Debates

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Tuesday, 23 March 2010

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.

Public Accounts—Standing Committee
Auditor-General's letter

MR SESELJA (Molonglo—Leader of the Opposition): I seek leave to make a brief statement in relation to the Auditor-General's letter to the public accounts committee.

Leave not granted.

Standing and temporary orders—suspension

MR SESELJA (Molonglo—Leader of the Opposition) (10.02): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Seselja from making a statement concerning a letter to the Standing Committee on Public Accounts from the Auditor-General.

It is not surprising that Mr Corbell does not want to give leave. What I intended to do—I will not read the statement now—was to put on notice and draw the Assembly's attention to the letter from the Auditor-General to the public accounts committee and give Mr Corbell the opportunity to respond so that the Assembly could consider its position.

In that letter, the Auditor-General makes a number of claims in relation to the Attorney-General, makes a number of claims in relation to statements made by the Attorney-General, and, indeed, makes a claim that one of the statements at least is misleading. This is a serious claim. We wanted to give the Attorney-General the opportunity to respond to that, so that the Assembly could consider it. That is why we should be given leave and that is why standing orders should be suspended—so that I can read the statement and Mr Corbell, the Attorney-General, can have the opportunity to respond to that statement.

MRS DUNNE (Ginninderra) (10.03): We have got ourselves bogged down in this place in fairly childish tit-for-tat about leave. Mr Corbell was notified about Mr Seselja's desire to seek leave. In fact, the debate about whether or not we should suspend standing orders will take much longer than, I gather, Mr Seselja's statement would take. It is a waste of time, and it is truculence on the part of the government, who do know the reasons why Mr Seselja sought leave, because my staff spoke to Mr Corbell's staff earlier in the day about the background to this.

MS LE COUTEUR (Molonglo) (10.04): I am speaking here partly as Caroline Le Couteur, Green, but also as Caroline Le Couteur, chair of the PAC, which is where the various statements were made.

Members may or may not be aware that, on Monday, the public accounts committee is hearing from the Auditor-General about this matter. We have received a letter, as Mr Seselja said, about this matter. Obviously, the PAC has not spoken about Mr Seselja's statement and I do not know what it is. Without knowing that, my view would be that PAC is dealing with this matter. We are going to talk to the Auditor-General about it. That would seem to be the next move to make in this situation. I would think that is the appropriate thing to do. This is a matter that is before the public accounts committee. The public accounts committee is working on it. I think it would be appropriate to let that process continue.

Question put:

> That **Mr Seselja's** motion be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Justice and Community Safety—Standing Committee
Scrutiny report 21

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 21, dated 22 March 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 21 contains the committee's comments on two bills—that is, the serious organised crime bill and the surveillance devices bill. We had interim comments in the previous report. There are 10 government responses and the government's amendments to the Fair Trading (Motor Vehicle Repair Industry) Bill 2009. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning, Public Works and Territory and Municipal Services—Standing Committee
Report 5

MS PORTER (Ginninderra) (10.10): I present the following report:

> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 5—*Report on Annual and Financial Reports 2008-2009*, dated March 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

In tabling this report, I draw the attention of members to the 13 recommendations and, in particular, to recommendations 10 and 11 and the preceding text in clause 4.31 of the report in relation to consultation on Green Square in Kingston. I need to emphasise that I did not, and do not, agree to have those particular matters included in the recommendations in the report. I will refer directly to that recommendation in a moment.

However, I would make mention of recommendation 3 which, if accepted by the government, will, the committee believes, remove a level of ambiguity that the committee found in relation to the Chief Minister's annual report directions. The issue seems to have arisen due to 2009 changes to the Government Procurement Regulation 2007 public tender threshold. You will see that recommendation 3 states:

> The Committee recommends that the Chief Minister's Annual Report Directions for 2011 onward be updated to reflect the 2009 changes to Government Procurement Regulation 2007 public tender threshold, so agencies report on the reason for use of Select Tender procurement process, if applicable, for contracts of a value greater than $200 000.

The Assembly will note that there are two other recommendations in relation to the Chief Minister's directions and a number of recommendations in relation to sustainability issues.

The committee was also concerned to hear about what was reported as a backlog of heritage nominations. The committee recommends, in recommendation 7:

> … that the Department of Territory and Municipal Services provide information in the 2009/2010 Annual Report on the progress of, and the process used to address, the backlog of heritage nominations.

Members would be aware that there is a review of the Heritage Act 2004 actually happening as we speak. A discussion paper has been released to generate responses from the public. Submissions have been called for and the closing date for those submissions is Friday, 7 May 2010.

I will now address the matters that I referred to earlier. Members will note that, in 4.31, comments are attributed to the committee to which the majority of members of the committee do agree. However, I must emphasise that I do not. I understand the concern that is being expressed by other members in relation to what was consulted on with residents and businesses at the ACTPLA consultation late in 2009. However, I do not share the other members' view that this was in fact a "sham" consultation and,

as only one member of the committee, I believe, attended any of these consultations, I find it entirely inflammatory and presumptuous of those members of the committee to make such a claim. Therefore, I need the report to reflect that I cannot support the inclusion of clause 4.31.

You will note that I have also noted in the report that I do not support recommendations 10 and 11. Recommendation 10 asserts that Green Square in Kingston is, in effect, the backyard of unit dwellers in Kingston. I am sure many members have sat on weekends in one of the outdoor facilities of the cafes that are adjacent to Green Square and observed the number of people sitting and enjoying a quiet cup of coffee. Often, I used to sit there at lunchtimes during the week, or on weekends, particularly when I worked in the vicinity. I often saw children climbing the brickwork and saw skateboard riders performing some quite amazing but potentially dangerous feats, but I hardly ever saw anyone—certainly few, if any, adults and hardly any children—actually on the grass. Of course, most of that time was before we were facing such drought conditions and water restrictions that we are now experiencing—and, of course, the grass was much greener at that time.

Members will be well aware, I am sure, of the plethora of wonderful opportunities that people who live in Kingston in units have at their disposal—or anybody that lives in that area, for that matter. There is the lakeshore and the revitalised East Lake area which continues to be developed and will be a favourite place of recreation, I am sure; it certainly is now and will be into the future. Then, of course, on the way down to the lake, there is the nearby Telopea Park, which is a very popular recreational area with plenty of prime facilities and park furniture that make a visit to the park a very pleasant event. I might be so bold as to suggest that this park affords residents in Kingston very much more in the way of a backyard than a small shopping centre square.

There are, of course, other nearby opportunities for unit dwellers in Kingston, many of whom would choose to take advantage of these as well. I doubt very much that Green Square could cope if all the unit dwellers chose to suddenly descend on it and use it as their backyard on any given day. The government necessarily would have to call on the relevant agency to provide crowd control!

The next recommendation I cannot support is recommendation 11. It is not that I believe that multi-unit dwellers should not be considered when we are consulting with the community on landscaping, as the government did in regard to Green Square. Of course, any person is entitled to participate in these consultations, regardless. I have not noticed any edict that was issued to warn off multi-unit dwellers, to tell them that their participation was not welcome.

Should we, therefore, have separate consultation processes for each different grouping within our community? After all, single parents, older people and people with disabilities all have particular needs. It is up to the individual to choose to participate, as we know. It is up to the government to ensure that people are aware of the consultation and that it is accessible. Whether a person avails themselves of that opportunity is up to the individual or organisation as appropriate.

We all know that there are those who, after the event, believe that their particular point of view did not carry enough weight and therefore they are unhappy with the outcome. Invariably, these people blame the process and say they were not consulted. That is not to say that we should not at all times try our utmost to ensure that proper processes are in place, well advertised and, as I said, accessible.

I would like to conclude by thanking my fellow members of the standing committee, Ms Le Couteur and Mr Coe, and the secretary, formerly Nicola Derigo but now Nicola Kossek. Congratulations, Nicola, on your recent marriage. I would also like to thank Dr Sandra Lilburn for her assistance while our committee secretary was away and, of course, the Committee Office staff.

MS LE COUTEUR (Molonglo) (10.18): First off, I would like to second the chair's thanks to the committee secretariat and my fellow committee members. Secondly, I guess I come upon this report with a great feeling that nothing has happened in the last year, because we did this a year ago. We were reporting on our work in planning and our work in territory and municipal services and I had really hoped that in the last year there would have been changes in both of those areas.

I had hoped that in the last year the government would have looked at, for instance, our transport system. Our transport system is influenced by planning and by territory and municipal services. Our transport system could change so that it is more sustainable. It could change so that it involved a bit more activity from the people who were involved with it—walkers, pedestrians, cyclists. And if we did that, that would lead to healthier Canberrans. It would also lead to less energy being used in transport systems.

Our transport system could change so that our bus system was actually meeting the needs of Canberra and that the people were able to walk on safe footpaths to conveniently available buses. We have not been talking about that stuff as part of the annual reports very much—a little, I admit, but not to the extent that it should be.

Also, with building and planning, this report is not full of how we are going to be meeting the challenges of climate change. And I think this is a real pity because the planning system and the territory and municipal services which we deal with here are the parts of the government that are building the infrastructure which hopefully will be around for the next 50, 100, whatever years in Canberra.

Those are the things that we absolutely have got to get right. If we are going to have a city that is going to be a great city to live in in the future, not just a city that has been good to live in, we have got to do our planning for the future and not for the past. Reading through this report, reading through all the annual reports and talking to the officials, we are not doing enough of that. We are doing very little of that, unfortunately.

I will now move on to some more specific points. The first one I will make is a somewhat depressing point. There are two places in which the committee points out to relevant officials that there is information that they could have and that they do not seem to have. On page 16, recommendation 6 is:

> The Committee recommends that the ACT Government examine the published literature on the environmental impacts of the different end-of-life options including cremation, lawn burials and natural burials.

The committee said that because when we asked Canberra Cemeteries about what environmental information they had about this they said they did not know of any. But, as members may be aware, because I have said it in this place before, the South Australian parliament in, I think, 2008, not 2007, published a very detailed report on natural burial which included some environmental impact studies for all the various methods of end-of-life body disposal. So I thought it was very unfortunate that Canberra Cemeteries was not aware of this.

The other area where I thought it was very unfortunate that the government was not actually aware of what was going on—and this is in paragraph 4.43 of our report—was with regard to the third bin for organic waste. The committee was told that it is only a small proportion of what goes into the residential waste bin and therefore a third bin would be inefficient. The committee said:

> The Committee would like to draw the government's attention to the findings of two reports on domestic organic waste. As highlighted by the Commissioner for Sustainability in the 2007 ACT State of the Environment Report, the 2007 *Domestic Waste Audit for Thiess Services and ACT NoWaste* reported that 48.5% of the domestic waste is organic and 'provides a clear target for the next significant reduction in waste to landfill'. Similarly, the Report on … *Trial, Chifley … 2001* reported that 'In the ACT, the composition of domestic garbage bins includes 52% … of food and kitchen waste.'

It is really quite worrying that the people who are responsible for delivering these policies and programs do not actually know the facts, which other parts of the government have published, about our waste stream. We can disagree about the best way of addressing the problems but it is really worrying when the officials do not seem to even know the facts about the problems.

Moving along to the recommendations in the report, recommendation 4 is:

> The Committee recommends that planning for the provision of ACTION services for the Molonglo region and other new residential areas be anticipated from the beginning of settlement in those areas.

I think this is a particularly good recommendation and it is one that I hope will be followed in Molonglo and in all the new suburbs of Gungahlin and the new suburbs of East Lake when they come online. It is really important that, when people move into a new house, they should find that there is a public transport system that they can use and that they get in the habit that they are in their new house and this is how they go to things, rather than finding that they move in, there is no public transport and their only possible alternative is to become a two-car family. And once they have done that, they are likely to stay that way, even if in the future the public transport improves. So I was very pleased with that recommendation.

A related recommendation is:

> The Committee recommends that future planning for major road projects should include … likely changes to greenhouse gas emissions generated from traffic.

The reason the committee made that recommendation was related to the government's website about the proposed Majura Parkway where it was claimed that this would lead to a net reduction in greenhouse gas emissions, which I suppose could be true but which, on the face of it, is unlikely to be true as virtually every other road improvement in the world has been followed by increased use of the road. This may be a unique road but we felt that it was important that when we plan new roads we actually look at these issues.

With regard to the heritage recommendation, I note that the government is doing some work on that, according to the press.

I will move on to the issues which Ms Porter dealt with about the consultation and the issues relating to Green Square. First, this is one of the areas where, again, I felt a great feeling of deja vu. We talked about Green Square last year. We had exactly the same discussion about Green Square and still it seems that the community wants something that the government does not want to provide. It is not managing to explain this well for the community.

Recommendation 9 is talking about better coordination between TAMS consultation and ACTPLA consultation. I was the committee member who attended some of the consultation. I am also aware of various constituents who have. It would seem that the ACTPLA consultation was on the basis that there were a range of possibilities for Green Square whereas previously in the TAMS consultation the people had been told that in fact grass was one of the options.

Ms Porter talked a fair bit about the recommendations with regard to Green Square and multi-units and I would like to talk a bit more about this because I think it is actually very important. My understanding is that all three parties in this Assembly are broadly supportive of increased medium density in Canberra, possibly even increased high density in Canberra. If we are going to do this then one of the ways we are going do it and make it work well for people is to have a better public realm.

One way of looking at it is that if we are building homes for people which do not include a back yard and a front yard, which is what we are thinking of doing more and more in the future, we have to still give these people some space where they can go and sit on the grass, where they can look at a tree, where they can have some of the advantages that you get from back and front yards. We can argue about any particular piece, like Green Square. That is the reason for recommendation 11:

> The Committee recommends that the ACT Government consider the recreation needs of multi-unit dwellers when deciding what landscaping to maintain or improve.

I would hope that, in looking at the public realm work, we look very carefully at the needs of multi-unit dwellers because they, having less space in their own private

realm, need to have a high-quality public realm to make it work. So I would ask the government to look beyond Green Square, to look at this for all of the areas of the ACT where our urban intensity is increasing.

Recommendation 13 about enhanced solar orientation and solar access rights is, as I guess members will appreciate, an issue very dear to my heart, very dear to the Greens. I hope we get these territory plan amendments coming up as soon as possible and I hope they are really good amendments.

The last one, about high-speed broadband connections, is also important as we are becoming more and more a wired virtual community. It seems crazy that we still seem to be building developments which do not have high-speed broadband connection. I understand that quite a lot of this is under the responsibility of the federal government but, to the extent that the ACT government can influence it, I believe it should.

That is really all I have got to say, except to reiterate what I said at the beginning. I really hope that next year this is going to be a much more forward-looking report because the government will have done a lot more forward-looking work on what is the ACT's long-term infrastructure.

MR COE (Ginninderra) (10.30): I stand as the final member to speak on the Standing Committee on Planning, Public Works and Territory and Municipal Services report. I, too, share my committee's praise of the committee secretariat, in particular Nicola and Sandra. They do a great job. They are very thorough, very diligent and very easy to communicate with. So I thank them for their continued great service.

Firstly, I would like to support what Ms Le Couteur said about the TAMS part of the report and the TAMS process being much more forward looking and much more geared towards the future. I think what we do tend to see with some of these annual reports is simply them trying to get the bare minimum of reporting requirements as opposed to actually giving a fair indication of where the department is at and what their plans are for the future. I certainly do share Ms Le Couteur's thoughts when it comes to that issue.

I would also like to express my disappointment at the fact that we could not get the Chief Minister until February for the annual reports hearing. After February, we are already seven or eight months into the next annual report period; so it really does seem to be not the best process and not the best way forward if we do have to wait as long as eight months to actually hear about what happened in June. I hope that this year we might be able to get the Chief Minister for a few more hours and at a much earlier time in the cycle.

Going to a few of the specifics in the report—I will not go through all the recommendations—there are a couple that I do want to highlight. The first is recommendation 2:

> The Committee recommends that the Annual Report for the Land Development Agency includes the procurement type for each contract listed.

Again, it really surprises me that this sort of thing is not included. It really is disappointing that we have to make this recommendation. Surely, in an annual report, where you are obliged to give information about the large procurements of the organisation, it would make sense to also include the procurement type so that we do not then have to put in further questions on notice and create more work when it would have been much easier to include it the first time round.

Recommendation 4 is:

> The Committee recommends that planning for the provision of ACTION services for the Molonglo region and other new residential areas be anticipated from the beginning of settlement in those areas.

I think this is absolutely vital. It is not just ACTION services; it is all infrastructure. I think we do have to make sure that we are putting in infrastructure ahead of demand. As we have seen so many times with this government, especially with developments in Gungahlin, we have substandard infrastructure and only when it is at capacity are we seeing the government reluctantly take action, with the Gungahlin Drive extension being a classic example. It would be a tragedy if Molonglo was yet another example where the infrastructure did not keep pace with the growth. Ideally, the infrastructure would be there well ahead of the growth.

From a government revenue point of view, I would think this is actually very beneficial. I would think that, if you actually do have infrastructure there ahead of people buying land, that would help with the land price. Unfortunately, this government's short-term vision when it comes to infrastructure and capital upgrades means that we do not get that vision that we might hope to get.

On this, I think it is also important to remember other established suburbs or suburbs that already have inhabitants that are still lacking bus services. Casey is a great example. There are hundreds and hundreds of people that live in Casey at the moment. There is no ACTION service that runs there, and ACTION has no plans to run there either. How can you possibly claim to have a sustainable transport plan when the buses do not even go to all the suburbs? It is absolutely absurd to think that this government are actually serious about increasing patronage for ACTION buses, yet they do not even run an ACTION bus to all the suburbs in Canberra. It is absolutely absurd.

I would like to see what work can be done to either incorporate the 51 and 52 services so that they go to Casey or introduce another service that would serve the residents of Casey. More and more people are moving into that suburb every day and, with that in mind, I think it is high time that the ACT government actually invested in that community with a bus service.

Recommendation 7, as I think both my colleagues spoke about, is:

> The Committee recommends that the Department of Territory and Municipal Services provide information in the 2009/2010 Annual Report on the progress of, and the process used to address, the backlog of heritage nominations.

I think this is absolutely vital. Again, I would have thought this sort of information would be included in the annual reports anyway, because this is really core business for the heritage unit. If they are not including this sort of information, again, it does suggest that the annual report is not as complete as it should be. So I do hope they take that recommendation on board and provide a much more complete report next time round.

On recommendations 9, 10 and 11 and the broader issues about consultation and Green Square in Kingston, I very much support 4.31 in the report; in particular, the second sentence:

> The majority of Committee members expressed concern that part of the ACTPLA consultation could be regarded as sham consultation because the decision had already been made by TaMS.

This is true. This is absolutely true. What happened in the consultation was that the government asked questions about grass: "Did people want grass in Green Square?" The people overwhelmingly said they wanted to have grass in Green Square. Yet the government had no intention whatsoever, it seems, of actually doing anything about it. So often this is the case.

For a while the ACT government would not conduct any consultation whatsoever. They would not even talk with the community. Now, what seems to happen is that they have a bit of a facade. They pretend to have a conversation with the community and then do not actually follow it up, do not actually take action. It is not consultation if you simply listen to what people say and then do not take any of it on board. Consultation is actually a two-way street whereby you do amend your actions based on what you have heard. It is not always possible but in this situation it certainly would have been possible. It is very disappointing that the government did, in fact, have sham consultation, as stated in the report of the PPW and TAMS Committee.

Recommendation 9 is:

> The Committee recommends that the Department of Territory and Municipal Services and the ACT Planning and Land Authority coordinate their public consultation processes where an obvious cross over exists.

This seems to be obvious and, if this government claims to be big on making efficiencies in the bureaucracy, this is a very clear example where you could get an efficiency and, indeed, get a better outcome as well.

Recommendation 10 is:

> The Committee recommends that, given that Green Square is, in effect, the backyard for many unit dwellers in Kingston, the ACT Government should maintain grass there.

I fully agree with this recommendation. I think, as Ms Le Couteur said, all parties in this Assembly are committed to increased density, especially from the Canberra Liberals' perspective, on our major transport corridors and in major centres. If we are

going to encourage people to move into such dwellings then we also have to actually provide adequate services and adequate infrastructure. That infrastructure, I believe, does include recreational facilities, and recreational facilities such as grass in Green Square is a classic example of such infrastructure that we should be investing in.

Recommendation 11 is:

> The Committee recommends that the ACT Government consider the recreation needs of multi-unit dwellers when deciding what landscaping to maintain or improve.

This is very much along the lines of recommendation 10 and my earlier comments, but I do think—and I will reiterate it—that it is vital we do actually maintain our infrastructure to keep pace with the growth of the areas.

Finally, recommendation 12—this is the last recommendation I will address in my response—is:

> The Committee recommends that the ACT Government clearly articulate its policy on watering public spaces, including grassed areas.

This, to me, seemed very simple and I am surprised that they do not have this sort of policy in place at the moment instead of a policy that is not clearly articulated. I think, if they did have a policy which did actually discuss which grass and which areas will be watered and maintained, there would not be this ambiguity that currently exists about Green Square and other places. It does seem a bit odd to me that you might have a bit of grass in the Assembly, you might have acres and acres of football ovals that are watered but you do not have maybe 50 square metres in Green Square because they have to be water efficient. We should be water efficient but I do not think that 50 square metres in Green Square is going to be the thing that makes us efficient or inefficient. Yet, there would be considerable benefit for the many hundreds if not thousands of people that frequent that area on a weekly basis.

In conclusion, I think this is a good report. I do urge the ACT government to take these recommendations on board and in future make annual reports much more visionary, much more forward looking, so that we can actually look to these reports to get an idea of where the ACT government is going with regard to the relevant departments.

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) (10.40): I have not had an opportunity to read the report; I have simply had the benefit of listening to the presentations and speeches that have been made. I wish to respond not so much to the report but to some of the commentary that has been made. Much of that commentary, particularly that that is negative and critical of the department, is quite basely political in nature. It is certainly inconsistent, it is certainly very specific and subjective—not at all objective—and it does not deal with some of the issues that have been raised in the discussion.

At one level, the overtly political and subjective nature of comments which both Ms Le Couteur and Mr Coe have made just now is a concern to me—and a comment and a commentary such as that directed at officers of TAMS, members of Parks, Conservation and Lands, that they have conducted a sham consultation. That is deeply offensive to the public servants that conducted that consultation.

It brings to mind this interesting notion which politicians develop when there is a particular issue that they have championed where there has been a consultation and they disagree with the outcome of the consultation in terms of a decision that the government takes. Then, of course, it is a sham consultation, because the government's position or action does not match their own predetermined attitude in relation to the issue.

The government does have an issue about using potable water to irrigate spaces such as Green Square. As we have explained ad nauseam, we do not irrigate local centres. I find it remarkable and inconsistent—a way that highlights the hypocrisy of Ms Le Couteur and Mr Coe in relation to this—that they pick out one local centre—

Mrs Dunne: It is a group centre.

MR STANHOPE: namely Kingston, and insist that the government irrigate Green Square at Kingston and ignore the other 80 shopping centres in the ACT.

I have asked Ms Le Couteur to explain to me the basis or the attitude which she would adopt if the government suddenly decided to invest in irrigation systems connected to town water, to potable water, and irrigated all 80 shopping centres. Why does Ms Le Couteur champion Kingston but not Scullin? Why does Ms Le Couteur champion Kingston but not Charnwood? Why does Ms Le Couteur champion Kingston but not Lyons? Why does Ms Le Couteur champion Kingston but not Lyneham? Why does Ms Le Couteur champion Kingston shops but not Narrabundah P-2 school? Why does Ms Le Couteur champion a shopping centre and not childcare centres? Why does Ms Le Couteur think it is reasonable to use potable water, eight years into a drought, to irrigate Green Square?

Why does Ms Le Couteur insist on this? Officers of Parks, Conservation and Lands consulted on a number of occasions—convened a public meeting, distributed leaflets, invited everybody that wanted to talk about the issue to talk with them over a period of a year, starting in August 2008, and extending all the way to August 2009, a 12-month period of conversation and consultation, including a public meeting, attended by 26 people, 60 per cent of whom, at the conclusion of the meeting, said that they understood. Sixty per cent of the people who attended the public meeting convened to discuss the proposal to cease irrigating lawn—because they were replacing the lawn every few years because it simply would not grow in the midst of the drought and with the level of wear and tear—agreed, in the words of the briefing paper to me, that the current situation was unsustainable and they accepted that it had to be replaced.

Then there is this notion of a sham consultation because the government did not agree with it. We did not agree that potable water should be used to water this particular

lawn. We decided to replace it with drought-hardy plants. Green Square is now greener. The work is now concluded, and Green Square today is greener than it has been at any time in the last 10 years—with drought-resistant, drought-hardy plants that do not require irrigation. It is the greenest it has been for 10 years.

Let me go to this notion of consultation. The government has just consulted on a new southern cemetery and a crematorium. There was a rigorous, extensive, qualitative and quantitative survey and consultation process, which thousands of people responded to—thousands, not 26. Eighty-three per cent of people—83 per cent plus—support a new cemetery and, interestingly, 83 per cent want a crematorium on the site.

But Ms Le Couteur does not. Ms Le Couteur does not believe that there should be a crematorium, or a second crematorium, at the site of the new southern cemetery. She does not agree. She disagrees with what 83 per cent of the people of Canberra think and want. Ms Le Couteur thinks they should all actually endure natural burials: they should be buried in cardboard boxes, standing up. That is what Ms Le Couteur expects the people of Canberra to accept in relation to their burial choices. She does not want a crematorium.

Ms Le Couteur, you ignore that consultation; you ignore the fact that 83 per cent of the entire Canberra community wants a crematorium. You do not. So it was a sham consultation, was it—just because you did not agree? You have a position. You have a policy position; you have a belief in relation to a crematorium: you do not want one. But 83 per cent of the people of Canberra do, Ms Le Couteur. Why didn't you back them? Do you think that consultation was sham? Was that a sham consultation just because you disagreed with it?

It was not a sham consultation. That is unfair. It is unfair to those officers that conducted it. It was an extensive consultation over the course of a year. At the end of the day, a position which the department and the government had adopted, that we would not use potable water in the midst of a drought to irrigate a square, was the policy position that we took. But because we did not agree with a number of people who wanted us to invest in infrastructure, to invest in water, to meet an annual water bill and to use potable water, you accuse us of not being honest in our consultations. We were honest and up-front at all times. We said that we will not support it at public expense. What we did say was: "If you want to invest in the infrastructure, if you want to pay for the water, you can." They all declined that offer.

That is unlike a current experience at Ainslie shops. The government also had a particular position in relation to that upgrade. We said to the major owner of Ainslie: "Look, we are not prepared to invest in this. If you want this particular feature then you pay for it." At Ainslie, the owner of the IGA is doing precisely that, unlike Green Square. They said: "No, no; we are not prepared to pay for potable water. We are not prepared to pay for the irrigation system." But at Ainslie they are. They wanted something, so they are doing it—as the retailers in the city are. They are now completely refurbishing the park in West Row at their own expense. They are making their decisions in relation to that park.

I will go to just one other point. Ms Le Couteur commenced her commentary in relation to transport. There are a couple of recommendations, I understand, in relation

to ACTION. Ms Le Couteur, I wrote it down: "After 12 months nothing has happened," she laments; "The government is doing nothing." Doing nothing in relation to transport? Doing nothing in relation to public transport? We currently have the biggest capital works program in the history of the ACT—since self-government, at least, and probably before that—invested in roads and transport infrastructure. There is some $175 million in contracts currently out, a number of them in relation to specific transport-related initiatives like busways. Go to Barry Drive. To stand in this place today and say the government is doing nothing—70 kilometres of bike paths sealed this year; 700 kilometres of bike paths and footpaths in the last eight years; $175 million this year in transport infrastructure; Redex funded this year. To say we are doing nothing—how ridiculous. If that reflects the quality of the report then the report is worth nothing.

Ms Le Couteur stands here today and says that we are doing nothing, on top of the massive record levels of expenditure in all aspects of transport. There is $100 million being spent on buses. I announced last week the first steer tag bus at $529,000, with four more to follow within the next month. That is a massive investment. And you dare to stand in this place and say we are doing nothing? *(Time expired.)*

MS LE COUTEUR (Molonglo) (10.50): Mr Speaker, I seek leave to briefly reply to some of Mr Stanhope's comments about my views.

Leave granted

MS LE COUTEUR: I will be brief, because I did not take notes about everything. First off, Green Square. As Mrs Dunne pointed out, Green Square is not a local centre and never has been a local centre; it is a group centre. On the basis of questioning during the committee hearings this year and the year before, it does not appear that the government has a consistent policy as far as group centres are concerned.

If you go out to Gungahlin, you will find that in the last couple of years the government has created Gungahlin linear park. That has in it a piece of nice irrigated grass. I am not saying anything about that; all I am saying is that Green Square has a reason to have grass in it and, as the recommendation said, we need to have a consistent policy. Green Square, as the recommendation also said, is effectively the backyard of medium-density dwellers, unit dwellers, in Kingston. It is quite reasonable that they might like to have a bit of grass for their kids to play on while they have a cup of coffee.

Mr Stanhope said that in Ainslie the grass was staying because the IGA was paying for it, but that—

Mr Stanhope: I did not say grass.

MS LE COUTEUR: I thought it was the grass, but that whatever it was is staying because IGA is paying for it and the shop owners of Kingston were not prepared to pay for the grass. I would point out one very important difference between IGA and the shop owners of Kingston. The shop owners of Kingston, I understand, have only one-year leases because the area around there is going to be redeveloped but no-one really knows how. If you have got a one-year lease for something, I am not quite sure

why Mr Stanhope would think that you were going to put a lot of money into capital improvements. I do not know how long the IGA lease is in Ainslie, but I would be confident that it is a lot longer than one year.

The other point I would make is that it does not seem entirely reasonable to me that the shop owners should be the only people who are paying for public infrastructure. I thought that was one of the roles for our rates and of the government. I think that Mr Stanhope's comments there are not entirely relevant.

Mr Stanhope went on to attack me about the southern cemetery and natural burials. He said that people in Canberra were going to have to endure natural burials. The first thing I would point out is that certainly it is the Greens' policy that anyone who is buried would first be dead, so "enduring" is probably not the word that I would use for whatever type of burial it is. I trust that all the people buried will first be dead.

In terms of enduring, or otherwise, natural burials, the Greens are not proposing that natural burials should be the only alternative available to the people of the ACT. What the Greens are saying, firstly, is that the existing cremation facility is under-utilised. This appears to be a fact. We have heard different theories as to whether it is 20 per cent, 40 per cent or 50 per cent utilised, but it is not fully utilised at present. From that point of view, there is no reason to build another. There are some reasons why, on that particular site, some of the residents may not want to have a crematorium next to them. I certainly have had representations from people saying exactly that. But the Greens' view is that people should have a choice, and currently people do not have a choice for natural burial in the ACT. A dear friend recently died and her body went to somewhere near Melbourne because she wanted a natural burial and it was not available in the ACT.

The other reason the Greens support natural burial is that, from an environmental point of view, it would seem to be without a doubt the preferable option. For a long time Canberra has been talked about as the bush capital. Natural burial is one way of making cemeteries part of the bush capital. Your body is buried and then natural vegetation goes on top. For people who have lived in Canberra, who like the bush capital idea, who want to be part of the environment and who want to reduce their environmental footprint in their life—which many Canberrans have done—natural burial is a choice that they should have.

Consultation—sham consultation. I have never said that the consultation on the southern cemetery is sham consultation. I have said that many of the people consulted did not know all the information about natural burials, and I stand by that statement. But I have never regarded it as sham consultation.

In terms of sham consultation, what I was talking about there was not so much the TAMS consultation, which I appreciate the Chief Minister knows much more about, but the ACTPLA consultation, which was held after the TAMS consultation. The ACTPLA consultation about Kingston in the Kingston master plan did not say to the people there, "Green Square—there is no point in talking about this; the decision has already been made." The consultation was done with people on the basis that all the options for the Kingston square—it is not actually a square: the Kingston space, the centre of Kingston space—were on the table. In fact, we now know that they were not on the table.

Lastly, in terms of transport, I have never tried to say that nothing has been done with transport over the last year. Clearly, that is not the case. What I was saying is that we have not significantly advanced the cause of sustainable transport in the ACT, and I think I will stand by that statement. I am very pleased that we have bought new buses, but I would point out, as my colleague Mr Coe pointed out, that we still have suburbs that do not have a bus service to them. While that is the situation, Mr Stanhope cannot really stand up and say that we have a great transport system.

MR HARGREAVES (Brindabella) (10.57): I want to take issue with a couple of things Ms Le Couteur has just said. The first one I want to talk about is the Green Square issue. I am offended, quite frankly, by this statement that the consultation could be regarded as a sham one. I was the minister responsible there for a while, and I can tell you that I had made no decisions whatever with respect to the outcome.

Mrs Dunne: We know what you think about consultation.

MR HARGREAVES: Oh, do go and get registration with dog control renewed, will you!

MR SPEAKER: Mr Hargreaves!

MR HARGREAVES: Mr Speaker, will you do something about Mrs Dunne, please, and remove the temptation for me to have to do it.

Mr SPEAKER: Mr Hargreaves, I would invite you to withdraw the previous comment.

MR HARGREAVES: What? I withdraw the comment that she should have her stuff at dog control renewed. She does have to have it renewed, Mr Speaker.

MR SPEAKER: Mr Hargreaves, do not push your luck.

MR HARGREAVES: All right, Mr Speaker. The thing is that the consultation process around Green Square was not a sham. The people who were affected by that were invited to the consultation process, but just because some people do not like the decision at the end of it does not make the consultation process a sham. A sham consultation process is when you can prove a decision is made before the event and that it is only lip service that is shown, and this is not.

The other nonsense that is perpetrated is that Green Square is the little bit of green that is somebody's backyard. I think it may have been mentioned before. That is an absolute nonsense. You have got Telopea Park which stretches for ages, all the way down to the lake. That is a decent backyard for people in multi-unit complexes. Madam Deputy Speaker, I worked near Manuka Oval for about three years, and I can tell you there are some poor parts of the day when—you are not going to believe this—there are not stacks of mums with little kids frolicking on the little lawns—this was in the 1970s when there was grass there—nobody. It is not that kind of demographic in that area. What is a sham is this sort of item in a report which gives credence to this sort of nonsense—that the only little piece of green in Kingston and the Kingston area is outside the restaurants. Come on, get over it!

The other thing I want to take issue with Ms Le Couteur on is this natural burials issue. She says that we have got plenty of room up in the north. Well, I would like to know how any political party that does not have an elected representative living in the Tuggeranong Valley can represent the views of those people, when clearly the views of the people in the Tuggeranong Valley are that we need to have a southern facility. They have been agitating for a southern facility, a southern cemetery, for as long as I have been in this place. I can recall, in fact, taking up the issue before I was a member of this place.

When it comes to a crematorium, it is a necessary competition that has to be introduced. Now, what Ms Le Couteur has been saying—and I have seen it in that illustrious journal the *Canberra Times*, the purveyor of all things truth—is that the only thing you can have is natural burials down south. What about asking the people whose relatives have just died? What about asking them? That is what has happened: I got contacted to ask my views on it as a resident. Ms Le Couteur did not get contacted as a resident of the Tuggeranong Valley, because she is not one. Neither is Ms Bresnan. No member of the Greens is a resident of the Brindabella electorate. They are imposing their particular ideology on the people of Tuggeranong, and I will not put up with that.

Natural burials have their place. It is an option, as is having your relative cremated and kept handy and kept local, as is returning the body to the soil. There are some religions which have a specific way of doing these things, and we need to respect them. The Muslims, for example, have to be very, very quick. They are not interested in Ms Le Couteur's natural burial system. They should have their rights respected. She is not allowing that to occur.

She talks about rejecting the government's record on sustainable transport. Yes? I can remember Mr Rattenbury and I standing up at the Hellenic Club, both of us advocating the same thing—that is, the Downer to Woden on-road cycle path. We both advocated it. The Stanhope government was formed in 2001, and it started the process off. Now we have got on-road cycle paths all over the city. In fact, we saw in the paper today Pedal Power announcing that where, in 2001, we had something like 400 people on their cycles coming into the city, we have now got 2,800. That is sustainable transport.

We now have a completely different suite of buses being rolled out with energy efficient engines. What is that for? Sustainable transport. We have rejigged, if you like, the taxi system. We have got more taxis on the road; we get more people in the one vehicle; we have got the T2 lanes. None of that existed in 2001. So please do not come in to this place and say, "You've done nothing for sustainable transport." That is wrong. If you want to say we can do more, we will agree with you. You know, bike racks on the front of buses—hello!

Madam Deputy Speaker, I will return to this report. People who are going to put reports in to this place need to do two things: they need to be accurate—this is not; and they need to contribute to the governance of this territory—this does not. Recommendation 11 is that the ACT government consider the recreation needs of multi-unit dwellers when deciding what landscaping to maintain or improve. That

suggests that that consideration does not go on—it does go on. It suggests that the government considers it—it is already doing it; it does it every day.

For Ms Le Couteur's benefit, ministers do not get up in the morning and say, "Now, which part of town am I going to ignore this week?" This is not the Liberal Party government; this is the Labor government. We do not say: "Which developer's pockets do we want to fill with cash? Who will we give it to this week?" No, we do not do that. That is the sort of thing Mrs Dunne promotes all the time; we do not.

The sad part about this report is that there are some good recommendations in it, but they are diminished by this set: paragraphs 4.31, 4.32, 4.34 and 4.35. It says here that Green Square will not be funded by the ACT government as it is not consistent with the government's policy in relation to sustainability and water use. Well, the government's policy on sustainability and water use is something that has been applauded by the crossbench in this place in the past. If you have got an area in the town which just plain will not grow, you do something else about it. Who is going to pay for the water for this small patch of ground? Ms Le Couteur says, "Oh well, the Kingston one and the Ainslie one are different." She is saying they have only got a one-year lease. Whose fault is that? It is not the government's fault. Also, I have to tell you that there are a bunch of traders in Green Square that have been there a little bit longer than a year. They were there just after Hawke's Butchery closed. That is how long they have been here.

This is nonsense, and I think Ms Le Couteur ought to think long and hard about her position on the southern cemetery. I would ask her, in fact, to revisit that policy, and she might like to ask the government to include it as an option. It is the choice. Let us not muck around with people's emotions. Let them have the choice of how they wish to treat the bodies of their relatives. Do not impose one's own beliefs on them. Do not do it just because it is the only patch of ground. There should be room for all of that; not just one. *(Time expired.)*

Question resolved in the affirmative.

Auditor-General's Report No 3 2009—government response
Statement by minister

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), by leave: I wish to make a statement regarding the Auditor-General's performance report No 3 of 2009 entitled *Management of respite care services*. The report was tabled in the Assembly on 19 May 2009 by the ACT Auditor-General. The ACT government welcomed the report and the recommendations it made for improvements to government-provided respite services for people with a disability. It was seen as an important mechanism to ensure that our services are being delivered responsibly and meet the needs of our community.

Overall, the Auditor-General found that the service provided by Disability ACT met the safety and respite care needs of people with a disability. The report also stated that the department is doing many things well. For example, the policies and procedures

are in place to direct service delivery. There are also sound policies for risk management. However, the report found that there are a number of things that could be improved. This particularly related to existing procedures for access and priority to services and ensuring that policies and procedures are consistently applied across the services addressing inconsistencies between intention and practice.

The ACT government provided its submission to the recommendations of the report to the Standing Committee on Public Accounts in September 2009. Of the 14 recommendations made in the report, the ACT government agreed to 10 recommendations, agreed in part to one recommendation and agreed to note three recommendations. Since the report was tabled, the ACT government has released *Future directions: towards challenge 2014*, which is our policy framework to continue to improve outcomes and opportunities for Canberrans who have a disability.

My department has undertaken significant work to implement the recommendations made by the Auditor-General. I am pleased to announce that all the recommendations have now been implemented. Consultation with and feedback from people with a disability, their families and the community have featured greatly in the implemented actions. Attention has been given to work more closely with families and to support them in developing and implementing life plans for their family members that provide opportunities in social, recreational and vocational domains.

I can highlight some examples. In consultation with people with a disability who use respite services and their families, Disability ACT has developed and is trialling new individual respite plan processes. The rollout of these processes commenced in January this year. So far, 27 families of people currently using respite services are participating in the trial, and the initial feedback has been extremely positive. The rollout of the new processes to all Disability ACT respite houses will continue.

An enhanced client feedback system has been implemented, providing the opportunity for people with a disability, their families and the community, to give compliments, to make complaints and provide feedback on services enabling continued improvement. The 2009 client satisfaction survey was enhanced, including the addition of mechanisms to increase the response rate. This survey included a measure of client satisfaction with Disability ACT respite services in the last 12 months. Some 82 per cent of clients were satisfied or very satisfied with respite services, and there was an increase of 31 per cent in the response rate compared to the overall response rate of the 2007 survey.

The Auditor-General made reference to policies and procedures linking to the national disability service standards. Operational policies and procedural templates are being implemented, ensuring that all operational procedures, policies and guidelines are developed consistently and establish a link to the national disability service standards and ongoing governing legislation. The policies will become accessible to the public through a prioritised rollout on the department's internet site.

My department, through Disability ACT, continues to collaborate with the commonwealth government on the development of a national disability strategy and reforms, including a national definition of access and eligibility and a review of the national disability service standards.

On 8 December 2009, the Standing Committee on Public Accounts resolved to make no further inquiry into the report. The chair of the public accounts committee wrote to the Standing Committee on Health, Community and Social Services, bringing the report to their attention. The standing committee is undertaking an inquiry into all respite services in the ACT, and my department will be providing information in a submission to the standing committee.

I would like to thank the Auditor-General for her thorough inquiry into the respite services provided by the ACT government, enabling identification and continual improvements to services to vulnerable Canberrans.

Paper

Mr Stanhope presented the following paper:

> Legislation Act, pursuant to section 64—
>
> Animal Welfare Act—Animal Welfare Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-9 (LR, 17 March 2010), together with its explanatory statement.

Animal Welfare Amendment Bill 2010

Debate resumed from 25 February 2010, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.14): Madam Deputy Speaker, the Canberra Liberals will be supporting this bill, but with one reservation, which I will address a little later. The Primary Industries Ministerial Council is developing national model codes of practice in animal welfare. It has also recommended that states and territories create nationally consistent animal welfare regulation. The words "nationally consistent" are important because they mean that no matter where people go in this country they will know that the code that applies in one jurisdiction applies equally in all others. But is that to be the case? I do not think it will after the briefings that my staff and I have received, and this is the caveat that we have in relation to this bill.

For now, let me focus on the bill per se. This bill prepares the territory for the new nationally consistent model codes. It provides that the minister may declare codes of practice to be mandatory. Mandatory codes will carry a strict liability penalty of up to 50 units for noncompliance. For reckless noncompliance, the maximum penalty is 100 penalty units. However, a private individual in breach of a mandatory code can be issued with a breach notice along with a reasonable period of time in which to comply with the code. If the offender complies and does not have a record of previous breaches, then the strict liability breach will not apply. This concession does not apply to a person who is conducting a business that involves animals. This quite reasonably assumes that a person whose business will rise or fall on how well it treats its animals will be well informed as to the code.

Mandatory codes also will apply to interstate researchers authorised to operate in the ACT. The bill also allows compliance with a code as a defence in cases of alleged animal cruelty in relation to a range of activities. These include the use of spurs, the involvement of animals in competitions, rodeos and game parks, and in medical and surgical procedures. Before the minister can declare a code to be mandatory, he or she must be satisfied that all adequate processes of public consultation have been undertaken. Instead of codes being included in the regulations, they simply will be formalised via disallowable instrument.

I considered whether this was the right approach and considered an amendment to restore the current process. However, I am willing to give the proposed process a go as it provides a good deal of flexibility that the existing process does not. Nevertheless, I will be monitoring this.

In developing the mandatory codes, the Animal Welfare Advisory Committee will have statutory authority to participate. It already has that authority for non-mandatory codes. All of this potentially means additional enforcement costs for the territory. I note that the explanatory statement acknowledges this and I would be interested in hearing from the minister as to the impact on the territory budget that these changes might have. Nonetheless, we accept that it is necessary to ensure the safety and welfare of animals in our care.

In his presentation speech, the minister commented:

> The government will, before this bill is debated, be introducing new regulations to impose mandatory standards for the welfare of poultry.

The minister has just tabled those. These regulations were notified on the legislation register on 17 March. They will commence on the minister's written notice, or after six months. This is sensible because it gives time to commercial egg producers to make the necessary adjustments in order to comply with the new regulations. But now is not the time to debate these regulations. It is sufficient to note that they have been introduced. For now, let me note simply that the new regulations—and they are considerable in both number and extent—are mandatory. They carry strict liability offences, and this brings me to the concerns that I have earlier mentioned about this bill.

I am concerned that the ACT is already is accelerating the development of its mandatory standards, demonstrated by these new regulations. Even the process itself is flawed in the event that this bill passes today for, if it does, a regulation would not be required. The code could be introduced by disallowable instrument instead. Further, even the strict liability penalties will be inconsistent with the provisions of the bill. The bill carries penalties of 50 penalty units, but these regulations carry penalties of only 10 penalty units. In this, the ACT government is the hare, not the tortoise.

Further, these regulations were put in place in isolation of the work of the national mandatory codes being developed on behalf of the Primary Industries Ministerial Council. The explanatory statement for the poultry regulation underscores this. It notes that the new regulation is "based on aspects" of the national code. It is only

based on aspects, Madam Deputy Speaker. These words suggest a significant departure from the national code.

Why was not the national code adopted in full? There is no discussion of that in the explanatory statement. Have other jurisdictions adopted the code? Again, there is no discussion. All of this serves to underscore the concern I have about the advice I have been given in departmental briefings on this bill, and I thank the minister for arranging those briefings. That advice was that over time the ACT and, indeed, other states and territories may seek to vary the national model codes to include their own perceived jurisdictional peculiarities.

The explanatory statement for this bill states that the purpose of the national code is to "create consistent animal welfare regulation across Australia". It seems to me somehow unfortunate that this ACT government is talking already about future inconsistencies even before the national consistencies are developed. But it is not just talking about it; it has actually implemented a poultry regulation outside of the national approach. What will that do to the national approach and the goodwill that is being built between primary industry ministers through their council?

This minister's approach flies in the face of the work of the council and it runs the risk of undermining everything that the council is trying to achieve in relation to consistent approaches to animal welfare. If every state and territory does what this ACT government intends to do, the whole work of the council will be a nonsense and it will end up being for nought. In 15 years time we will find ourselves again espousing the virtues of national consistency and striving to achieve it. We will have to start the whole process over again. There are considerable implications for what the government has done here today and in the run-up to this debate.

Inconsistencies will also challenge the mutual recognition policies that operate in this country. What is the point, for example, of different animal transport codes across the nation? What if the ACT had more stringent animal transport codes than New South Wales? What if a northern New South Wales trucking company, complying with the New South Wales code of practice but not the ACT code, were to transport cattle, for example, through the ACT to Cooma?

Under the mutual recognition policy, the transport company could claim that their compliance with the New South Wales code is sufficient to comply with the ACT, notwithstanding the ACT code being more stringent. Thus, Madam Deputy Speaker, an inconsistency would be meaningless. So why has the ACT Labor government just introduced the poultry welfare code before it has been developed as a national code? What is wrong with the minister working with his interstate colleagues to ensure that the code is developed collaboratively so that a national approach can be agreed and then adopted by all jurisdictions?

We all know how this ACT government has an aversion to collaboration and consultation, so a go-it-alone approach will come as no surprise to anyone. That said, such a failure should not stop the passage of this bill. It is a step forward for the advancement of animal welfare not only in the ACT but across Australia. But will the ACT be patient enough to work with the other states and territories? It does not seem that they are up until now but I hope they will in the future. So once again the ACT

will lead the way into the abyss of inconsistency, confusion and malcontent if they do not change their ways.

Madam Deputy Speaker, the Canberra Liberals will support the Animal Welfare Amendment Bill today, but we do highlight the concerns that we have about the approach that this government is taking which will undermine a move towards national consistency.

MS LE COUTEUR (Molonglo) (11.23): The Animal Welfare Amendment Bill 2010 makes a minor change to the existing Animal Welfare Act. It simply gives the minister the power to make mandatory codes of practice under the act. This will mean that in future the minister can introduce mandatory codes of practice in the ACT. As Mrs Dunne has said, this is expected to happen only after the national Primary Industries Ministerial Council has reviewed and endorsed these codes. The Greens do not oppose making this change. Of itself, it basically does nothing. It just allows for possible future changes. So while it could be useful in the future, right now it will do nothing for any animals in the ACT.

However, I want to make it clear that the system of animal welfare being operated through the Primary Industries Ministerial Council, and implemented through its codes of practice, is unsatisfactory. This bill simply perpetuates that system. I also want to make the point that the harmful effects of this system of factory farming are perpetuated by the fact that the government spruiks these kinds of bills as being great for animal welfare, and by claiming that the ACT leads the nation when it comes to the welfare of poultry.

When we debated Ms Porter's motion—Madam Deputy Speaker, it was your domestic animal welfare motion—last week I raised the point that our animal welfare bills apply inconsistently. Domestic animals are well protected, but agricultural animals—like other animals that we humans see as commodities—are terribly mistreated. Mr Hargreaves said to me during that debate that we are on exactly the same path to protect all animals and that the government will introduce a massive, brilliant piece of legislation so good that I will cry about it in the town square.

I am sorry, Mr Hargreaves, but if this is the legislation you were talking about, plus the animal welfare regulation that Mr Stanhope has just presented, then I have to disagree. Neither of them is good for animal welfare. I do not agree that it is brilliant. I am afraid that the Greens and the government are not on the same page after all. As I said during the debate on the motion last week, agricultural animals are treated at a much lower standard than domestic animals, and this legislation continues to allow their mistreatment.

I want to briefly discuss these issues so that you understand the context in which we are debating the bill today. I am sure the government is aware that animal protection and animal rights movements have been growing in strength in Australia. For example, sales of non-cage eggs in the ACT increase every year. In the order of 80 per cent of ACT consumers say that they think battery cages are cruel. When I introduced a bill last year to ban battery cage farming it was clear there was significant popular support.

The response to this from both governments and industry has been to embrace "animal welfare speak". Laws and languages are now used carefully to try and justify farming systems which remain inhumane and cruel. As an example, Mr Stanhope's media release on this bill and the regulation had the heading, "Improving the welfare of caged hens". In it he said that the new regulations "will allow the ACT to continue to lead the nation". This is the same kind of language used by the Australian Chicken Meat Federation, for example. It says in a publication:

> Concern for bird welfare is backed by government and industry standards which ensure birds are kept comfortable and are treated humanely.

Australian Pork Ltd makes a similar claim. Its website says:

> Australian consumers can have every confidence in the animal welfare standards applied by Australian pork farmers. Our farmers all abide by the standards as set out in the Model Code …

But compare these claims with the reality of factory pig farming or factory chicken farming. Animals are not treated humanely. For example, the codes permit permanent indoor confinement of pigs and severe limitations on their ability to carry out normal animal behaviour through the use of devices such as sow stalls. Sow stalls make battery hen cages look almost bearable. In them the sow cannot turn or move. All she can do is lie and be suckled.

The codes permit the permanent confinement of chickens to wire cages with less floor space than an A4 sheet of paper. The codes allow for the docking of piglets' tails and for the trimming of chickens' beaks without the administration of any kind of pain relief. This is despite scientific research pointing to the fact that these practices are likely to cause acute and chronic pain.

None of these are made humane just because a primary industry ministerial code permits them. Yet the industry are able to use these codes as a justification. They pretend that the codes serve animal welfare. As the animal protection institute Voiceless has put it, "The law is used to spin the wheels of the factory-farming machine." What the model animal welfare codes do is institutionalise and entrench factory farming.

It is a furphy to discuss this bill in the context of animal welfare at all. In fact, all of this "animal welfare speak" simply misleads the public. This is clear in the results of a survey conducted through the federal government's Australian animal welfare strategy. It concluded that people had a shallow understanding of animal welfare issues. Importantly, it also concluded that there appeared to be assumptions by the general public about animal welfare and the existence and enforcement of legislation to protect animals from mistreatment.

So the industry are able to tell the public that their factory farming methods are backed by the government and governments, including this government, sell their legislation as being good for the protection of animal welfare. This is fuelling the problem. The public has an expectation that the government is ensuring the welfare of animals. They trust Mr Stanhope and others when they say they are making legislation that is good for animal welfare.

I know Mr Stanhope is concerned about the disconnect between consumers' apparent concern for the welfare of animals, such as chickens, and their tacit endorsement of factory farming through their purchases such as cage eggs. I would like to suggest that the government also consider how it itself perpetuates myths about animal welfare to the general public. How many consumers who are told that the ACT laws protect animal welfare are aware of what really happens in factory farms? The truth about these animal welfare codes is that in many cases they justify the systemic abuse of animals.

As I have said, this bill merely readies the ACT legislation so that it can entrench standards when they are developed at the national level. There are some important points about this approach. Firstly, it means that the ACT will continue to adopt standards being developed through the Primary Industries Ministerial Council. As I have said, these tend to be standards that legitimise existing factory farming practices. By doing this, the ACT will also entrench standards which are lagging well behind many parts of the world.

The ministerial council recently reviewed the pig code, for example. This review largely reinstated the same system of factory farming. It decided to defer phasing out sow stalls for a decade. If sow stalls are in fact phased out in 2017, as scheduled, then Australia will still be 14 years behind the EU. The EU has not allowed new sow stalls to be built since 2003. Are these the kinds of laggard standards the ACT wants to adopt? As an independent territory, we can and should ensure that decent standards of animal welfare are met here.

Secondly, by relying on the national process, we are also deferring to their time lines. The government has tried to sell this bill as leading to improved conditions for chickens in the ACT. Actually, nothing will change for chickens here because we are waiting until the poultry code is reviewed by the ministerial council. I have been advised that currently there is no timetable for a review of the poultry code. Sheep, cattle, horses and goats are all on the list so far, but it will be many years before they even get to reviewing poultry. This is despite the fact that the code was supposed to be reviewed this year. What this means is that, for the quarter of a million chickens in the factory farm in the ACT, nothing will change.

In the meanwhile, as we have just heard, the government has decided to make mandatory some of the elements of the existing poultry code. Unfortunately, as I have said, the existing poultry code is already hopelessly out of date. It is out of touch with the science, it is out of touch with developments in other countries, it does not protect the welfare of poultry and it is out of touch with public sentiment.

Here is one example from the model code that we have now put into ACT regulations. When three or more chickens are kept in a single cage, they must each have a floor area of at least 550 square centimetres. This is in fact less than the area of an A4 sheet of paper. The chickens are permanently confined to this space. Another thing the regulation does is to encode some of the requirements of cage design. For example, cages have to support the "forward pointing" toes of chickens. In fact, these design elements were originally agreed to by the ministerial council back in 1995. So we are getting back to last decade here.

As I pointed out before, the code also supports activities such as debeaking of chickens with no requirement for anaesthetic, forced moulting and the control of light to maximise egg laying. You certainly will not see anything in the code about the natural requirements of chickens as animals. In any case, the ACT is very late in enacting these minimum regulations. We are really just catching up to other jurisdictions. There was national agreement in August 2000 for relevant parts of the poultry code to be put into state and territory regulations. It seems that the ACT is the only jurisdiction that did not do that. Under the Animal Welfare Regulation 2001, it merely did that for floor space requirements, not the other needs.

This, of course, allowed our factory egg farm, Parkwood, to continually breach the national code by using non-compliant cage doors which only have a small opening. I have pointed this out to Mr Stanhope on a number of occasions. The damage by the combination of rough handling and speed, small openings and weakened bones means that hens suffer broken bones when being removed and transported to slaughter. As an example of how other jurisdictions have moved ahead of the ACT, New South Wales has had for years the cage door requirements in its law, as well as many other parts of the code.

I would also like to make one final point about the Chief Minister's claims that he leads the nation on chicken welfare and that he was the first minister to raise a phase-out of battery hens at the Primary Industries Ministerial Council forum. Actually, Minister Llewellyn from Tasmania tried to be the champion for that cause way back in 1999. That action led to the current minimal changes in the code regarding space and cage design. In addition, had the ACT taken the step to phase out cage egg production, it would have greatly assisted Tasmania in its efforts.

I would also note that the Chief Minister has said many times that the chickens in the Parkwood facility have slightly more floor space than the minimum. This does not mean that the ACT is leading the nation on poultry welfare. It does not make their cage doors any more compliant. There is nothing to stop Parkwood reducing the space for its chickens to 550 square centimetres tomorrow. Tomorrow it may decide it wants to squash more chickens into those cages, if that will work for its business. Our laws go no further than the minimums of the code.

In conclusion, as I said at the beginning, the Greens support passing this bill today. Potentially, if there is a good code of practice developed, it will be very good to make the new code enforceable in the ACT. These codes do not have to be national codes. The Animal Welfare Act gives the ACT the power to create codes of practice, as Mrs Dunne has said. As I said last week, a good use of this power would be enforceable codes of practice for pet shops, which could be based on the model code the RSPCA has already developed.

However, it is important for us to be clear that this bill and the poultry regulation that has just been tabled are about buying into the system of national codes that perpetuate factory farming. By painting it as a bill that improves the welfare of animals, the government does a disservice to the public and helps the industry to disguise the realities of factory farming. The poultry regulations we have now made enforceable have come about very late and they allow bad practices to continue. Just like the

existing poultry code, they are not about best practice. They are about entrenching malpractice.

MS PORTER (Ginninderra) (11.37): I wish, as other members have, to speak in support of the bill.

This bill amends the Animal Welfare Act to facilitate the making of mandatory animal welfare codes of practice. It does this by giving the minister the power to declare, in whole or part, that codes of practice are to be mandatory; in other words, the requirements of an animal welfare code of practice will become compulsory if the minister declares them to be so.

The minister's declaration will be a disallowable instrument and the minister must also specify in the declaration the people to whom the mandatory code of practice is to apply. The new arrangements for mandatory codes of practice are part of the Australia-wide move to improve animal welfare management in this country. A national approach on many animal welfare issues is required, particularly in relation to animals used in industry. Australian jurisdictions have agreed to a strategy to harmonise animal welfare laws.

However, as a federation, it would be unreasonable to expect animal welfare arrangements to be completely identical across Australia, even though Mrs Dunne would have that they be so. For example, some states have a code of practice dealing with rodeos, but we do not in the ACT because rodeos are banned here under the Animal Welfare Act.

As members of this Assembly would be aware, I moved a motion in this place just last week in relation to the responsible ownership of companion animals. The passing of that motion last week received a strong response. I have received many emails from constituents who share my concern for the welfare of domestic animals. Animal welfare is fast becoming a mainstream concern and it is natural that this is reflected in the legislative process.

Mandatory codes will be developed at a national level under the supervision of Animal Health Australia. Animal Health Australia will manage the coordination, funding arrangements and the development of regulatory impact statements for each code of practice that is to be established. The Australian government, state and territory governments, major livestock industries and other stakeholders are partners in Animal Health Australia.

It is important that the ACT is committed to this process of national harmonisation of jurisdictional animal welfare legislation. It will mean in the long term that the ACT and Australia have a strong national animal welfare system. The new national codes will follow a consistent format that will mean there is a clear description of what is required to be done to manage and ensure the welfare of animals.

Of course, it is possible for the territory to adopt the format and proceed with its own development of mandatory codes of practice. I am sure that the ACT Animal Welfare Advisory Committee will be able to advise the government on the conversion of a number of the ACT's existing approved codes of practice. The territory already has a

number of approved codes of practice made under the Animal Welfare Act. These codes work as best practice guides. The bill does not affect the current approved code. Those codes generally do not set clear standards of behaviour and are unsuited to become mandatory codes. They do not conform to the nationally agreed format for new mandatory codes.

It should be noted that under the bill the minister must be satisfied that adequate consultation has occurred before making a code of practice mandatory. I understand the Animal Welfare Advisory Committee will play an important role in the consultations for mandatory codes of practice.

When the minister decides to make a code mandatory, the bill also requires that the new code be publicised in local newspapers. The introduction of mandatory codes of practice will give the territory a tool that will improve the enforceability of codes of practice. This is being done by the inclusion of new offence provisions.

In his presentation speech for this bill the Chief Minister stated that regulations would be made under the Animal Welfare Act to improve battery hen welfare. These regulations have been developed and are now available via the legislation register. I think Mrs Dunne made some reference in her speech to the ACT being a leader and suggested that this was not necessarily a very good idea. But the last time I looked I thought it was an excellent idea for us to be a leader in the way that we introduce legislation, and to have other people follow our lead. The regulations outline specific requirements for the design of cages, the minimum area for birds in each cage, and inspection arrangements for commercial egg producers.

The welfare of poultry, particularly poultry kept in cages, is important for the people of Canberra. New regulations for this industry provide new measures to improve the welfare of caged hens, while a national mandatory code for poultry is being still developed. So you can see that it is necessary for us to lead the way in this regard at this time.

The government has introduced a balanced package. This bill will insert the power to make mandatory codes of practice, and the government has also addressed the ongoing concern related to the welfare of poultry through new regulations. These are important steps as progress is made to nationally consistent animal welfare regulation. I commend the bill to the Assembly, and I am very much looking forward to playing a role in further work in the area of animal welfare as we move forward.

MR HARGREAVES (Brindabella) (11.44): This bill will enable the ACT government to participate in a national program to harmonise animal welfare legislation. It does this by allowing the minister to adopt, in whole or part, mandatory codes of practice for animal welfare, which it is anticipated will be drawn from nationally developed animal welfare codes of practice.

In order to better describe the necessity for this legislation, I will explain to members the national process for the development of new animal welfare codes. The Australian animal welfare strategy, or AAWS, has been agreed to by all jurisdictions, through the Primary Industries Ministerial Council. Harmonisation of legislation has been led by the commonwealth Department of Agriculture, Fisheries and Forestry in conjunction with Animal Health Australia.

The Australian animal welfare strategy project develops national codes by convening writing groups drawn from major stakeholders such as the RSPCA and Animals Australia, industry representatives and Animal Health Australia, together with government policy officers drawn from a range of jurisdictions.

Animal Health Australia manages the coordination, funding arrangements and development of regulatory impact statements for each code of practice. Animal Health Australia also coordinates action plans to aid jurisdictions in the implementation of legislative changes and code adoption. New national codes will be drafted in an agreed layout which will follow a "standards and guidelines" format. The new codes will include clear standards with which people will have to comply.

The ACT government has, under a range of political persuasions—only two actually; two political persuasions have actually been in this chamber, and I sincerely hope it stays that way—led many in animal welfare reform in a number of areas such as the banning of rodeos, the docking of dogs' tails and the cropping of their ears, the banning of exotic animals from circuses and the compulsory desexing of companion animals. Of course, we have extended the animal welfare regime to start with cat-free suburbs, for example.

The other thing, of course, is the way in which Domestic Animal Services has gained accolade after accolade for their work. I draw the Assembly's attention specifically to the development of the trailer by the former registrar of Domestic Animal Services, which is to be deployed in the event of a disaster such as the 2003 bushfires. It is, in effect, a mobile triage unit for injured animals and it is a most magnificent trailer. If members have not seen it, particularly the Greens, who were not here when it was actually launched, I would invite them to seek permission from the minister to pop out to Domestic Animal Services and see the trailer. It is a remarkable thing.

We recognise the importance of safeguarding the animals that share our community and of cooperating with neighbouring jurisdictions. They say dogs have owners and cats have staff, and I can attest to that, having been a dog owner in my life and being completely subjected to slavery in my house to a little orange cat called Andy. Do you know what I like? I like that exasperated sigh; I just love it. It makes my day, Madam Deputy Speaker. I love it.

Mr Hanson: Are you here for your own amusement or for the betterment of the ACT community, Mr Hargreaves?

MR HARGEAVES: No, I am here for your entertainment, Mr Hanson, because you are clearly the jester of the year, you know.

MADAM DEPUTY SPEAKER: Mr Hargreaves, please do not provoke those opposite.

MR HARGEAVES: You are clearly the jester of the year. A number of Australian jurisdictions, including the ACT, do not currently—

Mr Hanson: That's an award you've taken out many years in a row, Mr Hargreaves—many years in a row.

MADAM DEPUTY SPEAKER: Do not provoke the opposition, Mr Hargreaves.

MR HARGEAVES: It has tickled him up a little bit, hasn't it? I wish fishing was this easy, Madam Deputy Speaker; it would be great.

Mrs Dunne: Get a new line, John.

MR HARGEAVES: "Get a new line," she says. Oh, dear.

MADAM DEPUTY SPEAKER: Can we get back to the debate, Mr Hargreaves.

MR HARGEAVES: I am mortified, Madam Deputy Speaker. I am absolutely shattered by the rapier-like wit just demonstrated by Mrs Dunne; it is rapier like. Like a rusty barbed-wire fence—that is what it is really like.

A number of Australian jurisdictions, including the ACT, do not currently have a legislative framework to enable the adoption of mandatory codes of practice. At present the Animal Welfare Act allows the minister to declare "approved" codes of practice, but they are "best practice" guides. If a person is charged with animal cruelty under the act, that person can then use their compliance with a code of practice as a defence. The relevant minister can also make regulations dealing with individual animal welfare issues and that power will continue alongside the arrangements that this bill introduces.

This bill will amend the Animal Welfare Act 1992 to include a new power for the minister to make mandatory codes of practice. The bill also introduces offence provisions to give teeth to the mandatory codes. Other minor changes to the act will be made to allow for consistency. Under new section 23, the minister will have the authority to make part or all of a code of practice mandatory and enforceable. Formal acceptance of a code will still be made by a disallowable instrument, meaning this Assembly will have some oversight over the process. Before the minister can declare a code to be mandatory, the minister must be satisfied that adequate consultation has occurred.

The Animal Welfare Advisory Committee will also advise the government on the local adoption of nationally approved codes, under the AAWS project. I understand the advisory committee is well across the national code-making arrangements. I understand that the ACT's Animal Welfare Advisory Committee is in favour of mandatory codes of practice and stands ready to convert a number of existing voluntary codes into the necessary standard and guideline format for adoption as a mandatory code. The minister will also continue to be able to make non-mandatory or "approved" codes of practice, as the minister can do at present.

Further, the minister will continue to be able to deal with animal welfare issues through the making of regulations under the act, although this bill removes an anomaly from the current regulation-making power in the act. The bill will remove

the minister's power to adopt a code of practice via regulation and will restrict the minister's power to make a code of practice to making them under either section 22 or new section 23. This is important given the detailed consultation and notification processes envisaged by section 22 and new section 23. The former regulation-making power would have provided the minister with a means of circumventing the consultation and publication processes associated with making a mandatory code.

The criminal provisions of the bill, to be found in new sections 24A, 24B and 24C, outline a staged penalty scale approach for breaching a mandatory code of practice. New section 24A deals with more serious offences against a code of practice, where a person has recklessly failed to follow a code's requirements, and has a maximum penalty of 100 penalty units. New section 24B provides for a strict liability offence for failing to comply with a code requirement and has a maximum penalty of 50 penalty units. It is intended for lesser breaches of a code of practice.

As members are aware, making the section 24B offence a strict liability offence means that in prosecutions under this section the intention of offenders to breach the code does not need to be proved. It presupposes that people know about the relevant code. In some circumstances, such as codes that are industry based, this is reasonable; it is just part of doing business.

Although there is an expectation that future mandatory codes of practice, particularly those developed nationally, will focus on industry, it is still possible for future mandatory codes of practice to apply to individuals in their private capacity. In these circumstances, it is unfair to expect individuals to know about the details of the code and they should generally be given a chance to comply.

The scaled approach I have just outlined will require officers to advise people about their code requirements in circumstances where it is not reasonable to expect that the person should know about the code. However, more serious or repeated breaches of a mandatory code can still be dealt with by the courts, with appropriate penalties applied.

It is important that we get this understood by the Assembly: if it is an industry that has breached the code, they can be expected to have known about it. All industries know what rules govern their actions. But when it comes to private individuals we do not expect people to think, "I am going to buy a goldfish this week so I will go and find out what rules apply to having a goldfish," or a dog or a cat.

Mr Hanson: Or a chicken or a goose.

MR HARGREAVES: Speaking of goose—you raised it.

Mr Hanson: Gooses? Are they geese or gooses?

MADAM DEPUTY SPEAKER: Mr Hargreaves!

MR HARGREAVES: You said "goose", Mr Hanson. I do wish you would not look at Mrs Dunne every time you mention the word "goose".

Mr Hanson: I am simply following the lead of Mr Corbell, who referred to them as gooses.

MADAM DEPUTY SPEAKER: Mr Hanson!

MR HARGREAVES: You are indeed. I know that you will be very interested in what happens to the protection of geese in this town. I know that you have a fixation with looking after the welfare of the geese.

But it is important to know why it is that we have to have a more lenient approach to individuals, and that is because of the original one for the industry. It turns on the word "reckless". Reckless means that there is an intention. It means that you do know something and you do not care about the consequences. It is an active state of mind. The provisions are really stiff when somebody recklessly does something, like recklessly leaving a gate open so that a very savage dog can run off down the street. That is reckless. But, if people ought to know but do not, it is a passive state of mind and so we need to be a little bit more lenient about that. However, once they are advised by an inspector, they then move from passive to active and if they continue that particular approach then the heavier penalties should indeed apply.

The current general animal cruelty offence provisions can still apply, of course, in appropriate circumstances, to a failure to comply with a mandatory code of practice, just as they can apply to existing approved codes of practice.

I would like to commend Animal Health Australia for providing a clear pathway to reform this important area of community concern. And I can tell you, from my own experience as a minister in this place of sharing the frustration, that there are different approaches across different jurisdictions. At the end of the day, the animals themselves are the ones that need our protection. They do not have a vote across jurisdictions and we need to have a national approach.

I believe the changes being debated here today regarding the provision for mandatory codes of practice is a major jump forward in animal protection both within the ACT and nationally. I commend this bill 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) (11.57), in reply: I thank all members that have spoken for their contributions to this debate. The purpose of the Animal Welfare Act 1992 is the promotion of animal welfare. It does this in a number of ways.

The act establishes animal cruelty offences, regulates the use of animals for research, teaching and breeding through a system of licences and authorisations with oversight by animal ethics committees, regulates the use of animals used in circuses and travelling zoos, regulates animal trapping and details the creation and functions of the Animal Welfare Advisory Committee.

The act also provides for the making of animal welfare codes of practice. As members have heard, this bill deals with this last aspect of the act. Although the act currently gives the minister the power to make codes of practice, there is no direct requirement to comply with the code. As has been explained here today, compliance with a code may instead be relied upon by a person as a defence with some exceptions to a prosecution for an animal cruelty offence.

These codes are referred to as approved codes, of which there are currently 22 in operation in the territory. The current approved codes describe best practice only in owning or caring for animals and are drafted accordingly. The approved codes cannot, in their current form, be declared to be mandatory without very significant redrafting. New mandatory codes are currently being developed under a national framework as part of the *Australian animal welfare strategy*. This strategy has been agreed to by all jurisdictions through the Primary Industries Ministerial Council.

The new codes are being developed under the aegis of Animal Health Australia, which is a partnership involving the Australian government, state and territory governments, major livestock industries and other stakeholders. Individual codes will be developed in consultation with industry representatives, animal welfare groups and officers drawn from various state and territory jurisdictions. The new codes will differ from existing non-mandatory codes in that the compliance requirements, which will be called standards, will be clearly spelled out.

Madam Deputy Speaker, this bill facilitates the adoption, in whole or in part, of the new codes. It provides a mechanism to allow the relevant minister to make mandatory codes of practice related to animal welfare and will move the ACT in line with the nationally consistent animal welfare regulatory regime. However, should it be considered desirable, the ACT could develop its own mandatory codes of practice. On this latter point, I will be guided by the views and recommendations of the territory's Animal Welfare Advisory Committee.

It is a requirement of the bill for the minister to be satisfied that there has been adequate consultation on a mandatory code before the code is adopted. The government considers it important that Canberrans also have an opportunity to offer their views. The government believes that consultation is an integral part of the development of mandatory codes of practice. The requirement for consultation in the amendment bill builds on the requirement in the act for the Animal Welfare Advisory Committee to participate in the development and recommendation of codes of practice.

For example, the code is currently in development at the national level which deals with the welfare of animals that are being transported. That code will be an amalgam of a number of current species-specific, non-mandatory codes. The new code will use a standard template that sets out clear, compulsory standards with the intention of replacing the best practice language of the current codes with language that prescribes clear minimum compulsory standards.

It is possible that future codes will include compulsory standards together with guidelines. Hence, the bill gives the minister some flexibility in what parts of a code will be declared to be mandatory. The declaration of a mandatory code of practice will

be a disallowable instrument. The Animal Welfare Act 1992 already requires non-mandatory codes to be published and this requirement will be extended to new mandatory codes.

It is expected that the process of code development, consultation and notification will also help promulgate the existence of animal welfare codes. Nevertheless, it is possible that ordinary members of the community could, at the end of the day, not know of the existence of codes that might affect them. Therefore, in addition to the requirement to consult and to publish a mandatory code of practice, the operation of the strict liability offence will also be subject to special arrangements where an offender might not reasonably be expected to know of his or her obligations under a code.

It has been explained that the bill introduces two offences for failing to comply with a mandatory code of practice. The first, in section 24A, is that of recklessly failing to follow a requirement of a mandatory code. This will attract a penalty of up to 100 penalty units. The second offence, in section 24B, is a strict liability offence of failing to comply with a requirement of a mandatory code. This will attract a penalty of up to 50 penalty units.

In certain circumstances the strict liability offence cannot be applied without first giving the person an opportunity to rectify their failure to follow the code. This is set out in section 24C. An inspector or authorised officer must first give a person a direction to rectify a breach if they reasonably believe that the offender, who is in breach of a code, has done so in relation to a non-business activity engaged in by the person. If the person has previously been found guilty or convicted of an offence against section 24A or 24B, or failed to comply with a direction under section 24C, then they can be prosecuted without the need to issue a rectification direction.

The intention of section 24C is to give people, particularly those not involved in business or industry who could not be reasonably expected to know about a code, the opportunity to correct their breach without the risk of being prosecuted under the strict liability offence in section 24B. However, egregious animal welfare abuses can still be prosecuted under the existing animal cruelty provisions of the act or, indeed, under section 24A, provided the requisite level of intention to commit the relevant offence can be established.

If a person is given a direction to comply with a code of practice under section 24C, the inspector or authorised officer issuing the direction must tell the person how they have breached the code and they must give the person a reasonable time to comply with the direction. They must also warn the person that they may be prosecuted if they fail to comply with the direction. It might be considered that the issuing of a direction should be a reviewable decision—reviewable by, say, the ACT Civil and Administrative Tribunal. However, the government believes that such an approach blurs criminal and administrative law procedures.

The procedure in section 24C is a means of relaxing the operation of the strict liability offence provision in section 24B. If a prosecution is to proceed under section 24B because a person has failed to comply with a section 24C direction, then the adequacy of the direction should be tested via the criminal courts. I have no doubt that the

Director of Public Prosecutions would refuse to prosecute if the director considered that the issuing of a section 24C direction was in some way defective.

The bill also removes one aspect of the regulation making-power in section 112 of the act. Subsection 112(4) previously provided a backdoor way, through regulation, of making a non-mandatory code of practice without the need to publish the existence of the code. The government considers that the appropriate mechanism for making codes, be they approved codes or mandatory codes, is to follow the processes set out in section 22 or new section 23 of the act. Hence, this aspect of the regulation-making power, and this aspect alone, should be removed.

The bill does not remove the ability to deal with animal welfare issues through the making of specific regulations addressing those issues. Regulations continue to provide a means of adapting aspects of current non-mandatory codes into enforceable offence provisions, as the government has done in relation to poultry welfare. This new regulation will act as a de facto mandatory code of practice for the management of commercial poultry farms in the ACT.

The government is working with other jurisdictions on additional key elements of the Australian animal welfare strategy as agreed by the Primary Industries Ministerial Council. Those elements, particularly in relation to cross-recognition and enforcement of court orders, are currently being worked on at the national level and may require further amendment to the Animal Welfare Act.

I do not anticipate that these cross-jurisdictional issues will be resolved before the latter half of this year at the earliest. Nevertheless, Madam Deputy Speaker, this bill is the first step to be taken to bring about a nationally consistent implementation in animal welfare regulation and I thank members very much for their contribution and for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Personal Property Securities Bill 2010

Debate resumed from 11 February 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR RATTENBURY (Molonglo) (12.06): Mrs Dunne has agreed that I can take the call, and I thank her for that. I just want to speak briefly about this legislation. The Greens will be supporting this bill. The bill represents the ACT's contribution towards a national reform aimed at reducing the cost of doing business in Australia.

In May 2011, Australia will transition to a single national register for personal property security interests. This will be a significant reform from the current situation where more than 70 separate pieces of legislation from each state and territory govern the use of personal property as security in a loan agreement. Underpinning these 70 pieces of legislation is a large number of separate registers that record interests in personal property. Where a loan is sought, the lender must check across multiple registers to ascertain if the property offered is actually already being used as security. Where matches are found, different legislation creates different rights and obligations across all the parties. This situation creates uncertainty for all involved. And this uncertainty acts as a disincentive to lending money and increases the interest rates on loans when they are able to be secured.

To address these issues, COAG agreed in 2007 to establish a single national law and register for all personal property security interests. The proposal requires a referral of power to the commonwealth from the states and territories. The introduction of the national register will bring all existing information together in the one definitive register of personal property securities. The register will be online and easily searchable, which is also a significant improvement on some of the paper-based registers currently in existence. A single national law and register will increase certainty for both business and lenders, increase availability of finance and decrease the costs of doing business in Australia.

Four states have passed the required referral legislation, with Western Australia and Tasmania due to legislate in 2010. The ACT must do its part in this national reform. The Greens support the policy objective and the single national register approach to delivering the objective. We believe that emerging businesses, in particular, will be better supported by this reform. Businesses attempting to enter the marketplace face significant start-up costs. For many, taking out a loan will be the only way to meet those costs. By making finance easier to secure, and potentially cheaper, this national reform will reduce the barriers faced by emerging businesses.

The Greens believe there are entire new industries waiting to be founded in the economy of the future. New businesses will be in demand to supply those industries with labour and enterprise. The Greens note that the national register lays important groundwork in preparing for the economy of the future and are particularly supportive of that aspect of the reform. As I said, we will be supporting this bill.

MRS DUNNE (Ginninderra) (12.09): The Canberra Liberals will be supporting this bill. It transfers to the commonwealth the ACT's regulatory powers in relation to the registration of personal property that is used to secure financing. This is a part of a national approach to merge all state and territory registers into one register, maintained by the commonwealth.

There are four major elements to the bill.

First, the commonwealth, by arrangement across all jurisdictions, is to assume national control of the regulation of personal property security registers. I note from the Attorney-General's presentation speech that this may occur from May 2011, but the actual date has not been finalised.

Second, the bill gives the executive a regulation-making power to enable modifications to the ACT law during the transitionary phase of the project.

Third, the bill amends the ACT's personal property securities law, in accordance with the commonwealth law, to allow the ACT to exclude certain types of property from the new scheme. Examples are liquor licences and permits that are not intended to be used for securing financing. Another is minerals licences, which operate in conjunction with territory leases.

The fourth change that this bill introduces, again allowed by a commonwealth law, is provisions that enable the ACT to declare certain statutory interests, such as statutory liens, as having special priorities.

This bill is drafted in concert with all states and territories and the commonwealth under the terms of the intergovernmental agreement on personal property securities. All jurisdictions are signatories to that agreement.

Importantly, this bill does not impact on real property, such as land and houses. The current system of registering financing interests in which those kinds of assets are offered as security will continue. But it does mean that all of the personal property security registers maintained by the states and territories will be merged into a single, national, online register. This includes bills of sale and similar instruments.

It is worth noting that the ACT currently has an agreement with the New South Wales government to list all encumbered ACT vehicles on the New South Wales register. This means that the listing process for this register will transfer relatively simply to the commonwealth's system and may even save the territory some money.

Normally, with reforms of this nature, there are a range of transitional provisions. For example, finance agreements executed before the new national law comes into effect will continue to be governed by ACT law. This will continue, even after the commonwealth law comes into effect, so that the law governing finance agreements remains unchanged during the life of those agreements.

I earlier mentioned that one of the elements of this bill is the provision that hands to the executive the transitional regulation-making powers. These powers, which are quite broad, go to the level of, in effect, amending ACT laws.

The scrutiny of bills committee went further, noting that the effect is to "restrain the power of the Assembly to enact laws". Notwithstanding that regulations are disallowable, there is some merit in its caution. The disallowable nature of regulations is, to all intents and purposes, changing a law after it comes into effect—that is, after the regulation has been made and introduced. The power of the Assembly to enact laws is exactly that: the power to bring laws into being. That is what good governance of the territory should entail. To hand that power to the executive is to strip the Assembly of its reason for being.

In his response to the scrutiny committee, the attorney said that the regulation-making power is "to allow the ACT to participate meaningfully in the national reform project".

He went on to say that regulations "will, as a general rule, be submitted for consideration by the Legislative Assembly through further consequential amendments bills". This may be so, but such an approach asks the Assembly to be a mere rubber stamp and not to perform its fundamental function of making laws for the good governance of the territory.

While I am cautious about this process, I do acknowledge that the process is set up in order to transfer powers to the commonwealth over a relatively short period—13 months if the government adheres to the timetable set out in the attorney's presentation speech. Were this to be an ongoing power given in an ongoing act of this Assembly, I would be even more cautious about allowing the executive such a power.

For this bill, I do not object to the proposed approach, especially as it is to enable the government to respond quickly and effectively to any developments that may arise in the transition process. Nonetheless, I will monitor the progress and I call upon the attorney to ensure that the Assembly is kept fully informed of that progress. In particular, I call upon the attorney to ensure that any regulations the executive makes are presented to the Assembly in the form of consequential amendment bills without delay.

Another matter commented upon by the scrutiny committee was the power given to the New South Wales registrar-general to refuse to exercise a registration function. The registrar may do this during the so-called pre-PPS transition period. This is in order to allow registration of personal property securities on the commonwealth register in readiness for the registration commencement date.

The committee noted that the provision "does not state any grounds that condition an exercise of the power". I am told, through a briefing, that the pre-PPS period is one month. On balance, therefore, I do not consider this to be a particularly troublesome provision. But, once again, we will have to monitor its progress.

Finally, let me say this. In a briefing I received on this bill last week—I thank the attorney for arranging the briefing and the officials who attended—I asked how the transition of these functions to the commonwealth will impact on the territory's financing and staff. Whilst only some of these questions have been answered so far, I do not anticipate any significant impact. Indeed, there may be a cost saving in that the ACT-New South Wales encumbered vehicles registration arrangements ultimately will lapse.

Some would argue that this reform is de-federalisation by stealth: that it is somehow one of the small steps for man in a giant leap towards the centralisation of state-based powers. There is an open debate as to whether this is desirable or not. In the case of the bill before us today, centralising the register of encumbered personal property will create efficiencies and more certainty. This will be so particularly for consumers who want to ensure that the goods they buy are free from encumbrances.

How often have we seen and heard the sad stories and tales of unwary individuals, proud of their new car purchase, left with the trauma of their newly acquired asset being seized by a collection agency because the previous owner had defaulted on a loan for which the car was security. One single national online register will make for easier cross-jurisdictional transactions.

This is one centralisation reform that the Assembly should support, and the Canberra Liberals are pleased to do so today.

MR HARGREAVES (Brindabella) (12.17): I support this bill and the ongoing reform of the law of personal property securities. This reform project has been in progress for a number of years now at the commonwealth level, and this government has reacted swiftly to the results. Consumers and businesses in the ACT can be assured that they have a government which moves quickly to implement these measures for their benefit.

This bill is designed to reflect the changes introduced by the commonwealth Personal Property Securities Act 2009. The commonwealth act was passed by parliament in December 2009, following a lengthy and detailed consultation and drafting process. The drafting began in August 2008 with the release of a discussion paper. Before that, an options paper for the Standing Committee of Attorneys-General in 2006 presented options for reforming the law, based on international comparisons.

The commonwealth personal property securities legislation was designed around American and Canadian models. Similar legislation has been used in North America for more than 50 years, so the fundamental principles of this reform have been thoroughly tested. The commonwealth act improves on the primary shortcomings of the legislation in North America. In those jurisdictions, every state or province enacts its own version of the law and each has its own registers. The result is that if property has been moved across jurisdictional lines, it can be very difficult to discover the existence of interests in the property. Compliance with the slightly differing requirements across those lines is also very difficult.

The commonwealth reform makes the law consistent across all jurisdictions in Australia. Also, it provides for a single, national register of personal property securities. The government agreed to this reform because it will result in improved economic conditions for the ACT and across the nation. The improvements come from easing the burdens and risks involved in using property to secure financing. Reduced burden and risk in this area means that financing is cheaper for both consumers and businesses to obtain. This holds true across the economic spectrum, from consumers to small businesses and large corporations.

For consumers, the main benefit will be an improved ability to buy goods using credit. The typical example is a car purchase. A bank or other financial institution lends money to complete the sale and takes an interest in the car in return. For businesses that want to use any tangible assets to secure financing, there will now be a consistent set of rules across the country. The territory's role in this has been to work as a partner with other jurisdictions and the commonwealth to provide input on the legislation and to ensure that the territory is capable of transitioning to the new system with ease. Throughout the process, the government has acted swiftly and decisively to ensure that there will be no obstacle to securing the economic benefits of this reform.

This bill represents a key step forward for the territory's economy and for the national reform project. Members should note that the government introduced this bill at the first opportunity following the enactment of the commonwealth legislation, which

occurred in December 2009. By introducing consequential amendments and beginning the process of transition early, the government is giving as much time as possible for residents of the territory to become aware of the changes and to prepare themselves.

The bill also gives the maximum amount of time for processes in the territory to be adjusted to reflect the reform. Enactment of this consequential legislation now will give the Registrar-General the authority to begin transitioning material to the new commonwealth register. Beginning this process early will ensure that the territory is fully prepared for the commencement of the new system. The Personal Property Securities Bill 2010 will give certainty to the community about an important economic reform and will ensure that the territory welcomes the new system with every measure in place to secure its economic benefits. I commend it to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.21), in reply: I would like to thank members for their contribution to the debate today. The Personal Property Securities Bill 2010 implements an important national reform in the territory. The bill represents one of the government's contributions to the ongoing national personal property securities reform.

The national reform program is designed to make obtaining credit and doing business easier and safer for all Australians. It does this by harmonising all state and territory legislation into a single commonwealth law and by consolidating information that was previously spread throughout numerous locations into a single, definitive commonwealth register. The commonwealth has already enacted the law, which is the Personal Property Securities Act 2009. The register is currently under construction and is expected to begin operating in May 2011.

In considering this bill, I would like members to focus on the three most important aspects of the reform as it relates to the territory: the national reform process will improve economic conditions for both businesses and consumers in the territory; the bill has been drafted to ensure that the transition from territory regulation of this matter to commonwealth regulation occurs smoothly; and the bill will ensure that important territory interests are protected throughout the coming changes.

First, I will detail the benefits that will flow to the territory from this reform. Personal property securities consist of any agreement that uses personal property, as opposed to land, to secure payment or performance of an obligation. As I explained in introducing the bill, an automobile loan is the most typical example. When you obtain finance to purchase a car, the bank normally retains an interest in the car to secure repayment of its loan. The car secures payment of the loan because, if the loan is not paid back, the bank has the ability to take the car to help satisfy the outstanding amount.

Under existing ACT law, the interest of the bank in this example must be registered. The purpose of registration is to ensure that, if the car is sold without the bank's knowledge, the buyer is able to discover the existence of the outstanding loan. This prevents people from buying a car with the bank's money and then selling the car

onwards without repaying the loan. This example explains the core purpose of personal property securities legislation. The law allows for businesses and consumers to obtain loans with assurances of repayment, and registration ensures that information about those loans is available to make others who deal with that property aware of the loan.

Currently, every jurisdiction in Australia has its own unique laws governing these kinds of transactions. As a result, if you wish to create a security in more than one state, you are required to understand many different pieces of legislation, to meet a wide array of very technical requirements and to search numerous registers for information about the property that underlies the transaction.

The personal property securities reform will create a one-stop shop for Australian businesses and consumers. This will make it easier for people who cross between jurisdictions because the law will remain the same. Also, the single register will mean that there is a definitive source for relevant information. The costs of obtaining finance will be reduced because the burdens involved for both businesses and consumers will be fewer.

The bill we are debating today will begin the implementation of personal property securities reform in the territory. There are two primary components that need to be addressed: first, the statute book needs to be updated to reflect the change; second, information on the territory's registers must be transferred to the new commonwealth register. The bill provides for both steps to begin so that the territory is fully prepared when the reform commences.

Some of the more significant aspects of the bill are the repeal of the Instruments Act 1933 and the removal of certain provisions from the Sale of Motor Vehicles Act 1977. The Instruments Act provides for things such as a hire-purchase agreement or a bill of sale to be recorded by the Registrar-General. The act is being repealed because it deals entirely with interests and transactions that will in the future be governed by the commonwealth Personal Property Securities Act.

In future, all bills of sale and instruments that would have been taken to the Registrar-General will go to the single commonwealth register. Information about automobile loans was previously held for the territory on the Register of Encumbered Vehicles, which is administered by New South Wales. The Sale of Motor Vehicles Act 1977 is being amended to remove references to this system, as that register will also be transferred to the commonwealth.

Because of the broad scope of this reform, it is important to ensure that flexibility and the ability to respond to changes is built into the process. This is a highly technical area of the law, but it has implications throughout the statute book. For this reason, the bill includes a very broadly worded power to create transitional regulations to help the territory move the reform towards completion. The bill also authorises the Registrar-General to take any measures necessary to ensure that information from the territory's registers is transferred to the new commonwealth register. This will ensure that residents of the ACT are not left behind when the new scheme begins to operate.

I would like to acknowledge the standing committee's scrutiny report, which raises concern with the power to make transitional regulations that modify the operation of the act. As with any regulation-making power, there is no doubt that the regulations always remain subject to the authority of the Assembly. While I agree with the standing committee's point that the power of the Assembly to legislate may not be restrained by transitional regulations, it is clear that this bill does not purport to impose any restraint on the Assembly.

A broadly worded transitional regulation-making power is absolutely necessary in this case to deal with any unforeseen circumstances. A similar power was included in the ACT Civil and Administrative Tribunal Act 2008, for the same reason—comprehensive reforms that involve transfers of information require flexibility for proper and seamless implementation.

As the commonwealth's expected start time of May 2011 approaches, the time available to respond should any issues arise will only grow shorter. There must be a provision to ensure that the government can respond quickly—for example, if there is some impediment to the process of transferring data or if there is an ambiguity with respect to the territory's licensing and regulatory regimes under the new law.

The need to ensure the territory's interests are protected brings me to the third key aspect of this bill. It has been drafted to include certain provisions that make it clear that the territory's licensing, regulatory and forfeiture regimes will continue to operate as before. While the commonwealth legislation was being drafted, I joined other states and territories in ensuring that there were provisions to allow for each jurisdiction to maintain the integrity of important government functions.

An example of this is the liquor licensing regime in the territory. The commonwealth Personal Property Securities Act presumptively allows for all licences that are transferrable to be used as security for a loan. In the territory, liquor licences are transferrable, but they are not intended to be used as collateral for loans. They are designed to serve only a regulatory function and not to be marketable securities. For that reason, the bill excludes liquor licences from the operation of the commonwealth law.

Licences for minerals under the Planning and Development Act have been excluded only because these are not intended to be transferrable apart from a lease, and the commonwealth law does not apply to leases or other interests in land. These measures will preserve the existing system of governance for these matters in the territory.

Schedule 2 to this bill addresses enforcement actions that deal with personal property. The commonwealth act provides that state and territory forfeiture and restraining provisions will continue to have effect, even over property that is subject to a registered interest. For example, in the territory the Public Trustee has a lien on insurance proceeds for property where the Public Trustee has paid some portion of the premiums. This bill will make it clear that the Public Trustee's lien is not subordinate to an interest created under the new commonwealth act. All of the amendments in schedule 2 serve this same purpose: to preserve existing rights to payment and means of dealing with property where the territory is a stakeholder.

In closing, I would like to remind members that this bill is a first instalment of consequential amendments related to this process. As consultation goes on and the commencement of the new scheme approaches, there will doubtless be other issues to consider which may well require an additional set of amendments to be introduced. The same priorities that guided this bill will apply to any future legislation. The benefits of the reform will be secured for the territory, the legislation will ensure a smooth transition and important government functions will be protected. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.31 to 2 pm.

Privilege
Labor-Greens agreement
Questions without notice
Statement by Speaker

MR SPEAKER: Members, before we commence question time, I would like to make a statement with regard to a number of matters raised during question time last week on Wednesday and Thursday.

The first was that last Wednesday Mrs Dunne asked my opinion on the comments made by Mr Barr directed at Liberal Party staffers. Mr Barr subsequently withdrew those words. I do agree with Mrs Dunne that offensive and gratuitous remarks concerning persons who do not have the same means as members to respond are regrettable. I ask that all members consider continuing resolution 7 and reflect on the immense privilege they enjoy in this chamber with regard to freedom of speech and exercise that right in a responsible manner. I also draw members' attention to the requirement in the code of conduct for members to extend professional courtesy in respect of all staff of the Assembly.

On Thursday, with regard to a reference to party matters, I ruled part of a question out of order on the ground that that part referred to a matter, namely the Greens-ALP parliamentary agreement, for which there was no ministerial responsibility. Mr Smyth asked that I review my action. Standing order 275 links us to *House of Representatives Practice*. At page 538 of the fifth edition of *House of Representatives Practice* it is stated that "Speakers have ruled out of order questions or parts of questions to Ministers which concern …", and then a number of examples are cited, including, at the top of page 539, "arrangements between parties, for example, coalition agreements on ministerial appointments". I believe my action is consistent with this practice. Mr Smyth referred to standing order 114, namely:

> Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

Mr Smyth referred to an ABC website report that Labor had appointed Ms Gallagher as the party's liaison person with the Greens. This is clearly a party matter. Although Ms Gallagher is connected with the agreement, as the ALP's liaison point, I do not believe that this meets the requirement of being officially connected in the sense of having ministerial responsibility.

Finally, on the question of the same question on the notice paper, I ruled a question from Mr Doszpot out of order as it was the same one as appeared on the notice paper. Again, *House of Representatives Practice*, at page 547, comments that:

> It has been the general practice of the House that questions without notice which are substantially the same as questions already on the Notice Paper are not permissible.

In 1986, the house's procedure committee considered the issue of whether the member whose question was on the notice paper could ask that question during question time. The committee's recommendation was that the previous practice should continue. This practice has been consistently followed in the Assembly, and my predecessor has upheld points of order taken by both Mr Smyth and Mrs Dunne on precisely this issue.

On the general issue of the Assembly's practices and procedures, all members are free to raise suggestions and changes with their representatives on the administration and procedure committee. I believe that this is the most appropriate forum for discussions of this nature. I do believe that my role as the Speaker is to interpret and implement the rules as they currently stand. On that basis, until I am directed otherwise, I believe I am bound to apply past practice and resort to standing order 275 whenever our standing orders and practices are silent.

Dissent from ruling

MR SMYTH (Brindabella) (2.03), by leave: I move:

> That the Speaker's ruling be dissented from.

Mr Speaker, this is an important issue; it is not a light-hearted matter. I thank the Speaker for providing a draft copy of his ruling earlier this morning, which has given me time to consider this matter.

To go to what you say in your ruling I think is to come down to a decision on the word "agreement" or "arrangements". What we have in this place is a formal parliamentary agreement between the Australian Labor Party and the Greens. It was presented to this parliament. It was presented with some cost implications. And we have a Treasurer who is responsible to fund those cost implications. We also have a Treasurer who, in her role as Deputy Chief Minister, is actually a signatory to this document. On all of those grounds, it is more than appropriate to ask the Treasurer

questions about the implications of that funding because as Treasurer her number one role is the disbursement of the funds through the budget that we discuss in this place and which we monitor on so many grounds.

You have just said, in regard to Mr Doszpot's question, "Based on past practice, I'm going to do this." Well, past practice in this place has been to let questions about the Greens-Labor agreement be asked. And they have been asked by Mr Coe:

> My question is to the Treasurer, and it relates to the Greens-Labor agreement. Treasurer, one of the agreed policy points of the agreement is to:
>
> > Adopt a goal of 10 per cent public housing …

When it was asked in 2009, it was in order. And Mr Seselja, also in April 2009, asked:

> My question is to the Treasurer. Treasurer, on page 14 of the parliamentary agreement between ACT Labor and the ACT Greens your government has agreed to:
>
> > Provide adequate funds to ensure that all primary school students have access to swimming and water survival skills by July 2009.

So the question for you, Speaker, is: what changed? These questions used to be in order. These questions used to be allowed in this place. But, apparently, when the scrutiny ramps up, the questions are out of order.

The other point about this agreement, this parliamentary agreement, is that it underpins the government. It is the basis on which this government is formed—it is a result of that agreement: "We'll vote for you, you'll give us some outcomes which you'll fund," and the outcomes cost the taxpayer money. And it is more than appropriate in this place for the opposition, for the Greens—for anyone—to ask the Treasurer questions about the expenditure of government money. That is what Mr Seselja's question last week was asking. It was asking: how much will this cost? It is therefore valid to ask these questions and therefore your ruling is incorrect.

Mr Speaker, both the ALP and the Greens' websites have copies of the agreement on it. Both copies cite the signature of the Deputy Chief Minister. Mr Stanhope appears on these documents as the head of the ALP, as is his wont. But, for reasons unknown, the deputy chief actually appears as a minister—Deputy Chief Minister Katy Gallagher—and it is our job to scrutinise the Deputy Chief Minister on what she does in that role. That is the purpose of the opposition. If the purpose of your ruling is to shut down that scrutiny then you will fail. And I would ask you to reconsider and make sure that you change what you have written.

We go to the communiques that have been released by the Greens and the Labor Party. The communique dated 30 June 2009 and headed "Second joint meeting between the ACT Labor Government and the ACT Greens" states:

> The ACT Labor Government and the ACT Greens …

The communique about the agreement is about the agreement between the government and the Greens. It goes on to say in paragraph 2:

> The Government and the Greens have today confirmed …

The government confirmed. They can confirm what is happening in the agreement but we cannot ask about it. What are you afraid of? Why is it that when there is scrutiny of this agreement it is shut down by you, Mr Speaker, a member of the Greens party?

Let us read the actions out of the 30 June 2009 communique:

> Actions implemented in full since the last progress meeting … include:
>
> - Funding appropriated for the reestablishment of the inner south library service;

Funding, a role of the Treasurer—

> - Funding for additional resources for the Forensic Mental Health team—

Funding, comes from Treasury—

> - Funding for a free legal service—

Again, that is the job of the Treasurer and it is appropriate to ask her about it. The second communique of 24 November 2009 again talks about the ACT Labor government and the ACT Greens "today met to report formally on progress". "The government". So how is it you can have an agreement that delivers a government, but we cannot scrutinise it? Mr Speaker, you are wrong. What you are doing today is proving that you are, in fact, partisan, proving that you do play a political role and, if you let this stand, you prove that you cannot be independent Speaker, hold portfolios for a party and serve the people of the ACT as is appropriate.

Mr Speaker, again, the outlining of what had been achieved in that following six-month period looks at things that have cost the taxpayers money. When you go to 16 February—I note that the communiques get smaller and smaller as they achieve less and less—it talks about agreement between the ACT Labor government and the ACT Greens. We are within our rights to ask a government questions about what it is doing and, if it happens to be because it is in the ALP-Greens agreement, that is irrespective; we have a right to scrutinise the government. We will scrutinise the government.

Again, the outcomes in that document cost the taxpayers money. So the problem for your ruling, Mr Speaker, is that it is inaccurate. When you go to *House of Representatives Practice* on page 539, it talks about arrangements between parties—for example, coalition agreements on ministerial appointments. It talks about arrangements. Our whip has an arrangement with the other whips that has been agreed to. It is an arrangement. We have an arrangement that on private members' day we will sit to 9.30. That is not something that should be scrutinised in the parliament. We cannot ask the opposition whip, we cannot ask the Greens' whip—they cannot ask our

whip—about that arrangement. That is the nature of the arrangements referred to in *House of Representatives Practice*. Arrangements are different to agreements. The agreement in this case is the parliamentary agreement that underpins the government at this time. Anything that underpins the government is something that can be asked about.

Mr Speaker, the *House of Representatives Practice* then goes on to look at agreements, for instance, on ministers. It actually mentions "coalition agreements on ministerial appointments". But, again, that is different to what we have here. What we have here in the Greens-Labor agreement is a section that tells how government will be formed and conducted and then a list of promises that they expect to be funded. Those funds are taxpayers' funds. They are not the ALP's funds; they are not the Greens' funds. They are funds that are appropriated through this place and they are funds which, on every other occasion, we have been able to ask questions about, except now. You have to ask why. Why is it now that we cannot ask these questions? It is because, as the scrutiny becomes harder, the agreement either becomes shakier or those involved in the agreement become more scared at the scrutiny, because the scrutiny is appropriate.

If we go to standing order 114, which you mention in your ruling, standing order 114 comes into three areas:

> Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

You make comment about "questions may be put to a minister relating to public affairs for which the minister is officially connected". I raised with you, and you acknowledged, that the ABC website reports that the Labor Party had appointed Katy Gallagher, but the report says they had appointed Deputy Chief Minister, Katy Gallagher, as the party's liaison person. She is appointed in her role as a minister. That is subject to scrutiny. What she does in her party or as part of her party, by the section that you quote out of the *House of Representatives Practice*, is not subject to scrutiny and we have never asked about it. But we are quite entitled to ask what the Deputy Chief Minister gets up to. The Deputy Chief Minister, through the rem tribunal, gets paid more money for being the Deputy Chief Minister because the role carries an additional burden. With additional burden comes additional scrutiny. We are entitled to make that scrutiny.

We go on then to:

> public affairs with which that Minister is officially connected

I asked the Clerk's office what that meant and they said you would normally see that as something to which money was connected, public funds were connected to. The question last week was about the administration of public funds, the payment of bills to businesses in the ACT of their accounts by the ACT government. And if that is not one of the responsibilities of the Treasurer I do not know what is.

The second part of standing order 114 talks about:

> proceedings pending in the Assembly

Clearly that is not applicable in this case. But it may be, because if something happens in this place as a result of agreement then clearly it is pending subject to the agreement.

The third part of 114 goes on to:

> any matter of administration for which that Minister is responsible.

The Treasurer is responsible for the disbursement of funds through the government. She brings in the appropriation bill that authorises ministers to spend their appropriations. Any time we ask about the payment of an account that is paid for out of government funds, it is an appropriate question. And, if the context of the question says that it is a consequence of the Greens-Labor agreement that put the Chief Minister into the Chief Minister's seat, that put those opposite into the government benches, then it is entirely appropriate. It is an agreement, a signed parliamentary agreement, tabled in this place, spoken to by both leaders. It is held up as how this Assembly will be guided. And, if we cannot ask, under the guidance of that document, how we are progressing, then this is not a democracy and you are not independent and you are doing us a disservice. The whole point of administration for which the minister is responsible is to go to the heart of ministerial responsibility—and anybody who stands in our way of asking about ministerial responsibility is not serving the people of the ACT.

You say in your decision that it is clearly a party matter. But it is not clearly a party matter when it installs and maintains a government. It is clearly not a party matter when it involves the use of taxpayers' dollars. It is clearly not a party matter when public servants are used to cost and monitor that agreement. And it is clearly not a party matter when public resources are used; for instance, even meeting rooms where these meetings are held that are funded through the public dollar. It is clearly not a party matter.

On all of those grounds, Mr Speaker, I would suggest that you need to go back to your ruling; that you need to look at it again in the context of what I have said and clearly, based on your last words to Mr Doszpot, where you said "based on previous practice". Previous practice in this place has been to allow those questions. I quoted you two; I am sure I could go and find more. We used to allow those questions.

So you have to answer the question, Mr Speaker: what changed? And the answer is that nothing has changed. Nothing at all has changed. These are reasonable questions. We expect reasonable answers. The public of the ACT deserve to hear those answers. To say that we cannot ask questions about the agreement that puts the government in place, that keeps the government there, that will be the basis of the Greens' campaign at the next election and is funded through the public purse, is an absolute nonsense. It is a disgrace. It is a betrayal of the Westminster system, it is a betrayal of democracy and it is a betrayal of free speech.

Mr Speaker, I moved dissent today because what you have determined is simply wrong. It is wrong on past practice. It is wrong on notion of ministerial responsibility. It is wrong on your understanding of what an arrangement is. And it is wrong because

it stops the scrutiny of the government—fair and reasonable scrutiny that you have allowed in the past. You have to answer why you have changed your mind. You have to answer why you do not want this scrutiny. You have to answer why you will shut down discussions that put the torch on the Greens-Labor agreement.

Only you can answer that. You have made this decision. I think the excuses in your decision are flimsy and I think they truly are a misunderstanding of *House of Representatives Practice*. They are a misunderstanding of what a parliamentary agreement is and they are a misunderstanding of what signatures on documents that promise to deliver funding mean for the people of the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (2.17): Mr Speaker, your ruling deserves to be upheld and, as usual—

Mr Coe: Is this in the agreement as well?

MR SPEAKER: Order! Mr Corbell, before you go on: members of the opposition, this is obviously a difficult position for me to be in but Mr Smyth was heard largely in silence. I expect other speakers to be afforded a similar respect. And I am stating that right up front so that there is no misunderstanding about what my position is on this.

Mr Seselja: On a point of order, Mr Speaker: Mr Stanhope and Mr Corbell were heckling Mr Smyth through significant parts of his speech. I did not hear you call them to order; so I am not quite sure where the double standard is coming from in that.

MR SPEAKER: Mr Seselja, I did rein them in. The other thing is, as I mentioned to members of your team in recent times, I think there is a difference between interjecting and shouting other members down. And the volume with which the Liberal Party members intervene does make it extremely difficult to hear the debate. That is the point I am trying to make up front and be perfectly transparent about. Mr Corbell, you have the floor.

MR CORBELL: Thank you, Mr Speaker. As usual, when the Liberal Party do not like what they are hearing they do try to shout the opposing voices down.

Mr Speaker, your ruling does deserve to be upheld because you have drawn a very clear distinction between the political decisions that are taken between political parties in this place and decisions that are taken by the government in this place for which the government is accountable to this Assembly. We have confected outrage from the Liberal Party and I simply refer to the *Hansard* on this matter.

Mr Seselja asked a question relating to small business confidence in the ACT government. He referred to the Greens-Labor agreement and the relevant section of that agreement. Then he asked a question of the Treasurer in relation to the payment of invoices. Mr Speaker, you ruled, quite correctly:

> You cannot ask about the Labor-Greens parliamentary agreement but the rest of your question is broadly valid. Perhaps you could just reframe it slightly.

That is what you said, Mr Speaker. You did not block attempts by the Liberal Party to ask questions about the implementation of particular issues. You simply indicated that there is nowhere in the administrative orders and there is nowhere in terms of ministers' responsibility in this place for a capacity for questions about the parliamentary agreement between the Labor and Greens parties because they are no decision of the government; they are not something that has been entered into between the government and the Greens. They are not an agreement between the territory, as a body politic, and the ACT Greens; they are an agreement between the Australian Labor Party, ACT branch, parliamentary party, and the ACT Greens. They are no decisions of the government.

What is most telling about the Liberal Party's objections is that, when you look at the point of order that Mr Seselja took when Mr Hargreaves loosely took a point of order last week, Mr Seselja said:

> Mr Speaker, as it relates to small business and answers to questions on notice, it absolutely does.

That is, it absolutely is within order and relevant for the minister to answer. And you agreed with him, Mr Speaker. You agreed with Mr Seselja that, insofar as it relates to small business and answers to questions on notice, it was entirely in order. Your ruling today is consistent with your ruling last week. And that is simply that you cannot ask questions about a political agreement between two political parties in this place but you can ask ministers about the administration of their portfolios and the implementation of election commitments in relation to those portfolios. That is entirely legitimate and that is what you have ruled, Mr Speaker.

Mr Smyth interjected last week:

> The Treasurer is the minister responsible for liaison.

That was in relation to the Greens' parliamentary agreement. I draw Mr Smyth's attention to the AAOs. Nowhere is there anything anywhere that Ms Gallagher is the responsible minister for parliamentary liaison with the Greens. For Mr Smyth to assert that, in some way, the Treasurer is the minister responsible for liaison—no, she has no responsibility under the administrative arrangements in relation to liaison with the ACT Greens. It is not a function that she performs as a minister. It is a function she performs as a representative of the Australian Labor Party, in the same way as it is a function Ms Hunter performs as a representative of the ACT Greens.

What the Liberal Party fail to understand is the distinction between the political relationships that exist in this place and the relationships between the territory as a body politic, its ministers established under that body politic and their responsibilities to this place. You have quite rightly, Mr Speaker, drawn that distinction. It is an entirely appropriate distinction for you to draw and that is why your ruling is correct. What those opposite fail to grasp is the distinction between the political relationships in this place and the responsibilities of ministers established under the territory as a body political. You have drawn that distinction and you are right to do so.

In conclusion, the suggestion that questioning was denied in relation to this matter is actually false. Read the *Hansard*. The *Hansard* makes it clear that the Treasurer actually answered the question when it comes to the payment of invoices. She answered the question, Mr Speaker. You made the point that you could ask the question about the administration of those matters but you could not ask generally about the parliamentary Greens' agreement because it is not an agreement between the government and the ACT Greens. It is an entirely appropriate and correct ruling and the Liberal Party clearly lack the nous to understand that important distinction.

MS BRESNAN (Brindabella) (2.24): I will be speaking to the matter which has been raised and supporting the ruling which the Speaker has made.

Mr Hanson: Where's the leader?

Mr Coe: We have a third contestant.

MR SPEAKER: Order, members! I expect to hear Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. What has been discussed here, and what is being defended through the ruling, is that this document itself is between two political parties and, as has already been pointed out, there is confusion on the part of the Liberal Party on what is political agreement and what are the actions of the minister in discharging their actions as a minister.

There is a distinction between the agreement and ministerial conduct. Mr Smyth has completely blurred the lines of his argument. His argument seemed to go all over the place on this point, at one point talking about ministerial responsibilities and then at another point talking about the agreement. Again, I think that, in relation to what Mr Corbell has said, he has completely blurred the lines there and showed a distinct lack of understanding about what is actually in place with the agreement.

As has already been argued, the minister is not responsible for the agreement. She is not the minister responsible for the agreement. That is never set out anywhere. The questions which we ask here in this place—not just from the Liberal Party but our questions also as crossbenchers—are about ministerial actions and enacting those responsibilities as a minister. That is what is being upheld in this ruling.

This is in relation to the scrutiny of items and items that are in the budget. Any items have to go through the budget process and there is the scrutiny of the budget through the estimates process. To make this suggestion that there is no scrutiny is absolute nonsense, frankly. I believe that, as we have already said, there is a distinction between what is an agreement between two political parties and what are the actions of a minister. That is clearly what is stated through the ruling.

The Liberal Party's arguments here, as has been shown in this place before, lack any understanding and are, frankly, lazy. And, as we said, the question was answered. The question which was put to the minister was answered. The substance of it was answered. So what we are actually talking about here are again actions which are—as always with the Liberal Party, it seems—about scoring political points and not about what is the substance of issues.

MRS DUNNE (Ginninderra) (2.27): Moving dissent from a Speaker's ruling is not something that is done lightly. In the nine or so years that I have been in this place, I do not recall it happening. So it is not something that Mr Smyth has done lightly. But I am pleased to support his motion because of the very important principle that is at stake here, the very important principle that you have contradicted in making this ruling and the important principle that you contradicted last week when you made your original ruling. It does call into question the extent to which this Assembly will operate in an apolitical fashion and how you will operate in an apolitical fashion.

Mr Smyth rightly points to the fact that last year it was all right to ask questions about the Labor-Greens agreement. I have a distinct recollection of asking a question that was couched in terms of the Labor-Greens agreement. Mr Corbell and Ms Bresnan spent a lot of time saying, "Well, you got the answer to your question anyhow." Yes, we did get the answer to our question anyhow, but the mere fact that you ruled in such a way sends a clear message that the Labor-Greens agreement is a subject which is out of bounds. And we have to look at the Labor-Greens agreement. The Labor-Greens agreement was signed and brought into this place as a testament to the relationship between the two parties. There are communiques that come out regularly. They are not communiques between the ALP and the ACT Greens; they are communiques between the Stanhope government and the Greens. So the ACT Labor Party has raised the stakes here and said, "This is a relationship between the government"—not the rank and file or anything like that; not the party organisation but "between the government".

We all know, Mr Speaker, that this agreement is the thing that makes the Stanhope government. If it were not for this agreement, there would be no Stanhope government. Mr Coe on occasions has discussed matters in here in relation to the housing elements of the Labor-Greens agreement. Every time it is discussed, Ms Bresnan has a little hissy fit and has words to say about how unfair that is. Mr Coe actually arrived at a position about that in response to answers to questions on notice. There have been questions in the past that relate directly to the Labor-Greens agreement.

I go back to the initial point made by Mr Smyth: what has changed? What is different? Why has there been a rethinking? You refer us, Mr Speaker, to *House of Representatives Practice* because you say that, when in doubt, we should go to *House of Representatives Practice*. First of all, I contend that there is no doubt, because standing order 114 clearly says:

> Questions may be put to a Minister relating to public affairs with which that Minister is officially connected …

She is officially connected; she is the signatory. And she is the person who issues the communiques on a regular basis. On top of that, the Deputy Chief Minister is also the Treasurer and is responsible for the substantial funding of matters in the Labor-Greens agreement. The Deputy Chief Minister, as Treasurer, in the last two weeks or thereabouts, has said that some of the elements of the Labor-Greens agreement will have to possibly be put aside because of the state of the ACT budget.

So the Treasurer may speak about the Labor-Greens agreement in that way. Members of this place may come in here and speak; for instance, in relation, I think, to Redex, Mr Stanhope came in here and said, "We have delivered on an element of the Labor-Greens agreement." And that is something that is said quite often. So it is all right for the government to speak about the Labor-Greens agreement; it is all right for the Greens party to speak about the Labor-Greens agreement. But it is not all right for the only people in this place who are independent to question the government on its spending in relation to the Labor-Greens agreement; it is not all right for the Liberal opposition, on behalf of the people of the ACT—the people who pay our wages, who pay your wages, who pay your wages, Mr Speaker, and expect you to be independent, and who pay the Greens' wages. We are the only people who are prepared, on behalf of those people, to ask questions. And suddenly there has been a change of thought; there has been a change of heart.

You, Mr Speaker, have to justify that change of heart because we are now in a situation where, in a sense, a whole lot of questions that have been asked and answered are invalid. You need to go back and look at the number of questions that have been asked about this. Are you going to rule those out of order retrospectively? What is the situation with those questions? There are questions on notice, I am sure, that relate to the Labor-Greens agreement, or there have been in the past. What is the status of all that information provided? I am convinced that you have not thought this through.

Let us go to *House of Representatives Practice*. It says on page 538 in relation to "Form and content of questions":

> A Minister can only be questioned on matters for which he or she is responsible or officially connected.

It is both: it is "responsible or officially connected".

> Such matters must concern public affairs, administration, or procedures pending in the House.

When Mr Coe asked questions about the Labor-Greens agreement and housing, that is clearly a matter of public affairs and it is clearly a matter for which a minister has responsibility on the other side. That is a reasonable thing to ask, in the same way as the other day when Mr Seselja asked a question about the policy for paying invoices, as it was clearly set out in the Labor-Greens agreement. It is reasonable that he should ask it in that context and it is reasonable that the minister should answer the question. The minister did answer the question, but Mr Seselja should not have been required to rephrase the question.

There are a whole lot of exceptions on pages 538 and 539 and I did, when I was reviewing this earlier in the week, look at the matter that you raised—the second dot point on page 539—and thought: I wonder if the Speaker will hang his hat on that one:

> arrangements between parties, for example, coalition agreements on ministerial appointments;

This is not an agreement about ministerial appointments. This is an agreement that goes to the heart of the way the ACT is governed and goes to the heart of the ACT budget. The Treasurer tells us that our budget is in trouble—but we cannot ask questions, according to your ruling, Mr Speaker. We cannot ask questions, according to your ruling, on something that will have substantial implications for the budget—

Ms Gallagher: Just get a little bit cleverer with your questions.

MRS DUNNE: It is not a matter of being clever in how we ask the questions. It is about the context of the decisions that are made by this government. This government will make decisions because they signed up to the Labor-Greens agreement. They do it all the time. They say, "We are doing this because it's in the Labor-Greens agreement." This government will make spending commitments because of the Labor-Greens agreement; they have done it already and they will continue to do so. The people of the ACT are paying for the Labor-Greens agreement and they are entitled to have questions asked about it.

The fact that you have changed your mind about this is a matter of considerable concern for the Canberra Liberals and it should be a matter of considerable concern for the people of the ACT—because it shows that you have gone from being an impartial Speaker to being a Greens Speaker. You were more concerned about protecting the Greens and the agreement that keeps you in your job than you were about scrutiny. And that is why we should be dissenting from your ruling today, and that is why I support Mr Smyth's motion.

MR HANSON (Molonglo) (2.36): Once again we rise in this place because what we are seeing is Labor and Greens working together to prevent the Liberal Party from holding ministers to account. Last week we saw it in the issue of Mr Corbell's censure motion, where there was a clear case of him misleading the Assembly. We saw you get down from your chair as Speaker and defend him. Today what we see is in a clear case where you have decided that you are going to rule against scrutiny of the government. We see Mr Corbell stand up and defend you. What we see is a pattern where you are quite happy to defend that government, to hide them from scrutiny, and what we see is the government protecting you when you are trying to hide the Greens and the government from scrutiny. It is absolutely disgraceful.

There is only one party that remains in this town that is determined to hold the government to account and to maintain scrutiny of the parliament. Once, I think, you did have those ideals. No longer. It is quite clear to be seen. The independence of the Speaker is—

Ms Gallagher: Oh, God. It is like a movie, a bad movie.

MR HANSON: Clearly you won't stop them heckling, Mr Speaker. There is a dual way of doing things in this house from this day on, quite clearly.

Mr Speaker, what you are doing is covering up scrutiny of the executive by your ruling. What we do in this place as the opposition, and what you should be doing as a crossbench, is inquiring of the government, in every aspect within the standing orders,

of their responsibilities as ministers. What you are doing essentially is preventing us from doing that and allowing the government to cover up what is a fundamental document, a document that drives much of the government's agenda.

If you do not think that is true, if you think that I am wrong, I suggest you go to the government's website, where you will find 16 press releases from various ministers, including the Chief Minister, that use the parliamentary agreement as justification for millions and millions of dollars of ACT taxpayers' money that has been spent. I will just run through some of those for you very quickly. There is one from Mr Corbell talking about the spending of $19.1 million.

Mr Corbell: Point of order, Mr Speaker.

MR HANSON: Stop the clocks, please.

MR SPEAKER: The clocks, thank you, clerks.

Mr Corbell: Mr Speaker, the question before the chair is that your ruling be dissented from. It is not an opportunity for a broader critique about government policy implementation or any of those matters. That is not the question before the chair. The question before the chair is that the ruling be upheld. It is a technical debate about your interpretation of the standing orders and whether or not it is correct. While it is, of course, appropriate for the opposition to put it in the broader context of scrutiny of the government, it is not the opportunity to get into some critique of government administration, which is exactly what Mr Hanson is doing. It is about your interpretation of the standing orders. Mr Hanson should remain relevant during this debate.

MR HANSON: Mr Speaker, on the point of order, the press releases that I am referring to are 16 press releases all of which mention the parliamentary agreement. What I am trying to make a point about is that, if you have got the government and ministers putting out press releases, as ministers, referencing and discussing the parliamentary agreement as their justification for expending millions of dollars, that is directly in line with the debate here, which is about the Greens-Labor agreement and its applicability to ministers. So I see there is no point of order.

MR SPEAKER: On the point of order, Mr Hanson, I hear your argument. I think that what I also heard in Mr Corbell's argument is that this is the forms of the place. We are debating the merits of the dissent from the ruling, and more broad-ranging comments on the performance of the Speaker should probably be taken up in a want-of-confidence motion if that is the path you want to go down.

Mr Seselja: On the point of order, Mr Speaker, the comments that Mr Corbell seemed to be taking most objection to were press releases by ministers which referenced the Greens-Labor agreement, which went to the spending of millions of dollars of taxpayers' money. I am not quite sure how that is relevant to the ruling that you just gave us.

MR SPEAKER: It is relevant because I was actually contemplating the broader question already and Mr Corbell provided me with a platform from which to seek

advice from the Clerk on the width of the debate. I have done that and I am taking this opportunity in a break in the debate to make that observation. Mr Hanson, you are free to continue.

MR HANSON: I am a little confused—

MR SPEAKER: Mr Hanson, you are free to continue.

MR HANSON: Thank you. The point I am making, which I think you have not ruled on, although it was the point of order—

MR SPEAKER: I have given you the freedom to continue, Mr Hanson.

MR HANSON: The point is that we have 16 press releases from government ministers all talking about the expenditure of millions of dollars of ACT taxpayers' money, saying, in this case—this is from Mr Corbell—"This initiative fulfils commitments made through the Greens-Labor parliamentary agreement." There is one here from Mr Stanhope: "Millions and millions of dollars—16.3 million, six million, three million. Several of these initiatives fulfil commitments made in the Greens-Labor parliamentary agreement." From the health minister: "These mental initiatives also fulfil a number of commitments made through the Greens-Labor agreement, 8.4 million, 14.5 million, 19 million." And so on and so on.

How can anyone say that the Greens parliamentary agreement—which is directing and informing government ministers on expenditure of tens of millions of dollars of taxpayers' money and which is then put out in press releases under ministerial headings on the ACT government website—is something that we as the opposition are unable to question? I think that is absolutely disgraceful and it goes to covering up scrutiny of the government. I can see no other plausible explanation.

Any rational observer of this place would want to question why we as the opposition are no longer able to understand and comment on something that they put out in press releases for public dissemination. This is why we are doing it—the Greens-Labor parliamentary agreement. But, no, not in this place of scrutiny; no, the opposition is not allowed to ask any questions on it: but we will put out as many press releases as we want on it because it suits the Greens and it suits Labor. And it suits you, Mr Speaker, to sit there and rule on something that benefits you as a parliamentarian of the Greens party, which is where your motivation is coming from.

I go to that point because, before you started getting under pressure as the Speaker, until Mr Hargreaves started discussing this as an issue and started making speeches, before we started having some questions raised about your independence as Speaker and you were under pressure, it was very different last year, in 2009, when you ruled one way. Now we see that these issues have arisen and you are ruling another way. Why is that? Maybe you are getting a little bit too comfortable in that chair. Maybe Rattenbury the radical, who wanted independence, who wanted scrutiny of the government, who wanted third-party insurance—

Members interjecting—

MR HANSON: What do you think dissent is, you buffoon?

MR SPEAKER: Mr Hanson, "buffoon" is not parliamentary language.

MR HANSON: I think "buffoon" is parliamentary language. He thinks "prat" is parliamentary language. He was using it to argue a case—

MR SPEAKER: Come on, Mr Hanson.

MR HANSON: All right; I withdraw. Mr Speaker, let me just go to your discussion in the public domain of the parliamentary agreement. In your role as the Speaker, representing this Assembly as the Speaker, you went to Kiribati—correct me if I have got the pronunciation wrong—

MR SPEAKER: That is correct, Mr Hanson.

MR HANSON: I notice that on the agenda there was a speech by Mr Rattenbury on the parliamentary agreement and the effect on the operation of the ACT Legislative Assembly. I would dearly love to listen to that speech. But when you went to Kiribati, Mr Speaker, did you represent us as the Speaker or—I am sorry and we are wrong—did you actually go as the Greens' representative? Did you go there representing the Greens? Let me tell you: let us find out how much—

Mr Corbell: On a point of order, Mr Speaker, dissent from the Speaker's ruling is not an opportunity to basically place a whole range of matters on the floor of this place that go to your motivations as the Speaker of this place. If the Liberal Party are so dissatisfied with your performance as Speaker, let them have the courage to move want of confidence in you as Speaker, because that is essentially what Mr Hanson is saying today. He is saying that you are representing this parliament in other parliaments and you are using it for base political purposes. They are accusing you of a whole range of matters that go well beyond your interpretation of the standing orders. It is not relevant to the debate and Mr Hanson should be asked to remain relevant in this debate.

Mr Seselja: On the point of order, there are two points. I refer you to Mr Corbell's comments the last time there was dissent from one of your rulings and the broad-ranging nature of his personal attack on you, which went far beyond anything which has been said here today. The second point is that Mr Hanson's point is: if there is no official status to the Greens-Labor agreement, the very issue we are debating, then why, in your role as Speaker, are you advocating for the Greens-Labor agreement—

Mr Corbell: How is that relevant?

Mr Seselja: Because that is what we are debating. We are debating the status of the Greens-Labor agreement. It is reasonable on both counts. Mr Corbell made far worse attacks when speaking to his dissent motion some time ago. Mr Hanson is being relevant by drawing the attention of the Assembly to the status of the Greens-Labor agreement and how it has been advocated by you in representing this parliament.

MR SPEAKER: I find myself in a somewhat invidious position on Mr Corbell's point of order but I think, having taken advice, this is a debate on the matter of dissent. And I do feel, Mr Hanson, that you are straying outside the bounds of the debate and into the bounds of my motivations, which I do not believe are the subject of the dissent motion. So I would invite you to try to focus your comments on the matters being debated.

MR HANSON: The point is on the parliamentary agreement, its uses and what it is there for. My point is that you, as the Speaker of the Assembly—and I am looking for precedent in how it has been used—have spoken to other parliaments, including those from other Australian jurisdictions and overseas, and have, in representing this place, talked about its role in the running of this Assembly. If it is okay that we can actually discuss this with regard to other parliaments; it is part of the debate; the Speaker, representing the Assembly, can do so; ministers can actually put it out in press releases; but we are not allowed to ask simple questions at question time; I think it is entirely contradictory.

If you are telling me that you went over to that meeting as a Green, then I suggest that is on but there is probably some money that needs to be paid back and changes need to be made in the report, because my understanding is that you were representing us as Speaker. That is an entirely different entity.

MR SPEAKER: Order, Mr Hanson!

MR HANSON: It is about dissent from your ruling and I am just pointing out—

MR SPEAKER: Stop the clock. Sit down, Mr Hanson. I think you really are outside the bounds now. You are really into territory that is beyond the dissent motion. I think, when you are starting to discuss entitlements and the like, you are straying outside the bounds. You are putting me in a very difficult position but I think there is some form and precedent on these sorts of matters and I am encouraging you to try to respect the practices of the place.

MR HANSON: I will move to close, because the points that I do want to raise, I consider, go to the ability of the opposition to scrutinise the government and your ruling has prevented us doing that effectively, on what I have demonstrated through those 16 press releases. This covers tens and tens of millions of dollars.

However, the inconsistency is that the Labor Party and the Greens are using the parliamentary agreement at free will in a variety of venues—in the parliament, in other parliaments or in the media. I think your ruling is entirely contradictory. I think what your ruling has done has weakened democracy in the ACT, has weakened scrutiny of the government and has made this parliament a less effective place. And that will be your legacy.

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) (2.51): Mr Speaker, I will just

say a few things in relation to this. First and foremost, it is important that we point out something that members of the Liberal Party have lost sight of to date—that the parliamentary agreement between the Labor Party and the Greens, signed on 31 October 2008—and I have it here and I am happy to table it—states:

> **THIS AGREEMENT** is made on the 31st day of October 2008
>
> **BETWEEN** Mr Jon Stanhope, Leader of the Australian Labor Party, ACT Branch
>
> **AND** Ms Meredith Hunter, Parliamentary Convenor of the ACT Greens

That is the heading and title of the agreement. It is made, and declared to have been made, by me, representing the Australian Labor Party, and Ms Hunter, representing the ACT Greens party. It is witnessed by Ms Gallagher and yourself, Mr Speaker. It is an agreement—

Mr Hanson: As the Deputy Chief Minister?

MR STANHOPE: She is a witness. You're not that dumb. Are you that dumb? The agreement was executed between two political parties—the ACT branch of the Labor Party and the ACT Greens. It was an agreement, and remains an agreement, between the ACT branch of the Labor Party and the ACT Greens. It was signed by me and it was signed by Ms Hunter. It was witnessed by Ms Gallagher, not as a party to the agreement but as a witness. It was witnessed by Mr Rattenbury, not as a party to the agreement but as a witness. The agreement is between two political parties.

The question in relation to which Mr Speaker has made his ruling was a question asked by Mr Seselja about that political agreement. Mr Speaker, in his response to the point of order, rightly and appropriately said, on that occasion, and repeated today in further explanation:

> You cannot ask about the Labor-Greens parliamentary agreement—

a political agreement—

> but the rest of your question is broadly valid.

And the rest of the question went to initiatives adopted by the government consistent with that political agreement. So they moved from being part of a political agreement to being part of government policy. In the implementation of that policy, the minister is rightly responsible to this place, and that is what Mr Speaker said: "You cannot ask about the political agreement but you can ask about the government acceptance of a policy position agreed to as part of the political process."

What did Ms Gallagher do? She went on at some length to answer the question. You asked the question about a matter which was agreed between two political parties and then adopted by the government of the day as government policy, and Ms Gallagher went to some length, and she started the answer to her question by saying:

> I can … inform the Assembly of the discussions …

She then went into detail about how the government had implemented the policy which it accepted as a result of a parliamentary agreement. And she answered the question in full. So this nonsense, this pitter-patter, this confected nonsense about refusing to be scrutinised, refusing to answer questions on government policies, can be seen for what it is. Ms Gallagher, in relation to the matter of dissent, answered the question in full because it related to a government policy.

I do recall, Mr Speaker, an earlier occasion when, I admit, I was being just a touch political. One of my colleagues asked questions to do with the Treasury summary of the Liberal election commitments. I recall, Mr Speaker, you saying, "Look, that's not part of your ministerial responsibility"—what it was that the Liberal Party promised to cut. I remember that I was just beginning to get a head of steam up, in the context of the Liberal Party's position—that the Liberal Party will now not stand to move a point of order as I go through some of the Liberal Party's election commitments and their promises to cut, because that would be actually refusing me the right to respond or to scrutinise the position, the political position, of the Liberal Party. So what was it that the Liberal Party promised to do if they were elected to government?

Mr Smyth: Relevance.

MR SPEAKER: Mr Stanhope.

MR STANHOPE: Oh, relevance! It goes to the nonsense of your position.

MR SPEAKER: Order, Mr Stanhope!

MR STANHOPE: Oh, we should not answer questions about the Labor Party-Greens political issues but—

MR SPEAKER: Mr Stanhope, one moment, please.

Mr Hanson: On a point of order—

MR STANHOPE: Are you trying to gag me now that we're on to Liberal Party policies?

MR SPEAKER: Order! Mr Hanson has the floor.

Mr Hanson: The point of order that was previously made about relevance against me was because I was talking about Labor Party policy and in terms of their commitment. But it was directly related to press releases which contained references to the parliamentary agreement and using those as the rationale for why those commitments had been made, which is entirely relevant to this debate, which is about the Greens-Labor parliamentary agreement and whether it should be subject to questions in this house. Going on to a long-winded rant about Liberal Party policies, which have nothing to do with the Greens-Labor parliamentary agreement, I think is entirely irrelevant.

If Mr Stanhope would like to make a speech about our policies, we would welcome that, but I do not think it is quite relevant to this debate.

MR SPEAKER: Thank you, Mr Hanson. Where I heard Mr Stanhope going was—I understood you were making points about previous rulings, Mr Stanhope. Please do not head down the path of going through the whole document.

MR STANHOPE: I will not.

Mr Hanson: It is a good document, though.

MR STANHOPE: Yes, actually—in responding to that—it is a good document.

The second promise is that all funding provided by the government in previous budgets to establish an infrastructure plan was to be removed as a saving. I had not noticed that before. The Liberal Party were going to cut all of the money that we made provision for in the budget for the actual development of an infrastructure plan.

MR SPEAKER: Thank you, Mr Stanhope.

MR STANHOPE: That is what they think about infrastructure plans: they were going to remove all funding from the budget for that—

MR SPEAKER: Thank you, Mr Stanhope.

MR STANHOPE: Well, as a hypothetical then: in question time today what would the Liberal Party say if Mr Hargreaves, in asking a minister a question, was to ask the Attorney-General—the Attorney-General with responsibility, say, for electoral matters—a question about his view and his attitude to the fundraising practices of the 250 Club and the way in which it is reported.

Opposition members interjecting—

MR STANHOPE: One wonders about that as a hypothetical question.

Mrs Dunne: Mr Speaker—

MR SPEAKER: Order, Mr Stanhope!

MR STANHOPE: The Liberal Party would jump and say—

Mrs Dunne: Point of order, Mr Speaker.

MR STANHOPE: "Well, the 250 Club has got nothing to do with Mr Corbell's ministerial responsibilities—

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Order, Mr Stanhope. Thank you. Stop the clocks.

Mrs Dunne: I would like to raise a point of order. The Chief Minister is wandering way off the point and referring to how Mr Hargreaves might ask a question. If he

asked that question, he would clearly be out of order because he would be asking for an opinion. He is getting way off the point, which is a dissent from your ruling about whether or not we can ask questions in relation to the Labor-Greens agreement.

MR SPEAKER: Yes. Mr Stanhope, can you try and—

MR STANHOPE: I will; I take the point. I was just pointing out the absurdity and the nonsense of their position and the hypocrisy of their position. I will conclude on a couple of points. The parliamentary agreement is clearly stated to be between two political parties, signed, as representatives of those parties, by me and Ms Hunter as the respective leaders of those parties. It is a political agreement between two political parties. That is the first point.

The Speaker, in his ruling on the subject of this debate today, says quite explicitly: "Look, you can ask a question about the policy and the substance, but you cannot ask a question about the parliamentary agreement, a political agreement. It is not relevant to the minister's responsibilities." It is not; it is a political agreement. You cannot ask questions about that. But the Speaker said, "By all means, ask questions on the matters of government policy and of substance." That is what the Speaker said—and he was 100 per cent right.

It is interesting to look at *House of Representatives Practice*, which I did espy that Mrs Dunne had open before her, but she quickly skirted over this particular ruling within *House of Representatives Practice*. *House of Representatives Practice* is quite explicit—on page 538, Mrs Dunne:

> … Speakers have ruled out of order questions or parts of questions to Ministers which concern, for example:
>
> …
>
> arrangements between parties.

What the Speaker has done is 100 per cent consistent with *House of Representatives Practice*. It states explicitly that Speakers will rule out of order questions relating to arrangements between political parties. It is as clear as day. This is a shocking, appalling, political stunt—by an opposition that genuinely fears slipping on to the crossbenches after the next election and being replaced in that place by the Greens.

I think the great reality that we face in relation to a shuffling of the political chairs in the ACT is that the Liberal Party are in danger of slipping on to the crossbench, and they are doing everything they can by attacking the Greens, through you, Mr Speaker, to avoid what they would regard as that most humiliating possibility—that they will be supplanted on the opposition benches by the Greens after the next election.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.01): What an appalling waste of time. There was a question asked last week. As you know, I was ill last week. I did get up to watch webstreaming at various points and I have to say that the nonsense that was going on really put me into a bit of a relapse—sent me back for another nap. I have to say that a lot of it was to do with—

Mr Coe: Madam integrity.

MS HUNTER: the incredible time wasting that went on last week and is obviously something that you are intent upon doing again this week.

Mr Seselja: Point of order, Mr Speaker.

MR SPEAKER: Stop the clocks.

Mr Seselja: You have been very quick to call Mr Hanson to order for relevance. I am not quite sure what part of your ruling this comment from Ms Hunter has to do with.

MR SPEAKER: On your commentary, Mr Seselja, I think I gave Mr Hanson a little more than 40 seconds, but, Ms Hunter, I would invite you to focus on the motion being debated.

Mr Coe: You get a free kick for a minute.

MS HUNTER: Thank you, Mr Speaker. I will do that. It is because that is what this is about. Mr Smyth has obviously got up and dissented from a ruling that you made on a question last week. I do have to say, though, that it is amazing how you do jump up and stamp your feet when you are not getting your own way but tend to blather on a lot and waste our time.

Mr Coe: What have we got out of the agreement so far?

MS HUNTER: But getting back to the dissent—

Mr Coe: What have we got out of the agreement so far?

MR SPEAKER: Mr Coe!

MS HUNTER: On the ruling, the Speaker has clearly gone away, has clearly researched this matter, has looked at parliamentary practice—

Members interjecting—

MR SPEAKER: Order, members! I cannot hear Ms Hunter.

MS HUNTER: has looked at standing order 114—

Mr Coe: Have you written to the rent tribunal yet? Is it the stronger case? What is she not telling?

MS HUNTER: It is quite clear—

MR SPEAKER: Ms Hunter, one moment, please. Stop the clocks. Members, I have made this point a number of times over the last couple of weeks. I expect to be able to hear other members. The volume of the interjections is unacceptable.

MS HUNTER: Thank you, Mr Speaker. It is quite clear—I will say it again because I do not think I could be heard—that there has been time spent researching this particular issue, and that has come back in your statement that you have given today. Obviously, Mr Smyth has dissented from that. I do not agree with Mr Smyth's dissent. It is quite clear that what we are talking about—the question that was asked was in relation to a political agreement. The Speaker said at the time, "You can ask the question, but you need to leave that part out, reframe your question." What we have heard clearly today is that at the end of the day the question was answered.

Of course, the opposition wants to try and paint this once again—this is a little bit of a bandwagon they are on with this one around lack of scrutiny, that they are the only people in this place that provide any scrutiny. We all know that that is a lot of nonsense. What you do do is waste a lot of time on many matters.

Opposition members interjecting—

MS HUNTER: We are here to scrutinise the government. We do scrutinise the government.

Opposition members interjecting—

MS HUNTER: Mr Speaker, could you please quieten them down so that I can actually hear myself.

MR SPEAKER: Ms Hunter.

Mr Coe: You have been into the Greens agreement as well, by the sound of it.

MR SPEAKER: Order! Stop the clocks. Mr Coe, really, I am at the point where you are about to receive a warning. The volume of your interjections is unacceptable. Ms Hunter.

MS HUNTER: There are a number of ways that government is held to account and scrutiny does happen. As we have already heard this morning, or just in the last hour or so, the question was about invoices and small business. There was a full answer given to that. Anything in the parliamentary agreement that is moved into being policy or has been implemented in the implementation stage has been funded. Questions can be asked on that. It is just that it cannot be framed in the sense of the political agreement between the two parties.

This idea that there is a lack of scrutiny is an absolute nonsense, and you know it. There are a number of other ways that scrutiny can occur. One is through the estimates process. I am very much looking forward to all of your participation in the estimates process this year—which we will be embarking on soon.

It is quite clear, as I said, why the Speaker made that ruling. I agree with the reasoning behind that ruling. I just find it a little hard to take that we are now an hour and seven minutes in and we have not even got to question time. You talk about the millions of dollars being wasted—

Mr Hanson: Mr Speaker, on a point of order—

MR SPEAKER: Yes, Mr Hanson.

Mr Hanson: We know Ms Hunter does not like being in here—she would rather watch it on TV—but I do not think that her disappointment that we are—

MR SPEAKER: What is your point of order, Mr Hanson?

Mr Hanson: We are debating an important matter here and I do not think that her rambling on about it being disappointing that we are here so long talking about this important issue is relevant to the debate.

MR SPEAKER: Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. We have heard a number of speakers on the opposition benches talking about millions of taxpayers' dollars and the importance of scrutinising that. I agree that we do need to scrutinise the expenditure of money in the territory. I also think that we all need to reflect a little bit on the amount of taxpayers' dollars that have been spent on these longwinded battles that seem to be going on which are doing nothing to further better outcomes for the people of the territory. I would also like to pick up on Mrs Dunne's points—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order! Stop the clocks. Wait, Mr Hanson. Ms Hunter, resume your seat for a moment. Mr Hanson, I expect you to have a point of order.

Mr Hanson: Certainly. It is about relevance. I thought you had ruled that she should get to the point of the debate, which is not about "I don't like the time-wasting; I don't like the fact that we're debating this today." That is not relevant to the motion before the Assembly, which is one of dissent from your ruling. Her view, "I don't like this, it seems to waste time," if she has got something better to do, is not relevant to the debate, Mr Speaker. I thought you had ruled on that already.

MR SPEAKER: Finding the relevance in this debate has been challenging. Ms Hunter, if you can focus on the dissent motion.

MS HUNTER: Certainly, Mr Speaker. I will wrap up by saying that it is quite clear that there is not a minister that says on their letterhead, "Minister in charge of the ALP-Greens parliamentary agreement." This really does come to the heart of the matter today about this question. I think that the Speaker has addressed that quite clearly and there have been some speakers who have addressed that quite clearly today in the debate. It is unfortunate that every time I have got up to speak I have had Mr Hanson jumping up to interject. Yet Mr Hanson was very happy to carry on and to wander way outside and away from the point of what this motion is about. He was also making some, I think, outrageous attacks on the office of the Speaker.

I would say that we need to be clear that the dissent is about the fact that you can ask questions of ministers, obviously, to do with their portfolio interests or matters to do with their portfolio or to do with the expenditure of money—it was simply the way that you framed that question. One of Mrs Dunne's points was that this agreement is at the heart of the ACT government; it is the thing that seems to run the ACT government; it is at the heart of the ACT budget. The ACT Greens would be very pleased to hear that this agreement is at the heart of the ACT budget and at the heart of the ACT government. We would like nothing more. Unfortunately, that is not the case. We work together here for good outcomes for the people of the ACT. I certainly hope that we can move on from this matter and finally get to question time today.

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

> That the question be now put.

The Assembly voted—

Ayes 7		Noes 10	
Mr Barr	Ms Porter	Ms Bresnan	Ms Hunter
Ms Burch	Mr Stanhope	Mr Coe	Ms Le Couteur
Mr Corbell		Mr Doszpot	Mr Rattenbury
Ms Gallagher		Mrs Dunne	Mr Seselja
Mr Hargreaves		Mr Hanson	Mr Smyth

Question so resolved in the negative.

MR SESELJA (Molonglo—Leader of the Opposition) (3.12): I am not sure whether the Greens were on the same page on that vote but I am sure I heard Ms Le Couteur voting yes to gagging the debate.

I will need to respond to some of what Ms Hunter had to say. But it is interesting, Mr Speaker, that the moment you brought Ms Hunter back to the substance, she shut down and sat down. I did not hear her mention the standing orders once. In fact, I did not hear any of the Greens' contributions, in defending your ruling and arguing against the dissent motion, actually deal with the issue.

We heard from Ms Hunter that she wished we did not have to have these long debates in the Assembly, if only we could get home earlier and if only things were a bit easier. But we did not hear anything about the substance of the debate. We did not hear the Greens, in their contributions, talk about standing order 114. We did not hear about them looking at standing order 114 and how it is relevant. It states:

> Questions may be put to a Minister relating to public affairs with which that Minister is officially connected …

Mr Stanhope made the argument for us. He said that the Greens-Labor agreement is signed and then is adopted as government policy. If it is adopted as government policy, no matter why it was signed, no matter whom it was signed by, it underpins this government; it becomes central to their policy development; therefore, we should

be able to ask them questions. If the Greens-Labor agreement has a provision about public housing, we should be able to ask the minister for housing. If the Greens-Labor agreement has a provision about transport, we should be able to ask the minister for transport.

This is an expensive agreement. This is a billion-plus agreement. And we see the sensitivity. We see the sensitivity from Labor and the Greens on this issue. This agreement is something that they do not want to see scrutinised. They would prefer it if it can all be sorted out behind closed doors. If there is any ambiguity in the agreement, we cannot ask questions about that. You cannot ask questions about that in this place. You cannot ask questions in the Assembly about the billions of dollars that are proposed to be spent on public housing under this agreement, about the tens of millions of dollars on public transport. We should be able to ask questions—we should be able to address them—about the Greens-Labor agreement and go to the minister who has responsibility to implement that part of the agreement.

Surely this should be the highest place for scrutiny. This should be the place for the widest possible scrutiny, rather than somewhere where debates are muzzled. The agreements underpin why a party is in government. The Labor Party and the Greens in this Assembly are arguing that we should not be able to ask those questions. We have this agreement which underpins the government and it cost billions of dollars of taxpayers' funds to cost these policies.

We then have a Greens Speaker who refuses to let us ask legitimate questions about this matter. What is the community to think of that? How does this pass the public test, the punter test? If you were to ask them, "How do you ask questions about the Greens-Labor agreement? The Greens and the Labor Party have an agreement which keeps the Chief Minister in his job. The Greens and the Labor Party have an agreement which potentially will cost taxpayers many hundreds of millions of dollars, even billions of dollars. Should you be able to, in the parliament, ask questions about that agreement, ask question about how that money is being spent—

Mr Stanhope: No.

MR SESELJA: The Chief Minister says no, we should not be able to ask about those billions of dollars; you should not be able to ask about those policies; you should not be able to ask whether they are going to meet the terms of that agreement which the Chief Minister has told us today they have adopted as government policy. It is their government's policy now, and these ministers are responsible for—

Mr Stanhope: A point of order, Mr Speaker.

MR SPEAKER: Yes. Stop the clocks.

Mr Stanhope: I did not say that at all. This is another example of the Leader of the Opposition, in the context of this debate, clearly—

MR SPEAKER: What is the point of order, Mr Stanhope?

Mr Stanhope: I did not say those things at all. I said when any promise that a government makes is implemented—we made a whole stack of other promises apart from those we made with the Greens.

MR SPEAKER: Thank you, Mr Stanhope. You may recall that we had this conversation last week. I think you need to resort to standing order 46.

Mr Stanhope: Thank you, Mr Speaker. I will do that at an appropriate time, to correct the misleading of the Assembly that is going on at the moment.

MR SPEAKER: Thank you. Mr Seselja has the floor.

Mrs Dunne: A point of order, Mr Speaker.

MR SESELJA: The Chief Minister cannot—

MR SPEAKER: Sorry, Mr Seselja. Mrs Dunne has a point of order.

Mrs Dunne: Mr Stanhope said as he was sitting down that he would use the standing orders to correct the misleading of the Assembly. He clearly implied that Mr Seselja had misled the Assembly. That is unparliamentary and he needs to withdraw.

MR SPEAKER: Mr Stanhope?

Mr Stanhope: On the point of order, actually, on a motion of dissent in you, I would have thought that, in a free-ranging debate in which you are being accused of all sorts of things, of actually abusing your position in the chair, of not acting with integrity or objectively in the rulings that you make, it is quite appropriate for me to say, in the context of that debate, that the Leader of the Opposition, in attacking you, is misleading the Assembly. I would have thought that, in the context of a substantive motion of dissent, I could say that.

MR SESELJA: You're wrong again.

MR SPEAKER: Order, Mr Seselja! You don't have the floor.

Mr Stanhope: That is on the point of order, Mr Speaker.

MR SPEAKER: I am happy to rule on this.

MR SESELJA: I do not think you need my help on this one, Mr Speaker.

MR SPEAKER: The forms of the place are, Mr Stanhope, that misleading the Assembly is considered unparliamentary language, and such charges should be made in a substantive motion. I invite you to withdraw.

Mr Stanhope: That is my point of order: there is a substantive motion before the chair.

MR SPEAKER: No, you have to move a substantive motion on the member you are accusing of misleading the Assembly. I believe that is the practice of the place.

Mr Stanhope: I will accept that, and I withdraw, then. I was not aware of that. I thought that, in the context of a substantive motion moved against you, it would have been open to me—

MR SPEAKER: Thank you, Mr Stanhope.

MR SESELJA: Twelve years in this place and you've still got no idea.

MR SPEAKER: Mr Seselja, thank you. Let us focus on the debate at hand.

MR SESELJA: Thank you, Mr Speaker. It is extraordinary to me, though, that he still cannot understand the basics. It is embarrassing. Mr Speaker; we see the sensitivity. We see it again with Mr Stanhope's ridiculous points of order. We see it with the speeches that we have heard from the Labor Party and the Greens. We see the embarrassment at being scrutinised. We see the sudden concern: "What if they ask questions and it actually brings to light some of the problems with this agreement?" What if it brings to light the fact that much of the agreement is not being implemented? What if it brings to light the fact that the agreement will cost hundreds of millions of dollars more than perhaps is being let on or communicated clearly to the public? These are the kind of questions that, clearly, the Labor Party and the Greens do not want to hear. These are the kind of questions that the Labor Party and the Greens clearly do not want to have answered.

Mr Speaker, with respect to the reason why we are dissenting from your ruling, Mr Smyth has very clearly articulated the case, going through the standing orders, going through *House of Representatives Practice*, and indicating why this ruling is wrong, why it does not follow precedent in this place, why it is contrary to the standing orders and, in our opinion, over and above all of those things, why it is indeed contrary to the public interest for the opposition in this place not to be able to ask questions about such serious matters—not to be able to ask questions about the expenditure of hundreds of millions of dollars, or billions of dollars, of taxpayer funds, as is contained in this agreement.

What is it about this agreement that they want to hide? What is it about the detail? Is it some of the motherhood statements and that, if you actually drill down, it might be embarrassing that either they meant nothing or they actually meant something which was not clear on the face of them? That is why we ask questions about these things. That is why we have scrutiny. And this government have used it in this place and have adopted it as their own policy.

Mr Speaker, we do dissent from your ruling. Mr Smyth is right to bring this motion forward. Ms Hunter may bleat about the time it has taken, but this is the only time thus far that we have moved dissent from your ruling. We do take it seriously. We are not the first party in this place to move dissent from your ruling. That was the Labor Party. But we do believe it is appropriate in this place because if you are going to shut us down from asking questions about the Greens-Labor agreement, what else will we

potentially be shut down from scrutinising? What other areas of government activity will we potentially be denied the ability to ask questions about?

Mr Speaker, the Canberra Liberals believe very strongly in scrutiny of government. We believe very strongly that we should be able to ask questions. Unlike the Greens, we are not tied to this government and we will ask them those questions. The sensitivity from the Greens and the Labor Party, as outlined in your ruling, as reflected in your ruling, Mr Speaker, is unfortunate. It is, in our opinion, designed to gag us. It is designed to shut down debate and shut down our ability to ask questions. I support the motion and I commend it to the Assembly.

MR HARGREAVES (Brindabella) (3.23): Mr Speaker, I was the member who raised the original question and I thank you for the ruling and for the explanation of it. It needs to be put on the record as to exactly why I asked for that ruling, Mr Speaker—because I did not believe at the time that a member could ask a question of a minister on an issue or a subject for which they were not responsible.

What I have been hearing coming from those opposite and from you, Mr Speaker—

Opposition members interjecting—

MR HARGREAVES: Do be quiet for a second, will you? What I have heard, Mr Speaker, is that you cannot ask a question of a minister unless that minister is officially connected with the subject. The point that I make here is that this turns on the notion of "officially connected". The only way ministers are officially connected with anything is if they have an authority granted to them under the administrative arrangements orders. That is what this hinges on. The Greens-Labor agreement is not in anybody's responsibility under the administrative arrangements orders. It is as simple as that.

Mr Speaker, I think your ruling should be upheld. But there are a couple of other issues I would like to put on the table. Firstly, it is not the practice of Speakers in this place since self-government to just make a unilateral determination on such a request that I put forward. It is always the case that Speakers have sought advice on it—expert advice on it. I know that Speaker Cornwell did it, Speaker Berry did it in my time here, and now you have done it, and I appreciate it. What has happened is that you have been given expert advice and been referred to the relevant authorities on that advice and you have delivered it in your capacity as Speaker of this place.

Mrs Dunne would suggest that she is a better interpreter of those particular references than people who have spent a lifetime in that environment. I would suggest, Mr Speaker, that Mrs Dunne is not qualified to make those particular interpretations. Support staff that Speakers have at their disposal, whether it be in the chamber here or in the parliament on the hill, are much more qualified to give advice on that.

Another thing I would like to suggest, Mr Speaker, is that there is an inconsistency here. When I have received or asked questions relating to Liberal Party policy in the past, Mrs Dunne et al have jumped to their feet and protested that it is inappropriate that that question be asked because the minister—and I know this; a check of the *Hansard* will reveal it—"has not got responsibility for Liberal Party policy".

So, Mr Speaker, they cannot have it both ways. They cannot say that a minister is not responsible for Liberal Party policy and then turn around and say that a minister is responsible for such an—

Opposition members interjecting—

MR HARGREAVES: I am sorry, Mr Speaker, but it does not work for me.

Let us just go to the question of something Mr Seselja raised, and that was the transparency of the whole place—

Opposition members interjecting—

Mr Barr interjecting—

MR SPEAKER: Order, members! Let us hear Mr Hargreaves.

MR HARGREAVES: Colleagues, when you have finished having your conversations, you can stand up in your turn. I am talking to all of you.

The point that Mr Seselja was making was that it has to be transparent and it has to be available for scrutiny. Can I suggest to you, Mr Speaker, that the appearance of the Labor-Greens agreement on the internet is putting it out there for anybody to see. Where do you think those opposite got the agreement from, Mr Speaker? Did they discover it in a telephone box, next to a funny phone number? I do not think so.

Mr Hanson: No. I heard about it in Kiribati.

MR HARGREAVES: You heard about it in Kiribati! I might suggest to you that, if you have in fact put an article in the *The Parliamentarian* magazine, that is a little bit like telling everybody, isn't it? Am I correct, Mr Speaker, in suggesting that there has been nothing, can I say in my time anywhere, that has been more transparent than the views being put forward? The Greens and Labor agreement is sitting up on the internet.

Mr Hanson: Why are you trying to hide from it then? Why don't you let us ask questions?

MR HARGREAVES: Mr Speaker, I am accused, and we are accused, of hiding something—and we are hiding something by putting it on the internet.

Mr Hanson: You are—hiding scrutiny, of the decisions that arise—

MR SPEAKER: Mr Hanson!

MR HARGREAVES: That is a clever way of doing it. And the scrutiny, Mr Speaker, of what? This is not a decision-making document. This is an agreement to move forward. The decision to spend money is contained within the budget documents. That is where the scrutiny occurs.

Opposition members interjecting—

MR HARGREAVES: It occurs along the way for a given project. It does not talk about shared aims and visions.

Opposition members interjecting—

MR HARGREAVES: They can just bubble away as much as they like, interjecting—because they do not like what they are hearing. The simple fact is that there is no official connection between any member here. An official connection has to be based in the AAOs. The appointment of ministers by the Chief Minister is done under the AAOs. The Chief Minister is appointed by this Assembly. The Labor-Greens agreement does not say, "Jon Stanhope, Chief Minister"; it says, "Jon Stanhope, on behalf of the Australian Labor Party." It does not say, "Meredith Hunter, Convenor of the crossbench of this Assembly"; it says, "Meredith Hunter, on behalf of the ACT Greens." The rest of us here were witnesses to that agreement going forward. We have all signed it as witnesses. There is no official capacity other than as a witness. These people know it.

Have a look at how many lawyers you have got over there. There is one. Of course he was a senior lawyer in the public service—for at least a fortnight before he came in here—but he knows what the distinction between a signatory and a witness is. And, if he does not know what the difference between a signatory and a witness is, he ought to give his law degree back.

MR SPEAKER: Thank you, Mr Hargreaves. From now the substance of the debate—

MR HARGREAVES: Yes, sure. What we are talking about is that it goes to the point of being officially connected, and "officially connected" is not as a witness to anything. These guys know that. Mr Seselja knows that only too well.

Mr Hanson: Why are you filibustering on a debate that your side is wanting to close down?

MR HARGREAVES: We are not filibustering on any debate—responding to Mr Hanson who started this whole process through Mr Smyth. The point, Mr Speaker, is that they had 70 minutes to make their case and they still have not been able to do it. Between them they have not been able to do it. These guys are lining up one by one to try and make a case. But it is not going to work because you have not got a case; you do not have a case. I am sorry, you do not have a case. Mr Speaker, this dissent from your ruling has to be rejected.

MS LE COUTEUR (Molonglo) (3.31): I will be brief, given that we have already spent an hour and a half on this. The first point I want to make is that there has been a lot of noise during this debate and Ms Hunter did, in fact, mention standing order 114, even if members of the Liberal Party, unfortunately, were not listening to her at that point in time.

Turning to the more substantive matters, I think there seem to be two issues, as far as I can see. One is the difference between political and government and the other is whether or not it is possible to ask questions about things. Taking the second one first, just to confuse myself as well as everyone else, the Liberal Party have said that because the Speaker has ruled that the Greens parliamentary agreement is not a suitable subject for questions in question time, that means questions cannot be asked about it. That is utter nonsense. Question time is usually three hours of a sitting week. There are 14 sitting weeks in a year. That means that the rest of the time is available for asking questions on this matter if you want to do so. To think that question time is the only possible time that people can say anything about any item is just silly. There are other forums available to all of us apart from question time. I believe that some of us talk to other members of the Assembly. Some of us also talk to the media. Possibly the Liberal Party is not one of those.

The Liberal Party was also trying to make a point about the distinction between political and government. This seems to be where the Liberal Party has not quite worked it out. We all have many roles. The five people that the rules say we can ask questions of in question time—we ask questions of them in their roles as ministers. They all have many roles. They are parents, they are sons, they are daughters, they are husbands, they are wives and they are members of the Labor Party. We ask them questions only in one of their roles—their roles as ministers in the ACT government. That is a very important role and that is what we ask them questions about. We do not have a convention here that you can ask the crossbench about its roles. We cannot ask the opposition questions. The convention in this place is that we ask questions of government ministers about what the government does. We do not ask questions about political arrangements.

As I said, question time is only part of the political process. The Speaker has correctly ruled that questions about that political agreement are not relevant. As Ms Gallagher answered, it is quite relevant to ask the government what the government is doing. Ms Gallagher answered that question. The government has answered questions about things it did which did have a relationship to the agreement, but the point is that they have answered the questions in their roles as ministers of the government and they have answered the questions because the government has done something or not done something, or whatever.

The point is that question time has specific rules. The rules, as has been pointed out, are about asking questions. Under standing order 114:

> Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

I think we have got it very clear that no minister is responsible for the Greens' parliamentary agreement as a minister. The ministers are responsible for the activities in their department, in their portfolios. The Treasurer is responsible for expenditure. All of those are legitimate things to be asked about. The crossbench and the opposition ask about them. The Greens-ALP agreement is a political agreement. It is something which is scrutinised in forums other than this one.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.36): I too will speak briefly. In my nine years in this place I have seen some excellent examples of bad acting or overacting. I have to say that the entire frontbench of the opposition today should be charged with overacting.

Mr Coe: I have heard some superbly bad speeches from you.

MR SPEAKER: Order, Mr Coe, you are very close.

MS GALLAGHER: The one thing that this opposition are good at, I have to say, is trying to make nothing into something. I presume we will hear more along these lines as we near 2012. But they are trying to turn nothing into something.

There may be an issue if a question had been ruled out of order or was not answered. That was not the case. We have heard from the opposition today that it is the end of democracy as we know it in the ACT; that the opposition is gagged; that there has been this terrible blight on the role of scrutiny of this Assembly because of your ruling, Mr Speaker—a ruling which saw a question asked and saw a question answered. That is what occurred.

I have no idea why the opposition have got themselves so wound up about this. They asked a question. The question was answered. The question was asked. The question was answered. In the past, questions have been asked around the parliamentary agreement, particularly on portfolio areas, and those questions have been answered.

There is no attack on democracy. Mr Speaker's ruling is appropriate. I am not the minster for the parliamentary agreement. I am the Treasurer. Therefore, if you ask me questions that relate to the Treasury portfolio, which may also encompass elements of the parliamentary agreement, I am able to answer. There is absolutely nothing wrong with your ruling, Mr Speaker. It is entirely appropriate. You boys over there need to look at how you ask your questions. If they are asked in an appropriate way, they will be answered in an appropriate way.

MR SMYTH (Brindabella) (3.39), in reply: Mr Speaker, it would seem that those opposite and on the crossbench are somewhat confused about the purpose of this motion because none of them have been able to put a case to actually debunk the list of points I made or that any of the other speakers from the Liberal Party have made today. We have had conflicting views now from the government as to what this document is. It is a policy document; it is a party document; it is a parliamentary agreement. Well, which one is it? When it is brought into this place and it is put before this Assembly and we are told that it is a parliamentary agreement that will guide how the Assembly will operate for the next four years, then I am concerned about that document and I should have the right to ask questions about it.

If we go back to what you said, Mr Speaker, last week, you simply said, "You cannot ask about the Labor-Greens parliamentary agreement." When somebody tells me in this place what I cannot do, when that is a divergence from what has occurred in the past, when it is the guiding document that details what will happen in this Assembly for the next four years, then I get very concerned about the reason for that.

What did Mr Stanhope say when he tabled it? The document has been tabled here, on 9 December 2008:

> The agreement will see changes made to a number of existing Assembly procedures and practices.

I have a right, I have an obligation as an MLA, to question those changes to procedures and practices. But you, Mr Speaker, said I cannot. "You cannot ask about the Labor-Greens parliamentary agreement." I cannot ask them. The Chief Minister went on to say:

> Arguably some of the most significant aspects of the agreement are those relating to roles of Assembly committees …

We are entitled to ask about the roles of Assembly committees. He continued:

> Other aspects of the agreement affect the direct functioning of the Assembly …

We have a right, we have an obligation, we have a role to ask questions about the direct functioning of the Assembly. If it is a mistake that you call it a parliamentary agreement, if the Greens, in their haste to be relevant, wanting credibility, bunged in the word "parliamentary" when it should have been "party", just 'fess up, change the mistake, table the document and go away.

What will this document do? Ms Hunter said:

> The agreement tabled today by the Chief Minister is the framework for a new way of doing things in the Assembly.

It is the guiding document for the Assembly. Indeed, Ms Hunter went on to say—I am amused:

> Indeed, one of the key themes of our campaign was to provide some third party insurance in this Assembly.

Third-party insurance! She says:

> As part of the agreement tabled today we supported Jon Stanhope as Chief Minister …

She went on to say "as a world leader"; that this will establish the reform agenda:

> … which will establish the ACT Assembly as a world leader in scrutinising and opening up the processes of government …

But you are not allowed to ask questions about it. If this dissent motion is unsuccessful today, and it appears it will be, what it says is: "We'll change the Assembly, we'll set the rules, but nobody can ask us these questions. Nobody can hold us accountable." And that is not democracy.

With respect to the whole point here, we have heard it from a number of arguments. Ms Gallagher won the award for the limp contribution of the day: "It's just about a

bad argument." No argument from the would-be Chief Minister; no argument from the member who is going to replace Jon Stanhope as Chief Minister. "It's just bad acting." That is a good defence: "It's just bad acting." We go to Ms Le Couteur, who said it is a political agreement. If it is a political agreement, what is it doing in this place at all? Why is it tabled?

The Chief Minister said, "It's government policy." Mr Hanson pointed out that, from 16 press releases, a simple search of the web reveals that the government puts it in their press releases. I cannot understand why we cannot ask these questions.

Mr Hargreaves raised the point, in a speech in this place, about the role of the Speaker. It appears now that you actually speak about this agreement in Kiribati but you cannot ask questions about it in Canberra. That is wrong. That is just fundamentally wrong. You can go to Kiribati and give a speech on the nature of the Greens-Labor agreement but the Speaker unilaterally rules it out and says, "You cannot ask about the Labor-Greens parliamentary agreement in this place." It is fundamentally wrong. Mr Speaker, perhaps you could tell us whether you got any questions at the end of your presentation. So you can ask questions about the Labor-Greens parliamentary agreement in Kiribati but you cannot ask them in the ACT Assembly. That is a joke. You laugh, Mr Speaker; I am glad you laugh, because it is a joke. That is a joke—except that it is so serious.

And that is the problem. The Speaker has closed the door. If this dissent fails, then the Speaker has closed the door about a parliamentary agreement that according to the Chief Minister will reform the Assembly and that according to the convenor of the Greens will open scrutiny. It will be a joke, because you will not be able to ask about potentially $900 million worth of housing, $35 million worth of bus routes—which, if you put the prefix in, in your agreement you seek to achieve. We cannot ask questions in that light now.

I do not know what the problem with asking those questions in that way is. I do not know what changed. Nobody has spoken today and said what changed. These questions were acceptable, as I have shown, last year when questions were asked by Mr Seselja and by Mr Coe quoting sections from the agreement. It was okay last year but it is not okay this year.

Mr Speaker, there is a question in this for you. If the Chief Minister actually tabled the document, if it has been put before this place as something that has continuing effect on how we do business, why can't we ask questions about it? There is no logic in what you have said. It is an agreement. It is a signed agreement. You, the government and the Greens, claim it to be a parliamentary agreement. The speeches say that this parliamentary agreement affects the way the parliament operates. This agreement says that it will change the way this parliament will operate. But you have put a unilateral ban on asking questions about that.

It is interesting. We have not even gone to the detail of the document. Let us face it: section 7, "Parliamentary Staffing and Resources". Perhaps we do not want to ask questions about the document, because it says:

> ACT Labor will ensure that the Greens MLAs are accorded party status, including formal recognition … Convenor and Whip. ACT Labor agrees that it shall commit to provide the Greens with staffing resources for three cross-bench Members and staffing equivalent to 1.5 of a cross-bench Member for the Greens' parliamentary convenor.

Ms Gallagher: Still not as much as you get, Brendan. Nowhere near as much as you and Zed get.

Mr Seselja: That is all Meredith wanted. She wanted more than Brendan and less than me.

MR SMYTH: This made fundamental changes and it cost the taxpayers money.

Ms Gallagher: You've got more than all of them, and you are hardly ever at work.

MR SMYTH: It goes on to say, under "Committees and Other Roles in the Assembly":

> ACT Labor will support the Greens' nominations for Chairs of the following Committees:
>
> i) Public Accounts Committee
>
> ii) Health, Community and Social Services …

Mr Seselja: How many weeks are you taking on holidays in the next couple of months?

MR SMYTH: It says:

> iii) Climate Change, Environment and Water
>
> iv) Select Committee on Ecological Carrying Capacity for the ACT and region …

Ms Gallagher: I am having four weeks off, Zed—four weeks in nine years.

Mr Seselja interjecting—

MR SPEAKER: Order, members! Ms Gallagher! Mr Seselja! Mr Smyth, one moment, please. Stop the clocks. Mr Seselja, Mr Smyth has the floor. I expect to hear him.

Mr Hanson: Do Meredith and Katy go on holiday together?

MR SPEAKER: Mr Hanson, please! It is your colleague who is speaking.

MR SMYTH: The agreement, on the front page, says:

> Undertaking to ensure an accountable and transparent government, public service and parliament that are responsive to the community …

But we cannot ask about that. Why can't we ask the minister how they are ensuring that we are having an accountable and transparent government, public service and parliament that are responsive to the community? I do not know what is wrong with asking a question about that section of the agreement. I am not sure what the Greens are embarrassed over. I am not sure what the government is embarrassed over. I am not sure why you, Mr Speaker, would seek to ban it.

The question is: what have you got to hide? The Greens have got pledges, commitment to fiscal responsibility. Section 3 is headed "Commitment to fiscal responsibility". It states:

> The parties confirm their commitment to fiscal responsibility and the maintenance of a balanced budget through the economic cycle.

What does that mean? What does the economic cycle mean?

Mr Barr: God, you're on that one again, aren't you?

MR SMYTH: Mr Barr may take up the case, but the problem here is that means absolutely nothing when there is a pre-commitment to delivering all the budgets. It does not matter if you wanted to have fiscal responsibility through the economic cycle; the Greens, for instance, have already agreed to deliver the budgets. So that is the problem.

Mr Speaker, I would ask you to reconsider your decision. What we have before us is a parliamentary agreement, a formal agreement that affects the way business is done in this place. It was presented to the parliament. It has cost implications. The Treasurer is responsible for funding this agreement, and it was signed by her as Deputy Chief Minister. It underpins the government. They got the government benches because they signed this agreement. They tabled it in this place. A result of this agreement is, "We'll vote for you, you will give us some outcomes." Those outcomes cost the taxpayers. Both parties have it on their websites. The communiques identify that this is an agreement between the ACT government and the ACT Greens. It says, "The ACT government and the ACT Greens." We have asked these questions before.

Page 539 talks about arrangements. It does not talk about agreements. I think it is quite clear that when it talks about arrangements it is about arrangements on how things are conducted here, not the agreement between two parties. Standing order 114 says somebody has to be officially connected. She is connected to the funding. Somebody has to have a matter of administration. For instance, the Treasurer does, and all ministers will have. This dissent should be supported by the Assembly—*(Time expired.)*

Question put:

> That **Mr Smyth's** motion be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Ministerial arrangements

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): Due to the delay in question time today, the Chief Minister is unable to be here as he is attending a national meeting. So I am happy to take his questions or take them on notice.

Questions without notice

Government—election promises

MR SESELJA: My question is to the Minister for Health. Minister, I refer to your answer last week to a question from Mrs Dunne that you were considering purchasing Calvary hospital, with Little Company of Mary continuing to run the hospital. Did the government consider this proposal when it originally considered its options? If so, why was it not included as an option in the Treasury analysis? If not, why not?

MS GALLAGHER: No, it was not considered in the previous discussions that we had with Little Company of Mary. That was largely because it does not—well, it still remains the second preferred option on the way forward. The government's intention from the beginning was to seek ownership and management of Calvary Public Hospital. It was around ownership, to allow us to invest the capital into the buildings in a way that our budget could afford. The operating arrangement was to deliver the networked system across both hospitals that we were after. Indeed, the management of the contract of staff and services across the two sites was something that many, many of the staff who work in Calvary supported.

We are unable to pursue that option and we accept that. We have moved to another proposal which currently operates in the Mersey hospital. We are seeking to get the Catholic Church's support for that, which I am not certain will be forthcoming. As the last proposal is not able to proceed, the government believes that this is the next best preference on the way forward. If we can demonstrate that we have control over the asset then it will allow us to invest our capital funds in that asset.

MR SPEAKER: Supplementary question, Mr Seselja?

MR SESELJA: Given your answer, minister, why did you fail to seriously examine all of the options for Calvary hospital?

MS GALLAGHER: Because this was not our preferred option. We wanted to—

Mr Seselja: So you did not examine the other options? You just had one.

MR SPEAKER: Mr Seselja, you have asked your question.

MS GALLAGHER: He has asked about 25, Mr Speaker. If I am going to get all of the questions today, I would prefer it if question time was conducted in a way that was respectful to the chamber, which has not been the case. So, in a way—

Mr Seselja: Are you playing victim again or what?

MS GALLAGHER: Well, it has not, Mr Seselja. I am trying to work with you and answer your questions but every time I go to answer them you interject with another question. The answer is that this was not the preferred way forward. The government clearly indicated to all stakeholders that we wanted to own and operate Calvary Public Hospital. We felt that that would deliver the outcome that we needed in relation to capital and it would allow us better networking across the two hospitals. That was something that Little Company of Mary agreed with.

As a large healthcare provider across Australia, they recognised the efficiencies in terms of being a two public hospital town and having those two public hospitals managed by the one entity. They accepted that. There were many supporters for us taking over management and ownership of Calvary Public Hospital but that is not going to be the case now. We have moved to a second preferred option.

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

MS BRESNAN: Will the provision of a 30-year contract to LCM for the running of the hospice still be a part of the deal?

MS GALLAGHER: We have not gone to any of that detail yet, Ms Bresnan. We have not gone to that level of detail, Ms Bresnan, yet. All we have done is have a meeting of a number of individuals where we have put to those individuals our preferred way forward. We have had no specific discussions, from my point of view, in relation to the hospice other than that the Little Company of Mary would like to continue to operate the hospice. That is the point of the discussions that we have had. We are not going to pursue anything further until we get an indication from the Catholic Church that this is a model that they would support.

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

MS PORTER: Thank you, Mr Speaker. Minister, are you still working towards a better integration and networking between Canberra's two public hospitals in light of this?

MS GALLAGHER: Thanks, Ms Porter. Under the very early stages of discussions, as they are up to at this point, we have put on the table to Little Company of Mary that we would like to see a much improved arrangement for networking, role delineation

and efficiencies, if they are possible between the two hospitals, even if they remain under two different providers. Little Company of Mary Health Care have indicated at this point in time that they are prepared to examine improvements to the service level agreement around those areas.

Indigenous young people

MS HUNTER: My question is to the Minister for Children and Young People, and it concerns Indigenous young people involved in the criminal justice system. Minister, during annual reports hearings last year, the department noted that the ACT, like other jurisdictions, has significant over-representation when it comes to Indigenous people in custody. Of the 11 young people in custody today, five of them are identified as Indigenous. This is supported by the ACT criminal justice December 2009 quarter statistical profile. Minister, what programs are running across the ACT government to divert and support Indigenous young people from the criminal justice system and how is the progress or success of these programs being monitored?

MS BURCH: I thank Ms Hunter for her question. It is a recognised fact that Aboriginal and Torres Strait Islanders are, indeed, over-represented in justice systems, and that is something that this government is working to address by looking at early intervention and education and a range of other programs. This government is committed to supporting Aboriginal and Torres Strait Islander children and young people and their families in an area of my responsibilities. The west Belconnen child and family centre, which is under construction, is that very early intervention and support to families.

Aboriginal and Torres Strait Islander services is a discrete and stand-alone directorate in my department, and it has a focus on Aboriginal policy and also works with our elected councils. But, broadly across the department, support to Aboriginals and Torres Strait Islanders is a focus. There are targeted and integrated family support services. There are foster care services and supported accommodation facilities for vulnerable young men.

The department also operates and funds other programs for Aboriginal and Torres Strait Islanders. These are early intervention and community development programs delivered, as I said, through the child and family centres, housing and housing support programs, and community family-based support programs delivered by community partners.

There are complex factors that lead to the over-representation of Aboriginal and Torres Strait Islanders, and it is something on which we work with the community sector and the Aboriginal community itself, to see how we can best do this. I go back to the west Belconnen child and family centre, where the reference group that is looking at the programs that are being developed and planned there have Aboriginal and Torres Strait Islander representation. So we are connected from the outset and align the community services and our services to the best needs to meet those communities.

We have a range of measures in place across government with health, education, housing and family support doing work to address the circumstances that Aboriginal

and Torres Strait people face, and all those programs have inbuilt mechanisms for review around how they are meeting those ongoing demands. Different programs would have different review mechanisms. I am quite happy to offer you a briefing about how they are done on an individual program-by-program basis.

MADAM DEPUTY SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Madam Deputy Speaker. Minister, it was also noted in the annual report hearing that some Indigenous young people like being in custody as they may be better fed and educated at Bimberi. What role does the government play to support these children and their families to address this concerning situation?

MS BURCH: I do have a memory of those statements within the annual report. It is disturbing that they get picked up for all the wrong reasons as well. As I have said, Aboriginal and Torres Strait people are over-represented in disadvantaged and vulnerable families. I do not think that entry into juvenile justice or Bimberi is, indeed, the answer to support these families. But some of these individuals live in chaos and have complex lives. It is around how we put those support structures around those individuals and families so that it is, indeed, not considered in any way an attractive or sensible option.

I think education is a key, and I am sure Minister Barr is on offer for that, but education within the Bimberi youth justice program is quite a strong program. It leads to providing alternatives and a pathway to these people of getting chaos out of their lives and some sort of strategy and focus within their lives.

MADAM DEPUTY SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Minister, what are the areas of Aboriginal disadvantage in the ACT, and what have been the trends lately with regard to that disadvantage?

MS BURCH: There are disadvantages within the Aboriginal and Torres Strait field. As I have said, they are over-represented in areas of vulnerable families in my department, where we have a focus on vulnerable families and those at risk. We work directly and discretely with Aboriginal families. There are a number that have a case manager, and we work with families around what are their housing needs, what are their educational needs, what are their counselling needs, what is it that we can do as a system to help those individuals and families.

Mr Hanson: What are the trends, minister?

MS BURCH: It is with a focus on intervention and changing life circumstances for those families.

Ms Gallagher: He just had it emailed to him, the question. He just had an email from upstairs.

MADAM DEPUTY SPEAKER: Mr Hanson.

Mr Seselja: I don't think she knows. I don't think she knows.

MADAM DEPUTY SPEAKER: Members!

MS BURCH: The trends here are reflected in trends across the nation.

Ms Gallagher: Because he was really paying attention.

Mr Hanson: Actually, the email was about the options for Tharwa bridge.

MS BURCH: I can gather he is going to answer his own question anyway, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: My question to the minister is: is it not true that the majority of Indigenous young people live, in fact, in Wanniassa and Kambah, in our own electorate? Is it not true that that is why the government, this government, actually transferred the services for young people down to Gugan Gulwan—

Mr Smyth: Is there a question?

MADAM DEPUTY SPEAKER: Is there a question, Mr Hargreaves?

MR HARGEAVES: I have said it—

Mr Smyth: Preambles aren't allowed.

MR HARGEAVES: There is no preamble, Madam Deputy Speaker. I urge those people over there to go and work it out.

Mr Seselja: It's the clever wording, again.

MR HARGEAVES: Thank you. Is it not true that the service for Aboriginal young people was delivered at Gugan Gulwan in the Erindale shopping centre, and is it not also true that there are outreach services in the Murra Lanyon youth centre?

MS BURCH: It is true that we have a number of local services provided in the electorate of Brindabella. We offer support, alternative education supports to young Aboriginal people where the services from Erindale—

Ms Hunter: On a point of order, Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Stop the clock, please. Ms Hunter.

Ms Hunter: My original question was concerning Indigenous young people involved in the criminal justice system. While I appreciate that Mr Hargreaves does want to highlight the services that are in his electorate, we do need to get back to the question, which is about Indigenous young people involved in the criminal justice system.

Mr Hargreaves: On the point of order, Madam Deputy Speaker, for the benefit of Ms Hunter, I was interested in knowing the services which are provided at Murra and at Gugan Gulwan around preventing the young people from ending up at Bimberi.

MADAM DEPUTY SPEAKER: Can you continue, Ms Burch.

MS BURCH: Thank you, and I will continue on the services that are delivered in the centre at Erindale. They are around alternative education for young people that are disengaged from the education system and, therefore, at considerable risk of and vulnerable to entering into the care and protection system. We also work with families. They work directly with young families. Again, it is that early intervention work that keeps them out of the justice system.

Down at Murra, the youth centre down in Lanyon valley, Lanyon valley is an area that, for many, appears to not have the access to services. The Murra youth centre there provides those connections with the young folk. Again, I go back to the west Belconnen centre. It has an area, an identified area, of disadvantage and a high number of Aboriginal and Torres Strait Islander residents, which was why the location of the third centre was identified in that area and why we have on that reference group members from the local community determining the services that best meet their needs.

Gaming—sale of Labor clubs

MR SMYTH: My question is for the Minister for Gaming and Racing. Minister, the Gambling and Racing Commission's report on the proposed sale of the ACT Labor Club Group notes on page 9 that 86 documents were withheld from the commission's inquiry by the ACT Labor Club. The report also refers on page 7 to a potential conflict of interest, and on page 8 to issues relating to compliance with the taxation and corporations laws. Minister, what actions are you taking to gain access to the 86 documents which have been withheld from the Gambling and Racing Commission so as to ensure full disclosure concerning the proposed sale?

MR BARR: No action, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Minister, will you refer the matter of compliance with the taxation legislation to the Commissioner for Taxation; if not, why not?

MR BARR: Of course, the commission has provided its report. This is a matter now for some consideration.

Mr Smyth: So there's a tax issue and you're not concerned about it?

MR BARR: If the Deputy Leader of the Opposition would let me finish my answer, I will, of course, take further advice in relation to any further actions. But in relation to this particular matter, no decision has been taken at this point.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, will you refer the matter of compliance with the corporations law to the Australian Securities and Investments Commission; and if not, why not?

MR BARR: As I responded to the previous question, I have not taken decisions in relation to this matter at this point.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGEAVES: Minister, will you refer the matter of the Labor club to Unions ACT for an award for their community services?

Mr Coe: Relevance?

MR BARR: I thank Mr Hargreaves for the supplementary. No, I have not taken any decisions on that matter at this point either.

Environment—waste strategy

MS LE COUTEUR: My question is to the minister for the environment and concerns the commercial waste initiative funded in the 2009-10 budget. According to the evidence given to the estimates committee, as part of this project the government was to release a commercial and industrial waste discussion paper by October 2009. Has this paper in fact been done? If so, can you please supply a copy of it?

Mr Corbell: Could you repeat the last part of your question?

MS LE COUTEUR: Have you done the paper? If you have done the paper, can we have a copy of it, please?

MR CORBELL: I think members may be aware that the government provided funding for the development of a new waste strategy in the most recent budget in 2009. That funding was for a two-year process to develop a new waste strategy. I am unsure whether Ms Le Couteur is referring to that or to another process, but I can certainly advise her that the development of a new waste strategy, including waste in the commercial sector, is being developed at this time. It is envisaged that it will be finalised in the time frame that I have just outlined. Obviously, there will be opportunities for public consultation as part of the development of that strategy.

I am unclear as to the particular process Ms Le Couteur is referring to, but that is the process, as I have just outlined, for the development of a new waste strategy to replace the no waste by 2010 strategy, to help continue to drive down the level of waste going to landfill in the ACT and to focus in particular on what we can do to capture more

waste and to reuse waste that is currently coming from the commercial sector—as well as putrescible waste in the domestic waste stream and what we can do to reduce that going to landfill as well.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, what consultation has been done with industry and stakeholders to determine the best way to improve commercial waste recycling, and specifically what consultation has been done about introduction of a four-hopper bin system?

Mr Corbell: Sorry? I beg your pardon?

MS LE COUTEUR: Four-hopper bin system consultation.

Mr Corbell: Hopper bin system? Four-hopper bin?

MS LE COUTEUR: Yes, four-hopper—four-piece bin system.

MR CORBELL: In relation to consultation, the government will be consulting on the development of its draft new waste strategy once government has agreed to it. It is still in development at this stage, but I was recently briefed on the policy issues that are being contemplated as part of that draft and I am very pleased with the work and the progress that my department is making on that. I think we will have a well-refined, informed and considered waste strategy as a draft for consultation, and that will occur in due course.

In relation to consultation with industry around commercial waste, I draw Ms Le Couteur's attention to the implementation of what has been known as the BusinessSmart program, already a very successful program which is attracting significant interest from other jurisdictions. The BusinessSmart program has now been rolled out to a large number of commercial enterprises here in the territory. It is designed to give them information and assistance in the development of better recycling practices in their places of operation.

For example, we have Westfield's agreement that Westfield will roll out BusinessSmart as a way of capturing and better recycling commercial businesses in both of its large shopping centres in the ACT. There are over 400 tenants in both of those centres who are signing up to that BusinessSmart initiative. We also have places such as the Convention Centre down the road here, which has also signed up. A large number of government agencies have signed up within the ACT government and a number of commonwealth agencies have also done so.

We are getting a very significant level of interest in that BusinessSmart program as part of that work. Officials from my department go out and speak with businesses about how they can improve their recycling practices and give them detailed technical advice on how to put in place better measures. Those are proving to be very successful.

MR SPEAKER: Supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Is it appropriate that over two-thirds of the entities signed up to the commercial waste programs OfficeSmart and BusinessSmart are government agencies rather than private businesses?

MR CORBELL: What that fails to acknowledge is that the largest signatories in terms of total number of businesses are in the private sector. We have 48 sites now involved in BusinessSmart. The largest single signers are Westfield Belconnen and Westfield Woden, with 465 separate franchise sites signed up to that initiative. That would dwarf all of the other entities combined in terms of the number of sites and businesses that are being captured. Ms Bresnan should focus on the number of businesses that we are reaching. With this one single signatory, we are reaching 465 businesses and getting them signed up to this program.

Equally, the Canberra Centre has indicated that it will be signing up to the BusinessSmart initiative. We will achieve access to another 300 separate franchise businesses as a result of that decision by the Canberra Centre. Whilst they may be only two signatures, combined they reach over 700 businesses.

MR SPEAKER: Supplementary question, Ms Hunter?

MS HUNTER: Minister, is funding for the commercial waste scheme being used for government agencies to improve their required ESD reporting data or is it helping to pay for the development of the new 2010 waste strategy?

MR CORBELL: I cannot answer for what other government agencies are doing, so I do not think I can answer the first part of Ms Hunter's question. I cannot answer for what decisions government agencies are doing outside my portfolio. In relation to funding from BusinessSmart—is that the question: funding from BusinessSmart to do the waste strategy?

Ms Hunter: And OfficeSmart?

MR CORBELL: The answer is no—not that I am aware of. It is separately funded. It is separately funded under the budget. There is a specific allocation being made for that policy development. I am not aware that there has been any funding transferred from the deployment of the BusinessSmart and OfficeSmart programs to fund the policy development.

Schools—closures

MR DOSZPOT: My question is to the minister for education. Minister, for the benefit of the Assembly and the community, will you rule out any further school closures during this term of the Assembly?

MR BARR: Yes, Mr Speaker, and I have already done so in this place on more than one occasion.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Yes, Mr Speaker. Minister, is this promise the same as Ms Gallagher's promise to not close schools before the 2004 election, a promise that subsequently blatantly was disregarded?

MR BARR: In responding to Mr Doszpot's question I would, of course, remind those opposite of their position in relation to these matters in the context of the debate that has been had in this chamber extensively over the last five years. Ms Gallagher indicated back in 2004, in August of that particular year, her position at that time and indicated that at that time there were no plans to close schools. But Ms Gallagher also stated in that speech to the Assembly, in response to a question from Ms Dundas, that she envisaged that this would be a matter that the next Assembly would have to consider and that it certainly would be a matter that the next minister for education would have to consider. It would be something that a future minister and a future Assembly—

Mr Seselja: Not in her lifetime, I believe—not in her lifetime.

MR BARR: That was not what Ms Gallagher said. You have just misrepresented what she said, Mr Seselja. That is a blatant misrepresentation of what she said.

Mr Seselja: No, it's in the paper. Haven't you read the *Canberra Times*?

MR BARR: I am referring to the *Hansard* in this place. The question was asked of Ms Gallagher at the time by Ms Dundas, the then Democrats crossbencher in this place. Ms Gallagher made it very clear that this was an issue that the Assembly would have to consider in the future, and that certainly future education ministers would have to consider. The shadow education spokesman at the time, Mr Pratt I believe, made a statement to the effect that future Assemblies would have to consider it. Future Assemblies certainly have.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, are you aware of the comments made by Ms Gallagher through a spokesman in the *Canberra Times* ruling out any school closures in the next term of government?

MR BARR: I am aware that there were comments attributed to a spokesperson of Ms Gallagher in the *Canberra Times* and that Ms Gallagher came back and clarified that matter in this place and also clarified that matter with the *Canberra Times*. It is all there on the public record. Ms Gallagher addressed this matter in numerous debates in this place all through the last Assembly. Again, I remind the Leader of the Opposition of the position put by his shadow education spokesperson at that time.

Canberra Hospital—alleged bullying

MR HANSON: My question is to the health minister. Since serious allegations were raised in the media about bullying and harassment within the obstetrics unit of the Canberra Hospital, and since a secret review has commenced to look into the allegations, a number of claims of bullying within other units and areas of ACT

Health have been brought to my attention. These individuals have approached me in confidence and have asked me to maintain their confidence. Minister, can you advise how bullying concerns within other units can be raised by individuals to a review or inquiry process such as the secret obstetrics review, or will they have to raise their concerns through the media in order to have their concerns taken seriously by the government?

MS GALLAGHER: I believe this question has been pre-empted by a letter that I wrote to Mr Hanson last week, after several interjections that he had evidence of all of these other complaints. I reminded him in that letter that I had sought information from him when I met with him to discuss the allegations around the obstetrics unit, and to forward information on. He had declined to do so. I even offered, and I said to him, in a de-identified way, so that we could pursue these concerns, and he declined to do so. He then continued to interject last week that he had volumes and volumes of complaints coming to him.

I wrote a letter; I asked him to forward information. In fact, I raised the concern that I hoped he was not just sitting on complaints for his own political advantage and that these matters would be able to be pursued. I understand that, since then, Mr Hanson, obviously on receipt of that letter, has been in contact with the Chief Executive of ACT Health to talk with her about what the processes are for forwarding on complaints or information that he might have. I understand that the Chief Executive of ACT Health has responded to that.

I would encourage Mr Hanson, if he has concerns that are coming to him—and I would imagine there are a variety of ways that he could forward that information on. It could go directly to ACT Health's Chief Executive; it could go to the Health Services Commissioner for investigation as well. There are a range of options available for Mr Hanson to pursue. To date, he has chosen not to do that. I cannot imagine why, other than serving his own political purpose. I would hope that he acts with good conscience and transfers that information on to the relevant authorities.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Yes, Mr Speaker. Minister, can you advise if bullying and harassment was identified as an issue in the most recent staff culture survey and will you table the survey for the information of members by the close of business today?

MS GALLAGHER: No, I will not table it. I will take some further advice on this. I understand—I have looked at this in the past; I think the opposition has asked me this in the past—that it is commercial-in-confidence by the person that does the workforce culture survey. But I will check that—

Mr Smyth: On what grounds?

Mr Hanson: You can table it in the Assembly.

MS GALLAGHER: No. It might not suit your political campaign, Mr Hanson, but I understand that last time I looked at this, that was the response that I was given. We are doing presentations to different units across the hospital. In fact, the chief

executive has done a number of them herself. The reason why you actually go and do workforce culture surveys is so that you can get an understanding of the different working environments and use that information to change or to address issues. But my understanding, and I will correct the Assembly—

Opposition members interjecting—

Ms Hunter: I would like to listen to the answer.

MS GALLAGHER: Well, they do not want to—

Mr Seselja: There you go: Meredith is in to bat for you, even if—

MR SPEAKER: Order! Ms Gallagher has the floor.

MS GALLAGHER: This is so juvenile, the way you conduct yourself in—

Mr Seselja: Why won't you answer the question?

MS GALLAGHER: I am trying to answer the question, Mr Seselja, if it were not for you and your little gang of little boys that want to come down here and muck around. You do realise that this is the parliament of the ACT—the parliament. You are elected to do a job, and the way that you conduct yourself every question time is appalling.

Opposition members interjecting—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order! Stop the clocks, Clerk. Mr Hanson.

Mr Hanson: Mr Speaker, on a point of order as to relevance, a debate about whether we recognise that this is the parliament is not relevant. I would ask the minister to get to the answer which is about not just simply tabling the culture survey but also providing the Assembly with a result in terms of whether you can advise if bullying and harassment was identified as an issue. That was the question, and she has not answered that part of the question.

MR SPEAKER: Mr Hanson, I am prepared to uphold the point of order but I expect you and your colleagues to then listen to the answer and not ask more questions as the minister proceeds. Minister, the question.

MS GALLAGHER: Thank you, Mr Speaker. I will not table it but I will check the information around commercial-in-confidence because, as I recall, last time that I was asked this, that was the advice I was given. In relation to a presentation that I could provide to the Assembly, I will look further into that about what information I can provide. Individual workplaces—there has been a general presentation and then there are individual presentations across workplaces.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: A supplementary question. Minister, what is commercial-in-confidence about staffing surveys? Can you tell the Assembly whether or not harassment and bullying was identified in the survey as part of the cultural problem at the hospital?

MS GALLAGHER: I said I would take some further advice around it. The last time I looked at this, it was around the nature of engagement of the company that did that work for us and not having their methodology and questionnaires outlined for everyone else to see in a competitive market. When I looked at it last time, and whether you agree with that or not, that, as I recall, was the issue.

In relation to issues across ACT Health, no, I would not say that bullying and harassment stood out largely in the survey. There were individual responses around that, just as there were individual responses about how much people liked working at the Canberra Hospital.

MRS DUNNE: A supplementary question.

MR SPEAKER: A supplementary, Mrs Dunne?

MRS DUNNE: Minister, when do you expect the bullying and harassment review of obstetrics to be completed and when will it be available for members to have some sort of scrutiny of it?

MS GALLAGHER: It will take as long as it takes, Mr Speaker.

Capital works program

MR COE: My question is to the Treasurer. Treasurer, your government underspent to the tune of a record quarter of a billion dollars in capital works in the last financial year. Treasurer, why did you fail to achieve the delivery of your capital works program?

MS GALLAGHER: I welcome the question from the opposition around the delivery of capital works in this city because I think this is an area where this government has worked extremely hard to underpin economic growth across the ACT and to invest in high-quality infrastructure—in fact, infrastructure that was certainly handed over at the point of self-government and that we have had to invest in consistently. And we have been able to put together a very significant capital works program.

Indeed, when Mr Smyth was last in the cabinet, they were trying to deliver a program in the order of $89 million. I do not think they managed to deliver a program of $89 million. In fact, they did not. There was a $20 million underspend, I understand.

Mr Coe: A point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, thank you.

Mr Coe: Mr Speaker, the point of order is on relevance. It was specifically about their failure to deliver the capital works program for the last financial year. It is not about when Mr Smyth was minister or not about what is happening at the moment.

MR SPEAKER: Ms Gallagher, I am sure you are setting some context but let us come to the question.

MS GALLAGHER: I was.

MR SPEAKER: Let us come to the question, thank you.

MS GALLAGHER: I was, Mr Speaker, thank you very much. I was just setting the context that, when we took over, the capital works program was in the order of $89 million and was not even delivered. In fact, they had a $20 million underspend in that year.

We have now outlined a program, I think, for the 2008-09 year, in the order of $531 million, building new schools, new health facilities, new municipal services, new public transport, new roads, new footpaths. You name it, we are building it. It is an important part, I think, of the ACT's economic growth. I think the national accounts figures support that. Government investment, public sector investment, has been behind some of the improved economic indicators that we have seen through that.

I said last year, indeed in this place, that delivery of that program needed to improve, that we cannot have underspends in the order of what we were having. For some large projects, there have been some very legitimate reasons—for example, planning delays; environmental studies; God forbid, community consultation processes that we need to go through. There are always a range of reasons around why there are underspends in the order—

Mr Coe: That's using the government as an excuse as to why the government—

MR SPEAKER: Order! Mr Coe, I have spoken to you a number of times; so you are now warned for interjections that are simply too loud and shout down the person that is speaking. You are warned.

MS GALLAGHER: Thank you, Mr Speaker. Indeed, we set out on a process of improving our processes to make sure that work goes out the door, that invoices are paid and that, if there are delays to projects, we identify that early and work on it. I am very pleased that already, in the monthly reporting that I have seen for the 2009-10 year, our delivery of that program will be much higher than it was last year.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Treasurer, what is the projected underspend of this year's capital works program?

MS GALLAGHER: We do not have a projected underspend for this year's capital works program at this point in time. There will be an underspend but it will not be in the order of what we have seen last year. In fact, I have got figures here to the end of January 2010 and, indeed, we tabled the December results. I guess the January month is a little slow because of Christmas, but progress so far is $214 million worth of capital has been delivered as of 31 January 2010, equating to 27.4 per cent of the

capital works program or 31 per cent of the revised program as outlined in the budget update.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Treasurer, the recent A-G's report into the financial audit says that approximately 32 per cent the year before last, 31 per cent last year and 41 per cent for 2008-09 was the under-delivery of capital works in the budget. Why is it getting worse if you have put these reforms in place?

MS GALLAGHER: It is not getting worse. Since the reforms—

Mr Smyth: So the A-G is wrong?

MS GALLAGHER: Since the reforms were put in place—

Mr Smyth: So the A-G is wrong?

MR SPEAKER: Mr Smyth, you have just asked your question.

MS GALLAGHER: Three times. The reforms were put in place, as I recall, at budget time last year. As part of the budget, I outlined a range of mechanisms that we were putting in place to improve our focus on an effort to get our capital works programs out the door. I think, from all the roundtables I have participated in, industry have welcomed the reforms that have been done around procurement, around planning.

In terms of reporting to me as Treasurer, I have monthly meetings with chief financial officers. Agencies are working very well with Treasury in identifying delays or variations within the program. I think what you will see when we outline the budget this year is that there will be an underspend. I have not been briefed on what that is at this point in time, because we have not finished that work. You will see a much improved result.

That is all about putting energy and focus into getting our program out the door. As long as we ensure that we are not doing anything irresponsible in our quest to get 100 per cent of the program delivered, that we are still being responsible, making sure we go through all the right processes, if there are delays working through those issues, there will be an underspend but it will not be in the order of last year.

MR SESELJA: A supplementary?

MR SPEAKER: Yes, Mr Seselja.

MR SESLEJA: How much of this year's spend, minister, is BER funding from the commonwealth?

MS GALLAGHER: That is a good question, Mr Seselja. I will check on that but I think this is our own program. I am 99.9 per cent positive that this is our own program. The BER money is in the order of maybe $160 million, $150 million, that comes through another line.

Alexander Maconochie Centre

MS BRESNAN: My question is for the Attorney-General and concerns clients of the transitional release centre at the AMC. I understand that ACT Corrective Services does not allow these clients to access the AMC medical centre. Attorney-General, could you please advise the Assembly what steps ACT Corrective Services is taking to ensure these clients can access general practitioners and other necessary health services?

MR CORBELL: It is an operational question. I will seek some advice and I will take the question on notice.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: What steps is ACT Corrective Services taking to assist community organisations concerned with health services gain access to clients at the transitional release centre, and what level of contact is there currently?

MR CORBELL: Again, I will take the question on notice.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, given public transport only leaves the AMC at 11.50 am and 4.50 pm each day, could you please advise whether Corrective Services assists these clients in getting transport to and from health-related appointments?

MR CORBELL: Again, I would have to take the question on notice. There is quite a level of operational detail there that I do not have in front of me. But I will seek advice and provide an answer to the member.

Social workers—stress leave

MRS DUNNE: My question is to the Minister for Disability, Housing and Community Services. Minister, is it the case that a number of social workers in the care and protection area of your department recently went on stress leave at or about the same time? If yes, how many staff went on leave, when did they go, and how much leave have they been given?

MS BURCH: I do not have the details of the comings and goings of my staff. I know that our staff have a good retention rate, so I am happy to go back and ask my department about the comings and goings of individual work cohorts.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, when you seek that advice from your department, can you find out and come back to the Assembly with whether or not the stress leave was related to workplace bullying and what actions the department has taken to address workplace bullying.

MS BURCH: I am quite happy to come back with some detail, but I also can share with Mrs Dunne here that the department has a strong bullying and harassment policy in place and that states that offensive behaviour, belittling or threatening behaviour will not be tolerated. Perhaps we need a harassment policy in place here for some of the shenanigans that go on.

Our department's policy has been in place for a long time; staff are aware of their rights, and management support staff through a range of difficult circumstances. The social workers within DHCS would cover disability, therapy, care and protection and a whole range of services that are stressful jobs, more stressful than any one of those opposite experience on a day-to-day basis. So my regard goes out to the staff within DHCS, and, as I have said, I will go back and find out the comings and goings of that cohort.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Minister, as you check, could you also check whether any of these staff supposedly on stress leave were recruited from the United Kingdom and, if so, how many?

MR SPEAKER: Did you hear the question, minister? I did not.

MS BURCH: I did, and I will, but, can I say that if we are revisiting that argy-bargy around overseas recruitment to have a full staff contingent to work with our most vulnerable, if that is the best you can come up with, Mr Smyth, well, knock yourself out.

Community infrastructure

MR HARGEAVES: My question is to the Minister for Disability, Housing and Community Services. Minister, could you update the Assembly on the recent investments made by the Labor government in community infrastructure across the city, please?

MS BURCH: Thank you, Mr Hargreaves, for your question. There would be few in the community who are not in some way supported by the Labor government's infrastructure policies and the services that are implemented by my department. These range from the thousands of children and young people that we seek to assist and protect to the over 100 multicultural communities, together with Aboriginal and Torres Strait Islander people of the territory, that we support and assist. There are over 23,000 accommodated in public and community housing and in addition there are many thousands who receive concessions for essential services and those with a disability in their families whom we seek to support and empower.

The government has a strong commitment to supporting those people in a manner that recognises the stage of life and circumstances in which they find themselves and to facilitating an outcome which is focused on those needs. Providing the infrastructure, the bricks and mortar, is an important part of ensuring delivery of those services. For example, housing is critically important for developing sustainable communities. It

provides the basic foundation on which individuals and families build stable, healthy and productive lives. At 30 June 2009 there were 11,586 public housing dwelling units that gave people the opportunity to make a contribution and to share in the benefits of the community.

Most public housing is also being delivered through the stimulus package under which more than 400 new dwellings are expected to be constructed before the end of 2010. The national affordable housing partnership agreements include the "a place to call home" program and this is supported by the ACT government's contribution of $2.5 million towards the purchase of land. The commonwealth provided $2 million for the construction component. Housing and Community Services will construct 10 houses, 50 per cent of which will be adaptable for tenants with disabilities. Contracts have been entered into for 10 sites and construction has been completed on a five-bedroom house and one four-bedroom house. The remainder of the properties will be completed by stages by the end of June.

Community centres such as the new Griffith centre will provide a home for community groups. These range from leisure and relaxation to food services for those who are most vulnerable in our community. As members would recall, the government initiated a program to redevelop four regional centres at Cook, Holt, Melrose and Weston to accommodate community organisations. And we are developing two new neighbourhood halls at Griffith and Bonython.

The regional community facilities project is assisting the ACT economy by providing local employment in the construction industries. Between these initiatives, approximately 50 non-government not-for-profit organisations delivering crucial services for the ACT will be provided with affordable and suitable premises to conduct their business. This initiative has many flow-on effects, including a stronger and more sustainable community sector.

I am pleased to report that these projects are progressing well. Refurbishments have been completed at three of the 10 sites and the regional community facilities projects. They include Rivett, Tharwa and Hall cottage and all of this demonstrates the significant investment that this Labor government has made in community infrastructure.

MR SPEAKER: A supplementary, Mr Hargreaves?

MR HARGREAVES: The supplementary is: minister, how is the government investing in community infrastructure for children and families, though, in the ACT?

MS BURCH: Again, I thank Mr Hargreaves for his question. This Labor government is delivering for children and families in the ACT. We are engaging with our clients, providing outcomes for our clients and building better community partnerships. This is reflected in our continuing commitment to the development of a third child and family centre, in west Belconnen.

Members will recall that this Labor government established the child and family centres at Gungahlin and Tuggeranong town centres. These centres offer universal parenting information, targeted support services, specialist clinical services and

community development. At west Belconnen the child and family centre will have a focus on Aboriginal and Torres Strait Islander services, with the local community being consulted to ensure that services and programs deliver the identified needs of the local community. Construction has begun and it is expected to be completed by the end of 2010. The commonwealth has committed over $8 million and the ACT government is investing $4.67 million over six years for the centre. This is just another example of this government's investment in the infrastructure that builds our local community for children and families.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you. Could the minister outline the diversity of community infrastructure delivered by the ACT government in this area?

MS BURCH: I thank Ms Porter for her question. The range of community facilities provided by DHCS is extremely diverse. It ranges from buildings such as the Bimberi Youth Justice Centre to a project such as stepping stones for life disability accommodation program. The Bimberi Youth Justice Centre was the largest single capital works project undertaken by the department at a total cost of $42.5 million. It was completed in August 2008 on time and on budget.

At the other end of the scale is the stepping stones for life project. Stepping stones for life is a coalition of families who are working with Disability ACT and Housing ACT to establish supported accommodation options for people with disabilities that are living with ageing parents. All the parents involved are over 60 and most have reduced capacity to continue in an active caring role.

Presently, a house at Ainslie is nearing completion that will provide supported accommodation for three people with disabilities. The tenancy will be held by public housing ACT and this will ensure security of tenure for those young people and peace of mind for their parents and families.

Both of these projects showcase how outstanding outcomes can be achieved through officers in the department working in partnership with community organisations. They allow for new service responses to be delivered whilst addressing the unique needs of individuals. In the case of Bimberi, a campus environment allows young people to participate in education or job skills development as well as recreation or social activities reflecting opportunities available to younger people in the broader community.

This government supports a diverse range of infrastructure initiatives that go to the heart of Labor's commitment to building our strong community.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you, Mr Speaker. Minister, in your answer to Mr Hargreaves's supplementary you referenced consultation with the Indigenous community. Could you just detail that consultation process for us?

MS BURCH: I was making reference to the construction of the west Belconnen children and family centre and that will have a focus on supporting Indigenous communities in the area. And I have mentioned earlier today that there is a reference group that has been developed and that has government and community sector but most importantly local representation from the local Aboriginal and Torres Strait Islander community. That forum is at the pivotal point of creating and structuring the services to best meet their needs. So how is that working, Mr Seselja? It means that we are having a conversation with the local Aboriginal and Torres Strait Islanders to best meet their service needs.

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

Supplementary answer to question without notice
Capital works—program

MS GALLAGHER: I have just got one matter from question time. The building the education revolution is in our numbers; so that was my mistake—

Mr Seselja: So that was the 0.5 per cent of your certainty, sorry.

MS GALLAGHER: Yes, as it turns out, Mr Seselja, I made a mistake, and I am here to correct it.

Mr Seselja: And the number is?

MS GALLAGHER: I do not have the number but, yes, I will bring that back. It is about $150 million, from memory.

Executive contracts
Papers and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): On behalf of the Chief Minister, for the information of members I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Mary Toohey, dated 1 March 2010.
>
> Neil Bulless, dated 14 January 2010.
>
> Short-term contracts:
>
> Barry Folpp, dated 22 and 27 January 2010.
>
> Carol Cartwright, dated 25 February 2010.
>
> Daniel Walters, dated 27 January 2010.
>
> Elizabeth Clarke, dated 1 and 2 March 2010.

Graeme Dowell, dated 24 December 2009.

Jacqueline Roessgen, dated 26 February 2010.

James Corrigan, dated 7 January 2010.

Jenny Priest, dated 16 February 2010.

John Stenhouse, dated 26 February 2010.

Julie Field (2), dated 22 February 2010.

Kenneth Douglas, dated 25 February 2010.

Lana Junakovic, dated 2 March 2010.

Leanne Cover, dated 29 January 2010.

Marjorie McGrath, dated 11 December 2009.

Peggy Brown, dated 11 January 2010.

Robert Gotts, dated 3 March 2009.

Robert Neil, dated 25 January 2010.

Sandra Georges, dated 3 December 2008.

Shane Kay, dated 2 and 3 February 2010.

Simon Farnbach, dated 20 January 2010.

Sonia Hogan (2), dated 4 December 2009.

Susanne Dever, dated 16 February 2010.

Victor Smorhun.

Contract variations:

Anthony Graham, dated 27 February 2010.

Anthony Johnston (3), dated 12, 22 and 27 February 2010.

Caroline Hughes, dated 1 March 2010.

Conrad Barr, dated 24 February 2010.

David Collett, dated 16 February 2010.

David Metcalf (2), dated 29 January and 2 February 2010.

Ian Turnbull, dated 24 February 2010.

Rowena Barrell, dated 3 March 2010.

Simon Farnbach, dated 22 February 2010.

Susanne Dever, dated 5 February 2010.

Tracey Cappie-Wood, dated 1 and 2 March 2010.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contract and

contract variations. Contracts were previously tabled on 9 February 2010. Today I present two long-term contracts, 25 short-term contracts and 14 contract variations. The details of the contracts will be circulated to members.

Financial Management Act—instrument
Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

> Financial Management Act, pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Treasury, including a statement of reasons, dated 17 March 2010.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act 1996, I table an instrument issued under section 17 of the act. The direction and statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given.

Section 17 of the act enables variations to appropriations for any increase in existing commonwealth payments by direction of the Treasurer. The Department of Treasury has received $2.121 million in additional funding from the commonwealth for the first homeowner boost.

This increase in funding is due to the extension of the scheme by the commonwealth to 31 December 2009. This extension was announced after the release of the budget. The increase in the appropriation is required to fund the additional first homeowner boost payments being made by the Department of Treasury. I commend the instrument to the Assembly.

Women's plan 2010-15
Paper and statement by minister

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): For the information of members, I present the following paper:

> ACT Women's Plan 2010-2015—An ACT Government strategic framework to improve the status and lives of women and girls, prepared by the Department of Disability, Housing and Community Services.

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

Leave granted.

MS BURCH: Today it is my pleasure to present the ACT women's plan 2010-15. The ACT government has a vision for women and girls to realise their potential, be recognised for their contribution and to share in the benefits of our community. The development of a second ACT women's plan attests to the ACT government's ongoing commitment to value and invest in women and girls and to promote and safeguard their freedoms and rights to actively participate in all areas of Canberra life.

The ACT women's plan 2010-15 builds on the achievements of the ACT women's plan 2004-09 to improve the status and lives of girls and women in the ACT. The 2004-09 plan has supported the ACT government's agencies to better meet the needs of women and girls in our community over the past five years. The 2010-15 plan will continue this work and provide a framework to address the still significant inequalities between men and women in the ACT and between different groups of women.

The women's plan is supported by principles aligned with human rights and links to the Canberra plan, which promotes Canberra as an inclusive, creative and sustainable centre of economic growth and innovation. Together, these plans support women and girls to contribute and share in the economic, social and environmental aspects of Canberra life.

The plan acknowledges the broad range of ways in which women contribute to our community. The plan also seeks to prioritise the areas of disadvantage for women and girls in the ACT—for example, through lack of equality of employment opportunities and violence against women. It also acknowledges the important differences of women, which result in specialised services being required for women—for example, in relation to health and education. It aims to embed an understanding of the different needs of women and girls and men and boys into policies and practice as a mechanism for improving gender equity.

Despite the achievements of the previous women's plan, gender inequities still exist in the ACT. Those inequities can result in social disadvantage, exclusion and isolation, particularly for marginalised women and girls. Women with caring responsibilities remain at greater risk of financial disadvantage through their life course. The 15.1 per cent wage gap between women and men also exacerbates that risk. It is concerning that in Australia the average superannuation payout for women is a third of the payout for men. It is also concerning that the biggest risk factor for becoming a victim of domestic violence or sexual assault is being a woman.

The ACT government will work with the community and business sectors to support equity and participation and to address the needs of women and girls across these areas. The ACT government encourages the whole ACT community to play their part in progressing gender equity and supporting women and girls achieve their aspirations to improve their lives.

The Office for Women, in partnership with the Ministerial Advisory Council on Women, consulted with a diverse group of women and girls to inform the plan, including the women in the AMC, young women, older women, women in the legal profession, young women in non-traditional trades, Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds and women with disabilities.

ACT women and girls told us that their contribution to all aspects of Canberra life should be recognised and their diversity celebrated; that improvements to access, equity, participation and safety will benefit all Canberrans; that violence against women and their children and community safety need to be addressed; that collaboration between government agencies, the community and businesses is required to develop effective and responsive policies, programs and services that support the needs of women and girls; and that the collection and analysis of data on women and girls needs strengthening to inform policies, programs and services.

This feedback was important in shaping strategic direction and priority areas in the plan. Improving the lives of women and girls presents opportunities and challenges. The ACT government has identified priority areas in the plan under the economic, social and environmental aspects of life. This is to guide the ACT government's policy, program and service initiatives in partnership with the community and business sectors.

ACT government departments will be required to report against the objectives of the plan and to show how their policy program and service initiatives are meeting the interests and unmet needs of women and girls. The Office for Women will report against the indicators of progress using the data provided by the departments to determine progress towards full equity and participation for women and girls. This work will progressively raise awareness and build the skills and tools necessary to view government programs and policies through a gender lens.

The plan was developed and guided by a group of senior women from ACT government departments and the ACT Ministerial Advisory Council on Women. A similar group will guide the implementation of the plan and review the indicators of progress to meet the changing needs.

This plan reflects the views and experiences many individual groups and representatives from the community organisations in the ACT. I would like to thank the many Canberrans who contributed to its development and, in particular, to members of the Ministerial Advisory Council on Women.

The ACT government together with the community and business sectors and wider community now have roles and responsibilities in the implementation of the plan to support equity and participation and to improve the status and lives of women and girls in the ACT. Mr Assistant Speaker and members of the Assembly, I am proud to table this paper.

Papers

Mr Corbell presented the following papers:

> Subordinate legislation (including explanatory statements unless otherwise stated)
>
> Legislation Act, pursuant to section 64—
>
> Education Act—
>
> Education (Government Schools Education Council) Appointment 2010 (No 1)—Disallowable Instrument DI2010-26 (LR, 4 March 2010).

Education (School Boards of Schools in Special Circumstances) Black Mountain School Determination 2010—Disallowable Instrument DI2010-37 (LR, 15 March 2010).

Education (School Boards of Schools in Special Circumstances) Woden School Determination 2010—Disallowable Instrument DI2010-36 (LR, 15 March 2010).

Electoral Act—Electoral Commissioner Appointment 2010—Disallowable Instrument DI2010-35 (LR, 15 March 2010).

Planning and Development Act—Planning and Development Amendment Regulation 2010 (No 1), including a regulatory impact statement—Subordinate Law SL2010-8 (LR, 12 March 2010).

Public Place Names Act—

Public Place Names (Casey) Determination 2010 (No 1)—Disallowable Instrument DI2010-25 (LR, 4 March 2010).

Public Place Names (Hume) Determination 2010 (No 1)—Disallowable Instrument DI2010-24 (LR, 4 March 2010).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2010 (No 1)—Disallowable Instrument DI2010-28 (LR, 9 March 2010).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2010 (No 2)—Disallowable Instrument DI2010-33 (LR, 9 March 2010).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2010 (No 3)—Disallowable Instrument DI2010-34 (LR, 11 March 2010).

Road Transport (General) (Restricted Access Vehicle Route Access Permit Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-23 (LR, 1 March 2010).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2010 (No 1—Disallowable Instrument DI2010-27 (LR, 9March 2010).

Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Safety and Traffic Management) Act—Road Transport Legislation Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-5 (LR, 1 March 2010).

Road Transport (Mass, Dimensions and Loading) Act—Road Transport (Mass, Dimensions and Loading) Regulation 2010—Subordinate Law SL2010-4 (LR, 1 March 2010).

Road Transport (Safety and Traffic Management) Regulation 2000—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2010 (No 2)—Disallowable Instrument DI2010-22 (LR, 25 February 2010).

Taxation Administration Act—Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2010 (No 1)—Disallowable Instrument DI2010-32 (LR, 11 March 2010).

Unlawful Gambling Act—

Unlawful Gambling (Charitable Gaming Application Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-31 (LR, 10 March 2010).

Unlawful Gambling (Exempt Game) Declaration 2010 (No 1)—Disallowable Instrument DI2010-29 (LR, 10 March 2010).

Unlawful Gambling (Unlawful Game) Declaration 2010 (No 1)—Disallowable Instrument DI2010-30 (LR, 10 March 2010).

Unlawful Gambling Regulation 2010—Subordinate Law SL2010-6 (LR, 10 March 2010).

Planning—Molonglo Valley
Discussion of matter of public importance

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

> The importance of excellence in sustainable design in Molonglo Valley development.

MS LE COUTEUR (Molonglo) (4.58): Mr Assistant Speaker, the ACT Greens want to ensure that greenfield development at Molonglo is genuinely sustainable with low resource use so there will be low impact on the environment and low impact on residents' budgets.

As a greenfield development of 30,000 houses, Molonglo should be built with suburbs that perform to climatic and resource constraints well into the future. It should be a development that we are all proud of, demonstrating world's best practice at every level of design and construction. Excellence in sustainable design is the commitment made in the ALP-Greens parliamentary agreement. After the discussion earlier this afternoon, I know that we are all very concerned with that agreement. I look forward to an interesting debate on how we can do this and how we can improve greenfield developments in the ACT.

Last month the Greens launched a discussion paper to cover many of the issues we think need to be included in the planning and design for the Molonglo valley. Today I will elaborate on a number of goals in that paper. The Greens are concerned that, while the concept plans for both Coombs and Wright express a commitment to incorporating principles of contemporary best practice, a vision for excellence in sustainable design has not been clearly articulated. Given the technology and thinking available to us on sustainability today, we believe Molonglo should aim to be a zero-emission neighbourhood, and this is consistent with the ACT government's stated goals of zero emissions by 2060, although clearly in advance of that.

Excellence in sustainable design implies an energy efficiency rating which is at the cutting edge of what is able to be achieved. A seven-star energy efficiency rating for

new houses built in Molonglo is achievable. It is not at cutting edge, because there are quite a few seven-star houses in Canberra already, but it would assist the move towards carbon neutrality. The Greens would ideally like to see the incremental increase of EER for residential housing so that in Molonglo by, say, 2016 all residential buildings are carbon neutral. We believe this is possible because, for instance, in the United Kingdom, all new houses will have to be zero emissions on heating and cooling by 2016. If you can do it in the UK with a much worse climate than us, then we should be able to do it here.

But regardless of what date we are looking at, the Greens believe that any new greenfield development should be planned and built to minimise carbon emissions. Houses built with sustainable design principles are now starting to approach carbon neutrality. This can only be achieved, however, with both suburb and precinct-level planning as well as good design features within each property.

At the suburb level, a truly sustainable development needs to include: mandatory solar passivity—that is, including solar orientation at suburb level and at block level; use of thermal mass and orientation to maximise of use of ventilation; and microclimate management—that is, allowing space to be planned between and around residences to ensure vegetation which cannot only be used for privacy and amenity, but which can be used to insulate buildings and lower outdoor air temperatures in the summer.

Mr Seselja's public response to our proposals to date to develop Molonglo sustainably has been very disappointing, and I am assuming that the Liberal Party will repeat these spurious arguments shortly. I would, in advance, like to address some of the points he has made. One of the points he has made is that building sustainably will make housing too expensive and thus unaffordable.

Mr Seselja—and possibly the Liberal Party—presumably does not realise that Canberra already has quite a number of seven-star houses. If these are built with good passive solar principles so they have northern aspect, good insulation and good thermal mass, then the additional cost is very low. If ACTPLA and the LDA ensure that block layout is such that all blocks have a northern aspect, then the additional cost of seven star will be minimal.

Mr Seselja has said that not all blocks can be north facing. But we must remember that "north facing" does not actually mean that the north has to be the face on the road side. What it means is the main living areas need to be able to face north. Certainly, we do not believe that the garage should be taking up space on the valuable north face. With good design, almost all blocks should be able to have a useable north face. This is important because, while it may be difficult, it is possible to add insulation and thermal mass to a house afterwards, but it is not, of course, possible to change the house orientation. We recognise that there will be specific issues with multi-unit developments, and so we would propose an average of, say, a seven-star rating for multi-units with a minimum of six stars.

There has been quite a debate about the payback period for new houses built to seven stars. As I said, the additional costs of building will be minimal. They are cheaper in the long run for people and for the planet. Alison Carmichael, who is the CEO of the Association of Building Sustainability Assessors, researched this using the AccuRate

software to analyse a range of house designs which were brick and tile typical first house designs. Their results showed that moving a typical house from five stars to seven stars only cost in the order of $4,000, as long as the house was reasonably well positioned on the block, it was well insulated and double glazed windows were used where appropriate. I have also seen examples where moving from five stars to seven stars, in fact, saves costs, because what you are doing is reducing some inappropriate windows.

These changes can result in a substantial reduction in energy use when compared to five-star houses, with a 24 per cent reduction for six-star houses and a 45 per cent reduction for seven-star houses. Eight-star houses I understand could save around 75 per cent on both water and energy compared to an average house. There has certainly been quite a bit of modelling done which would suggest that the most cost-effective new house these days is a seven-star house with PV panels on the roof and the owners signing on to the ACT government's feed-in tariff. This will be the most financially attractive option for new house buyers.

Depending on how people live in your house, the payback period for building more sustainably can be very short—in fact, within a year or two, or less possibly. There is also a range of other side benefits, such as increased comfort for residents, reduced loads on the electricity grid and, of course, as has been demonstrated by ABS, higher resale values.

Just as a recent example of how being sustainable is a sound economic solution, last week there was a *Canberra Times* story about the University of Canberra, which has recently produced the new UCan village, which consists of five-star energy rated residential buildings. Five stars is a current requirement for single residences but not for multi-units. The UCan village does not have any air conditioning. The buildings are well designed, and they just do not need it. They have found that, with their existing buildings, they were paying over $10,000 a month in air-conditioning bills for 240 units. For 500 units with the new design, it is about $500 a month for air conditioning. That demonstrates that sustainable building design saves you money in the short term and the long term.

The measures they have used include good ventilation, shading over windows, solar power on the roof, double glazing, and, for winter, in-slab gas-powered hydroponic heating. This is a very good move for the university, because it is both the owner and the operator, and it will mean that uni students will have access to affordable housing.

In terms of transport, Molonglo is an opportunity to create a community with modern, sustainable public transport where the goal of a one-car household is achievable for residents. To increase the usage of public transport, Molonglo will need to have public transport that is available to all new residents. As I mentioned earlier when talking about the planning committee report, we need bus services. This was a recommendation of the planning committee, so I am hopeful it will be implemented in Molonglo. Bus services will need to be ready when the first stage of the development is ready, so that when residents move to Molonglo they are not forced to unnecessarily purchase and use private vehicles, which, of course, also will put more strain on city parking areas and will not end up developing unsustainable transport habits because that is, unfortunately, the only option available to them.

Effective design of infrastructure, particularly combined with urban design concepts which encourage walking and cycling to and from public transport hubs, can create neighbourhoods where it is both more pleasant and convenient to use public transport. As well as this, identifying public transport routes prior to construction is an opportunity for the government to invest in infrastructure in the form of dedicated bus-only lanes or routes to the city, Barton or Russell for frequent and peak express routes. We are pleased that the government is planning with John Gorton Drive to have a dedicated bus-only lane, but we are proposing to go further than this.

Mr Coe this morning described building suburbs without bus and other services from the beginning as a tragedy, and I have to agree with Mr Coe's sentiments there. I also agree with Mr Coe's sentiments that a well-serviced suburb would actually sell for more and thus would be more profitable for the government. I would have thought that that statement also was true.

We have recommended that the government should investigate the cycling highway concept—that is, creating stretches of smooth cycling paths with limited traffic lights, and where cyclists have right of way at any point where they cross motor traffic. These highways are smooth and better maintained than regular bike paths. Cycle routes travelling out of the new suburbs being developed in Molonglo are an ideal spot to use cycling highways for commuting to the city, Barton or Russell. These should be integrated into the structure and concept plans. We would propose that the east-west arterial road leading to the Tuggeranong Parkway be a bus-only access road, with a cycle highway co-located with this into the city and parliamentary triangle area.

A precedent was set in the Dutch city of Assen, which has a population of about 70,000, just a bit more than Molonglo will have when it is finished. When a new suburb was built on the edge of the city around five kilometres from the city centre, the local council was concerned that new residents would be put off cycling if there was not an adequate route to the city. The council decided to plan a cycle highway that took the most direct route to the city. It has no traffic lights and is shorter than the driving route. The route is easy, safe and pleasant for cyclists, and since the building of the new development the cycling rate in Assen has increased, and 71 per cent of all journeys in the city are now by bike. We could do this in Canberra, too, in Molonglo.

Other transport proposals we have put forward to encourage sustainable and active transport include: prioritising pedestrian and cycle movements rather than car movements, which will help people using public transport; park-and-ride and bike-and-ride facilities from day one; public transport infrastructure designed to adapt readily to potential future non-bus public transport options; embedding lower car-use targets in Molonglo compared to the other parts of Canberra into the sustainable transport plan; and considering 40 or 30-kilometre-per-hour speed limits for all residential areas.

I am unfortunately running out of time, so I will try and summarise this. One of the things is we need to restrict the unlimited provision of car parking spaces in town and group centres and increase the bicycle parking facilities. One of the areas which has been most controversial is that we are suggesting to modify the proposal for John Gorton Drive. We suggest the following: maintain the local car access road; move the

cycleway into a separate off-road cyclepath; maintain the bus transit lane, which, hopefully, some day might become light rail; and remove one of the lanes of car traffic in each direction.

I know that Mr Seselja has commented that a one-lane road has not worked for Gungahlin, so why would it work for Molonglo? That is not what we are proposing. The roads in Gungahlin do not have a bus transit lane, an off-road cycle lane and a local car traffic lane, which is what would be part of John Gorton Drive. For Mr Seselja to assert that we are proposing a single lane for the main road in Molonglo is simply nonsense.

We know that good road and urban design and people-friendly spaces and places can promote active lifestyle by encouraging walking, cycling, public transport use and active recreation. On the other hand, places which are designed around private motorised transport end up, in effect, limiting a person's opportunities and desires to be physically active. *(Time expired.)*

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.12): I thank Ms Le Couteur for bringing forward this matter of public importance on excellence in sustainable design in the Molonglo Valley development. I would like to assure the Assembly that the government is determined that Molonglo will be a leading-edge model of sustainable development. When Labor talks about sustainable development, we of course mean sustainable in every respect. That means environmental sustainability. It also means economic sustainability and social sustainability.

I am pleased to say that since 2001 this government has constantly moved to improve the planning system in the territory and, with the welcome support of all parties in this place, we completely overhauled the planning system in 2008, with the Planning and Development Act. We have slashed red tape within the system to ensure that the system sustains our building industry and the jobs of thousands of Canberrans. And, most importantly, Labor has taken politics out of planning.

As this matter of public importance relates specifically to the Molonglo Valley, I would like to take this opportunity to talk this afternoon, and advise the Assembly, about how planning is progressing and the types of sustainable outcomes that we are aiming for. The key sustainability features for the Molonglo Valley are: Molonglo will be designed to reduce greenhouse gas emissions from transport. It is centrally located to reduce commuting distances the residents will face. It is being designed to encourage public transport use. It will be pedestrian friendly. Fifty per cent of its eventual 60,000 residents will live within a five-minute walk of shopping centres and bus stops. Ninety per cent will live within a 10-minute walk.

The spine of Molonglo will be its north-south arterial road. This transport corridor will provide an inter-town public transport route to the city, Belconnen, Weston and Woden. The busway will be able to be converted to light rail if the opportunity arises in the future. Importantly, the corridor will be lined with higher density development.

The design of the north-south arterial road will see a shared car and bus lane. It will include bus stops at strategic locations, at intervals of about 800 metres. Local collector roads will also be designed to accommodate buses. Pedestrians will be able to safely cross the north-south arterial road at signalised intersections at local centres and bus stops. Underpasses will also be provided, at 400-metre intervals.

There is no doubt that the ACT is the national home of commuter cycling. The extra 700 kilometres of cycle paths delivered by this government since 2001 make Labor the party of commuter cycling and sustainable transport. And we will build on this record in the Molonglo Valley. Four sets of cycle lanes will be provided in Molonglo. This is more per population than anywhere else in the ACT and possibly amongst the highest in the world.

Bike paths in Molonglo will include on-road and off-road trunk routes and extensive local and recreation networks. These include off-road paths through the landscape buffer near Holder and Duffy, off-road paths along the north and south sides of the Molonglo River and on-road paths on both sides of John Gorton Drive.

The pedestrian and cycling paths of Coombs and Wright will generally follow environmental conservation corridors and natural drainage paths. This integrates ecological and recreational planning. The active and healthy lifestyles of Molonglo residents will also benefit from a high-level provision of major parks. This includes the close proximity of Stromlo Forest Park, the Molonglo River corridor, the Canberra international arboretum and the Weston Creek pond.

The area of land provided for arterial roads in Molonglo will be less than any other part of the ACT and, again, amongst the lowest in Australia for greenfields development. Arterial roads will represent approximately five per cent of the urban area. This compares favourably with Gungahlin, at 11 per cent. This also represents approximately one hectare of arterial road per 1,000 people at Molonglo, compared to three hectares at Belconnen. This is largely due to the design of the roads as integrated corridors servicing public transport, cyclists, pedestrians and cars and the higher density and mixed land uses immediately around them. These multi-use boulevards will invoke the qualities of Griffin's original ideas of tree-lined avenues and rapid transport.

As the climate continues to change, droughts like we have experienced over the last decade are likely to be even longer and deeper in the future. Water, therefore, is central to the sustainability of the Molonglo Valley. The Molonglo Valley will be built under this government's urban water sensitivity guidelines which are already seeing the use of potable water reduced by 40 per cent at all new developments.

The government, through the ACT Planning and Land Authority, is preparing a major triple-bottom-line study on stormwater management options for the Molonglo Valley. The proposal currently under consideration includes building a pond or ponds to capture water to irrigate playing fields. This could also be extended to Stromlo forest park, with additional stormwater quality ponds being used for stormwater harvesting. The decision on which option to adopt is also anticipated to be the subject of a detailed environmental impact statement process.

Energy used to heat and cool houses is also clearly a major contributor to greenhouse gas emissions. Therefore, as far as possible, we will seek to ensure housing in the Molonglo Valley is well insulated, well designed and well positioned. After extensive research and benchmarking, we are seeking to incorporate solar setbacks into the territory plan codes. ACTPLA is now working on how best to do this. The government has also aimed to maximise solar orientation of the new homes throughout the concept plans for Coombs and Wright.

As I said earlier, for Labor, sustainability covers the environment, the economy and social aspects of development. We intend to make sure Molonglo is child friendly, and we are doing so in practical ways. In May of last year the government established a child-friendly city subcommittee. It includes experts such as the Commissioner for Children and Young People and experts from the Planning and Land Authority, ACT Health, the Department of Disability, Housing and Community Services, the Department of Education and Training and the Chief Minister's Department. As Minister for Children and Youth last year, I also oversaw a large part of the updating of the ACT's children's plan, a document that guides all aspects of the government's work as it impacts young people. The concept plan will ensure Molonglo adheres to the principles of a child-friendly city promoted by UNICEF.

As I am sure all members would agree, the government is doing a great deal of work to ensure Molonglo, and indeed other parts of Canberra, develops in a socially, economically and environmentally sustainable way. And I again thank Ms Le Couteur for the opportunity to be able to discuss these issues and highlight these achievements in this debate this afternoon.

MR SESELJA (Molonglo—Leader of the Opposition) (5.21): It is not clear to me why the minister insists on taking 15 minutes and then takes only eight of them.

I would like to touch on a few of the things that have been said in the debate so far. We always enjoy it, on this side, when Mr Barr talks about the Labor Party taking the politics out of planning. We always find that exceptionally enjoyable as we reflect on how the Labor Party around the country takes the politics out of planning. We reflect on the Wollongong City Council approach by the Labor Party in taking the politics out of planning. It is an interesting slogan from a party that around the country has been shown to do anything but take the politics out of planning.

There are a number of things I want to touch on here. The first is that excellence in sustainable design in Molonglo Valley is important and there are a number of ways of achieving it. Because Ms Le Couteur spent so much time talking about the opposition rather than her own policy during her speech, I did want to address some of those issues that she raised. She was only four minutes into her speech when she started talking about my and the Canberra Liberals' position on the Greens' plan. You would think that, given 15 minutes to discuss a matter of public importance, you might want to talk about your plan; you might want to sell it. There was a fair amount of defensive posturing there.

But I did want to talk about why we have been critical of aspects of what the Greens announced. There are a number of ways you can achieve sustainability. But what we

heard from the planning minister—and this is where I agree with the planning minister, and the planning minister would have heard my colleague Brendan Smyth talking about this often—is that the idea to be sustainable is not just about environmental sustainability; it is about social and economic sustainability. These things are important.

I want to talk about some of the economic aspects of the Greens' proposals in relation to the Molonglo Valley. We know that they are advocating—and it is indeed in the Labor-Greens agreement, that document of which we are barely able to speak, it would seem, in this place, but it is in the agreement—10 per cent public housing. That includes in the Molonglo Valley. That is an expensive promise. That is a very expensive promise and we need to highlight what an expensive promise that is because we need to know where the money will come from.

The Labor Party is committed to this. The Greens are committed to this. But are they? That is the question. Are they really committed to it? Are they committed to spending the money? It has a cost and we need to put that on the record. Molonglo will have 30,000 homes, of which 10 per cent will be public housing—3,000 public houses.

A Treasury document, which is now about 18 months old, because it was around the time of the last election, said that an additional 1,200 houses would cost in the order of $500 million. We will take that as a reasonable estimate. It will depend how many units you did, how many standalone homes, but clearly in 18 months or so the price would have gone up somewhat. But we can take that as a pretty reasonable, solid estimate, give or take, so 1,200 houses would cost in the order of $500 million. Therefore an additional 3,000 houses, under the plan, would cost $1.25 billion, based on those costings.

As I say, you could go a little bit either way, depending on where building costs are at, depending on how many units and the like. But $1.25 billion would be the ballpark of what you would be looking at—in addition, of course, to the catch-up elements in the Labor-Greens agreement in relation to the rest of Canberra. If we have got currently less than 10 per cent—I think something like 8½ per cent—and you want 10 per cent in Molonglo Valley from the start, for every 1,000 houses there would be 100 that are public houses. That would be presumably rolled out in all of the suburbs—100 houses in each. So you will be funding that, plus you will be playing catch-up in order to get to 10 per cent in the rest of the city. That will include all the new greenfields developments in Gungahlin; it will include any other growth of housing stock in the city. So we are talking about very big numbers.

Indeed, we know the Productivity Commission's review of government services says the ACT spends approximately $7,500 per year maintaining each of these houses. These houses in Molonglo would cost, therefore, over $22 million per year to maintain. These are the costs that the Greens did not mention.

I want to talk about seven-star energy efficiency. It needs to be said that there has been bipartisan support in the ACT for moving to stronger energy efficiency ratings in the territory. The move to six stars is something that, indeed, the Liberal Party led the way on in this place, I believe under my colleague Mrs Dunne's leadership. We did advocate six stars. The question that we posed and the reason there was the sensitivity

was: if you are going to go past that and push for seven stars, what does that mean? What does it mean for building costs and what does it mean for delivery?

Industry is working towards six stars and you would think that it would be important to have a discussion with industry, in developing such a plan, to say: "If we were to move to seven stars over a period of time, what would that mean for houses? How would they look different? How would we develop that? How would we ensure that that occurred? And how much would it cost?"

We read in the *Canberra Times*, when the announcement was made, that the Housing Industry Association had not been consulted. The Housing Industry Association's ACT chief, Sturt Collins, said he was disappointed the Greens had not consulted builders. He said that Australian governments had only recently agreed to move to a six-star energy system and he found it remarkable that there was a proposal to move to seven stars already and at the same time meet the government's commitments on affordable housing.

It is about a progressive approach. It is about saying industry is doing the work now; it is getting ready to move to six stars; it has been doing work for a number of years to make houses more sustainable. Is there more that could be done? No doubt there is. There will always be innovations that we can come up with and they are worth pursuing.

But the question needs to be: how fast do you do it? Do you consult? Do you bother to consult the people in the community who would be building these houses? I think that would be one of the first groups you would talk to and say, "How do we do this and how much would it cost?"

We have got a lot of glib responses. In fact, when Ms Le Couteur and I were on radio talking about it, she sort of changed her view as to whether it was a few hundred dollars or a few thousand dollars. The only Treasury costings are $20,000 per home. That is the Treasury number that we have seen. I do not know whether they are right but they are the numbers. HIA could not give us a number because they could not actually tell us exactly what seven stars would look like. Indeed, Treasury has said $20,000 per home. Treasury may or may not be right.

But the Greens are saying, "Maybe a few hundred, maybe a few thousand dollars." Treasury is saying $20,000. That is what it says in the documents. That is a big disparity and that is one that perhaps the Greens can discuss when Mr Rattenbury has his opportunity—the opportunity, I note, that he did not have last time and I am sure he is champing at the bit to come and respond.

The other issue that was a real concern—and there were a couple of things—was that we saw in the Greens paper:

> The proposed plan for John Gorton Drive appears to be too car-friendly, and set to encourage the use of cars by Molonglo residents well into the future …

What we see—and it goes on in dots points—is:

> Our proposal for modification … is to:
>
> - maintain the local car access road;
> - move the cycle lane into a separate off-road super cycle path;
> - maintain the bus transit lane; and
> - remove one of the lanes of car traffic from each direction.

As I said, Ms Le Couteur was very sensitive on this point. How has that worked in Gungahlin? How has it worked to go down the path of just having the one-lane road? Has that been a success? The question for the Greens would be: would it have been a success if only there were a transit lane tacked onto the side? I do not think so. Of course, there are other elements in it where they are seeking to limit the number of car spaces. This is very prescriptive stuff. There is a way to move to sustainability. It does require more density; it does require a discussion about density. But you cannot, without doing all those other things, simply try to force people out of their cars.

What we will have in Molonglo is the situation that we have currently in Gungahlin where people are stuck in traffic for far too long, and the option of public transport, unless you commit to tens of millions of dollars extra, is not going to meet the needs of many of these residents. That is the question they have to answer. If there is going to be this super-duper public transport system which gets everyone in Molonglo to where they need to be and they are happy to get out of their cars, how much will that cost? How many services a day will be delivered and how will it be paid for? *(Time expired.)*

MR RATTENBURY (Molonglo) (5.31): I was very pleased to see this matter of public importance come onto the agenda today, because I think it is very timely to be having this conversation. Ms Le Couteur, my colleague, has already covered many of the aspects that the Greens would like to see for the Molonglo valley. She has given an overall flavour. I would like to discuss some issues relating particularly to energy and water use, as well as open spaces and river protection, because these are also key parts of designing a new urban space.

With regard to energy, all new developments provide an opportunity to think about how we want to use energy right throughout our suburbs and our residences. There are many choices we can make about building design, orientation, the organisation of our infrastructure, our transport, the materials we build out of, and the way we generate any electricity that is needed. Of course, our primary aim must be to build efficient suburbs, because we know that building in efficiency at the front end is the smartest way to save money and greenhouse emissions over the longer term.

Ms Le Couteur has already discussed issues associated with building efficiency, but on top of this the Greens' paper proposes a number of other measures, such as setting aside space for community-level renewable energy generation installations such as localised wind generation or mid-scale photovoltaic installations. We propose the use of energy efficient infrastructure such as street lighting at a suburb-wide level. And we propose integration with energy incentives such as the feed-in tariff and other energy initiatives that are currently being developed in the energy policy.

We also propose planning for microclimate management. This is about energy efficiency, but outside our houses rather than inside. It is well known that we can not only create a more amenable outdoor space by managing microclimates but also increase housing efficiency by reducing the outdoor temperature on hot days through the clever use of trees, greenery and shading—those very natural factors that can also make for a more pleasant living environment.

We are also interested in the consideration of integrating suburban-level infrastructure for the use of direct geothermal heat transfer technology for the heating and cooling of houses and public buildings, including large facilities such as shopping centres. We believe that we should investigate the possibilities of efficiency gains available through the building of a whole suburb on a greenfield site and planning for geothermal right at the start, because it is technology that is infinitely cheaper if you do it at the beginning. It is technology that is proven—that is used even here in Canberra in places such as the Geoscience Australia building just past Narrabundah. These are proven technologies that have the potential to deliver the energy savings that we need in our future.

With regard to water, we are aware that the government has already included in its plans for Molonglo the development of urban stormwater ponds throughout the area to be used as non-potable water resources for irrigating recreational areas and that there are opportunities, using water sustainable urban design principles, to reuse grey water for irrigation and toilet flushing for individual dwellings. We remain committed to the idea of a non-potable water supply for each household in the area to reduce the long-term demand on Canberra's potable water supply. Studies have indicated that water efficiency measures can be done at little or no additional cost and can save around 25,000 litres of water per household per year.

The premise of including a third pipeline early in the development of the new suburb is to avoid the costs of expensive retrofitting after suburbs have already been built. Best practice for the development of a modern urban water management system includes integration of these principles at the outset of planning for new suburbs.

We do acknowledge—we have flagged this with the government—that there are options aside from a third pipeline reticulating non-potable water from the treatment works, such as reticulating water from other collection ponds, the utilisation of grey water on site for gardens and systems that treat grey water on site, allowing for more flexible usage. There are a range of options here. We are pleased to note that the government has indicated that there will be 200 houses in Wright and Coombs that will have reticulated grey water from the urban pond system and also that an easement for a third pipeline will be included in the plans.

But the challenge to deliver non-potable water to all residents in Canberra, particularly here in Molonglo where we have the chance to get it right from the start, remains a very real challenge, one that I am excited by in the sense that I think there are a range of emerging technologies and options that make this very viable and give us a great opportunity, in what is essentially a dry inland city, to use one of our most precious resources in the best possible way we can.

I would like to speak briefly about open spaces and nature reserves. Given that the Molonglo valley development is the latest large-scale area set aside for greenfield development in the ACT, it is vital that it is developed with the preservation of key areas of open space, wildlife corridors and riparian zone protection in mind. The increased demands and needs placed on open spaces as a result of a denser city mean that development in this valley must take account of ecological considerations far better than, say, development in Gungahlin did.

Some of the most prominent propositions we have put forward are the preservation of key areas of open space, wildlife corridors and riparian zone protection. We need ecological considerations to be taken into account. We need links to the Kama woodland to provide a green belt. We need open spaces accessible to the wider community and to link to the path network. For example, it is important—this puts it in context—that the Molonglo River, the actual river corridor, cannot and should not be the only green space in the area. That is for two reasons. First, we need to protect that; we need it to be preserved in its natural state to as good an extent as possible. Secondly, it is only one part of the development; we need to see that become part of the suburbs, but at the same time protected. I think it is possible to do that with some clever design and some thoughtful planning at the beginning. In that context, we also need to minimise the human and domestic animal effects on ecologically significant areas. We know that there are a number of species and habitats or ecological communities in the area that warrant careful protection.

With regard to the riparian zone specifically, the Greens remain strongly of the view that the inclusion of a large dam in the Molonglo development is inappropriate for environmental reasons, and that environmental protection values should be given priority over perceptions of what delivers the greatest local amenity or land value in the area. Of the original three ideas that were under consideration for the management of the river, the Greens favour most strongly the concept of a chain of cascading ponds, though we also encourage the government to fully investigate leaving the river as it is but with rehabilitative wetlands and protected river verges.

While a large lake has been justified in terms of improving water quality, the reality is that other large lakes have been subject to urban run-off with high nutrient loads, predisposing the lakes to outbreaks of blue-green algae. A large lake will reduce the capacity for native fish movements up and down stream, and increase the likelihood of invasion by non-native species. The inundation of a lake will also result in the loss of the riparian vegetation currently along the river corridor and would therefore require some revegetation.

They are the specific comments I wanted to make. On a more general level, there is an opportunity here with Molonglo, being a new development and being developed in 2010 and beyond in an era in which we know of issues such as peak oil and the need to reduce our greenhouse emissions, and we know about some of the mistakes we have made in the past, new ways of thinking about urban design and the things that planners have learned. The development of Molonglo from scratch as a whole community is a tremendous opportunity. It is a tremendous opportunity to learn all those lessons, to use all that wonderful research that has been done over many years, to create the suburbs and the township of the future that I think many people will

value and aspire to. This is an opportunity to do it better—to build those suburbs of the future, to not be afraid of change.

The seven-star rating is one good example of where the opportunity is so tremendous. Alison Carmichael, who is the CEO of the Association of Building Sustainability Assessors, researched this issue using the AccuRate software to analyse a range of house designs for brick and tile first homes. First homebuyers will hear Mr Seselja often commenting about the need for affordability. The results consistently show that the energy rating of a modest brick and tile bungalow can be increased from five to seven stars for under $4,000 by positioning the house well on the block, making sure it is well insulated and using double-glazed energy-rated windows.

These changes can result in a substantial reduction in energy use when compared to five-star homes—a 24 per cent reduction for a six-star home and 45 per cent for a seven-star home. Imagine how that would impact on housing affordability. If you can reduce somebody's energy usage by 45 per cent, imagine what that would do for housing affordability. That is what the Greens are on about. *(Time expired.)*

MADAM DEPUTY SPEAKER: On the matter of public importance, the discussion is concluded.

Motion (by **Mr Barr)** proposed:

> That the Assembly do now adjourn.

Adjournment

ACT Greens—policies
Freedom of information

MRS DUNNE (Ginninderra) (5.41): A few weeks ago I noticed that the ACT Greens circulated a flyer in some parts of Canberra and it was passed on to the Canberra Liberals for our information. It says, "What a difference a year can make!" with the ACT Greens. I thought that it was interesting when you look at the dot points inside, where I think the Greens are claiming that they have contributed to these things or that these are their policy initiatives in place. Some of them are plausible and I give a tick under "Democracy Now" to the Greens' claims that:

> New rules make Question Time more about issues and less about political games and "Dorothy Dixers".

I do not think I would have phrased it like that, but I think that there is a general view that the new approach to question time is a good one.

The next one under "Democracy Now" says:

> Government must respond to committee findings in 3 months.

Well, that does not happen. We saw Ms Le Couteur make a statement to the Assembly to that effect only last week.

They claim that they have brought in new freedom of information laws. I took particular exception to that because, although I was grateful for the support of the Greens in bringing through the reforms that were brought forward, they were the work of the Canberra Liberals, and the committee work that is currently going on was as a result of the work of the Canberra Liberals. Yes, the Greens did vote for it, but it was not their initial or original work and I think they should be entirely truthful about that.

The other thing they say is that the Greens secured the government agreement that political parties will have to make donations public every month or every week leading up to an election. I do not know that the ACT government has actually agreed to that and I hope that that is not an electoral porky.

One of the other things they say is that the Greens' motion passed by the Assembly called on the federal government to review the self-government act. Well, Madam Deputy Speaker, that was really successful. Because of the way that it was dealt with here, as the Canberra Liberals predicted, the federal government wrote back and said: "No, thank you very much. We're not interested in doing that."

There are some things here which on the face of them do seem to be true and laudable. It is the right of every political party to claim wins when they have them, and that is fair enough. I would like to point to some of the things which are not particularly wins. Under "A Sustainable City" and "Solar City" the Greens claim:

> Expressions of interest sought for solar facility in ACT with $30 Million Government funds to be appropriated for project.

Both the Labor Party and the Liberal Party went to the last election with a proposal to spend something like $30 million to support a solar facility here. But the thing is that there have been expressions of interest gone out but we are still waiting—because the minister cannot get his act together. We will have a three-stage process and we may get a preferred tenderer somewhere around September this year, if the minister meets his timetable, which is just on two years after the last election. So I do not think that that is anything to crow about.

However, in a week when there has been a bit of controversy about dodgy electoral flyers in South Australia, I do draw to your attention, Madam Deputy Speaker, that there appears to be no authorisation of any sort on this document, neither in the original or the photocopy, and I would ask whether the Greens have addressed this issue, that there is no authorisation. I suggest that this may be a matter that should be taken up with the electoral commissioner in the near future, and perhaps the Greens might like to address the issue of what they have done about fixing up the authorisation on this unauthorised pamphlet that was circulated to suburbs in Canberra in the last few weeks.

Rosary primary school
Brindabella Motor Sport Club

MR SESELJA (Molonglo—Leader of the Opposition) (5.46): Last week Mr Doszpot and I had the opportunity as part of the Catholic Schools Week celebration to visit

Rosary primary school in Watson. Rosary primary school is a fantastic school. We were welcomed at the assembly. We were greeted first by Zac, Nadia, Lara and Eryn, year 6 students, I think, who did a fantastic job on behalf of their school. We were also welcomed by Principal Mrs Maureen Doszpot and Deputy Principal Ms Brenda Foley. We had the opportunity to meet with the chair of the board, Mr John Brennan, the treasurer of the school board, Scott Trotter, as well as Kathy Trotter and a number of other parents and parishioners who were in attendance.

At the open day, students of year 6 Cairo ran the assembly with teacher Beth Toole. What particularly impressed me about Rosary school when we were there was that the year 6 students were running the assembly themselves and they were doing that in a most eloquent manner. I think there was no need for teachers to supervise them. They all knew what they had to do and it was very well done and we felt very welcomed.

We also met with school secretary Yvonne Morris and the janitor, Ross Harcombe, and we were given a tour by Alex and Caile of the school and of some of the new buildings. There was also a beautiful rendition of the national anthem, including the second verse, which I know catches out a lot of people. It does not catch out Alistair or me, I am sure; we always know the second verse of the Australian national anthem going way back.

Mrs Dunne: Boundless plains.

MR SESELJA: Boundless plains to share, indeed.

I would just like to pay tribute to the parents and teachers and students of Rosary school. They are a fantastic example of a wonderful school community. We felt extraordinarily welcomed by them and I was, again, particularly impressed by the way the students conducted themselves. I pay tribute to Ms Maureen Doszpot and all of the teachers and students who do such a fantastic job there.

I also wanted to make mention of the Brindabella Motor Sport Club that I have mentioned in this place before. They have an upcoming rally and in order to promote that they had a media day on the weekend. I, along with others, had the opportunity to go out there and to have a ride in a rally car. And I have got to say it was a scary experience. I had Michael Barrett, who is the 2009 ACT regional rally series champion driver, and we went in his Mitsubishi Evo 8. I do not really know what that is—but it was fast. It looked like a Lancer to me but it was very fast. He said, "Tell me if we are going too fast," and I think we were going pretty fast. I should have trusted him more than I did because he is an experienced and very capable rally driver. But I have got to say it was a confronting experience but it was also great fun. They really do take those corners very fast.

It was another fantastic event from the Brindabella Motor Sports Club. I think they do a sensational job. They have a particular passion and I think it is important that we look for ways to allow people in our community to pursue their hobbies, to pursue their sports, to pursue their passions. We know that many in our community love rallying, they love motor sports, and the Brindabella Motor Sport Club is one example of that. To Kim and Martin, who welcomed me, who showed me around and made sure I had the proper protective gear, including the helmet, before I got in: thank you.

I thank very much Michael, who not only drove me around in the car but brought me back alive and in one piece. He was very cool, calm and collected. He did ask me if I wanted to go around again and I declined the offer. Nonetheless, I got to experience what it is to be in a rally car and I again say to the Brindabella Motor Sport Club that it was well done and I wish them well for the upcoming rally which is being held this weekend.

ACT Greens—policies
Freedom of information

MR RATTENBURY (Molonglo) (5.50): On behalf of the Greens, I would like to convey our absolute flattery to Mrs Dunne that she has read our brochure so closely. We are very pleased that she has the spare time to get round to it. I would also like to let Mrs Dunne know that she has won the lucky prize of a chocolate frog—it is upstairs in my office and she can come and collect it—because she is the very first person to finally spot that we, rather unfortunately, did forget to put an authorisation on that. You would think that a political party that had been involved in so many election campaigns would not forget to do something like that, but—shock, horror!—we actually did and we confess that. We, of course, unfortunately, had to pulp and recycle the ones that had been printed without it, but I can assure Mrs Dunne that the new version does have it—and in fact I am prepared to even give you whatever flavour chocolate frog you would like.

I would like to pick up on your comment about the FOI reforms because I know that this is a point of consternation for the Liberal Party. Mr Smyth was quoted in the *Canberra Times* the other week sounding very concerned about this as well. It is always interesting to reflect on history some time down the path and I have strong recollections of it at the time—that the Greens actually had this policy to move on the issue of conclusive certificates as well. We intended to draft legislation; it had been our policy for some time. If I recall correctly, although I was overseas, Ms Foskey had this same position in the last Assembly.

When it came to early in this term, my office was about to issue instructions to parliamentary counsel to draft this legislation when it was brought to our attention that Mrs Dunne also intended bringing this on. Frankly, we sat there and said: "Well, we also note this is her policy. She has talked about this for some time." I believe we actually even went down the corridor and had a conversation, when she said: "Fine. We were going to do it, but we are happy that you are doing it and we will support you." So I do not think these things are about claiming it. We had the integrity to sit back and go: "She has already done the legislation. We will support it. We would have done it too."

The statement actually says that the ACT now has new freedom of information laws. The Greens supported that; the government opposed it. It would not have happened if we were not here. That is the observation we were making.

One of the other interesting things I would like to comment on is that—

Ms Hunter: Cooperation.

MR RATTENBURY: Yes. I know cooperation is a hard concept for the Liberal Party to come to terms with. I know they prefer to call—

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe!

MR RATTENBURY: It is very interesting that in this place those opposite almost never refer to themselves as the Liberal Party; they refer to themselves as the opposition, and that is because that is how they think. It is all about opposition. You are the only one, Mrs Dunne, who ever refers to the Liberal Party, if I recall correctly, and I think it indicates the mindset of those opposite—because they are an opposition; it is all about the opposition.

One of the things that the Liberal Party spent some time in the last week or so, since they got out of bed the wrong side, going on about in this chamber was poking fun at the Greens about the tag we used of "third party insurance" during the last election campaign. There were all sorts of comments.

Opposition members interjecting—

MR RATTENBURY: Here come the objections across the chamber.

This is another one of those funny ironies that you learn when you come in here. We thought we would have to be third party insurance against the government. What we did not realise was that we were going to have to be third party insurance against the crazy opposition hell-bent on coming in here and doing nothing but making political statements; coming in here and doing nothing but putting up cheap motions full of political language that do nothing—do nothing to further good policy in the ACT.

It is all good and well to come in here and talk about accountability, but accountability is not just about political point scoring. It is not about calling names across the chamber. It is not about shouting down people that are trying to speak. It is not about shouting down ministers when they are trying to answer questions in question time. Accountability is about a range of things. Accountability is about contributing to policy development processes. It is about providing a critique of the government's draft energy policy. That takes some hard work. It takes some time. Accountability is about a whole lot more things than simply coming into this chamber, calling everybody else in the chamber all sorts of names under the sun and saying, "We are holding the government to account."

Accountability takes many forms. It takes hard work. It takes engagement in policy, because ultimately what drives the outcomes in this town. It is about getting the policy settings right, about getting government to spend money on the things that matter. That is what the Greens are here to do. That is why we are in this chamber and that is why people are voting for the Greens in record numbers all around the country.

Ms K Gallagher—leave

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.55): I rise tonight, after several interjections over a period of sitting weeks by the Leader of the Opposition, to confess to the Assembly that I am taking one month's leave to go overseas. I am leaving on 20 May and I am not coming back till 20 June. It is a four-week holiday with my family. It is fully funded, privately, by my partner and I—just before the opposition get too excited about that. It was a decision taken five years ago by my sister and I after our mother passed away that we would attempt to take both of our families overseas.

At that point in time it was to be for eight weeks, but five years ago I was not the Treasurer. When we looked at the booking that was made, I had to shorten my trip to four weeks so that I am here to deliver the budget and I am here to appear at estimates for the complete amount of time that I would normally be here to appear at estimates. In fact, I finish my appearance at estimates on 19 May and I leave Australia with my two youngest children on 20 May. I would not normally give all this detail to the Assembly, but I am not going to sit here and have these interjections by the Leader of the Opposition insinuating that I am not doing my job and am just wandering off overseas.

I wrote to the Leader of the Opposition and the Parliamentary Convenor of the ACT Greens back in January to advise them of this because I wanted to book my flights. Because those flights cost around $12,000, I wanted to make sure that that worked in with the Assembly's decisions around estimates. I have tried to give as much notice as I can. I just need to put this issue on the table and to confess that I am taking a four-week break. In my nine years in this place, I have never taken a four-week holiday. I am taking it. It is in the memory of my mother and I would really appreciate it if the opposition respected that.

ACT Greens—policies
Freedom of information

MR HANSON (Molonglo) (5.58): Madam Deputy Speaker, I will be brief. I was doing a Meredith Hunter and watching the Assembly from the television in my office. I could not help but come down here to respond to Mr Rattenbury's claims: "We're going to take credit for it because I was going to do it." FOI is something that the Greens take credit for because he says, "I was going to do it. I was going to brief my staff. I was going to bring some legislation in. Therefore, because I was going to do it, I will take the credit for it." I look forward to the next Greens documentation that tells us what else they were going to do that they are going to take credit for. It is quite a good strategy actually. I can just imagine everything that you can take credit for because you simply claim, "I was going to do it." That is quite a remarkable thing to say.

For the Greens to say that they are the only party that is engaged in policy debate and working constructively is also ridiculous. The Liberal Party has engaged in more policy work and has engaged more constructively in what it is doing than the Greens.

But it is also the only remaining party in this Assembly that is holding the government to account. As we saw today, and as we saw last week, the crossbench is now failing in its responsibility to assist the opposition to hold the government to account.

We are actually proud to call ourselves the opposition. We are the Liberal Party, and we are very proud of that, but we are also very proud to be the opposition. We remain the only party in this place that is prepared to say, "Yes, we are prepared to oppose. We are prepared to criticise. We are prepared to hold this government to account and we are prepared to scrutinise the government."

Legislative Assembly—role of members

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.00): I feel that it has not been a great day for the Assembly. I just wanted to get that on the record. What we have seen today, and I understand it happened a lot last week as well, is an incredible waste of time—

Members interjecting—

MADAM DEPUTY SPEAKER: Members, can we have a bit of shush. Ms Hunter's voice is not all that strong at the moment.

MS HUNTER: Thank you. I was just making the point that I find it quite saddening that a lot of time is wasted in the Assembly when we have important matters to get to. I acknowledge the hard work of the Chamber Support staff, the Secretariat and Hansard. Hansard has, no doubt, had an incredibly tough day today. I cannot recall exactly how many, but a few hours were spent on a debate around dissenting from the Speaker's ruling. I would like to acknowledge the hard work of Hansard. I certainly hope that the tone and the standard in the Assembly will be lifted. We all have a role to play in that and I certainly hope we are going to take a bit of a cooperative approach to it. Earlier today I said that I had webstreamed some of the Assembly debates of last week.

Mr Hanson: Webstreaming is bad for your health, is it? Don't webstream if you're sick!

MS HUNTER: Mr Hanson has decided to twist that to say that I was basically hanging out at home watching *Oprah*.

Mr Hanson: Well, that's what you did during estimates, wasn't it?

MS HUNTER: Again, to me, that is just a classic example of how low the tone has gone. I really am looking forward to a better quality of debate. I am really looking forward to some policy, some vision, from the opposition so that we can also engage with you. I know the Greens would be very happy to discuss and assist you with some ideas. It is incumbent upon all of us to lift the tone. We are here representing the people of the ACT. We are here to improve things for the people of the ACT. That is our role. I hope that we are going to take that role seriously and pursue it in the sitting weeks that we have left this year.

Legislative Assembly—role of members
Brindabella Women's Group

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) (6.03): It has been an interesting day. I think those opposite have not displayed the expectations of those that voted them here. It has been enlightening for me to sit here, look at those opposite and listen to the badgering, hammering and interjection. Really, my three children combined could not misbehave as much as those opposite. Those opposite are capable of regularly entering the adjournment debate and doing a "who's who, where's where". They say, "Look where I've been and how good am I in working for the community." As I said, they do not come forward with policies or initiatives, but they do come in and say where they have been and who they have spoken to.

I thought I would just come along, join that group and talk about a group that is in my electorate—the Brindabella Women's Group. I had the pleasure of meeting the group. What they do is fantastic. They meet in the local area of Chisholm. Their lead line is:

> The Brindabella Women's Group offers support and a social, creative outlet for women with young children, in a friendly, relaxed environment.

They offer a supportive and informal environment where you can meet new people, make friends and build networks. There is an opportunity to attend informative sessions on a range of topics, including parenting and relationships and women's health, and it is a creative environment as well.

They meet at the local Chisholm shopping centre of a Tuesday. They provide on-site childcare by accredited childcare professionals from 9.30 and 12.30 and babies and children are welcome to stay there as well. This is a group of local women supporting local women, and I think that is something that needs to be celebrated. In our community all too often we hear about families that are struggling and families that are divided by geographical distance. It takes me three hours to see my mother because she lives in Sydney. Groups such as this are important for young families and, indeed, young mothers who choose to stay at home and care for their children.

It is run by mothers for mothers and, therefore, they understand the need for flexibility. It is not the case that you must turn up every week. You drop in as you can. Its self-run nature allows for members to decide on the programs that suit their interests. I congratulate this group on operating out of the Chisholm community centre for a number of years. Young families are supported by these groups and I congratulate them.

Arthritis ACT
Arthritis Awareness Week

MR COE (Ginninderra) (6.06): I rise to speak in the chamber today to raise awareness of arthritis and to commend Arthritis ACT for the great work they are doing in our community. I have spoken on this subject before and I am sure I will do

so again. Arthritis is something I personally am alert to. I have taken time to learn about the condition, given that on both my mother's side and my father's side of the family arthritis is prevalent. So I am keen to do whatever I can to minimise and delay the onset of the symptoms. Joy Burch MLA, Amanda Bresnan MLA and I have the honour of being champions of Arthritis ACT. In this capacity, we are charged with a responsibility to do all we can to raise awareness of arthritis and osteoporosis. It is a responsibility and a privilege that I take seriously and one that I am keen to pursue further.

Yesterday I had the pleasure of launching Arthritis Awareness Week in Canberra. Just out the front of the Assembly building in Civic Square, Zed Seselja, Brendan Smyth, Jeremy Hanson, Steve Doszpot, Amanda Bresnan and I joined Tony Holland, the CEO of Arthritis ACT, and former MLA and current President of Arthritis ACT, Bill Wood, and others to kick off this year's activity. There are a number of events planned, including a seminar for Canberra's GPs, warm water exercises at Club MMM in Belconnen, a stall expo at the Old Bus Depot and more events.

In an article in today's *Chronicle*, the message to regularly take part in weight-bearing exercises and to consume an adequate portion of calcium each day was clearly articulated. To practise what we preach, at yesterday's launch my Assembly colleagues and I joined volunteers and supporters of Arthritis ACT to take part in a tai chi demonstration as an example of a good way to support healthy bones. There is even an action photo in today's paper of five MLAs taking part in this demonstration. I must admit that it is the first time I have done tai chi, and certainly the first time I have ever done martial arts in Civic Square.

The ongoing community education and awareness-raising goes on throughout the year. One practical way all Canberrans can get involved is by attending the "Have a ball" event on 27 May at the Boat House by the Lake. The event will be great fun and will raise money to support Arthritis ACT. I encourage each party in the Assembly to book a table, to donate prizes for the auction and to bid generously.

As I did last year, I would like to commend the Canberrans serving on the board of Arthritis ACT. They are Mr Bill Wood, Ms Anna Hackett, Ms Kristine Riethmiller, Mr Andrew Fleming, Ms Helen Cody, Dr David Graham and Ms Helen Tyrrell. I also congratulate Tony Holland, who does a great job running the organisation and is a tireless advocate for the cause.

Whilst arthritis and osteoporosis can be a gloomy subject, there is a bright side. Preventive strategies and treatments are available. What is vital is that all Canberrans know that there is help out there—that Arthritis ACT is out there. I urge everyone to join the conversation about prevention and treatment of arthritis and osteoporosis so that together we can live strong and healthy lives. For more information about the events happening this week or about other issues relating to arthritis and osteoporosis, please contact Arthritis ACT on 6288 4244 or visit www.arthritisact.org.au.

Question resolved in the affirmative.

The Assembly adjourned at 6.09 pm.