to hear that.

Mr Seselja: Just not party-political health campaigns, Jon.

MR STANHOPE: We do not have party-political health campaigns.

Mr Seselja: The ones that are designed to tell us how good you are in health.

MR STANHOPE: I am pleased to hear it. I guess that is the sort of explanation I wanted. The Leader of the Opposition has just indicated, in response to my question, that all health advertising is exempt.

Mr Seselja: No, I haven't.

MR STANHOPE: It is not?

Mr Seselja: No.

MR STANHOPE: So—

Mr Seselja: Just as set out in the legislation, Jon. Have you read it?

MR STANHOPE: So if this bill passes today, with the commencement period being that it commence immediately, but without a reviewer being able to be appointed for three months, what happens in the three-month period? This is a significant flaw in the legislation. I was seeking to address the flaw in your legislation by saying that the legislation should not commence until after those provisions in relation to the appointment of a reviewer can come into place.

Mr Seselja: But they won't work.

MR STANHOPE: So in other words, what you are doing is proposing that all government advertising from this day until the appointment of a reviewer, and until the passage of an appropriation—the budget—to pay for the reviewer, be banned. In other words, there will be no government advertising from today until the next budget.

Mr Seselja: No.

MR STANHOPE: What is the answer? I need to know. This Assembly needs to know. Government agencies need to know. I say to Mr Seselja that, in the context of opposition to this, I have no option but to move that the debate be adjourned until we can get advice on these issues.

Mr Rattenbury: To a later hour this day, Jon?

MR STANHOPE: I am happy for it to be to a later hour this day. But this is clause 2 and it exposes essentially a fundamental flaw in the bill which, as Mr Rattenbury just said, is a result of the fact that this has been crashed through. It is as a result of the fact that we received the Leader of the Opposition's amendments at 10 past nine this morning. My advisers have advised me that a commencement date as proposed by the Leader of the Opposition, in a bill in which there is another amendment relating to the methodology for appointment of the reviewer which is different from that in the substantive bill, which requires it to come back to the Assembly, means that the legislation is inoperable. Mr Seselja does not have an answer for that. I move:

> That the debate be adjourned.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Stanhope, I am told that you cannot move that as you have already spoken.

MR SESELJA (Molonglo—Leader of the Opposition) (12.21): I will respond to some of what Mr Stanhope has had to say. It is worth setting out some of the timings we have had on this. This bill was presented to the Assembly a year ago. So the government has had one year to consider this bill. That was when it was first presented to the Assembly. It then went through a detailed process. It was debated in this place, it was passed in principle in the Assembly and then it went to a committee process to look at the detail. So one year ago the legislation was introduced; it was then debated and passed in the Assembly in principle. We then sent the detail of the bill to an Assembly committee to examine this issue. This has been a rigorous process and we have seen, at every turn, the government try to block it, oppose it and now simply, as a last resort, to try and delay it.

The government were given ample time not just to examine the bill, not just to have a representative of the Labor Party in the committee to look at it, but then also to respond to the committee's recommendations. They had the full three months and they waited until late last week to respond.

We circulated our detailed amendments to the government and to the Greens. We then responded to the government's late response and worked with them and accepted one

of their recommendations to move from a review panel to a review. So we have gone through the process of taking it through the Assembly in principle. There were many months to consider it before then.

We then went through a committee process and we got all sorts of recommendations. We responded to those recommendations with a number of amendments. We circulated those amendments well in advance of the debate. The government, having had all of this time, then responded to the committee's report and made a number of recommendations. We moved on some of those and we gave them to the government and now we are simply arguing about a couple of fine points of detail.

So if anyone has delayed it, it is the government. I am very happy to come back this afternoon on the commencement clause. In fact, I would put it to the Assembly that we do not even need to adjourn this; we can simply break for lunch in a couple of minutes and come back to it after question time. I do not think there is a need to formally adjourn it.

I would say that we have had one year. And we have jumped through every hoop on this legislation to the extent that now everyone in this place, every party in this place, has had the opportunity to comment on it. Every party in this place has had an opportunity to make submissions and every party in this place, in the end, will have contributed something to the bill. It is our bill originally; the committee process has contributed, and a number of the recommendations from the committee process have been taken on board; the government has responded to that; and we have taken some of those recommendations on board.

To argue differently, to make these arguments that the Chief Minister is seeking to make now, is simply to hide the fact that they have opposed it at every stage because they want to keep doing things as they are. When they realise they could not oppose it, they have sought to delay it. The problem with what Mr Stanhope has put forward is that all it does is push the commencement date back. It does not solve any of the administrative issues that Mr Stanhope claims exist. The government have had one year to look at this issue and they have dragged their feet. We have—

Mr Stanhope: We got the amendments at 10 past nine this morning.

MR SESELJA: He interjects again. The only reason those amendments have been coming is in response to the government's very late response. They had months to respond to the committee, they had a year to respond to the bill, and they come in at the last minute with a number of recommendations. We accepted those in good faith, we moved on a substantive clause and we worked with the government and the Greens on that. So the argument that they have come in late is simply wrong.

Why did the government take so long to respond? Was this that complex? They saw the legislation 12 months ago and they still cannot get their act together. We know why—because they simply do not want this legislation to commence and, if it is going to commence, they want it to commence as late as possible so that they can continue to use government advertising for their own purposes. That is the reason we need to bring in this legislation. That is the reason we needed—

Mr Stanhope: Name one campaign that was party political.

MR SESELJA: I will name a number. We saw the advertising that told us about the achievements of the government through the Canberra plan—how wonderful the ACT Labor government were. Funnily enough, in an election year, we had an advertising campaign to tell us how wonderful they are. The Chief Minister gets out of bed on the wrong side one morning and the LDA has an advertising campaign to tell us how good the land rent scheme is. I could keep going. We heard how wonderful they have been in water. How much did it cost? $700,000-odd.

Mr Stanhope: That's a statutory authority.

MR SESELJA: A statutory body? The Land Development Agency is meant to be at arm's length from government but he gets out of bed on the wrong side and the LDA puts an ad out. It is a ridiculous argument. And we see why. He asked me to name one; I have named three.

But we come back to this, Madam Assistant Speaker: 12 months. There was debate in the Assembly, there was a committee process with representatives of all parties and those committee recommendations were responded to in detail by the opposition, with amendments. The government then made a very late response to that committee report and we worked with them to respond to that. There was very little of substance in the government's response but we worked with them on a couple of the clauses that they have suggested and we have moved on them.

Now Mr Stanhope wants to quibble about one or two matters of detail. It is all about delaying this bill. We will be very happy to have further discussions over the lunch break and come back to this. But we have received agreement from the Greens on our amendments. We have worked very closely with the entire Assembly through the committee process and outside it to get these amendments right. What we have now are very robust amendments and a very robust piece of legislation. Jon Stanhope's attempts to try and delay this issue by adjourning it, because he simply does not want it to start, do not work. The actual amendment—

Mr Stanhope: I am trying to fix your mistakes, Zed.

MR SESELJA: Your amendment does not do anything other than delay it. That is where we see the government going. The Chief Minister's amendment, unfortunately, does nothing other than delay the commencement of the bill. It does nothing to address any of the perceived issues that he has put forward.

As I said, we will have discussions over the lunch break on these minor matters of detail. But what we have is a number of amendments that have been through a rigorous process, through a committee process, through a response by government. We have put them forward; we look forward to them passing. We will have the discussions on these issues. Mr Rattenbury has indicated he would like to come back to that, and we look forward to coming back on that and, indeed, on all of the other amendments which have been broadly canvassed and examined in fine detail. We look forward to this legislation passing today.

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

Sitting suspended from 12.29 to 2 pm.

Questions without notice

Canberra Hospital—disabled patients

MR SESELJA: My question is to the Minister for Disability, Housing and Community Services. Minister, what action are you taking to ensure that long-term disabled patients are moved out of the Canberra Hospital into suitable accommodation? Why are patients currently experiencing significant delays in moving out of hospital?

MS BURCH: I thank the member for his question and I just point out that I understand this is question 67 from those opposite since I have been minister. So thank you very much. I just also point out that for the year before I became minister, there were 14 questions from those opposite.

Mr Seselja: You have vindicated our strategy, though, Joy.

MS BURCH: So thank you very much for the interest in transitioning—

Members interjecting—

MR SPEAKER: Thank you, members. That is enough.

MS BURCH: from hospital. The ACT government has allocated over $3 million for four years to assist people who have been long-stay residents in either acute care hospital beds or the rehabilitation unit. These people have been waiting for appropriate community support and accommodation. Disability ACT has been working closely with ACT Health to determine the most appropriate support and services needed to move each individual to the most appropriate living environment.

Given their complex needs, this stuff is not to be taken lightly. It is not to be rushed. It must ensure that their living conditions and environment support structures are absolutely without question focused on their safety and their ability to live independently.

Planning must take account of each individual's personal living aspirations and the informal supports around them, as well as their housing, equipment and formal services that they need. Of the eight long-stay patients, three have been transitioned out of hospital into long-term arrangements. Transition plans, accommodation and support arrangements continue to be developed or trialled for the remaining five patients.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, what suitable accommodation from within existing public housing stock is available for people with a disability? If there is none, what measures are you implementing to increase this stock?

Mr Smyth: Hear, hear, but don't rush.

MS BURCH: I note the continued graciousness from those opposite as well. ACT Health and Disability, Housing and Community Services have been working together to improve transition of long-term patients to community support accommodation. A partnership project, transition to the community, has been established to put in place policy supports around the discharge processes for patients in this group. Any person who has an immediacy of need, and who is at risk, of natural or formal supports is put on a priority list and there is a range of supports on offer. In addition to the initiative above, we have spent $58 million annually on a range of support services. Indeed, as for houses—even though those opposite say, "Understand that talking around particular clients is not good practice"—we are currently responding to particular clients' needs and are indeed constructing purpose-built accommodation for one of those clients.

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. Minister, is it not true then that one of the priority areas of Housing ACT is looking after people with a disability and making sure that the accommodation is appropriate? Is it not true that the exit from hospitals program—the $3 million you were talking about—is, in fact, about adaptable housing, which is also a priority for Housing ACT?

MS BURCH: I thank the member for his question. I also recognise his contribution to this area while he was minister. Transition from hospital and long-term care in rehabilitation is something that needs not only structural supports and care and services around patients; the physical environment in which they need to be needs to support their needs as well. Part of the $3 million is around supporting capital infrastructure. It is around having their physical environments safe. This is why we are purpose building units in particular to meet the needs of targeted clients.

MR SPEAKER: A supplementary question, Mr Doszpot?

MR DOSZPOT: Thank you, Mr Speaker. Minister, are you aware that Ms Karyn Costello, a patient with an acquired disability, received her ISP in July 2009 but is still in Canberra Hospital waiting for suitable accommodation? What do you intend to do about this situation?

MS BURCH: As I think people in this chamber would appreciate, talking about individual clients is not good practice. You have actually written to my office on this matter, so you could be patient and gracious and wait for that reply, or I could give you a brief.

Teachers—professional development

MS HUNTER: My question is to the Minister for Education and Training. The classroom management and instructional strategies program signed in conjunction with the AEU provides teachers with PD in classroom strategy and cooperative learning techniques, with the aim of improving student outcomes. Rather than leaving it to individual schools and the AEU, is it planned to continue the high-quality program centrally through the Department of Education and Training in order to assist in the PD of teachers and assistants?

MR BARR: I thank Ms Hunter for the question. In relation to the suite of professional development courses that are available and offered through the department's various programs, it is always a challenge to strike that balance between system-wide initiatives and initiatives that are targeted at particular schools.

In relation to the program that Ms Hunter refers to, I am aware that there has been considerable success with and strong support for that particular program but, of course, the application within an individual school setting is a matter under our school-based management system that we do devolve to individual schools to make decisions in relation to the needs of their particular staff. Principals clearly have a role in working with their staff to ensure that the full range of programs that are offered by the education department are able to be accessed.

I have some concerns about mandating that professional development courses must be undertaken by every teacher and in every context because, clearly within a system of 3,000 teachers, there are going to be some who have already undertaken that work and who already have skills in that particular area for whom a mandated, department-wide professional development course would be unnecessary because they already have those skills. But there would be other contexts where—for example, if we were introducing an initiative and there was a new area that we wanted all teachers to have the appropriate skill—yes, it would be appropriate for there to be system-wide accreditation.

In relation to the particular program, I am happy to have some further discussions with the department. I certainly have not been approached by schools or by the union, indicating that they would like this to be made compulsory, effectively, for all teachers. I certainly acknowledge the value of the program and its continuity is important.

Of course we must also be aware that the development of professional development courses is an ongoing matter and that needs will change across our system and from school to school. In the context of some other broader policy work in relation to, for example, the school-based management review and what is the appropriate balance between system-wide, departmental controlled and individual school controlled programs, these issues need to be thought through in that context as well.

I am certainly aware, though, that, as we move forward, there will be a need for change in relation to that balance between what is a system-wide, departmental

responsibility and what will continue to be delivered at a school-based level or what further options and activities will be enabled at that school-based level. Those are subjects and conversations that need to be had further as we progress through the implementation of the school-based management review during 2010.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, is the ACT government, as the employer, doing everything reasonably practical under OH&S legislation to provide high-quality PD to support teachers and assistants in implementing effective classroom management strategies?

MR BARR: In short, yes. But that is not to say that there are not always areas for improvement. As I indicated in my previous answer, through a number of the broader policy reviews we have in place in relation to school-based management, in relation to the quality teaching national partnership, in relation to a number of other areas of intergovernmental work between the territory and the commonwealth in relation to education reform, there will always be the opportunity to further review and examine the programs that we have in place and to move into new areas, particularly through a number of those national partnerships that the ACT has signed up for. We will have the opportunity to improve on what I believe is already a very strong area within our education system.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Will new teachers be given access to the full five-day course in classroom management and structural strategies program rather than the one day that they currently receive?

MR BARR: I thank Ms Le Couteur for the question. I will seek some further advice from the education department on the practicality of that measure. Of course, rather than just looking at a five-day course, we also need to give some consideration to the pre-service education and what the training courses at our universities are able to offer in relation to the training of teachers over a four-year period. One would argue that in these important areas you would want your pre-service education to deal with these matters effectively as well. So I do not necessarily see this as simply being a case of a one-day or a five-day training course. I think it is a much bigger issue than that. Dare I say it, Mr Speaker, there is a bigger picture that Ms Le Couteur might have missed in her question.

MR SPEAKER: A supplementary question, Ms Porter?

MS PORTER: Thank you, Mr Speaker. Minister, what is the current process that schools go through in order to have their professional development requests taken into consideration?

MR BARR: I thank Ms Porter. There are, of course, a number of professional development funds that operate within the ACT system. Schools have particular

allocations through their school-based management fund and there is also a centralised professional development fund. There is a variety of opportunities for staff in the primary, high school and college settings to undertake professional development courses of particular relevance to them. We aim, through having such a flexible system, to provide the opportunities for staff to have the sort of training they need to meet the circumstances that are relevant to any individual school setting.

As I said in my response to Ms Hunter's question, we also have system-wide initiatives. An example of one of those would be in relation to our quality teaching agenda where we have sought to work through cluster leaders to roll out system-wide initiatives. Having that flexibility and that balance across the ACT education system is important. In a system of our size we are perhaps better placed than some of the larger states to have that balance to implement system-wide initiatives and also the flexibility to respond to the needs of individual schools.

Childcare—policy

MR HARGREAVES: My question is to the Minister for Children and Young People, recognising that Ms Burch has almost an obsession with making sure that our young people are looked after properly.

Opposition members interjecting—

MR SPEAKER: Order!

MR HARGREAVES: Mr Speaker, I was on sick leave for quite a while and I have lost my bag of table tennis balls, but I will bring them back. Keep opening your mouths, guys, and we will pop them in.

MR SPEAKER: Let us just have the question, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. I would like to know—

Opposition members interjecting—

MR HARGREAVES: I really would like to know—I have got this burning desire to know—

Opposition members interjecting—

MR HARGREAVES: Mr Coe, you should know this. You would love this. You want to know this, because the sandpit gets bigger. Minister, could you please let us know what the government is doing to ensure that our kids get quality childcare?

MS BURCH: I thank the member for his interest in quality childcare. This government is committed to ensuring that Canberra families have access to the best quality childcare. That is why, as a member of the Council of Australian Governments, we have agreed to a new national quality agenda for early childhood education and care and outside school hours care. From January 2012, a jointly

funded unified national framework will apply, replacing current licensing and accreditation processes undertaken by states and the commonwealth.

This new framework will deliver a better quality for children through a national single quality standard which will improve interactions between children and carers based on better-qualified staff and lower staff to child ratios. This will provide quality time to focus on individual children's needs. The quality standard will also provide national uniform standards in seven key areas, including educational programs and practice, children's health and safety, physical environment, staffing relationships with children, partnerships with families and communities, and leadership and service management. This will ensure that every childcare centre, family day program and preschool provides quality service.

Finally, the quality standard will provide a new transparent rating system that will provide parents with information to easily compare services and make informed choices about which service best meets their child's needs and encourage services to put an ongoing emphasis on quality improvement.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thanks very much.

Members interjecting—

MR SPEAKER: Order, members!

MR HARGREAVES: Have we finished yet, guys? Thank you, well-behaved little children. Minister, could you tell us how the Labor governments are making it easier for parents to make decisions about their children's childcare provider?

MS BURCH: I thank the member for his interest in childcare. The early years of a child's life are important to our children's development, so any information that can make it easier for parents to make the right decision is also important. The ACT Labor government is committed to assisting parents to make good decisions through a national quality standard which combines seven quality areas with a five-point scale rating system: of excellent, high quality, national quality standard, operating requirements, and unsatisfactory to describe the quality of early childhood education and care outside the school-hours services.

Services will receive an overall rating, followed by an assessment against the national quality standards and a rating against each of the seven quality areas. Services which offer preschool programs will also display this information alongside their overall rating. All services will be required to display their approval and rating information and it will also be available on the internet. I would like to draw members' attention to the mychild.gov.au website which has recently been updated with new features. This fantastic site currently provides up-to-date information on childcare vacancies at centres across the ACT offering long day care, family day care, occasional, outside school hours and vacation care.

MR SPEAKER: Supplementary question, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, what transitional support will the ACT government provide to childcare centres to implement the new framework?

MS BURCH: I thank the member for his question. This government is committed to quality childcare. To improve safety across childcare is, indeed, a principle thing. There is transitional support offered through the federal government. There is $61 million being offered to provide transitional support to the childcare sector. That will, indeed, support families. It will support the workforce that is needed to provide quality childcare, which is the priority for our government and, indeed, should be for the nation.

These are the young and our future generation. We should make sure that they are given the best chance in life. Therefore, we will not step back from supporting the national reform agenda and quality and safety. It seems that those opposite do not have any interest in reform and do not have any interest in providing a safe, quality environment for our children.

MS PORTER: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, how many extra childcare places are being provided in the ACT next year?

MS BURCH: I thank Ms Porter for her question. I am pleased to say that during 2009 an additional 666 licensed places were put in place, and over 2010 we expect approximately 424 places to be available—by the end of 2010. This will include the Lyons early childhood school, to open in January next year, offering 70 places. And from February 2010, the Forde childcare centre will be offering 90 places; Harrison childcare, 90 places; Harrison Catholic school, an additional 40 places; the Belconnen childcare centre, 90 places; and the Brindabella Christian college early childhood centre, an additional 44 places.

We have also been able to offer fee-free courses for the diploma of children's services, through the Canberra Institute of Technology. As of August this year, 385 students have enrolled in the diploma and a further 24 in the advanced diploma.

The ACT Labor government recognises how important quality childcare is for kids, their families and our economy. We will continue to work with parents, providers and childcare workers at the national level to continue to improve childcare services and availability in the ACT.

Planning—service stations

MS LE COUTEUR: My question is to the Chief Minister and concerns the government's competition policy on petrol stations. Minister, yesterday the NRMA called for major oil companies to be blocked from bidding on new petrol stations. What is the government's policy on the sale of new petrol station sites at present?

MR STANHOPE: I thank Ms Le Couteur for her question. I note, Ms Le Couteur, as you have, the call by the NRMA today for the ACT government to intervene in the market in relation to the sale of service station sites. It is interesting, I think, in the context of some of the criticisms and critique of the government in relation to—

Mr Smyth: He is not the minister responsible; the Treasurer is.

MR SPEAKER: Do you want to take a point of order?

Mr Smyth: Because you insist, Mr Speaker, I will take a point of order. Under the administrative arrangements, the Treasurer is responsible for competition policy. I wonder why she is not answering the question.

MR SPEAKER: Ms Le Couteur directed a question to the Chief Minister, which she is entitled to do, and the Chief Minister has offered to take the question.

MR STANHOPE: The call by the NRMA for governmental intervention in markets and in relation to, in this instance, service station markets is interesting. The NRMA's support comes from frustration, I think, at the significant campaign that the NRMA, in particular, has conducted on behalf of Australian consumers in relation to the see-sawing price of petrol at service stations.

I think it is a matter of some wonderment to all of us that the price of petrol can whiz up on a certain day of the week and drop a couple of days later and that there is something of a whirligig in relation to which day of the week it is that the oil companies will jack up the price of petrol, whether or not it will be early in the week or later in the week. Always, it seems, on the day before a long weekend the price of petrol will mysteriously rise. The NRMA's Alan Evans has been unremitting in his campaign to do something about the price of petrol and oil and to do something about what the NRMA regularly regards as significant gouging of the consumer.

I am interested that a major national organisation such as the NRMA has asked governments around Australia to intervene to seek to exclude the major chains. It is, I guess, a matter of some interest that the two major petrol station chains in Australia now are Woolworths and Coles. Of course, the move that we have taken in relation to supermarket competition, with your support, has been a result of concerns about the level of influence and market dominance and the impact on competition which Woolworths and Coles have in relation to groceries.

To be honest, it is not an issue that we have given consideration to in the context of land supply in the way in which, through the Martin review, we do resolve and have resolved to take steps as a government to see what we can do to enhance the entry of other players and, hence, competition in relation to supermarkets. To be consistent and logical, I believe it is appropriate that we now look. But I would want to be rigorous and thorough about it and not just say, "Oh, yes, we are doing it for supermarkets, so we will do it for petrol service stations."

Particularly having regard to the support of a major national institution such as the NRMA, I am mindful to look at what we might do now to see whether or not some

intervention by the government in relation to service stations might work or be appropriate or at least worth pursuing through a quite rigorous process in the way that we pursued the issue in relation to supermarket competition through the Martin review.

But I think it is important to understand the influence that the commonwealth has on petrol and oil and the role that the ACCC should be playing in relation to these issues. At the end of the day, it is the commonwealth government that we look to to provide leadership in relation to these issues.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you. Are there any specific actions the ACT government is taking to support independent petrol stations to be part of the ACT market?

MR STANHOPE: In the past, Ms Le Couteur, this Assembly has sought to take a national leadership role in relation to the introduction of independent service stations into the ACT. It is an experiment, perhaps, that did not achieve its potential.

At this stage, Ms Le Couteur, I have to say there is nothing that we have done specifically but, as I have just outlined—as a result of what I believe to have been a very good report delivered by Mr John Martin in relation to supermarket competition—it is essentially a similar issue. As I have said, I am minded now to see whether or not a similar process might produce similarly good and strong and what I believe to be workable recommendations for government in relation to competition.

It is an issue that I am happy to take on board, indeed take advice on. We would be more than happy to work with members of the Assembly, yourself particularly, Ms Le Couteur, to determine whether or not we as a government or as a community might usefully intervene, as we propose in relation to supermarkets, in relation to service stations.

MR SPEAKER: Supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, are there concerns about the difficulties in establishing terminal facilities for independent operators in the ACT?

MR STANHOPE: I am not aware of any, Ms Bresnan. I am not quite sure what the heart of the question is. I would be more than happy to take some advice on whether or not independent operators have expressed concern about particular impediments or barriers in relation to their establishing or acquiring land.

I do recall—I think it is anecdotal and it is one of the great ironies of life—that at the time Woolworths first decided to enter the service station market and was at the early stages of its takeover of a significant slice or proportion of service stations in Australia, Woolworths approached the ACCC seeking protection in relation to the adversarial, avaricious attitude of then supermarket chains to the new entrant, Woolworths.

I believe that the ACCC, indeed, in earlier times has been a major and stout defender of the right of Woolworths to enter the service station market as a then minnow fighting off the major international companies or cartels. So life is interesting, isn't it?

I will have to take advice on whether there are any current independent or new entrants. I believe that the last entrant to the service station market that sought protection from competition and sought protection from the ACCC was, in fact, Woolworths before it managed to take over just about the entire market.

MR COE: A supplementary?

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, what has the government done to stop the demise of the independent petrol stations? Do you know how many independent stations there are and what percentage of the market they represent?

MR STANHOPE: In the context of the role of a state or territory government, as I indicated before in relation to issues around competition and protection of the market, these are essentially commonwealth responsibilities, most particularly in relation to oil, petrol and service stations, and competition generally.

What we as a government do, of course, is to govern well and provide an environment in which we have a growing city—growing at a rate greater than at any time in the last 20 years, and a growing and diversifying economy. It is a place where business succeeds and where business is happy to do business. It is at the heart of what a state or territory government might do. As to the number—not enough. We do note the support of the Liberal Party for Woolworths and Coles as against the consumer in relation to supermarkets, and we expect the same in relation to service stations.

Mr Hanson: A point of order, Mr Speaker.

MR SPEAKER: Stop the clock, please, Clerk.

Mr Hanson: The point of order goes to relevance. It was a very specific question about how many and what percentage do they comprise of the total number of service stations. I ask the Chief Minister to come to the answer.

MR SPEAKER: Unfortunately, Mr Coe framed his question with another part to it as well, Mr Hanson, which I think has given the Chief Minister some latitude. Chief Minister?

MR STANHOPE: I have finished.

Childcare—costs

MR DOSZPOT: My question is to the Minister for Disability, Housing and Community Services. Minister, yesterday you cited an Access Economics report

which addressed the impact of the new childcare framework agreed to by state and territory governments earlier this week. Minister, what did the Access report specifically say about the state of childcare in the ACT, and do you agree with its conclusions?

MS BURCH: I thank Mr Doszpot for his question. Call me a bit mechanical, but we are up to question No 71 from those opposite. For the period from February to October of this year, the opposition in my portfolios had an interest to raise 14 questions. This was just on a quick scout through *Hansard*. In the year 2008, from February up until August, the opposition, against my portfolios—

Mr Seselja: I raise a point of order, Mr Speaker, on relevance. The question was about an Access Economics report. It had nothing to do with the number of previous questions, and I ask you to bring Ms Burch back to the question.

MR SPEAKER: Ms Burch, you have already made that point today. Let us come to the question.

MS BURCH: But it is a good point. Indeed, I am getting somewhat anxious that perhaps the interest is in the new female minister on this side of the bench rather than the portfolio—

Opposition members interjecting—

MR SPEAKER: Ms Burch, the question.

MS BURCH: But back to the Access Economics report.

Opposition members interjecting—

MR SPEAKER: Order, members!

MS BURCH: Thank you. It was again another surprise question from those opposite, so I am quite happy to table the Access Economics report and refer those opposite to page 65.

Opposition members interjecting—

MR SPEAKER: Order, members! I expect to be able to hear Ms Burch when she is answering the question.

MS BURCH: I have referred them to the Access report on page 65. I am happy to table it. I am happy to hand it over.

Opposition members interjecting—

MS BURCH: Access Economics is the agreed modelling.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, what will be the impact on childcare costs in the ACT from the new framework as outlined in the Access report and do you agree with the analysis? Without going to page 65, can you tell us?

MS BURCH: I again thank you, Mr Speaker. I encourage those opposite to go to page 65. It does. This is the COAG agreed modelling. It does set out some cost. I have also said here before, but I will repeat it just so you can—I don't know; I don't think they will crack the century sessions, because there is only one more question time to go. The government will provide—the federal government; it is a federal government initiative—something that all states have signed up to—all states. Even our colleagues in WA have signed up to this. It is good to see that one Liberal government is actually supporting quality and safety in childcare.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, the Access Economics report points to considerable vacancy rates in the ACT. Do you agree with the assessment? Is it your department's assessment that the vacancy rates are as high as indicated in the Access Economics report?

MS BURCH: The department has responsibility around regulating. It is around setting standards and monitoring standards. The federal government, the Labor commonwealth government, has recently launched a mychild website which shows vacancy rates against all childcare settings and childcare centres.

Opposition members interjecting—

MS BURCH: I say to those opposite that we are supporting quality and safety in our childcare environment. Our vacancy rate across the childcare centres varies from week to week. There are a number of reasons for vacancies in childcare centres and waiting lists in childcare centres. The government is not responsible for vacancy rates or servicing rates. We have put in 666 new places this year. We are on line to put in over 400 places next year. That is in line to meeting what the community is saying to us around childcare places across the geographic divide of Canberra.

MR HARGREAVES: A supplementary?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Given that those opposite have not actually read all of that stuff, minister, could I ask you to table that report for the information of members?

MS BURCH: I table the following paper:

> COAG—Access Economics report.

Members interjecting—

MR SPEAKER: Order!

Ms Bresnan: Mr Speaker, I have a question.

MR SPEAKER: Members, let's quieten down and hear Ms Bresnan's question. I call Ms Bresnan.

Transport—Nightlink taxi service

MS BRESNAN: My question is to the Minister for Transport and it is in regard to the recently cancelled Nightlink service. I note that the minister has cited poor patronage as the reason for cancelling Nightlink. Minister, can you please advise the Assembly as to whether the government examined why Nightlink was experiencing low levels of demand and, if so, what the reasons were?

MR STANHOPE: I thank Ms Bresnan for the question. It was with some genuine hesitation and regret that the government did decide to terminate the Nightlink service and to realign the funding to other transport initiatives within the city. I think I may have some detail in relation to the numbers here, but the take-up was extremely poor. It reached the point where it was essentially barely being used at all.

The government, I think, have shown enormous patience with the service and in addition to that sought to engage, as was always the intention, with those within the hospitality industry in the ACT. At the time of night that Nightlink was first established, we received very strong promises of support, most particularly from the Australian Hotels Association on behalf of its members, that each of their members or their outlets, most particularly within the city, would actively encourage, proselytise, support and advocate for their patrons to use the Nightlink taxi service.

One of our frustrations, in terms of our assessment of the reasons why the service was not supported or taken up to the extent expected, was as a result, we believe, of the existence of the service not being made public or patrons not being informed that there was a service that would provide for them.

Nightlink was aimed at one level: at reducing frictional points of disputation within the city, mainly around taxi rank waiting lines and the length of queues that developed. It has not been successful. Indeed, I think I do have a number here. During the course of the year, patronage dropped by 53 per cent—in other words, by half. In terms of the number of hirings, there was a 51 per cent decline over that period in the number of people using the service and a 30 per cent decline in fares.

The reasons that the government took into account in determining to terminate the service, other than that enormous decline in patronage, included the fact that over that period we have also released an additional 50 taxi licences. It was felt that perhaps the increase in taxi licences—the fact that there are more taxis around—may have even to some extent contributed to the significant reduction in patronage of Nightlink.

The funding that had been associated with Nightlink, however, will now be diverted to seeking to enhance security on the ranks. We are seeking to achieve some of the

aims that were inherent in the establishment of Nightlink in other ways. It is not that we have just abandoned the issue or suggested that there is not an issue. We are looking at what we believe in the light of consumer response is a better way of expending the funds.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, when the government first saw a downward trend in the demand for Nightlink, what measures did the government take to improve public awareness and passenger numbers and ensure that those measures were being implemented?

MR STANHOPE: I do not know the full raft of the measures taken, Ms Bresnan, but I know that significant effort was put in, most particularly in seeking to engage with the Australian Hotels Association, and unfortunately unsuccessfully, to ensure that the Australian Hotels Association, through its members, kept up what we believed was its end of the bargain in relation to Nightlink. One of our disappointments has been the responsiveness of the association, and, indeed, of its members, in advocating the existence of Nightlink.

I regret that I do not have the number here, Ms Bresnan, but I will get it and provide it to you. But, at the end of the day, with a 53 per cent reduction in hirings, with a 51 per cent reduction in the number of people utilising the service, the cost per person in getting home those people who did continue to utilise it, of course, grew, consistent with the reduction in hirings, in numbers of people using the service and in the amount of the overall fare. I have seen the number, and it is stunningly high. The cost per person utilising Nightlink, at the end of the day, at the time that we pulled the plug, was enormous; it was simply unsustainable and could not be justified.

Mr Smyth: How much was it?

MR STANHOPE: I have just said that I do not know; I will get it. You should listen every now and again, instead of banging on with the nonsense that you bang on with.

Mr Smyth: You make so many claims that it's good to hold you to account, Chief Minister.

MR STANHOPE: I am just explaining, you goose. I will get a response for you, Ms Bresnan.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Chief Minister, did the government undertake any evaluation of the effectiveness of the advertising of the service? If not, why not?

MR STANHOPE: I will have to take some advice on the nature of the assessments but, at the end of the day, yes, we did. I do not know whether it was internal or external but we certainly did take advice, whether it was internally generated or otherwise, on the extent to which the service was advertised or there was awareness

about it. Our conclusion was that it was extremely poor. To the extent that there was an advertising campaign—and much of the campaign that we had anticipated and on which we based the service when we entered the partnership, most particularly with Canberra Taxis and the Australian Hotels Association, was that it was always a partnership—we feel our partners did not quite pull their weight in the partnership.

MR COE: Supplementary, Mr Speaker?

MR SPEAKER: Mr Coe.

MR COE: Chief Minister, given that about $1 million was given to Nightlink a couple of years ago, how much of that money will be saved and can be redirected to other services?

MR STANHOPE: I will find out how much of the budget remains. But, as I indicated, along with Mr Smyth it is quite obvious, Mr Coe, that you have not been listening to me either. Perhaps it is only in relation to childcare, disability and housing now that you have any interest and you do not listen to questions in relation to other areas, but I made the point that—

Mr Smyth: You said it would be redirected. Where is it going?

MR STANHOPE: I said that too, Mr Smyth. Today you are making a complete goose of yourself, asking me to repeat answers that I have given previously.

Mr Smyth: You get so cranky, Jon.

MR STANHOPE: Well, this is two questions you have asked now on information that I have provided. I am sure the Greens could answer your question—because they were listening. I said before, and then, because I know you are hard of hearing or do not bother to listen, I actually repeated it: the funds that remain subject to the cancellation of Nightlink—I actually said this, I thought in some detail—have been redirected to other support of queues and of taxi users in the city.

Mr Smyth, that is what I said. Ms Le Couteur is nodding sagely. I do not know how many times you want me to repeat this, so ask again. Yes, Mr Smyth, as I have explained, the moneys are being used for the purpose but in a different way, because of our concerns about Nightlink. I repeat the answer that I gave to Ms Bresnan earlier: all of the funds, Mr Coe, that remain in the project have been redirected to other aspects of the program.

Crime—infringement notices

MRS DUNNE: My question is to the Attorney-General. Minister, in April 2008 the Assembly passed legislation that you introduced that would enable police to issue criminal infringement notices. However, almost 20 months later, the system is still not in place: as of last week it was not in place. I wrote to you about this matter on 22 September this year and received a response yesterday, nearly three months later. In your letter you advised that you had come up with only an interim solution in the

time that had elapsed. Minister, why has it taken 20 months to work out only an interim solution to the management systems involved in the infringement notices?

MR CORBELL: I thank Mrs Dunne for the question. As I advised the standing committee and Mrs Dunne—I think Mrs Dunne already knows the answer to this question because she asked it of me in the annual reports hearing of the Standing Committee on Justice and Community Safety. I am happy to repeat my answer.

First, I have expressed to ACT Policing my significant dissatisfaction with the fact that they have not properly scoped the IT requirements for the implementation of these infringement notices. Secondly, I am pleased that they have now taken action to identify how those IT issues can be addressed. Thirdly, I am pleased that they have made arrangements to put in place a paper-based system to allow the administration of these notices in the short term.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Yes, Mr Speaker. Minister, if it has taken 20 months to work out an interim paper-based solution, how long will it take to work out a permanent solution? What will it cost to get this process into implementation?

MR CORBELL: I expect to receive advice in relation to those matters in the coming couple of months.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Minister, have you ever delivered anything on time or on budget? If so, what was it?

MR CORBELL: If Mr Hanson expects me to be an expert on IT systems and to understand—

Members interjecting—

MR SPEAKER: Order! Let us hear the minister's answer.

MR CORBELL: the IT requirements for a particular system or whether he thinks I should rely on the advice of the police, I can assure Mr Hanson that I relied on the advice of the police in relation to these matters, and I would challenge him to stand in my shoes and ask him whether he, equally, would have relied on the advice of the police, if so advised in the way I was on this matter.

MR SPEAKER: Another supplementary question, Mr Hanson?

MR HANSON: Thank you, Mr Speaker. Minister, is this policy simply too hard to implement and, if so, why? If not, why has it taken so long?

MR CORBELL: I have answered that question, Mr Speaker.

Alexander Maconochie Centre—delays

MR COE: My question is to the Attorney-General and relates to the unanimous finding in the committee report on the delays in the commencement of operations at the Alexander Maconochie Centre. Attorney, the report shows that you consistently maintained that the reasons for delay were purely driven by the commissioning process, with specific reference to the security system. The unanimous finding of the committee was that, in fact, not all the delays in the commencement of operations at the AMC were due to the security system. Attorney, do you accept that not all the delays were caused by the security system?

MR CORBELL: No.

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Attorney-General, can you advise the Assembly of other factors which have caused delays in the commencement of operations?

MR CORBELL: I have just indicated that the reason for the delay was the security system. That is and remains the government's position. The committee simply got it wrong.

Hospitals—Calvary Public Hospital

MR SMYTH: My question is to the Minister for Health. Minister, on 1 December 2009 the *Canberra Times* reported in relation to the Calvary deal that the former health minister and Labor Party leader, Wayne Berry, said that he "feared a political backlash for Labor if it gave in to the Little Company of Mary's terms". The article reported your response as "Wayne's never agreed with anything I've done". You then articulate Mr Berry's position in relation to the Canberra Hospital, which is: we should build another one and let Calvary die a slow death. Minister, if the Calvary deal does not proceed, is it still Labor Party policy to build another public hospital and let Calvary die a slow death?

MS GALLAGHER: I thank Mr Smyth for the question. It is not Labor Party policy to build a third hospital. I know that Mr Smyth would love to—and he probably does—spend hours every night reading the Labor Party's tremendous platform. It provides guidance to members about the progressive initiatives and policies that the Labor Party seeks to implement in the ACT. Perhaps it is due to a lack of ideas in their own policy platform that they are scrounging through ours looking for their own ideas. We did note that slightly unfair, I thought—it may be fair—rating from the *Canberra Times*. What was it a D-minus or a D-plus for policy initiatives?

Mr Stanhope: It was a D something.

MS GALLAGHER: It was a D-minus for the opposition in relation to policy. I note the opposition have just opted out of the Calvary discussion completely by saying, "Well, we don't want to see anything change at the hospital. We don't want to see

LCM remove themselves from the hospital because they're so good, but then we don't want them to entrench themselves at the hospice because they're not so good down there. We don't want them down there, but we want to keep them, against their will, up there."

I have decided after last night's meeting that Jeremy just does not want to offend anybody. He wants to get a clap wherever he goes. You should have seen the smile last night at the clapping that went on at that meeting. Oh my goodness; didn't he enjoy it? It was a real indication of what you guys would be like if you got into government: never offend anybody; do nothing; never take on a challenge.

I think the question was around whether it was Labor Party policy for a third hospital. It is not Labor Party policy to have a third hospital. It is true that Mr Berry and I have had our disagreements over time. I think that is pretty well documented. If the sale of Calvary does not proceed—I have said this a number of times in this place and perhaps it was when Mr Smyth was not listening again—we will have to look at how we finance and how we make those very difficult decisions on our budget to increase facilities and infrastructure on the north side of Canberra. I have said that probably five or six times in this place.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister, what are you doing to assure the community that Calvary hospital will continue to provide services to the people of Canberra with the full support of the government, regardless of the outcome of this deal?

MS GALLAGHER: I have not received any concerns from the people of Canberra that they have any question about whether the fine quality of services provided at Calvary Public Hospital would be compromised under the deal that is currently on the table or the current arrangements. We have been very clear from the beginning in terms of the range of services offered and that the full suite of services offered would continue. In fact, under the proposal they would grow. If the proposal does not go ahead, we are going to have to relook at everything that we do on the north side of Canberra.

Mr Coe: You have had no concerns raised with you?

MS GALLAGHER: No, we have had no concerns raised—

Mr Coe: None?

MR SPEAKER: Mr Coe, you will have a chance in a minute.

MS GALLAGHER: around continuity of service, which was the question, Mr Coe, if you had listened. I have not had concerns raised about the continuity of service. I have had concerns raised around change in service and adding services—for example, adding services around reproduction. I have had concerns raised with me about those matters and whether there would be any change. But in terms of a diminution of service, I have had no concerns.

I think the community understands that this is about building up services on the north side of Canberra. It is not about taking anything away. Under the proposal as it stands, the north side of Canberra will benefit from essentially a brand-new public hospital and a brand-new private hospital. If the current arrangements continue, we will simply refurbish the existing public hospital. I know which is the more preferred option, and it is not the option that the opposition support. They are more than happy to deny the people of north Canberra a brand-new public hospital and a brand-new private hospital.

Mr Smyth: Not true.

MS GALLAGHER: Yes, you are. By opposing this deal, that is exactly what you are doing.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Yes, thank you, Mr Speaker. Minister, isn't it true that the last time there were two public hospitals in public hands those opposite blew it up? What does that do to their credibility to join in any part of the conversation about the acquisition of public hospitals?

MS GALLAGHER: It is true that it was a decision of the former Liberal government to close the Canberra hospital and relocate services. But I think the issue around public ownership of hospitals is a current challenge. It is a challenge for this Assembly to deal with, and it is not fair that six members of this Assembly, of a 17-member Assembly, simply opt out of the discussion because they do not want to offend anybody. That is the reality—

Mr Stanhope: Gutless.

MS GALLAGHER: That is the reality, exactly—a gutless, cowardly approach because nobody wants to take this challenge head-on. No-one from the Liberal Party is prepared to understand the full range of issues that are presented around the management and ownership of the public health system in the ACT. The Liberals have opted out and they are fast becoming the most irrelevant part of this Assembly. If you continue on this path, you will become irrelevant.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, are you aware that letting Calvary die a slow death was official policy while Wayne Berry was Labor health minister? Does this explain your ongoing underfunding of Calvary hospital under ACT Labor?

MS GALLAGHER: There has been no underfunding of Calvary hospital. The archbishop has his own views on that. I have met with the archbishop and showed him the detailed increases in spending at Calvary Public Hospital. I think the operating budget has almost doubled.

If people were to drive along and have a look at the massive scaffolding that is hanging off the side of Calvary Public Hospital at the moment, that is for the new $10 million intensive care unit that is being completely funded by the ACT government at one end of the campus. The other new building, at the other end of the campus, is the $10 million subacute facility that is also funded by ACT taxpayers but which sits on the balance sheet of the Little Company of Mary Health Care.

There has been no underfunding of Calvary. Calvary received all the funding that they need to operate at the level that we commissioned services for at Calvary Public Hospital. But I will accept that the capital, the capital requirements and how we fund that have been a challenge for this government. That has not meant that we have not funded things but it has meant that we look very carefully at what we can afford in terms of capital upgrades at Calvary.

This is an issue that the parties at Calvary—that is, the Little Company of Mary and the ACT government—have had many discussions on over the years and have looked at all possible opportunities and avenues, from LCM borrowing money and the ACT going guarantor to a capital charge being imposed. The result of those discussions is the proposal as it stands.

In relation to the discussion I had with Mr Berry, Mr Berry is part of a group that has come out through the consultation process. It is, in fact, not necessarily within the Labor Party but is more general. There is a group that believes that we should not pay for the hospital, that the Little Company of Mary are not entitled to any payment. I do not share those views.

Hospitals—Clare Holland House

MR HANSON: My question is to the Minister for Health. Minister, on 1 December 2009, the *Canberra Times* reported that your former cabinet colleague Mr Hargreaves, from the Labor right, had spoken to a number of Labor Party members, people in the general public and people at Calvary about whether Clare Holland House should be included in the Calvary deal. Mr Hargreaves said in the article:

> … quite seriously most of them say they don't support the sale of Clare Holland House.

The article reported that a former health minister and Labor Party leader, Wayne Berry, from the Labor left, clearly agreed. The article quoted him as saying:

> I would think that philosophically almost all [Labor] party members would be opposed to the way it's going.

Do you accept that these views expressed by your colleagues reflect the broader community views in relation to the proposal to sell Clare Holland House?

MS GALLAGHER: The comments that Mr Hanson refers to I do not think would surprise anybody. There are mixed community views about the sale of Clare Holland

House. There are those that support it and there are those that are against it, and all for different reasons. Mr Hargreaves's comments are very in line with the sentiment of the meeting last night that we attended, where 80 people came to talk about the future of Clare Holland House. I am not saying that these discussions are not difficult, but my job, and the proposal that is on the table, is about addressing those concerns. That is the conversation I have had with Mr Hargreaves. We have had those discussions and we will continue to have those discussions.

Opting out—the way the Liberal Party have approached this, just to take the easy road out and not be part of any of those discussions—means that you are not part of any of the solutions. I do not believe when we—

Mr Hanson: I was part of those discussions last night, Katy.

MS GALLAGHER: You were part of those discussions in the sense of saying that you have already formed your views and you are not actually looking or participating in any further negotiations.

Mr Hanson: You have already formed your views, Katy.

MS GALLAGHER: I am negotiating, Mr Hanson. I am negotiating with everybody other than you because you have taken your views—

Mr Hanson: You have a position. You have a very clear position.

MS GALLAGHER: I'm sorry if you are feeling a bit left out now if you had not quite worked out that, by taking a position, you would not allow yourself any room to move. When you put a proposal on the table and there is a community consultation—

Mr Hargreaves: On a point of order, Mr Speaker: could you remind those opposite of standing order 202.

MS GALLAGHER: When there is a proposal on the table and concerns are raised through that process, the government will look at ways to address those concerns. That is what we have committed to do. What you will—

Mr Coe: What part is open to negotiation?

MS GALLAGHER: When the government finalises its position, you guys will be left out in the cold, because you have not been part of any of the solution or any of the discussions.

Mr Coe: What part of the deal is open to negotiation?

MS GALLAGHER: I do not shy away from difficult decisions, Mr Hanson.

Mr Coe: What part of the deal, Katy? What part of the deal?

MS GALLAGHER: I do not shy away from them just for the sake of the fact that I might have to attend a couple of difficult meetings. That is not me doing my job

properly. As I said last night, I am here presenting a proposal that looks at the future of our health system for 350,000 people—indeed, a region of 600,000. That is my job. My job is to look at the best way forward for the public health system for the ACT and the surrounding region. Sometimes that will put me into conflict with small pockets of concern across our community.

Mr Coe: Small pockets?

MS GALLAGHER: Small pockets of concern across the community. I am not downgrading those concerns; I am not saying that those concerns are not real; I am not saying that the government is not working to address those concerns. But I do not think that those concerns are widespread across the community. That is the reality, but that is not to say that I am going to ignore those concerns.

I am working with Mr Hargreaves; I am working within the Labor Party; I am working with the Greens; I am working with the Little Company of Mary; I am working with the Palliative Care Society; I am working with the healthcare consumers; I am working with the ANF; I am working with the staff. I am working with everybody other than the Liberal Party.

Mr Coe interjecting—

MR SPEAKER: Mr Coe, don't shout questions across the chamber. If you want to ask a question, there are plenty of supplementaries. Mr Hanson?

MR HANSON: Thank you, Mr Speaker. Minister, why don't you come clean and tell the people of Canberra why the inclusion of Clare Holland House is so critically important to the whole Calvary deal?

MS GALLAGHER: I have indicated that to the community a number of times. We are asking Little Company of Mary to remove themselves from almost 30 per cent of the delivery of public health care in the ACT. We never intended to ask them to remove themselves from palliative care. They are the largest palliative care provider in the country. They have been providing palliative care services to the community since 1994, since 2001, under respective governments. There is no question about the quality of the care that is provided through the contract by Little Company of Mary Health Care. For the organisation, for Little Company of Mary, they do not want to leave public health care in the ACT. If they are to leave the hospital, they do not want to be required to leave the hospice. This is the proposal as it stands.

We have asked them to consider their position at the hospital. They have a lease until 2070 to run the public hospital on the north side of Canberra. They have an option to extend that lease past 2070. The government are faced with the need to rebuild our entire health system and we currently do not have ownership or control over 30 per cent of it. It is a pretty simple challenge that the opposition is determined to ignore. This is not based on any breakdown of the relationship. It is not based on any ideological drivers, as Mr Hanson pointed out a number of times last night and which I totally reject. It is based on the challenges presented to the healthcare system in the ACT and it is based on respectful dialogue between the parties about the best way

forward. It is one which Little Company of Mary Health Care accept but it is one which the opposition refuses.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister, given that you have not finalised your position, what is still under negotiation with Little Company of Mary over the purchase of Calvary hospital and the sale of Clare Holland House?

MS GALLAGHER: The concerns that have come through, I have to say, apart from—

Mr Coe interjecting—

MS GALLAGHER: Just listen, Alistair. You are getting really, really boring. We have put up with you all year, but it is the final sitting week.

Mr Coe: How good of you, Katy; how good of you.

MS GALLAGHER: Exactly. It is very good of me to have put up with you, I reckon, and to have been tolerant. But, please, Mr Smyth asked me a question and I am going to try and answer it, and perhaps I can do it without little interjections like that.

The concerns that have been raised—

Mr Hanson interjecting—

MR SPEAKER: Order!

Mr Stanhope: I raise a point of order, Mr Speaker. Really, the interjections today are beyond the pale. I really do urge you to exercise some control over the chamber. This really is beyond the pale today, Mr Speaker.

MR SPEAKER: Mr Stanhope has a good point: it has been rather out of control today. I ask members of the opposition to refrain.

MS GALLAGHER: Thank you, Mr Speaker. The concerns that have come through, and nearly all of the concerns that have been raised with me, have been around the hospice, not around the hospital. There are a couple, including the archbishop, who are concerned around the hospital, but the healthcare consumers that I have spoken to—I have met with the Division of General Practice, I have met with the AMA, I have met with the ANF—

Mr Smyth: But have you finalised your negotiations with LCM?

MS GALLAGHER: I am getting to that, Mr Smyth. I am just—

Mr Hanson: I have a point of order, Mr Speaker.

MR SPEAKER: Stop the clock, please, Clerk.

Mr Hanson: The question is, very specifically: what is still under negotiation—not who has the minister engaged with. It is: what is still under negotiation?

MS GALLAGHER: I am happy to go to it; I have 27 seconds now. But what they do not understand is that where you move or you shift in your negotiations is based on whom you speak to, Mr Hanson. Yes, I have spoken to a whole lot of people. There are issues around the 30-year lease. There are issues around ownership of the building. There are issues around a transition and potential changes to the current service level agreement. They are all the issues that have been raised, that I am trying to respond to.

Ms Porter: Is there a supplementary left, Mr Speaker?

MR SPEAKER: Ms Porter.

MS PORTER: Thank you, Mr Speaker. Minister, how would the interests of hospice staff be safeguarded if the sale was to proceed?

MS GALLAGHER: As part of the consultations, I have met with staff several times. Indeed, I have a staff representative that I am negotiating with directly. Staff have raised a number of concerns that we have responded to. They have raised concerns around their superannuation, and we have addressed that concern. They have raised concerns around no longer being public servants. They are currently dual employees. We have addressed that by giving them an enduring right to return to the public service at any point in time, provided there is continuity of service at the hospice.

They have raised concerns about the adequacy of the current service level agreement—the current funding that is allocated to the hospice—and I have committed to a review of that. They have asked for a meeting with Little Company of Mary and myself to talk about, if this proposal goes ahead, an appropriate transition plan. They have also spoken to me around concerns about wages and conditions and if they are not covered by the public sector agreement, what that would mean for their wages and conditions. My response to that is that the government would remain 100 per cent funder of that service and that we can put a clause in the agreement that requires a flow on of wages—that anything won in the public sector, as we would be funding that agreement, would flow on to nurses and allied health staff at Clare Holland House.

I have had two meetings there. The second meeting where I went back and addressed all of their concerns I think did ease the concerns that they had expressed in the first meeting. But it is a turbulent time. I regret that. I regret the turbulence that it is causing for staff at both of those facilities—at the hospital and Clare Holland House. The sooner we resolve this matter, the better I think in their interests—but once proper process has been finalised.

Energy—solar

MS PORTER: Mr Speaker, my question, through you, is to the Minister for the Environment, Climate Change and Water. Minister, would you provide an update on the uptake of solar power generation in the ACT?

MR CORBELL: I thank Ms Porter for the question.

Mrs Dunne: I think he answered that during estimates last week, didn't he?

MR CORBELL: I know Mrs Dunne hates this question because it is good news. It is good news for the ACT; it is good news for the community. We all know there is one thing Mrs Dunne hates in this place and that is good news. She hates good news. She recoils from the light whenever there is good news. She starts thinking about that job in the security industry that she is writing up. The good news is here when it comes to solar power in the ACT.

I was delighted last week to launch 72 solar PV panels at Canberra Stadium as part of a showcase project on the part of the ACT government to highlight solar power as a real alternative to drive our energy needs into the future. This new facility will generate almost 23 megawatt hours of electricity per year, and that is enough to provide power for 16 night games at the Canberra Stadium each and every year. When you are watching the Brumbies or the Raiders in the next 12 months you will know that, for a lot of those matches, the power is being provided by those solar panels through the generation they contribute throughout the year.

This is just one part of the government's initiative to highlight solar in the ACT. In 2008, we installed 19 panels on the roof of the Tidbinbilla visitors centre, creating a total capacity of 3.3 kilowatts. This solar array generates approximately seven megawatts of clean electricity into the grid every year.

Of course we have seen other installations in areas such as the Canberra Seniors Club in Turner, in the city, and at the Kippax Community Centre, which has also installed a significant array. As at the end of November, ActewAGL advised that there are 1,126 solar PV installations in the ACT, an increase of over 116 per cent in the first nine months of the feed-in tariff scheme's operation.

If there can ever be an endorsement of a progressive policy that is achieving the ends that it is meant to achieve, which is to encourage the uptake of renewable energy, this policy is it. It is about time that the Liberal Party stepped away from their criticism of this scheme, backed it and backed those many thousands of Canberrans now who are taking the step to install solar generation in their homes, in their businesses, in their workplaces.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Yes, thank you, Mr Speaker. Minister, what has the private sector said about the importance of the ACT feed-in tariff in establishing solar generation in the ACT?

MR CORBELL: I thank Ms Porter for the question. I was very pleased last week to hear from Woolworths that they had chosen Canberra as their first location for the installation of renewable energy generation in relation to their service station sites. Mr Andrew Hall, the Director of Corporate and Public Affairs for Woolworths, issued a statement last week in which he said:

> The ACT Government should be congratulated for being the only Australian state or territory to put in place gross feed-in tariffs.

He went on to say:

> Woolworths is committed to significantly reducing its carbon emissions and so we welcome the ACT's decision to back commercially viable, on-site renewable energy generation. This is the type of policy framework which other states could introduce to drive the necessary incentives for businesses to have commercial-scale installations.

What a strong endorsement from a leading corporate player in Australia about the policy settings of this Labor government to encourage clean energy for the future. Woolworths intends to place two large-scale solar arrays on its petrol stations in Belconnen and Hume. They will both be 30-kilowatt capacity solar arrays, generating as much as 42,000 megawatt hours of renewable energy a year between the two service stations. That will cover approximately 15 per cent of the demand for those stations.

This is a very pleasing development. I encourage other commercial businesses in the territory who are looking to offset and replace their reliance on fossil fuels to look at the feed-in tariff as a real opportunity to create that and to drive that. I welcome Woolworths' announcement last week.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, you mentioned that 30 kilowatts is effectively the limit for the feed-in tariff at present. When will the government do the work to extend the feed-in tariff beyond 30 kilowatts, particularly bearing in mind that inhabitants of bodies corporate are, under the current regulation, forced to have their systems amalgamated so are not in a position to put in smaller individual systems?

MR CORBELL: I will be releasing this month a discussion paper on options to expand the feed-in tariff regime. A broad range of issues will be looked at as part of that discussion paper. That includes some of these issues around bodies corporate or unit title premises there and also issues in relation to the overall cap size that we have at the moment and opportunities to expand the regime to large-scale generation capacity.

MR SPEAKER: Supplementary question?

MR HARGREAVES: Thank you very much, Mr Speaker. I can just almost hear myself think. My supplementary question to the minister is this: would you please outline the current and predicted generating capacity provided by solar generation in the ACT, and for those opposite, even if their solar-powered lights go on, will there be anyone at home?

MR CORBELL: I do not know whether anyone is at home on the other side of the chamber. But in relation to generating capacity, as at 30 November this year there is

generating capacity in the ACT of 2.5 megawatts; so 2.5 megawatts of capacity is already installed. It is estimated that by the end of the first five-year period of the feed-in tariff regime there will be 27 megawatts of distributed solar generating capacity installed into the ACT grid. Twenty-seven megawatts is equivalent to the energy needs of about 9,000 houses.

Why would not the Liberal Party be interested in a regime that helps displace the energy needs of 9,000 houses? Is the answer to that question that they really do not believe in climate change? Does Mr Seselja endorse the view of his Liberal leader nationally that the science is unclear on climate change? Does he endorse the view of the new shadow minister for energy that climate change is a left-wing conspiracy?

Mrs Dunne: I raise a point of order, Madam Assistant Speaker.

MR CORBELL: That is the tenor that we are getting from those on the other side of the chamber—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Order! Mr Corbell! Clerk, please stop the clock.

Mrs Dunne: Mr Hargreaves asked a question about future and current generating capacity. He did not ask for his minister's views about the federal opposition's views. That would be out of order. Could the minister actually answer Mr Hargreaves's question—because I would be interested in the answer.

Mr Hargreaves: On the point of order, Madam Assistant Speaker: Mrs Dunne did not hear the second part of the question. I wanted to know if there was anybody at home when the lights were turned on. Mr Corbell is talking about that.

MADAM ASSISTANT SPEAKER: Please start the clock again. Mr Corbell, please continue.

MR CORBELL: Thank you, Madam Assistant Speaker. Of course, I know the Liberal Party do not like the fact that there has been this massive shift to the right in their political organisation which now sees those people in charge of policies where they believe that climate change is a left-wing ideological conspiracy. Does Mr Seselja endorse that view? *(Time expired.)*

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

Supplementary answers to questions without notice

Beryl refuge

MS BURCH: Yesterday Ms Hunter and Ms Bresnan asked some very important questions around availability of accommodation for women through refuges.

Opposition members interjecting—

Ms BURCH: Clearly, those opposite have no interest in knowing about how this government provides support to women who are at risk of homelessness. During question time, Ms Hunter and Ms Bresnan asked me questions in relation to Beryl

refuge being forced to send away two-thirds of women seeking shelter. In 2009-10, $3,702,662 in funding has been made available for services to women and children escaping domestic violence in the ACT. These services include Beryl Women Inc, Communities at Work, Domestic Violence Crisis Service, Doris Women's Refuge and Northside Community Service. Across these services, 88 bed nights were available each night—that is 32,120 bed nights annually. In addition to the specialist domestic violence service, women and children subjected to domestic violence can access a range of homelessness services within the broader system of support.

ACT homelessness services have the capacity to provide a total of 300 supported accommodation places per night for young people, singles and families. In addition, the Domestic Violence Crisis Service will guarantee accommodation for any person in need of immediate safety accommodation made available through brokerage funding provided by DHCS. Outreach support is also made available to clients who require assistance to live independently.

Housing ACT provides safety upgrades to public housing tenant properties subject to domestic violence. Under the 2009-10 domestic violence Christmas initiative—and I think I spoke to that briefly yesterday—the department is providing 11 properties for women and children over the Christmas period, and $90,000 in funding is provided for this program. In the 2008-09 Christmas period, 980 bed nights were provided.

The ACT has the largest per capita amount of funding for homelessness services of any state or territory. In 2009-10 a total of $18,575,000 is made available by the ACT and commonwealth governments for direct funding for homelessness services. An additional $20.2 million over five years is provided under the homelessness national partnership.

In relation to unmet demand, there is a national data collection undertaken annually by the Australian Institute of Health and Welfare. The most recent figures are for 2007-08, and the data shows that, in the ACT, 97.6 per cent of people seeking accommodation under homelessness services were accommodated. The turnaway rate as a proportion of total demand for homelessness accommodation under the supported accommodation assistance program was 2.4 per cent, which is 12 people per night. This is below the national turnaway rate of 2.6 per cent, and it is an improvement on 2006-07. The data does not show the cause of people seeking assistance or if they subsequently received an alternative form of assistance, such as motel brokerage from organisations such as DVCS.

As I have already stated, additional funding is being provided to the ACT to meet this unmet demand. An additional $20.2 million over five years is provided under the homelessness agreement, jointly funded by the ACT and commonwealth governments. The sum of $10 million will provide 20 properties under the place to call home program. A further $10 million will provide new services for people experiencing or at risk of homelessness due to mental illness.

There will be a new service for rough sleepers and supports for tenants in both public and private tenancies to sustain those tenancies and to avoid homelessness. A central

intake system will be established for homelessness services, and a common waiting list will be established for public and community housing. I am happy to provide briefings if you require further information.

Disability services—wheelchair access

MS BURCH: Also yesterday there was at question time a deep and meaningful question from Mr Doszpot and from Mr Coe with a supplementary question in relation to the 2009 International Day of People with a Disability, the breakfast held at the botanic gardens. In response to that question, I said I would come back.

The government is committed to social inclusion of people with a disability. In addition to programs such as people, place and prosperity, a policy for sustainability in the ACT, government agencies are introducing the concept of sustainability to their programs and operations. Two of the guiding principles are of particular relevance to Disability ACT—that is, empowering people and engaging the community. This policy acknowledges that people with disabilities who attend events represent a diverse range of community interests and may include employees or employers, board members, advocates, parents and carers, and potential, existing or past consumers of services. It also recognises that people with disabilities may participate, facilitate or present at these events.

These policies are designed to maximise equity of access for all people with disabilities. With this in mind, and relating to the event in question, Disability ACT staff attended the venue to discuss a range of disability issues—for example, access issues, physical access and a hearing loop. They also used a disability accessibility checklist to ensure that the venue was accessible for the event. It is worth noting that the event was held at the cafe at the National Botanic Gardens. This venue is wheelchair accessible and it has designated disabled parking.

In relation to Mr Coe's supplementary question on DHCS policy, the public consultations, forums and access guide are available on the intranet, and copies can be provided on request. But, so those opposite do not have too much of a challenge to find it, I am happy to table the guide for Mr Coe and Mr Doszpot. I present the following paper:

> Public Consultations and Forums Access Guidelines, prepared by the Department of Disability, Housing and Community Services, dated April 2005—Answer to questions without notice asked by Mr Doszpot and Mr Coe and taken on notice on 8 December 2009.

Justice and Community Safety—Standing Committee
Scrutiny report 17

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

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 17, dated 9 December 2009, together with the relevant minutes of proceedings.

I seek leave to make a statement.

Leave granted.

MRS DUNNE: Scrutiny report No 17 contains the committee's comments on the Civil Partnerships Amendment Bill and one government response. The committee also considered the implications of the fact that it had not considered the government amendments to this bill, which is now proposed for amendment.

The committee discussed the year's operation of the current standing orders, and it is the committee's view that the Assembly should revisit the standing orders and look at ways of ensuring the referral of all amendments to all bills to the scrutiny of bills committee. The committee has resolved that I should write to Mr Speaker to ask that the matter be considered by the Standing Committee on Administration and Procedure. I commend the report to the Assembly.

Government Agencies (Campaign Advertising) Bill 2008
Detail stage

Clause 2.

Debate resumed.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question is that Mr Stanhope's amendment No 1 be agreed to.

Mr Stanhope: On a point of order, Madam Assistant Speaker: I just want to know whether the amendment circulated by Mr Seselja in relation to the commencement date of 1 July will be moved.

Mr Seselja: Yes.

Mr Stanhope: That renders my amendment to some extent superfluous. I would be happy to support Mr Seselja's amendment, if I have confirmation that—

Mr Seselja: It will be moved.

MADAM ASSISTANT SPEAKER: Mr Stanhope, do you seek leave to withdraw your amendment?

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage): I seek leave to withdraw my amendment.

Leave granted.

MR STANHOPE: I withdraw my amendment.

MR SESELJA (Molonglo—Leader of the Opposition) (3.32): I move amendment No 1 circulated in my name in relation to the commencement clause *[see schedule 2 at page 5625]*.

We have had some conversations during the lunch break. In my speech before lunch I spoke about the fact that the minister's ability to exempt would cover the concerns of Mr Stanhope. In further discussions, particularly with the Greens, the Greens expressed a preference for a clear start-up date to put it beyond any doubt, and we have agreed to the act commencing on 1 July 2010.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.33): The government will support Mr Seselja's amendment. I am happy, in the spirit of that, to give an undertaking that, without pre-empting the outcome of the rest of the bill, the government will commit to doing everything that needs to be done to ensure that, as from 1 July, the legislation is fully operable. I understand the point and the sentiment that Mr Seselja is making in relation to the sequencing—commencement, operation, action. I do understand the point Mr Seselja is making, and I am pleased that Mr Seselja understands the inherent position that I am making. In the spirit of that, the government will commit to ensure that all steps or actions that the government needs to take to ensure that the legislation does not just commence on 1 July but is operable on 1 July will be taken.

MR SESELJA (Molonglo—Leader of the Opposition) (3.34): I thank the Chief Minister. I am also advised that the provisions in the Legislation Act should allow the Assembly to consider the appointment of the reviewer prior to 1 July once this bill is passed today. I am assured that that will be able to commence, and I thank the Chief Minister for his undertaking to do everything at the government end to bring that about.

MR RATTENBURY (Molonglo) (3.35): I will make a quick comment to follow on from the observations I made before lunch. I appreciate the work that was done over the lunch break to sort through this. I think we have come at a good, clear result here, and I thank the other parties for those discussions.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 6, by leave, taken together and agreed to.

Clause 7.

MR SESELJA (Molonglo—Leader of the Opposition) (3.36): I move amendment No 1 circulated in my name *[see schedule 3 at page 5625]*.

This amendment expands the definitions to include territory-owned corporations. This gives effect to recommendation 13 of the committee. Mark Sullivan at Actew, in particular, noted that the bill may not cover TOCs, because they have a more commercial structure and are a step removed from government operations. However, they are territory-owned and, as such, should be subject to the same standards required of other territory agencies.

The inclusion of bodies outside strict government departments is not unusual. In New South Wales, the government advertising guidelines must be observed by departments, statutory bodies, declared authorities, and public trading enterprises, as well as Sydney Water Corporation and RailCorp. We believe it is reasonable to include territory-owned corporations. I note that, in the public debate we have had, some of Actew's advertising has been talked about. We have seen the advertising in the lead-up to the election, and we certainly do not believe that territory-owned corporations should be excluded from this legislation.

Our advice from drafters was that that was the case. It was brought up in the committee, and this puts it absolutely beyond any doubt. There has been noted concern from the government about this. We do not share that concern. We believe that, if this bill is going to operate effectively and comprehensively to ensure that we protect taxpayers' dollars from use for purposes that are not legitimate, we should include all agencies that we possibly can, including territory-owned corporations.

I commend this amendment to the Assembly. I think it is an important one to complete it. It follows on from the recommendations of the committee, and it clarifies what the drafters believed to be the case when the initial legislation was drafted.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.38): As the government has indicated in its response to the committee report, it does not support this amendment. We do not believe it appropriate that legislation designed to provide a level of scrutiny and an approval regime for government advertising should extend to independent statutory corporations.

As we have indicated, territory-owned corporations are companies. They are subject to the corporations legislation. They are not subject to the same reporting obligations and statutory requirements under which government agencies operate. Territory-owned corporations have commercial obligations that relate to marketing and promotion of their core products rather than engaging in advertising for the purpose of promoting any party-political agenda.

The government does not believe that it is appropriate to subject TOCs to legislation which is purportedly designed for government agency accountability. I think it is relevant, and I note it here, that, in her submissions to the Assembly committee inquiry, the Auditor-General, an authority that the opposition in this place are very keen to defer to and to refer to, expressed quite significant concerns about the

prospect of territory-owned corporations being subject to this form of scrutiny. It is interesting that, on this occasion, the opposition choose to ignore the advice or recommendations of the Auditor-General in relation to this particular addition.

The Auditor-General has expressed concern about this form of scrutiny. Indeed, Actew also explained to the select committee that it does not—and I think this is the point, and the point that I believe is at the heart of why this amendment should not be supported and why territory-owned corporations should not be subjected to this legislation—use public moneys. Surely, the desire for this level of scrutiny is about the use of public funds. TOCs do not use public funds; they do not run government campaigns; they do not receive an appropriation of public funds. We in the government believe that this is a quite significant departure from the purposes of the bill.

The objects of the bill are stated in clause 5:

> The object of this Act is to prevent the use of public funds for advertising or other communications for party political purposes.

That is the object of the bill—to prevent the use of public funds. Territory-owned corporations do not use public funds. We find this a quite bizarre departure from the objects of the bill. The objects clause has been incorporated in the bill, and it is explicit, one line—to prevent the use of public funds for certain purposes. Now the opposition are incorporating in their legislation the use of funds that are not public funds and seek to bind territory-owned corporations to certain provisions in a bill. In other words, you are departing from your own objects. We do not believe that that is appropriate. We agree with the Auditor-General in relation to this—we do not believe this is appropriate, and we do not believe it is consistent with the objects of your bill. We wonder why you are insisting on this particular inclusion of statutory corporations that do not use public funds when your whole stated purpose in your objects clause is to prevent the misuse, as you see it, of public funds. The government will not support this amendment.

MR RATTENBURY (Molonglo) (3.43): The Greens will be supporting this amendment. We believe that it is useful to clarify the scope of the legislation to include territory-owned corporations. Certainly I have flagged publicly in the Assembly during the year that I wanted the select committee to look at the issue of whether or not TOCs should be covered by the legislation, as there was some uncertainty. The committee took evidence on this issue and made a recommendation that, yes, territory-owned corporations should be included.

At the time of the committee hearings, there was discussion about whether this was appropriate. This comes to the point that Mr Stanhope was just making. I would imagine that discussion will continue. The Greens are clear that TOCs should be covered, and we will be supporting the amendment. That is partly driven by what some might describe as an old-fashioned view that a territory-owned corporation is in fact a taxpayer asset as it is a territory-owned corporation. To that extent, I do believe that TOCs do use public funds, because I know that any profit or surplus that they make comes to the territory as a dividend. I must confess that I have not read the

legislation, but I should imagine that if there is a loss made by the TOC, somehow we end up picking up that loss as well.

So ultimately I do believe that TOCs do use taxpayer funds and therefore use taxpayer funds to run advertising campaigns. That said, the point of principle is that they should not run campaigns that could in any way be seen to boost opinion on or the standing of one party over another. That would be entirely inappropriate. TOCs could see this legislation as an opportunity to prove that they do run purely public information campaigns with no political agenda.

There was concern expressed that the legislation would be an unwarranted interference in the day-to-day operation and planning of territory-owned corporations. The Greens are of the view, however, that the legislation will create a review process; this is entirely appropriate given the overall intent of the legislation, because territory-owned corporations are professional organisations and will be able to cater for the review process in their forward work plan.

The Greens believe that they should be covered by the legislation, because they do use taxpayers' money to fund their campaigns and therefore it is entirely appropriate to ensure that there is no misuse of those taxpayer funds.

MR SMYTH (Brindabella) (3.45): It is interesting to hear the Chief Minister speak on this, because so much of this issue is simply because of the spending of Actew in the lead-up to the last election. Much of the concern of members in this place, plus the community, was about the fact that just in the lead-up to the election we had this sudden wave of advertising from Actew, a territory-owned corporation, about how well they were doing to secure our future, our future need for water. There they were in line with the government policy of the day.

It is interesting. We cannot hold them to account through this bill. We actually have ministers responsible for TOCs, but do not include them in this bill. We actually have shareholders—ministers are shareholders of TOCs—but do not include them in this bill. They write annual reports that are delivered to the Assembly, but do not hold them accountable through this bill. They appear at estimates—they appeared for a long time at estimates in some cases—but we do not want them accountable under this bill.

They appear at annual report hearings. Madam Assistant Speaker Le Couteur, you and I were there for an hour or so the other day talking to Actew. We were there with the data centre. Remember the data centre and power station debacle. They appeared and they spoke to us there. But do not include them in this bill because it is not taxpayers' money. We ask questions in the Assembly about them that ministers answer for, but do not include them in this bill. We put questions on notice, but do not expect that we would include them in this bill. We have committee reports that talk specifically about these organisations, but under the Chief Minister's logic do not include them in this bill.

What the Chief Minister is saying is: do not scrutinise the way territory-owned assets spend their money. This is a shareholder who seeks constantly to avoid scrutiny.

When he says, "Don't put them in this bill because I do not want them scrutinised," people should be very worried by that.

Mr Stanhope: No; I am just backing the Auditor-General.

MR SMYTH: That is a good thing. There he is—he always backs the Auditor-General! The Auditor-General might have a different view of that; the community certainly does.

They should be open to scrutiny. If this money is not spent in this manner, it may be money that comes back to the territory as part of a dividend. To hear the Chief Minister speak in the way that he spoke today—they always ran. When in opposition he ran on honest, open and accountable—more honest, more open, more accountable. But when you have a very simple accountability process put in place, when you have a bill to hold the government to account, the number one person standing in its way is always the Chief Minister.

MR SESELJA (Molonglo—Leader of the Opposition) (3:48): I thank the Greens for their support on this amendment. There is an odd sensitivity here from the government, particularly the Chief Minister, on the scrutiny of Actew and territory-owned corporations. It is unclear to me why the Chief Minister so vehemently wants to avoid scrutiny of Actew and territory-owned corporations in general. As has been put very clearly by Mr Rattenbury and Mr Smyth, in the end this is taxpayers' money. In one form or another, we pay it. For the Chief Minister to try and claim it to be otherwise is ridiculous. We own these assets; the territory owns these assets.

We have a government that will not even tell us the basics about how much Actew executives are paid. They believe that that is something that should be kept secret. Now the argument comes from the Chief Minister that how they conduct their advertising and the scrutiny that we place on that advertising should also be above scrutiny, above the scrutiny of this Assembly.

The push back that we have had in negotiations from the government on this has been quite extraordinary. We have heard all sorts of theories about what would happen if this were to pass and how it would be challenged in the courts. It is ridiculous, but the vehemence of the response is worth reflecting on for a moment. Why is it that this government is so desperate? Why is it that this government is so desperate to avoid Actew being scrutinised in this area? There is an interesting position that has been put by the Chief Minister that Actew should not be scrutinised. But why is that?

We did see a lot of advertising in the lead-up to the election. We did see hundreds of thousands of dollars of public money spent by Actew on advertising and telling us how good things were with water. We know that the government have failed for many years to act on the issue. They have failed for many years to act on the issue. Then we have a Chief Minister who is now saying, "No, they should be able to continue to spend like that." We know why. We know why there is a sensitivity, and we do not accept it. We do not accept the false arguments that have been put to us on this.

It is important, if we are going to pass this legislation, that it operates widely. It is important that it scrutinises government money. It is important that it protects

taxpayer funds. We do not accept the Chief Minister's arguments, but we do question why he is so desperate to avoid scrutiny in this area. I commend this amendment to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3:51): I must say that I do need to defend the Auditor-General from the accusation of the Leader of the Opposition that she made a false argument in relation to this issue. The government's argument in relation to this issue is an argument that is supported by the Auditor-General. The Leader of the Opposition can accuse me of all sorts of things across the chamber, but I think he really ought to leave the Auditor-General out of it and not accuse her of making false arguments.

I will conclude my comments on this by making just one observation in relation to the complexity of binding a TOC in this way. Actew has partners all over the place in relation to different aspects of its business. It is a very complex system or set of corporate arrangements that Actew has with AGL and with a whole range of partners and subsidiary companies. This is very complex. It is very simple to say, "We don't like the ads that Actew does; let's get Actew." That really does not have regard to the incredibly complex nature of the corporate relationships, arrangements, partnerships and groupings that comprise the ActewAGL corporate empire.

And this is the other issue. Nobody has thought this through. Nobody has thought through this. What about those companies in relation to which Actew has a holding, like TransACT? What about those companies that Actew basically was the sole shareholder in, like Ecowise? How does this impact on them? Can the supporters of this particular proposal answer this question for the Assembly and the people of Canberra here and now: what is the implication of this amendment for companies in relation to which Actew has shareholding? Can TransACT advertise now or not?

Amendment agreed to.

Clause 7, as amended, agreed to.

Proposed new clause 7A.

MR SESELJA (Molonglo—Leader of the Opposition) (3:53): I move amendment No 2 circulated in my name, which inserts a new clause, clause 7A *[see schedule 3 at page 5625]*.

This clause expands the responsible person definition to cover TOCs and other agencies. This has been included to cover the extra agencies, for the reasons above, and is in response to recommendation 12 of the committee. Other amendments which give effect to this are scattered throughout the bill, including amendment 10, a stand-alone amendment to the same effect, but this is essentially a flow-on amendment from the one we have just debated.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.54): I just make the obvious point that the government has proposed an amendment in relation to the same subclause which is the same except that I had proposed an additional part proposing that territory-owned corporations not be included. I will not be moving my amendment. I support Mr Seselja's amendment and will not be moving mine.

MR RATTENBURY (Molonglo) (3.55): As Mr Seselja flagged, this is tied to the issue of including territory-owned corporations within the scope of the legislation. In debating that topic, the issue was about who was the appropriate person within each type of government agency to be signing off on ad campaigns. The minister was saying that we explored it at some length in the committee. It was important to address the concept of who the responsible person was and make sure that was clear in the legislation. To do so has the benefit of specifying who is the relevant person within each type of organisation.

This was needed because it will not necessarily be the minister in each circumstance. With this amendment, the legislation will clearly set out that for territory-owned corporations it will be the chief executive who has responsibility under this legislation. Equally importantly, for statutory authorities or statutory offices it will be the statutory office holder. That came up particularly in the context of units, such as the Electoral Commission, which operate with a considerable degree of independence but ultimately sit under the minister. That was an issue that came through quite clearly in the committee, so it has been important to make this clarification. On that basis, the Greens will be supporting the amendment.

Proposed new clause 7A agreed to.

Clause 8.

MR SESELJA (Molonglo—Leader of the Opposition) (3:56): I move amendment No 3 circulated in my name *[see schedule 3 at page 5626]*.

For the sake of being a little more concise, I will speak to amendments 3, 4 and 5 together now—even though we will move them separately, obviously—because they are doing similar things. These are all in response to recommendation 11, to clarify what is and what is not considered a government campaign for the purposes of the act.

Amendment 3 is defined to exclude health and safety announcements, including road safety programs. Amendment 4 is a revision that excludes routine campaigns carried out by an agency in relation to its operational activities, public notices and the like. Amendment 5 proposes new examples of what is not covered, including campaigns about drink driving, speeding, wearing seatbelts, smoking, obesity or losing weight. The bill has covered most of the comments raised about clarifying the scope of this bill. I commend them all to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3:57): The government supports this amendment.

MR RATTENBURY (Molonglo) (3:57): The Greens also support the amendment. We believe it offers the clarity that was sought in the earlier debate when we first came across this in April. We will be supporting the amendment.

Amendment agreed to.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.58): I move amendment No 3 circulated in my name *[see schedule 1 at page 5624]*.

This amendment is very similar in intent to those just discussed by Mr Seselja. The government proposes that in clause 8, definition of "government campaign", page 4, line 13, paragraph (c)(iii) be omitted and substituted by "other routine advertising campaigns carried out by an agency in relation to its operational activities". We believe that this is an enhancement of this particular provision and that other routine advertising carried out by agencies in relation to operations should be omitted from the provisions of the bill—not just what is specified, but that all routine advertising should be exempt.

MR SESELJA (Molonglo—Leader of the Opposition) (3.59): I am looking at the two side by side and I think they are identical. I am not a hundred per cent sure, but I do not think there is a stray word. I believe that the one we had circulated is identical.

Mr Stanhope: Okay. I was not aware of that.

MR SESELJA: That is okay. We would be very pleased to support the amendment.

Amendment agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (4:00): I move amendment No 5 circulated in my name *[see schedule 3 at page 5626]*.

I have already spoken to this; I will not labour the point. Amendments 3, 4 and 5 just clarify a number of issues.

Amendment agreed to.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait

Islander Affairs and Minister for the Arts and Heritage) (4.01): I move amendment No 4 circulated in my name *[see schedule 1 at page 5624]*.

This amendment proposes an addition in the definition of "government campaign"—two further examples. One is tourism campaigns; the other is land release programs. In relation to tourism campaigns, this is an area of reasonably significant government advertising. We understand the import of the bill and what this bill is seeking to achieve, but the rationale that we put is that this is a significant area—we acknowledge that—but almost all of the advertising is done outside Canberra; it is done in other cities around Australia. It is not aimed or directed at the people of the ACT.

More often than not—I do not have the exact numbers here—the vast bulk of tourism funding is funding directed at advertising Canberra in other cities. To the extent that the basic rationale is that the government might—heaven forbid, and it has never been done—use government advertising for party political purposes, one area where that is not going to occur is where the advertising has been done in another city and where it is not the residents or the voters of the ACT that are impacted or influenced by the advertising. We believe, in that sense, accepting the underlying objectives, that there would be no diminution of what it is that the Assembly seeks to achieve through this legislation by excluding tourism legislation or tourism campaigns.

Similarly, in relation to land release programs—just to put beyond doubt that the advertising that is done by the LDA in relation to land release or the selling of land is not other than the routine business of government and exempted through earlier clauses—we would like to think that the routine work of the LDA in relation to land release programs might be excluded explicitly from the legislation.

MR SESELJA (Molonglo—Leader of the Opposition) (4.03): I move amendment No 1 to Mr Stanhope's proposed amendment, circulated in my name *[see schedule 4 at page 5634]*.

We have considered what the government put to us and have come to a conclusion. With tourism campaigns, we accept the rationale and we accept the logic, so we do not have an objection to tourism campaigns being included in the examples.

Land release, on the other hand, we do not support. In his speech, Mr Stanhope spoke about routine activities of the LDA. That may well be the case, but there is the potential for a government, in promoting its land release program, to sing its praises in terms of its response to housing affordability issues or the like.

As with all aspects of this bill, there should be nothing to fear for agencies that are engaging in routine advertising. We do not believe that a blanket exemption for land release is appropriate, but we do accept the rationale that has been put to us on tourism campaigns. So we will support tourism campaigns, but not land release.

MR RATTENBURY (Molonglo) (4:04): I will speak to both amendments, for the sake of brevity. The Greens will be supporting Mr Seselja's amendment. We believe that Mr Stanhope's amendment around tourism campaigns is entirely appropriate. I

accept the logic for that; I think it is a good clarification of the legislation. For land release programs, I am less convinced. I am mindful of the context in which this legislation came forward. We know that housing affordability, land affordability, land rent schemes and a range of those matters have been topics of some considerable political conversation, and I suspect will continue to be. In that context, it is probably not an appropriate area to be exempting from the legislation.

Mr Seselja's amendment agreed to.

Mr Stanhope's amendment, as amended, agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

Proposed new clause 9A.

MR SESELJA (Molonglo—Leader of the Opposition) (4.06): I move amendment No 6 circulated in my name, which inserts a new clause 9A *[see schedule 3 at page 5626]*. This amendment clarifies "party political". The committee determined that "party political" required more clarification, recommendation 11, and we have responded. The new definition is:

> … something is ***party political*** if it is designed to promote the polices, past performance, achievements or intentions of a program or the government with a view to advancing or enhancing a political party's reputation rather than informing the public.

This is a very clear definition that is not beyond either a reasonable person's interpretation, especially by an expert observer, or detailed scrutiny. It is based on several academic sources, other legislation and dictionary definitions. I commend it to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4:07): I have circulated an amendment on the same issue. I believe that perhaps the pivotal, most significant part of the legislation in a way is the clarity of the definition of "party political". The government does agree in part with Mr Seselja's definition of "party political".

But we, I have to say, do have a concern that there is room for ambiguity in the definition and we believe that a simpler, less ambiguous definition that meets the purpose and intent of "party political" would be preferred. The definition of "party political" in this act which the government proposes is:

> ***party political***—something is ***party political*** if it is designed to enhance a political party's reputation rather than informing the public.

We believe that goes to the heart of the rationale and the objects of this particular bill. We believe it is unambiguous; we believe it is simple; we believe it can be easily

interpreted. It certainly supports as a definition those examples—and I will give you some examples—that have been forwarded by the Liberal Party and the Greens in this debate over the last year as being at the heart of their concern that something is party political. This is at the heart of what has been said by the proponents of this legislation: that certain campaigns are designed to enhance a political party's reputation rather than informing the public.

We of course do not accept those examples but that is essentially at the heart of everything that has been said about the rationale for this legislative approach. And that is it. It is summed up:

> … something is ***party political*** if it is designed to enhance a political party's reputation rather than informing the public.

We do not believe that you need to complicate the definition beyond that. I do have a concern with the broader definition proposed by Mr Seselja just now of what is party political in this act:

> … something is ***party political*** if it is designed to promote the polices, past performance, achievements or intentions of a program or the government with a view to advancing or enhancing a political party's reputation rather than informing the public.

I think that in that definition there is opportunity for a range of interpretations and I think it will create a problem or uncertainty for agencies. I believe that it does and will create real issues for the reviewer. As I have indicated, I have also circulated an amendment in relation to this. I believe the amendment I propose is simpler, clearer, less ambiguous and less likely to create issues, particularly for agencies that are seeking to set up and run a campaign in relation to a particular issue.

I guess at the heart of my concern and the government's concern is this suggestion in the definition that Mr Seselja proposes about an advertising campaign which refers to a government policy. This is the difficulty we have: if the advertising campaign refers to a government policy or a government program and, by referring to a government policy or a government program, it will in some way be interpreted as enhancing a political party's reputation, then when there is a political party that is the government—and of course any government campaign is going to refer, by its nature, to a government program or government providing information about a government program, and that is at the heart of this—of course the government of the day, whether it be the Labor Party or the Liberal Party, is a political party.

We have a concern about how those within our agencies, and indeed the reviewer, are going to almost subjectively determine that by even raising the prospect, as the definition does, of running a government campaign, just by the fact of the campaign—it does refer to a government policy—the intention is nevertheless to enhance the political party that at the time and from time to time is the government. I believe that raises a complexity and the prospect of real ambiguity and unnecessary difficulty, as much as anything, in the minds of those of our officers that are charged with seeking to construct a campaign.

I know definitions are always difficult. I accept that. But we believe that the longer definition does create some ambiguities. I do have a concern that it will create genuine difficulties for people trying to construct advertising campaigns.

I guess at the end of the day, if the genuine aim of this bill is to avoid the misuse of taxpayers' funds for inappropriate advertising, we do need to ensure that we do get this definition right, and that is the concern the government has about the definition. There are two, both seeking to achieve the outcome that is at the heart of the legislation. But we believe the definition we propose is simpler, tighter, and a better expression of what it is that the legislation is seeking to achieve.

MR RATTENBURY (Molonglo) (4.14): Clearly we have two possible approaches, and I think it would be fair to say that the two definitions put forward by the Liberal Party and the government do not really contradict each other. It is more in their thoroughness and the way they express themselves, as the Chief Minister has just spoken about at some length. I think, that said, the committee in its recommendations did indicate that the more guidance the better. Having looked closely at the two definitions, I believe that the definition put forward by Mr Seselja does offer that greater level of guidance.

I hear what the Chief Minister is saying about the ability of members of the ACT public service to interpret this legislation but I think the application of common sense, which I think prevails in our public service, will be applied and we will see a body of practice develop over time where I think fairly quickly these matters will be sorted and an approach will evolve quite quickly that I think officers will find relatively straightforward to apply. So we will be supporting Mr Seselja's amendment.

Proposed new clause 9A agreed to.

Proposed new part 2A.

MR SESELJA (Molonglo—Leader of the Opposition) (4.15): I move amendment No 7 circulated in my name, which inserts a new part 2A, including new clauses 9B and 9C *[see schedule 3 at page 5626]*.

In our original draft we promoted the Auditor-General as the reviewer under the legislation. This was based on the commonwealth model and had proven effective. During the committee hearings, the committee heard evidence from the Auditor-General, including that it is important that there be clear policy and guidelines on government advertisements. I think those guidelines are quite clear about what is perceived as informing the community, which is different from marketing the government in terms of benefit for a political party.

However, the Auditor-General also informed the committee that she was concerned that, to be independent and to be seen as independent, the office should not be directly involved in the decision-making process of the government agency and that the role is very different from a performance audit. Lastly, she made comments about resourcing issues. The committee found that an expert panel would be preferable—they are

recommendations 3 and 4—and it was the recommendation of the majority of submissions, including the Auditor-General's.

We spent considerable effort drafting along these lines and circulated a draft to that effect to both the Greens and the government. However, the government response of late last week proposed a single expert in lieu of a panel, for resourcing, scheduling and practical reasons. This is an area where we have responded to the government's submission with these important safeguards: if there is only one person they must be absolutely irreproachable, they must have the authority and support of the Assembly before they begin, they should have expertise and experience to do the job and they must be independent.

We therefore propose that the minister make a choice that must be confirmed by a two-thirds majority of the Assembly and must be genuinely independent, qualified, and appropriate. I commend the amendment to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.17): I must say that the government is pleased that through the inquiry process there is now unanimous agreement that an independent and non-auditor-general appointee is preferred. To that extent, the government is pleased with the amendment moved and is happy to agree with the essential qualifications and the thrust of Mr Seselja's amendment in relation to the reviewer.

The area of difference for us is in relation to the method of appointment. Let me say that we accept proposed subsections 9A(1), (2), (3), (5), (6) and (7) but proposed subsection (4)—namely, that the minister must not appoint a person as a reviewer unless the Legislative Assembly has approved the appointment by resolution passed by a majority of at least two-thirds of members—is the only aspect of Mr Seselja's amendment with which we take issue. We see it as a very significant departure from the norms of this place, and we do have a quite genuine concern that it is a significant blurring of the separation responsibility between the executive and the legislature.

It is quite unique. I know of no other example. In fact, I know of no other example nationally of a proposal such as this where the legislature takes onto itself responsibility for appointing a legislative-based statutory officer. Any such officer appointed by a minister is of course responsible to the Assembly or to the legislature through the executive, through the responsible minister, which provides a significant level of accountability.

We do believe this proposal that the legislature takes unto itself responsibility, to the extent that a two-thirds majority is required, is interesting. There may be Assemblies in future where that is going to be difficult to achieve, having regard to future make-ups. I think that is an issue that might be taken into account.

I just make those points. It is for those reasons that I will support, as I have said, the majority of the proposal and the process which Mr Seselja proposes in his amendment.

I must say that I do accept that this is a significant movement from the position originally put and it is a movement that has been achieved through a good process, except, I think, for this particular provision.

I am something of a purist in relation to these issues of separations of responsibility. I believe it does blur the accepted norms or methods of accountability. It is a blurring of responsibility between the executive and the legislature, a significant blurring. A person is essentially chosen—even though nominated, as Mr Seselja says, by a minister—selected, agreed, approved or appointed by the legislature.

I raise those as, I think, fundamental issues of governance and good governance. The government will not support that particular proposed subsection, subsection (4). We will support all other subsections. I probably need to go to my amendment. I have a circulated amendment which proposes removing that subsection.

MR RATTENBURY (Molonglo) (4:21): I think one of the most interesting parts of the discussion during the committee process and on this legislation is: what is the appropriate independent review point in this legislation? At the start, on behalf of the Greens, I did express some concern about the role of the Auditor-General. I thought the evidence we had through the committee process and the discussion that went on was a very good discussion, moving through the idea of a panel to ultimately the single independent expert, which I think did provide a level of efficiency and simple cost-saving which made sense.

From that point of view, the Greens are quite happy to support the proposal put forward by Mr Seselja. We think it is a good outcome. The amendment will assign responsibility of the review to an independent expert and I think the appointment by two-thirds of the Assembly is valuable, because it gives the expert the endorsement of the Assembly to go about their business and review the proposed campaigns and make the appropriate recommendations, knowing that they have the capacity to make fearless recommendations and are backed by a majority of the Assembly. I believe that is valuable.

I think Mr Stanhope has made some very interesting points. He is going to give me cause to now add to my summer reading list, to go away and have a bit of a think about this and, I guess, do a bit more reading on the separation of powers. I must confess that had not occurred to me before and I will undertake to go and have a bit more of a read on that. But I think at this stage we will proceed on this basis. I think we have found a good way through here.

MR SESELJA (Molonglo—Leader of the Opposition) (4.23): Just briefly, I thank members for their support; Mr Stanhope, for his support for most of it; and the Greens, for their support for the entire amendment. I think this has been an important part of the process. We started with one person, the Auditor-General; we moved to a panel; and we are back to one person, though not the Auditor-General. So all the options are being considered. It has been done in quite a thorough way. I am very pleased with the outcome.

We accepted the evidence that the Auditor-General gave to the committee and we accepted the results of the committee process. There is a need for negotiation in

parliaments such as ours, and that is what has happened here. I think the outcome that we have got is a good one. I think that, as Mr Rattenbury pointed out, this two-thirds majority endorsement will ensure that the person is beyond reproach and will ensure that there is a lot of confidence in the community, and obviously amongst all of the parties, in the appointment.

But it is an important reform. This is the critical change, I suppose. A lot of the other changes that came from the committee were clarifying in nature. This is the most substantive change, changing from the Auditor-General originally to a panel. There was substantial work done in drafting that, but we have come back, just in the last few days, to this. That is something we can live with and I think it is an important part of the process. I think the two-thirds appointment is an important step forward as well.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.25): I do not wish to delay members on this unduly but I just want to make the point now, with the advice that this amendment will pass in its entirety—and we know that a two-thirds majority in this place requires all three of us—you will not be surprised in the future when you criticise a government advertising campaign that you do not like, which I am sure you will do, that the government will respond, "This advertising campaign was agreed to, supported by a reviewer appointed by the Greens and the Liberals."

I am forewarning you that we might even stamp, on some of our advertising campaigns, just to put it beyond doubt, "This campaign was agreed to by a reviewer appointed by the ACT Labor Party, the ACT Liberal Party and the ACT Greens." I am just letting you know, guys, from now on every advertising campaign will be a campaign supported by the Liberals and the Greens and we will be making sure that the whole of Canberra knows that.

Proposed new part 2A agreed to.

Clause 10.

MR SESELJA (Molonglo—Leader of the Opposition) (4:26): I move amendment No 8 circulated in my name *[see schedule 3 at page 5628]*.

This amendment responds to committee recommendations 5 and 6 about production costs. The original bill indicated a threshold cost of $20,000. This was to avoid over-scrutinising advertising that could not have a political impact. It was based on estimated media costs and the ability to run a political campaign under the threshold and therefore escape any scrutiny at all. The full-page rate for an advertisement in the *Canberra Times* can range up to $12,000. A full-page advertisement in the *Chronicle* is about $3,000, depending on the schedule. The actual costs depend on the specific contract a purchaser has in place, which we do not know and cannot determine.

The committee heard that the government requested a limit of $100,000. The committee requested additional costing information from the Chief Minister with

respect to recent government advertising campaigns, which was supplied. It was shown that in 2008-09 only seven campaigns were over $100,000. The government maintains that $100,000 is the better limit. However, given the extensive exclusions, $100,000 provides too large a limit. An extensive campaign of an extremely political nature could be mounted for well below the suggested threshold. As an example—and this is not on the content but on the size—the community noticeboard full-page campaign costs $35,000 per month. That means that a campaign of that size could be run for almost three months and not be reviewed. As I say, it is not about the content of the community noticeboard; it is about the size of that campaign.

After careful consideration, a compromise of $40,000 was reached, including production costs. In Canberra, $40,000 would purchase a considerable campaign easily capable of being used for a number of purposes, including party-political purposes. We believe $40,000 to be a reasonable balance between our original position and the government's request. I commend this amendment to the Assembly.

MR RATTENBURY (Molonglo) (4:28): Probably the key question about this provision is the threshold at which the reviewer will be required to review a campaign, the dollar figure. Again, this is one of the topics that were discussed in great detail in the committee. The original starting figure was $20,000. The committee received significant evidence that $20,000 was too low, that it would capture too many campaigns and that the legislation would be quite interfering with the process of government and running ordinary campaigns.

I thought about this very closely and ultimately we came up with a figure of $40,000. The reason for that was I sat down, asked some questions—as Mr Seselja has touched on—and really tried to look at the evidence of what was an appropriate number to capture the type of material that was being discussed in the context of this legislation. I took, as an example, the budget highlights brochure that was produced in the winter of 2008-09, just before the ACT election. I referred to this in the in-principle debate earlier in the year. It is one of my favourites from the election campaign because it provides a convenient breakdown by geographic area, not dissimilar to electorate boundaries, of all the things the government provided in last year's budget.

Interestingly, when I asked in the committee what the total cost of production and distribution of this brochure was, the answer came down at $49,258. More interestingly, I asked whether a similar brochure was distributed by direct mail for the 2006-07 budget or the 2007-08 budget. The answer was that in 2006-07 there was a letter to residents, distributed by mail, addressing the structural reforms associated with the 2006-07 budget. For the 2007-08 budget no such brochure was delivered and for the 2009-10 budget no similar brochure was planned for. Interestingly, we found that the election year was the key year in which this brochure came out.

I think that underlines the Greens' interest in this kind of legislation, because it is an example of one of the inappropriate expenditures of taxpayers' money during 2008. The key question here was the cost of this. It came out in the region of $40,000 to $50,000. All of us who have worked on election campaigns have a fair sense of what it costs to produce and mail a brochure like this all around the ACT. I can assure you that the ACT Greens can do it for rather less than $49,000, but maybe that is due to necessity rather than desire.

Nonetheless, I think that the evidence, the very empirical data, on what these kinds of brochures and materials cost is what set us towards the figure of $40,000 as being an appropriate threshold. In a sense, one could argue that any threshold is a little arbitrary. I know the government argued for a $100,000 threshold, but we have worked hard to come up with an answer based on the best evidence we could find. We looked at what we thought were the types of materials that should be covered by this kind of legislation. That is what we have based the $40,000 figure on.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4:32): I too have amendments in relation to this issue that run in tandem. I have the views of both the mover and Mr Rattenbury in relation to the amendment before us. Mr Seselja's threshold will prevail today. I had an amendment that the threshold be $50,000. Of course, we can all pick a number in relation to this but, at the end of the day, we have to decide on one. The government is pleased that the opposition and the Greens have agreed that a $20,000 threshold would have been unrealistic and would have impacted on the business of government. Certainly, $40,000 is a significant advance on that and I must say the government is grateful for that movement.

Consistent with the evidence which the Auditor-General, Ms Tu Pham, provided to the committee and consistent with the evidence which the Electoral Commissioner, Phil Green, provided to the committee and consistent with the evidence of Mr Rudder, the chief executive of the Australian advertising council, they all favoured a threshold of between $50,000 and $100,000. It is interesting that, when presented with expert evidence from the Auditor-General, the Electoral Commissioner and the head of the advertising council of Australia recommending a threshold of a minimum of $50,000, the proponents and supporters of this particular amendment ignore that advice and go for a significantly lower threshold of $40,000.

I will not move the amendment which the government proposes, but I want to get it on the record that we proposed a threshold of $50,000, which we believed to be more realistic. Having said that, as Mr Rattenbury has just indicated, I guess any of us could pick any number out of our hat in relation to this. The government is at least pleased that the threshold now will be $40,000, which we believe to be quite workable. The government will commit, of course, to work within that. We accept the reality of it. But, again, it is a number. I again go to the point which underlines perhaps some of the motivation for the legislation—that is, the expert advice which the committee received from the Auditor-General, the Electoral Commissioner and the advertising council of Australia has been ignored in this amendment for a lower threshold. Having said that, I am glad it is not $20,000.

MR SMYTH (Brindabella) (4.35): I am glad that the Chief Minister is glad that it is not $20,000. It is interesting that the man who stood here a few moments ago and said none of his government's advertising has ever been political or you could construe it as political actually raises the threshold to avoid the very point that Mr Rattenbury makes. Mr Rattenbury said: "Here's a brochure that goes out a couple of months

before the election. It costs $49,000 and it gives you an electorate by electorate breakdown of what the government is doing. Now, we only do it in the election year. We did it after the 2006-07 budget when we made such a mess that we had to go out and explain ourselves and try and put some spin on it." Under Mr Stanhope's proposal of $50,000, we would still get what I think can only be categorised as party-political advertising on behalf of the government in the form of a $49,000 brochure. It is interesting that the limit that the Chief Minister proposes is $50,000. It shows that the government is not hearing what the Assembly is saying.

The problem with the $100,000 limit is that it would allow many more campaigns to be included. It is interesting that on page 6 of the government's response to the committee it indicates that the initial reason for not doing this was that it would capture too many campaigns. The government wanted to continue to trot out these campaigns, particularly in an election year, to boost the chances of the government. The second excuse was that this has ramifications on the regularity of scheduling an assessment panel to be available for deliberations. That is what the panel is there for. Its job is to go through these campaigns and make sure they are compliant with the law. If the problem is with the regularity of the meeting of the panel that would have to be one of the weakest excuses I have ever heard to stop an amendment to an act.

I suspect that a lot of the government's campaigns will be approved because they are the continuous campaigns that government always do—health messages, road safety messages and tourism, as the Chief Minister points out—but the problem for the government is that when they are relying on these campaigns, whether they are done directly through the departments or through TOCs, they want as many of them as possible to get through. The answer to the government's response to the report is: get organised and get these things certified far in advance of the campaign period. Go out and actually do your work. Make sure that the messages that you give are for the community benefit and are apolitical. They are there to inform, not to enhance the reputation of the government.

The $40,000 threshold, based on the evidence, would seem to be reasonable. It would seem to be reasonable, particularly in terms of the brochure that went out after the 2008-09 budget in July, three months before the election. It would be clear that the government still seeks to maximise its advantage from the spending of taxpayers' dollars to enhance the reputation of the government and the Labor Party, hoping in some way to affect and assist their re-election. This bill is about making sure that taxpayers' money is spent for the benefit of taxpayers, not for the benefit of the government. The amendment should stand as it is.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11.

MR SESELJA (Molonglo—Leader of the Opposition) (4:39): I move amendment No 9 circulated in my name *[see schedule 3 at page 5628]*.

Amendment No 9 is simply a flow-on. It indicates government campaigns must comply with the act if they are over $40,000. This is the section that ensures that campaigns comply with the act, only altered to include the new threshold cost.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12.

MR SESELJA (Molonglo—Leader of the Opposition) (4:39): I move amendment No 10 circulated in my name *[see schedule 3 at page 5629]*.

Amendment No 10 changes "minister" to "responsible person". This cleans up references as per the committee's recommendations to clarify the broader scope.

Mr Stanhope: I am a bit confused; I just cannot quite work out—

Mr Smyth: It is exactly the same as your amendment No 9.

Mr Stanhope: It is the same, is it?

Mr Smyth: Yes, omit "responsible minister" substitute "responsible person".

Mr Stanhope: Yes, thank you.

Amendment agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (4:40): I move amendment No 11 circulated in my name *[see schedule 3 at page 5629]*.

Amendment 11 indicates production costs are included in the $40,000 limit.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13.

MR SESELJA (Molonglo—Leader of the Opposition) (4:41), by leave: I move amendments Nos 12 and 13 circulated in my name together *[see schedule 3 at page 5629]*.

This is opinion versus facts. A complex matter was how to address the issue of what is factual and informative and what is political in a practical sense. The amendment refines the clause that sought to provide guidance on what would and would not be acceptable under the act. It is common in commercial advertising that comments or opinions must be presented as such, not as facts, under section 52 of the Trade

Practices Act. It is, under the amendment, acceptable to use opinions, but they must be identified as such and not purport to be a statement of fact. This is a reasonable response to a complex issue and I commend it to the Assembly.

In relation to amendment 13, the committee received several submissions on the section. This is in relation to slogans and jingles. Leaving aside that road safety, health and routine advertising were all excluded, it was still felt that the section did not clearly articulate the purpose it was intended to address—that is, that advertising of legitimate announcements can be hijacked to become a political message. There have been a number of examples in the past, particularly at a federal level. Professor Sally Young provided a number of examples in work such as *The Persuaders*.

However, we accept the findings of the committee and we have revised the section to read that information in a government campaign must not include slogans or other advertising techniques designed to have or likely to have the effects of promoting a political party or possession instead of communicating a factual message. This covers the essence of the purpose designed in the original clause refined to more clearly express the intent.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4:43): The government support these amendments. We think it is important that, most particularly, the comment or opinion must be clearly identified and clearly distinguished from statements. We agree with the proposition put in relation to slogans, jingles et cetera.

Amendments agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (4:44): I move amendment No 14 circulated in my name *[see schedule 3 at page 5629]*.

The original bill required identification that the announcement was a government campaign at the beginning and the end. Submissions received indicated that this would occupy too much of the available air time, that only one was necessary and that there may be duplication with other legislation. The committee recommended removing this dual imposition.

We have accepted the recommendations as far as the submissions were concerned that two identifiers would take up too much time. However, we have adopted the approach that this single ID should be at the front. The biggest argument against this seems to be the turn-off factor. If all government advertising were compelling, the notification would be a plus.

It is worth, just in a print advertisement, demonstrating the effect of this, Madam Assistant Speaker. This is an ACT Health public notice. It is an advice from the Chief Health Officer, Australian Capital Territory, relating to asbestos at Pickles auction house. Clearly, that is ACT Health. Clearly, that is a public notice about a particular purpose. There is nothing in that that would see people not read it.

In fact, the fact that it is at the top actually draws people's attention to it. We see other examples, such as one with Mr Barr's picture on it, which are less clear at the top. The same would be true with electronic advertising. In electronic advertising, if you had an important government message about swine flu I dare to suggest that you would get people's attention.

If it is a genuinely important government message then it would grab people's attention. So we actually believe that there should be nothing to fear from governments putting it up the front, being up-front that it is a government advertisement and then giving the message, whatever that may be. We do not see why there is anything special about having it at the back. In fact, we would argue that putting it up the front is far more transparent, far more open. People know from the moment they are watching it that they are indeed watching a government advertisement.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4:46): The government do not support this amendment. We believe this is a very serious issue and I have an amendment on the same subject. My amendment No 10 proposes that the words at the beginning of clause 13(3) be removed. I am speaking to my amendment now at the same time as speaking to Mr Seselja's amendment.

I do not disagree with, most particularly, the printed Health example and many cases in relation to issues like that where there is a genuine health issue—potentially, a crisis—where the government is seeking to alert people of the seriousness of a health issue, whether it be swine flu, asbestos or, indeed, any issue of significant public health concern.

There is an advertising advantage in that advertisement in saying that essentially this is a message from ACT Health to draw people's attention to the urgency of it, particularly in an area where there is a crisis, potential crisis or a genuine health issue that needs to be addressed as a matter of urgency. Similarly, in relation to Emergency Services, as an advertising technique one would want to highlight the fact that this message comes to you from a reputable, trusted part of government that is concerned about your health or your safety.

We do it deliberately. That particular advertisement highlights to a particular, significant extent the fact that it is a health person so that people will stop and pay attention. But my advice, and it is advice from the department, advice garnered from advertising experts and those that essentially do this for a living—I am sure they would give you the same advice if you asked them—is that it diminishes the effect and power of an advertisement dramatically if, at the outset, there is a message that this is a government advertisement.

People do turn off. They do not listen unless it is a matter of immediate concern to them directly in relation to their personal wellbeing or their personal safety. In other

words, they do not listen unless it is a warning—whether it be a health warning or a personal safety warning such as the police, emergency services or health authorities would issue that states: "This is an alert. You need to be alert; you need to take care; you need to ensure that you are protected; you need to ensure that you protect your family"—that is, that it is an issue around personal safety or wellbeing.

There is that other range of advertising that governments use where they are seeking to change opinions, attitudes or behaviour. For instance, it might be a road safety campaign, a public transport campaign or some other health campaign. The impact and the effect of the advertisement are diminished dramatically to the point where it is probably not even worth running the campaign if the effect, in terms of catching people's attention, is destroyed at the outset by an acknowledgment.

This applies most particularly to electronic advertising. All of the experts will tell you this. Any advice you wish to take from the advertising sector in relation to this issue will tell you that if you want to destroy the impact or effect of an advertisement, just say at the head that this advertisement is brought to you by an arm of government. It is guaranteed to destroy the advertisement. That is what all the experts will tell you: diminishing the impact, diminishing the effectiveness; essentially rendering the ad a waste of time and money.

We think that this particular proposal, most particularly relating to electronic advertising, that advertisements be headlined by a notice, is almost like saying, "Warning: this is a boring ad bought to you by government; do not bother listening." That is the effect of it. That is the effect of that notice. That is all the advice I have, and I accept that advice. That is the advice through my officials from the industry. It is that this is not a good or wise thing to do. So we do not support this and we do not believe it should be supported. We believe that this is a proposal that will impact significantly on the value. That is the advice we have.

I take advice on these things. I have taken advice on this and that is the advice. If you have contrary advice, I would be interested in hearing it. But it is the advice that I have. It is technical, expert advice that this is not a wise thing to do. That is the only basis or reason on which I make these comments. I do not deny and I do not dispute, particularly in relation to the health example which the Leader of the Opposition just displayed, that it is there for a good purpose and it has had a good impact. But I think when we look at different forms of advertising, most particularly on electronic media, we do need to be careful that we are not diminishing the entire purpose of the advertising campaign. I foreshadow that I will be moving my amendment.

MR RATTENBURY (Molonglo) (4.52): The Greens will not be supporting Mr Seselja's amendment. Along the lines that Mr Stanhope has just spoken about, I do have a real reservation about the notion of putting the government notice or the government label up-front on an advertisement, particularly on radio or television.

Mr Seselja has used a print example, which I think is different. But I think that particularly for television and radio, the potential for switch-off, switch channels or whatever—and therefore the failure of a government ad to have an impact—is very high if there is a bit up the front that basically says, "Here is a message from the ACT

government." I think that we want our government ads to be effective. We do not want them to be dull; so the Greens will not be supporting this amendment.

MS PORTER (Ginninderra) (4:53): I would like to support also what Mr Stanhope and Mr Rattenbury have just been talking about. Numbers of years ago when I was working with the national and also the ACT volunteer movement, we looked at some research that looked into the value of using volunteers in trying to get a message through to the community, particularly in health promotion.

There has been a great deal of research undertaken looking at this particular matter because it was perceived that people were switching off from the health promotion message when it was being given by a person who happened to be working for a government department. People would say, "The person is paid to give that message; therefore, I will not listen to that message." However, if a volunteer, or even someone who leans over the garden fence and has a conversation with you, tells you that you should not eat fatty food then you are more likely to take notice of that person. Therefore, that good message can be diminished by saying up-front, "This is a government message" or, "This comes to you from the government."

I would reiterate that there is very sound research that actually backs that up. Apart from the research, obviously people who are experts in advertising know this full well. There is also other research that has been undertaken by other people, particularly in the health field, about the value of using independent people or volunteers to deliver a message—for instance, about health promotion and health preventive measures. It is very clear that putting up right across an ad, right at the beginning, "This is brought to you by the ACT government," obviously will tend to have people switch off and think that it does not have the value that someone else delivering that message might give it.

MR SMYTH (Brindabella) (4.55): Both Ms Porter and the Chief Minister actually make the case for this amendment going through. If we have to debase the coin, if government advertising is so worthless that people do not believe it, why do we do it? If we are going to say, "We are going to tell you a message but we are going to put the notice at the end that it is from the ACT government because we do not want you to think that it is a bad message," does that not tell you something? Does it not tell you that because advertising from government has been so politicised it makes a case for this amendment and it actually makes the case to put the warning up front?

As Ms Porter says, if it is a message from the ACT government that people do not trust, surely the way around that is exactly the two examples that the Chief Minister gave: "this is an important message from the department of health" and "this is an important message from the Emergency Services Authority". But they actually make the case that perhaps what it means is that there needs to be a full review of the effectiveness of government advertising on the whole, given the vast amount of money that this government spends on the—

Mr Stanhope: They have not recovered from when you were a minister, Brendan. That is the problem.

MR SMYTH: We had significantly less funds to spend on advertising—

Mr Stanhope: They have not recovered from advertising when you were a minister.

MR SMYTH: because we were making up for the $344 million operating loss that the ACT Labor government left us in 1995. In 2012 we will have to make up again for the millions of dollars of deficit—

Members interjecting—

MR SMYTH: that we will be in because of your mismanagement.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, members! I cannot hear Mr Smyth.

MR SMYTH: The point here is this: if we are afraid to acknowledge that these messages are from the government in any way, shape or form—

Mr Stanhope: We still want to overcome the damage you did as a minister, mate.

MADAM ASSISTANT SPEAKER: Mr Stanhope!

MR SMYTH: In particular, what? Go for your life.

MADAM ASSISTANT SPEAKER: No, he will not go for his life, Mr Smyth.

MR SMYTH: But the problem here is—well, I hear Mr Corbell did not have an answer as to how many projects he delivered on time and on budget.

Mr Barr: The Assembly bouncer has spoken.

Mr Stanhope: Mr Hargreaves advises me he can recall a Brendan Smyth housing document with 13 photographs of the ministry.

MADAM ASSISTANT SPEAKER: Mr Stanhope, you can take the course you wish but at the moment you are not on your feet; so be quiet.

MR SMYTH: Table the document.

MADAM ASSISTANT SPEAKER: Mr Smyth, do not encourage him.

MR SMYTH: If you can find it, I would be surprised. It is interesting here that we are making it up on the other side of the chamber, Madam Assistant Speaker. They make the case. It is important that people trust messages from their government. If politicisation of the government message has been so bad under the administration of the Chief Minister that it is virtually worthless because people turn off—

Ms Porter: It is not about this government.

MR SMYTH: It is. It is, indeed, about this government. Of course, the warnings should be at the front and members should support the amendment.

Amendment negatived.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.58), by leave: I move amendment No 10 circulated in my name *[see schedule 1 at page 5624]*.

I have spoken to it and I will not speak again.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14.

MR SESELJA (Molonglo—Leader of the Opposition) (4:59): I move amendment No 15 circulated in my name *[see schedule 3 at page 5629]*.

This deals with the pre-election period. Again, there was much discussion and examination about the blackout period for a general election. The purpose was to prevent the creation of taxpayer ads that ran up to the pre-election period then being replaced by ads of a similar look and feel for a party. This has been used by the government in the past, in particular with the use of health facilities. The section was intended to provide a clear buffer between government activity and election activity.

This issue is recognised in other jurisdictions. For example, in New South Wales there is a quarantine on all major advertising activities for a period of two months prior to a state election. The only advertising to be exempt during the quarantine period will be publicity that relates to community health and safety issues and appropriate public information and services having clear commercial considerations. However, after discussion, we have accepted that starting at the beginning of the caretaker period is a reasonable compromise. The provision as amended confirms the blackout to the official pre-election period. Furthermore, to address concerns raised in the committee by the Electoral Commissioner, specifically excluded are jobs, tenders and routine ads. In cases of pressing or unusual circumstances, the minister may exempt a campaign in a number of cases. This addresses many of the issues discussed during this development period.

I think the discussion that we had around this particular area is important to reflect on for a moment. We have seen governments essentially using government advertising in the lead-up to an election period followed by party political advertising that is paid for in a seamless transition. We saw a lot of government advertising in the lead-up to the last election before the caretaker period commenced. We saw it in all sorts of areas to promote the government's achievements. I think this goes to the heart of this bill and why it is necessary. We do accept that the bill, as it will be amended, will hopefully be robust enough to avoid much of that. Certainly it will avoid the most blatant examples. I commend amendment 15 to members.

MR RATTENBURY (Molonglo) (5.02): Having earlier spoken in support of a blackout period, I just want to clarify the Greens' position on this. As Mr Seselja has touched on, this was another area to which we gave considerable thought. Ultimately, what it came down to was recognising that, working logically, if the legislation achieves what it sets out to, we should not actually need the blackout period. It did make more sense to simply have a tidy, single cut-off date around the caretaker period. That is the basis on which we have shifted from our earlier support for the blackout period, having gone through the consideration and the committee process.

Amendment agreed to.

Clause 14, as amended, agreed to.

Proposed new part 3A, incorporating new clauses 14A to 14D.

MR SESELJA (Molonglo—Leader of the Opposition) (5.03): I move amendment No 16 circulated in my name *[see schedule 3 at page 5630]*.

This inserts new clauses 14A to 14D dealing with reporting requirements. It is included as per recommendation 7. These submissions noted the importance of open and accountable use of taxpayer funds. The committee noted that the commonwealth reports on a biannual basis. The committee supported the reporting model similar to that adopted by the commonwealth. In particular, the committee supported tabling a report on a biannual basis within the first quarter after the end of the reporting period to avoid excessive delay in reporting.

The amendment requires biannual reports on each campaign reviewed; campaign costs itemised by the kind of the costs incurred, for example, production air time; the ways used to disseminate the information—that is, what media was used; the results of the review; the reasons for the conclusions; that the report be given to the Assembly; instructions on how to report sensitive information, including how to deal with personal information, trade secrets or sensitive commercial or business information; and prevention of reporting that would prejudice legal proceedings. The committee was very clear that reporting is a crucial element in this bill, and we have put forward a detailed, well-considered response to those comments. I commend it to the Assembly.

Proposed new part 3A, including new clauses 14A to 14D, agreed to.

Remainder of bill, by leave, taken as a whole.

MR SESELJA (Molonglo—Leader of the Opposition) (5.05), by leave, I move amendments 17 to 23 circulated in my name together *[see schedule 3 at page 5633]*.

MR SESELJA: Amendment 17 is in response to replacing the Auditor-General with an independent reviewer, so references in other parts to the Auditor-General had to be changed. It is a consistency amendment. Amendments 18, 19, 20, 21, 22 and 23 are all revisions to the dictionary as a result of changes in the substantive bill.

Amendments agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Schools—procurement and purchasing policies

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.07), by leave: I move my amended motion:

> That this Assembly
>
> (1) notes:
>
> (a) that cleaning products are crucial in maintaining healthy and sanitary conditions in the school environment;
>
> (b) that some cleaning products can present health and environmental concerns in relation to children and young people;
>
> (c) the concentrated forms of some commercial cleaning products are classified as hazardous, creating potential handling, storage and disposal issues for users;
>
> (d) that children and young people have increased contact with chemicals, floorings and building finishes, therefore are at increased risk of health concerns, as they may contain chemicals associated with eye, skin or respiratory irritation; and
>
> (e) the United States Government has introduced Environmentally Preferable Purchasing in relation to chemicals, floorings and building materials to curb the increasing rates of asthma and anaphylaxis in children and young people over the last decade; and
>
> (2) calls on the Minister to:
>
> (a) commit to including in the Statement of Requirements of School cleaning contracts, that procurement and purchasing practices for all new and existing ACT school buildings should include cleaning products and building finishes which minimise the environmental health impacts on children and young people, in accordance with international best practice models; and
>
> (b) agree to develop an environmentally friendly educational guide to accompany the current Statement of Requirements of School cleaning contracts. This will enable students, parents, teachers, principals, cleaning staff and contactors to use this guide to develop a greater understanding of the impacts that cleaning chemicals have on their health.

The ACT Greens bring forward this motion today to propose a starting point for a cultural shift around the way we purchase and use chemicals, cleaning products and

building materials in one of the environments that children spend a significant time of their lives in, and that is schools. Many people say children are our future, and it is incumbent upon us to provide a healthy present as well as a healthy future for them. Protecting the health of children and ensuring that children live, learn and play in environments that allow them to reach their full potential as individuals and contributing members of society is an intrinsic component of sustainable development.

There is a very close link between the physical environments that children occupy and the quality of their lives. The ACT Greens believe it is critical that we incorporate the concerns of children into relevant policies for development at local and national levels.

We commend the work committed to by the ACT government in relation to making Canberra a child-friendly city under the guidance of the principles set out under the United Nations framework for cities to keep children at the heart of their planning processes. This is a commitment made in the ALP-Greens parliamentary agreement.

The ACT government has set up a whole-of-government committee to ensure children's needs are up front and foremost in the decisions made by the government. It is hoped that a commitment to the needs of children to be given opportunities to grow in healthy, safe and clean environments will find the support of the Assembly today.

We know that toxic substances in the form of cleaning products and building materials are liberally accessed throughout the developed world. Internationally there is growing recognition of the evidence of persistent bio-cumulative toxics, PBTs, in children. As scientific understanding of the linkages between health and the environment continues to evolve, we are finding the developing foetus and children can be especially vulnerable to some environmental exposures such as exposures to certain chemicals.

The effects of such exposure depend upon chemical toxicity, dose, timing and amount of exposure as well as other factors. Poverty, malnutrition and other stressful circumstances exacerbate a child's susceptibility to these environmental hazards, and these hazards can in turn further exacerbate poverty and worsen environmental conditions.

Governments and stakeholders must take action to reduce chemical risks and prevent childhood exposure. Children are vulnerable for a range of reasons. They have a smaller body mass and therefore have increased potential for excessive exposure. They have higher respiration and a higher metabolic rate than adults. They are less able to metabolise chemicals in comparison to adults.

Children also have a greater exposure to chemicals in the lower layers of air and the environments they use. Volatile organic compounds, VOCs, in cleaning products can affect indoor air quality and also contribute to smog formation in outdoor air. Children spend a lot more time on carpets and the floor and exploring their environments; therefore hand to mouth exposure is also higher.

Some of the largest concerns in recent times include the increasing rates of asthma and anaphylaxis in children. The prevalence of asthma in people aged five to 34 years

is high in many countries. Over two million Australians have asthma. Approximately one in six, or 15 per cent, children are currently diagnosed with asthma. Asthma is one of the most common reasons for the admission of children to hospital. The number and severity of acute asthma episodes in children is linked to ambient air pollutants, and a number of studies suggest that both indoor and outdoor air pollutants can contribute to the increased incidence of the disease. Anaphylaxis is the most severe form of allergic reaction and is potentially life threatening. It must be treated as a medical emergency requiring immediate treatment and urgent medical attention.

Understanding the range of potential exposure sources is important in assessing cumulative exposure of single chemicals and exposures to mixtures of chemicals. In addition, there are many uncertainties about the health effects of exposures to chemicals. Although the basic battery of toxicity tests provides some information about reproductive and developmental effects, not all chemicals on the market have been appropriately tested for these effects. Where toxicity data does exist, much of it was generated from adult animal testing.

With advancing technology, new chemicals and lower levels of chemicals are detected in the environment, animals and humans. The health consequences of exposures to these very small amounts of chemicals are often not well understood. Subtle long-term consequences such as their influence on intelligence and behaviour have been shown for some substances in groups of children, even at exposure levels that do not produce clinically evident signs and symptoms of toxicity for an individual child.

Other areas also have implications for children, including the effects of exposure to a multitude of chemicals and the effects of chemical interactions with the human genome. In light of these and other uncertainties, new strategies are necessary to enable protective action and thus prevent irreversible long-term injury. This needs to be done even before full scientific knowledge is available or agreed upon.

We understand the importance of maintaining sanitary and hygienic school environments by being able to remove biological and other contaminants from the buildings' interior. It is possible to choose less hazardous products that have positive environmental attributes, products that are biodegradable, have low toxicity, low-volatile organic compound content, reduced packaging and low life-cycle energy use and to take steps to reduce exposure to minimise harmful impacts on children, teachers and staff. By choosing less hazardous products, we improve indoor air quality and reduce water and ambient air pollution.

Other benefits of enhancing current procurement and purchasing practices for schools include the ability to buy cleaning products in concentrates with appropriate handling safeguards and reusable, reduced or recyclable packaging, which in turn reduces packaging waste and transportation energy. Buying less hazardous cleaning products may also reduce costs when it comes time for proper disposal of any leftover cleaning products.

In 1995, the United States Environmental Protection Agency established and continues to work on and develop the environmentally preferable purchasing program.

The history of the program comes from the development of an understanding that government leaves a large environmental footprint, and there is a need to change this culture, while also understanding that governments have the ability, by purchasing environmentally preferable products, to increase demand for greener products in the marketplace, therefore allowing market adjustments to assist in the cultural change of a community.

In adjusting the procurement and purchasing practices of the ACT government in relation to schools becoming greener and reducing health risks to children, teachers and other staff, much can be learned from the United States Environmental Protection Agency who recommend the following guiding principles for purchasing. They include:

- environmental factors as well as traditional considerations of price and performance as part of the normal purchasing process;
- emphasise pollution prevention early in the purchasing process;
- examine multiple environmental attributes throughout a product's or service's life cycle;
- compare relative environmental impacts when selecting products and services; and
- collect and base purchasing decisions on accurate and meaningful information about environmental performance.

All of these criteria are easily met and work within a triple-bottom-line approach that is essential if we are to lead the community in continuing to shift the culture towards a more green and sustainable future. The International Forum on Chemical Safety wrote:

> The most effective means of protecting children from chemical risks is by preventing hazardous exposures. This can best be achieved by identifying risks and implementing preventive measures that will reduce unsafe exposure, minimise risks, and promote transparent science-based risk assessment procedures.

In many countries there are already rigorous programs and measures in place to manage chemical risks, particularly where there is potential for high exposure such as for pesticides, food additives and drugs. Experience shows that adopting robust regulatory programs and implementing them vigorously can be an efficient way to prevent harm to children.

The ACT Greens believe that governments, individuals, communities, non-government organisations, industries that make and use chemicals and multinational organisations all have significant roles to play in addressing children's health issues. Parents are also a critical player in protecting the health of their children and should have information and knowledge about the presence of environmental risks to their children.

We believe that with any such change there will need to be a suite of strategies. Actions that could be taken to improve chemical safety for children could be placed

into the following categories: prevention of exposure and reduction of risk, education and training, data and research needs, and indicators of environmental health.

The United Nations General Assembly Special Session on Children in 2002 recognised that exposure to hazardous chemicals needs to be addressed to ensure the health and wellbeing of children. And they therefore pledged to protect the environment in a sustainable manner.

While there is no one solution for all cases, change at the local level begins this process for children and young people in Canberra. That is why today I have put forward this motion as the first step in addressing the importance of procuring and using cleaning products that have least risk to children with asthma or allergies, and building finishes including paint and floor coverings that are low emission and therefore safer for all children regardless of their health status.

Sustainable development is achieved when synergies are formed between the competing needs of society, the environment and the economy. Today I call for your support in improving the environments in which children in the territory learn, play and grow. By supporting this motion, we can be that step closer to securing their health today and in the future.

Following on from our last sitting week, the ACT Greens sought more information regarding the current review of the statement of requirements for cleaning contracts in schools. In light of this information, I have tabled an amended motion today. This allows a full and frank discussion to occur about the issues I have highlighted.

We know that environmental health is an emerging area of research. As a result, some of the evidence that is being collected is not as readily known to the general public as we would like. Part of our role as policy and lawmakers is to bring this information to the public for debate and action. It is, as I have previously said, often necessary for us to make decisions in the best interests of the community well before everyone agrees on the scientific evidence.

We have seen historic cases such as the James Hardie case where people were working with and using asbestos that at the time was perceived and approved as safe. We know now that it was not. The health, social and financial costs of asbestos are being felt and will continue to be felt around Australia for decades to come.

In recent decades, the management of risk has been at the forefront of our minds in many ways. We also need to appreciate that children and young people require protection beyond that of adults as they are not always in a position to represent their needs or wants.

We believe it is essential to have some agreement on a way forward. Change must be initiated in order to effect improvements in the built environments of children and young people. The ACT Greens seek a cooperative approach which will enable parents and carers in the ACT to feel assured that the built environment their children reside in is safe.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.20): I would like to thank Ms Hunter for bringing forward this important motion today because safety in our schools and the health and wellbeing of our students must surely be of top priority.

All of our schools seek to minimise the use of harsh chemicals in the school environment. Our policies require that products and materials should cause no danger to the health of users or of others. I am happy to report to the Assembly this afternoon that contractors undertaking cleaning, school refurbishments and school upgrades are required, wherever practical, to use products that contain no hazardous ingredients, do not need to be disposed of as hazardous waste, have a pH value close to neutral, do not ignite easily, have low levels of volatile organic compound, are biodegradable, have a phosphate content not above 0.5 per cent, contain no fragrances or dyes, require minimal packaging and are recyclable.

More specifically, the Department of Education and Training's building guidelines also require that materials used are "not to cause any danger to the health of the users either during construction or through the life of the facility". Under the guidelines, water-based paints and stains are to be preferred and synthetic products used only exceptionally. Use of paint is minimised on external surfaces or components of school buildings. New schools use materials that do not need painting. The department's building guidelines also specify the use of low volatile organic compound carpets.

Importantly, strict conditions apply to the use of what are known as agvet chemicals. These are chemicals which are used for grounds maintenance and pest control, such as weedkiller and pesticides. For example, their use must be approved by the department and will be only permitted outside of school hours. For all new and existing schools we endeavour to minimise health impacts and we will look to international best practice models to further minimise impacts.

We aim to set—excuse the pun—the bar high with our new schools. For all new public schools being built, a five green star rating is being sought. A five green star rating requires fittings and materials with low volatile organic compound emissions. This includes paint, glues, sealants, carpet and furniture coverings. To meet green star rating requirements, procurement documentation specifies the type of products to be used. All procurement documentation for construction of new schools is reviewed by green star consultants.

Ms Hunter's motion this afternoon looks to the United States Environmental Protection Agency's environmentally preferable purchasing guidelines. The EPA's online guidance documents on environmentally preferable purchasing list principles such as pollution, the life cycle of the product and its packaging, and the importance of protecting human health. The requirements I have mentioned earlier for ACT education and training department construction reflect many of these principles. However, I am happy to consider whether current chemical use requirements in schools accords with international best practice models. We can undertake this as part of a review of the statement of requirements of school cleaning contracts, which is currently underway.

Labor takes a practical approach to these matters and we are listening to our school communities. The use of chemicals in schools needs a realistic approach. We must not lose sight of the big picture. That is why we have been discussing the health and safety of cleaning products with the Liquor, Hospitality and Miscellaneous Workers Union, who represent many of our cleaners in the ACT. It is crucial to deal with pollution and the environment but they are not the only issues at stake here. Others are the health of our students and the health of our school janitors and cleaners and the practical problems that cleaners face in their everyday job. Cleaners have obligations to keep lists of products used, to make sure staff have appropriate knowledge for handling and storage and to undergo substantive prequalification checks regarding the use of cleaning products. So, rather than simply following another country's environmental purchasing procedures, we must be sure that we know what the impact will be on our cleaners here in the ACT.

I am happy for the Department of Education and Training to take a closer look at the EPA's requirements and other international best practice models. Indeed, I am always happy to improve our standards, always happy to trial new ideas. I am happy to look at an educative guide for the community in this important policy area. But we always have to remember that there are other balancing considerations. So, before we rush in, let us think about the experience, training and time that cleaners and small businesses already have. Let us think about how shifting to different products and the use of new processes will impact on cleaners' experience, training and time. Let us consider how well they might be doing the job at the moment before we force more red tape on them.

In conclusion, Ms Hunter's motion recognises an important issue that my department has been working on for some time. I repeat that the health and safety of students and teachers is a top priority but the working conditions and health of our cleaners matter also. We will consider international best practice in this area, but let us take a moment to recognise the hard work and expertise that many of our cleaners already have.

MR DOSZPOT (Brindabella) (5:27): I am pleased to speak to Ms Hunter's motion and indeed the opposition will be supporting this motion today. I am also pleased to see that a compromise has come about with the wording of the motion and that the collegiate and tripartisan nature of the week continues. Indeed, we are happy to have this discussion and to participate in the spirit of cooperation when it comes to the issues around the use of chemicals in schools and the safety of our children and our community.

However, I would also like to see the same consideration for our community given to motions that the opposition have brought to this place; one in particular comes to mind and that is the motion on the notice paper to reopen closed schools. Not only were these schools shut down by Labor; also, we did not expect the Greens to shut down debate on this decision. So in the spirit of this tripartisan Christmas spirit I look forward to seeing the same consideration given to at least allowing this motion to come back on for debate.

The issue of maintaining healthy and safe conditions in ACT schools is a serious issue and in most schools, offices and commercial enterprises the use of cleaning materials

today includes some chemicals and potentially hazardous materials. With the ever-increasing introduction of new chemicals and the extent of potency of some of these chemicals comes a whole new set of potential hazards. The management of products used in schools, especially those that are categorised as chemicals, is obviously a very important issue for all schools, and the handling of hazardous substances and dangerous goods forms an important component of managing health and safety.

All products that find their way into a school environment should be assessed to determine risks associated with their use. If products fall into the category of a hazardous substance and/or dangerous goods there should be specific procedures in place. Hazardous substances can be defined simply as a substance that has the potential to harm the health and safety of persons in the workplace. When that workplace is a school, the impact and potential for harm are infinitely greater. As we progress through the 21st century, increased health concerns associated with reactions to certain types of chemicals, and even food, abound. This is a serious issue, Mr Barr, so I am not quite sure why you are smiling.

Mr Barr: Sorry. It is an entirely separate matter with—

MR DOSZPOT: I am sorry, Mr Barr; I apologise.

Mr Barr: I am not laughing at you, Mr Doszpot; rest assured.

MR DOSZPOT: Students and young people who suffer from asthma and other allergy-related health issues must be afforded the right to be in an environment free of chemical triggers and potentially harmful substances. Environmentally preferable purchasing is the way forward. But we also need to understand the costs that need to be taken into consideration and consider how to alleviate the impact on school budgets as well as on the cleaning contractors' ability to comply. This must be looked at and emphasised.

Environmental purchasing includes the consideration of many additional factors and decisions on the purchase of products and/or services. It is sometimes referred to as "green", "sustainable" or "environmentally preferable purchasing". The aim of considering environmental factors is to buy products or services that have less impact on the environment and human health than otherwise comparable products and services.

I note the government's concerns that this approach to purchasing must be a whole-of-government approach but I also support Ms Hunter's concerns and this approach must begin at the earliest possible opportunity within the school environment. I also take note that the statement of requirements for school cleaning contracts has been under review and that we are probably at the tail end of that review. However, I do believe that the provision of a guide will be a good initiative and a step in the right direction to start the process of educating and informing on the potential dangers that need to be addressed.

I have noted also that in the manual for compliance and registration of non-government schools there are some sections that require schools to adhere to

specific ACT legislation. I also note Mr Barr's comments about the extent of the legislation that all schools are governed by, and I applaud the initiatives that have been taken to date. Back to the manual that I was referring to, there is a section on accommodation and facilities which refers to health and safety issues but is not specific about chemicals. The manual dictates that a file holding copies of every material safety data sheet, MSDS, is kept in a location that is accessible for emergency services, fire brigade and police. An MSDS is a document containing important information about a hazardous chemical, which may be a hazardous substance and/or dangerous good, and must state the hazardous substance's product name, the chemical and generic name of certain ingredients, the chemical and physical properties of the hazardous substance, health hazard information, precautions for safe use and handling and the manufacturer's or importer's name, Australian address and telephone number.

Depending on the hazardous rating, some chemicals are also required to be stored in a ventilated, inflammable cabinet, and, of course, secondary schools have some chemicals of a toxic nature that need to be kept in a ventilated chemical store that has restricted access. It is appropriate that Ms Hunter's motion, calling on the minister to commit to a statement of requirements of school cleaning contracts and that procurement and purchasing practices for all new and existing ACT school buildings should include cleaning products and building finishes that minimise the environmental health impacts on children and young people in accordance with international best practice models, be adopted. Accordingly, we support Ms Hunter's amended motion.

Motion agreed to.

Financial Management (Budget Review) Amendment Bill 2009

Debate resumed from 18 November 2009, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5:33): As I understand this bill, it relates to when in the process the government would present its response or its midyear budget update. And as I understand the legislation, Mr Smyth is seeking to mandate when that should be. Now that the Treasurer has arrived, I will sit down and let her complete the government response.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5:35): The previous motion did wind up a little earlier than I had expected and I thank Mr Barr very much for covering for me. The government will be opposing the Financial Management (Budget Review) Amendment Bill 2009 presented by Mr Smyth. The government remains firmly committed to the provision of open and transparent financial reporting and other associated information to the Assembly and to the community.

The government will continue to provide accurate, relevant, timely and useful information on the state of the territory's finances through a regular reporting regime. Let me remind those opposite that it was the government that introduced a package of financial reporting amendments, the FMA, back in 2003. Those amendments have resulted in the territory having a strong and cohesive financial framework. Those amendments were about ensuring updated budget estimates and forecasts are provided by a certain date each year. Those amendments did not call the budget review a midyear review, nor did they require that the budget review be based on a certain time period of data.

Today's financial framework allows the Assembly and the community to scrutinise the territory's financial operations and performance by ensuring that relevant information is updated at appropriate intervals. We oppose this bill today on the basis that it limits the government's flexibility to report to the Assembly on the territory's budgetary position at a time when it is most appropriate to what is happening in the broader context of the budget and the economy.

We are particularly mindful that sometimes events occur that require us to be flexible on when we provide updates to our budget estimates and our economic parameters. This is why we provided an update to the budget shortly after the presentation of the commonwealth's budget this financial year as the changes to our GST revenue and the update to the economic parameters provided by the commonwealth were such that we thought it was the right approach for transparency reasons.

It is this flexibility that allowed us to undertake a midyear review in December 2008 as we watched the uncertainty that was being created by the global financial crisis and a significant and rapid deterioration in world economies and global financial markets. We thought it was timely to update our estimates based on the significantly changed environment and to provide this information in a timely way to the Canberra community. I am sure many of us in this place would recall the anxiety experienced globally, nationally and locally about what the actual impacts of the global financial crisis would be on a jurisdiction's economy and public finance.

When I became Treasurer, I was inundated with questions from the media, community and indeed those on the opposition side on what the state of the territory's finances were. They wanted to know what the impact was on the territory and how would the government respond. I, very early in my treasury days, committed to engage the community in a time of unprecedented turmoil on the state of our finances and the outlook for the local economy. I think, on reflection, it was the right thing to do and the responsible thing to do and it was done through the budget review process.

Fortunately, the Financial Management Act provided the government with enough flexibility to publish the midyear review in late December. The legislation afforded us an opportunity to inform the Assembly and the community of what the impacts of the GFC were. We consider that this flexibility allows us to provide information that is relevant at a particular point in time. Mr Smyth's bill actually reduces the flexibility which allows us to respond to changing economic circumstances and to provide relevant information to the community on the state of the territory's finances at an appropriate point in time.

The FMA requires that I, as Treasurer, prepare a budget review and present it to the Legislative Assembly on or before 15 February. It is true that it does not stipulate the period of time for which the financial data must be collected. I note that over the last six years there have been two instances when the budget review was released earlier than February.

Allow me to contrast that approach with that of another jurisdiction whose legislation mirrors closely what Mr Smyth has proposed in his bill—Tasmania. I will quote from the Tasmanian government's consolidated midyear financial report:

> Due to the impact of the global financial crisis on the Australian and Tasmanian economies, the Government presented the [Mid-Year] Report in two parts. This [Consolidated] Report presents the full requirements for a half-yearly report. It combines the information contained in the 2008-09 Mid Year Financial Report (Preliminary) and 2008-09 Mid Year Financial Report (31 December Outcome).

This means that, due to the prescriptive nature of its legislation, the Tasmanian government effectively provided two budget updates and its usual half-year financial report. The first report informed the community of the impact of the GFC; the second informed the community about the six-monthly outcome; and the third report was published to consolidate the other two so that they satisfied the requirements of the legislation. That was the outcome of such prescriptive legislation and was an enormous burden, I would imagine, for a small jurisdiction.

I would also like just briefly to canvas what happens in other jurisdictions, to partly go to the point or perhaps an error in Mr Smyth's presentation speech on 18 November. Mr Smyth suggested that what the ACT does is out of the ordinary. In fact, the opposite is true. There is no single or uniform approach by jurisdictions as to how and when a budget update or review should be undertaken. Some jurisdictions do not have a legislated requirement to undertake a budget update or review, as is the case in South Australia and Queensland. In his presentation speech on 18 November, Mr Smyth stated:

> In Victoria there is a requirement for each midyear report to present fairly the financial position of the state at midnight on 31 December.

However, I note that, in fact, on 26 November, the Victorian Treasurer released the 2009-10 budget update. How could this be? If Mr Smyth had ever read that document or the Victorian legislation, he would have known that the Victorian government is required to produce a mid-cycle review of its annual budget. Its budget update provides revised estimated financial statements relative to the budget published the previous May, including the projected outcome for the end of the current financial year and revised estimates for the forward years.

What was Mr Smyth quoting from regarding the requirement for a midyear report? If he had checked the Victorian legislation, he would have seen that the midyear report is in fact the Victorian equivalent of our regular financial outcome report to the end of December. Yes, the report was called the midyear report but it was not their budget update for the financial year.

There are jurisdictions like the ACT that must publish a budget review or update by a certain date. The commonwealth is required to publish its midyear economic and fiscal outlook by 31 January or six months after the last budget, whichever is later. Victoria is required to publish a budget update by 15 December each financial year and Western Australia must do so by 31 December. However, none of these jurisdictions prescribe or mandate the period that should be covered by those reviews.

Finally, we come to the jurisdictions that are required to publish their budget reviews by a certain date, on the basis of outcomes for a specified period of time. And there are only two of those: New South Wales, which is required to publish its review by 31 December, based on four months of data to 31 October; and Tasmania, which is required to publish its report by 15 February, based on six months worth of data to 31 December.

The current arrangements under the FMA provide for a flexible approach, if it is needed. The approach ensures the provision of information by no later than 15 February each year but does not preclude the earlier provision of information if it is judged by the government to be appropriate and in the interests of the community.

Mr Smyth's bill also seeks to incorporate a new provision requiring updates of economic and financial variables. However, Mr Smyth should note that he would have seen that updates already contain a comprehensive assessment of the territory's performance against its financial policy objectives and strategies, updated financial variables and detailed descriptions of the economic conditions impacting the territory. Therefore, the government will argue that Mr Smyth's amendments are totally redundant in this regard.

The government, as required by the provisions of the FMA and supplemented through other regular mechanisms and reporting processes, already regularly provides a broad range of financial and performance information to the Legislative Assembly on the state of the territory's finances and on its economic and financial policies and strategies. I believe, and the government believe, this bill will reduce the flexibility that our current legislation provides to a government if it is needed. It does nothing to improve the quality of the data. It does nothing to enhance or improve the existing accountability to the Assembly and the community.

In closing, I have taken into account Mr Smyth's interests and views that the midyear review should not occur until February. I have to say I tend to agree that in normal circumstances February is the preferred time of the year to be providing that report and, indeed, in 2010 it will be provided in February. However, I do not think it is necessary to amend legislation when it is a matter that, I think, the parties can talk about, understand each other's views and, in ideal and normal circumstances, I think it is probably one that we all agree on.

But I do not think we need to have the government's reporting regime mandated in legislation to this degree of control when there are—and having just been through the last 18 months—some pretty good reasons why we did it in December. I have to say I was being asked every single day, at that point, to update the budget bottom line. It

did put enormous pressure on Treasury to actually get that report out in December. It was difficult for me, without the midyear review, to constantly respond to questions about what was happening to our budget without the full, I guess, assessment and analysis that are provided in the midyear review through the work that is done by Treasury.

Whilst I accept December is not ideal and February is the preferred time frame to table that report, to release that report—and indeed it will be next year—I really do not think we need to enshrine that in legislation and remove the capacity to respond to what is occurring in any year when we cannot see into the future.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.45): While the Greens will not be supporting the Financial Management (Budget Review) Amendment Bill 2009, we thank Mr Smyth for bringing the bill to the Assembly and for drawing the Assembly's attention to what is always a very important matter: the budget.

The current Financial Management Act 1996 states that the Treasurer must prepare a budget review for each financial year and must present the budget review for a financial year to the Legislative Assembly not later than 15 February in the financial year. Mr Smyth's bill seeks to prescribe that this budget review must always be presented after 31 December of a given year. The Greens understand, within the current legislation, that the intent of the budget review, due to its timing being roughly around the middle of the financial year, is to present updated information to allow the assessment of the government's financial performance against both the financial policy objectives and strategies set out in the financial policy objectives and the strategies statement for the territory budget for the financial year. However, in some circumstances, it may not be appropriate or functional for this review to be held off until after 31 December.

There have been circumstances in the past where a Treasurer judged that it would be in the territory's interest to present an update of information before the new year. One such example was last December when the country was in the grip of the global financial crisis and the federal government announced their budget review in December to respond to the anxiety and unease surrounding the nation's financial stability. The ACT also released its budget review at this time, which can be understood as our funding structure is so closely dependent on commonwealth financial assistance.

I have closely examined Mr Quinlan's original tabling speech when he introduced the Financial Management Bill 2003 (No 2). Mr Quinlan stated that the government of the day considered that the community should be entitled to as much information as possible regarding the true financial state of the territory and that this information be made available in a timely and accessible way. He also went on to say that the requirement of a budget review was to provide the Legislative Assembly with updated budget estimates to take into account any changed circumstances since the preparation of the original budget. Therefore, in exceptional circumstances, and when it was warranted, a review before 31 December would achieve this original objective.

I have also duly considered Mr Smyth's arguments. In his presentation speech, he stated that both Mr Quinlan and Mr Stanhope know what a midyear or, more accurately, a budget review means. However Mr Quinlan did not prescribe in the original legislation that the review must always be after the end of the calendar year, and perhaps he anticipated a need for flexibility. Consequently, when Mr Stanhope was Treasurer, he delivered a budget review in December 2006, I believe.

However, I must address the arguments that Mr Smyth has put forward. He has pointed to budget review arrangements in other jurisdictions. And I would like to bring to the Assembly's notice that not all financial acts refer to the budget review and midyear review as the same thing. There are varied arrangements around the country. The commonwealth does not require the date of 31 December to have passed; instead the requirements are by 31 January or within six months of the last budget review.

Some jurisdictions have legislated specific dates, such as Victoria, which Mr Smyth mentioned in his presentation speech. However, Victoria has legislated to have their budget update by 15 December, which would not take into account the full set of figures to 31 December. Other states and territories do not prescribe a date, and the only state that legislates for exact figures is Tasmania, which asks for the figures for six months to the end of December by 15 February.

It is the Greens' understanding that the critical issue that Mr Smyth wishes to address in this bill is not the actual way in which the midyear reviews are currently prepared; rather it deals with the period which is the subject of the review. It is important to highlight, in response to Mr Smyth's concerns, that over the past six budget reviews the majority—and that is four of the six—were delivered after 31 December. So it covered the first six months and it was, I believe, tabled in February.

Also addressing Mr Smyth's justification for this bill, I have taken into consideration the practice of other jurisdictions. It is important to note again that other jurisdictions such as Victoria differentiate between a midyear review and a budget review. I must remind the chamber again of the essential detail of this matter: firstly, that we are talking only to the current text of the Financial Management Act 1996, which does not refer to a midyear review but to a budget review; and, secondly, that this is regardless of whatever terms Mr Quinlan interchanged in his presentation speech in 2003 and any other documents that are not in the act.

I have also taken into account that the government requires some flexibility in exceptional circumstances. Therefore, I believe that current arrangements serve the people of the ACT. The Greens support full transparency and accountability and are calling on the Treasurer to give a commitment that the government will present all figures to 31 December as standard practice, unless the government can give the Assembly a clear explanation of the extenuating circumstances. Should the government continue to give the review before 31 December, the Greens will be open to revisiting Mr Smyth's motion in the future.

MR SESELJA (Molonglo—Leader of the Opposition) (5.52): I thank Mr Smyth for bringing this legislation forward. It is part of what is becoming a fairly comprehensive legislative agenda and I am very pleased with the work that Mr Smyth has put into it.

There are a number of aspects to the bill that I want to touch on. The first is the issue of reporting on the performance of the ACT budget and the ACT economy generally. There are two components that I want to talk about. Firstly, there is a series of regular reports as required by the Financial Management Act. At present, there are quarterly reports dealing essentially with financial matters and what should be regular reports after the mid-point of each financial year covering budgetary matters, economic and financial. Secondly, there are irregular or ad hoc reports prepared in response to special circumstances, such as the recent global economic and financial crisis. There is no doubt about the intention of the provisions in the ACT relating to budget reviews. Six months after the annual budget, a review shall be prepared dealing with both financial and economic matters. Mr Smyth, I think, set out the intentions of Treasurer Quinlan very clearly, with no ambiguity about the intention of the midyear review.

The second issue concerns the preparation of a report or reports as a result of special circumstances. We can never anticipate all eventualities. Hence when an event of major significance occurs, such as the global economic and financial crisis, and the necessity for governments to respond to an event is required, a special report or reports can be prepared. There is nothing sinister or untoward about this. Indeed, such a response shows that a government is in control. It has the flexibility to operate outside its normal operating parameters. That is what effective management is all about.

The fact that Ms Gallagher could not break out of what she sees as the established process is an indictment of her approach to the Treasury portfolio. She failed to see what the global economic and financial crisis meant. She failed to respond to this crisis as would have been expected. She simply tried to respond to it in the context of the normal way of doing things. By acting in this way she demonstrated a lack of capacity to think outside the square and to adapt to different circumstances.

The third issue concerns the history of the preparation of reviews of the ACT budget since the provisions were enacted in 2003. There have been six midyear reviews to date. The pattern of the release of the first five is consistent. The first, the report for 2003-04, was released on 13 February 2004. The report for 2004-05 was tabled on 15 February 2005. The revised report for 2005-06 was released on 20 February 2006. The report for 2006-07 was released on 20 February 2007. The report for 2007-08 was released on 14 February 2008. But, as Mr Smyth noted, the report for 2008-09 was released by Ms Gallagher on 23 December 2008, just before Christmas.

Even though Treasurer Quinlan did not spell out precisely the process for releasing this report, his actions demonstrate quite clearly what he intended and this was re-enforced by the actions of Treasurer Stanhope. The decision by Ms Gallagher to prepare a midyear report before the end of the relevant six-month period was an unthinking response that unnecessarily broke the established pattern for a progress report on the ACT budget. Moreover, by adopting this approach, Ms Gallagher downplayed the significance of the report by the ACT government on the global economic and financial crisis rather than preparing a specific report on this crisis.

Our bill will do two important things. It will ensure that midyear reviews of the ACT budget are prepared after the completion of the relevant midyear. That is quite a

reasonable expectation. Implicitly, it will also emphasise that when there are exceptional circumstances a special report on those circumstances could be prepared. We see this as a fairly commonsense piece of legislation. It is interesting that the Greens and Labor have gone together on this. We have not heard any substantive arguments against it. The flexibility will still be there but it will simply ensure that we have a six monthly report that actually reflects six months worth of information. That is a fairly reasonable request.

We have not heard any reasonable argument against it. We have not heard why this would somehow impact adversely on the ability of the Treasurer or the government to do their job. The flexibility would still be there to report at any other time. In fact, we would welcome the government reporting more often on not just their financial situation but a whole range of other areas. We have seen them up and down on things like capital works reports and the like. They are free at any stage to come into the Assembly and report. We would welcome it. We would welcome more information. This legislation will simply ensure that we get those regular reports and that they are consistent. That is a reasonable ask.

This is a good piece of legislation. It is another piece of legislation which is about keeping this government accountable. In this case, it is about better financial management, accountability and reporting. I commend the bill to the Assembly. I commend Mr Smyth for his work in developing the bill. I think that the arguments that have been put against it are absolutely paper thin. There has not been one substantive argument put forward by the government or the Greens as to why this legislation is not worthy of support. It would improve the situation whilst retaining the flexibility that governments have at the moment. I commend it to the Assembly.

MR SMYTH (Brindabella) (5.58), in reply: This bill arose out of the data that appears in last year's midyear update. In a briefing from officials in my office they said that some of the elements were drawn from October data, some of the elements were drawn from November data and some of the elements were drawn from December data. That is not a clear and accurate picture of the state of the finances of the ACT and it is deplorable that that is presented to this place as some sort of midyear review. It is not accurate. You know yourself, Madam Assistant Speaker Le Couteur, as a company director, that that would not be tolerated in private enterprise. The purpose of having consistent data is so that people know exactly where you are at a point in time and so that you may do comparisons from point to point.

The argument seems to be that not everyone wants 31 December. The feds have 31 January; New South Wales does it at the end of October. The point is that they do it at a consistent point in the financial calendar, so what you get is a report that you can compare year to year. When you have been in this place long enough and you have read enough estimates reports and suggestions to improve the reports you know that one of the overwhelming suggestions over time is that there be continuity and comparability.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR SMYTH: People say in this place time and again—it has come from Liberal Party members, the Greens and Labor members—that you have got to be able to prepare data over a sequence. When you table a report in this place that purports to be a midyear review when it is set on data from October, November and December then it is not a midyear review. It seems that the argument being made is that Mr Quinlan did not say it had to be 31 December. But Mr Quinlan did say that.

Ms Gallagher: It's a budget review.

MR SMYTH: Read his speech. We will remove the words "midyear review" from your documents because the last two had "midyear review". Anybody reading them would have picked up that this was a midyear review. Midyear is quite clear. Midyear is 31 December, and Ted Quinlin said that. When Mr Quinlan came here in 2003 he built on the work of 2002 when we tried to set up frameworks. There was a lot of bipartisan support for that, unlike today. Ted said:

> This bill also introduces a requirement for a midyear budget review, to be presented to the Assembly 45 days after the end of the calendar year.

The review occurs at the end of the calendar year. For those who do not understand that, that is 31 December. He went on to say:

> A review of the financial policy objectives and strategies statement will also be included in the midyear review. The proposed timing will align presentation of this information to the Legislative Assembly with the quarterly financial statements.

In other words: "We don't actually want to do extra work because we know we are doing the updates on 31 December to the financials anyway. We'll align that with this because it's a logical point to do it." We have not heard a single substantive argument against that today. The argument was about flexibility. It is interesting that you would be flexible in what you report and what data you put into a report.

Ms Gallagher: You were some of the people asking me for it.

MR SMYTH: I fully expected to get some answers. I fully expected Treasury to be updating you on a regular period. I would have thought they would be telling you that on a Monday morning when they come down to do their briefs before cabinet.

Ms Gallagher: They don't update the bottom line every week.

MR SMYTH: We will look at that in a minute. The problem is that we are now saying that we need to be flexible. Why do we need to be flexible? That is about accountability, not flexibility. No-one is saying the government only do these reports on that day. If you want flexibility, the government can do as many reports as they like. Accountability, in many ways, is not flexibility. When I hear "flexibility" I hear "getting around it". When I hear "flexibility" I hear "I'll do what suits me politically". That is flexibility. Flexibility in this case is not accountability. The Stanhope government always ran on "more honest, more open, more accountable", but now it is

"more honest, more open, more flexible". "Flexible" and "accountable" are not interchangeable.

The Greens-Labor agreement, the alliance, talks about accountability and collaboration. Higher standards of accountability, transparency and responsibility in the conduct of all public business are mentioned under "Appendix 1: agenda for parliamentary reform". I looked for flexibility in the agreement and I could not find the word "flexibility". If someone can point to me where flexibility leads to greater enhancement, greater accountability, greater transparency and greater responsibility, I would be pleased to see it in this agreement.

The agreement does not talk about flexibility. It talks about higher standards of accountability, not flexibility. That is the problem. What we did not hear from the Treasurer was an argument. What we heard was a plea for flexibility that the Greens as patsies have accepted and taken on board. What is required is consistency in financial reporting. What we want is guaranteed accuracy. What flexibility does is reduce that accuracy. It reduces people's confidence in what is being reported on. If you want to chop and change, that is fine, but the sentiment of the reform—I think it was the Liberal Party in 2002 and Ted Quinlan in 2003—was to stop the chopping and changing and put in place sets of data over the long term so that they could be compared.

Instead, we simply have a lack of an argument and a concentration on this word "flexibility". I am intrigued that people would think that defining that at one point in time you do a midyear review at 31 December takes away from you the flexibility to do them. If you want to do them quarterly, do them quarterly. If you want to do them every month, do them every month. Assemblies used to get more reporting from previous governments in some of these areas on the financials. It does not stop you doing more.

We go to the argument that the other jurisdictions have not done it. Many of them have set a fixed period in time to report on. Why? It is so they can compare and be guaranteed that the data is to that point. That is why you have 45 days after that period in which to report, so you can collate that information. It is not hard. What I hear from the Greens is just an abrogation of their supposed agenda for parliamentary reform, the purpose being to improve accountability and practice in the relationship between the executive, the parliament and the judiciary. Now it should read "the purpose being to improve flexibility in the relationship". If you want flexibility, that is fine, but you need accountability first. If you do not have accountability, flexibility does not count for anything. When I hear "flexibility" I hear "get around".

Ms Hunter is really becoming the financial patsy for this government. She endorsed the budget on budget day without having read the document. She did not ask the Treasurer a single question in budget estimates. There was not a single question from the Greens Treasury spokesperson in estimates to the Treasurer. That is flexible—you can choose whether you ask questions. That is flexible—I see that now. There were very few questions when we discussed annual reports recently. Now we have got flexibility instead of accountability; we have got flexibility instead of accuracy. We will not be able to compare the reports.

What do we see from the Greens in this area? I doubt whether the Greens leader is up to it. There is no rigour in her analysis, there is no argument and there is very little work done in terms of the financial side of the whole issue. We have had a warning, though, from the Greens that if the government do not do it then we will legislate. The government have already done it; they are already chopping and changing as they like. But flexibility means you can let them keep doing it for a couple more years and in the lead-up to an election you make it tough. That is unfortunate.

Madam Assistant Speaker, what can I say about the arguments that are being made about this proposal? The arguments do not exist. The position adopted by the Greens is a disgrace. It completely ignores the fundamental premise of the Greens-Labor agreement to ensure sound accountability in the ACT government and it seeks to develop an argument that flexibility is crucial. It ignores the importance of sound regular reporting from the government on day-to-day budgetary matters. It also ignores the capacity of any government to prepare additional reports as they might be required, as the government might seek to do at any time, should some extraordinary circumstance arise. The position of the Greens on this issue demonstrates their complete inability to appreciate essential matters related to accountability. In this instance, the Greens have been conned by the government and they have been conned by the Treasurer, who has failed to provide leadership on this matter—a point I will return to in a moment.

The position of this government—and I need to distinguish this government from that of which Ted Quinlan was a member—is equally disgraceful. The current Treasurer lacks the capacity and the ability to provide leadership in the Treasury portfolio. The way in which she has dealt with this matter of the midyear review exemplifies that lack of capacity and lack of ability.

I want to emphasise a fundamental point about my proposal. This proposal is an important matter of policy. It is a relatively minor matter in the broader scheme of things but important nonetheless. I say this because it is important to appreciate the basis for this proposal. The ACT is not simply responding to proposals that exist in other jurisdictions. This proposal is an essential part of achieving appropriate openness and accountability about the activities of the ACT government. It is a positive policy measure that is important for good governance. Former Treasurer Ted Quinlan recognised this when he introduced these proposals in 2003 and had bipartisan support on the matter.

I will return to the comments made by the Treasurer when he presented his bill in 2003, comments that the Greens clearly do not understand and the Labor Party, even now, do not understand or are ignoring, or both. Ted Quinlan said, and it is quite clear, "The proposed timing of the midyear budget review will align presentation of this information with the quarterly financial statements."

So what is so difficult to understand about this intention? The ACT government is currently required to prepare quarterly reports where "quarterly" is defined in the Legislation Act. The midyear budget review was intended to be aligned with these quarterly reports in accordance with the Legislation Act—nothing more, nothing less. It is all very simple. When the provision for the midyear reviews was proposed by

Treasurer Quinlan in a package of amendments he acknowledged the legacy in the proposals that were developed by the Liberal Party in 2002. Therefore, these proposals have had strong bipartisan support. At least there was bipartisan support when reason prevailed.

The way in which Ms Gallagher has dealt with her response to the global economic and financial crisis demonstrates the inability of Ms Gallagher to provide any form of leadership on these matters. Clearly, she could not separate the exceptional events from the normal reporting requirements of government. Our community required an insight into that exceptional event, but Ms Gallagher was unable to understand that. The result was an approach which confused a report on the exceptional event with that which should have been a regular report on normal matters.

The extraordinary position adopted by the Greens is, I think, quite disgraceful. This is the party that put in place an agreement with the Labor Party to enable the Labor Party to form a minority government. A cornerstone of this agreement was to ensure sound accountability in government. In this regard, the Greens are now simply financial patsies for the government.

I need to emphasise some matters that you, Madam Assistant Speaker, will clearly understand, even if your leader does not. When we consider financial reporting by companies, are companies able to say, "This year I think we'll report on our results for 11 months, rather than 12 months"? Of course not. That is a ridiculous notion and we all know it. Companies are required to establish what their reporting year will be. They are bound by that decision and they prepare annual, half yearly and even quarterly reports as appropriate. There is no fiddling with the length of year—half a year or a quarter, as this Treasurer has done. Ms Gallagher has redefined what half a year is and now the Greens are complicit in that action.

There is a further issue with Ms Gallagher's approach to what a half year is. There is a complete lack of compatibility of her midyear reports with those which have been prepared using different periods. I know you understand that, Madam Assistant Speaker, and it is complete nonsense. My intention in bringing this measure forward was to clarify the clear intention of the former Treasurer, Ted Quinlan. Unfortunately, I had no idea that the current Labor ministers had such antipathy towards the former Treasurer and his proposal to enhance accountability. I commend the proposal to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 4	Noes 9	
Mr Coe	Ms Bresnan	Ms Le Couteur
Mr Doszpot	Ms Burch	Ms Porter
Mr Seselja	Ms Gallagher	Mr Rattenbury
Mr Smyth	Mr Hargreaves	Mr Stanhope
	Ms Hunter	

Question so resolved in the negative.

Environment—emissions trading scheme

MS PORTER (Ginninderra) (6.16): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the importance of an emissions trading scheme in creating a market response to address climate change;
>
> (b) the failure of both the Federal Liberal Party and the Australian Greens to support the Carbon Pollution Reduction Scheme in the Senate; and
>
> (c) the efforts of the Federal and ACT Labor parties to drive real and meaningful reform to establish a more sustainable community; and
>
> (2) resolves that all Members reiterate the importance of an emissions trading scheme with their Federal counterparts as a matter of urgency to address the impacts of climate change on the community.

I move this motion today as I am very concerned that, as the important global climate change negotiations begin in Copenhagen, Australia does not have a national emissions trading scheme. We need action on climate change at all levels, local, national and global.

Australia and the globe are experiencing rapid climate change. It is now two years since the International Panel on Climate Change released its report on global warming, observing in its report that 11 of the 12 years to 2006 rank among the 12 warmest since 1850, when recording started; the average temperature of the ocean has increased, with the ocean absorbing some 80 per cent of the heat from the climate system; and sea levels experienced an increased rate of rise from 1961 to 2003, mostly from thermal expansion and melting glaciers and icecaps. I saw evidence of damage caused by rising sea levels when I was in Tasmania recently attending the public works and environment parliamentary committee conference.

The extent of the Arctic sea ice has shrunk by 2.7 per cent per decade, with larger decreases in summer, of 7.4 per cent. Mountain glaciers and snow covers on average have declined by seven per cent in the Northern Hemisphere since 1900, with decreases in the spring of up to 15 per cent. Permafrost temperatures in the Arctic have increased by up to three degrees Centigrade since the 1980s.

Since the middle of the 20th century, Australian temperatures have on average risen by about one degree Centigrade, with an increase in the frequency of heatwaves and a decrease in the number of frosts and cold days. Rainfall patterns have also changed. The north-west has seen an increase in rainfall over the last 50 years, while much of eastern Australia and the far south-west have experienced a decline.

On 24 November 2009, the Bureau of Meteorology issued a special climate statement in recognition of the prolonged spring heatwave experienced over central and south-east Australia during November 2009. This last November was the hottest on record for many areas across south-east Australia. The heatwave started to be felt on the weekend of 5 November and continued unabated until 15 November. Following a mild change, even hotter conditions returned between 18 and 22 November. Record temperatures for this month were set across the region. Mean monthly temperatures were some 4.61 degrees above average in New South Wales. The heatwave was exceptional because of its length and because prolonged hot spells are rare in November, compared with summer and early autumn.

That is not the only story about locally warm conditions. At the close of our last winter, Canberra had experienced 17 consecutive winters with above-average maximum temperatures. The recent observations on our weather provide further evidence to back up the findings of the scientists.

While the science is increasingly clear, there are some who still deny that there is a climate change problem. It should be noted that several progressive-minded members and senators from the federal opposition accept the compelling scientific evidence that climate action is required to address climate change. However, it is with great regret that I read today that a fellow Canberran is apparently willing to sell his soul for a position on the federal shadow frontbench. The stance that Senator Humphries has previously articulated has been cast aside—sold out for the opportunity to sit alongside his climate-sceptic, extremist colleagues on the frontbench.

In an interview on *Lateline* just over a week ago, Senator Humphries exhorted members of the Senate to "reflect what their electorates are telling them". He said:

> Mine is certainly saying to me it wants to be in support of a mechanism to deal with climate change …

I do not believe that Mr Humphries's elevation to the frontbench is Mr Abbott's way of incorporating moderates. Rather, I believe that Mr Humphries is turning his back on what his electorate is telling him, in order to advance his career. I wonder what Mr Abbott's electorate are telling him. Just yesterday, in an interview with Alan Jones, Mr Abbott said:

> … over the last decade, the world's warming has stopped.

Such pronouncements are evidently part of a strategy that Mr Abbott hopes will buy himself time—time that humanity cannot afford to lose. Denying this problem and failing to act will make the task of addressing climate change more difficult and more costly. In his report to the Australian government, eminent economist Ross Garnaut said:

> The case for strong mitigation is a conservative one. Even at the levels of mitigation that now seem to be the best possible, the challenges could be considerable. In the absence of mitigation, we can be reasonably sure that they would be bad beyond normal experience … The consequences of inaction now are not … reversible.

The ACT government recognised the need for early action and has announced its commitment to zero emissions for the ACT by 2060, with per capita emissions peaking in 2013. The government acknowledges that a carbon-neutral Canberra by 2060 will be a formidable task, but considers it vital that we have a clear goal and vision of the city that we want to live in and to pass on to future generations—a city that is willing to accept responsibility and take action to minimise its impact on the climate system and our local environment.

We have commenced significant work across government to revise *Weathering the change: ACT climate change strategy*. The revised *Weathering the change* and associated action plan 2 will be released in 2010. The government is working to its commitment to introduce legislation for greenhouse gas reduction targets by June 2010. The ACT government strongly believes that it is necessary to think and act globally and for the ACT to play its part in meeting its legitimate obligations in the global effort in combating climate change.

It is disappointing that these efforts are not being matched at the national and international level. It is particularly disappointing that the Australian Senate did not agree to the Australian government's carbon pollution reduction scheme after significant compromises were agreed to secure its passage. Certainly the question must be asked of the federal coalition and the Greens as to why they believe that taking measures to halt climate change is not urgent. Why aren't Assembly members of the ACT Liberals and ACT Greens, who supported measures to act here in the ACT, challenging their federal colleagues to consider the urgency of this issue? Are they now believing that climate change is a left-wing conspiracy? Have they become climate change deniers?

The ACT government welcomed changes the Australian government made to the carbon pollution reduction scheme to accredit GreenPower as additional reductions in the greenhouse gas target. This would have meant that any green energy purchased by the ACT through GreenPower above the 2009 level would have directly reduced the carbon pollution reduction scheme cap.

In a recent presentation to the Lowy Institute, Prime Minister Kevin Rudd said:

> When you strip away all the political rhetoric, all the political excuses, there are two stark choices—action or inaction. The resolve of the Australian Government is clear—we choose action, and we do so because Australia's fundamental economic and environmental interests lie in action.
>
> Action now. Not action delayed.

Unfortunately, in Australia we now have action delayed.

We will take every opportunity to urge the Australian government to consider further changes to any new scheme. In particular, we will continue to seek accreditation under the scheme for action taken at jurisdiction level to reduce greenhouse gases. We lobbied actively earlier this year to get voluntary action by the territory to be recognised within the carbon pollution reduction scheme. It is important that actions

taken by jurisdictions to make measurable reductions in greenhouse gas emissions are recognised within an emissions trading scheme. The reduction of the cap by these amounts will see the Australian government's targets met through community action.

I understand that the Australian government will reintroduce the draft legislation early in the new year and that it will include the recently amended provisions. The Australian parliament needs to match the ACT's leadership on this issue and act on climate change now by adopting the CPRS as the first step in reducing carbon pollution. As Ross Garnaut put it:

> It is worth Australia's effort to invest now, when there is time still to obtain a good result, in the best of the possibilities.

Canberrans in particular have embraced the concept of carbon reduction and the shift to neutrality. There are a number of significant local actions that are underway, including OfficeSmart, BusinessSmart, CitySwitch Green Office, the renewable energy feed-in tariff, and the commercial bathroom retrofit scheme.

The renewable energy feed-in tariff scheme, the most generous scheme of its kind in the country, has helped Canberra to achieve its 1,000th solar PV installation as of 6 November 2006. Earlier today in this place, the minister pointed to other recent positive developments. Provision of effective incentives for the take-up of renewable energy generation will remain a critical part of the ACT's approach to reducing greenhouse gas emissions. These generation options include solar and wind, the use of landfill gas and increasing purchases of GreenPower.

More and more it is recognised that cities such as Canberra play a critical role in designing and implementing the energy and infrastructure guidelines, investment promotion and consumer awareness campaigns necessary to combat and address climate change. We are looking to learn from leading sustainable cities such as Copenhagen and Freiburg in Germany, which share many features with Canberra and are widely regarded across the world as benchmarks in sustainability and the uptake of solar energy.

I said we need action at the national and international level. It is not sufficient for individual local authorities and state and territory governments to bear the burden of addressing climate change on their own in Australia. We need concerted action and we need it now. Indeed, the very future of many island nations depends on it. World leaders meeting in Copenhagen for this month's critical United Nations conference on climate change need to take a strong stand. The Australian Senate needs to adopt the carbon pollution reduction scheme and locally we need to pursue our carbon targets vigorously.

In the words of Barack Obama in a recent speech to the United Nations on climate change:

> … the journey is long and the journey is hard. And we don't have much time left to make that journey. It's a journey that will require each of us to persevere through setbacks, and fight for every inch of progress, even when it comes in fits and starts. So let us begin.

We have hit a roadblock in our collective Australian efforts to address climate change. We can, however, get through it, and we must get through it. We will support the Australian government, the Rudd Labor government, getting through it.

The ACT government strongly believes that it is necessary to think globally and for the ACT to play its part in the global effort in combating climate change. Canberra is ideally placed of all Australian cities to be the benchmark of sustainability, especially in showing the way to a realistic and a low carbon future.

We will continue in this and urge other governments nationally and internationally to do the same. I would urge my colleagues in this place across the chamber to urge their colleagues in the federal government to support these measures when they come before the Australian parliament again in the new year—for us not to see the debacle that we have recently seen in that place, where the Senate rejected these very important measures.

I quote again from President Obama:

> … if we are flexible and pragmatic, if we can resolve to work tirelessly in common effort, then we will achieve our common purpose: a world that is safer, cleaner, and healthier than the one we found; and a future that is worthy of our children.

I urge members to take these things into account and to really work hard to lobby their colleagues on the hill so that we will not see the debacle that we saw earlier this month.

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

Adjournment

Ministerial responsibilities

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (6.30): I move:

> That the Assembly do now adjourn.

As I approach my 40-day mark as a minister for the ACT government, I have been reflecting on my experience and what I have learned so far since entering cabinet. It has been a fascinating and rewarding journey.

I have learned that I and the ACT community have the support of many great officials in the Department of Disability, Housing and Community Services. They are public servants who work incredibly hard every day to provide better support and services, public servants that I am proud to work with as minister. I have learned that the Labor team is truly a team—seven MLAs and a couple of dozen staff united in their deep interest in delivering for the whole of the Canberra community. I thank my colleagues and staff for their support through what has been a very interesting journey so far.

But when it comes to those opposite, I still have much to learn. I am yet to learn what their policy is on childcare, disability services or providing housing to our needy. As I have already mentioned in question time today, I have been extremely flattered to have received so much attention from the Liberals over the last three sitting weeks. To have received over 70 questions in the space of just eight sitting days has made me feel quite special. This is against around 14 questions between February and October 2009 and around 29 between February 2008 and August. It also makes me wonder, though: is this the start of a new approach by the Liberals? I have hope, but not a lot of confidence.

The shadow minister is so dedicated to the young people of Canberra that he spent about 10 minutes in the annual report hearings last Friday! In that precious time when he was there, did he ask about investing in or supporting our young Canberrans? No.

Mr Coe: How did you go with the parole question, Joy?

MS BURCH: He had one question, and that was around locking up our young people.

Mr Coe: How did you go with the parole question? Do you know what parole is?

MR SPEAKER: Mr Coe, that is enough, thank you.

MS BURCH: It was around sentencing and parole. Perhaps he left early to go and talk to his WA counterparts who were so keen on ruining the lives of young people through their name and shame website.

Then we have Mr Smyth. Let me recap quickly on his housing policy. When Mr Smyth was minister for housing, he cut 1,000 housing properties from Housing ACT—1,000 housing units. Brendan Smyth is known as T-1000, the public housing terminator. Perhaps that is also his maintenance policy: just get rid of public housing; then we do not have to worry about the repairs or the people.

Another policy treasure from Mr Smyth was when he sold the Narrabundah long-stay caravan park. The selling price? One dollar. It is a nice round figure, I suppose—an easy figure to manage and keep track of. And think of the money that those opposite could raise if they were in government again. Sell a bit of this; sell a bit of that; expand our base by a dollar a go.

The Canberrans in public housing that I have spoken to live in fear of the day that the opposition ever get back into government—particularly Mr Smyth, whose policy framework was to gut 1,000 houses out of our public housing stock in one year. Just imagine if they got into government yet again. It would be the Terminator versus Mr Top Spot for the leadership of that conservative gaggle across the chamber. It would be like the good old days—compiling dirt files on each other, smearing each other in the *Canberra Times*. But how you must worry about the competition. Mr Top Spot is so in touch with the issues that Canberrans care about—health, disability, support services, dealing with climate change—that he used question time to ask about the Al Grassby statue, a statue of a man who was extolled by Mr Smyth and others in the Liberal Party.

Mr Speaker, what I have learned is that the opposition have no policies. They talk about respecting the Assembly, but really they are mostly around demanding respect for themselves. They use this place not to further the cause of people of our community but to play their silly games. They can play their games, Mr Speaker. I will get on with the job that I was elected to do—delivering for the people of the Canberra community.

Ministerial responsibilities

MR SESELJA (Molonglo—Leader of the Opposition) (6.35): I had not intended to speak but I was drawn into it by that extraordinary performance by Ms Burch. It is difficult to know where to start with Ms Burch based on her first 40 days. It really is quite difficult, but I will attempt to.

For Ms Burch to criticise the opposition, given her extraordinarily lacklustre start to her time in the ministry, is quite extraordinary. We have seen time and time again in this place the embarrassing pauses and the inability to answer questions. This has been consistent. This has been consistent since she came into the job, it would seem. There has been a consistent effort to try and answer questions, it would seem, but she has been completely unable to. And now after every question time we are subjected to the Joy Burch half-hour, when Ms Burch comes in and answers all the questions that she could not answer the day before, with answers prepared by her department.

We saw another example. When Mr Coe does ask her questions—I think this was in a committee hearing—there does not seem to be any ability to answer. You do question why we have a minister if the minister cannot answer any of the questions. We had Mr Coe asking a series of questions recently. I quote:

> **MR COE**: Minister, would you please let me know what you feel is the future of a parole framework for youth offenders?
>
> **Ms Burch**: A parole framework?
>
> **MR COE**: A parole framework.
>
> **Ms Burch**: Of the department on that?
>
> **MR COE**: Or your own view on that—the future of some sort of parole framework.
>
> **Mr Duggan**: I might ask Mr Reid to pop up and talk about that.
>
> **MR COE**: You are more than welcome to throw in your own views, Joy.
>
> **Ms Burch**: Thank you, Mr Coe; I am sure I will when I want to.

Unfortunately, we did not hear them. We did not hear the views. We only get whatever is given by the department. Departments are important, but so are ministers. Ministers are important for representing the people. Ministers are important for actually making decisions. To date we have not seen anything from this minister that would give us any confidence that she has any ability to make her own decisions.

We saw an article in the *CityNews* recently, and it is worth reading part of it into *Hansard*. This is by Ian Meikle in last week's *CityNews*. It starts with a quote:

> Thank you for the question, and do bear with me while I just try and find some information that I have on that, which seems to be escaping me just at the minute. Can you repeat the question, so I might be able to …

Then Ian Meikle goes on:

> Oh dear. Question Time for new Minister Joy Burch has been an uncomfortable daily ordeal during the ACT Assembly's last sitting fortnight as she stumbled from one fumbled answer to the next.
>
> The Greens and Liberals seemed initially gentle on the minister for Umming as she struggled to find departmental briefing notes, but by the end of the second week the mood towards Ms Burch, who took over from John Hargreaves, was starting to harden in frustration against her continual fumbling and inability to answer direct questions.
>
> Her colleagues tried to help her out of trouble, but there was an almost uniform look of anxiety along the Labor front bench every time Ms Burch got to her feet to face the Assembly's fairly straightforward portfolio questioning.
>
> Hansard is littered with her reticence and uncertainty, her apologies and her tiresomely having to take the questions on notice ...

And it goes on. It does make for embarrassing reading. If Ms Burch is going to sit there and criticise her opposite number, perhaps she should reflect a little bit more and a little bit more deeply on these first 40 days and what she has actually brought to the job. We saw it again this week on WIN news, when she admitted to not having read the report that she was announcing.

Rather than focusing these cheap slings and arrows on her shadow ministers, Ms Burch would do better to focus on doing the job, working on answering the questions that are put to her in the Assembly. She can talk about how many questions have been asked of her, but very few coherent answers have been given to us on the day. What we have instead been subjected to is this constant ritual of Ms Burch coming back the next day and reading the prepared answers that have been given to her by the department.

As I said before, departments are important, but so are ministers. If Ms Burch wants to throw slings and arrows at my colleagues, she should be prepared to accept the legitimate criticisms that are being thrown at her and her performance.

Ethiopia-Australia adoption program

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.40): I rise this afternoon to talk about an incredibly important issue that I have been alerted to only in the last 24 hours or so, the federal Attorney-General's recent announcement of the interim suspension of the Ethiopia-Australia adoption program.

This has, of course, brought great distress to many families across Australia, including here in the ACT. The program has been running for many years. Many children have been adopted into Australian families and raised in loving and nurturing environments.

Having looked at adoption over the years, and knowing something about adoption, I know that even those adoptive parents do agree that the best interests of the child come first and foremost. If there is a possibility that a child can be raised by another family member, that, of course, is the first step that should be taken. If that is not possible, it is a good step for the child to stay within the community to be raised. When neither of these options is possible, intercountry adoption is also a good option for many children.

What we have here at the moment is a situation where the Attorney-General has made this announcement and it appears as though there is a real possibility that the program will be closed in early January 2010. As I have said before, this is devastating for a number of families. We have six families here in the ACT at the moment who are currently part of this program. For three of those families, their files are still here in Australia, but, as many of you would know if you have come in contact with adoption over the years, it is a very lengthy process. There are three files here in Australia; there are three files in Ethiopia. We are talking about several years in which those families have been going through a process, and some of those files have been over there in Ethiopia for a couple of years now.

This is an absolutely devastating blow. I will be calling on the ACT government. I really do want to understand why it is that the ACT adoptions unit did not appear to put a submission in to the review that was held by the Attorney-General into this program and into the situation. I really want to understand why the ACT adoptions unit chose not to do that when in every other jurisdiction a submission was made. This is an issue that needs to be addressed quickly; it needs to be addressed promptly.

Of course, we very much need to look at how we can play our part in ensuring that children are raised in nurturing and loving environments. This program is one way. It has been highly successful. We know that there are about 20 families here in the ACT that have adopted children through this program over the years. They have very strong ties to the cultural background of these children. Many of them learn their native language; they do gather together; they do share that culture and so forth. It is a very strong group.

I know that this decision has had an enormous impact on many people. This afternoon I want to put on the record that I am quite outraged by the way that this has been approached and I will be calling on the ACT government to explain what their stand is on this matter and what they might be doing as far as making representations to the federal Attorney-General is concerned. I myself will be making a representation to the Attorney-General, because I believe that in the way this has been gone about it has been handled very clumsily and with a total lack of sensitivity. I felt that it was important to put the issue on the record. I will be pursuing the matter vigorously over the next couple of weeks.

Ministerial responsibilities

MR HARGREAVES (Brindabella) (6.45): This is the one time in your life, Mr Doszpot, that you are not in the top spot; that is moi. You got to be in second top spot. I did not actually come down here to show off the glorious shirt that I have got, but it is a beauty, isn't it, as my wife gave it to me.

I was sitting there listening with one ear to the TV, because I could hear the reticulation—you cannot even spell "reticulation", but I was listening to it—and also talking to a constituent, so I apologise for not being here, particularly to my colleagues Ms Porter and Ms Burch. But I heard what I could only describe as scratchings. There were scratchings on the ladder of hypocrisy.

Mr Doszpot: By Joy?

MR HARGREAVES: No, not at all—by, in fact, the Leader of the Opposition, the person who looketh over his shoulder at the pole dancer in the back row. What we are seeing here, Mr Speaker, is one of the most despicable, low-life, scumbag attitudes ever perpetrated in this place by someone who does not come to work very often. The height of hypocrisy knows no bounds.

Mr Coe: This is why we love you, John.

MR HARGREAVES: Somebody ought to think seriously when criticising somebody's performance: do I sit in a glasshouse? You would if you had the IQ of a tomato, wouldn't you? You would sit in a glasshouse.

Mr Coe: You're a liability, John.

MR HARGREAVES: This bloke across the chamber, Mr Speaker, does not have the right to come down here thinking that he can just put these throwaway lines out: "Oh, I think you ought to consider what's been happening for the last 40 days." Talk about 40 days and 40 nights! That bloke needs a complete ark to get himself out of the bloody trouble he gets himself into. He does absolutely nothing—and here comes the cavalry. I thought he was an infantry bloke but he is not; he is cavalry. He was in the Crimean War, this bloke.

Mr Hanson: It's not rating season. There's nothing on tellie, and I saw this going on.

MR HARGREAVES: I reckon these bloody acolytes, these followers of—a bishop? No, the Abbott. These followers of the Abbott have the same destiny. Mr Seselja, the Leader of the Opposition, will actually be what Tony Abbott describes himself at the next election—political roadkill. That is what this guy is going to be—political roadkill. And why is that? It is because the heights of hypocrisy that this bloke goes to know no bounds. He is going to be an Olympic sport before he dies, this bloke. Talk about dwarf throwing; this guy is going to be straight over the bar—of hypocrisy. He ought to learn about the performance standards. This guy has been sitting in that chair, and what has he achieved? Absolutely nothing.

I put down their policy: please turn over on both sides. Why was it? He was the Leader of the Opposition that says, "Well, you know, these blokes are wrong—but we haven't got a policy."

Mr Coe: Three years to go, John.

MR HARGREAVES: This is it: Alistair Coe defends the guy. Do you know why it is? Because while he is defending him, he is lulling this guy into a false sense of security. I know that you are being groomed for the deputy leadership, old mate. This bloke is sitting here with a grin—look at this. He has eaten somebody's canary, this bloke. You are a canary eater, Mr Hanson. You have got feathers coming out of your mouth. That is your problem. You know it is true and I know it is true. The Greens know it is true, and I am really pleased, because when you sit in that chair there is going to be no Liberal-Green agreement; there will not be as long as he comes out there and attacks people, with no basis in fact. He says, "Whom will I attack this week?"

Mr Coe: It was in response to Joy.

MR HARGREAVES: But he could have attacked me—bring it on! If the guy is going to be in short pants in this place and he is scurrying up the ladder of hypocrisy, taking it to new heights, why doesn't he pick on someone his own size? I am here, and I am happy to take him on any time, day or night.

Opposition members interjecting—

MR HARGREAVES: No. That is because you guys are just waiting for him to fall flat on his face before you can take over. I heard a rumour that Mr Doszpot was going to do it, but I do not reckon he has got enough mongrel in him to do that job. Certainly, the current Leader of the Opposition is not short on mongrel, but I do not think he has got very much in the way of leadership. However, the colonel over here has got heaps of leadership and if I am scared of anybody here—Alistair Coe, Jeremy Hanson; I am not scared of you, Steve, because I love you dearly—and I am scared of the—*(Time expired.)*

Artist/Proof exhibition
Ms Bianca Elmir
Planning—Tuggeranong and Erindale

MS BRESNAN (Brindabella) (6.50): I am sorry to break up this wonderful adversarial debate we are having across the chamber but I do have something that I would actually like to talk about.

I want to mention the great honour I had of launching, along with Mary Durkin, the Disability and Community Services Commissioner, the *Artist/Proof* exhibition at the Belconnen Arts Centre on Friday, 4 December. It was in honour of International Day of People with a Disability and it was a wonderful exhibition that really showcased the abilities of people with a disability in the ACT and what a wonderful contribution they are making to the arts in the ACT.

I want to congratulate Caro Roach, who is the ACT community arts office's arts ability officer, on putting the exhibition together—and what a wonderful job she did on that. I also want to mention the artists who were involved in the exhibition. They were Cranleigh primary school, Black Mountain high school, Paperworks, Keith Carfrae, Dianna Davidson, Pauline Mager, Judith Ann, Ralph, Rebecca Hill, Jo Hanson, Giselle Burningham, Keith Reece, Paul Bilton, Dagmara Anders, Dr Possum, Jenny Snell, Jenni Heckendorf and guest artist Harrison Saragossi. Harrison's photographs of residents from a dementia residential aged-care home were some of the most powerful photographs I have seen for quite some time. It was a really wonderful day and exhibition and again I congratulate all the artists involved and thank them for being able to be involved in the exhibition also.

I also want to, briefly, give an update on Bianca "Bam-Bam" Elmir, our resident fighter in the Assembly. Bianca competed in the 2009 Australian boxing championships in Canberra, from 3 to 6 December. Bianca was placed second, so received a silver medal in the 54-kilo weight division. So she is now placed second in Australia in the boxing and also first place in kickboxing. So, again, I will just put out that invitation: if anyone has any questions they would like to direct to my office, or anyone in the Greens, just come and talk to Bianca; they can deal with her.

Mrs Dunne: Oh, the new level of consultation amongst the Greens, I see.

MS BRESNAN: That is right: we have just got a boxer to deal with them. Even though Bianca said to me that she owned the boxing ring, unfortunately the judges giving out the points did not give Bianca the points decisions she needed. But she will be fighting again in March and August for qualifiers for the Commonwealth Games. I congratulate her on this achievement and wish her all the best and every luck in the world for these upcoming fights, and hopefully that she can make the Commonwealth Games team.

In relation to my Erindale motion today, which I was very pleased that everyone supported in the Assembly, I have to say that I was amused by press releases that came out from both the Liberal Party and the Labor Party claiming that they had been responsible for passing the motion. I thought that was very entertaining. I acknowledge that it is not a new idea, but it is something that we put forward and led on. I do like the Liberals' press release, which says that for five years they have been calling for this to happen. But they did not actually do anything about it, which is interesting. And Mr Barr's is particularly amusing as he is basically saying that the Greens and the Liberals supported Labor's move to deliver this master plan. I would like Mr Barr to actually check the notice paper, particularly from September, where I put the motion on the notice paper, and I also refer him to the discussions that we had, where we actually pushed him to do the master plan. He agreed to do it and I thank him for that.

I just have to read one of his other statements. Even for Mr Barr, who I think we have called the king of spin today, this line is particularly good: "It is refreshing that today we have seen the Greens Party and Liberals not play politics with planning and back Labor's sensible approach to planning Tuggeranong and Erindale." For Mr Barr to claim that, for him to be talking about not playing politics, when quite clearly that is

what he is doing, is quite amusing. I just could not let the day go without referring to both of those media releases today. They are very amusing indeed.

Tackling Peace
Tuggeranong Community Council

MR DOSZPOT (Brindabella) (6.55): In late October this year, I attended the special screening of a film at the ACU, the Australian Catholic University. The invitation was from Dr Raymond Canning, Director of the Asia-Pacific Centre for Inter-Religious Dialogue and the film was called *Tackling Peace*. It was the story of young Israeli and Palestinian men who unite over the game of Aussie Rules football. This crossover between two of my portfolio areas of multicultural affairs and sport and recreation rapidly captured my attention.

The film was narrated by Hugo Weaving and it relates to the behind-the-scenes real-life drama as young men from different sides of a bloody political war set aside a lifetime of prejudice and hostility to compete as a team in the Australian Football League's International Cup. Few of the aspirant players had ever heard of the game or AFL and none imagined befriending team-mates from across the political divide. This was the brainchild of a Sydney-based AFL footy fanatic mum, Tanya Oziel, and the Peace Team was an initiative of the not-for profit Peres Center for Peace.

From a local point of view, there is additional interest as the film features legendary AFL footballers Kevin Sheehan, Ron Barassi and Robert "Dipper" Di Pierdomenico, and their efforts in teaching these young men about a strange game in just a few weeks and then getting them to work as a team. It then documents this group of Israelis and Palestinians in their quest to make it to Australia and play together against the world.

Getting to the International Cup is a logistical nightmare. It can take hours for Palestinian players to cross checkpoints into Israel, the training ground does not have AFL goalposts, players have never seen the game played, they speak different languages—Hebrew, Arabic and English—and have complicated kosher or halal food requirements.

This is all I am going to tell you about this film at this stage as I hope you will all join me in mid-March as our guests at a special showing of this film in the Assembly Reception Room so that you can see for yourselves the incredible journey of this group of young Israeli and Palestinian men who unite over the game of Aussie Rules football in their quest for peace and understanding.

On behalf of those of us who saw this special screening, I would like to thank Patricia Abbott and Dr Raymond Canning for bringing this film and wonderful initiative to Canberra and to our attention.

Just very briefly, a few weeks ago my colleague Brendan Smyth made an adjournment speech thanking the long-serving outgoing President of the Tuggeranong Community Council, Mrs Rosemary Lissimore, and her husband David Lissimore, for their contribution over 19 years to the Tuggeranong and Canberra communities.

Tonight I would like to congratulate the new members elected at the recent annual general meeting to the Tuggeranong Community Council executive. The new president is Darryl Johnston and the committee members are Jan and Colin Petrie, Jane and Richard Hedges, Eric Traise and Albert Orszaczky. We wish them well.

Neighbourhood Watch

MR COE (Ginninderra) (6.57): This year, ACT Neighbourhood Watch is celebrating its silver jubilee, recording 25 years of magnificent service to the Canberra community. I was very pleased to be able to attend the 25th anniversary dinner in September along with volunteers and their families and friends. I was joined by Assembly colleagues from the opposition Zed Seselja, Jeremy Hanson and Steve Doszpot. Steve is a great advocate for Neighbourhood Watch across Canberra, and particularly in the Tuggeranong Valley.

Neighbourhood Watch is the grassroots community group through which members of the community look out for each other and aim for crime prevention. Neighbourhood Watch takes a number of different approaches to prevent crime and to make a prosecution for a crime committed more likely to succeed. Some of their initiatives include: education initiatives about safety and security; watching out for suspicious activity and crime and promptly reporting this; improving communication between police and the community; improving the quality of information provided to the police; encouraging people to identify and record all household items of value; and distributing information to members of the community through newsletters delivered by volunteers.

The police rely on witnesses to successfully prosecute crime, and of course we are all better off when crime is prevented, so we need to be conscious of what is happening around us. That is why Neighbourhood Watch is so important. One of the mottos in ACT Neighbourhood Watch is "if in doubt, shout out". The sooner something is reported, the quicker something can be done about it. Neighbourhood Watch has some 3,000 members in 45 areas across the territory. I have been told that Neighbourhood Watch is receiving many applications a month, contributing to a membership resurgence, particularly in Belconnen.

One of the reasons for the recent success of ACT Neighbourhood Watch is the adoption of a suburb by suburb approach. Former president Ursula Macdermott said, "Once we made it suburb specific, Neighbourhood Watch became more effective, as people felt like they belonged."

One example of the great work done at the suburb level is that undertaken by the Melba-Spence Neighbourhood Watch group. The area coordinator is Jackie Norovsambuu and the newsletter is edited by Marilyn McConnell-Twiss. This newsletter contains information on the next meeting and advice on security issues. The November 2009 issue included information on how to be party-smart during the summer months. It has information on giving graffiti the boot, how to report and prevent crime, and other community activities in the area. There are also messages from sponsors of the newsletter. It is a great example of the community and

businesses coming together to make Melba and Spence even better places in which to live.

Of course, Neighbourhood Watch would not be the success it is today without the contribution of an extraordinary number of volunteers who commit countless hours to their communities by serving in Neighbourhood Watch. Some of the many volunteers now involved are led by the following executive officers in Neighbourhood Watch: President, Margaret Pearson; Deputy President, Graeme Hush; Vice President North, Clare McGrath; Vice President South, Brian Schiller; Secretary, Ruth Oldfield; and Public Officer, Christine Coulthard. The non-executive officers for Belconnen are David Ault and Matthew Watts; Canberra North, Mick Motion-Wise; Gungahlin, Christine Coulthard; Tuggeranong, Nick Tsoulias; Weston Creek, Lex Clark; and Woden, Shirley Lithgow.

I commend all those officers and volunteers for the work they do. Getting involved in ACT Neighbourhood Watch is easy. The secretary of ACT Neighbourhood Watch can be contacted by email to secretary@nhwact.com.au, via mail to GPO Box 1047, Canberra ACT 2601, or a membership form can be downloaded from www.nhwact.com.au.

Question resolved in the affirmative.

The Assembly adjourned at 7.01 pm.

Schedules of amendments

Schedule 1

Government Agencies (Campaign Advertising) Bill 2009

Amendments moved by the Chief Minister

1
Clause 2
Page 2, line 5

omit clause 2, substitute

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

3
Clause 8, definition of *government campaign*, paragraph (c) (iii)
Page 4, line 13—

omit paragraph (c) (iii), substitute

(iii) other routine advertising campaigns carried out by an agency in relation to its operational activities.

4
Clause 8, definition of *government campaign*, paragraph (c), proposed new examples 3 and 4
Page 4, line 17—

insert

3 tourism campaigns

4 land release programs

10
Clause 13 (3) (g), example
Page 10, line 14—

omit

at the beginning and

Schedule 2

Government Agencies (Campaign Advertising) Bill 2009

Amendment moved by Mr Seselja (Leader of the Opposition)

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

This Act commences on 1 July 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Schedule 3

Government Agencies (Campaign Advertising) Bill 2009

Amendments moved by Mr Seselja (Leader of the Opposition)

1
Clause 7, definition of *government agency*, proposed new paragraph (d)
Page 3, line 20—

insert

(d) a territory-owned corporation.

2
Proposed new clause 7A
Page 3, line 20—

insert

7A Who is a *responsible person*?

In this Act:

responsible person, for a government agency, means—

(a) for an administrative unit—the responsible Minister; and

(b) for a territory instrumentality—the chief executive officer; and

(c) for a statutory office-holder and the staff assisting the statutory office-holder—the statutory office-holder; and

(d) for a territory-owned corporation—the chief executive of the corporation.

3
Clause 8, definition of *government campaign*, proposed new paragraph (c) (ia)
Page 4, line 10—

before paragraph (c) (i), insert

(ia) dissemination of information about public health or safety programs, including road safety programs;

4
Clause 8, definition of *government campaign*, paragraph (c) (iii)
Page 4, line 13—

omit clause 8 (c) (iii), substitute

(iii) other routine advertising campaigns carried out by an agency in relation to its operational activities.

5
Clause 8, definition of *government campaign*, paragraph (c), proposed new examples
Page 4, line 14—

insert

Examples—par (c) (ia)

1 road safety programs about the dangers of drink driving, speeding or not wearing seatbelts

2 public health programs about the dangers of smoking or obesity

3 public health programs about losing weight and getting fit

6
Proposed new clause 9A
Page 5, line 16—

insert

9A What is *party political*?

In this Act:

party political—something is ***party political*** if it is designed to promote the policies, past performance, achievements or intentions of a program or the government with a view to advancing or enhancing a political party's reputation rather than informing the public.

7
Proposed new part 2A
Page 5, line 16—

insert

Part 2A Campaign advertising reviewer

Division 2A.1 Appointment and functions of reviewer

9B Appointment of reviewer

(1) The Minister must appoint a person to be the campaign advertising reviewer (the ***reviewer***).

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

(2) The Minister must not appoint a person as reviewer unless satisfied that the person has experience or expertise in 1 or more of the following areas:

(a) media and advertising;

(b) legal;

(c) government administration.

(3) The reviewer must not be a public servant.

(4) The Minister must not appoint a person as reviewer unless the Legislative Assembly has approved the appointment, by resolution passed by a majority of at least 2/3 of the members.

(5) The reviewer must be appointed for not longer than 3 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

(6) The conditions of appointment of the reviewer are the conditions agreed between the Minister and the reviewer, subject to any determination under the *Remuneration Tribunal Act 1995*.

(7) The Legislation Act, division 19.3.3 (Appointments—Assembly consultation) does not apply to the appointment of a reviewer.

9C Reviewer's functions

(1) The reviewer has the following functions:

(a) to review proposed government campaigns to ensure campaigns comply with this Act;

(b) to report to the responsible person and the Legislative Assembly the result of each review mentioned in paragraph (a).

(2) The reviewer has any other function given to the reviewer by this Act.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Note 2 A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

8
Clause 10
Page 6, line 3—

omit clause 10, substitute

10 Reviewer to review certain government campaigns

(1) If the campaign costs of a government campaign proposed by a government agency are likely to exceed $40 000, the responsible person for the agency must ask the reviewer to review the proposed campaign and report to the responsible person about whether it complies with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including guidelines (see Legislation Act, s 104).

(2) The responsible person for a government agency may ask the reviewer to review, and report to the responsible person about, a government campaign proposed by the agency even if the campaign costs are not expected to exceed $40 000 if the responsible person considers that the subject matter of the campaign is sensitive or otherwise considers that a review is appropriate.

(3) If the reviewer is asked to review a proposed government campaign, the reviewer must—

(a) review the campaign; and

(b) report to the responsible person on whether the campaign complies with this Act.

9
Clause 11
Page 7, line 1—

omit clause 11, substitute

11 Government campaigns must comply with Act

The responsible person for a government agency may conduct a government campaign only if—

(a) the responsible person certifies that the campaign complies with this Act; and

(b) if the campaign costs for the campaign are likely to exceed $40 000—the reviewer has reported to the responsible person in relation to the compliance of the campaign with this Act.

10
Clause 12
Page 7, line 14—

omit

responsible Minister

substitute

responsible person

11
Proposed new clause 12 (2)
Page 7, line 16—

insert

(2) The statement must set out any development and production costs of the government campaign that can be separately identified.

12
Clause 13 (3) (b) (i)
Page 8, line 20—

omit clause 13 (3) (b) (i), substitute

(i) comment or opinion, unless the comment or opinion is clearly identified as comment or opinion and is clearly distinguishable from statements of fact; or

13
Clause 13 (3) (c), except example
Page 8, line 29—

omit clause 13 (3) (c), except example, substitute

(c) information in a government campaign must not include slogans or other advertising techniques designed to have, or likely to have, the effect of promoting a political party or position instead of communicating a factual message;

14
Clause 13 (3) (g), example
Page 10, line 14—

omit

and at the end

15
Clause 14
Page 10, line 27

omit clause 14, substitute

14 Government campaigns before election restricted

(1) A government agency must not conduct a government campaign in the pre-election period.

(2) This section does not apply to the electoral commissioner.

Note 1 A government campaign does not include advertisements for stated jobs, tender advertising or other routine advertising carried out by an agency in relation to its operational activities (see s 8, def ***government campaign***).

Note 2 Also, the Minister may exempt a campaign from this Act in an emergency, urgent circumstances or other extraordinary circumstances (see s 15).

16
Proposed new part 3A
Page 10, line 31—

insert

Part 3A Reporting

14A Reviewer to prepare report

(1) The reviewer must prepare a report for the Legislative Assembly about government campaigns for the following periods (the ***report periods***):

(a) for a year in which a general election is held—

(i) the 6-month period ending on 30 June in the year; and

(ii) the period beginning on 1 July in the year and ending at the start of the pre-election period; and

(b) for any other year—the 6-month periods ending on 30 June and 31 December in the year.

(2) The reviewer must report on the following:

(a) each proposed government campaign (a ***proposed campaign***) referred to the reviewer in the report period;

(b) for each proposed campaign—

(i) the campaign costs itemised by the kind of costs incurred and the ways used to disseminate information for the campaign; and

(ii) the result of the reviewer's review and the reasons for the reviewer's decision.

(3) The reviewer must give the report to the Legislative Assembly not later than—

(a) for a report mentioned in subsection (1) (a) (ii)—2 weeks before the election; and

(b) for any other report—3 months after the end of the report period.

14B Reviewer to give report to Legislative Assembly

(1) If the Legislative Assembly is sitting when the reviewer has finished the report—

(a) the reviewer must give the report to the Speaker; and

(b) the Speaker must present the report to the Legislative Assembly on the next sitting day.

(2) If the Legislative Assembly is not sitting when the reviewer has finished the report—

(a) the reviewer must give the report, and a copy for each member of the Legislative Assembly, to the Speaker; and

(b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the reviewer gives it to the Speaker (the ***report day***); and

(c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and

(d) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the report day; and

(e) the Speaker may give directions for the printing and circulation, and in relation to the publication, of the report; and

(f) despite paragraph (b), the Speaker must present the report to the Legislative Assembly on the next sitting day.

(3) The reviewer may give a copy of the report to a Minister who, in the reviewer's opinion, has a special interest in the report.

(4) In this section:

Speaker, for a report given to the Deputy Speaker or clerk under section 14D (Reports to be given to Speaker), means the Deputy Speaker or clerk.

14C Reporting sensitive information

(1) A report under this part must not include information for the Legislative Assembly if the reviewer considers that disclosing the information would be contrary to the public interest because it could—

(a) be an unreasonable disclosure of personal information about a person; or

(b) disclose a trade secret; or

(c) disclose information (other than a trade secret) having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or

(d) be an unreasonable disclosure of information about the business, commercial or financial interests or affairs of an entity; or

Note ***Entity*** includes a person (see Legislation Act, dict, pt 1).

(e) prejudice the investigation of a contravention of a law; or

(f) prejudice the fair trial of a person; or

(g) prejudice relations between the ACT government and another government.

(2) However, the report may include information mentioned in subsection (1) if the reviewer is satisfied that the substance of the information is public knowledge.

(3) If, under subsection (1), the reviewer omits information from a report for the Legislative Assembly, the reviewer may prepare a special report for the public accounts committee that includes the information.

(4) The reviewer must give the special report to the presiding member of the public accounts committee.

(5) The presiding member must present the special report to the public accounts committee.

(6) A special report presented to the public accounts committee is taken for all purposes to have been referred to the committee by the Legislative Assembly for inquiry and any report that the committee considers appropriate.

(7) In this section:

public accounts committee means the committee of the Legislative Assembly whose functions include the examination of financial statements for the Territory, a department or a territory authority.

14D Reports to be given to Speaker

(1) A report required by this part to be given to the Speaker must—

(a) if the Speaker is unavailable—be given to the Deputy Speaker; or

(b) if both the Speaker and Deputy Speaker are unavailable—be given to the clerk of the Legislative Assembly.

(2) For subsection (1), the Speaker or Deputy Speaker is unavailable if—

(a) he or she is absent from duty; or

(b) there is a vacancy in the office.

17
Clause 15 (3)
Page 11, line 9—

omit

auditor-general

substitute

Legislative Assembly

18
Dictionary, note 2
Page 12, line 7—

omit

- auditor-general

19
Dictionary, note 2
Page 12, line 8—

insert

- electoral commissioner
- public servant

20
Dictionary, proposed new definitions
Page 12, line 17—

insert

party political—see section 9A.

pre-election period—see the *Electoral Act 1992*, dictionary.

21
Dictionary, definition of *responsible chief executive*
Page 12, line18—

omit

22
Dictionary, definition of *responsible Minister*
Page 12, line 20—

omit

23
Dictionary, proposed new definitions
Page 12, line 21—

insert

responsible person—see section 7A.

reviewer—see section 9B.

Schedule 4

Government Agencies (Campaign Advertising) Bill 2009

Amendment moved by Mr Seselja (Leader of the Opposition) to the Chief Minister's amendment No. 4

1
Amendment No. 4
Clause 8, definition of *government campaign*, paragraph (c), proposed new examples 3 and 4
Page 4, line 17—

omit

4 land release programs
