Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

25 MARCH 2010

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Thursday, 25 March 2010

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The Assembly met at 10am.

(Quorum formed.)

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

Petition
Ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By Mr Stanhope, Chief Minister, dated 4 March 2010, in response to a petition lodged by Mrs Dunne on 9 December 2009 concerning the sale of Block 8, Section 34 Hawker and the potential impact on the availability of adequate public parking for the Hawker Group Centre.

The terms of the response will be recorded in *Hansard*.

Planning—Hawker—petition No 105

The response read as follows:

> Block 8 Section 34 Hawker was on the land release program to be sold in 2009/10. The LDA was proceeding with the sale when, due to the amount of public interest, the LDA was directed by the Assembly in March 2009 to defer the sale pending further community consultation and a planning study.
>
> The initial consultation included a "drop in" session at the Hawker shops and two community meetings at the Christ Church in Hawker in September and October 2009.
>
> On 3 December 2009, the government reported back to the Assembly on the outcomes of the community consultations and the planning study. The planning study recommended a comprehensive development of blocks 8 and 10 for mixed use development integrated with a public domain improvement program. The study found that there was a surplus of parking in the centre, it was poorly distributed. The recommended public domain improvement program proposed a redistribution of parking in the centre as well as an upgrade to Hawker Place to create a new main street for the centre.
>
> A very successful community consultation session with Hawker businesses took place at Christ Church on Monday 8 February 2010 to discuss ongoing concerns of businesses about proposed sale of blocks 8 and 10 for mixed uses, including residential. The LDA also presented the findings of their planning study together with an associated public improvement program to coincide with the proposed sale.

> The business people responded positively to the draft concept for the precinct. The major concern continues to be the effect that any sale of land would have on the availability of car parking spaces and hence the centre's commercial viability.
>
> I have requested that the sale of the sites be deferred for the duration of 2010 while the LDA continue to work with the Hawker business people and the wider community to facilitate an outcome that will benefit the community and also enhance the centre's continuing commercial viability.
>
> Overwhelmingly traders were keen to ensure that no new development will take place on either blocks 8 or 10 until the proposed new parking and traffic arrangements are in place. This includes new car parking with access to Belconnen Way, reconfiguring the eastern car park, additional parking in Hawker Place and a re-routing of traffic movements around the centre.
>
> LDA will further refine the concept plan and visit individual businesses to explain the update. Community drop-in information sessions will then be held in the coming months.

Crimes (Sentence Administration) Amendment Bill 2010

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.02): I move:

> That this bill be agreed to in principle.

I am pleased to present to the Assembly today the Crimes (Sentence Administration) Amendment Bill, which introduces a new enforcement scheme for court-imposed fines. This new scheme will only apply to fines handed down by the Magistrates Court or Supreme Court as a result of prosecution for an offence. The new scheme will not apply to infringement notices or other such "on-the-spot" fines.

Currently, the options available to enforce court-imposed fines under the current scheme are quite limited, with the main deterrent on default of a fine being imprisonment. This bill introduces a number of enforcement options that can be pursued before imprisonment is considered.

This bill will have two major benefits. Firstly, it will strengthen the territory's ability to recover outstanding court-imposed fines. Secondly, people who experience trouble in paying fines will be provided with flexible options to discharge their debt.

The new options available to assist in the recovery of court-imposed fines include: drivers licence and vehicle registration suspension; negative reporting to credit providers; income assessments; earnings redirection orders; financial institution

deduction orders; property seizure and sale; voluntary community work orders; fine remission; and imprisonment as the absolute last resort.

I would like to take this opportunity to elaborate on the main aspects of the new fine enforcement scheme. When a person defaults on paying a court-imposed fine, the preliminary action that will be taken to encourage the payment of the fine will be to suspend the person's drivers licence. If a person does not hold a drivers licence, they will be prevented from getting one. This process is already in place. A new addition to this stage of fine enforcement is that if a vehicle is registered in the name of the person, that vehicle's registration may be suspended. Any suspensions will be lifted when the outstanding fine is paid in full.

In addition to licence and vehicle registration suspension, a person who defaults on a fine may have relevant details passed on to a credit provider. This will have a negative effect on the person's credit rating and is an extra incentive to pay an outstanding fine before further action involving the courts is taken. If a fine remains unpaid after a person has had their licence and registration suspended and their details given to a credit provider, the next phase of the fine enforcement scheme will be initiated.

The bill authorises the Chief Executive of the Department of Justice and Community Safety, or a delegate, to serve an examination notice on a fine defaulter. An examination notice will require a fine defaulter to produce documents containing any relevant information needed for the chief executive to determine the fine defaulter's financial position and capacity to pay a fine.

If a fine defaulter does not comply with an examination notice or provides false or misleading information, the chief executive may apply to the registrar of the Magistrates Court for a warrant to arrest the fine defaulter. If arrested under such a warrant, a fine defaulter will be brought before the registrar and examined under oath to ascertain the fine defaulter's financial position and capacity to pay the fine.

The bill contains a number of fine enforcement orders that the Magistrates Court can make on application from the chief executive or a delegate. These orders are the main component of the new fine enforcement scheme. Before I outline the new orders I would like to reassure members that all orders have safeguards built into them. The most important safeguard is that the court must not make an order if such an order would be unfair or cause undue hardship.

The bill provides the option of an earnings redirection order. This would occur where a fine defaulter has some source of income that could be redirected to the court to discharge a fine. Under the bill, income is defined quite broadly and can include, for example, wages, an amount received under a contract for services or a social security benefit. Another safeguard built into this option is that an order must adhere to any income protection legislation. This is particularly relevant where social security or other such benefits are involved. If a person receives child maintenance, for example, that income could not be subject to a redirection order.

Another order available under the scheme proposed in the bill is a financial institution deduction order. This allows the court to order a financial institution to deduct money

from an account held by the fine defaulter and pay it to the court. Deductions can be in the form of a lump sum or instalments.

The court may also order the seizure and subsequent sale of personal property belonging to the fine defaulter. Property seized under a property seizure order cannot include clothing, bedding or other necessities of life. This means, for example, a refrigerator used to store food could not be seized. However, if a fine defaulter, for example, has two fridges—say, one for food and a bar fridge used solely for drinks—the bar fridge could be seized as it is a surplus item and not a necessity of life.

The bill sets out that any property seized under a property seizure order must be held for at least 28 days before it can be sold. This allows time for either the fine defaulter or another person to apply to have that property returned. A fine defaulter can apply to have property returned on the grounds that the sale of the property would result in undue hardship or would be unfair. Any other person can apply to have property returned on these grounds or because they claim a legal or equitable interest in the property.

If any of the orders I have previously mentioned are not appropriate for a particular fine defaulter, the court may make a voluntary community work order. This is a progressive step in the fine enforcement framework and allows a fine defaulter to discharge a fine by performing community service work if the defaulter agrees to do so. Once they have agreed, a fine defaulter is bound by the order. This option is not available for fine defaulters who were convicted of a personal violence offence.

I am pleased to say that Volunteering ACT will work with the government to administer voluntary community work orders. Volunteering ACT will assess a fine defaulter, organise appropriate community work and report compliance or non-compliance with the order. Where a person undertakes work in accordance with this order, their fine will be discharged at the rate of $37.50 per hour. I believe this is a generous amount, considering that in New South Wales the rate a fine is discharged under a similar order is only $15 per hour.

The government recognises that people can sometimes experience extreme difficulty in paying a fine and in some circumstances it may not be appropriate to seek the imprisonment of a fine defaulter as a way of discharging a fine. This is why the new fine enforcement scheme allows the chief executive to remit a fine if no other fine enforcement order would be effective and extenuating circumstances warrant remission. This will only occur when all of the options I have mentioned have been exhausted.

Imprisonment is the ultimate penalty in criminal law and its use is not taken lightly. Where all appropriate fine enforcement action has been pursued to no avail and remission of a fine is not appropriate, the court may order the imprisonment of a fine defaulter. Where this occurs a fine will be discharged at the rate of $300 per day of imprisonment. This is an increase from the current $100 per day. If the fine defaulter was under the age of 18 when they committed the offence for which they were fined, the fine will be discharged at the rate of $500 per day of imprisonment.

Another key feature of this bill is the inclusion of reparation orders in the enforcement scheme. Presently, if an offender fails to pay compensation to a victim in accordance with a reparation order, the victim is forced to pursue a civil action against the offender. This can be an expensive and protracted process and is rarely pursued by the victim. By including reparation orders in the new scheme the government is making it easier for victims of crime to recover compensation and ensuring that offenders are not evading an obligation of their punishment.

The government is committed to ensuring human rights are upheld and not unnecessarily limited. Concerns have been raised about the current fine enforcement scheme whereby imprisonment is basically the only option for a person who defaults on paying a fine. This is why the new scheme has been designed in a way that provides numerous options that can be pursued instead of imprisonment.

It must be said though that people who have had a fine imposed on them by a court have been found guilty of an offence and, in accordance to the principles of the criminal law, need to be held accountable. This is why the new scheme retains imprisonment as an option. However, it will only be considered as an absolute last resort when all other options have been exhausted.

Mr Speaker, the fine enforcement scheme contained in this bill is another addition to the government's work on law reform. It modernises the enforcement of court-imposed fines and brings the ACT in line with other jurisdictions. I commend the bill to the Assembly.

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

Statute Law Amendment Bill 2010

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.13): I move:

> That this bill be agreed to in principle.

The Statute Law Amendment Bill 2010 makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or technical and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill such as this in each sitting of the Assembly and including further technical amendments in other amending legislation where appropriate.

Statute law amendment bills serve the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up to date and are easier to find, read and understand. A well-maintained statute book greatly enhances access to ACT legislation and is a very practical measure to give effect to the principle that members of the community have a right to know the laws that affect them.

Statute law amendment bills also provide an important and useful mode for continually modernising the statute book. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum, consistent standard in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

This statute law amendment bill deals with two kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by a government agency that require approval from the Chief Minister. Statute law amendment bills generally include a second schedule that contains amendments of the Legislation Act 2001 proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and developed to reflect best practice. This bill does not provide for such amendments but the schedule heading is retained to preserve the usual numbering of schedule 3 and a note to that effect is included in schedule 2.

Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation. Statute law amendments bills can include a fourth schedule that repeals redundant legislation. However, a fourth schedule is not included in this bill.

The bill contains a large number of minor amendments with detailed explanatory notes; so it is not useful for me to go through them now. However, I would like to take the opportunity to briefly mention several matters.

Schedule 1 of the bill contains amendments to a number of acts in relation to bankruptcy. Members may recall that last year the Statute Law Amendment Act 2009 (No 2) inserted a new definition of bankrupt or personally insolvent in the Legislation Act 2001 dictionary part 1 that established a single term to cover the range of circumstances by which an individual may be considered bankrupt or insolvent under the Bankruptcy Act 1966 of the commonwealth. The definition includes individuals having a similar bankruptcy or personal insolvency status in a foreign country and people in any other circumstances seeking to benefit from any law for the relief of bankrupt or insolvent debtors. A number of acts and regulations were also amended in that act, schedule 3, as a consequence of the new definition.

The Statute Law Amendment Bill 2010 continues the process with similar amendments being made to various acts, including the Aboriginal and Torres Strait Islander Elected Body Act 2008, Building Act 2004, Commissioner for the

Environment Act 1993, Duties Act 1999 and the Financial Management Act 1996. Language in relation to bankruptcy has been replaced with references to the Legislation Act 2001 definition of bankrupt or personally insolvent. The amendment to the Building Act 2004 also clarifies the meaning of insolvent in relation to builders that are corporations.

Schedule 1 also contains amendments of the Education Act 2004. The bill amends the act to give effect to a number of minor amendments to resolve operational issues that have arisen in the practical administration of the act. Some of the amendments had been included previously in the Education Bill 2009 that related to the suspension of students. However, that bill was negatived.

Sections 83, 85, 87, 88A and 89 of the act are amended to provide that various applications in relation to the registration of schools must be made available free of charge at a departmental office and not specifically at the chief executive's office, as presently required. Sections 67 and 119 are amended to make it clear that a person may hold an appointment as an authorised person (government) and an authorised person (non-government) at the same time. The opportunity has also been taken to insert a new section 10(4A) in the act to provide that the parents of a child whose home registration has been cancelled must enrol the child in an education providers course within 14 days of the cancellation.

Schedule 1 also amends the Road Transport (Third-Party Insurance) Act 2008. The bill amends sections 60, 62 and 72. Sections 60 and 62 amend the definitions of uninsured motor vehicle and unidentified motor vehicle respectively, to clarify that a motor vehicle that is designed to be used in off-road areas, and that is not registered or insured, is not an uninsured or unidentified motor vehicle, as the case may be, for the purposes of the act and, therefore, the nominal defendant will not be liable for personal injury resulting from any motor accident caused by the uninsured vehicle or in which the unidentified motor vehicle is involved.

Section 72 is revised to allow an injured person to receive early payment of medical expenses up to the maximum amount allowed under the act, section 74(1), if the report by a police officer about the injured person's motor accident is delayed and the injured person is able to give the insurer information about the date when and the police officer to whom the motor accident was reported or, if the accident was reported at a data entry point, the submission number for the report.

The act, section 52(c), is also amended in relation to bankruptcy, as I mentioned earlier. The term bankrupt or personally insolvent, as defined in the Legislation Act 2001 dictionary, is substituted. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

Schedule 3 includes amendments of acts and regulations that have been reviewed as part of an ongoing program of updating and improving the language and form of legislation. These amendments are explained in the explanatory notes and are routine, technical matters such as the correction of minor errors, improving syntax and omitting redundant provisions.

However, it is worth mentioning that amendments have been made to a range of acts and regulations that comprise the road transport legislation, to remove duplication of standard definitions. Definitions common to the road transport legislation, including Australian Transport Council, driver, motor vehicle and road transport authority—or authority—have been omitted from various acts and regulations and relocated to the Road Transport (General) Act 1999 dictionary. This act already contains definitions that are applicable to other road transport legislation; so it was logical to centrally locate other relevant definitions into the dictionary to make the road transport legislation more user friendly.

New notes that cross-refer to terms to find in the Road Transport (General Act) 1999 dictionary have been inserted in the dictionaries of the amended acts and regulations, to assist users. This will be an ongoing process that will be continued in future statute law amendment bills.

In addition to the explanatory notes in the bill, the parliamentary counsel is also available to provide any further explanation or information that members would like about any of the amendments made by the bill. The bill, while minor and technical in nature, is another important building block in the development of a modern and accessible ACT statute book that is at the leading edge in Australia, and I commend the bill to the Assembly.

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

Water Resources Amendment Bill 2010

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.23): I move:

> That this bill be agreed to in principle.

The Water Resources Amendment Bill 2010 is an important piece of legislation that will further promote the sustainable and efficient management of water in the ACT. It will bring all water in the ACT under a single management regime and facilitate the implementation of national water initiative commitments.

At the advent of self-government in the ACT, the commonwealth retained control of the land in certain areas of the territory, principally the parliamentary triangle and the water on and under that land. Since that time, successive ACT governments have struggled with managing one water resource being split between two legal entities. Sensible management arrangements would bring all water in the ACT under one management system. The commonwealth is now prepared to transfer management of

its water resources to the ACT and has tabled commonwealth legislation to facilitate the transfer. The commonwealth would retain the management of lake activities, for example boating and events in and on the lake, as well as land it currently controls.

The changed arrangements, however, will pass the authority to manage the extraction of water, the sinking of bores and the undertaking of works in a waterway to the territory. These provisions would also apply to private water extraction on commonwealth land such as Canberra airport. In addition, the change would allow the inclusion of that volume of water set aside for commonwealth use in ACT water planning to be considered as an available part of the ACT water resource.

Water resources are administered in the ACT through the Water Resources Act 2007. The Water Resources Act requires management of the water resources of the territory to sustain the physical, economic and social wellbeing of the people of the ACT while protecting the ecosystems that depend on those resources both now and for the foreseeable needs of future generations. It requires the establishment of a regime of environmental flows and a system of resource allocation. The resource allocation system identifies commonwealth and territory shares of the resource.

The ACT operates a national water initiative compliant resource allocation system for its share. The commonwealth has operated a separate resource management system for the water under its responsibility. The operation of dual systems was inefficient and could potentially lead to the overuse of the water resource.

The establishment, therefore, of a single water resource management system under ACT control has several significant advantages for the territory. A single system will provide certainty for management decisions made by the ACT on water resource management. Currently, there is only a general understanding of volumes allocated by the commonwealth agencies and no knowledge of volumes actually extracted under its control or by the Department of Defence or Canberra airport.

Recent agreement to a Murray-Darling Basin, MDB, cap on extraction includes agreement to the inclusion of commonwealth controlled water in the ACT in future cap accounting. The transfer of water management will facilitate this commitment. The transfer will only involve the management of water resources. It will not involve any change in management responsibility for Lake Burley Griffin or other commonwealth land.

The transfer will result in commonwealth users becoming subject to water-related fees and charges that will result in a small net increase to ACT revenue of around $416,000 in the first financial year and $150,000 annually thereafter. An MOU will be developed to clarify issues not appropriate for inclusion in legislation prior to the commencement of the bill.

ACT agreement to the national water initiative and the settlement of a Murray-Darling Basin cap on extractions requires ACT water users to have access to interstate water trade. The Water Resources Act explicitly permits interstate water trading but the conditions were designed explicitly for trade within the ACT and do not fully cater for interstate trade. The bill expands the provisions to make them relevant to interstate water trade as well.

Finally, in relation to bore licensing, there is an anomaly between the Water Resources Act and the water resources regulations that could prevent the construction of bores solely for the purpose of monitoring groundwater. The bill includes a new provision that will permit the construction of monitoring bores to the same construction standards as production bores.

I commend the bill to the Assembly.

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

Public Accounts—Standing Committee
Reference

MR SPEAKER: Mr Smyth, before you take the floor, I might foreshadow issues that I see may arise in this discussion today. I would take the opportunity to remind members of standing order 156 relating to conflict of interest, which states:

> A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

I remind members of that provision.

Mrs Dunne: Mr Speaker, on that subject—and I raised this with the Clerk before the Assembly gathered today—there is a precedent in this place for members to be absented from the debate and the vote in relation to these things. I refer directly to the fact that Mr Seselja was, by vote of the Assembly, excluded from a debate on the employment of family members back in 2008.

Mr Barr yesterday confirmed that a member of his staff is on the ALP state executive, or whatever it is called here, which is subject to this debate and this review which Mr Smyth is going to deal with. I also understand that a member of Ms Gallagher's staff is also on the state executive, and I would seek your ruling on whether those members can participate in this debate.

Mr Corbell: Just on the point of order, Mr Speaker, I think the standing order relates to the interest of the member, not of people employed by the member. In any event, we would not take the view that there is any conflict in this regard. In fact, this matter has been raised in relation to a range of issues around gaming legislation by the Liberal Party in this place for as long as I have been a member of this place. The Labor Party has never accepted that there is a conflict in that regard, and the Assembly has not required any Labor Party member to absent themselves from a vote in relation to any gaming matter as a result of this standing order.

So, given that history that the Assembly has not required Labor Party members to exclude themselves or absent themselves from discussion or debate or votes on matters relating to gaming legislation, and given that the staff of Mr Barr and indeed

Ms Gallagher are just that—they are staff, not the member exercising the vote—I do not see how you can rule that members of the government should be excluded from this debate.

Mr Smyth: On the point of order, Mr Speaker, standing order 156 actually says:

> A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

In the case of Mr Seselja, he was excluded on the basis of the possibility of an amendment being moved that would affect one of his staff members, in exactly the same arrangement. The argument was that he had a contract with that staff member and he was going to vote in a discussion about it.

Mr Corbell: Yes, because he was related to that staff member.

Mr Smyth: No. It was about the contract. You need to do your research better, Simon. Standing order 156 relates to the member and the contract. Mr Seselja was excluded on the basis that he had a contract with that staff member. There are at least two members of the government that have contracts with staff members who are affected by this report. Indeed, one of them sits in the office of the minister who is handling the report. And that is the dilemma. Let me go through it again: Mr Seselja was excluded on the possibility that an amendment would be moved that would affect his staff member. What we actually have are two staff members who are in contract, who are part of an organisation that is the subject of this report; they are on the administrative committee of the organisation. That is entirely consistent with the situation that the Leader of the Opposition was put in, and it is an appalling act of hypocrisy to say, "It does not apply to us, because we just simply do not accept it." The same logic that was applied to the Leader of the Opposition should be applied to the members of the Labor Party in this case.

Mr Barr: I think there are two points to make in relation to this. The first is that no member of my staff sits on the board of the Canberra Labor club; that is a very important point. Nor is the ACT branch secretary a member of my staff. That there are members of my staff who are members of the Australian Labor Party is probably not a surprise to anyone, and that declaration I am very happy to make at the beginning of the debate.

This is nothing but muckraking from the Canberra Liberals, and we have seen it all and heard it all before. There is nothing new in what we are seeing today. In fact, it really goes to the heart of Mr Smyth's political motivations. What he is attempting to do now through this particular point of order, and then what he is attempting to do with this motion, is highly political, and I think the Assembly should take note of the heavy politicisation of this matter by the Deputy Leader of the Opposition.

MR SPEAKER: Mr Barr, the specific suggestion is that, I think in question time yesterday, you indicated that a member of your staff is on the administrative committee of the Labor Party. Is that correct?

Mr Barr: Yes, a member of my staff is currently a member of the administrative committee but was not a member of the administrative committee at the time that this matter was—

Mr Seselja: So is that the key then? Is that the key?

Mr Barr: Sorry?

Mr Seselja: Is that the key—whether he was on at the time or not?

Mr Barr: No. I am simply saying that in terms of what we are debating today, the Gambling and Racing Commission's report in relation to matters that took place last year, no member of my staff was either on the Labor club board or on the administrative committee of the Australian Labor Party at that time.

Mr Corbell: Mr Speaker, can I just seek some procedural guidance on this as well? Mr Smyth, as I understand, has taken a point of order or a view asking you to rule on an issue of conflict of interest.

Mrs Dunne: I did.

Mr Corbell: I beg your pardon; Mrs Dunne did. As I read the standing orders, Mr Speaker, there is no role for you in this matter.

MR SPEAKER: I agree.

Mr Corbell: This is a matter for the Assembly to decide—by substantive motion, I assume. So, unless Mrs Dunne is going to move a substantive motion, there is really no question for you to decide on this, and the Liberal Party need to get their procedure right.

Mrs Dunne: On a point of clarification: I am considering whether I should move a substantive motion or not, and that is why I was seeking your guidance, Mr Speaker.

Mr Seselja: On the point of order and on the issue at hand, in relation to the last time this occurred, it was actually the Clerk who gave advice, through the Speaker, I understand, to the Assembly, and so we would seek that advice.

In relation to Mr Barr's point, there are a couple of things. First, he started with, "They are not on the Labor club board and they are on the administrative committee." The question that was looked at by the Gambling and Racing Commission was whether the Labor club board was in any way influenced, particularly, and it makes reference to the Labor Party and indeed the committee of the Labor Party; so that is directly relevant.

Mr Barr is now drawing a distinction as to whether his staffer was on the committee at that time. I am not sure about other members, but if that is what it comes down to it may well be that there are other members, possibly Ms Gallagher, who did have staff

members on the committee at the time that is relevant to this investigation and that should also be considered in making a decision.

MR SPEAKER: Thank you, members. Mr Corbell, I read standing order 156 as you do—that it shall be decided by the Assembly. I do not believe it is in the Speaker's power to make this decision. I believe it sits with the Assembly and so I believe, Mrs Dunne, that you would need to move a motion seeking that certain members be precluded from the debate. That is my understanding of standing order 156.

Mr Seselja: Just before we move on to that, Mr Speaker, could you just advise what advice you have received from the Clerk? As I said, the last time this was handled there was advice from the Clerk and, on the basis of that, the Assembly voted. So I would be interested to know what advice you have received on this matter, not just on your ability to make a ruling but on the standing order itself.

MR SPEAKER: I am sorry for the delay. There is some discussion about the precedents in this place because it appears, from looking at the minutes of proceedings, that in the case Mrs Dunne refers to from August 2008 the Assistant Speaker ruled in that case that members not participate in debate. That is not my understanding of the standing order. I do not believe that that is a correct precedent to apply in this case because the standing order does not give the power to the Speaker.

With regard to your question, Mr Seselja, I believe the reason the Assistant Speaker took that action at that time was because there were known contracts that were relevant; that is the basis on which I understand the Speaker took the decision on that occasion. I do not wish to comment on the merits or otherwise of that.

In this case, it is my understanding that Mr Barr has a contract with a staff member who is on the administrative committee. He has indicated that to the Assembly. He has also indicated that that member was not on the administrative committee at the time of the report, and I believe that is material in this case. So I do not believe that that, in my opinion, presents a direct conflict of interest for Mr Barr in these circumstances. That comment made, which is what you asked me to make, Mr Seselja, it remains open to the Assembly to move a motion seeking to exclude Mr Barr from debate if the Assembly believes that there is a conflict of interest.

MRS DUNNE (Ginninderra) (10.42), by leave: I move:

> That Ms Gallagher (Treasurer) and Mr Barr (Minister for Gaming and Racing) be excluded from this debate, in accordance with standing order 156, on the basis that they have staff who are members of the executive committee of the ALP in the ACT, which is subject to the inquiry and the motion being dealt with today.

Mr Speaker, most of the issues have already been canvassed in points of order, but it is clear that there is a substantial conflict of interest that relates directly to the contracts that Ms Gallagher and Mr Barr have with members of their staff on this matter.

The inquiry by the Gambling and Racing Commission into the possible breaches of the Gaming Machine Act in relation to the Labor Club has clear implications for the

actions of both the ACT branch of the ALP and the national branch of the ALP. The fact that Mr Barr and Ms Gallagher have members of staff who occupy positions on the ACT branch of the ALP and its executive committee means that these members, and I think especially Mr Barr, have a material conflict of interest that must be dealt with.

Mr Barr, whilst being the member receiving and dealing with this report, has had a member of his staff who has dealt directly with the ALP side of this inquiry. That is a clear conflict of interest. I am not saying that anyone has done anything wrong, but it is a conflict of interest which must be dealt with according to the standing orders, and the standing orders in this case are very clear.

I need to reinforce that I am not accusing anyone of bad faith. But I am insistent that the standing orders be complied with. It is quite clear that Mr Barr and Ms Gallagher have a contract with someone, and that contract creates a conflict of interest in this case. It is not enough for the Labor Party to say, "The Liberal Party always say this about the Labor Party's relationship with the Labor Club." This is quite different. This is about employment contracts currently in place in the ACT.

The precedent already exists for members to be excluded from debates where employment contracts are in place. Mr Seselja was excluded from a debate in 2008 for the same reason, that he had a contract with someone and there may be a conflict of interest. Ms Gallagher and Mr Barr have contracts with people.

Mr Barr admitted in question time yesterday that he has contracts with somebody who is on the executive committee. That creates for him in this matter a clear conflict of interest and the Assembly must exclude him from this debate because of that conflict of interest. Ms Gallagher has a similar conflict of interest but I think that it is particularly the case that Mr Barr has a heightened conflict of interest because he is also the minister for gaming.

Ms Gallagher was the minister for gaming; so that conflict may have been heightened in the past. But Mr Barr has a particular conflict of interest that must be dealt with and Ms Gallagher does too, perhaps to a lesser extent. But those conflicts are clear. They are contractual and the standing orders clearly state that when that is the case this Assembly should deal with it by a motion, which I have moved, and the result of that is that members should be excluded from the debate.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.46): Mr Speaker, I think the question that is being put by the Liberal Party is based on a fundamental misunderstanding of how this standing order operates. I will just go through this in a little bit of detail.

This standing order operates on the basis that a member who is a party to or has a direct or indirect interest in a contract made by or on behalf of the territory where that matter or question in this Assembly relates directly to that contract should not vote on the matter. What contract are we talking about? First of all, the contract is the contract presumably between Mr Barr and a member of his staff, and Ms Gallagher and a member of her staff. Is that the contract we are talking about?

Mrs Dunne: Yes.

MR CORBELL: Okay, so that is agreed. That is the contract that we are talking about. What is the contract we are talking about in relation to this motion? It is not the contract between Mr Barr and his staff. It is not the contract between Ms Gallagher and her staff. It is about a matter between the Gambling and Racing Commission and the Canberra Labor Club Group. It is not about the contract between Mr Barr and his staff and Ms Gallagher and her staff.

This standing order relates directly to votes in relation to the contract that is perceived to be the conflict of interest. That is what it says. It says:

> … where the matter or question relates directly or indirectly to that contract.

I repeat: "to that contract". Now, Mr Seselja was quite rightly excluded from the debate because the question before the chair in relation to the matter they had referred to—

Mr Seselja: By the Speaker. By the Speaker.

MR CORBELL: To the matter they had referred to, Mr Speaker—

Mr Seselja: By the Speaker, the Labor Party Speaker who apparently was acting beyond power, we are told today.

MR CORBELL: related to the administration—

Mr Seselja: He was acting beyond power.

Mr Hanson: What party was he from, Mr Seselja?

Mr Seselja: The Labor Party.

Mr Hanson: Was he from the Labor Party?

Mr Seselja: He was.

MR SPEAKER: Order, members! Mr Seselja, you can speak in a moment.

Ms Porter: He is independent when he is in the chair and you know it.

Mr Seselja: Yes, real independent.

MR SPEAKER: Mr Corbell has the floor.

MR CORBELL: Thank you, Mr Speaker.

Mr Seselja: He acted beyond power.

MR SPEAKER: Mr Seselja!

MR CORBELL: Mr Seselja was excluded from that debate because the question before the chair was how staff contracts should be administered. It was about how staff contracts should be administered. That was the question before the chair. He had a conflict in relation to that matter. That is not the case in this instance. There is no question before the chair about the contracts between Ms Gallagher and her staff or Mr Barr and his staff; none whatsoever.

The question before the chair is about whether or not a report from the Gambling and Racing Commission should be referred to the PAC. That has nothing to do with the contractual arrangement between members and their staff. This is a fundamentally flawed interpretation of the standing order. It is fundamentally flawed. It is designed to exclude members from votes where there is a clear and direct conflict in relation to contracts. There is no contract being brought into question in the question that will be before the chair shortly.

Mr Smyth is about to move a motion asking that the report of the Gambling and Racing Commission in relation to the proposed sale of the Canberra Labor club be referred to the Standing Committee on Public Accounts. That is a different question from the employment relationship between Ms Gallagher and her staff and Mr Barr and his staff. It is a fundamentally flawed understanding of the standing order.

This is simply an attempt to smear members of the government by making allegations about conflicts of interest and impropriety. We hear this every time from the Liberal Party. The Gambling and Racing Commission has not found any misconduct whatsoever. It has not found any misconduct, Mr Speaker. It has not found anything. So the Liberals called for this inquiry. It happened. They did not like the answer they got from the Gambling and Racing Commission; so now they are trying to re-litigate it through an inquiry referral to the PAC.

At the same time, Mr Speaker, they try to blacken the names of two members of this government by claiming that they are conflicted, they have a conflict of interest and they should not participate in the debate. They do so on the basis of a fundamental misunderstanding of the standing orders. So we reject the assertion. We reject it absolutely. There is no basis to make this claim except the deliberate attempt of the opposition to smear the reputations of members in this place.

MR SESELJA (Molonglo—Leader of the Opposition) (10.51): Mr Speaker, I refer to the ruling of your predecessor, which we have been talking about in terms of the precedent. The ruling of your predecessor was, indeed, that I was excluded from debate, I was excluded from a vote, despite the fact that there was a piece of legislation that did not actually impact on my employment relationship. It did not impact. The legislation in no way dealt with or referred to the employment relationships that I had. But your predecessor, on the advice of the Clerk, ruled that I could not participate in that debate or in that vote.

I repeat that the legislation that was being debated in no way actually impacted on the employment relationship and the contractual relationship which I was a party to. So

the precedent of this place was that I was able to be excluded on that basis, despite the legislation not even directly impacting on that contractual relationship. Here we have a report by the Gambling and Racing Commission which looks at influence. It looks at influence of members of the executive of the ALP, some of whom have contractual relationships with members in this place.

On that precedent, that is a far clearer link. It actually does directly relate. If there is any consistency in this place then the members referred to will be excluded because there is a direct contractual relationship. It does impact. In many ways that is at the heart of what the motion will be. It is to get to the bottom of this report and look at the roadblocks and look at whether or not members of the ALP executive were interviewed, and if not, why not.

Looking at all of these matters, they do relate. The precedent has been set by your predecessor—

Mr Smyth: A ruling.

MR SESELJA: A ruling was given in relation to a contract that was not even affected by the legislation. It was deemed in some way to be closely enough associated, but not directly impacted. On that basis, I was ruled not to be able to speak and not to be able to vote. On that precedent, this motion has to be supported by the Assembly.

MS BRESNAN (Brindabella) (10.54): If we are looking at the application of standing order 156, it does not support what Mrs Dunne has moved in her motion and I think that is fairly clear.

Mr Hanson: Surprise, surprise, surprise!

Mrs Dunne: Surprise, surprise!

MR SPEAKER: Order! Let us hear Ms Bresnan. You can comment in a minute.

MS BRESNAN: If we apply standing order 156 as it is, it does not support what Mrs Dunne is saying and that is pretty clear.

Mrs Dunne: How is it clear? Explain how it is clear.

MS BRESNAN: I am not going to respond to Mrs Dunne. The issue, which has been discussed quite a bit here this morning already, is: the contract with Mr Seselja was an employment contract. It was directly related to the discussion that was had. So there was a direct connection to the debate that was occurring.

I think what Mrs Dunne has proposed in her motion is looking at the influence of what happens outside an employment contract, what happens outside to someone who is being employed in an office. I think that is a very questionable thing to be looking at. If we do start getting into that realm, we could apply it to probably anyone in this place and anyone in this place could probably be excluded from any debates that go on. We do have other members who have staff who are employed on boards of

various sorts, including community organisations. So that could come into the debate as well.

If we are going to apply the argument which is being proposed by Mrs Dunne, that could be applied in any debate which happens here, including debates on community organisations and funding. I think if we go into that realm, it is very questionable and becomes quite blurry in terms of what we are going to look at. The matter in Mrs Dunne's motion does not concern the question of contracts between members and their staff. It does not concern that.

The point which Mr Corbell did make is one to mention again, that the commission did not find there was misconduct. So we do have to look at what the commission ruled as well in the report.

We do not support the motion which has been put forward by Mrs Dunne. If we look at the application of the standing order, it is quite clear that it cannot be supported.

MR SMYTH (Brindabella) (10.56): I refer members back to the *Hansard* of August 2008 where, in fact, the Assistant Speaker, Mr Gentleman, came in and delivered it as a ruling. His interpretation of 156 was: "I can bump anybody out of this place at any time." I note what was said earlier but I asked the Assistant Speaker and he said, "I have made a ruling that the code of conduct will affect Mr Seselja and standing order 156." He prospectively said that, if this law is passed and the amendment that was never moved is passed, a code of conduct that does not exist will be applied to Mr Seselja before the debate gets there. That is not what we are saying.

With all due respect, Ms Bresnan, your comment that it is pretty clear is incorrect. If you go to standing order 156—and this is the bit that Mr Corbell forgot to read out—it goes on to say, after "shall not take part in a discussion of a matter, or vote on a question", and this is the bit that was not read out "in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract".

The point that we will be discussing this morning—and it needs to be read into the record—is that Mr Corbell's defence that the commission has not found anything, could not find anything, is not true. The report refers to "clearest evidence" and states:

> The Commission found that there was considerable evidence that attempts were made to direct and influence …

It is not an offence under the act until the influence has had its effect, that they tried and failed lets them off the hook. But the recommendation that the minister's office will have to look at is that a member of the committee that is subject to the recommendation sits in his office as chief of staff. The report says:

> In order to lessen the possibility that conflicts with the Gaming Machine Act 2004 will arise in the future …

It found "clearest evidence" and "considerable evidence" and it does not want this to happen again. The report states:

> In order to lessen the possibility that conflicts with the Gaming Machine Act 2004 will arise in the future, the Commission recommends that the relevant authorities give urgent consideration to amending the Memorandum and Articles of Association of the Canberra Labor Club to remove powers the exercise of which would or could give rise to conflict with the Act.

And that is the point. Who will have a part in this is, of course, the admin committee of the ACT branch of the Labor Party, who are named, along with the national executive, as the persons or the groups that tried to influence the decision. So it is quite clear that you should apply what was applied to Mr Seselja, which was a very poor case because it was applied prospectively. The law did not exist and indeed the law that was attempted to be passed, from my memory of the schedule, actually did not include the staff member in Mr Seselja's office. But on that basis, a ruling was actually made by the Assistant Speaker, "Just turf them." Indeed, Ms Porter was turfed as well at the same time.

What we are saying here is that the minister, who has a contract with a member of the board who is one of the groups that have been subject to this inquiry, will now look at implementing these recommendations. And if you do not see that as a conflict of interest then your notion of an open and accountable government just goes out the window. I will read it again:

> The Commission found that there was considerable evidence that attempts were made to direct and influence the Club's Board in relation to the sale process.
>
> The clearest evidence of attempts to influence the Board came from directions that were issued by the National Executive and the ACT Branch of the ALP.

To ensure this does not happen again, the commission is saying, "Change that relationship and the articles of association." We have at least one member of staff, if not two, who have contracts with their ministers and who will be part of that process. Indeed, one of those persons actually sits in the office of the minister who will oversee this process.

I am sorry; I just fail to see why you cannot see the conflict of interest. It is so abundantly clear. It has been the problem, from my time in this Assembly, that the Labor Party votes with interest, with conflicts of interest. And this conflict of interest is now clearly documented by the commission. We have got a minister, for instance, with a staffer in his office who is part of the body that tried to influence the club, who says he now will not go after 86 documents and has not made his mind up as to whether he will refer this matter to the tax office and to the other appropriate authority outlined in the report, the securities commission. So that is the conflict of interest.

You have actually got a recommendation from the commission: "It is time to end the possibility in the future. This conflict will occur again." But we are talking about a minister who has a person in his office who will be part of the process of clearing up, from the minister's point of view but who will be on one of the boards that are the subject of this inquiry. That is a conflict of interest. It is clear. It is unequivocal.

I cannot believe that we are going to apply the rule to the Liberal Party in one way—and it was applied as a rule. I accept you were not there at the time, Mr Speaker, but the precedent is there, the precedent accepted by the Assembly that day. I actually made the point, "Will this apply in future to Labor members when we talk about the poker machine licences?" I made the point that I expected it to be applied in the same manner then.

I said, "In future, will such directions be given, for instance, to members of the Labor Party who receive benefits from poker machines when we have poker machine legislation?" It was there and the warning was given that, if you apply this rule and you accept this way, it applies to all of us equally. And it should be applied in this manner today.

If the Assembly do not want the cloud of conflict of interest hanging over this place in the way we make decisions, and if you do not want people accusing us of looking after our own in the way that we often get accused, then the clearest thing here today is to exclude members who have on their staff members of the administrative committee of the ACT branch of the ALP. It is quite clear.

Mr Corbell gets up and reads the first half of the standing order. He is very good at this; he takes the bit that suits him. But it says

> … in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

I think it is directly related. You have got an individual who has a contract with the minister and who sits on the board of an organisation that has been subject to inquiry, where a recommendation from the inquiry says, "You have got to end the conflict of interest," but that member will sit there in the minister's office, advising the minister on how to end that conflict. That is a conflict of interest and this should be supported today.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.04): I would like to reiterate my colleague Amanda Bresnan's comment around the application of standing order 156. It is quite clear to us that we cannot support Mrs Dunne's motion on this matter. The contract, as she stated, in Mr Seselja's case was an employment contract. There was a direct connection that was occurring there.

I think one of the really important points that Ms Bresnan raised was about how far you are going to go on this matter. How far is it going to spread? She raised the issue around people who might be members or on boards of sporting organisations, community organisations. In fact, one of Mrs Dunne's staff members is on the board of a very large community organisation. If we are going to apply this in this way, that would mean that Mrs Dunne would not be able to participate in certain discussions.

I am sure that there would be others as well. I understand Mr Hargreaves's wife is on the board of an arts organisation. Does it mean whenever there is a discussion about arts organisations or funding Mr Hargreaves would have to step out of the room?

We really need to look at the standing order. We need to see how far it does apply. It is a difficult and complicated issue. I agree with that. I understand that it has come up in the Assembly on a number of other occasions and it has not, obviously, been fully resolved exactly how this should be applied. Therefore we, as I said, are saying that we do not find in this case that it should mean the exclusion of certain members from the government bench. We do not believe that is how the application should be made.

But what I would do would be to put out the offer that, if the Liberal Party would like to put forward a motion to adjourn this debate at this point, I think it would be quite timely for the Speaker to go off and do some more background research on this matter, seek the advice of the Assembly's ethics and integrity adviser as to whether there is a conflict of interest and to lay this standing order to rest a little by getting some solid information and some research around this. I will put it out there that we would support a motion from the Liberal Party to adjourn the debate at this time to go off and seek this.

I think it is a practical matter about how long it does take to get that advice from our ethics and integrity adviser. I think I would need to be seeking advice as to the logistics of being able to—

Mr Smyth: I am happy not to move a motion as long as it is dealt with at a later hour today.

MS HUNTER: I think the problem there is, and my understanding is, that it takes a little longer to get this sort of information and to get onto our ethics and integrity adviser for it to come back at a later hour today. So I think we would be adjourning not to a later hour today but in a timely manner. If we are going to do this, let us do it properly. Let us not just tick a box because I am not into a tick-a-box exercise. I am into a proper exercise to actually do the research, get a bit more understanding of how this could be applied, whether it applies in this case. But if it does go to a vote today, we will not be supporting Mrs Dunne's motion.

MR HARGREAVES (Brindabella) (11.08): I was not going to speak in the debate but in this particular instance I think it needs to be said that, whilst I applaud Ms Hunter's suggestion that we put the matter to the ethics commissioner, it is my understanding that that is not possible. I understand the role of the ethics commissioner is to speak member to commissioner only and not to have a question put to the commissioner about the behaviours, ethics and everything else of another member. That was what we actually decided in this place with regard to the authorities and responsibilities of the ethics commissioner. Whilst I think it would be an ideal thing to do, if we are precluded from doing that by the commissioner's terms of reference—

Mrs Dunne: It is adviser.

MR HARGREAVES: Yes, it is adviser. But even so, whilst I applaud the idea of asking for an expert third party's advice on this, I think the point that Ms Hunter is making is absolutely valid. There are members of the Liberal Party who may have

conflict because of their rules. There are members here, there are members of the Greens. If we were not, we would be very poor representatives of the community, quite frankly. We would not have our networks intact. We would not have a track record of community service if we did not have those board involvements.

I know that, with possibly a few exceptions of members in this place, almost all of us have served on a board and have an affection for a board and, therefore, want to help progress the board's aims and objectives because that is what is in their essential being.

We have got to draw the line somewhere. This is a very small parliament. It is drawn from people who live in this town and in this district. It is not drawn from people all over a massive great state somewhere else. We need to draw a line here. The distinction between a benefit to the member has to be drawn.

A full member of the Labor club would actually be asked to vote on that sale. If I were a full member of the Labor club, does that mean I have a conflict of interest here? I would argue no.

The other thing too—and this is a really important point—is that there has to be proven to be a conflict of interest and, when the conflict of interest is applied, there has to be some gain to the member, some favour, a service, a return. And I do not see one in this case. There is nothing. There has been nothing demonstrated by Mrs Dunne to suggest that anything that either of these two ministers have done in the discharge of their duties would return anything of favour to them in this particular matter by the actions of their staff.

Remember, this whole thing turns on what their staff would do. We have got to be a bit careful that we do not prevent somebody from being engaged in a political activity because that is their right under our Human Rights Act and under antidiscrimination laws.

I would urge that we actually proceed to a vote on this. I regret that, when we actually created the terms of reference for the ethics commissioner, we did not install a clause that the Speaker could be empowered by the Assembly to seek that advice. I think that was possibly something missing, and we might like to consider addressing that at another stage.

Mrs Dunne: I think there is a little impasse here, and I do not particularly want to close the debate. Could I seek leave to speak again without closing?

MR SPEAKER: Members, is it the wish of the Assembly that I vacate the chair for 10 minutes to enable you to sort this out? That being so, the sitting is suspended.

Sitting suspended from 11.13 to 11.32 am.

MRS DUNNE (Ginninderra) (11.32), by leave: We are in uncharted waters here and I thank members for being very cooperative in this matter. I think there is a general resolution that there are a number of unanswered and difficult questions and members

would like to seek advice from the ethics adviser and elsewhere. There is a view that you, Mr Speaker, should take the opportunity to seek advice where you will. The Canberra Liberals are happy to join with the Greens in adjourning this matter. In doing so we will not bring on Mr Smyth's motion in Assembly business until this matter has been resolved. We believe it will take some days, maybe weeks, to resolve this. As part of the process we are taking up the suggestion from Ms Hunter that later in the day there will be a motion brought forward about a way forward in seeking advice. The Canberra Liberals are happy to agree to the adjournment of this matter. We will see how the second stage of the process will resolve itself later in the day with the motion.

We do not resile from the issue that brought forward my motion—that there is a clear conflict. We believe that the members named in the motion should avail themselves of the time to seek advice from the ethics adviser about whether or not they have a conflict. I need to restate that in saying that we believe someone has a conflict we are not saying that they have done something wrong; we are stating that they have a conflict and that conflict must be addressed. It is not fair for Mr Corbell to classify it, as he did, that we are besmirching people's names and reputations. We are saying that there is a conflict, and that is simply the case. I thank members for their cooperation. We look forward to a resolution of this on another day.

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

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.34), by leave: Mr Speaker, what we have seen today is a farce. I have never seen the Assembly shut down in the middle of a sitting because two parties cannot decide what it is they want to do. The Greens and the Liberals are all over the shop on this issue. They have brought a new level of farce to the Assembly today by deciding to shut down the Assembly itself while they try and work it out.

Mr Seselja: On a point of order, Mr Speaker, I understood that it was your decision to suspend the Assembly for 10 minutes. It appears that Mr Corbell is reflecting on your ruling and I would ask you to bring him to order.

MR SPEAKER: Yes, Mr Corbell. I know that we are in unusual circumstances, but perhaps we can avoid the inflammatory—

MR CORBELL: I am not reflecting on your ruling. I am simply saying, Mr Speaker, that it is a farce for the Assembly to conduct its business in this way. Mr Speaker, I understand your comments. We will not be supporting the adjournment today. Ms Bresnan is on the record in this place less than half an hour ago as saying that this motion by Mrs Dunne has no merit and should not be supported. Ms Bresnan said that less than half an hour ago. She has now changed her mind and wants to refer it off to some strange and ambiguous process that has no standing in this place. By referring it off to some strange, ambiguous process, a cloud will hang over Mr Barr and

Ms Gallagher as a result. No matter what members in this place say, that cloud will remain for as long as this matter is unresolved.

This matter could have been resolved 20 minutes ago. Ms Bresnan said, on behalf of the Greens, that they would not support this motion, that there was no conflict of interest. Ms Bresnan said there was no conflict of interest and now the Greens have weakened, they have crumbled, and they are trying to find some other way through this.

Mr Speaker, we will not support this process. There is no role for the ethics adviser in this process, unless members themselves individually seek that advice. Members cannot be compelled by this place to seek advice from the ethics adviser. They cannot be compelled to do so. There is no conflict of interest. The self-government act and the standing orders themselves allow only the Assembly to determine whether or not there is a conflict of interest. Ms Bresnan is on the record as saying that the Greens do not believe there is a conflict of interest. We should have simply voted on the matter and got on with the business of the day. We now have this absurd nether world that we are entering into, courtesy of the Greens and the Liberal Party, and the Labor Party and the government will have no part in it.

Ms Hunter: I move that the debate be adjourned.

MR SPEAKER: Ms Hunter, you have already spoken. Perhaps someone else could move the adjournment.

Motion (by **Ms Le Couteur**) proposed:

> That debate be adjourned.

Question put.

The Assembly voted—

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

Question so resolved in the affirmative.

Debate adjourned to the next sitting.

Mr Smyth, pursuant to standing order 128, fixed the next day of sitting for the moving of notice No 1, Assembly business.

Public Accounts—Standing Committee
Report 7

MS LE COUTEUR (Molonglo) (11.42): I present the following report:

> Public Accounts—Standing Committee—Report 7—*Report on Annual and Financial Reports 2008-2009*, dated 22 March 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The first thing that I want to do in speaking to this report is to thank the secretariat—Mr Glenn Ryall and his able assistants Ms Sam Henriksen and Ms Lydia Chung—for the formatting and, of course, my fellow committee members for all their contributions to this report.

I will briefly go through some of the highlights of the report. The first recommendation is that the government provide responses to the 60 outstanding questions without delay. Most of these, I would note, relate to the sitting on 18 February when we heard about Actew, which in fact led to the privileges committee. It is very hard for a committee to do its work properly in terms of holding the government to account and scrutinising it if the government does not provide answers to questions without notice. This is something which I intend to bring up at the next meeting of committee chairs. We need answers to questions and it is particularly frustrating. It was only last week that I stood up here in my role as PAC chair and made a 246A statement because at that point in time PAC was missing government responses to a number of reports. If the committee system is to work and do its job, the government needs to make responses in a timely fashion. This is something, certainly from PAC's point of view, that is not happening at a rate that is satisfactory.

The next area of concern relates to the annual reports of territory-owned corporations and, in particular, Actew. We thought the best way forward was for the government to make it a requirement for territory-owned corporations to comply with the Chief Minister's annual report directions. This would make them consistent with other reports and would make it easier for everyone who has to read them.

The next area which we spent quite a lot of time on—and I am very pleased to say it is an area on which all three of us were in agreement—was ESD, and that is good. Ten years ago you probably would not have had such unanimity among Green, Liberal and Labor. There are quite a number of recommendations about ESD reporting. There are even some recommendations about ESD practices. None of those were controversial amongst the committee. These are things which have become, it seems, universally agreed that we should do. What PAC is asking for is not just agreement that they should be done but for the government to actually do them.

The committee, in going through all the various reports from the various entities which report to us—and I can say it myself, as a member of another committee—found it very hard to interpret the ESD data for quite a number of reasons. Firstly, it would be really nice if we had at least a couple of years of comparative data. When you see a figure for one year, you do not know whether we have got better or whether we have got worse. You do not know whether it is a great result or whether it is a dreadful result. The absence of comparative data makes it very hard to understand what is going on. That comparative data should all be there. We are not asking for more work to be done. We are just asking for an extra column to be put in the annual reports.

The committee notes that there will be a revision of the Chief Minister's annual reports directions, we believe, this year. Recommendation 6 specifies a requirement that all reporting entities provide comparative ecologically sustainable development data. We note that work has already been done by CMD on this and we would like to see it being made part of the directions. The next direction, again, talks about tabular formats for the comparative data.

The committee asks for a thorough audit of waste. We made this a recommendation following a question I asked a number of the agencies. It was quite interesting to listen to the results. Some of the agencies had an idea what was happening with their waste. One of them had employed some students from the University of Canberra to audit all their waste. I thought that was quite commendable. Yet the Department of Treasury said they had had an extensive audit of their waste which revealed that about 80 per cent of it could have been recycled. However, vastly less than that was recycled.

The committee commends this department's thorough auditing of waste approach to all entities. That was our recommendation 8. We would like to see that annual reports next year report on this and also propose initiatives to address the issues which these audits will inevitably bring up. One of the issues was that in relation to secure paper waste, while it can be and is recycled, it takes a lot more effort to recycle it. The learning from that is: if paper waste does not have to be put in the secure bin and can just be put in the normal recycling bin, please do that for the sake of the environment. It costs less and it leads to a better result.

We also talked about better housekeeping within the government and asked questions about building temperatures. Recommendation 13 recommends that reporting entities take active measures within their accommodation settings to identify a balance between employee comfort and energy savings. We then revisited the perennial issue of transparency of executive remuneration. We have been through this, I think, in questions without notice and at previous annual reports hearings. This is something which the government should clear up. We talked briefly about supermarkets and the need to ensure maximum competition and opportunity.

The next major item that we talked about was EPIC. We had a number of recommendations related to that which I suspect Mr Smyth will talk about in more detail than I will. I will leave those for him. Another item which has been a perennial

item—it was there last year—relates to email allocations for non-executive members' staff. There are still issues with this. Offers were made to some staff that they could have higher allocations but not to all staff and not all staff who were eligible took it up. So we would like to see this improved.

Finally, as I noted at the beginning, I would like to thank my fellow members and the committee secretariat for their support. I would like to highlight again the unanimity of our views that ESD reporting is important. It needs to be done better and it needs to move from the realm of reporting into the realm of action. I think it is great that we have unanimity among the three parties that this is needed.

MR SMYTH (Brindabella) (11.51): I will also commence by thanking the staff from the secretariat who helped us put this report together. It is quite a detailed report, with more than 30 recommendations. It covered a vast array of organisations over a huge period of time. I particularly thank Mr Glenn Ryall, who is sitting quietly up in the gallery. This will be Glenn's last report; his sojourn with us is about to finish and he will go back to the Senate. He has been standing in for the permanent secretary to the committee, and I would personally like to thank Glenn for all his efforts and the approach that he has brought. He has his own inimitable style. He is to be congratulated for it. And Ms Samara Henriksen, who is the senior research officer in the secretariat, was very good in the way that she approached the task and clearly has settled in well to the committee secretariat.

As the chair has said, it does cover a huge array of areas. I will concentrate on only a couple of them. I would draw recommendations 1 and 2 to the attention of the Assembly. They refer to the perennial problem of the government answering questions. When he first got onto the government benches, we had a commitment from the Chief Minister that they were going to be more honest, more open, more accountable. Yet committees constantly struggle to get answers to questions. It is impossible to write an informed report and come up with reasonable recommendations if you have not got the answers.

I understand that it is a problem for all committees, whether it be estimates or down through the standing committees. But it is time that this issue was resolved. I refer members to the last sentence of paragraph 1.6:

> The Committee Chair will, however, raise this matter at the next Chairs' Committee meeting.

It is time that we came up with an approach. It is not unreasonable to ask questions and expect answers so that you can write a reasonable report. It is about time we resolved that issue.

I always have a comment about style in the annual reports. This year the shocker award goes to the Actew annual report. It appears to have been done by three or four different sections of Actew. The numbers do not even run from 1 to 100: they recommence; they start; they disappear. It is very hard to follow the Actew report this year. When preparing annual reports, consistency in formatting should be applied to all, but this year the Actew report in particular was very poor.

The chair has already spoken about recommendation 7. Let us make sure that we report on the triple line properly so that it is accessible, so that it is easy. We are interested in this. We have staff who work for us, but the ordinary person who picks up some of these annual reports would find them incredibly hard to read.

Recommendation 14 says:

> … that the Government consider including sustainability outcomes in the Chief Minister's …'Strategic Indicator 7—Improve the Innovation Capacity of the ACT Economy'.

We do need to improve the innovation capacity of the ACT economy. It is a recommendation the government should look at.

Let me go to recommendation 18, something that has been dear to my heart for some time. It says:

> The Committee recommends that, in order to ensure the independence of the Commissioner for Public Administration, a person holding the office should not hold any other position with the ACT governance structure.

Otherwise you cannot have an independent Commissioner for Public Administration. You can have a government Commissioner for Public Administration, which is what we have now. I as a member of the Assembly cannot currently refer an issue to the Commissioner for Public Administration, because the only person that can do that is the Chief Minister, and he has not made very many referrals. No government is going to get the commissioner to investigate the government. The person needs to be independent. The person needs to be resourced. The job is very important, particularly in a unicameral system.

Recommendation 19 goes to the search for budgetary savings. It says:

> The Committee recommends that the ACT Government clearly defines 'priority services' in the context of the ongoing search for budgetary savings.

We have had a document tabled in this place since we had the hearings, but again it is very unclear as to what really is a priority service.

Let me move to recommendation 20. Recommendation 20 looks at the report that Ernst & Young did for the Minister for Health. The Department of Treasury annual report 2008-09 details expenditure of $502,500 on a consultancy conducted by Ernst & Young entitled "Modelling health for the future: phase 1 and phase 2: professional services". Under questioning, the Treasurer informed the committee that the consultancy was a review of the work that ACT Health had conducted relating to the expected growth in demand for health services and the associated cost. Given the huge amount of money, given the expense, the committee recommends that:

> … the Treasurer report to the … Assembly on the outcome of, and Government response to, the review as soon as practicable.

Health is a huge issue; we all know that. We know it soaks up close to a third of the budget. It will continue to be a huge issue for all jurisdictions, as we are seeing in the national debate that is going on. This would be a very important report. The Treasurer should tell us exactly how the government is going to respond to the report itself.

I go to the next couple of recommendations, 22, 23 and 24. No 25 looks at territory-owned corporations, in particular the water projects. Recommendation 22 says:

> The Committee recommends that, when a number of projects are considered as part of an overall strategy, the cost estimates of each option need to be more accurate.

We are well aware of the fiasco with the dam that is now more than double the number that was released. There is so much confusion over what the actual number that was released was, and whether or not it should have been released, that it is important that the government, when they put these numbers out, make it emphatically clear that the number is at a point in time and make it clear what it relates to, so that we avoid the debacle that we currently have.

Recommendation 23 says:

> The Committee recommends that where unfinalised cost estimates of major projects are made public, the basis of those estimates should be clearly explained.

That is fairly self-explanatory. Recommendation 24 says:

> The Committee recommends that more rigour be applied to the business cases for large and/or complex projects before committing to a delivery model framework and/or provider.

This grows out of the fact that the Victorian government has just looked at the alliance model, which is what we have been using for the delivery of the dam project. Paragraph 5.55 says:

> The Committee is aware of a report, sponsored by the Victorian Government, called *In Pursuit of Additional Value* … The report reviews project delivery through the alliance model and it indicates that alliance models generally lead to … out-turn costs that are 50 percent higher than the business case estimates. This is compared with traditional models that average at 30 percent … and public-private partnerships at … 10 percent higher.

Yet again the ACT government prove that they are quite capable of spending more. They say, "We are spending more money than any other government on capital works." Yes, but you are under-delivering on value for dollar, because you are picking inappropriate models or the most expensive model. In this case, what the committee is saying—and it is a unanimous report from the committee—is that you have got to look at how you deliver these projects and what model you choose. Simply to run the old line "we are spending more"—that is true, but for the money that the government is spending people are waiting longer and getting less.

There will be a number of paragraphs in here that will amuse people. On page 33, paragraph 5.46 is important. It says:

> The Committee also noted with interest that as of 18 February 2010 the project cost for the Cotter Dam was still listed as $145 million on the ACTEW Corporation website.

If you are putting out that number as the cost when the actual cost is well past $300 million, anybody in the public who read that and then heard a different number would be confused, and they would have a right to be confused. The government and its agencies must ensure that up-to-date information is on the websites at all times.

Let me go to recommendation 25. No 25 has been a standing issue for the Assembly for some time. The committee recommendation says:

> The Committee recommends that the Treasurer report to the ACT Legislative Assembly, by the last sitting day in May, on the outcome of her correspondence with Territory-Owned Corporations regarding greater transparency of executive remuneration.

This is the issue of how much we are paying some of our senior public servants to run our territory-owned corporations. And are they public servants? It is an interesting question, but we are paying large amounts of money for these people to run organisations run by territory-owned corporations. If you are a shareholder of any big business and you go along, you can ask questions. We cannot ask questions and get answers. That needs to be resolved. It is an issue of accountability.

Recommendation 28 is a subject dear to my heart. I know it is a subject dear to Mr Coe's heart in particular. The recommendation looks at the whole issue of the future of Young Achievement Australia. It says:

> The Committee recommends that the Chief Minister report to the Committee—

it says "report to the committee"; I am sure it was meant to say "report to the Assembly"—

> on the outcome of his discussion with the Federal Government in relation to future of Young Achievers Australia.

Young Achievement Australia has had its funding removed and as a consequence will fold. The Chief Minister said:

> I am more than happy … I will be speaking with Senator Carr tomorrow and I will specifically raise YAA with him in conversation … directly.

The problem with that is that this project is a very important project. If we are going to be entrepreneurial, if we are going to diversify the ACT's economy, the people who are going to do it in the future are the graduates of the Young Achievement Program. We should be doing everything we can to support young people in this territory, not take options away from them.

Recommendations 30 through 34 look at tourism and EPIC. Recommendation 30 is interesting. Recommendation 30 talks about a report that Ernst & Young is doing into tourism. It says:

> The Committee recommends that the Minister report to the ACT Legislative Assembly on the Government response to the Ernst and Young tourism events report as soon as possible.

The nature of this—this is why I got my numbers confused earlier—is that this contract with Ernst & Young to conduct these projects was for $128,000. They will do an evaluation of five events under the events assistance program, an evaluation of the world mountain bike championship and testing for the new autumn event concept. They are all important events for the future of the ACT—to our tourism calendar, but to the business calendar as well. If the government has a report, it would be appropriate for the Assembly to understand what that has recommended and what the government will do to maximise the value to the ACT.

Recommendation 31 looks at the outcomes for Australian Capital Tourism. These were reported as a whole without including the breakdown for individual business units. What we are saying in recommendation 31 is just to do the breakdown. We asked the questions; it should be in the report. Madam Deputy Speaker, you were here when CTEC and ACTC delivered an entire annual report on their own. Unfortunately, our tourism minister relegated it to just a couple of pages inside the TAMS report, which I think is inappropriate and does little to further the cause of tourism in the ACT.

Recommendations 32, 33 and 34 look at EPIC, one of my favourite subjects in this place. Recommendation 32 says:

> The Committee recommends that the ACT Government provide the necessary support to allow the Exhibition Park Corporation to complete, and implement, a comprehensive strategic plan as soon as possible.

This has been delayed for six or seven years, I believe through the intransigence of the Chief Minister, pure and simple. So much was allowed to happen when it was drawn back into the department. Why that support was not given when it was not inside a department is beyond me.

Recommendation 33 says:

> The Committee recommends that the ACT Government table the Exhibition Park Corporation's strategic plan, including details of how the plan will be implemented, in the ACT Legislative Assembly immediately after its completion.

This will let the Assembly, which is the watchdog on the government, know what is going on. Let us have a role here to help it occur.

Recommendation 34 looks at that unsettled issue of block 751. It says:

> The Committee recommends that upon settlement of Block 751 that the ACT Government report to the ACT Legislative Assembly on the terms and conditions of the settlement, including the price of the block.

According to the minister's statement in the Assembly on 18 November, EPIC had completed negotiations regarding block 751. At the hearings, the minister clarified that he was referring to "had completed negotiations within government". So it is not complete, and the discussion outside the government was still ongoing. You have to question what the minister said. He did give the Assembly the impression that it was all over, and that things were progressing, when that was not really the case at that time. It is important.

There are far more mini-recommendations and there are far more mini-areas covered. I have tried to give a brief overview of a selection of them. It was a pleasure to work with the chair and Mr Hargreaves to bring this report together. I thank the members of the secretariat. Let me say to you, Dr Lilburn, as the senior person in the committee secretariat, that your staff are doing an excellent job in support of the public accounts committee. Glenn, we will miss you. The best of luck back in the Senate. I am sure that when a vacancy comes up here there will always be a home for you here. And of course we look forward to the return of Andrea shortly to take up her role of supporting the public accounts committee. I commend the report to the Assembly.

MRS DUNNE (Ginninderra) (12.06): I thank the members of the public accounts committee for this very thorough report. There are a couple of issues that I would like to comment on.

I would like to support Ms Le Couteur in her proposal to bring forward to the next meeting of the chairs of committees the issue of non-answering of questions. I note that the public accounts committee has devoted a fair amount of space and a number of recommendations to that issue. It was also something that preoccupied the justice and community safety committee during their deliberations. Although we actually have, I think, all the answers to the questions that we asked, it took a very long time and it was a matter of considerable trouble for the committee secretariat to be constantly chasing answers to questions. The amount of backwards and forwards between the committee office and the minister's offices was an undue burden on committee staff. And it was interesting to see that, when we eventually got answers to questions, there were unexplained and lengthy delays from when they were signed off by the minister until, maybe a fortnight later, they arrived with the committee office. One has to wonder about the procedures in place when that would happen.

Other issues that I would like to deal with are those in relation to, you guessed it, the dam. The public accounts committee has drawn out some very important lessons that need to be learnt about this. We had the extraordinary circumstance where there was essentially a recall in relation to the costing of the dam after all the argy-bargy, after all the excuses made about the blow-out and the cost of the dam. I have to refer to paragraph 5.46, as Mr Smyth did. It says:

> The Committee also noted with interest that as of 18 February 2010—

that is, the day that Actew and the ministers were recalled—

> the project cost for the Cotter Dam was still listed as $145 million on the ACTEW Corporation website.

Actew Corporation did not respond very pleasantly to this being pointed out to them, but it is an oversight. It is a small and trifling oversight, but it is a symptom of what is going wrong with the management of our water security projects.

I should draw members' attention to the recommendations in relation to the water security projects. The members of the public accounts committee have canvassed the issues particularly well, but I would like to draw members' attention to paragraph 5.57, because there was considerable discussion in the committee and elsewhere about the alliance model and the extent to which there was padding in the costing to allow the members of the alliance to walk away with substantial profits at the end of the deal—meaning that ACT taxpayers, through their water rates, will be paying yet again.

We discussed this here yesterday. As a result of the cost blow-out in the dams, our already high water rates are expected to increase—just because of the blow-out in the cost of the dam—by another $100 a year. That is irrespective of everything else. In the hearings on 18 February, I asked the minister about the issues in relation to the difference—when the cost of the dam was $240 million, and it became $360 million, how much of that was profit being taken by the alliance partners. The answer is very instructive. It is very instructive because it is counter to all the principles of openness and accountability. The Treasurer said:

> I am advised that ACTEW cannot contractually release information about the margins without the consent of its alliance partners, as the information is considered to be 'commercial in confidence'.

This was a government that said, when they were in opposition nine years ago, that they would not hide behind commercial in confidence. But when we come to the largest and most expensive infrastructure project in the history of the territory, the one where the cost management has been the most atrocious—and the burden of that will be borne by ACT and Queanbeyan water users for years into the future—we cannot work out, we cannot inquire into, just how much profit is in this for the alliance partners, because that is commercial in confidence.

The people of the ACT are footing the bills here, and the people of the ACT deserve to know the answer to that question. If the alliance partners have nothing to hide, they would be forthcoming about that. The mere fact that this is treated as commercial in confidence—something that the people who are building the dam, who are paying for the building of the dam, cannot know about—shows that the alliance partners have something to hide and that Actew has something to hide in relation to this.

The Liberal opposition, the Canberra Liberals, will be pursuing the matters in relation to the costing of this dam and the extraordinary blow-out in this project and other projects until we can get all the answers. If that takes years, we will continue to pursue it, because the people of the ACT and the people in Queanbeyan who are

paying water rates that will pay for the building of this dam deserve to know how much profit the alliance partners are taking out of this project. I commit myself to finding that answer.

Question resolved in the affirmative.

Ageing
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) (12.13), by leave: Today, during Seniors Week, I would like to take the opportunity to highlight some of the government's key achievements in supporting older Canberrans and promoting positive ageing. The ACT, like Australia generally, is experiencing an increasingly ageing population. The number of people in the ACT aged 60 and over is expected to grow from its current level of 15.8 per cent, to 16.9 per cent in 2020, and to 22 per cent by 2030. To ensure that we are able to respond to this changing demographic, the government has made a commitment to create an age-friendly city and to promote positive ageing.

Age-friendly cities encourage active ageing by optimising opportunities for health, participation and security in order to enhance quality of life as people age. This is achieved by making its structures and services accessible and inclusive of older people. Positive ageing is about maximising our quality of life in older years by forming and maintaining social networks, maintaining healthy lifestyles and remaining active members of our community. It also means planning for our older years, not only financially but also in terms of our health, our social networks and lifestyle.

Positive ageing is everyone's responsibility, including government, business and the community at large. Last year, the government developed and launched the strategic plan for positive ageing 2010-14. This five-year plan identifies ways in which the government and the community will work together to promote positive ageing. The plan was developed in partnership with the ACT Ministerial Advisory Council on Ageing and reflects feedback and input from extensive discussions with individuals, community groups and government agencies. The plan is organised under seven priorities, and these are information and communication; health and wellbeing; respect, valuing and safety; housing and accommodation; support services; transport and mobility; and work and retirement.

I would like to focus on the progress of these priorities. Access to information for older people was one of the most important issues raised through our consultations with the community. The plan outlines ways in which we work in partnership with other areas of government, community organisations and business groups to better coordinate and promote information that is relevant and useful to older people and their families.

One of the key actions for the ACT government is the development of an online ACT seniors information portal. There is already a wealth of information about services

available to seniors, for example, through Canberra Connect, the Citizens Advice Bureau, COTA's seniors information line, and the Australian government's aged care information line. However, we have heard from older people that the sheer number of services and choices makes it difficult to know where to start when searching for information. To overcome this, the ACT seniors information portal is being developed. It will serve as a single point of entry for older people and those supporting them. The portal will provide direct access and links to information about services.

We will continue to maintain a strong community presence at key community events such as the seniors expo, which I had the pleasure to be at this morning, the retirement and lifestyle expo and, of course, the Multicultural Festival. These events provide a perfect opportunity to distribute information and to talk to older Canberrans about what they need and the services available to them.

The ACT public libraries also continue to be a valuable source of information for older people. Libraries not only provide access to books, magazines, music, the internet and newspapers but also are an important hub of information about community events and services, and they provide a safe place to meet friends, socialise or to take part in discussion or reading groups.

This government has many programs that support the health and wellbeing of our older people. We promote a healthy lifestyle, including regular exercise and good nutrition, through programs such as "find thirty," "go for 2&5," and the "keep moving" campaigns, the latter being aimed specifically at older Canberrans through a partnership between ACT Health and Sport and Recreation ACT. A new GP aged care service, expected to be up and running by July of this year, will provide primary healthcare services to elderly residents of aged care facilities or residents who are housebound.

In our discussions with older people, we heard that many older people do not feel respected or included within their community. Older Canberrans have provided a lifetime of service to family and community and continue to play important roles as carers, friends, neighbours, volunteers, workers and consumers. Many older people continue to assist family members in their roles as grandparents by providing childcare and social support. For this we owe them our thanks and respect.

We heard from our colleague Ms Porter just yesterday about the valuable contribution older people make to our community through volunteering. She highlighted the contribution volunteers make to the community by promoting social inclusion and reducing social isolation.

The life reflections photographic competition showcases the vitality and energy of Canberra's seniors and the significant contribution they make to our community. The competition continues to grow in profile. In 2008, we had 63 entries, and this year we had 209. On Sunday I visited the exhibition, which is currently in the Canberra Centre, and was delighted by the variety of images showing older people actively participating in our community as volunteers, through sports events, and enjoying life with their families and friends. I encourage you all to take the time to see that important exhibition.

The Canberra gold awards are another small way the ACT government thanks individuals and organisations for their contribution and commitment to this city. Just recently the Chief Minister presented awards to another 251 Canberrans who have called the national capital home for 50 years or more, bringing up families, making friends and surviving both the good times and the challenging ones. This year the inaugural Canberra gold exhibition will run at the Canberra Museum and Gallery until 20 June. On display are fascinating and quirky artefacts belonging to six individuals and one community group, all of whom have received the Canberra gold award. Stories of recipients are also shared through a digital storytelling project.

Personal safety was also a concern raised by our older Canberrans. The ACT Policing's safety for seniors program, the home safety program and the neighbourhood watch program are examples of how we are promoting and encouraging safety awareness and neighbourhood connections. The ACT government is also preparing to legislate for a better system of police background checking for those who work with vulnerable adults, including older people.

The safety and wellbeing of older people can also be impacted by physical, emotional and financial mistreatment. I am pleased to report that we have been working with other government agencies and stakeholders and the ACT Ministerial Advisory Council on Ageing to develop a strong ACT elder abuse prevention program following a strategic review last year.

The revised program will introduce a new policy for ACT government agencies and funded community partners for preventing and responding to abuse of older people. This includes increasing community awareness about this issue, developing and training for front-line workers, and creating a data collection framework for recording incidences of abuse in the ACT.

Access to appropriate and affordable accommodation was recognised as an important issue for many older Canberrans, particularly for those on low incomes in the private rental market. The government continues to work with community housing providers to develop aged persons accommodation. In 2009 the ACT government collaborated with Hindmarsh to build a lifestyle complex at the old Burnie Court site that provides a range of accommodation options for older people. This joint venture with the Commissioner for Social Housing is an example of the ACT government and the private sector working together to improve housing options for all Canberrans.

Housing ACT is building more than 400 new homes over the next year with the help of the federal government's nation building economic stimulus plan. All houses will have six-star energy ratings and sustainability inclusions, and many will be built for universal design. Almost half of these homes will be made available for older public housing tenants. This means that Housing ACT will be able to offer many of its older tenants the opportunity to move out of homes that have become too large for their practical requirements into new designed two-bedroom properties in the same neighbourhood. This will enable ageing in place, offering security, independence and uninterrupted social connections and close access to transport, shops and community facilities.

A range of organisations, such as ACTCOSS and COTA, and key government agencies are also exploring the concept of the village network cooperative model. Such a network would enable older Canberrans to safely access a variety of services, such as approved home maintenance services, to assist them to stay in their own homes. The key benefit of this type of network is that older Canberrans will be able to remain in their communities. These and other housing related initiatives reflect the government's commitment to establishing a housing system that meets the challenges of an ageing population.

Having a choice of appropriate and accessible support services is important for older people to maintain their independence. Through the ACT concessions program, the ACT government provides concessions to eligible older people for services such as utilities, public transport, motor vehicle registration, driver licences, spectacles and taxis. These concessions assist older people, particularly those on lower incomes, to meet the cost of essential services.

The government also recognises the importance of adequate and accessible transport in reducing social isolation of seniors by enabling them to move around the city more easily. The government has committed to purchasing 100 more accessible buses over the next three years. Concession card and seniors card holders have access to concession fares on public transport, and people over 75 years can travel for free with their gold cards. Over 6,400 people have registered for gold cards since July of last year. Every year as part of Seniors Week the government provides seniors with free bus travel between 9 am and 4.30 pm. I have heard that this is a very popular initiative and that many seniors take the opportunity to travel to Seniors Week activities and events. For Seniors Week, the government has extended public transport concessions to peak hours for seniors card holders to help maximise their community participation.

To complement public transport, in 2008 the Chief Minister launched the six regional community bus services provided by regional community services. These services provide a flexible door-to-door service for people at risk of social isolation, particularly seniors. I have been told that these have been successful and have greatly assisted older people to move more easily to attend social activities, community events and medical appointments.

For many older people, retiring from the workforce can be a difficult experience. For others, it offers an opportunity to develop new skills and participate in social and leisure activities or volunteering. Preparing for this phase of life requires planning, advice and support. The ACT government encourages seniors to continue to participate in the workforce. We are committed to supporting mature age employment and are working on this issue with the ACT Ministerial Advisory Council on Ageing.

Recreation is one of the things that many of us look forward to in retirement. We recognise the important role that seniors clubs play in the lives of many older Canberrans. In the 2009-10 budget, the government committed to fund a new seniors club in Tuggeranong Valley, and I am looking forward to that development and construction over this year.

Our seniors grants and sponsorship program, administered through the Office for Ageing, encourages and promotes active ageing. In 2009-10, we funded a diverse range of projects worth more than $100,000 that will help older people stay connected with their community, to actively participate in recreational and cultural events, to learn and share knowledge, and to develop skills that will foster self-development and personal growth. The ACT government is committed to providing opportunities for older people to develop skills in using information communication technology and offers a number of courses through the public libraries and educational institutions.

This government is committed to promote positive ageing and making Canberra an age-friendly city, one that supports older people in our community and provides them with opportunities to contribute and participate. Seniors Week is an opportunity to acknowledge and celebrate the enormous contribution made by older members of our community. Using our strategic plan for positive ageing as a framework, we are working with business and the community to make Canberra a more age-friendly city that maximises the quality of life for our older and most respected Canberrans.

Sitting suspended from 12.28 to 2 pm.

Questions without notice

Public service—staffing

MR SESELJA: My question is to the Treasurer. Treasurer, under your guidance, the cost of the public service has grown by an average of $10 million per month every month during the last year. Was this a deliberate component of your strategy to deal with seven years of deficits?

MS GALLAGHER: As I went to this issue yesterday, the increases in expenditure under the budget update have been largely technical. They have related to reviews of assets—a large component, $33 million a year; an actuarial reassessment of our superannuation—$11½ million a year. Those are matters that are outside the control of the government and they have—

Opposition members interjecting—

MR SPEAKER: Members, the Treasurer is answering the question.

MS GALLAGHER: an expenditure impact on the budget. The work that we have done is to put in place a budget plan, a seven-year—

Mrs Dunne: A point of order, Mr Speaker.

MR SPEAKER: Order, Ms Gallagher. Stop the clocks.

Mrs Dunne: Mr Speaker, the question that Mr Seselja asked was directly about the cost of staff and payroll.

MS GALLAGHER: I didn't hear that; was it?

Mrs Dunne: And after a minute or more, there has been no reference to the payroll or the increase in payroll.

MR SPEAKER: On the contrary, Mrs Dunne, I think the question was about public service staff costs and the Treasurer is speaking to public service staff costs.

MS GALLAGHER: I have gone to superannuation costs, which are directly linked to staff costs, which have had an impact on the budget. The budget plan of last year indicated that the budget would grow, and would need to grow, because of the demand for growth in particular services. If you look at where the staffing impacts have grown the most, they have been in key areas of government service delivery—in health, in education, this year in relation to JACS, in relation to the Alexander Maconochie Centre. They are all key areas of government service delivery.

The flipside of the question to the opposition would be: of the additional staff in ACT Health, which ones do they not support the employment of? Of the 190 additional staff in the Department of Education and Training, how many of those did they not support the employment of?

We have acknowledged from the beginning—indeed, it is one of the reasons why we have a seven-year plan—that it is unreasonable to expect that the ACT budget will not grow. It will, because of demand for services and because of key government policy decisions from implementing our election commitments. All of those will contribute to growth in the budget. The challenge for the government is to balance that growth in terms of guiding the overall sustainability of the budget into the long term, which is exactly what the seven-year plan is about.

If the opposition do not support the seven-year plan, and I have heard them say a number of times that they do not, and they want to see the budget return to surplus as soon as possible, I suggest they come up with an idea about when they would like to see that, and then they could outline the cuts they would like to see the government deliver.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Treasurer, under your staff recruitment freeze, the document that you tabled on 16 March says it is preferable that staff numbers fall. How much of the $120 million are you aiming to recoup as a result of the staff freeze?

MS GALLAGHER: As members would be aware, under the budget plan the government has outlined an unallocated savings task in the order of $20 million—$24 million. That is the money that we will be seeking to allocate in savings this year.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, do you stand by your $10 million a month strategy for the last 12 months?

MS GALLAGHER: I stand by the decisions the government has taken in relation to employment of staff in key government service delivery areas: in terms of health, in terms of education, in terms of justice and community safety, in terms of Calvary Public Hospital, in terms of ACTION staff—recruitment to drive the new buses. These are policy decisions of this government to deliver the best services we can to the community and I stand by the decisions the government has taken.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Treasurer, you have just said that it is preferable for staff numbers to fall. How many staff would you like to see fall from the ACT public service?

MS GALLAGHER: I did not say that.

Mr Smyth: You did. You just said it would be preferable for staff numbers to fall.

MS GALLAGHER: No, I did not say it is preferable for staff numbers to fall, Mr Smyth. I did not say it. Indeed, the quote that you used was from Mr Cappie-Wood's instruction to agencies, I believe.

Mr Smyth: So you don't believe it?

Mr Seselja: Was that unauthorised?

MS GALLAGHER: Well, no. All I am saying is that the question from Mr Smyth was: "You said it is preferable that staff numbers fall," and I did not say that. What we are looking for is restraint in terms of employment of staff post the Commonwealth Grants Commission process, where it was clear that we were going to lose an additional $85 million out of our bottom line. That was responsible action for this government to take. I stand by that decision.

Mr Seselja: It was Andrew Cappie-Wood's decision.

MS GALLAGHER: I stand by the advice that Mr Cappie-Wood has presented to agencies.

Mr Seselja: You seem to be distancing yourself from it.

MS GALLAGHER: No, I am not distancing, Mr Speaker. I am not distancing; I am just pointing out for the—

Members interjecting—

MR SPEAKER: One moment, Ms Gallagher. Stop the clock. Members, we are off to a bad start in question time today. I have made my position clear over the last two weeks. Someone will be warned in a moment if this continues.

Mr Hanson: Are you going to call someone a slime bucket, Jon?

MR SPEAKER: Sorry, Mr Hanson?

Mr Hanson: I just asked Mr Stanhope if he was going to be calling anyone a slime bucket today, which is what he was doing yesterday.

MR SPEAKER: Thank you. Ms Gallagher has the floor.

MS GALLAGHER: I am not distancing myself from the advice that went out to agencies; I am just pointing out to the shadow treasurer that it was not a quote that could be directly attributed to me.

Education—national curriculum

MS HUNTER: My question is to the Minister for Education and Training and concerns the trial of the national curriculum in ACT public schools. Minister, concerns have been raised with me that some unique aspects of the ACT public schools curriculum, such as a section of the civics subject concerning people with a disability, may be lost once the national curriculum is implemented. Can you please advise what input the ACT government has into the national curriculum to ensure that valuable aspects of our unique curriculum are not lost?

MR BARR: I thank Ms Hunter for the question. The ACT has a representative on ACARA—the Australian Curriculum, Assessment and Reporting Authority—along with all states and territories and Catholic and independent school systems. We have been involved in the development of the national curriculum. There are, I believe, 10 ACT schools in the government and non-government sectors that are trialling some or all of the elements of the first phase of the national curriculum this year.

The ACT has committed to beginning the implementation of the national curriculum in 2011 and completing that implementation in 2013 for the four phase 1 subject areas, being English, maths, science and history. Phase 2 of the national curriculum that involves the arts and a number of other subject areas is the subject of development with ACARA around the states and territories and Catholic and independent schools systems at this point. A further phase, a third phase, is proposed for implementation. It will go through a similar process.

From the start of the development of the national curriculum to its eventual implementation within a schooling system it is about five years. During that period there is ample opportunity for teachers and curriculum experts within each jurisdiction to comment and to work with ACARA in the development of the new national curriculum. I restate the ACT government's very firm support for the national curriculum. I believe it is an important reform for this country. We argued and we continue to argue that there is a need—particularly in the history curriculum—for an appropriate level of local content in relation to the teaching of history in particular. There is perhaps less of a need for local content in the teaching of mathematics and some of the sciences as there tend not to be significant differences in quadratic equations or the periodic table, depending on where you are in the country. Certainly, in terms of history in particular, we do recognise and have argued for strong local content within the national curriculum framework.

I think it is important to note that, with the implementation of the ACT's curriculum framework—and it is just that, a framework—and then the national curriculum, which is at a greater level of detail than a framework but is not a national syllabus, no-one has ever suggested that on day one on term one every student in year 7 in Australia would be learning from a particular textbook. That is not what the national curriculum is about. It is not that prescriptive, but it certainly provides a level of guidance and a level of detail that is more than the ACT curriculum framework. The very strong advice I have from education stakeholders and curriculum experts in the ACT is that our curriculum framework and the national curriculum align very well.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, what community consultations will be held in the ACT about the national curriculum and what level of impact can the wishes of ACT school communities have? Will their wishes on the implementation of the national curriculum in their schools be noted?

MR BARR: There is extensive community consultation underway now. All of the papers in relation to the first phase of the national curriculum are on the ACARA website. The public consultation commenced some weeks back. The Deputy Prime Minister and I made an announcement at Telopea Park school, launching the 10 trial schools in the ACT and launching the public consultation.

Of course there had been involvement from stakeholders, from the community, from school communities in the lead-up. This was first announced back in 2008 as part of the Melbourne declaration on the future of schooling in Australia. In the lead-up to that announcement there had been consultation with key education stakeholders and school communities, going back, effectively, to the election of the Rudd Labor government in 2007.

This was a clear election commitment of the federal government and one that all states and territories have worked cooperatively on, regardless of whether the state or territory government is Labor or Liberal. Indeed, the Western Australian government is part of this reform process. I think it is a very good thing that there is that sort of engagement across all states and territories.

Mr Seselja: Soon you'll have Will Hodgman to deal with and his education minister.

MR BARR: If Mr Seselja is interjecting with some confidence about Mr Hodgman as the Tasmanian Premier, he might want to see the latest count in Denison.

MS LE COUTEUR: I have a supplementary, please, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, when the trial of the national curriculum being conducted in the ACT, as you have talked about, is complete, are there genuine opportunities for making changes in the curriculum before it is rolled out in the ACT?

MR BARR: I thank Ms Le Couteur for the question. In the context of the national discussion, yes, clearly there will be changes from the experience that we have seen across the trial schools. There are 10 in the ACT and about another 140 or 150 in jurisdictions all around the country. What there will not be is an opportunity for the ACT to opt out. We are now in, and what happens nationally will happen in the ACT. But we have the opportunity through this trial phase to bring our experiences to the table and our experiences, together with the experiences of other schools elsewhere in the country, will lead to a finalised position on phase 1 of the national curriculum.

As I say, the rollout will commence in ACT schools in 2011 and under the intergovernmental agreement it needs to be completed by 2013.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, can you tell us what sort of federal budget for professional development has been allocated for the implementation of the national curriculum.

MR BARR: I thank Mr Doszpot for the question. Through the range of national partnerships, most particularly the teacher quality national partnership, there is new funding directed towards professional development. Equally, states and territories, and Catholic and independent systems, in signing up to this national reform agenda, have also agreed to direct our existing professional development resources into the implementation of the national curriculum. The national partnerships involve billions of dollars of new funding for education.

I note that, in spite of years of talking about this and successive federal Liberal education ministers who failed to achieve just this outcome and failed to invest in just this outcome, we have, through the federal Labor government, through the partnership with the states and territories, additional resources into education—significant additional resources into education—a component of which is funding for teacher professional development.

The ACT will have a number of announcements to make in the months ahead in relation to our implementation of the national curriculum.

Gaming—sale of Labor clubs

MR SMYTH: My question is to the Treasurer and relates to her responsibility for taxation issues within the ACT government. Treasurer, the Gambling and Racing Commission's report on the proposed sale of the ACT Labor Club Group notes on page 8 that issues were raised relating to compliance with taxation law. Treasurer, what advice have you sought in relation to taxation implications that might arise for the territory as a consequence of the consideration of the proposed sale of the Labor Club Group?

MS GALLAGHER: I thank Mr Smyth for the question. As Minister Barr outlined to the Assembly I think yesterday, or maybe the day before, further advice is being sought for government consideration and all aspects of advice to the government will be provided in that, including the reference to taxation law.

MR SPEAKER: Supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, what advice have you sought in relation to any taxation implications which might arise for any club that operates as a not-for-profit entity in the ACT as a consequence of consideration of the proposed sale of the Labor Club Group? Will you table any such advice?

MS GALLAGHER: My answer to the previous question holds. The government has sought advice on the report by the Gambling and Racing Commission. We are yet to receive that advice but, if there are further updates that I can provide to assist members in this place around the aspects that Mr Smyth has asked of me, I will do so.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: A supplementary question, Mr Speaker. Minister, are you or any of your staff on the ALP administration committee or on the board of the Canberra Labor Club? If so, what actions have you taken over time to manage any conflicts of interest?

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: I am sorry; I did not hear the end of Mrs Dunne's question because she spoke over her, Mr Hargreaves. Can you just repeat the end of it?

MRS DUNNE: What was that, Mr Speaker?

MR SPEAKER: Can you repeat the second half of your question, Mrs Dunne?

MRS DUNNE: If there are any staff, what has the minister done now or at any time to manage any conflicts of interest?

Mr Hargreaves: Point of order, Mr Speaker. This question does not relate to any portfolio that the Treasurer is holding.

Mr Seselja: It relates to the first question.

Mr Hanson: It does.

Ms Gallagher: It does not. The first question was about taxation.

Mrs Dunne: On the point of order, the original question was about the taxation implications of the sale of the Labor Club. The minister is responsible for what goes on in her office. Therefore, she should be able to answer questions about conflicts of interest if conflicts of interest arise with her own political staff.

MR SPEAKER: Do you wish to speak to the point of order, Mr Hargreaves?

Mr Hargreaves: Yes, I contend that Mrs Dunne's question does not relate to the original question.

Mr Seselja: It does. Mr Speaker, on the point of order, I refer you to your rulings in relation particularly to many of Mr Hargreaves's questions—the ones that have not been a total joke and ruled out of order. On a number of occasions you have given him significant latitude in the sups. This clearly does relate to the Labor Club Group sale. It is, therefore, in order.

MR SPEAKER: Whilst I do think that the original focus of the question was clearly on taxation, I think it is, given the Treasurer's responsibilities, within the scope for the Treasurer to answer the question of whether she believes she has any conflicts of interest in her office.

MS GALLAGHER: No, I do not believe I have any conflicts of interest in my office.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: I thank the minister for answering the second part of the question. Minister, are you or any of your staff on the ALP's administration committee or on the board of the Canberra Labor club?

Mr Corbell: On a point of order, Mr Speaker, this question is about the minister's role in the Australian Labor Party or the role of the minister's staff in the Australian Labor Party. You cannot ask the minister that and be within the confines of the minister's portfolio responsibilities.

Mr Smyth: On the point of order, Mr Speaker, it is in relation to the Gambling and Racing Commission's report, and this is a question that was asked of Minister Barr earlier in the week, and he had no problems answering it.

Mr Corbell: Mr Speaker, this is not the same question that was asked earlier this week; the question was specifically about the minister's personal affairs. It is not about her portfolio responsibilities. It is out of order.

Mr Seselja: Mr Speaker, on the point of order, you just ruled the last question in order. The minister answered only the second part. Mrs Dunne has repeated the first part of the question, and we would ask the minister to answer.

MR SPEAKER: I think consistent with the ruling I made with regard to the question to Mr Barr earlier in the week, where a minister has portfolio responsibility, I believe it is in order to explore whether there is a conflict of interest, and that includes establishing the relationships of staff of the member.

Mr Stanhope: That's bulldust.

Mr Corbell: On your ruling, Mr Speaker—

Mr Hanson: Did you say that's bullshit, the Speaker's ruling?

MR SPEAKER: Order, members! It is my practice in this place that I am prepared to have some discussion without it necessarily being full-blown dissent. I think I have

exercised that on both sides of the chamber on a number of occasions. I am prepared to hear Mr Corbell.

Mr Corbell: Mr Speaker, in what way is the question related to the minister's portfolio responsibilities? I fail to understand your ruling, and I am seeking clarification.

MR SPEAKER: As I understood the original question, the minister has responsibilities for taxation matters. Taxation matters have arisen in the course of the report, as I understand it. Therefore, the minister potentially has a conflict of interest, because she is required to make decisions in relation to taxation that have been raised in the report, potentially.

Ms Gallagher: Not the taxation issues that have been raised. They are commonwealth taxation issues.

MR SPEAKER: That is a point—

Mr Stanhope: Members of her staff pay rates, too, Mr Speaker.

MR SPEAKER: Order, members! Please, if you want to make a point, at least rise to your feet.

Mr Hargreaves: Okay; I love an invitation. Mr Speaker, this is talking about commonwealth legislation. The Treasurer has no responsibilities for commonwealth taxation legislation.

MR SPEAKER: Mrs Dunne, did you want the floor?

Mrs Dunne: Mr Speaker, I wanted to draw to your attention to and ask the Chief Minister to withdraw "that's bullshit", which was the comment that he made when you made your ruling. We are talking about the Speaker's ruling. That was definitely dissent. The Chief Minister needs to withdraw.

Members interjecting—

MR SPEAKER: Thank you, Mrs Dunne. I did not hear the Chief Minister say that, so I will have to let that one slide.

Mr Stanhope: I didn't say it, Mr Speaker. It's a lie.

Mrs Dunne: You can withdraw that one, while you're about it, Jon.

MR SPEAKER: Order, please! With regard to the taxation matters, this is where I confess that I have not read the report; I do not know if it contains commonwealth or state matters. Given that I have now been advised that they contain commonwealth matters, I think it does move outside the minister's portfolio responsibilities.

Mrs Dunne: Mr Speaker, on a point of order on this issue, Mr Smyth asked directly about taxation matters as they relate to the territory and the implications that it may

have for other licensed clubs as well. If those questions are in order, it naturally follows that to ask questions about a conflict of interest in the minister's office would be in order. Mr Smyth's questions were definitely about ACT taxation matters.

MS GALLAGHER: Mr Speaker, if I could assist, it is the principle here that is being established. I welcome all members to now come in and advise the Assembly of all relationships all of their staff have in their private time, because it would be most interesting, including any relationships with Facebook, perhaps, where people sit there and participate.

I have nothing to hide here. Mr Garrett Purtill is on the ACT branch of the Australian Labor Party's administrative committee. He plays a very active role in his political organisation. I am very comfortable with that. There is no conflict of interest in my office. But it is the principle that is being established here that is dangerous. If it is going to apply to me, it is going to apply to all of you, and you can all come in here and start explaining all of your staff's private movements.

Mr Coe: Because we're all ministers, aren't we?

MR SPEAKER: Order members!

Mr Stanhope: Which clubs do you belong to?

MR SPEAKER: Order!

Mr Coe: In my—

MR SPEAKER: Order, Mr Coe!

Mr Stanhope: What clubs do you belong to?

MR SPEAKER: Order! Mr Coe, Mr Stanhope, do not make me warn either of you. Members, given that the Treasurer has now just answered the question, and in light of the earlier debate in this chamber today which will lead to the establishment this afternoon of a process to try and resolve this issue, I propose we simply proceed with questions without notice.

Capital works—health

MR DOSZPOT: My question is to the Minister for Health and relates to underspends on capital works in the ACT. Minister, yesterday you stated that there are underspends in health. What is the likely extent of the underspend in the health capital works projects this financial year?

MS GALLAGHER: I do not have that detail on me. It has not been finalised, as I advised the house a number of times in relation to questions around capital works. That information will be provided as part of the budget, which is when that information will be finalised.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, what are the most significant health projects that have been delayed that are contributing to the underspend?

MS GALLAGHER: I should say, and I did say this yesterday, that the underspends do not necessarily mean that the projects have not progressed or are not on time; it simply means that there have been changes to the invoicing arrangements for one reason or another. Mr Hanson can laugh at that, never having handled or managed any serious projects. He finds that funny.

Mr Hanson: On a point of order, Mr Speaker.

MS GALLAGHER: Oh dear; I have upset him. There is that glass jaw. We have got you, Mr Hanson.

Members interjecting—

MR SPEAKER: Thank you, members!

Mr Hanson: I assure you that some defence projects are about triple that, Ms Gallagher, and I was very proud to see them delivered on time and on budget.

MS GALLAGHER: Mr Speaker, I am very happy to let Mr Hanson come in. I am sure that maybe in the adjournment debate—

Members interjecting—

MR SPEAKER: Order! Ms Gallagher, do you want to continue?

MS GALLAGHER: Thank you, Mr Speaker. Maybe in the adjournment debate we will be able to hear about all those serious projects, Mr Hanson. We will look forward to that. But the glass jaw has lived up to its reputation. I will wait for the letter about how hurt your feelings are. That will be coming later this afternoon.

MR SPEAKER: Ms Gallagher, the question, thank you.

MS GALLAGHER: ACT Health is doing a fantastic job in delivering the capital works program. The neurosurgery suite is coming along fantastically, as is the surgical assessment and planning unit. The new beds on MAPU, the surgical short stay, have been opened. The mental health assessment unit is due to open later this month. The walk-in clinic is due to open on time in May. All of these projects have been managed on time and on budget. The car park will be physically finished in December.

Mrs Dunne: Which ones aren't we going to do? That is the question.

MS GALLAGHER: Mrs Dunne, you will have your time. I am answering the question. I am putting some context around it. I am putting some context around the campaign that you will want to run against ACT Health and the wonderful achievements that that department has made in the last year. *(Time expired.)*

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker. Minister, do you expect that this financial year's underspend will be more or less than last year's $57 million underspend on capital works in health?

MS GALLAGHER: The figures will be outlined as part of the budget. The underspend in health does not, as I am urging members to understand, necessarily mean that health projects are being delayed. That is the important issue. The issue of invoicing and when payments are made may have changed and may contribute to an underspend, but the big projects, including the adult in-patient unit, which will commence construction in the second half of this year, will contribute partly to the underspend.

In terms of the car park, that is due for physical completion by the end of this calendar year, but some of the invoicing or the payments around that will not happen, potentially, this financial year. The women's and children's hospital has been delayed for a couple of months, but it is not clear yet whether that will mean any delays in the completion date for the new part of the hospital. In relation to working out some issues with the Friends of the Birth Centre, I understand now that we have worked through them to satisfactory completion. There are some projects that will contribute to large components of the underspend, but the majority of health capital works projects are being delivered on budget and on time.

MR HANSON: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: What, if any, effects are the delays in delivering infrastructure projects in health having on our waiting times in our emergency departments and for elective surgery?

MS GALLAGHER: None. The beds, which are the single biggest part of having an impact on elective surgery waiting times and the emergency department, have all been delivered; the rest will be delivered on time, as have been the operating theatres. Extra capacity in operating theatres and extra capacity in bed numbers in the hospital—

Mr Smyth: And they are all open?

MS GALLAGHER: are the single biggest contributors to creating—

Mr Smyth: Are they all open?

MS GALLAGHER: More beds are open in the hospital than were ever, ever even dreamed of being open in your time, Mr Smyth. Four hundred and seventy-odd beds—

Mr Smyth: But it's 10 years later, minister.

MS GALLAGHER: Yes, we had to replace the 114 you took out, but we have done more than that. We have more than 200 beds now, in addition to what we came to government with, and they are the single biggest contributor—

Mr Hanson interjecting—

MS GALLAGHER: and occupancy rates within the hospital have fallen and are close to the—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson!

MS GALLAGHER: 85 per cent target that we set ourselves for managing the hospital effectively. And that has come because of the extra beds that have been delivered. There will be more beds to come, as we have made clear in our election commitments, and indeed the majority of the staff that those opposite have been carrying on about—that they should not have been employed—have been extra nurses to staff the operating theatres and the extra beds that we have created that capacity for in the hospital.

Human Rights Act—application

MS LE COUTEUR: My question is to the Attorney-General and concerns the application of the Human Rights Act. Mr Corbell, last week I asked the Minister for Planning whether or not he intended to direct ACTPLA to renotify a development application in Latham, as recommended by ACAT, in order to comply with the Human Rights Act. It appears now that the ACTPLA will not be renotifying the application. What actions have you or the human rights unit taken in light of the adverse finding by ACAT to ensure Human Rights Act compliance by ACTPLA?

MR CORBELL: I am advised by the Minister for Planning that it was not an order of ACAT; it was a recommendation of ACAT in relation to that matter. The tribunal, as I am advised by the Minister for Planning, did not order that to occur. I would need to take further advice on the matter and I will have to come back to the member.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. My question then is: why has no action been taken, and do the government and the human rights unit have a process in place to report to you on adverse human rights findings by courts and tribunals?

MR CORBELL: The relevant government agency involved in the action would be the responsible agency for dealing with the matter, and I would expect government agencies to seek advice as they deem necessary to ensure that they are upholding their obligations.

MS HUNTER: A supplementary?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what plans or policies does the government have in place to monitor the effective implementation of section 40B of the Human Rights Act in ensuring that public authorities meet their responsibilities?

MR CORBELL: I think the act actually sets out the obligations on individual agencies. Those agencies represent the territory in relation to those matters that are before relevant courts and tribunals. If I recall correctly, there are obligations on the heads of those agencies to ensure compliance. So the responsibility is with the relevant government agencies that are party to matters in courts or tribunals.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, has any training been provided by the human rights unit to ACTPLA officials to ensure that the Human Rights Act is complied with in the future?

MR CORBELL: I would have to take on notice whether or not the human rights unit has provided that training. In fact, the government has entered into arrangements whereby the Human Rights Commission is available to provide training to relevant government agencies. Indeed, the Human Rights Commission has provided a range of public information sessions to the government and non-government sector in relation to these matters.

Public service—staffing

MR COE: My question is to the Treasurer. Treasurer, yesterday you said in response to a question from Mr Hanson that all staff are essential. Last week you said, in response to a question from me about the distinction between essential and non-essential staff:

> … agencies have been provided with detailed advice around what is essential and what is non-essential.

How do you reconcile those two statements?

MS GALLAGHER: I think Mr Hanson's question was about all the staff that had been employed to date and I answered that all of those were essential. The question that Mr Coe asked me, as I recall, was around future employment. The government has taken a view that unless it passed certain tests in relation to front-line services, as of the date of decision—

Mr Seselja interjecting—

MS GALLAGHER: that there are areas that are seen as non-essential and that we should not be employing. I am not really understanding the position of the opposition

here. They had a motion yesterday talking about the difficulties our budget is in. They are now trying to say that we should not have views about a staffing freeze and whether or not we should be employing staff at a time when our budget is under increased pressure.

Mr Seselja: We're not saying that. Why don't you answer the question?

MS GALLAGHER: Exactly, you do not know what you are saying.

Mr Seselja: You're all over the shop. You've got essential staff, non-essential—

MR SPEAKER: Order! Stop the clocks. Mr Seselja, you have been constantly interjecting today. You have been warned.

MS GALLAGHER: What a shame. We will be missing your dulcet tones.

MR SPEAKER: Treasurer!

MS GALLAGHER: I will miss him. I will miss him for the next half an hour. I will miss the interjections.

MR SPEAKER: Thank you. Continue with the answer.

MS GALLAGHER: I can reconcile those statements. The question that Mr Hanson asked was about previous staff that have been employed and the question that Mr Coe asked was about staff that may be—

Opposition members interjecting—

MS GALLAGHER: That are being considered for employment or that agencies may wish to employ.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Going on from that, why did you institute a hiring freeze on non-essential public servants if all staff are essential?

MS GALLAGHER: Governments have to make decisions based on information that is available to them. So information that came to us is that our budget will lose an additional $85 million as of 1 July next year. That will rise to an additional $100 million in that final outyear. Governments need to respond to situations as they arise. We had a budget which delivered initiatives which required growth in our staffing numbers. They were key government policy decisions in front-line service delivery areas, delivering on our election commitments, our commitments under the parliamentary agreement and other base pressures—

Mr Hanson: Oh! The agreement that we're not allowed to ask about!

MS GALLAGHER: Did you sleep through the budget, Mr Hanson? You would see that from the budget that was introduced there was growth in staffing numbers

because there was growth in initiatives and growth in services. You cannot deliver the growth in services that you all supported at budget time, I think, from memory—or did you vote against the budget? So they voted against the budget; I can't recall, because they are so irrelevant that it does not actually matter.

Opposition members interjecting—

MS GALLAGHER: You are so irrelevant that you do not actually matter. We do not actually care what your vote does. But we had initiatives that required growth in our staffing numbers. That situation has changed in terms of future revenue, expected revenue coming to the territory under the Commonwealth Grants Commission, and that has required the government to rethink key decisions and to put in place measures to support current employment, but to make sure that we do not employ staff if, at some time in the future, their employment may become vulnerable. So that is the decision we took. *(Time expired.)*

MR SPEAKER: Supplementary, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. My supplementary question is to the Treasurer. Treasurer, do you think that it would be irresponsible not to put the brake on public service growth in the situation where we are struggling with trying to find an $80 million deficit we did not expect?

Mr Seselja: Point of order, Mr Speaker. Mr Hargreaves is seeking an expression of opinion. I ask you to rule it out of order.

Mr Hargreaves: On the point of order, Mr Speaker, the original question was about staff cuts of essential staff. I am asking the Treasurer for her opinion as the Treasurer, not an opinion. I am asking her to tell us whether it would be irresponsible or whether it would be not so.

MR SPEAKER: Thank you, Mr Hargreaves. It is fine.

Mr Hargreaves: This is a pedantry.

MR SPEAKER: In light of Mr Hargreaves's clarification, the question is in order.

MS GALLAGHER: The answer to the question is: yes, it would have been irresponsible for us not to respond to the situation that arose post the release of the Commonwealth Grants Commission report immediately. Indeed, if the government had not responded—

Mr Hanson: But you have said you won't respond to that immediately.

MS GALLAGHER: and had not looked serious about responding to such a dramatic—

Mr Hanson: You respond immediately when it suits you.

MS GALLAGHER: to a 10 per cent reduction in our GST revenue as of 1 July—next year a 10 per cent reduction in our GST revenue. If we had not responded, and responded seriously, and responded immediately—

Mr Hanson: Why didn't you respond to the GFC—

MR SPEAKER: Order! Treasurer, one moment, thank you. Stop the clocks. Mr Hanson, you are continually interjecting at a high volume as well. You are also now warned.

MS GALLAGHER: Thank you, Mr Speaker. If we had not responded, and responded quickly, I think I would have been facing a barrage of criticism from the opposition for not doing anything, for not taking seriously this reduction in our expenditure.

Mr Coe: Like last year.

MS GALLAGHER: The budget plan that we have put in place, which Mr Coe now interjects on, was a seven-year plan that allowed us the flexibility to respond to our savings task over time—

Mr Coe: A seven-year plan geared to what? You taking over as Chief Minister?

MS GALLAGHER: A seven-year plan that allowed us to have that time to respond, and respond to the pressures as they were on budget day. We have had some additional pressure placed on our budget, and we need to respond. That is what the government is doing. You do not like it. You do not like the fact that we have made some decisions. You do not like the fact that there is a staffing freeze on. Yet I imagine that if we had not implemented something like that, I would be criticised as well.

You are fast becoming irrelevant as an opposition, because you are not consistent. You are complaining about the budget and the pressure on the budget. Then we take a measure to restrain expenditure and you are criticising that as well.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Treasurer, how many positions are affected by the introduction of the staffing freeze?

Members interjecting—

MS GALLAGHER: I am sorry, Mr Smyth, I could not hear.

MR SPEAKER: Can we have some silence!

MR SMYTH: The Chief Minister was being rude again. Treasurer, how many positions have been affected by the introduction of the staff increase?

MS GALLAGHER: I will see whether we can provide that detail. I know that the advice that went out to agencies contained a range of scenarios and allowed for individual decision making by agencies and by the chief executive of CMD. I will see whether we can provide further information that may be of assistance to the opposition.

ACTION bus service—Redex

MR HARGREAVES: My question is to the Chief Minister as Minister for Transport. Minister, can you provide an update on the Redex trial funded through last year's budget and in line with an item in the Labor-Greens parliamentary agreement?

MR STANHOPE: I am very pleased to do that. I am sure, as members are aware, that the government provided $1 million in last year's budget for the Redex trial. As Mr Hargreaves has noted in his question, and as I am sure members are aware, this was an issue that was discussed in the context of the Labor-Greens negotiations that led to the very successful ALP-Greens parliamentary agreement.

Talking about success, I have just referred to the Deputy Leader of the Opposition as the biggest loser. I have often referred to the fact he is probably the only leader in Australia who has lost three elections in a row.

Mr Seselja: Very funny.

Mrs Dunne: Relevance, Mr Speaker.

MR SPEAKER: Mr Stanhope, thank you.

MR STANHOPE: This is very interesting, this point.

MR SPEAKER: It is not relevant, though, Mr Stanhope, no matter how interesting it is.

MR STANHOPE: It is not particularly relevant, but it is quite interesting.

MR SPEAKER: Therefore, it is out of order.

Mr Hargreaves: What about the federal election, Jon?

MR STANHOPE: That is right, Mr Hargreaves. We keep forgetting that Mr Smyth was the only member of the Liberal Party to lose his seat—

MR SPEAKER: Mr Stanhope!

MR STANHOPE: in the 1996 election. He was the only one in Australia.

MR SPEAKER: Mr Stanhope, unless you immediately come to Redex, you will sit down.

MR STANHOPE: This is an ALP-Greens result, Mr Speaker.

MR SPEAKER: It has got nothing to do with Mr Smyth, Mr Stanhope. Continue with the answer.

MR STANHOPE: That is true. It has nothing to do with Mr Smyth, that is for sure. Mr Speaker, the Redex trial provides a rapid bus service with a frequency of 15 minutes between 7 am to 7 pm every week day from Gungahlin marketplace—

Mr Coe: Where did that 8½ thousand votes go?

MR SPEAKER: Thank you, Mr Coe.

Opposition members interjecting—

MR SPEAKER: Order, members!

MR STANHOPE: It is a service that runs every week from Gungahlin through to Kingston railway station via Mitchell, Northbourne Avenue, the city, Russell and Barton. I think it is important to note that the government to date has far exceeded the expectation of the ALP-Greens parliamentary agreement in relation to this. We were there discussing a 30-minute frequency but we have exceeded that—doubled it—to a 15-minute frequency across the day. It is a fantastic service and a very good example of the partnerships that can be developed and what can be achieved when members of this place choose to work together and where we do not have the extreme adversarial opposition for opposition politics that really now is the hallmark of the opposition in this place.

If only there were a willingness to work with the government, I am sure we would achieve much more than we have been achieving. Redex, of course, follows one of the rapid routes on the frequent network that has been developed over the last year by Jarrett Walker, who worked with the government to develop the detail of the strategic public transport network plan, which the government is intent on now implementing. It is an intention that has certainly been enhanced by the success of the Redex service, a service, of course, that has been attacked from the outset by Mr Coe and the Liberal Party.

Mr Coe: How is that dead running going, Jon? How is it going?

MR SPEAKER: Mr Coe!

MR STANHOPE: Mr Coe quickly changes the subject to deflect attention. Mr Coe's opposition to Redex actually reminds me of Mr Seselja's opposition to land rent, another one of those most embarrassing issues for a member of the Liberal Party to back the wrong horse at the outset. We were told, "Redex will never work; nobody will take it; it will not be used; it is a complete waste of time."

It was very similar to the language we heard from his leader in relation to land rent, the scheme that would never work, that nobody wanted. In fact, in an ideological

sense, Mr Seselja's opposition to land rent is probably close to the same sort of opposition that Mr Coe has to the provision of public transport for the people of the ACT, the same ideological or philosophical position about the provision of government services. *(Time expired.)*

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. Given that Mr Coe does not know the difference between an empty bus and an empty—

Mr Coe: How are the twilight ones, John?

MR HARGREAVES: will the minister now advise the Assembly how the community has responded to the trial?

MR STANHOPE: The community has responded very strongly to the Redex trial and indeed the highest number of passenger boardings—

Mr Coe interjecting—

Mr Hargreaves interjecting—

MR STANHOPE: was achieved on 26 February 2010—

Mr Coe interjecting—

MR SPEAKER: Order, members!

MR STANHOPE: when 2,559 boardings were recorded.

Mr Coe interjecting—

MR SPEAKER: Mr Stanhope, one moment please. Mr Coe, you are warned. The volume of your interventions is just not acceptable.

MR STANHOPE: Thank you, Mr Speaker. As I was saying, Redex recorded its highest passenger boardings on 26 February, with 2,559 passengers on that day. It is interesting that that is almost double the number of boardings on the first day of operations, which was 1,317. Those are numbers that record a very significant level of community response to Redex; that people are engaging. It is a service that does meet their needs and, as I say, we have seen patronage double in just four to five months now on the service.

Also, we have just begun to do some survey work in relation to our determination to trial this to seek to understand better how it does meet the needs of commuters—what it is that they like or dislike about it, what it is that has attracted them to the service—and through that analysis we have found that, of the over 2,000 now average daily boardings, 28 per cent of passengers travelling by Redex have indicated that they are new passengers; they are not people who previously caught the bus to work from

Gungahlin through the city into Kingston and Barton. So that of itself is very significant—that Redex has attracted 28 per cent new custom.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Will the government consider expanding the Redex service to include other areas in Canberra?

MR STANHOPE: I thank Ms Bresnan for the question. I think as members are aware—indeed, I am aware, Ms Bresnan, that you are aware—the government are currently working through budget cabinet on preparations for the upcoming budget. As the Treasurer has been indicating and outlining now for some time, we face a difficult budgetary environment. We face a significant deficit over the forward years, and that will affect decisions we take in this budget.

Having said that, the government have been working hard on a sustainable transport action plan for Canberra, and that certainly does envisage a significant rolling out of rapid and regular services across Canberra. All of the indications we have to date is that the Redex trial has been a very successful initiative, and we would hope that, through this coming budget, we can expand the Redex service. That is our hope and our intention. I cannot pre-empt the outcome of the final decisions that we will make, but it is part of the broader transport plan for Canberra that we have been working on, most particularly in concert with Jarrett Walker, who has been very significant in providing us with expert advice in relation to network issues and the establishment of a genuine all-of-Canberra transport network that will meet our needs.

As I have been saying, the government accept that we must enhance or lift the level of investment in public transport and in forms of transport other than the motor car to actually meet the sustainable transport targets that we have set. We are working very hard through this current budget in the hope that we can fund significant new public transport or other transport initiatives.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Mr Stanhope, why do the people of Casey not deserve a bus service?

MR STANHOPE: All the people of Canberra deserve bus services. It is interesting, in the context, as the Treasurer has noted, of questioning over the last few days in relation to spending too much or not spending enough—here we have it again—we have finite resources. We have a very difficult budgetary environment. We will continue to enhance the network and expand the network as suburbs grow.

Indeed, in the context of the massive investment, the $50 million investment for a start, in new buses that has required the expansion of our workforce, we have employed 60 new ACTION staff, mainly drivers and support staff, over the last year to meet the needs of a significantly expanding network and to meet the needs of the Redex trial.

Mr Coe: On a point of order, Mr Speaker, the question was specifically about the people of Casey and whether they could have a bus service, not about ACTION services in general.

MR STANHOPE: All the people of Canberra deserve a bus service, and the people of Casey will get a bus service. One of the great challenges in relation to ACTION, acknowledging that at the moment we invest $72 million in ACTION through the budget, is that the fare-box return averages around $20 million. In the context of the numbers, the resourcing and the resources available, you need to understand some of the bottom line figures in relation to supporting or providing a public transport system or providing ACTION—the $72 million cost through the budget to provide that service against a fare-box return of somewhere in the order of $20 million. We continue to invest and invest significantly in public transport and in ACTION.

But in the context of equity and the provision of services that will be most highly utilised and to reduce, of course, dead running, we do not introduce services, particularly in suburbs, until there is a critical mass that justifies the expenditure or the expense. But there will be ACTION bus services through Casey as the network expands, as there will be throughout the whole of Canberra.

Calvary Public Hospital

MR HANSON: My question is to the Minister for Health and relates to the new proposal being considered by the government to purchase Calvary Public Hospital. Minister, what other options are being considered by the government should the new proposal fail and, if so, what are they?

MS GALLAGHER: I welcome the question around Calvary. Indeed, whilst I am on my feet, I can probably table the information in accordance with the resolution of the Assembly of yesterday regarding documents held by the government in relation to this matter. I table the following papers:

> Calvary Public Hospital—Proposed purchase by ACT Government—
> Copies of—
>
> Letter to Mr Tom Brennan, Chair, Little Company of Mary Health Care Ltd, from the Minister for Health, dated 25 February 2010.
>
> Letter to the Deputy Chief Minister from Mr Tom Brennan, Chair, Little Company of Mary Health Care Ltd, dated 26 February 2010.
>
> Letter to Archbishop Mark Coleridge from the Chief Minister, dated 12 March 2010.
>
> Letter to the Chief Minister from the Most Reverend Mark Coleridge, Archbishop of Canberra and Goulburn, dated 18 March 2010.
>
> Transfer Agreement for the Purchase of Calvary Public Hospital—Treasury Financial Analysis, dated September 2009.

The government, as members are aware, has put a proposal to Little Company of Mary Health Care, and, indeed, more broadly the Catholic Church, around a proposal to purchase the building and to have Little Company of Mary operate the service for

us. We have, in the course of our deliberations, considered other options. They range from compulsorily acquiring it, as I have said, which the government has at this point ruled out, based on, I think, a pretty adversarial approach that that would entail for 30 per cent of our public hospital system. There is the option of a third hospital, which we have not progressed further in terms of examining land available, because, again, it is not our preference. We do not wish to be required to go to that point, but it remains an option on the table if we cannot resolve the issues that the government faces from a budgetary point of view in relation to the ownership of Calvary Public Hospital.

We have discussed complicated technical options around subleasing and looking at small portions of land on the Calvary site that we could purchase in order to build public infrastructure, as a subcomponent of the lease that they are in. But that did get to a level of complexity, and when we lined it up against the opportunity to purchase the hospital and have Little Company of Mary operate it, which is a much cleaner and simpler arrangement, the government decided to pursue that in this instance.

As I said, we put a proposal. It is very bare bones at the moment. Officials have been meeting to put some more detail around that. But it has not reached the point where there is a concrete proposal being considered. You will see from the information I have tabled—and I have tabled the archbishop's response to the Chief Minister's letter—that the archbishop had indicated a preference for that information to be kept confidential, but advice to the government was that the motion passed yesterday did mean that that letter should be tabled, and I have forwarded that decision to the archbishop for his information.

I do raise one last issue. I noted yesterday, in the debate around Calvary, that there was much concern from the opposition at the insinuation that they may have received information or have been privy to information when they had not been. And I accept Mrs Dunne's view on that. Members will be aware from the information tabled today that there is some information there about a desire for an 88-year arrangement to be entered into. This is not a negotiating position of the government. But I would draw members' attention to the fact that Mr Hanson mentioned an 88-year agreement yesterday, which I am sure is just a fluke—that they have managed to get that information, that they have information about an 88-year arrangement that has not appeared publicly anywhere. But there you go, Mr Hanson; I am sure it was a fluke. You are not that clever. *(Time expired.)*

MR SPEAKER: Mr Hanson?

MR HANSON: Minister, why have you kept these options from the public, and what analysis has been done of these options?

MS GALLAGHER: I do not think I have kept them from the public. I have talked in this place a number of times about the options available to the government, from compulsory acquisition to a third hospital to the discussion that I answered in a question from Mrs Dunne last Thursday about confidential negotiations that were occurring between government in a commercial transaction. It is not going to assist any of the discussions if I am called upon to explain in this place every little part of the negotiations and minutiae of detail, and, if I do not, I am going to be accused of having some sort of secret deal going on.

Governments, under a whole range of scenarios, have confidential commercial discussions with other parties in terms of furthering a decision or an outcome. That is what we are trying to do. Everybody knows the parameters that we are discussing, but it would certainly assist the discussions if there was some level of confidentiality to the negotiations. I give the Assembly my commitment that, at the earliest opportunity, if this proposal is to proceed and we have further detail that is of interest to the public—and we accept the huge public interest in this discussion—I will provide it to the Assembly. But I cannot sit here and enter into each little bit of negotiating parameters in response to questions because it will damage negotiations if they are to proceed, and at this point we do not even know if they are.

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGREAVES: Given that all I have heard of the health portfolio in recent times has been about Calvary and the relationships, particularly in this question, between Calvary—

Mr Smyth: Preamble, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Could the minister please indicate if there is anything else going on in the health portfolio that the community might like to know about—

Mr Hanson: It's out of order.

MR HARGREAVES: Sit down for a second, would you! In particular, in relation to any relationship between it and another organisation.

Mrs Dunne: Mr Speaker, that is such a fishing exercise. The first question was directly related to a particular part of the health portfolio, and this is clearly out of order.

Mr Hargreaves: On the point of order, Mr Speaker, the original question was around the arrangements of the contractual partnerships between Calvary and the government. I would be interested to know whether there are any other relationships and how those things are within the health portfolio.

MR SPEAKER: Mr Hargreaves, the question is too broad; it is out of order.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Treasurer, did Treasury or Health prepare the options that you have just outlined and does Treasury have a preferred option of any of them?

MS GALLAGHER: Treasury and Health were both involved in discussions around the future ownership arrangements of Calvary Public Hospital. As the key agencies involved, that should be no surprise to members of the opposition. However, in terms

of finalising the proposal that we have put, it has come from a range of different sources. It has come from advice from Treasury and Health, discussions within government and discussions with the board of Little Company of Mary Health Care, as would normally occur in a negotiation process like this.

The parties have met to try and reach a way forward where—shock, horror!—a government could invest $200 million in a public hospital. That is the big scandal here—that we are trying to invest $200 million in a new public hospital that delivers a new private hospital to the people of Belconnen. That is the issue. The parties met with that issue on the table. I can say that the first meeting that we had, once the previous proposal was not to be proceeded with after Little Company of Mary Health Care had decided not to proceed, was about how do we deliver an outcome that delivers the outcome that is needed—which is a new public hospital for north Canberra and a new private hospital for north Canberra? That is where the discussion started, as it should have, and then the parties worked a way through that.

One proposal, which all parties agreed could be explored further, was the idea that we purchase the hospital and that they run it. It was not our preferred option. It was not the government's preferred option and it was not Little Company of Mary Health Care's preferred option, but once that option was off the table this was the one that was agreed to.

Mr Hanson: Why didn't you do that 19 months ago?

MS GALLAGHER: Because it was not the preferred option.

Nicholls—mosque

MS BRESNAN: My question is to the Chief Minister and is about the mosque that was intended for Nicholls. Chief Minister, I understand the government is committed to providing a direct land grant to the Canberra Muslim community so that they can build a mosque. Given the mosque is no longer planned to be built in Nicholls, how has the ACT government been working with the Canberra Muslim community to find another site, and what progress has been made?

MR STANHOPE: I thank Ms Bresnan for the question. As Ms Bresnan says, it is the case that the government had worked very closely for an extended period of time with representatives of the north Canberra Muslim community to locate and facilitate the direct grant of land for that organisation in Nicholls. As members are aware, the proponents did decide, actually after a community consultation but at one level, distinct from that consultation, that the site did not meet what they anticipate to be their future needs. They indicated that to the government. The government then accepted their advice that they would prefer to seek a direct grant of land elsewhere that was perhaps larger and did not represent some of the parking problems that had been identified through consultation.

The Department of Land and Property Services most particularly, in consultation with the LDA and in close consultation with the north Canberra Muslim community, have initially identified a possible site in the Gungahlin town centre and I think there is a hope, at least, at this stage—I express it more strongly than a hope—as some scoping work is done, and there will of course be additional community consultations and

some additional scoping, of potentiality of that site for a mosque. At this stage I do not believe I have any information beyond that to report, but I am more than happy, Ms Bresnan, to receive an up-to-date report on the state of negotiations between the government, led by LAPS, and the north Canberra Muslim community in relation to progress on considerations around the suitability of the land that has been identified at Gungahlin.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, what type of community consultation process will take place with the new identified site, and are all direct land grants subject to the same consultation process?

MR STANHOPE: I do not think I can respond that the consultation is the same or identical. Consultation depends at one level on the nature of the site, the location—the nature of it, closeness to residential et cetera. There is a different flavour to consultation, depending on the nature of the site. But the commitment to consult with the relevant community or communities of interest is exactly the same.

This particular site—as I think about it, one of the issues in relation to the site that is currently being investigated is that it is not as close to residential as the Nicholls site was. The Nicholls site was actually adjacent to a local centre, in the midst of a suburb. I have not visited the site at Gungahlin, but I understand that the site at the Gungahlin town centre does have a different aspect. That would at one level be relevant to the nature of the consultation that is pursued.

I would need to take some further advice on plans or proposals for consultation, but the consultation will be genuine. I do not know whether the heart of your question is a suggestion that the government would discriminate or distinguish depending on the proponent. The answer to that is no.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: Chief Minister, what options is the ACT government considering for the future of the Nicholls site?

MR STANHOPE: I will take some further advice on that. I am not sure—

Mrs Dunne: She said Nicholls. Don't you know where it is?

MR STANHOPE: I just want to be 100 per cent correct. I am not like you, Mrs Dunne, who says whatever comes into your mind, whether it is right or wrong. I am careful not to mislead, a carefulness that you do not actually share.

Before answering the question fully, I would want to be sure that no other community group has already made an application for the site or that no government agency has identified the site as a site for perhaps an ACT-facilitated or sponsored development. I do not know at this stage whether any other organisation or any ACT government agency has proposed a use.

In general terms—I will get information about whether there has been any other interest—the site remains available. The government would respond to any

application or expression of interest that it received on the merits of that expression of interest or representation.

MR SPEAKER: A supplementary, Mr Coe?

MR COE: Yes, Mr Speaker. Chief Minister, given the block, or the site, in Gungahlin does seem to be far more appropriate, having inspected it, in what sort of time frame can the Canberra Muslim community expect to get their building underway if it is indeed approved?

MR STANHOPE: The time frame, to a significant degree, will depend on the proponents—the decisions that are taken. Normally it would be a range of studies in relation to any site where there is a proposed development. There will be a number of studies in relation to this site around such things as traffic and the fitness of the site for the purpose. Really, it is a question I cannot answer. We have a very rigorous and streamlined process. It is a new process in relation to the assessment of applications for direct grant. It is a new process that is rigorous. We run to time lines and it will be progressed as quickly as circumstances allow.

Carer support services

MRS DUNNE: My question is to the Minister for Disability, Housing and Community Services. Minister, on 12 and 14 November 2009, you answered questions about the ALP government's election commitment to provide $800,000 over four years for grandparent support services. On 17 November, you provided the Assembly with advice that funding would be made available in varying amounts to a number of ACT organisations and that:

> … procurement process for these services is currently underway and is expected to be finalised early in 2010.

On 12 March I wrote to you about this answer, questioning its accuracy and asking you to check the actual process of procurement and its current status and report back to the Assembly as necessary. Minister what is the status of the procurement for grandparent support services? Has the procurement been finalised and, if so, when was it finalised and what was the outcome of the procurement?

MS BURCH: I thank Mrs Dunne for her letter that I have carried around with me, waiting for her to ask about it, rather than wait for a reply. But in reply, Mrs Dunne, the department has commenced industry consultations post the budget announcement. This consultative process, this consultation, has engaged a range of industry representatives who provide support, advocacy and programs to kinship carers. The industry consultation is a necessary initial part of all procurement processes to gain a holistic approach and understanding of services and ensure the full participation of community stakeholders.

The consultation has proved to be complex and original time lines have been delayed to allow stakeholders to be in a position to engage fully with the proposed procurement process. Kinship carers, by definition, are not a single group. This extended time has been taken to be able to provide a comprehensive understanding of the needs of these kinship carers. The anticipated next stage of the procurement

process, Mrs Dunne, will commence in the next two months. The department met with the kinship carers representative group during 2009 to identify opportunities for our office to provide support to this group and the carers that they represent, having regard to the valuable job that they do.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, did you mislead the Assembly in your answer of 17 November, and considering I wrote to you about this a fortnight ago, why have you not corrected the record?

MS BURCH: I have been waiting in anticipation of her to ask it here rather than for me to reply. No, I have not misled the Assembly. As I have said, the procurement process is underway. That involves talking with the community. That involves talking with a diverse group of people that are doing a tremendous job. We have to try to ensure that the support structures actually hit the mark and support them, rather than overlay a system that does not offer and afford the support they need, which I think would be a failed process.

MR SPEAKER: Supplementary, Mr Seselja?

MR SESELJA: Minister, what measures are you taking to ensure communication and support for grandparents and kinship carers?

MS BURCH: The department does talk regularly and often with these groups. Throughout November and December, the department has met with the kinship carers representative group, which is now known as Grandparent and Kinship Carers ACT. They were progressing their incorporation. In December, shortly before the group became incorporated, the office spoke with them again, and the kinship representative groups, to progress detailed discussions regarding the possibility of an ongoing funding agreement. The agencies—the office and the support agencies—are in regular contact.

Members interjecting—

MR SPEAKER: Order, members! I am having trouble hearing Ms Burch.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Stop the clocks.

Mrs Dunne: Mr Seselja's question—

Members interjecting—

MR SPEAKER: Order, members! Mrs Dunne has the floor.

Mrs Dunne: Mr Seselja's question was not about kinship carers groups; it was about communication and support for individual grandparents and individual kinship carers.

Mr Hargreaves: On the point of order, Mr Speaker, Mrs Dunne's question was about grandparents and Mr Seselja's question was very wide ranging around support services for grandparents.

MR SPEAKER: Ms Burch, I invite you to continue, and let us focus on the question at hand, please.

MS BURCH: I have just been saying that the department is contacting—talking and having discussion as to how better to support, how to put through the procurement processes to come to an end of the support arrangements with Grandparent and Kinship Carers ACT. If the opposition want us to go out and talk to individual people as opposed to a representative group—do one and not the other—that is a flawed process. We are doing both.

MR SESELJA: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister on what date did the procurement process for this money which you have mentioned in the Assembly commence?

MS BURCH: In response to an earlier question from Mrs Dunne, I said that it is anticipated the next stage of the procurement process will commence in the next two months.

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

Papers

Mr Speaker presented the following papers:

> Committee reports—Schedule of Government responses—March 2010.

Labor-Greens agreement

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): Just initially, Mr Speaker, in reference to question time and your rulings in relation to the nature of the Greens-Labor alliance, I would like to table an extract from the *Hansard* from Mr Smyth, if I may? It reads:

> But the Greens-Labor alliance is not a creature of the Assembly; it is not part of the Assembly … It is not a government agreement; it is not an Assembly agreement. It is an agreement between two private entities that just happen to be the Greens and the Labor Party that forms the Labor-Greens alliance.

Opposition members interjecting—

MR SPEAKER: Order, members!

MR STANHOPE: This is a full statement of the Liberal Party's position in relation to the nature of the ALP-Greens parliamentary agreement which, of course, is 100 per cent opposed to the statement that was made in the dissent motion involving you, Mr Speaker. I just think that in the context of the rulings that you have given on this and the debate, it would be relevant for you to refer to the position that the Liberal Party adopted last year in which Mr Smyth described the Greens-Labor parliamentary agreement—

Mr Smyth: Mr Speaker, in what way is this an issue in relation to question time?

MR STANHOPE: as not a creature of the Assembly, not a part of the Assembly, a private agreement between private entities that just happened to be two parties.

MR SPEAKER: A fair question. Thank you, Mr Stanhope.

MR STANHOPE: I table a paper that provides Mr Smyth's and the Liberal Party's real view—

MR SPEAKER: Thank you, Mr Stanhope.

MR STANHOPE: of the nature of the parliamentary agreement between the Greens and the Labor Party:

> ALP-Greens Parliamentary Agreement—Select Committee on Estimates 2009-2010—Extract from Hansard, 25 May 2009.

Mrs Dunne: Mr Speaker, could I—

Ms Burch: Mr Speaker—

MR STANHOPE: It is impressive that you got away with such an—

Mrs Dunne: Mr Speaker, could I on this—

MR SPEAKER: Order, members! Ms Burch, we will come to you in a moment.

MR STANHOPE: absolute position of hypocrisy for two days, you hypocrites.

MR SPEAKER: Order, Mr Stanhope! I call Mrs Dunne.

Mrs Dunne: First of all, he can talk about hypocrisy but he cannot call us hypocrites; so I would ask the Chief Minister to withdraw that.

Mr Stanhope: I withdraw the allegation of hypocrites but it is an act of complete—

Mrs Dunne: No, you have to just withdraw. You have to just withdraw.

Mr Stanhope: hypocrisy to move a motion of dissent claiming one thing—

MR SPEAKER: Mr Stanhope! Thank you, Mr Stanhope.

Mr Stanhope: which you did not claim a few months ago. Complete hypocrisy.

MR SPEAKER: Mr Stanhope, order! Mrs Dunne has the floor.

Mrs Dunne: Could I seek your guidance, Mr Speaker, about the process whereby a member tables an extract from *Hansard*? I mean, *Hansard* is already the record of the Assembly. I am not sure of the appropriateness of doing so. It seems reasonable that a member can draw people's attention to it but I do not see the necessity of tabling it.

Mr Corbell: Ministers can table any documents they wish.

Mr Stanhope: Look, I would be happy to just read it into the *Hansard* if you hand it back to me. Rather than tabling it, I will just read it into the—

MR SPEAKER: My advice is that ministers can table any document they wish to.

Mrs Dunne: Yes, that is right, sorry. That is right.

Supplementary answers to question without notice
Bimberi—Aboriginal liaison officer

MS BURCH: Yesterday in question time there were questions from Ms Hunter and Ms Bresnan in relation to the Aboriginal liaison officer in Bimberi and also a question from Mr Coe in regard to numbers of Indigenous and non-Indigenous.

Mr Doszpot: The alliance, Jon. We have it on the record.

Mr Stanhope: No, I was quoting.

MS BURCH: My response to those cluster questions are as follows: I would like to inform the Assembly that there is—

Mr Doszpot: You got up and in your preamble you said you wanted to talk about the Greens-Labor alliance.

MS BURCH: a specific allocation of funding for case manager, Indigenous liaison officer position, at Bimberi. I have a copy of the—

Mr Stanhope: I was quoting from Mr Smyth, who completely misled the Assembly about your position.

Mr Doszpot: You were setting the scene. You were not talking about this document—

MR SPEAKER: Order, members! Ms Burch has the floor.

Mr Stanhope: I was reading, Mr Doszpot.

MR SPEAKER: Mr Stanhope!

MS BURCH: There is a particular allocation of funding for the case manager—

Mr Stanhope: And it is an alliance—

Mr Doszpot: It is an alliance, is it?

Mr Stanhope: which will keep you in opposition, I would guess, for at least another decade.

MS BURCH: Indigenous liaison officer at Bimberi—

MR SPEAKER: Mr Stanhope, I will have to warn you.

Mr Doszpot: You wish.

Mr Stanhope: It will, Steve, and you know it, mate.

MR SPEAKER: Mr Stanhope!

Mr Stanhope: You will never be in government, Steve.

MS BURCH: I can provide a copy of the duty statement here for those that are interested. The officers have three roles. The first is to work with community and government agencies, including the Aboriginal and Torres Strait Islander Services Unit, in my department. The second is to assist in the—

MR SPEAKER: Order! Stop the clocks, thank you. Ms Burch, one moment, please. Mr Stanhope, if you keep winding up the opposition I will warn you for interjecting.

Mr Stanhope: I beg your pardon, Mr Speaker.

Mr Seselja: Mr Speaker, on that, you gave him two pre-warnings and you did not warn him. Yet for three of us today you gave us one pre-warning and you warned us. I do not understand the double standard. I saw you three times calling for order and he ignored you and you were not prepared to warn him. Could you please explain the difference in approach in relation to warning members of the opposition and members of the government?

Members interjecting—

MR SPEAKER: Order! I think it has been pointed out by a number of people that I have an approach where I try to give members an opportunity to correct themselves and I have given members—

Mr Hanson: You said it three times with him before—

MR SPEAKER: Order! I have given the members of the opposition a number of warnings over the course of the two weeks of sitting now and frankly by the time we reach today—

Mr Seselja: Okay, that goes for the two weeks now, does it? Mr Speaker, I do not need to respond. I put it on the record, we can—

Mr Barr: You have made him speechless, Mr Speaker.

Mr Stanhope: Speechless, thank God.

MR SPEAKER: As I was saying, I take an approach where I seek over a period of time—

Mr Hargreaves: Is this a murder of crows?

MR SPEAKER: Order, members! I do seek to convey my views on the conduct of the chamber over a period of time. I have sought very consistently to convey them to members of the opposition. We have reached today where, frankly, those are not being listened today. Clearly, I needed to provide warnings to convey myself more clearly.

Mr Doszpot: Mr Speaker, the Chief Minister deserves a yellow card as well.

Mr Hanson: I just want to confirm that because this Chief Minister's statement was that the Greens-Labor alliance is an alliance and it is designed to keep you—

MR SPEAKER: Is this a point of order, Mr Hanson?

Mr Hanson: in opposition for 10 years. That did not affect it in any way at all, Mr Speaker?

MR SPEAKER: Mr Hanson, is there a point of order? Is there a point of order, Mr Hanson?

Mr Hanson: Yes.

MR SPEAKER: Do not be frivolous. Ms Burch, you are free to continue.

MS BURCH: Thank you. The second is to assist in the delivery of culturally appropriate services and programs within Bimberi.

Mr Doszpot: So it is an alliance designed to keep the opposition in opposition—

Mr Stanhope: Another lie; another lie.

Mr Doszpot: That is what you said. It is on the *Hansard.*

Mr Stanhope: It is not what I said. That is a lie. You are getting very good at this lying, mate.

MS BURCH: The officer also provides case management service to Aboriginal and Torres Strait Islanders and young people. They provide case management services to young people using the unit management model. The role—

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Order! Ms Burch, one moment, please.

Mr Smyth: The Chief Minister has been interjecting all afternoon—

MR SPEAKER: Mr Smyth, I have given him—

Mr Smyth: and he is now making accusations of lies across the chamber. Can you take some action, please?

MR SPEAKER: Mr Smyth, thank you. Sit down please. Chief Minister, you are now warned.

MS BURCH: The role also assisted—

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

MR SPEAKER: Order, Ms Burch! Ms Burch, one moment please.

Mr Hanson: Mr Speaker, on a point of order. He is sitting across there mouthing "liar". I would just appreciate your ruling. I appreciate that it will not be in the *Hansard* but all members—

Members interjecting—

MR SPEAKER: Order!

Mr Hanson: I do not know if the crossbench saw it but he is sitting there mouthing "liar" across the Assembly directly after being warned. I seek your ruling.

Mr Stanhope: On the point of order, Mr Speaker—

Mr Smyth: Oh, what a child. It is pathetic.

Mr Stanhope: I did not say a word.

Mr Smyth: And so witty!

Mr Doszpot: And you call us hypocrites, Jon. You call us hypocrites. Wow!

Mr Hargreaves: "Hypocrites" is another word you can get tossed out for.

MR SPEAKER: There is no standing order covering the mouthing of words across the chamber and, Mr Hanson, you are very close to being warned for frivolous use of points of order. Given that you have already been warned, in fact, you are coming close to forcing me to use standing order 203. Ms Burch, you have the floor.

MS BURCH: Thank you. I have been trying to get through an answer on Aboriginal and Torres Strait Islanders in residence in Bimberi and they are showing absolutely no interest whatsoever, which reflects, I think, their general sentiment for our vulnerable in the community.

This officer also participates in meetings with Aboriginal and Torres Strait Islander organisations to ensure that the management and planning of programs and activities within Bimberi are culturally appropriate. An example of this was the program that this officer coordinated for NAIDOC week and the officer's participation in meetings and regular contact with Aboriginal and Islander organisations. Links between Bimberi and organisations have resulted in a weekly art program for Bimberi clients with Indigenous artist Dale Huddleston and also a healing arts program will commence in term 2.

In relation to Mr Coe's questions about the separation of young people subject to committal or remand, young people are separated according to their legal status, remand or sentence, gender and age. However, a number of factors need to be balanced in making decisions about a young person's placement that are in their best interest. This is exercised on a daily basis in accordance with Children and Young People Act 2008 and the admission and classifications policy and procedures.

In relation to the present population, the figures I used yesterday were at 19 March. If Mr Coe has an interest I can provide information for 24 March. There were 23 young people on remand of which nine were Aboriginal and Torres Strait Islander young people. Seven were sentenced, of which three were Aboriginal and Torres Strait Islanders.

Environment—energy efficiency

MR CORBELL: Yesterday Ms Le Couteur asked me for some examples of energy saving costs or carbon dioxide savings that have been calculated as a result of government programs and I undertook to provide some further advice to Ms Le Couteur. I can highlight that, for example, through the mandating of green power as the first choice to all new electricity customers, 1.19 per cent of all electricity use in the ACT is green power, with an annual abatement of 35,000 tonnes of CO_2 equivalent per year.

The government's energy efficient street light replacement, under action 13 of weathering the change, saw a saving of 3,016 tonnes of CO_2 equivalent per annum in 2008-09. In relation to home energy improvement measures, whilst we are unable to provide a full assessment of the impact because of the diversity of measures that are employed at a household level, we rely, firstly, on the greenhouse gas inventory, which outlines greenhouse gas emissions by sector. Secondly, we do know the

potential savings that are available in dollar terms through a range of energy improvement measures in homes, including, for example, insulation top-up to R4.5 can save an average household up to $300 a year on energy; wool insulation, up to $250 a year on energy; underfloor insulation, up to $100 a year; seal gaps and cracks, up to $150 a year; lined curtains with pelmets or well-fitted airtight blinds, up to $200 a year; external shading, up to $100 a year; and upgrade of a hot water system, between $50 and $400 a year saving, depending on consumption habits and the system chosen.

Planning—building certifiers

MR BARR: Yesterday in question time Ms Le Couteur and Ms Bresnan asked a series of questions in relation to EER provisions and building certifiers and I took parts of those questions on notice.

I can advise the Assembly and Ms Le Couteur that a number of the issues that she raised in some parts of her question yesterday have been addressed in my answer to her question on notice No 560: that the "deemed to satisfy" provisions of the Building Code of Australia do not require an EER and consequently building plans approved by building certifiers are not reassessed for energy efficiency ratings. But, as Ms Le Couteur is aware because she has made a submission on behalf of her party, the Planning and Land Authority has released a discussion paper regarding the ACT house energy rating scheme, and the government will be making some further announcements in relation to that in the near future.

Ms Bresnan sought some clarification on the issue of a potential conflict of interest around building certifiers. I can advise that the Construction Occupations (Licensing) Act requires a building certifier to have a minimum level of competence and to undertake their functions in accordance with the Building Act. The building certifier is answerable to the Construction Occupations Registrar for the quality of their work and the manner in which that work is undertaken. Certifiers who fail to do their job in accordance with the Building Act can have their licences, and therefore their livelihood, removed by the Construction Occupations Registrar. But I reiterate that I do acknowledge community concern in relation to this issue and am looking at options to further address this perceived conflict of interest.

Administration and Procedure—Standing Committee
Report 2—government response

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (3.29): For the information of members, I present the following paper:

> Administration and Procedure—Standing Committee—Report 2—Latimer House Principles—Government response.

I move:

That the Assembly takes note of the paper

I am pleased to present the government's response to the Standing Committee on Administration and Procedure report on the Latimer House principles inquiry.

At their meeting in Saint Vincent and the Grenadines in November 2002, commonwealth law ministers gave consideration to a set of guidelines on good practice governing relations between the executive, parliament and the judiciary. These guidelines were drawn up at a conference held in the United Kingdom at Latimer House.

At the Commonwealth heads of government meeting in Nigeria in 2003, the heads of government accepted the recommendations and endorsed the Latimer House principles. The Latimer House principles comprise a framework of concepts and guidelines that seek to define the relationship between the three branches of government. In doing so, the principles promote good governance, respect for human rights, and the rule of law.

In October 2008, the parliamentary agreement between the ALP and the Greens instituted a range of new undertakings designed to ensure higher standards of accountability, transparency and responsibility in the conduct of all public business. Now, in March 2010, most of these have been implemented.

One of these measures was to endorse the Latimer House principles. The Assembly adopted the principles in December 2008 through a continuing resolution and instructed the Standing Committee on Administration and Procedure to report on appropriate mechanisms to coordinate their implementation. The government made a submission to that inquiry, welcoming the formal recognition of the fundamental principles of democracy and emphasising our commitment to transparency and integrity in government, which the Latimer House principles seek to enshrine.

Today I reiterate that obligation. The government remains committed to the highest standards of honesty, accountability and probity in its actions. I welcome the opportunity to continue the conversation in this chamber about the importance of the checks and balances in our system of government.

As I have said on previous occasions, the government recognises and values the important role played by the legislature in scrutinising the actions of the executive, and the proper role played by members in pursuing lines of questioning with responsible ministers.

Having adopted the Latimer House principles, it is crucial that we all explicitly recognise and respect the inherent freedoms and powers, as well as checks and balances, that comprise our system of government. In this regard, the government would stress the importance of the statement in the Latimer House principles that each branch of government is the guarantor in their respective spheres of fundamental principles of democratic society based on the rule of law.

One of the obligations created by the Latimer House principles is for each branch of government to respect the proper roles, responsibilities and accountabilities of the other. Just as it would be inappropriate for the executive to interfere in the operation of the courts, there are proper limitations on the Assembly's powers over the executive. The government recognises the vital role that other agencies play in upholding the quality of governance in the ACT, for instance, the Auditor-General, the Ombudsman, the Human Rights Commission and the Electoral Commission. We welcome the scrutiny of these bodies and reaffirm that their independence of operation is unquestioned. The government notes, however, that funding of these bodies rightly falls within the framework of the whole-of-government budgetary process, consistent with the self-government act.

In the ACT we are justifiably proud of our standard of governance. We can be proud of our independent institutions and the healthy tension that exists between the three branches of government. We are not a jurisdiction whose processes are compromised and unaccountable. Our judiciary is independent and respected. The executive and the legislature work through a tension that provides for balanced governance in the territory.

In the ACT, our standard of governance reflects our position as a mature democracy and our accountability measures reflect this maturity. Whilst the Latimer House principles uphold crucial tenets of democracy which we are right to codify, they also set out detailed guidelines that are less relevant in the ACT context. If the Latimer House principles seek to codify that which the Commonwealth of Nations should have in common, they also highlight the significant diversity of governance arrangements and human rights standards amongst commonwealth jurisdictions.

For countries with emerging democratic traditions, the Latimer House principles comprise not only a statement of aspirations but also a guide for implementing democratic processes and the rule of law. In the ACT, we are fortunate that such processes are an entrenched part of our governance. We uphold and realise these aspirations day to day.

In the government's view, endorsement of the Latimer House principles in the territory recognises the standard which in many, if not most, respects we already meet. Nevertheless, the Latimer House principles are significant because they encourage jurisdictions like ours to reinforce those mechanisms that help maintain an accountable, honest system. They recognise a standard against which we must continue to measure ourselves.

As a government, we are fortunate to serve a citizenry which is particularly engaged with the decisions we make, the services we deliver and the way we connect with the community. The government has developed consultation mechanisms, especially surrounding major government decisions and legislation, to ensure the best democratic outcomes for the community. In addition, we are expanding our model of citizen-centred governance which allows citizens to contribute at all stages of government process. Such engagement best reflects the government's approach of achieving a balance between effectively delivering the services expected of us and

maintaining the healthy democratic standards that must underpin the day-to-day business of government.

I commend the government's response to the Assembly.

Question resolved in the affirmative.

Papers

Mr Stanhope presented the following papers:

Intergovernmental agreements—

List of agreements signed by the ACT Government as at 25 March 2010.

Schedule of Ministerial level negotiations as at March 2010.

ACT Kangaroo Management Plan.

Mr Barr presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Canberra Institute of Technology—Annual Report 2009, dated 19 March 2009, including an erratum replacement transmittal certificate, dated 25 March 2010.

Liquor Bill 2010—exposure draft
Papers and statement by minister

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

Liquor Bill 2010—Exposure draft

Explanatory statement to the exposure draft

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

Leave granted.

MR CORBELL: I am delighted today to table a draft exposure of the ACT's new liquor laws. The government is committed to making a difference and reversing the culture of binge drinking in our community. Raising awareness within the community and the liquor industry about the inherent dangers associated with the irresponsible sale and consumption of liquor is a key to changing attitudes to drinking.

There is clear empirical evidence that the abuse of alcohol has significant adverse economic, social and health-related consequences on our community, and in some estimates this totals nearly $11 billion of harm a year across Australia. Now is the time for action, not just by government but also by the broader community and the liquor industry, to address these worrying trends.

The draft bill I am tabling today is the product of a discussion paper on the review of the Liquor Act 1975, which was released in 2008 for public consultation, and a final departmental report making a number of key recommendations for reform, which the government released in 2009 for further public comment. The government received over 30 written submissions in response to the discussion paper and further detailed comment on the final report from the community, the liquor industry and government agencies. The views of those stakeholders are strongly represented in the draft bill.

The government's liquor policy has continued to develop since the final departmental report in response to further comment from the liquor industry and the community and further research by my department. The policy will continue to be refined and reviewed in response to comments received on the exposure draft bill. I have already met with some of the key industry stakeholders, and I have further meetings scheduled to discuss further matters of mutual interest and concern.

While it is important to recognise the risks that come with the irresponsible sale and excessive consumption of alcohol, it is equally important not to lay the blame for all liquor problems solely at the industry's door. If we are to make a difference, the government needs the community and the industry to work together to share responsibility and to develop a strong partnership dedicated to minimising the harms that result from alcohol abuse.

The government appreciates the significant contribution made by the liquor industry to the vibrant nightlife we all enjoy today, not to mention the significant contribution it makes to the ACT's economy. In this respect, it is important to acknowledge the role our liquor laws play in the responsible promotion of related industries, such as live music entertainment, tourism and our hospitality sectors.

The draft bill is designed to balance the need to regulate the sale and supply of liquor to minimise alcohol-related violence with the need to encourage a vibrant nightlife and the economic benefits that Canberra's liquor and hospitality industries offer. This is why the new liquor laws must operate to encourage the liquor industry to better manage the risks associated with alcohol abuse with the expectations, needs and aspirations of our community for a safe community.

I would now like to outline in some detail the government's proposals and the new regulatory framework they establish. Part 1 of the bill sets out the new object of the act, which recognises the need to regulate the sale, supply, promotion and consumption of liquor to minimise harms associated with the consumption of liquor in a way that protects the safety of the community. It also sets out what the new harm minimisation and community safety principles are which the government must take into account when making decisions and which underpin the operation of the new act.

The draft bill's new emphasis on harm minimisation and community safety principles will govern all decisions under the legislation and operate to encourage the right balance between the competing needs of the industry and the community. The new definition of "liquor" has been broadened from a "beverage" to include any substance capable of being ingested in order to catch new ways of ingesting alcohol. The

definition allows the government to modify the definition by regulation where appropriate. The penalty level for the offence of selling liquor unlicensed has been doubled to 100 penalty units to reflect the serious nature of this offence and has been moved to part 1 of the bill, as it is central to the regulation of the industry.

Part 2 outlines the different classes of licence available to prospective licensees and authorises the ways in which a licensee can sell liquor on the licensed premises. The processes involved in applying for, transferring and renewing a licence have been strengthened to include scrutiny of people other than the licensee who will be able to exercise influence in the management of the business. The government proposes to retain the five classes of licences available under existing law. These include an on-licence, which authorises the sale of liquor at bars and nightclubs; a club licence; a general licence, which is used for hotels; a special licence used for special circumstances where another class is not appropriate; and an off-licence, which applies, of course, to bottle shops and supermarkets.

In this context, I would like to flag an important aspect of the new reforms—the information-sharing rule. In the majority of cases where a dispute arises between a licensed premise and its neighbours, the dispute is often about simple misunderstandings about each other's needs. The current structure of the liquor laws does not encourage a public understanding of what a prospective licensee plans to do with his or her business, nor does it help to inform the government of the community's needs.

The draft bill prescribes two new ways of information sharing between the government, the prospective licensee or permit holder and the community. The first of these is set out in part 2 and is the method by which the commissioner seeks community input on the application. Part 2 requires the applicant to post a sign at the proposed premises and publish a notice in the *Canberra Times* telling the public of their intention to operate a licensed venue at the proposed location. This gives the community an opportunity to voice concerns, including any representations about the licensee or any disclosed close associates or influential people. The other component of the information-sharing model is the risk assessment management plan, or RAMP, which I will come to in a moment.

It should also be noted that this process of information sharing will not cease after the applicant has obtained a licence. The commissioner will be able to respond to community feedback, and the licensee will be able to apply to the commissioner for amendment of certain aspects of the licence. These new measures make the regulatory scheme flexible and responsive to the needs of the community and the industry.

The theme of flexibility and responsiveness runs throughout the draft bill. Part 2 of the draft bill allows the commissioner to place conditions on the granting of a licence in addition to the standard conditions prescribed by regulation to meet the community's needs. An example of a standard condition would be that the licensee must not allow consumption of liquor from glasses exceeding 568 ml, or the old imperial pint. This would still permit individuals to buy jugs of beer to share with their friends but not drink directly from the jug.

In the case of a commercial permit for a special event, the commissioner would have discretion to impose this rule, but only if circumstances warrant. For a special event like Oktoberfest, for example, the commissioner would have the discretion to retain the ability to serve liquor in steins, which are larger than the standard imperial pint. In recognising the importance of responding to changing circumstances, that may require new conditions to be imposed. Part 2 gives the commissioner the ability to vary a condition on a licence at any time.

Part 3 replaces the current permit framework, which includes three classes of permits, with a simpler framework for commercial and non-commercial permits. A commercial permit covers commercial ventures, as distinct from non-commercial permits, which cover not-for-profit organisations. Commercial permit holders will be required to provide information on any influential people or close associates of the permit holder and provide a risk assessment management plan for the proposed premises or event.

Information contained in the RAMP will ensure that the government has a greater level of information about how any risks associated with the event will be managed in making a decision, taking into account the new harm minimisation and community safety principles. Similar to liquor licences, permits will also be subject to conditions, the breach of which will trigger occupational disciplinary action by the ACT Civil and Administrative Tribunal.

Part 4 builds into the framework of this new legislation a high level of scrutiny in the management of liquor licences and permits and is fundamental to maintaining the integrity of the new liquor licensing scheme. The new suitability criteria will require applicants for licences to inform the commissioner about, amongst other things, any relevant convictions, involvement in bankruptcy or insolvency proceedings, prior refusals for a liquor licence and ability to comply with the act. These suitability criteria will also be applied to any close associate or influential person of the licensee.

Part 4 builds on the flexibility and responsiveness model by not requiring a police certificate every year at renewal for licensees and their close associates or influential people, but allows the commissioner to require a police certificate to be provided where the circumstances warrant it.

Part 4 also sets out the criteria—these are new criteria—for the commissioner to consider when determining whether a venue is suitable for a liquor licensee to operate or an event to occur. Suitability information will take into account such things as proximity of premises to schools, places of worship, hospitals or residential homes; fire safety; the noise likely to come from the premises; and whether the use of the premises would attract a large number of people and, if so, the risk to the community. This is an important reform, as it allows the community to have their say and it allows the commissioner to take into account these concerns, which are legitimate often in the circumstances of a licensed premise close to residential areas.

Part 5 of the bill sets out the process by which the commissioner determines occupancy loadings. All licences will be required to have an occupancy loading

determined by the commissioner for all public areas of the premises which cannot be greater than the loading recommended by the Chief Officer of the Fire Brigade. This is, of course, an existing requirement and is an important fire safety provision.

Part 6 of the bill is fundamental to the commissioner's capacity to assess risks associated with a licensed venue and how they will be managed against the new harm minimisation and community safety principles. Principles include the need to minimise harm caused by alcohol abuse, including adverse health effects; personal injury; property damage; and violence or antisocial behaviour.

The provision of a RAMP by licensees is a key aspect of the new information-sharing model. Applicants for a licence or commercial permit will need to set out for the commissioner's consideration how they intend to manage risks such as noise, security, transport arrangements and queuing areas in the running of the business. Building on the flexibility model, if a licensee or commercial permit holder needs to amend the approved RAMP, they may apply to the commissioner to do so. Failure to comply with the RAMP would be a serious matter, as this would constitute a breach of the licence. Any breach of an approved RAMP could result in the suspension or loss of licence, not to mention the possibility of a prosecution.

Part 7 of the draft bill defines an adults-only area for licensed premises where children and young people are not allowed to enter and strengthens the provisions dealing with under-age functions. In dealing with vulnerable people such as young people, a higher threshold of scrutiny will be applied. Unlike in the past where licensees had to notify the commissioner prior to the event, there is now a requirement for the licensee to seek approval to hold such an event. Additionally, everyone working in an under-age event, regardless of capacity, will be required to undertake a police check. The commissioner will have the power to impose any condition on the approval as well as the standard conditions set out by regulation.

Part 8 of the exposure draft introduces new requirements in order to make a difference in changing the culture of binge drinking. Licensees and commercial permit holders, their employees and security guards will be required to undertake mandatory responsible service of alcohol training. Learning about the risks and the impact of irresponsible sale and consumption of alcohol helps everyone to recognise when a patron is intoxicated and help them to effectively rid these people.

Mandatory RSA training is an important step because the proposed new early intervention model of enforcement would have an infringement notice scheme available for police to use in the enforcement of the new strict liability liquor offences, most notably supplying liquor to intoxicated people. The new model seeks to address the issue of alcohol-related violence at its source. It is important to note that staff exercising RSA principles by refusing to serve intoxicated people will be protected from abuse, harassment and intimidation by a new public order offence.

In line with other jurisdictions, the definition of "intoxicated" has been changed from a person's speech, balance, coordination and behaviour being "seriously affected" to "noticeably affected".

Existing offences dealing with the supply of liquor to minors will continue to apply. There will be a new offence for young people to work and supply liquor in an adults-only area. However, if a young person is employed in a licensed venue, they are able to serve liquor in the non-adults-only area. For example, where a young person is employed to serve food in a licensed restaurant, they are able to serve a glass of wine with the meal at the table but are not allowed to serve liquor at the bar.

Part 8 also includes a new initiative to require a licensee to maintain an incident register which would record any incident involving violence and antisocial behaviour occurring in the immediate vicinity of the licensed premises. This will enable the commissioner to use this information as a basis for taking regulatory action.

Two new initiatives include the addition of new offences dealing with the promotional and marketing activities associated with liquor. The first offence is a general prohibition on any promotional or marketing activity which encourages excessive or rapid consumption of liquor. I note at the moment here in Canberra there is a nightclub promoting the sale of one-litre cocktails and encouraging young women to buy one between them. That type of activity, in my view, is grossly irresponsible, and this new provision is designed to deal with the problems associated with that type of promotion. The second offence allows the government to promote specific promotional or marketing activities by regulation, such as an activity which inappropriately targets children or young people.

Part 9 gives the commissioner and police new powers to intervene in emergency situations. If a situation arises where the commissioner needs to act immediately to protect the safety of the community, the commissioner could issue a written binding direction on the licensee to stop or undertake a specific action. Similarly, if an emergency arises which requires police intervention to protect the safety of the community, the police will be able to close a venue for up to 24 hours. These powers will allow the government to respond immediately to situations which threaten the community safety in a serious way.

Part 10 retains the current enforcement powers where police deal with public offences, and the regulatory authority deals with all licensing matters, for example, the management of licensed or permitted premises. Part 11 sets out the processes for complaints and occupational discipline. Part 12 gives the commissioner power to approve a training organisation to provide a specified responsible service of alcohol course. Part 13 requires the commissioner to keep and maintain licences and permit registers for public inspection. Part 14 sets out what a reviewable decision is and the application process for review.

Finally, part 15 introduces a new power for the commissioner to declare a public place as a temporary alcohol-free zone for special events to protect the social amenity of the event, making it an offence for anyone to consume liquor in that area, in addition to the prescribed public places in the act and regulations. Part 15 also contains other interpretative and procedural provisions for taking a proceeding for an offence against the act and the setting of fees.

In conclusion, the government believes that a new risk-based licensing fee framework is required to fund the new early intervention model of enforcement. The new fee structure will be set out in a fee determination and will reflect the higher risks and regulatory costs associated with late night trading with a commensurably higher late night trading fee. The new risk-based fees will fund the new police and regulatory enforcement powers I have already announced to ensure the compliance with the legislation.

The government will be preparing a draft set of regulations for public comment. The regulations will prescribe certain aspects of liquor laws, including the way liquor is promoted and sold and new trading hours. Promotional activities influence the way people consume liquor and how they behave. Drink promotions which encourage excessive and irresponsible consumption of alcohol can contribute to antisocial behaviour, alcohol-related violence and disorder as well as the obvious adverse health effects. The new standard trading hours will operate from 7 am to midnight, with a new late night trading authorisation process for licensees who choose to trade past midnight.

After this consultation round, a government bill will be prepared based on the exposure draft bill, taking into account the views expressed to government in public comments. The bill will be introduced in the June sittings and will commence, I would hope, before the end of the year.

After the new laws have been operating for two years, it is proposed that a review will be commenced for completion in 2013. This review will look at all aspects of the legislation, including the new risk-based licence and fee structure and gather evidence-based data to gauge the efficacy of the new reforms. I also understand that a number of jurisdictions have recently introduced new liquor laws or are looking at their laws as we speak, and the review will also be able to draw on their experiences.

I would like to invite members of the Assembly, the broader public, the liquor industry, community groups and government agencies to provide comment on this draft bill. The success of these reforms depends directly on a partnership between government, the community and the liquor industry. I am confident that that partnership will be successful because of the contributions we have already seen made by all of these groups.

Finally, I thank all of those parties who contributed to the government's discussion paper and final report. The submissions were crucial in the development of this draft legislation. Through the valuable insights they provided, the affected parties have provided us with the ability to view and undertake activities linked to liquor, and the government has been able to develop an effective, balanced approach in partnership to regulating liquor. I commend the exposure draft to the assembly.

Paper

Mr Corbell presented the following paper:

> Crimes (Serious Organised Crime) Amendment Bill 2010—Revised explanatory statement.

Personal explanation

MR HANSON (Molonglo), by leave: During question time today Mr Stanhope, Ms Gallagher and I think other members of the government were heckling from that side of the chamber, implying that I had received a letter from the archbishop prior to its being tabled today. To the extent that Mr Stanhope, when I denied that allegation, across the chamber called me a liar repeatedly and on a point of order then withdrew that and continued to gesticulate from that side of the chamber and mouthed the words "liar" at me, I am used to Mr Stanhope and Ms Gallagher's behaviour in this place and—

Mr Corbell: On a point of order—

MR ASSISTANT SPEAKER (Mr Hargreaves): Yes, Mr Corbell, I was just examining the standing orders.

Mr Corbell: I assume this is a personal explanation that is being given.

MR ASSISTANT SPEAKER: It is.

Mr Corbell: He needs to indicate where he has been misrepresented in some way. He is not allowed to debate broader issues or pass commentary on other members. He needs to get to the point of the issue.

MR ASSISTANT SPEAKER: Thank you, Mr Corbell.

MR HANSON: I will indeed—

MR ASSISTANT SPEAKER: Mr Hanson, before you resume, can I remind you that you have to state early on how the misrepresentation has occurred—what it is. If you can proceed to that fairly quickly we can allow you to proceed.

MR HANSON: Thank you, Mr Assistant Speaker. The crux of this was that during my speech yesterday I referred to 88 years as the term of the lease because I believed we were looking at the archbishop's letter—he has also used the term "88 years" in the term of lease—and that that was the evidence that was used. I would just like to point to the legal advice that is available on the ACT Health website from the ACT Government Solicitor, addressed to Mr Cormack, the previous head of ACT Health, which talks about the term of that lease. It says, under "the Crown lease":

> A new lease was granted to Calvary on 16 November 1999 for a term of 99 years. Calvary is entitled to the grant of a further lease on the expiration of the current Crown lease.

Members interjecting—

MR ASSISTANT SPEAKER: Order, members! Two things, please. I just remind a couple of you that the Speaker has left me with a list of warnings. The convention in

this place is that a second one is an automatic naming. I do not want to do that, so please help me out a bit here. Secondly, Mr Hanson, you are making a series of statements, and that is fine, but you have not indicated how you were misrepresented. Could you do that, please?

MR HANSON: I was misrepresented, Mr Assistant Speaker, in that I was called a liar and my good name—and that, I also believe, of the archbishop—was besmirched. If Mr Stanhope and Ms Gallagher were calling me a liar—I can point to evidence where that is entirely false, because the term of the lease is 88 years—it was a false allegation. For them to call me a liar is something that I am robust and happy with—it has been withdrawn in this chamber—but they are also calling the archbishop a liar. The implication is—

Mr Corbell: On a point of order—

MR ASSISTANT SPEAKER: Thank you very much, Mr Corbell; I understand. Mr Hanson, the standing orders do not provide an opportunity for people to make a statement under standing order 46 in respect of another party. If you have concluded, we will move on.

MR HANSON: Mr Speaker, I will conclude. I just make the point, finally, that it is a term of 88 years. That is where I got it from. I would like to make it very clear that neither I nor any other member of the opposition received either the letter that was written by the government to the archbishop or the letter from the archbishop to the government until we were provided with those documents by the government. Any allegation to the—

MR ASSISTANT SPEAKER: Mr Hanson, I am sorry. I am going to have to conclude this one now. It is not a matter of personal explanation.

Accountable government

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, 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 Mr Coe be submitted to the Assembly, namely:

> The importance of honest, open and accountable government.

Mr Doszpot: Mr Speaker, can I just make an explanatory statement? I think it is important to realise that this is Mr Coe's first MPI since he has been in this place.

MR ASSISTANT SPEAKER: Mr Doszpot, I thank you very much. I am sure that Mr Coe enjoys the congratulations of the chamber.

MR COE (Ginninderra) (4.04): I worked out there would have been a 96.5 per cent chance of me getting an MPI before this date. It has taken me 35 MPI submissions,

but finally the Speaker has chosen my lucky envelope. It is a pleasure to be here talking on such a significant matter of public importance, which is the importance of open, honest and accountable government.

You would think that a statement like that would be a real gift for a government. They can talk about all their great achievements, their track record and their proud history of transparency and openness—perestroika and glasnost—but I am afraid Mr Stanhope resembles Joseph Stalin more than he does Mikhail Gorbachev. So it is a bit disappointing.

But let us start at the beginning. Let us go back to 2001, the beginning of Mr Stanhope. I was not of voting age at the 2001 election, but I still had the literature. It is interesting that in a letter that he wrote to all Canberrans, with a postal vote application, he said, "Only Labor can deliver united, responsible and financially accountable government." Accountable government. I wonder whether, if they were to put those words into a flyer these days and deliver it to all Canberra households, there would be furious agreement—

Mr Hanson interjecting—

MR COE: That is right. At least this brochure was paid for by the Labor Party, albeit poker machine revenue; whereas the document that I got a few weeks ago in my mailbox was a nice glossy document of about eight or 10 pages which went into great detail about all the great achievements of Jon Stanhope. I note that the GDE was not mentioned. I note that the disastrous way they have handled Calvary was not documented properly. I note that the school closures saga, where three schools in my electorate—Hall, Flynn and Cook—were closed unduly was not there. I note the Ernst & Young report was not mentioned in that brochure. I note that the Green Square saga also was not included in that document of triumphs—triumphs of the Chief Minister.

Throughout it talked about "our community". I am afraid Mr Stanhope has lost touch with our community, so much so that we had a situation today where the Chief Minister was so irrelevant and had no idea about leadership and leading his current team that he had to come into the chamber with an excerpt from *Hansard* from a couple of days ago to back himself up. He sought to table *Hansard* to give himself relevance. It is very disappointing that we have this sort of person running our territory at the moment.

Firstly, I go to the Department of Territory and Municipal Services strategic budget review. Getting this document out of the government was a real effort. It took over a year of government resistance. It took a year of questioning. It took a considerable amount of effort from the opposition to get this document to be public. It took a great deal of effort to get this document, which talks about transparency, out into the open. It is pretty interesting that they should have a document which calls on the government to be more transparent and they will not even table it. They would not even table a document which talks about them becoming more transparent and how they are not.

Let us look at some of the key findings. Point No 8 is an interesting one: "corporate overhead cost allocation to business enterprises is not transparent". That is on page 4. I note that this document is not available anywhere online. The government did not want anyone to actually see this. This transparent government that likes to disseminate information when it is good does not like to disseminate information when it is not so good. At page 5, the next page, the report says:

> In over view, TAMS must continue its integration journey and now strengthen its financial management and organisational performance frameworks so it can demonstrate to its stakeholders that it fully understands the financial and service delivery implications of its business activities.

You only write that if it is not happening. It continues:

> This will enable TAMS to demonstrate to government where and when additional resources are required and the implications when these resources are not provided.

Most tellingly, it goes on:

> In a competitive environment for resources, governments will remain reluctant to provide additional funding to TAMS for its service delivery, unless it has confidence that this money will be expended transparently, consistently with its priorities and achieve value for money.

Why do you write something like that if it is not happening at the moment? Of course it is not happening. TAMS have major problems, as do many other government agencies. On page 15:

> A number of recommendations are made to improve the current state financial management of TAMS and move towards a more transparent and robust operational footing for future years.

In particular, one of the future goals is:

> Greater transparency, and understanding from an organisational wide perspective, of financial performance, accountability for performance and accurate costing of service delivery.

That should be done immediately. That was a recommendation that TAMS have to get onto this quickly. I wonder whether they have. I am very doubtful. Here is another one:

> TAMS should also review its administrative practices … This will assist with the transparency of the cost of managing TAMS and corporate service provision and ensure the right accountabilities for managing these costs.

At page 47, the footnote states:

> This explains in part the increase from the cost estimate and is an example of where the financial management practices could be improved to give greater transparency of actual costs.

This report is riddled with criticism of the Stanhope Labor government, particularly TAMS. Page 62:

> The allocation of corporate overheads is further clouded by a lack of transparency as to what services these allocations are actually seeking to recover.

The recommendation:

> Once an accurate and transparent understanding of corporate overhead usage is obtained, the Department will be able to make informed decisions ….

They cannot do so at the moment. They are unable to make these decisions because they do not have the information, because they are not transparent. It continues:

> This arrangement will address the lack of transparency that currently exists reoccurring in future years.

Page 72, the recommendation:

> This will assist with the transparency of the cost of service provision and ensure the right accountabilities for managing that cost.

This is a scathing report and it is understandable that the government did not want to release it. What government with such a track record would want to release a document like this? Fortunately, through the opposition's pressure, it was finally released.

The document I have just quoted from was not just a rundown of issues that have occurred overnight in TAMS. There are systemic cultural problems in TAMS which go to the very MPI about open, honest and accountable government. What we have seen under the Stanhope Labor government is an end to open government.

Let us not forget that it was the Labor Party that scrapped the state of the territory report. In 1999 Kate Carnell introduced the state of the territory report which reported annually to the people of Canberra on the ACT government's performance on social and community issues. I think it came from ACTCOSS, who made a recommendation that it should be done. What did this Chief Minister do when he took power? He scrapped the state of the territory report.

What about the state of the environment report? I am sure that is something near and dear to Madam Assistant Speaker and her particular interests and concerns. The purpose of the state of the environment report was to provide decision makers and the public with a current condition report on the environment. For years it was not issued.

There are also the capital works reports. I think most people who listen to commercial radio would be hearing advertisements paid for by the government about all the great things they are doing in capital works. I believe even in the *CityNews* a couple of weeks ago they had a full-page ad which bragged about their capital works. You tell

anybody on the GDE that the government should be bragging about their capital works. You tell anyone around Glenloch interchange that the government should be bragging about capital works. You tell anyone on Lanyon Drive that the government should be bragging about capital works. You tell anyone trying to go from Hackett, Watson, Downer, Dickson or Ainslie that the government should be bragging about capital works.

Because we do not have the arterial roads to divert traffic from the minor suburban roads we get so many rat-runs in Canberra, especially in the inner north. If we do not invest properly in infrastructure and we do not spend our money properly then we are going to get situations like we currently have where everyone in Canberra is affected by this government's poor record when it comes to capital works.

This is very relevant to open, honest and accountable government. The whole GDE saga is very much relevant to open, accountable and transparent government. This government refuses to actively take part in community consultation. It refuses to listen to concern and it refuses to plan for the future. If this government was proud of its track record of honest and accountable government then I do not think we would need such a huge ad buy that we currently have by the Stanhope Labor government.

There is, of course, more. There is no shortage of things to talk about in such an MPI. The Freedom of Information Act, I think, is another classic one brought about because of Mrs Dunne's fierce advocacy for this act. The FOI reform that we have passed in this Assembly was simply because the opposition said what the government was doing was wrong and we had to change it. I commend Mrs Dunne for getting that important piece of legislation through this place. It is relevant in particular because of the data that was suppressed around the time of the school closures.

When the government began closing schools in 2006 it was Jon Stanhope who raised to an art form the suppression of information and getting around the FOI legislation. He famously suppressed the functional review written by Costello, a document which supposedly provided the original basis for the school closures. That document has still not seen the light of day. I do not think we ever will see that document.

The worst abuse of FOI laws that I think we have seen in this place has to be about this government's misuse of conclusive certificates. These certificates were intended to be used in exceptional circumstances to protect documents that are so sensitive that even the reviewer should not see them—things such as national security matters. However, the government have totally abused that power in a way which has meant that so many Canberra families have suffered. They have unduly suffered because they have not been able to see the evidence to support Mr Stanhope's political decision. This was a decision, incidentally, that they said they would not take before the 2004 election.

Of course, there is the Tuggeranong power station. I am sure my colleague Mr Doszpot will be talking about this issue a little bit later on. The suppression of information about the Tuggeranong power station and, again, the government's inability to consult properly on this issue—as I said earlier, the way they maximised their art form way of suppressing information—are also on display with regard to the

Tuggeranong data centre. Even on Tuesday, just a couple of days ago, in the planning and public works and territory and municipal services committee annual report document, recommendation 9 reads:

> 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 goes to the heart of the issue. You have different empires throughout this government. You have different empires in cabinet and you have different empires in the bureaucracy. Because of that Canberrans are suffering. We do not have transparency, we do not have openness and we do not have an accountable government. We on this side of the chamber will do all we can to hold this government to account. But part of that rests on the government to make sure that there is information available. That is why Mrs Dunne moved and we passed the FOI legislation. That is why we will continue to do all we can to ensure that the people of Canberra have all the information they can possibly get their hands on so that we can accurately and fairly evaluate this government and its atrocious record of delivering services to Canberrans.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.19): I welcome the opportunity today to speak on this matter of public importance. Openness and accountability in government are the foundations of trust and respect and perhaps in no parliament in the country is openness so pronounced and accountability so great as in this parliament, with its unique nature of parliament where minority government is the rule rather than the exception and where we live in such intimate contact with the community we serve.

In the past year a number of extra efforts have been made to improve openness and accountability. I turn first to those arising from the parliamentary agreement between Labor and the Greens party. A major element of that agreement related to reforms of the parliamentary system. In total, there were 44 commitments on parliamentary reform agreed to on 31 October 2008.

Since making the agreement we have met every four months, reviewed progress and, more recently, the commitments themselves. Joint communiques are issued to publicly gauge progress against the commitments and to demonstrate the effective working relationship between this government and the Greens in relation to the agreement. The implementation of these parliamentary reforms contributes to a more open, honest and accountable government.

There has been some debate in recent times regarding the Assembly's ability to ask questions on the parliamentary agreement and I support the Speaker's position in regard to his recent rulings. And I note today, from the *Hansard*, that it is a position that was first espoused in this place by the Deputy Leader of the Opposition, Mr Brendan Smyth. So it is interesting that the Speaker's rulings are entirely, 100 per cent consistent with the position first proposed in this place by the Liberal Party.

While questions relating to individual commitments which a minister has responsibility to implement are entirely appropriate, as has been demonstrated for those opposite yesterday and again today in question time, questions that address the nature of an agreement between two parties are, and should be, out of order. It is really nice today to have affirmation or confirmation of that position from Mr Smyth when he was actually being honest and being himself, when he actually was not posturing for the cameras. He could have essentially written the Speaker's ruling on this particular issue.

It is a real pity that neither Mr Smyth nor the Liberal Party chose to be transparent and honest about their real position in relation to the true nature of the ALP-Greens agreement. They hid it, they pretended that it was not the position that Mr Smyth espoused last year—a total lack of transparency, a total lack of openness, an essentially dishonest position in relation to this particular issue.

It is not uncommon for issues concerned with the separation of powers to be raised in this chamber. Of course, this commonly takes the form of the Liberals arguing that, while the occupants of the other arms of government are free to criticise the actions of the executive, there is no occasion on which it is appropriate for the executive to take issue with, debate, question or raise an eyebrow at the actions of those other arms of government. Of course, though they try, the Liberals cannot have it both ways.

The separation of powers is one of the basic elements of our system of responsible government. It is a separation that is abrogated, eroded and damaged when, for example, the opposition tries to interfere to have the Assembly set the Auditor-General's budget. Quite apart from the bizarre context in which this interference takes place, a context in which our Auditor-General is demonstrably well funded, there are crucial reasons why the Assembly cannot and should not have powers to set budgets—reasons that go to the very heart of the separation of powers.

First, as we have indicated before, only ministers can introduce bills with financial implications. This limitation is contained within the self-government act and safeguards the integrity of the ACT's budget. Attempts to circumvent this basic tenet of our democracy by, for example, directing ministers fall foul of the basic rules for responsible government.

The Assembly cannot, and should not be able to, direct ministers in the exercise of executive powers. This doctrine is widely accepted as an implied element of the commonwealth constitution that flows through to other elements of the Australian constitutional framework and ends up right here, in this chamber, in the work we do and the way we do it.

More broadly, it does not make logical sense for the Assembly to elect to determine funding for certain offices, because each of these offices amounts to just one of the myriad calls upon the budget. It is absolutely proper that they be weighed against all other competing priorities for a share of the budget. While the government accepts and welcomes and is more than happy to respond to debate around how it exercises its functions, it must be for the government of the day to determine appropriate budgets and priorities. It is what governments are elected to do.

It is what the Liberals would never dream of tinkering with if they were in government. But I fear it is so long since they were in that privileged position that they care little for what damage they do to the institution of government from their position on the opposition-for-opposition's sake benches.

While there is some legal debate around the extent of separation between the judiciary and other branches in some jurisdictions, this is debate at the edges. There is no credible argument with the fundamental principle of the separation of powers doctrine, the notion that the executive and legislature must remain sufficiently distinct. It is the doctrine that sits beneath and provides strength to the principles of responsible government in the ACT. The legislature's role is scrutiny of the performance of government. It is not for the legislature to trespass onto the functions of the executive.

The government welcomes the Legislative Assembly's adoption of the Latimer House principles, which is—if I could, without being provocative, just squeeze in—another important commitment in the parliamentary agreement with the Greens. The Latimer House principles establish a framework for the promotion of the rule of law, good governance and respect for human rights.

It is necessary to understand, however, the extent to which those principles articulate freedoms for the three arms of government, as well as checks and balances for those three arms. In a mature democracy such as ours, the fundamental importance of the separation of powers that underpins the Latimer House principles is not often the subject of explicit discussion. There I was acknowledging that the democracy is mature, not necessarily the legislature.

But recent attempts to subvert that divide indicate that perhaps today's debate is a chance to refresh everyone's understanding of the principles involved. The curious thing is that the very party doing the subverting, the Liberals, are the ones who have today proposed that the principles of open and accountable government are a matter of public importance. Of course, we could not agree more. But we do appreciate the irony of the Liberals being the ones to presume to lecture on such matters, probably consistent with their general lack of self-awareness.

The separation of powers doctrine exists to protect individual liberty and constrain the capacity of any arm of government to arbitrarily impose restrictions on individual liberty or otherwise abuse its powers. Importantly, the doctrine also recognises the rights and freedoms of the three arms to exercise their functions. As expressed in the Latimer House principles, each branch of government is the guarantor in their respective spheres of fundamental principles of democratic society based on the rule of law.

One of the obligations created by the Latimer House principles is for each branch of government to respect the proper roles, responsibilities and accountabilities of the others. Just as it would be inappropriate for the executive to interfere in the operation of the courts, there are proper limitations on the Assembly's powers over the executive.

Open, honest and accountable government is a feature of all Australian jurisdictions and in a small jurisdiction like the ACT, with a small parliament and minority government, there is, quite properly, significant scrutiny of government decisions and plentiful opportunities and mechanisms for ministers to be held to account for their actions. And the government is supportive of all of those processes. That does not mean that we also should support every attempt to break open and invite interference in all decision making.

While I would defend the Assembly's right to hold this or any government to account for the decisions it takes, non-executive members are not part of the government. That is not the way governments based on Westminster operate. The government must be allowed to govern. It must be allowed to take decisions. Voters will judge ultimately whether those decisions were the best decisions to be taken in the circumstances. That is not the task of non-executive members.

There are genuine and compelling public interest reasons why some—not all, but some—of the government's processes must be conducted behind closed doors. These are perhaps most evident in the areas of cabinet decision making, commercial negotiations, industrial negotiations, legal matters and intergovernmental relations. To operate otherwise would be to render good government simply impossible. Confusing the roles of the arms of government, blurring the boundaries, eroding the superstructure of our system of governance has both legal and practical ramifications.

Madam Assistant Speaker, openness and accountability is not limited to the relationship between the government and the Assembly. Governments also have a duty to be open and accountable to the people, to the community. You would be aware that enhancing citizen engagement and participation were identified in the 2008 citizen-centred governance paper and the updated Canberra plan as a means of supporting transparent, accountable and responsive government.

Flowing from that paper, the Chief Minister's Department has been reviewing community engagement protocols and processes. Work to date has included improving the community engagement website, updating the community engagement manual, better and more targeted training of our community engagement officers, the use of new technologies in our community consultations and a very popular new weekend format for community cabinet.

In the 2008-09 budget we allocated $250,000 to the Chief Minister's Department to strengthen the government's focus on accountability and performance. As a first step, the department commissioned the Allen Consulting Group to prepare a report examining the ACT's existing performance and accountability framework, presenting the key principles for better practice and outlining a possible principles-based framework for the ACT.

The Allen Consulting Group report was released on the Chief Minister's Department website in May last year. This report informed further consultation across government as we refined an ACT-specific framework and detailed implementation plan. This across-government consultation phase is now complete. The department is now developing a policy paper for government consideration.

Members are aware of the recent complaints of harassment at the Canberra Hospital obstetrics department and are equally aware of Mr Hanson's absurd allegations of a secret obstetrics review. Members would have heard that we will undertake two reviews into these matters. The first review will centre on the clinical outcomes of the unit and will be undertaken by an independent obstetrician and an independent midwife.

The second review will be a review in relation to the workplace environment, undertaken by an independent specialist. ACT Health has advised that this will be under the provisions of the Public Interest Disclosure Act, which provides legislative protection against reprisals for anyone participating in the review.

These two reviews will enable any issues to do with bullying and harassment to be uncovered and dealt with while also supporting staff. It also will enable the Canberra community to continue to have faith in the service provided by the obstetrics unit at the Canberra Hospital. However, these reviews will not be played out in public. Obviously, these kinds of allegations are serious and warrant a full investigation and there are good reasons for conducting the investigation in the way we are.

Firstly, we need to protect the privacy of both the victims and the accused. The Public Interest Disclosure Act requires ACT Health to treat all disclosures confidentially. People may not feel comfortable coming forward if they do not believe that confidentiality will be assured. Also, it is vital to ensure that proper process is followed in these kinds of investigations to ensure the integrity of the outcome of the findings. I can assure members that the government takes any allegations of this nature very seriously and will ensure that the reviews are conducted appropriately and with respect for the privacy of the individuals who are involved.

As part of our commitment to open, honest and accountable government, we support the provision of answers to questions on notice and FOI requests. Last year's budget estimates hearings resulted in approximately 2,550 questions on notice. Just in the current term of this government, we have fielded a total of 970 questions on notice in the Assembly. There is of course a difference between a genuine request for information, a genuine interest in the answer, and the kind of omnibus, multipart questions which seem to be the speciality of those opposite.

Freedom of information is also a crucial element of open and accountable government but just as the Latimer principles can be subverted and abused, so can FOI. In the area of FOI requests, the Chief Minister's Department alone has been forced to grind through 40 FOI requests in this financial year, 30 from the opposition. We are getting those costed so that we can actually determine the costs of some of this transparency. The amount of work required to comply with each of these requests is enormous. Indeed, I understand there was one request of the LDA which cost the LDA $30,000 to respond to.

I notice the opposition's obsessive interest in question time today regarding front-line officers and essential public servants. I wonder whether they would consider the poor public servants toiling over these FOI fishing expeditions to be essential. I do urge the

opposition, when using the processes available to them under the FOI system, to ensure that their requests are suitably focused and well targeted so that they get the information they need without imposing an undue burden on professional public servants.

Under our system and practices, the opposition would seem to have a remarkable and perhaps historic access to government information, which of course is due to Labor's dedication to the principle of open, honest and accountable government. This love of openness must be tempered by the equally compelling need to preserve, from time to time, the possibility of confidentiality.

What we all seek, I am sure, is a balance, one that requires openness from the government, but a measure of responsibility also from those who use democratic processes to exercise scrutiny. In finding this balance, I am sure we can also find trust and respect for our respective roles, something which just lately is sadly lacking.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.34): On 16 June last year, we discussed this exact matter. It was proposed by Mr Seselja on that day. On that occasion, much of the discussion focused on the estimates process, and various members of this place expressed their respective views on the adequacy and outcomes of that process. Given that we are about to begin the budget process again, I think it is worth while reflecting on last year's process and hopefully members can learn from any errors we may feel were made and can make the most of this year's process. And, of course, I am very pleased to be chairing estimates this year.

It is true to say that the openness and comprehensiveness of the budget papers and the estimates process is one of the most important elements of government accountability. I hope that, in recognition of this, the government will ensure the quality of the budget papers and the availability of ministers and public servants for questioning during the estimates process.

Open and accountable government is perhaps the most fundamental element of our democracy. Without it, Canberrans cannot make informed decisions at election time and the fundamental premise upon which our system is based would be frustrated. We know that, in the last Assembly, the government was not as open and accountable as they should have been. In fact, at times their approach to the Assembly was contemptuous. The people of Canberra have said that this is not what they want from their representatives; so today we have a very different Assembly, an Assembly that consists of three parties.

The Greens-Labor parliamentary agreement outlines a range of measures to improve openness and accountability. From the first available opportunity, the Greens have worked to improve openness and transparency and improve the quality of the legislature in the ACT. The Greens are very proud of our achievements in the very short time we have been here. However, we know that we still have an enormous amount of work to do. I would like to take the opportunity to list the improvements that have been made in the first year and a bit of the Seventh Assembly.

There have been amendments that have been made to the standing orders to ensure that this place functions better and allows non-government members a greater opportunity to contribute to the Assembly processes. The Assembly has now adopted the Latimer House principles in full, as Mr Stanhope mentioned, and these principles describe best practice for the relationship between parliament, the executive and the judiciary and provide guidelines which are designed to ensure protection of the sovereignty of parliament and the independence of the judiciary, two critical components of democratic governance.

We have a new deal and a new process to deal with Assembly calls for documents, which I note may need some further improvement. And that, of course, was the establishment of the independent arbiter. There have been amendments to the Freedom of Information Act. The new campaign advertising review process is now in place, and we have an enhanced committee process.

I also note that there are still outstanding issues that we as a legislature have to address, such as government responses to committee reports. I note that a document that was tabled this afternoon, "Schedule of government responses to committee reports, March 2010", unfortunately is still showing that 50 per cent of government responses to committee reports are not being delivered within the three months that we believe is the ideal.

The Greens would also like to see improvements to the Human Rights Act compatibility statements. In particular, we would like to see a statement of reasons for those statements, as well as the inclusion of climate change impact statements to accompany bills and greater sustainability reporting for all government expenditure and policy initiatives.

There are many forms of accountability. Providing credible policy alternatives and making the government properly justify policy decisions against alternative policy options are the most effective ways that non-government members can keep the government accountable for their actions.

It is easy to criticise. It is much harder to shrug off that criticism, and people are far more likely to take that criticism seriously if there is a genuine alternative presented alongside it. That is about being future focused, presenting solutions, presenting alternatives.

The Greens have done this. We have at every opportunity been the first ones to raise concerns where we feel proper processes have not been followed or the right outcomes have not been achieved. We have put the Greens' alternative of what would be a better process or policy outcome on the table.

It is worth making the point that accountability comes in many forms and there are many avenues available to ensure that the government is as open and accountable as it can reasonably be expected to be. It is up to us as members to exploit these mechanisms to the greatest extent possible and, where appropriate, create and adopt new mechanisms.

To this end, the Greens—and it is included in the ALP-Greens parliamentary agreement—have committed to work to improve the integrity arm of government. Governments, and particularly delegated decision makers, impact on people's lives in new and different ways all the time. It is essential that accountability mechanisms are maintained, if not enhanced, to ensure they keep pace with government and executive activities.

I note at this point, with some concern, that recently the government and the opposition voted to remove a review mechanism available in the ACT Civil and Administrative Tribunal without sufficient consideration and policy debate. The Greens moved to ensure that there was a proper consideration of this policy change but unfortunately neither party supported us.

I think we are very fortunate in this country to have constitutionally established judicial review and the established rule of law. I think at times we, as members of the Assembly, adopt a narrow view of government accountability. Indeed, it is our job, as members of this place, to ensure continuance of the well-established principle—and I quote from the UK Cabinet Office, as cited by the High Court of Australia in consideration of these issues:

> Each Minister is responsible to Parliament for the conduct of his or her Department, and for the actions carried out by the Department in pursuit of Government policies or in the discharge of responsibilities laid upon him or her as a Minister. Ministers are accountable to Parliament, in the sense that they have a duty to explain in Parliament the exercise of their powers and duties and to give an account to Parliament of what is done by them in their capacity as Ministers or by their Departments.

It is incumbent upon us to ensure that this occurs and it is indeed a matter of the utmost public importance that we do. I have outlined the measures the Greens have implemented to ensure that this occurs and I do not think anyone in the community would doubt that we have a good level of success implementing our initiatives and improving the openness and accountability of this government.

However, the Greens take a much broader view of what open and accountable government should be. As I mentioned earlier, there are many mechanisms for accountability and sometimes the more subtle and often more difficult measures are the most effective in ensuring that the government is accountable for, and the community has the opportunity to evaluate, government actions and policies. Again, I am pleased to have the opportunity to discuss this matter, to reiterate the Greens' record on this matter and to express my sincere hope that all parties can work constructively together to improve the governance of the territory.

I spoke last night in the adjournment debate about the change in the shape of the Tasmanian parliament now that the Greens will have the balance of power. One of the Greens leaders, Nick McKim, talked about a new era in Tasmania of cooperative politics. I have also spoken about that here in the last few days, that in the ACT, in this Assembly, there are three parties. We are in a new era. This is a new time. We really need to get on and be active participants in cooperative politics, not oppositional politics.

MR DOSZPOT (Brindabella) (4.43): I thank Mr Coe for giving us another opportunity to discuss in this place the issue of open, accountable and honest government. Indeed, I do not think a week goes by when the subject is not raised in one form or another. We have had many occasions to speak on this topic before and it is shame that we see a need to treat this is as a matter of public importance and raise it so often in this place, instead of being able to depend on this government to act honestly and in an open and accountable way as a matter of course.

The history of this Labor government is littered with examples of the betrayal of trust and the inability of this government to act honestly. One such example that transcends the years is that of the devastating school closures of 2006 and the failure of this government to release the functional review which was the catalyst for this mass cull of schools.

The failure to release the functional review, this hiding behind cabinet confidentiality, is a clear indication of how this government operated then and continues to operate now. Things have not changed. Even to this day, the Stanhope Labor government will choose to hide behind the excuse of cabinet in confidence. It would be valuable even now to examine what is in this functional review, in the review that led to such devastating changes, cuts to services and such devastation to our community.

It is only reasonable that we should see these documents even now and, if Mr Stanhope was here, I would be asking him why is he still hiding this document. Why are not the Greens interested in this document? Is it not worth the effort to get to the bottom of that traumatic part of Canberra's history, that infamous era that was characterised by Ms Gallagher's famous quote "no school closures"? That did not last too long and not only did we have school closures, we had bigger school closures than this city has ever seen.

To my mind, the school closures marked a watershed moment, a moment where the community said enough was enough and saw through the lies and rhetoric of the Stanhope-led Labor government. The 2008 election confirmed that and prompted the Labor Party to say all the right words. Never before were the words "open and accountable" used more.

The ACT Greens also promised to provide accountability and transparency to the community by acting as third party insurance for the community. This is now being referred to sadly as third party insurance fraud. We must not forget that we are elected to this place to make decisions on behalf of the citizens. We need to ensure that the decision making is open and accountable and not just for the short term. This accountability needs to carry through the whole term of government, well beyond any election.

This government came back into this place promising more open and more accountable government. We were told how they had learnt their lesson, how they will promise to take into account that the people have spoken and the fact that we have got three more Greens here. And the Greens promised to ensure this would happen.

In the Greens-Labor agreement, we see a lot of the right words, words that are meant to ensure a change of attitudes. The agreement states:

> The parties commit to:
>
> **1. Accountability and collaboration**
>
> The purpose being to improve accountability and practice in the relationship between the Executive, Parliament and the Judiciary in the ACT, and improve the involvement of non-executive Assembly Members in the development of legislation, policy and service delivery.

The Greens-Labor agreement also states:

> Pursue measures which will ensure:
>
> (a) Parliamentary procedures which enforce the accountability of the Executive to Parliament …
>
> (b) Greater collaboration between the Executive and Parliament in the development of legislation …
>
> (c) Higher standards of accountability, transparency and responsibility in the conduct of all public business …

This week's debate about questions regarding the Greens-Labor agreement, the fundamental agreement that keeps ACT Labor in charge of this territory, resulted in a ruling from the Speaker that the agreement is out of bounds during question time. Where is the scrutiny for the multitude of decisions made and the millions of dollars spent under this agreement? The Labor-Greens agreement is in place and governs much of the spending of this government; yet we cannot ask questions relating to it. This is quite absurd.

On the very front page we have the statement:

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

However, we cannot even ask questions about this statement. We cannot even question the minister, or any minister, on how he or she is ensuring accountable and transparent government, public service and parliament that are responsive to the community. How can this equate to being open, honest and accountable?

We, as the opposition, have the task of holding the government to account. We have an obligation to the people of Canberra who voted for us to do this, to provide an open and accountable government, and the crossbench have that same obligation. We and the community were hoping that there would be more cooperation to maintain that momentum that was generated during the last election. But there are too many compromises that seem to get in the way, far too many compromises.

We are not alone. We are not alone in seeing this and noting the compromises that constantly take place. We take the responsibility seriously and we hope that our Green colleagues are able to join us and ensure that this accountability that the community so wanted is not overshadowed by the sacred agreement that we are not allowed to quote or query.

The Greens promised they would be a third party insurance for our community. However, on too many occasions our ACT Green colleagues have proved to be third party insurance but not for the people, not for the community, but for the government. Ms Hunter said yesterday morning that school communities felt betrayed and shocked when the government closed schools in 2006. Ms Hunter should understand that these communities felt exactly the same way when the Greens failed to act to rectify some of the damage when they had the chance.

Let me remind this Assembly that in September 2009 the recommendations of the education committee school closures inquiry were released by the chair, Ms Bresnan. The recommendations included the opening of Tharwa, Hall, Flynn and Cook schools. When questioned by the media on how far the Greens were willing to go on this issue, Ms Bresnan was straight to the point—no, ambiguity whatsoever. "All the way," she answered.

In October 2009, I tabled a motion in this place on the reopening of these schools, and the all-the-way commitment of the Greens turned to mush; it turned into shutting down debate on this topic, a topic in regard to which, in Ms Hunter's own words in media reports yesterday, communities felt betrayed and shocked when the government closed the schools in 2006. As Ms Hunter quite rightly stated, the community did feel betrayed and shocked, and the community could not believe that the ACT Greens compounded that betrayal by also betraying this same community by shutting down debate on our motion in September.

It was not the government that shut it down, not the government that shut down debate, which would have been somewhat understandable, but it was our third party insurance. It was your party, Ms Hunter, that shut down debate, an unforgivable decision when taken in context of your pre-election promises.

The Greens had the chance to enforce accountability and question the government on behalf of the community, the rights and wrongs of reopening some closed schools. The Greens had that chance to join with us, with the opposition, to enable these schools to be reopened.

Evidence was in place that the communities were viable and that the processes used to close these schools were flawed. Yet, when push came to shove, after the committee's finding gave us the opportunity, the Greens chose their partnership with the government over the good of the community. They essentially endorsed the government's flawed actions, secrecy and duplicity in the tragic school closures. How would an auditor of the Greens-government agreement for higher standard of accountability, transparency and responsibility classify the Greens' actions in shutting down this very debate?

We are heading into a very busy time in the sitting calendar and a time—*(Time expired.)*

MS LE COUTEUR (Molonglo) (4.53): I would like to thank Mr Coe for raising this matter of public importance as it is still a very interesting and pertinent topic despite the fact, as has been pointed out, that we did debate this same topic last June.

The first thing I would like to just briefly touch upon is Mr Doszpot's comments on the Labor-Greens parliamentary agreement. We still seem to have a degree of misunderstanding about this. It is not something—maybe unfortunately—which is sacred. It is not sacred; you can quote from it. Mr Doszpot, it is on the Greens' website, and it was in fact, I believe, tabled in this Assembly earlier in the year, or last year, so it is quite quotable from.

Also, things that government ministers do are entirely matters which questions can be asked about and have been asked about. What the government does is open to scrutiny at question time, and we have already been through this at some length.

The Greens, as Ms Hunter has already outlined, as well as the Liberal Party, and I believe the Labor Party, are concerned that governments work openly and in an honest and accountable manner. It is something we have worked for and something we will continue to work for. Ms Hunter has already talked about the reforms the Greens have proposed to help our Assembly processes work better, to provide better accountability and transparency.

I will not go through all the ground which I covered last year on the general issues. It is probably true that there is some difference of opinion between the Greens and the Liberal Party as to the best ways of keeping a government honest. I guess one of the bigger differences is that we probably approach more the broad range of avenues of scrutiny which are available to the Assembly, including, as I started to outline earlier this week, scrutiny of legislation and government reports and plans; questions on notice and questions not on notice, especially questions relating to policies and programs; the budget estimates and annual reports processes, which are both substantial opportunities to investigate the implementation of programs; the committee process, which is often used when other processes of the Assembly are inadequate or unsuitable; investigations of commissioners and reports of the Auditor-General; and engaging in government consultations processes. And, if none of these allow enough scrutiny, FOI of course can be used for specific questions.

I was a bit concerned by the Chief Minister's comments earlier in this matter of public importance about the costs of FOI and questions on notice. I think they are legitimate costs of having an open, honest and accountable government, and it is very important that we just accept them as such rather than as a burden or an impost.

One of the most important ways that the government as a whole is held to account is the fact that we right now are in a situation of minority government. Mr Coe in his opening speech spoke a lot about things which happened during the period of majority government; but the people of Canberra decided that majority government was not

what they wanted for themselves and at the last election they voted for a minority government. So there are three parties in this Assembly, and to an extent we are all jointly responsible for the government of the ACT.

As we know, no legislation can be passed without the agreement of two parties, or three parties of course; many times things are passed with the agreement of all three parties. The budget also has to be passed with the agreement of at least two parties. So, in terms of talking about an open, honest and accountable government, we need to look at these issues in relation to the actions of all of the members of the Assembly, not simply the members who form part of the executive government, because in the wider sense we are all part of government. I do, of course, want to still respect the Latimer House principles, and I am not trying to suggest that there is not a separation between the executive and the legislature; but they are related.

In terms of question time, which we have talked about a bit, and the processes I was talking about above in terms of scrutiny, I do not think question time is the be-all and end-all. Earlier today we had the situation where the Speaker had to warn four members during question time, and that included the Chief Minister. The question time did become more useful in the second half, when the warning had a great effect and a considerably greater amount of quiet. But question time is not the only mechanism.

Over the past 15 years the Greens have been using these processes to question and to lobby the governments of the day on their practices, policies and programs. And we have seen governments change their policies and practices as a result of our pushing, and this is true for the current Labor government and the previous Labor governments and I believe it was true for the Liberal government before that.

The committee process is one area which I think contributes well to scrutiny in this place, and the combination of chamber work with committee follow-up can be especially helpful. I am sure the Liberal Party would agree with this, particularly given the detailed work that they did on the Cotter Dam cost blow-out through these channels.

We of course believe that the government of the day needs to be accountable to the public, and one way in which we do this, and I am sure all the other members do this, is through our day-to-day interaction with constituents and members of the public and organisations. We spend a lot of time being sort of advocates and middlemen between the rest of the ACT community and executive government, prodding and pushing and getting information for them, changing government policies and keeping the government accountable on behalf of the community as a whole.

Another way in which we work to keep the government accountable, particularly to the future generations of Canberra, is to lobby and work with the government to improve existing processes, to insert longer term and more holistic thinking into them. Members may remember back to this morning when I was speaking on the PAC report on annual reports. I spoke a lot about ESD reporting and the need for that. That is part of how we keep the government accountable, particularly for the future generations who are the ones who will be most affected by our success or otherwise in ESD.

As Greens we are very focused on policy outcomes. We are the sort of people who like to see results for the community and for Canberra in general. By chasing the government on a lot of seemingly small issues, we know that in fact we end up contributing towards improved community outcomes. One way we do this is through considerable engagement with the government consultation process. We attend consultations, we get briefings, we go to a lot of public consultations and, as we have talked about earlier, we contribute to a lot of these processes; for instance, the recent draft energy policy, the feed-in tariff and the government's consultation on walking and cycling. I do not have a whole list in front of me but there are a lot of them.

It is very rewarding to be involved in program and policy development and that is one of the areas we are working hard on with respect to the Molonglo Valley. But there is also of course the disappointing side to the government consultations and that is where it goes to the heart of open, honest, transparent and accountable government.

Mr Coe mentioned in his speech, and I will just mention it again, the Green Square consultation. The second consultation with ACTPLA I do not think qualified as open, honest and accountable, because it seems abundantly clear that the decision on Green Square's grass or otherwise had already been made, but the consultation that ACTPLA did did not acknowledge this and the people of Kingston thought that all cards were on the table when in fact they were not.

Ms Hunter has already discussed the ACAT amendments and the JACS bill, which we debated earlier and is another instance where there has been a bit of a disconnect between policy outcomes and the process. The Greens think this is a very important matter for all members of the Assembly and I thank Mr Coe for bringing it to the Assembly.

MR HANSON (Molonglo) (5.03): In the couple of minutes I have remaining I will lead off with a quote because I do not have time for a preamble:

> Under Labor, the ACT Government and its agencies will restrict the use of commercial confidentiality to the narrowest possible application. Labor accepts that there are exceptional occasions when some commercial arrangements between Government and the private sector must remain confidential.
>
> But the stress must be on 'exceptional occasions.'
>
> Labor won't hide behind a cloak of confidentiality.

Let us put that into the context of what we have seen over the last 19 months of the Calvary fiasco, where deals were done behind closed doors in the lead-up to the election, where the government was not going to take this to the people. It was only when a leak was made to the *Canberra Times* that we found out about it, and we only found out about the revised deal, after the first one collapsed, through questioning here in the Assembly done by Mrs Dunne. I think it makes a mockery of this government's preaching, when it was in opposition, about being open and accountable. The way it has behaved in government makes an absolute farce of what it preached to the electorate in the lead-up to the last election about being honest and accountable.

MR SPEAKER: Sorry, Mr Hanson, your time is up.

MR HANSON: I could go on four hours, Mr Speaker. It is very disappointing.

MR SPEAKER: I suspect so, but the time for the debate has now expired.

Fair Trading (Motor Vehicle Repair Industry) Bill 2009

Debate resumed from 19 November 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.04): The Canberra Liberals will be supporting this bill in principle. But that support only comes because Mr Corbell will be introducing amendments in the detail stage of the debate.

Mr Speaker, if ever you were looking for an example of the result of what happens when there is a failure to consult with industry and stakeholders, you need look no further than this bill. None is as stark as the Fair Trading (Motor Vehicle Repair Industry) Bill 2009.

This ACT Labor government, through Mr Corbell, introduced this bill into the Assembly on 19 November 2009. Our process of consultation on the bill revealed that, until just before the 2008 election, there had been years of discussion between the Motor Trades Association and the Office of Fair Trading about legislative reform. Indeed, that discussion had taken place under the auspices of the industry code committee—a committee established by the government and chaired by the head of the Office of Regulatory Services.

Those years of discussion took place because the industry knew it needed regulatory reform. It wanted regulatory reform and it was waiting for regulatory reform. As far back as 18 March 2008, the MTA met with Mr Corbell to seek the government's commitment to implement a legislative framework similar to that which is in place in New South Wales. Mr Corbell, in a letter to the MTA dated 19 August of that year, said he was "generally supporting of replacing the code with legislation".

Why did the MTA call for reforms? A letter dated 31 August 2009 from the MTA to the Department of Justice and Community Safety puts it well. It says:

> The ongoing failure of the current voluntary code when measured against the objective established back in July 1999, and ORS inability to enforce the Code due to legal restraints which has resulted in repairers questioning the logic and validity of meeting their legal obligations at considerable expense as opposed to those repairers operating outside the present system.

What we had was a complete breakdown in the code. This was happening because the industry was rapidly changing. Motor vehicle technology was, and is, changing rapidly. Specialist skills are required to work with that changing technology. Dodgy

backyard motor vehicle repairers were springing up, so much so that the MTA's best guess is that only 60 to 70 per cent of motor vehicle repairers in the ACT are licensed by ORS.

Inappropriate trading practices were going on. Operators were misleading customers about the quality of the parts that they were installing in their cars. They were misleading them about whether repairs were required at all, and they were overcharging them.

The industry, through the code committee, was so sure that legislative reform was required that it actually sat down and wrote the legislation that it wanted. It sent the draft legislation to JACS in the letter of 31 August 2009. Based on the New South Wales legislation, it was a comprehensive piece of drafting. It contemplated, amongst other things, an extensive licensing regime, with specialist licences for a wide range of specialist skills that are now required. It prescribed training and professional development programs for people in the industry. It required training qualifications to be a prerequisite for submitting licence applications.

Importantly, the draft legislation had the unanimous endorsement of the code committee, including its chair, the head of the Office of Regulatory Services. All the members of the code committee, representing industry and government, considered that the draft legislation adequately covered all the need for industry regulation into the future.

But what happened to the draft legislation? Quite frankly, it disappeared into a black hole. After all the years of discussion, culminating in the Attorney-General's written support for the approach that the MTA saw as necessary, the code committee unanimously agreed with the MTA's draft legislation and unanimously agreed that it should be sent to JACS.

The bill that Mr Corbell presented to the Assembly on 19 November last year bore absolutely no resemblance whatever to the draft that the MTA sent to JACS 2½ months earlier. And it was not faithful to the letter that Mr Corbell wrote to the MTA on 19 August 2008, in which he said:

> Significant consultation with industry would also be required. As such it is not possible for this legislation to be developed prior to the election.

What happened after the election? Any thought of consultation went straight out the door. It is a sort of reprise of the MPI that Mr Coe has just led in this place. There was none, and this Attorney-General introduced a bill in November 2009, a year after the 2008 election, that had been devised without any consultation. All the years of work and effort by the MTA had been for naught.

And then what was Mr Corbell's attitude in relation to this? Much like the two crimes bills that we are also scheduled to debate today, he sought to bring back the motor vehicle repair industry bill with only three weeks between its introduction and its proposed time for passage, giving little time for anyone, let alone industry stakeholders, to consider the bill before it looked as though we were going to debate it

and perhaps bring it into law. So all those years of work and effort had come to naught.

On 1 December 2009, I wrote to Mr Corbell, noting that there had been no industry consultation on the bill and calling on him to withdraw the bill from the debating program so that consultation could take place. To date, Mr Corbell has not responded to that letter formally, except to the extent that he withdrew the bill from the program for the December period. But that has been the only form of reply.

The code committee was very happy with that result because it thought there would now be an opportunity for Mr Corbell to consult with the industry through the code committee. But that hope has also turned out to be for naught. Mr Corbell did nothing more than to put the bill in the bottom drawer of his desk, until he announced at a government business meeting on 3 February that the bill would be debated the following week.

Later that day, I contacted the MTA to ask what consultation had taken place on the bill since it was withdrawn from the program in December. The response was one of surprise from the MTA. There had been no consultation, which I suppose, when you think about it, is no surprise. The MTA was not aware that the bill was being brought back to the Assembly the following week. There had been no changes made to the bill since December.

Mr Corbell did absolutely nothing in the period from December to February other than to retrieve the bill from the bottom drawer on 3 February. Again, there had been no consultation and no recognition of the years of work put in by the MTA to get their industry into line. All of these years of work and effort were for naught. So on 3 February, I wrote to Mr Corbell in similar terms to my letter of 1 December. Mr Corbell again withdrew the bill from the program but failed to respond to my letter. He has still not responded.

What followed was what should have happened shortly after 31 August 2009, when the MTA sent its draft legislation to JACS. Meetings of the code committee were held on 15 February and 12 March. A very grumpy and abjectly uncooperative Mr Corbell, from accounts given to me, attended for about an hour of the first meeting, reluctant to listen to the processes that the MTA went through to arrive at the draft legislation it had prepared and sent to JACS in August last year.

The MTA's summary of that meeting was that it was a very disappointing meeting. The MTA said it did not achieve the wishes of the committee or address the genuine concerns of industry. Nonetheless, Mr Corbell and government officials went away and drafted a range of amendments which Mr Corbell will introduce in the detail stage of the debate today. These amendments were brought back and explained to the code committee's second meeting, on 12 March. The committee resolved to endorse these amendments.

It is on this basis, and this basis alone, that the Canberra Liberals give in-principle support to the bill today. And we will support the amendments. However, the amendments, whilst welcomed by the MTA, will only work successfully if the

government actively promotes the changes that are brought by this bill and its amendments and the regulations that will follow. It will need to promote those changes to both the industry and consumers.

We cannot have another unit titles situation, which the minister also bungled, whereby it was only after pressure from the Assembly, led by the Canberra Liberals, that Mr Corbell took steps to provide information to unit owners and tenants. So I call on Mr Corbell to resist the temptation to put the bill and its amendments back into the bottom drawer of his desk after it passes into law today. There will be much work for the government to do to ensure that this bill is well known throughout the industry and the community and its effects are understood.

There are a considerable number of matters that the MTA considers should have been covered in the new legislation. I will not dwell on those now, other than to note that the amendments the government will put forward will establish an advisory committee. One of the functions of that committee will be to review the operations of the new act and report to the Assembly within one year of its commencement. That will be an opportunity to address the remaining concerns.

But will this belligerent attorney listen to and act upon the report rather than table it in the Assembly and put it in the bottom drawer of his desk? Time will tell. The history of this bill is one of the most telling indictments of the ACT Labor government's hypocrisy as to a philosophy of consultation, its arrogance as to its attitude of "we know best" and its disdain for anyone who comes forward with a plan that is right for their industry.

This bill, utterly lacking in any consultative backing, was introduced after years of wasted work and effort by the industry, twice listed for debate and then quickly withdrawn, and finally brought back after the minister had been brought kicking and screaming to the table and after he had agreed to amendments. The minister's behaviour in this has been an utter disgrace and I think that he should heartily apologise to the industry, which is trying to get its house in order, for his obstruction in this matter.

As I said, we will be supporting the bill in principle. We look forward to the amendments that will improve this bill, whilst not making it the streamlined piece of work which the Motor Trades Association had anticipated.

MR RATTENBURY (Molonglo) (5.17): The Greens are pleased that this bill has finally actually reached the Assembly for debate. Mrs Dunne has touched on some of the chequered history of this piece of legislation. There have been a number of occasions where the government have flagged that they would like it to be debated, only for it to be withdrawn because it was not ready for debate. The Greens are pleased to have played our part in holding the government to account by ensuring they do the work required before debate and a vote take place. The final product of the government being held to account is a bill that is worthy of support, and the Greens do, indeed, support the bill today.

Before I speak about the bill, I would like to make some brief comments about the process by which the bill got to the chamber. Mrs Dunne has spoken of some of the

history of how it got here but I would like to add one further comment that Mrs Dunne did not touch on. It comes from the role of the code committee. Under the code as it stands, the one that is being sought to be improved with this legislation, the code committee is established. Their sole job is to administer the code.

The attorney, in introducing the legislation, spoke about the shortcomings regarding the lack of enforceability of the code, and they are points that the Greens agree with. But this legislation basically turns that code into law. That is the code that the code committee's sole job is to administer. So you would assume that that committee would play a central role in the devising of the legislation. Again, Mrs Dunne has touched on this to some extent.

I note that I was provided with something, and I thank the Attorney-General for this. One of the things we insisted on knowing was what the code committee's view was on this legislation. When this legislation was first scheduled to come on last December, we were told that they had looked at it, and then we found out they had not, when we actually rang some of them. It became a bit of an unclear situation and it reached a point where we put the view to the minister that until we knew the committee had met and discussed it we were not prepared to discuss the legislation.

That has now happened, and I am pleased that is the case. But I was particularly interested in the minutes from the recent meeting of the code committee held on Friday, 12 March 2010. These minutes are provided by Mr Brett Phillips, the chair of the code administration committee. I would like to quote from the minutes. At the beginning of the meeting, under section 1, "meeting opening", the minutes state:

> Mr Phillips—

that is the reason I mentioned his name; he is the chair of the committee and I wanted to put him in context—

> said the meeting had been called at short notice as there is a short time frame before the Fair Trading (Motor Vehicle Repair Industry) Bill 2009 comes on for debate in the Legislative Assembly, and he would be unavailable early next week.

This was on 12 March, despite the fact that the legislation was tabled in the Assembly on 19 November. It had been scheduled for debate in at least December and I think tentatively scheduled again in February. I find it very disappointing that this is the way it was conducted. It seems rather unnecessary to have needed an urgent meeting when in fact this had been in play for quite some time.

But, at the end of the day, we have managed to finally have the code committee examine the legislation. It would be fair to say, if one goes on to read the rest of the minutes, that the code committee provides some very useful comments. I appreciate that this meeting was ultimately held, because I think it was a positive contribution to the legislation. I note that the government will be moving amendments which improve the bill, and we support those amendments. I will speak to them in some detail when they come on.

In essence, this bill legislates into law the existing code of practice for the motor vehicle repair industry. The code sets out valid protections for consumers. However, since the code commenced in 1999, experience has shown that there are difficulties in enforcing those protections, as I have already alluded to. By legislating the code into law, the protections will be guaranteed and fully enforceable.

To achieve that enforceability, business owners will be licensed. Licence conditions will then require the business owners to do certain things, such as provide estimated costs for mechanical repairs and provide updates if future work is found to be needed. These are important protections for the consumer and they will be better protected after these changes are put in place.

The stumbling block in getting to an acceptable bill today has been the question of just how far the government should go in licensing mechanics. This bill will license business owners but will not require their employees to be licensed. Part of the vehicle repair industry has strongly argued that the ACT should license all participants in the industry.

The government, in discussing this with us, have indicated they have been reluctant to embrace that fuller licensing model without a greater understanding of the costs involved and who would bear those costs. The fuller model would require all mechanics to be trained to a certain level. The training required would be provided by an organisation who would charge participants. This cost would ultimately be borne either by the mechanic, their boss, or passed on to the customer.

I agree with the government that careful thought is needed before the next step in the reform is taken. However, I do also understand those in the industry who want greater control over what training mechanics must undertake. There is the desire by people in the industry to improve the quality of work done and, in the process, improve the reputation of the industry overall.

That issue of whether or not the government would do the work necessary to prepare for the next step was not addressed in the original bill. Understandably, the industry wanted guidance on when and how the next step would be taken. The amendments that the government is bringing in will address those questions, and I will provide more comments on those amendments at a later stage in the debate today.

For now, I conclude by saying that the Greens support this bill and the increased protection for customers that it will bring about.

MR HARGREAVES (Brindabella) (5.23): Madam Assistant Speaker—I will defer to Mr Corbell for the right to speak.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.24): I thank members for their comments on the bill.

The Fair Trading (Motor Vehicle Repair Industry) Bill will provide for the licensing and regulation of persons in the motor vehicle repair industry. The industry is

currently regulated through a registration scheme governed by the Fair Trading (Motor Vehicle Service and Repair Industry) Code of Practice established under the Fair Trading Act 1992.

The bill will replace the existing registration system with a new business licensing scheme, and will enable disciplinary action to be taken against offending repairers in the ACT Civil and Administrative Tribunal. The bill otherwise largely reproduces the significant aspects of the code, including the obligations and responsibilities of repairers and consumers, into legislative form.

While the bill will deliver significant benefits to the repair industry and consumers through improved enforcement, it will not significantly change the day-to-day operation for existing repair businesses and their employees. Key stakeholders in the motor vehicle repair industry had queried why the bill did not go further and introduce a more comprehensive licensing model which would result in the licensing of all participants in the industry and require employers and employees to possess formal qualifications or undergo training. This is currently the approach in New South Wales. A similar approach is also adopted in Western Australia, the only other jurisdiction to formally legislate in relation to motor vehicle repairers.

This proposal would involve a significant policy shift from the existing regulatory scheme and as such would need to be supported by a thorough and extensive analysis of the impact on the market, on employers and employees, as well as business costing to assess the value of such an approach. I communicated to the Assembly on introduction of this bill that I remain open to consideration of this proposal and I made a commitment to working with key stakeholders in this regard.

Since the introduction of this bill, I have been working closely with the motor vehicle repair industry and consumer representatives and I will be moving a number of government amendments in the detail stage which arose out of these discussions. One of the amendments, which I will discuss in detail later, affirms my commitment to working with industry in considering wider reforms in the future.

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

There are a number of exceptions to this general rule, the main exception ensuring that individuals who perform repair work in the course of their employment are not regarded as carrying on the business of a repairer. This exception maintains the status quo under the existing system, which does not require registration of employees. Other exceptions in the bill include members of a partnership, where one of the members of the partnership holds a licence, and publishers of advertisements relating to a business carried on, or a service provided, by a repairer.

The bill ensures that action can be taken against persons, including partnerships and corporations, who carry on a business of motor vehicle repair work for reward without a licence.

Amendments in the bill to the Fair Trading (Consumer Affairs) Act 1973 will ensure that the fair trading framework established under that act applies to the motor vehicle repair industry, enhancing enforcement of the licensing scheme. Among other things, the amendments will ensure that fair trading inspectors will be able to use their powers to investigate complaints about the motor vehicle repair industry.

I would like to thank the Standing Committee on Justice and Community Safety for their scrutiny of the bill. I have prepared a detailed response to the committee's comments, and will briefly reiterate the substantive content of that response for the Assembly.

Firstly, the committee sought an explanation for the setting of the commencement date of the act by written notice. This was done to allow sufficient flexibility in the timing of the commencement of the act to ensure a smooth transition from the existing registration scheme to the new business licensing scheme that would be provided for under the bill.

Secondly, the committee raised concerns over the appropriateness of the bill delegating power to the executive to make a regulation to prescribe certain matters for the act. The purpose for the delegation is to ensure that the regulatory scheme established under the bill can operate effectively.

The committee also raised concern over the process in the bill whereby a person may apply to the minister for an exemption from the operation of the act. I am confident that the process meets the committee's requirements where it is desirable to confer a dispensing power on a minister. The scope of the power to make an exemption under the act is limited by a clearly defined and objective test. The minister must be satisfied on reasonable grounds that the exemption is not likely to cause a substantial detriment to consumers.

In relation to the committee's recommendation to limit the grounds for disciplinary action to contraventions directly relevant to a person's fitness to hold a licence, I consider that it is sufficiently clear that the bill already has this effect. It may even be that the additional wording proposed by the committee would be too narrowing, as contravention of a wide range of territory laws may be considered to relate to the fitness of a person to hold a licence depending on the way the contravention reflects on the person's integrity and character in certain circumstances.

Finally, the committee raised concerns over the exercise of the power of the Commissioner for Fair Trading to determine that a person is not to be regarded as a disqualified person. Allowing the commissioner to have regard to matters additional to those specified in the bill is important to the appropriate exercise of the commissioner's power in making the decision. The essential effect of the commissioner's decision is that an individual, despite having committed a disqualifying act, can participate in the motor vehicle repair industry. While the bill specifies some considerations that the commissioner must have regard to, in making such a decision, the committee would recognise that no legislation or regulations could be expected to anticipate all of the considerations that may be relevant to

ensuring a decision of the kind in the bill does not have harsh and unintended consequences for individuals.

As I alluded to earlier, I will be moving a number of government amendments to the bill in the detail stage. The amendments arose as a result of constructive feedback the government received as part of close consultation with the motor vehicle repair industry and consumer representatives.

In accordance with standing order 182A, the government amendments which I will be moving in due course were provided to the scrutiny committee with a supplementary explanatory statement. The committee has recently provided comments on the amendments, and I will respond to those comments in the detail stage. The supplementary explanatory statement which I will table with the amendments has been prepared to accurately, and with clarity, describe the amendments, their purpose and their operation.

I am confident that the amendments in the bill are an important move towards ensuring more effective and efficient regulation of the motor vehicle repair industry and will deliver significant improvements for both industry and consumers. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.32), by leave: I move amendments Nos 1 to 6 circulated in my name together *[see schedule 1 at page1603]*. I present the following paper:

> Supplementary explanatory statement to the government amendments.

I will briefly outline these amendments. Amendment 1 is in relation to clause 22 of the bill, which ensures that it is a condition of a motor vehicle repair licence that the licensee performs repairs or ensures that repairs are performed by an employee with the equipment, materials and skill necessary to carry out the work satisfactorily. This provision replicated the existing obligations of repairers under the existing code. This provision has now been relocated in new section 41A and recast as a misrepresentation prohibition, to be inserted by government amendment 4, which I will discuss shortly.

Government amendment 1 inserts a new clause 22 to provide that the minister may supplement the misrepresentation provision in new section 41A by way of more specific requirements giving directions about the equipment, materials and skills

necessary to perform repairs. The directions power permits a minister responsible for the legislation to set objective standards which give effect to advice, for example from the advisory committee or the Commissioner for Fair Trading, about the way repairs are undertaken. For example, the directions might require a repairer to use specific equipment when undertaking a repair on a specific vehicle; or to only use a person with a particular competency in relation to a particular class of repairs; or to require all workers to have specific competencies—this could include applying safe working practices, or identifying environmental regulations and best practice in a workplace or business.

Directions under this section are disallowable. In addition, if the direction is likely to impose appreciable costs on the community, or a part of the community, they must be the subject of a regulatory impact statement.

I would like to take the opportunity to thank the Standing Committee on Justice and Community Safety for their recent scrutiny of the government amendments. The committee's sole comment was in relation to this amendment; the committee raised concern over the appropriateness of the power in new clause 22.

The purpose of the power is to ensure that the regulatory scheme established under the bill can operate effectively. Enabling the minister to give directions which deal efficiently with issues that arise during, and that affect, the day-to-day operation of a regulatory scheme can prevent timely and costly disruptions to the regulation of that industry, and to all parties participating in that industry. The power will be exercised by the minister following advice given by the Commissioner for Fair Trading or the new advisory committee, which is proposed to be established by government amendment No 3.

Government amendment No 2 provides further clarification of the original intent of the legislation. It was intended that the cost of disposal of a replaced part be made known to a customer, and that a customer should not pay for disposal when they elect to take the part from the premises.

Government amendment No 3 inserts new part 5A into the bill. The new part establishes an advisory committee to consider the need for additional amendments to legislation regulating the motor vehicle repair industry.

The committee will be tasked with advising the minister about possible amendments to the law, matters affecting consumers, unfair commercial practices affecting repairers, and environmental issues. The committee can also advise the minister about directions under clause 22, amended by government amendment 1, and exercise other functions given under the act.

The committee will include members who are representative of the industry, motor vehicle repairers, including business owners and employees, consumers and the environment. The Commissioner for Fair Trading will chair the committee.

The committee will be required to prepare a report on the impact of the legislation within 12 months of commencement, including an analysis of specified matters,

including the impact of the legislation on business owners, employees, and consumers; the level of consumer satisfaction with the industry; training and competency requirements; and transitional arrangements.

Government amendment No 4 inserts a provision concerning false or misleading representations. The provision is based on section 14 of the Fair Trading Act, with the inclusion of new paragraph (l) in subsection (1). The new paragraph has recast the obligation in clause 22 of the bill, as introduced, as a prohibition. The prohibition will operate to ensure that a licensee does not make a misrepresentation about the performance of repairs. The new provision will result in more effective enforcement, leading to improved protection for consumers. A breach of the provision is an offence with a maximum penalty of 200 penalty units.

Government amendment No 5 inserts the definition of "advisory committee" into the dictionary as a consequence of government amendment No 3. Finally, government amendment No 6 inserts the definition of "representative members" into the dictionary.

These amendments have been the result of some detailed discussion between me and my officials with the advisory body. It has been a constructive process. I am pleased that we have been able to find a way forward. I believe that these new mechanisms provided for in the government's amendments will enable the development of further reforms to the regulation of the industry, which are very much a matter of interest for the industry currently, whilst at the same time ensuring that new players in the industry, in terms of people currently not represented on the advisory body, will be able to be represented and their views heard—in particular, employees as well as groups and individuals representing and with an interest in terms of environmental sustainability—to ensure that we get a regulatory regime which meets the needs of the community as a whole, which is effective and which, ultimately and most importantly, provides effective protection to consumers.

MRS DUNNE (Ginninderra) (5.39): The Canberra Liberals will be supporting all the amendments that the minister has moved today. In relation to amendment 1, this amendment enables the minister to give directions via disallowable instrument about the equipment, materials and skills necessary to work on motor vehicle repairs.

One of the functions of the advisory committee, which another amendment will establish, is to advise the minister about directions or proposed directions. This suggests that the minister will be required to consult with the advisory committee on any directions he proposes to make of his own volition.

I note the advice given by departmental officials to the code committee on the meeting on 15 March, at which the officials took the committee through the proposed amendments, that there would be a comprehensive process of consultation with both the advisory committee and the industry in relation to proposed ministerial directions. I trust the minister will honour this process and ensure that there is never a repeat performance of the history of the bill as I outlined in my in-principle speech.

The code committee also expressed concern that the amendments do not establish a formal occupational licensing scheme, something that the committee has for a long

time called for. It was also covered in the draft legislation that the MTA presented to JACS in August last year. I note the committee heard that Mr Corbell would introduce an occupational licensing scheme if the advisory committee recommends it when it reports on the first year's operation of the act.

The committee also raised the question of specific competencies and noted that ministerial direction could also be given in relation to this matter. It was also noted that, if such a scheme arises, the advisory committee would provide the minister with advice in relation to training and recognition of prior learning. There was also discussion on unskilled repairers and backyard operators.

I note that the advice given to the committee by the officials was that any relevant ministerial direction, along with false or misleading representation provisions that comprise one of the government's amendments today, will work to thwart the activities of those operators. The code committee has accepted the advice on these matters and supports the amendments in relation to this ministerial direction; on the basis of that, we will also.

Amendment 2, which we also support, requires an operator to display a sign indicating that disposal of parts attracts a fee. It also requires the operator not to charge that fee, or to refund it if it has been paid, if the customer chooses to take the parts away. This was a matter raised with me previously by the MTA in response to the bill as it was presented in November last year. Their concern was that the bill as it stands, which requires operators to dispose of parts at their own expense, could lead to illegal dumping, with the consequent adverse impact on the environment. It could also lead to inflated repair prices as operators try to recover the cost of disposal.

The government's approach in the bill demonstrates its inability to think things through. It also demonstrates that, had it consulted industry on the matter, it might have been all the wiser so that the approach could have been changed at an earlier stage—that is, before the bill was ever presented to the Assembly. But it is encouraging that the government has, at the behest of the industry, seen the light and proposed the change, which we will support.

Amendment 3 establishes an advisory committee whose functions will be to advise the minister on amendments to the act in relation to: licensing, registration or training of people in the industry; matters affecting the interests of consumers; unfair commercial practices, for example backyard operators; environmental issues in relation to industry waste; ministerial directions on equipment, materials and skills; and anything else given under the act.

It sets out the construction of the committee as being the Commissioner for Fair Trading, who will be the chair, and six members representing interests other than government. Further, it sets out operational matters. Importantly, this amendment requires the committee to report to the minister one year after commencement. It is to report on a range of matters, allowing the committee to consult with a range of stakeholders and requiring the minister to table the report—sadly, within six months.

The MTA is concerned that the amendment fails to require the minister to implement the recommendations of the committee. While I am sympathetic to that concern, I also

understand that the minister must retain the prerogative when deciding on matters that go to government policy. It is, of course, very important that the minister take into account all information made available, particularly when it comes from expert sources such as industry, something on which this government has a dismal record, especially in this case. Nonetheless, it would be open to the committee, when reporting to the minister on the first year's operation of the act, to make recommendations in relation to this matter.

In this connection, the MTA and the committee have raised a number of matters that, no doubt, will exercise the mind of the committee. These will include matters such as industry training, public promotion of the changes brought about by this bill and its amendments, the responsibility for licensing of repairers of electric vehicles as well as for specialist fields such as air conditioning and gas installation, and whether the government's licence inspectors have the necessary industry-based skills of a technical nature to inspect the activity of licensees, especially specialist licensees. Even the construction of the committee itself might come under some review as the operation of the bill progresses.

The establishment of the advisory committee will enable the industry and government to work together on these kinds of issues and provide expert, informed advice to the Attorney-General for future change, either through legislation or ministerial direction. I hope the attorney, contrary to his past attitude, will go along with the spirit of what is being created here for the future. As I have said, the Canberra Liberals will be supporting this amendment.

The fourth amendment deals with false and misleading representations and creates a criminal office carrying a maximum penalty of 200 units. It goes to some length to outline the kinds of misrepresentation that would be caused by the provision. This addresses major concerns of the industry about unlicensed operators, backyard operators, unskilled operators and operators who engage in dodgy practices on a range of fronts.

I note from the minutes of the code meeting of 15 March, to which Mr Rattenbury and I have referred, that officials from the Department of Justice and Community Safety advised the committee on the intent of this clause. That advice was that the fair trading commissioner would pursue offenders under occupational discipline powers elsewhere in the bill before turning to criminal sanctions. We support this amendment.

Amendments 5 and 6 simply create new definitions of the advisory committee and representative members which are consequential in other places. Generally speaking, we are happy to support the amendments.

MR RATTENBURY (Molonglo) (5.47): I flagged earlier that the Greens were pleased to see the amendments, because they address specific concerns held by those in the industry and the code committee. The amendments create an advisory committee which will be tasked with reporting back to the minister within one year on the operation of the act and the need for further reform. The Greens are also pleased to note that the government has been quite specific on what that one-year report must include, and I welcome that specificity. The report will include the committee's

position on the level of competence employees should reach, the costs of training involved to reach that level and how those costs should be shared between employers and employees.

The Greens are also pleased to note that membership of that committee is clearly set out and ensures that all stakeholders will have input. The committee has important work to do in the next 12 months, and their report will be relied upon by government. The Greens are also pleased that the report will be tabled in the Assembly, and we will be looking closely at the committee's report and the future it recommends for the motor vehicle repair industry.

Overall, I think this is a basically valuable process, because it brings the key players in, it gives the opportunity for the Assembly to be involved in the discussion down the line with access to the recommendations of that key group of stakeholders, and it puts some specific time lines on it. All of these are good steps to take, and the Greens will be supporting the amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Standing order 156—referral to ethics and integrity adviser

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.50), by leave: I move:

> That this Assembly calls on the Speaker to:
>
> (1) obtain advice from the Ethics and Integrity Adviser as to:
>
> (a) the scope of standing order 156;
>
> (b) the existence, or extent, of any conflicts of interest that may arise for Members in relation to the activities of Members' staff; and
>
> (c) any conflicts of interest that may arise as a result of Members' interests, direct or indirect, in any licence, payment, contract, lease or other transaction issued under Territory law; and
>
> (2) provide the Assembly with a copy of the advice received.

The motion that I am moving has arisen from the discussion we had earlier today. That discussion, as many may recall, came about when Mrs Dunne moved a motion in regard to excluding a couple of government members from a particular debate on another motion as to whether the Gambling and Racing Commissioner's report into the Labor club sale should be referred to the Public Accounts Committee.

During that debate it was suggested that there may be another way forward, and that was that advice be sought from the ethics and integrity adviser of the Assembly on

this matter of standing order 156. That led to the suspension of the Assembly for a time, when there was discussion between parties. We then resumed and agreed that we would go away and during the day work on a motion which had the effect of referring to the adviser this matter around the scope of standing order 156, which deals with conflicts of interest around particularly those who are connected to members within the Assembly.

In the earlier discussion it did come up that there had been other cases, a number of cases, where this standing order had been used to exclude particular members from other debates. One, I believe, was around family members and whether family members could be employed by members of this place. I understand that it has come up at other times around the connection between the Labor Party and the Labor club because the Labor club obviously has a connection there, particularly in relation to donations.

We felt that it was timely, because it had come up on another occasion, to really get this matter sorted out. What was the application of standing order 156? Who was included? Who was not? One of the issues that came up also this morning in relation to this was that it seemed to be quite a nonsense that, if this standing order was to be applied in its wider sense, it could end up meaning that many members who might have a staff member who, for instance, serves on the board of a community organisation or an arts organisation or a sports organisation, because of the connection, would not be able to speak on matters relating to, for instance, arts funding or any particular issues that would relate to the staff member's involvement in those organisations. The Greens really felt that that was why it was timely to move forward and have this clarified.

During the day there have been a number of discussions and negotiations between the three parties in the Assembly, and I have this final text included in my motion. As I said, it calls on the Speaker to obtain advice from the ethics and integrity adviser as to the scope of standing order 156, the extent of conflicts of interest that might arise as far as the activities of staff members of members of the Assembly are concerned or any other conflicts that might arise either directly or indirectly. We have noted what that would take into account. That could be around licence payment, contract lease or other transactions under territory law. Finally, we do want this advice provided back to the Assembly, and it is important that we get that advice if we are to move on and not come back to this question again and again as to how standing order 156 applies or may not apply in certain cases.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.55): Labor has serious reservations with this approach. Our reservations are that it was never, in our view, envisaged that the Assembly would first of all seek from the ethics and integrity adviser interpretations of the standing orders. It was never envisaged that they would conduct this sort of examination and provide advice to the Assembly such that it would potentially be contingent on a decision about how a certain matter would be determined in the Assembly. It is quite an extraordinary precedent for the Assembly to establish.

However, in discussion with the Greens, the government's view is that this motion can be supported today insofar as it is an attempt to look more broadly at the issue of conflict of interest, in general terms, in the Assembly and how the matter should be managed in the Assembly context. We note that the motion does not refer to particular circumstances or particular members and that, instead, it is casting a broad net across all members, all staff of members and any potential circumstance where there may or may not be a conflict of interest. In particular, I would point to point 1(c) of the motion, which says very clearly and which is all-encompassing:

> any conflicts of interest that may arise as a result of Members' interests, direct or indirect, in any licence, payment, contract, lease or other transaction issued under Territory law;

The government's view is that it does need to be that comprehensive. If we are to seriously have an examination of the issue of conflict of interest, it must be broad ranging, it must look at all potential circumstances where there may be such a conflict. This particular provision of the motion deals with that.

We still have hanging over us the question of the motion from Mrs Dunne, and I foreshadow that the government will be seeking to bring debate back on that motion today, to permit that question to be dealt with, because these two matters are not directly connected. One is not contingent on another, in that this motion is not an investigation into Mr Barr or Ms Gallagher; this motion is an investigation into the question of how the Assembly interprets and looks at the issue of conflict of interest more broadly.

It is on that basis that the government is supporting this motion today, albeit with some hesitation. That is the government's position, and I foreshadow that is what the government will seek to do once this motion is determined.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MRS DUNNE (Ginninderra) (6.00): This whole thing has turned into a bit of a farrago, it seems. This motion, which Ms Hunter says is the final form, is news to the opposition because, when Ms Hunter rose to her feet to begin this debate, I understand that there were still negotiations going on between the Greens' offices and the office of the Leader of the Opposition. So I am not quite sure how this can be a final form.

This is a somewhat flawed process, as described here, and it does not actually get to the heart of the matter, which is: do ministers who make decisions in relation, in this case, to gaming machine licences have a conflict of interest if they have staff, senior staff, who are subject to investigation into matters relating to gaming machine licences? That was the crux of this. That was the motion that I moved this morning. Ms Hunter's attempt, a valiant attempt, this morning to resolve the situation was that we would call on the Speaker to seek advice from the ethics adviser about that matter.

I have seen various iterations of this motion in the course of the afternoon and they seem to be getting progressively worse rather than progressively better and moving further and further away from the issue that initiated this motion in the first place. This motion that Ms Hunter has moved today clearly grew out of the motion that I raised this morning, because it was clear that members were uncertain as to the operation of the standing order in this instance.

The fact is that we have now got to a situation where we are asking the ethics adviser to advise the Speaker on the operation of and the scope of standing order 156 in relation to basically everything that the territory does. The ethics adviser is essentially being asked, as an example, to advise on the operation of standing order 156 in relation to leases so that everyone who owns a territory lease in the ACT will now have to declare a conflict of interest and absent themselves from the chamber every time there is a debate on a matter relating to leasing, say, residential leasing. It is clearly ludicrous, and it seems to me that the government has cooked this up and suggested it to the Greens as a means of actually debasing the currency.

This was a serious argument and it ceased to be a serious argument. This ceases to be a serious argument, because every member in this place receives a payment from the territory, as do our staff. If you look at that, it means that, every time payments from the territory come into play, we will all have to absent ourselves from the chamber.

The Attorney-General may think that he is clever but really what this boils down to is an attempt to derail a serious and legitimate inquiry as to the scope of the standing orders and how standing order 156 applies in relation to my motion that certain members absent themselves, in accordance with the standing order, from a particular debate. I can count. It seems that this motion will go through and, as a result, the ethics adviser will probably be confronted with a task which is Herculean and which may be beyond his remit or anyone else's, because his task has been drawn up so broadly.

It is disappointing that, again, the Greens have demonstrated that they are not capable of keeping their word for the length of a day. When we discussed this this morning, Ms Hunter said to me that she undertook that this would be negotiated in good faith with all parties. While some parties were negotiating in good faith, Ms Hunter was on her feet here today moving the motion. And it is another disappointing aspect of having to deal with the Greens in this place.

It is clear that this motion will go through. The Canberra Liberals do not support the motion in its present form, although we did support the concept of the motion when we set out on this task this morning.

Question resolved in the affirmative.

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent the order of the day, relating to standing order 156 and the exclusion of Ministers from debate, being called on forthwith.

Mrs Dunne: Mr Speaker, could I seek your guidance about the process we are going through. The general principle in this place, as in any other parliament, is that the member who has control of a matter decides when or not it is brought on. There has been, to my knowledge early in the life of the Assembly, one departure from this, which was roundly criticised by everybody afterwards. I would like to seek your ruling on the appropriateness of suspension of standing orders to go down this path.

MR SPEAKER: Mrs Dunne, on the point of order that you have raised, it is my advice that there is nothing in the standing orders regarding the practice that you are referring to. It would seem that it may be that it is a convention of this place. That being so, it is for the will of the Assembly to decide on Mr Corbell's motion. That will may be informed by a convention or not, but it is, as I understand it, a convention rather than a standing order.

MRS DUNNE (Ginninderra) (6.08): Mr Speaker, the Canberra Liberals will be opposing the suspension of standing orders, simply on the principle that it is the convention, if not reflected in the standing orders, in this place that the person who introduces a matter, who has charge of a matter, has control over when that matter is brought back. In addition to that, the Assembly has already agreed earlier today that this matter would be brought back on another day; that has already been the decision and the vote of this Assembly. That being so, what we are doing now is casting doubt on the validity of a decision made earlier this day.

There was an incidence back in the First Assembly. I cannot recall the details of it off the top of my head, and there is nobody else here who probably would recall it, but a member was forced to debate a matter; the Assembly forced an item on against the will of the person who had responsibility for it. It was done when we were an immature parliament. It was recognised by all involved afterwards that this was an unfortunate precedent that should never be repeated. But of course today we have Mr Corbell attempting to repeat that precedent.

The point was made at the time that this was an unprecedented practice in any other Westminster parliament. As the mover of the motion, I have control over when it comes back. It probably sounds rather pompous to say it like that, but that is the convention, that is the accepted form of this house and it is the accepted form of every parliament in the country and every parliament in the commonwealth: the member who introduces the matter has control over when it is debated and the member should not be forced to bring it on and debate it at a time not of their choosing.

If we suspend standing orders today to let Mr Corbell do as he wishes, we will be standing on hundreds of years of precedent in parliaments across the world. Mr Corbell does not like that because it is just inconvenient and he does not care about history. But these are the precedents of parliaments and we have to remember that we—or a majority of members in this place—agreed this morning that this matter

would be adjourned until the advice that we have just spoken about in the previous motion was received and therefore it would be adjourned to a later day. That was the view of the Assembly this morning and it should remain the view of the Assembly this afternoon.

MR SESELJA (Molonglo—Leader of the Opposition) (6.11): I would have expected that we would hear from the Greens why they are going to support the suspension of standing orders. But, as is their wont lately, they do not want to have whatever they say in any way refuted or tested, which is why again we do not see them getting to their feet to say why they want to throw out this convention. Mrs Dunne, I think, has explained very clearly about how this has operated in this place. This is a convention that the Greens, without wanting to argue why they are going to do it, are going to throw out, along with the Labor Party.

Let us go back to how we got here. We got here because we had an extraordinary suspension today of the Assembly on the basis that the Greens, through Ms Hunter, got up and during the debate said, "Well, actually, we cannot make a decision on this motion until we seek further advice, and that might take a couple of weeks," and we heard from Ms Hunter that that was why we should do it.

So we proceeded actually to agree to an adjournment of Mrs Dunne's motion so that we could go and get independent, external, expert advice in order to make a decision on Mrs Dunne's motion. Now the Greens, again changing their minds, have said: "Well, no, what we said to you this morning we did not really mean. We have changed our minds again. We are not going to honour our word and what we are going to do is actually bring on the vote on the motion that we said we needed external advice on, presumably vote it down, and then go and get the external advice which may or may not tell us that we are wrong."

It is becoming almost impossible on a day-to-day basis to deal with the Greens. Ms Bresnan can laugh, but she did not want to get up; she had the opportunity to get up and say why. We cannot accept their word. It took the Greens and the Liberals to agree to the adjournment; I do not believe the Labor Party agreed to the adjournment. So we were party to an agreement to adjourn the Assembly. It was adjourned so we could have expert advice given to the Speaker. Now they are saying, "No, we will vote against the motion and then we will go and get the advice. We will endorse the conflict of interest and then we will come back and get advice." It is a ridiculous process and it also is a breach of faith.

Ms Bresnan might think that is funny, but it is not. We in this parliament are often negotiating and at some level we have to trust that what the Greens and other parties tell us is true: that at some level there will be some good faith in some of the negotiations. What we have seen from Ms Hunter again today, presumably on the urging of Katy Gallagher, is: "No, we don't need to keep our word. We don't need to honour what we have said. We will turn around and do it in a completely different way to what we originally agreed."

That was the only reason we adjourned in the first place. That was the only reason we had the extraordinary suspension—the extraordinary suspension so the Greens could

think about it. The adjournment was on the basis of an agreement that the advice would come and then we would debate. Now they want to flip it the other way. They have had second thoughts again. They have had third thoughts and they will not honour what they have said to us.

Standing orders should not be suspended. This process that was put in train, at the request of the Greens, should be followed in the way that it was originally proposed. Flipping it the other way halfway through is outrageous and standing orders should not be suspended.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.16), in reply: Mr Speaker, I seek leave to speak again.

Leave granted.

MR CORBELL: It has come to my attention that there will not be an absolute majority of members supporting this motion this evening and therefore it will not be successful, even though I understand that both the Greens and the government will be supporting the motion. Therefore, I seek the leave of the Assembly to withdraw my motion.

Leave granted.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Migrant refugee settlement service UnitingCare Kippax

MR COE (Ginninderra) (6.16): One of the most enjoyable aspects of being a local member is meeting the people of my electorate and the community organisations that tirelessly strive to make Canberra a better place to live. One such organisation is the Migrant and Refugee Settlement Service, MARSS. Since its inception in 1980, MARSS has been a leading advocate for some of the most vulnerable members of our society, namely, refugees. While the organisation receives the majority of its funding from the Department of Immigration and Citizenship, I am pleased to say that the ACT government has, since 1990, significantly assisted MARSS with the great work it does.

The primary function of MARSS is to assist new migrants of all ages to overcome the difficulties of learning English, finding employment, accessing government services and ensuring equity for all Canberrans. The organisation's mission is to be "a leader in the provision of settlement and related services for migrants and refugees", a very worthy one indeed. To this end, MARSS runs several programs to assist new migrants.

The settlement grants program targets migrants, refugees and humanitarian entrants who have lived in our community for less than five years. Just some of the services offered through this program include assistance in finding housing, understanding the health system, accessing health and education services, banking and financial services and providing emotional support, respect and understanding.

Through its community development program, MARSS helps to provide English tuition and even computer classes to hundreds of new migrants. A lack of essential computer skills is one of the greatest barriers to gaining employment in our increasingly high-tech society. I am pleased to see MARSS, in conjunction with the Australian National University, is seeking to address these issues.

Furthermore, MARSS also runs an after-school studies program to provide support to young migrants and the children of migrants, with such tasks as learning to adequately read and write. Their good afternoon program educates about the benefits of physical exercise and the importance of healthy food preparation—and all this at no cost to the individuals concerned.

Perhaps the most encouraging of all is the community leadership development program. The program aims to develop skills and confidence in individuals who wish to play a leadership role in our community. It seeks to develop leadership in some of Canberra's fastest growing communities, namely, the Karen, Sudanese, Afghani, Iraqi and Sri Lankan communities.

I had the great pleasure to witness the success of this program last night. I was fortunate enough to attend the graduation ceremony of those who participated in the leadership development program this year. Eighteen people were presented certificates. The function was held at the MARSS office in the Theo Notaras Multicultural Centre just next door. It was a fantastic evening. I would also like to note the successful end-of-year event which was held in December last year which I also attended and enjoyed.

MARSS do great work. But, like any organisation, it would not be possible without a dedicated team of staff so committed to the wellbeing of the individuals. I would like to commend the manager, Dewani Bakkam, and her current and recent team members, Sisira Jayawardana, Karen Holas, Yolanda Turini, Andrew Kazar, Nadia Osman, Tathira Fatema, Annie Vella, Bronwen Roberts, Stella Battenberg, Helen Hawes, Jacky McLoughlin, Marilyn Crabb, Vivien Arnold, Barnaba Bol, Tha Wah K'lster and Margaret McCulloch.

I would also like to congratulate the board, whose tireless oversight ensures the continued success of their worthy organisation. I congratulate the chair, Jim Andriopoulos, and deputy chair, Adrian Arulanandam, and their fellow board members, John Owusu, Nim Osborne, David Ng, Sally Kalek, Isaac Cotter, Sam Wong, Gemo Virobo and Raewyn Bastion.

Lastly, but certainly not least, I thank every volunteer who has so generously contributed countless hours to see that life is just that little bit easier for the newest

members and most needy members of our great city. There are over 250 volunteers that support MARSS and even I could not read that many names into *Hansard* today. I encourage all members of the Assembly to find out more about the contribution MARSS makes to our community. For more information, please visit marss.org.au.

Next week, UnitingCare Kippax will be launching a new and exciting service for Canberra's children and families, Kippax newpin. Kippax newpin is about creating sustainable, positive changes in the lives of Canberrans. The service is yet another of the great ways Kippax Uniting serves our community and, in particular but not exclusively, the Belconnen community. The launch is taking place at 11 am on Wednesday, 31 March at Kippax Uniting in Holt. The service they are going to be offering is made possible through a joint effort between UnitingCare Kippax, the Snow Foundation, the government, businesses, other community groups and keen and generous members of our community.

In an effort to raise money for newpin, 15 members of our community are walking—yes, walking—from Fyshwick to Moruya. I understand the team can be farewelled from the Auspace offices at 4 Geelong Street, Fyshwick, at 3 pm on Thursday, 1 April. And they are all expected to arrive in the main street of Moruya at 4 pm on Monday, 5 April.

I urge all members of the Assembly and the Canberra community to support this initiative. Tax deductible donations can be made to Kippax Uniting Community Centre, Luke Street, Holt. I encourage people to visit www.kippax.org.au and view the children and family services page of the newsletter. The flyer is also available on my website at www.alistaircoe.com.au. I wish the walkers all the best and I look forward to the launch on Wednesday.

Question resolved in the affirmative.

The Assembly adjourned at 6.22 pm until Tuesday, 4 May 2010, at 10 am.

Schedule of amendments

Schedule 1

Fair Trading (Motor Vehicle Repair Industry) Bill 2009

Amendments moved by the Attorney-General

1
Clause 22
Page 15, line 6—

omit everything after the heading, substitute

(1) It is a condition of a licence that motor vehicle repair work performed by the licensee or an employee of the licensee on a motor vehicle, part or system be performed in accordance with any directions under subsection (2).

(2) The Minister may give directions about the equipment, materials and skills necessary to perform work on a motor vehicle, part or system satisfactorily.

(3) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

2
Clause 26 (2)
Page 17, line 5—

omit clause 26 (2), substitute

(2) It is a condition of a licence that the licensee not charge the person a fee for the disposal of a replaced part or oil unless there is displayed at the licensee's premises a sign clearly stating that a fee will be charged for the disposal.

(3) If the person chooses to take the replaced part away from the licensee's premises, the licensee must refund any fee paid for the disposal of the part.

3
Proposed new part 5A
Page 21, line 22—

insert

Part 5A Advisory committee

38A Establishment of advisory committee

The motor vehicle repair industry advisory committee (the ***advisory committee***) is established.

38B Advisory committee functions

The advisory committee has the following functions:

(a) advising the Minister about—

(i) amendments of this Act in relation to the licensing, registration or training of people in the motor vehicle repair industry including people who perform motor vehicle repair work in the course of employment by another person; and

(ii) matters affecting the interests of consumers in relation to motor vehicle repair work; and

(iii) unfair commercial practices that affect people who carry on business as a motor vehicle repairer; and

(iv) environmental issues in relation to disposal of the motor vehicle repair industry's waste;

(b) advising the Minister about directions or proposed directions under section 22 (2);

(c) any other function given to the advisory committee under this Act.

38C Advisory committee membership

The advisory committee is made up of—

(a) the commissioner for fair trading; and

(b) the following members (the ***representative members***) appointed by the Minister:

(i) a representative of the industry body for the motor vehicle repair industry;

(ii) a representative of people who carry on business as motor vehicle repairers;

(iii) a representative of employees of people who carry on business as motor vehicle repairers;

(iv) 2 people to represent the interests of consumers;

(v) a representative of the community's interest in the environment.

38D Advisory committee—chair

The commissioner for fair trading is the chair of the advisory committee.

38E Advisory committee—general procedure

(1) Meetings of the advisory committee are to be held when and where it decides.

(2) However—

(a) the advisory committee must meet at least twice each year; and

(b) the commissioner may, by reasonable written notice given to the other advisory committee members, call a meeting.

(3) The advisory committee may conduct its proceedings (including its meetings) as it considers appropriate.

38F Reimbursement of expenses for advisory committee members

(1) A representative member of the advisory committee is not entitled to be paid for the exercise of the member's functions.

(2) However, a representative member may apply to the commissioner for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting of the advisory committee.

38G Advisory committee to report on impact of Act etc

(1) The advisory committee must prepare a report under this section and present it to the Minister not later than 1 year after the commencement of this section.

(2) The report must include an analysis of—

(a) the impact of this Act on people who carry on business as motor vehicle repairers, their employees and on consumers; and

(b) the level of consumer satisfaction with the motor vehicle repair industry, and any recommendations for raising it; and

(c) the level of competence that employees should reach to work in the industry; and

(d) the cost of training employees to reach that level of competence and how the cost should be shared between employers and employees; and

(e) training courses required for the ACT (and who might provide the courses, when the courses might be available, and what benefits providing the courses would give consumers); and

(f) any transitional arrangements necessary to deal with existing industry participants.

(3) In preparing the report, the advisory committee may seek the views of—

(a) people who carry on business as motor vehicle repairers; and

(b) people who provide training courses; and

(c) consumers; and

(d) other interested entities.

(4) The Minister must present the report, and the Minister's response to the report, to the Legislative Assembly not later than 6 months after the day the Minister receives the report.

(5) This section expires 2 years after the day it commences.

4
Proposed new clause 41A
Page 23, line 14—

insert

41A False or misleading representations

(1) A person must not, in trade or commerce, in connection with the supply or possible supply of goods or services in relation to motor vehicle repair work or in connection with the promotion by any means of the supply or use of goods or services in relation to motor vehicle repair work—

(a) falsely represent that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use; or

(b) falsely represent that services are of a particular standard, quality, value or grade; or

(c) falsely represent that goods are new; or

(d) falsely represent that a particular person has agreed to acquire goods or services; or

(e) represent that goods or services have sponsorship, approval, performance characteristics, accessories, uses or benefits they do not have; or

(f) represent that the person has a sponsorship, approval or affiliation he or she does not have; or

(g) make a false or misleading representation in relation to the price of goods or services; or

(h) make a false or misleading representation about the availability of facilities for the repair of goods or of spare parts for goods; or

(i) make a false or misleading representation about the place of origin of goods; or

(j) make a false or misleading representation about the need for any goods or services; or

(k) make a false or misleading representation about the existence, exclusion or effect of any condition, warranty, guarantee, right or remedy; or

(l) make a false or misleading representation that services have been or are to be performed with the equipment, materials and skill necessary to carry out the work satisfactorily, having regard to the age and make of the vehicle, part or system.

(2) A person does not contravene subsection (1) (i) if the person makes a representation about the country of origin of goods and the person complies with the *Trade Practices Act 1974* (Cwlth), part 5 (Consumer protection), division 1AA (Country of origin representations).

(3) A person commits an offence if the person contravenes subsection (1).

Maximum penalty: 200 penalty units.

(4) In this section:

goods—see the *Fair Trading Act 1992*, dictionary.

price—see the *Fair Trading Act 1992*, dictionary.

services—see the *Fair Trading Act 1992*, dictionary.

supply—see the *Fair Trading Act 1992*, dictionary.

trade or commerce—see the *Fair Trading Act 1992*, dictionary.

5
Dictionary
Proposed new definition of *advisory committee*
Page 30, line 12—

insert

advisory committee—see section 38A.

6
Dictionary
Proposed new definition of *representative members*
Page 31, line 13—

insert

representative members, of the advisory committee—see section 38C.

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Answers to questions

Courts and tribunals—Supreme Court—costs (Question No 521)

Ms Le Couteur asked the Attorney-General, upon notice, on 10 December 2009:

(1) Is it standard for bills for charges incurred as a result of hearings in the Supreme Court to be presented as a one-line account.

(2) In what circumstances are bills for charges presented as an itemised account.

(3) How is the charge calculated if there is a request for itemisation.

(4) Is interest charged on overdue charges; if so, at what rate.

(5) Are bills from the ACT Government Solicitors Office in a format as a standard invoice which is acceptable to the Australian Taxation Office.

Mr Corbell: The answer to the member's question is as follows:

(1) The usual process where costs are awarded against a party in Supreme Court proceedings is for the party who has been awarded costs to provide an estimate of those costs to the unsuccessful party. If the unsuccessful party does not agree with the estimate a process of assessment by the court may be undertaken. This involves an itemised bill being drawn up by the party claiming the costs and both parties appearing before the Registrar or Deputy Registrar to argue in favour or against particular items.

(2) See above. On most occasions issues about the quantum of costs are resolved by agreement as the assessment process is expensive and time consuming. It will often occur that the initial estimate is less than the amount ultimately assessed through the itemized process.

(3) In accordance with a scale fixed by the *Court Procedures Rules 2006*.

(4) Where costs have been assessed interest will apply on the amount not paid calculated in accordance with the Court Procedures Rules. The interest rate currently applicable is 11% per annum.

(5) It is not clear what is meant by this question, which is irrelevant to the process of an assessment of costs under the Court Procedures Rules.

Multiculturalism—children (Question No 523)

Ms Hunter asked the Minister for Children and Young People, upon notice, on 9 February 2010:

(1) What is the progress of the ACT Government's commitment to become a Child Friendly City.

(2) Did the ACT Government make a commitment to multicultural children and young people in the Multicultural Strategy 2010-2013; if so, how closely is the ACT Government liaising with Multicultural Youth Services (MYS) to meet the objectives and their implementation.

(3) What are the campaigns promoting programs available to multicultural children and young people across the ACT Government.

(4) How many multicultural children and young people accessed support services, such as MYS, in (a) 2007, (b) 2008 and (c) 2009.

Ms Burch: The answer to the member's question is as follows:

(1) During 2009, a process was undertaken to refresh the *ACT Children's Plan* and to develop a new *ACT Young People's Plan*. The *Young People's Plan* was launched in December 2009, and the *ACT Children's Plan* is anticipated to be launched in April 2010. Both plans share the vision that:

> *Canberra is a child and youth friendly city that supports all children and young people to reach their potential, make a contribution, and share the benefits of our community.*

Other specific initiatives to become a child friendly city include:

- establishment of a *Child Friendly City Sub-committee* of the *ACT Children's Plan* Interdepartmental Committee to explore options for building Canberra as a child friendly city. This Sub-committee has representatives from ACTPLA, ACT Health, the Department of Justice and Community Safety, the Department of Disability, Housing and Community Services, the Department of Education and Training and the Chief Minister's Department;
- consultation with children, parents and professionals who work with children during August and September 2009 to find out how to make Canberra more child friendly as part of the process to refresh the *ACT Children's Plan*;
- the *ACT Children's Plan* Interdepartmental Committee is being restructured into the *ACT Children and Young People's Taskforce* in 2010. The Taskforce's role is to oversee the implementation of the *ACT Children's Plan* and the *ACT Young People's Plan*;
- ACTPLA has committed to implementing child friendly planning principles into the development of the new suburbs of Wright, Sulman and Coombs in the Molonglo Valley. Achieving excellence and best practice in sustainable design and development outcomes in new urban areas, including the Molonglo Valley is an ACTPLA priority; and
- ACTPLA prepared a concept plan for Coombs and Wright, which commenced in the Territory Plan on 22 January 2010. This will ensure that the development of these suburbs adheres to the principles of a child friendly city promoted by UNICEF, and will set the standard for future suburbs for Molonglo Valley. The detailed design and implementation is a matter for the Department of Land and Property Services / Land Development Agency.

(2) Focus Area Two in the ACT Multicultural Strategy 2010-2013 makes a commitment to provide children and young people of multicultural backgrounds with access to age

appropriate services, to enhance social participation of young people from multicultural backgrounds and to improve access to services which support the mental health of children and young people of multicultural backgrounds.

The ACT Office of Multicultural Affairs and the Office of Children, Youth and Family Support will liaise with the Multicultural Youth Service as well as all other organisations with an interest in advancing the well being of multicultural children and youth in the ACT to meet the stated objectives and their implementation

(3) The Department funds a number of youth and family services which are accessible to children and young people from multicultural backgrounds, including:

- *the Migrant and Refugee Settlement Services – Program for After School Studies*, a program for after school studies which receives $41,384 per annum. Students are matched with volunteer tutors based on the subjects or areas of study where they need assistance;

- *Companion House* which receives $137,000 per annum to provide two programs, the Children and Young People's Program which aims to enhance the overall wellbeing of refugee children and young people who have been affected by torture and war trauma and the Community Development Program which builds the capacity of services, the community at large and volunteers; and

- *CatholicCare* which receives $187,787 per annum to provide family support services through the provision of case management and group based services to children, young people and their families. CatholicCare report that a majority of their clients are Culturally and Linguistically Diverse. From July to December 2009, 48% of CatholicCare's clients identified as Culturally and Linguistically Diverse.

During July to December 2009 Family Support Programs reported 27% of families receiving ongoing family support identified as Culturally and Linguistically Diverse. This equates to 99 families.

For the 2009-10 financial year the Early Intervention and Prevention Service of the Office for Children, Youth and Family Support identified engagement with families from diverse backgrounds as a key service delivery priority. An overarching strategy is being developed across the two Child and Family Centres to develop stronger community connections to reach isolated families and to promote early childhood and parenting services.

The Child and Family Centres are a 'one stop shop' for all families. Services provided include drop in parenting information and support, maternal and child health clinics, midwifery clinics, parent education groups, targeted group and family support programs for vulnerable families, school based group and individual support programs in identified primary schools. The model of service delivery promotes prevention and early intervention as well as working in a coordinated way with health, education and other services in the community.

Specific initiatives to promote programs to multicultural children and young people include:

- Provision of parenting information, and age appropriate activities for under school aged children at the ACT Multicultural Festival in February 2010;

- Gungahlin Child and Family Centre has commenced working with agencies who deliver specific multicultural services and multicultural peak bodies with a view to establishing relationships with local community members and to undertake and gather needs analysis information to determine gaps in program development and service delivery in Gungahlin;

- Development of a Homework Club in Charnwood, specifically targeting primary school aged children from non English speaking backgrounds;

- Engagement with the Multicultural Liaison Officers of the Australian Federal Police to develop programs to address the needs of children at risk of targeted intervention;

- The development of a Multicultural Parenting Program in Tuggeranong has been supported by the Bendigo Bank. The key deliverables for this program are engagement with community groups, the delivery of parenting talks, information on service provision, and attendance at public events to promote services; and

- Engagement with the multicultural community will continue to be a key focus for the Child and Family Centres.

Multicultural Youth Service

Multicultural Youth Services ACT are funded through the Australian Department of Families, Housing, Community Services and Indigenous Affairs for $180,000 on a year by year basis (with $30,000 of this spent in Queanbeyan, the remainder in the ACT). Multicultural Youth Services provide support services to migrants and refugees. These include case management, information, advocacy and support, regular drop in, holiday programs and skills development workshops for young migrants and refugees between 12 to 25 years.

(4) Multicultural Youth Services ACT advise that under its FAHCSIA grant it has had a target of 100 new clients (12-21yrs) per year and has exceeded this each year since May 2005:

- 123 new clients with 984 support contacts (excluding drop-in & holiday program)
- 117 new clients with 936 support contacts (excluding drop-in & holiday program)

In addition, Multicultural Youth Services ACT has had 38 new clients (22-25yrs) in 2007/2008 per year and 36 under its ACT Government Community Inclusions Fund which ceased this financial year.

	2007					
	Jan	**Feb**	**Mar**	**Apr**	**May**	**Jun**
Male	556	485	453	602	736	786
Female	246	125	85	174	96	115
Refugee	751	572	517	749	802	873
Migrant	51	28	21	27	30	28
Total Client Support Contacts	802	600	538	776	832	901

	2007					2008						
	Jul	**Aug**	**Sep**	**Oct**	**Nov**	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**
Male	867	912	577	788	633	710	526	840	1203	1285	1314	724
Female	176	172	203	119	146	140	175	237	191	135	549	376
Refugee	987	1041	715	844	721	778	640	996	1311	1377	1689	1059
Migrant	56	43	65	63	5	72	61	81	83	43	174	41
Total Client Support Contacts	1043	1084	780	907	726	850	701	1077	1394	1420	1863	1100

Works—projects (Question No 535)

Mr Seselja asked the Chief Minister, upon notice, on 10 February 2010 (*redirected to the Treasurer*):

(1) Which capital works projects were completed by the ACT Government in the September quarter of 2009.

(2) What was the (a) initial budgeted cost, (b) final cost, (c) initial completion date and (d) actual completion date for each capital work completed by the ACT Government in the September quarter of 2009.

(3) For each functional brief reported in the 2009-10 Capital Works Program September 2009 Quarterly Progress Report, page 3 refers, (a) which project does each functional brief refer to, (b) which briefs have been lodged and (c) which briefs are yet to be lodged and when does the Chief Minister expect the briefs to be lodged.

(4) For each project referred to in the functional briefs (a) when is the estimated completion date for each project and (b) what is the initial budgeted cost for each project.

Ms Gallagher: The answer to the member's question is as follows:

(1) Responses to the above questions are contained in the attached spreadsheet.

(A copy of the attachment is available at the Chamber Support Office).

Transport—infrastructure costs (Question No 547)

Mr Coe asked the Minister for Transport, upon notice, on 11 February 2010:

(1) What is the cost of (a) installation and (b) annual maintenance of (i) bus shelters, (ii) bus seats, (iii) buses, (iv) roads, (v) footpaths, (vi) bike paths, (vii) street lights, by each different type, (viii) road signs, by each different type, (ix) line marking including green paint, red paint, yellow paint, normal and zebra crossings, (x) parking machines, (xi) parking meters, (xii) roundabouts, either new or existing, (xiii) traffic lights.

(2) For those items referred to in part (1), how many or what length were installed.

Mr Stanhope: The answer to the member's question is as follows:

(1) (a) Installation:

i	Bus shelters	Approximately $20,000 each (including site works). Adshel shelters are installed at zero cost to the ACT Government
ii	Bus seats	Approximately $1,750 each
iii	Buses	$0.495m (standard), $0.520m (steer tag) and $0.810m (articulated) including all infrastructure required to operate the bus as part of the network (radio and ticketing infrastructure and bike racks). In 2008-09 $7,987,441 was spent on new buses.
iv	Roads	$1.0 million - $20.0 million per km depending on standard of road provided
v	Footpaths	Average cost is $160 per lineal metre
vi	Bike paths (off-road shared use paths) new – based upon Mouat St estimate	$150 – 250/$m^2$ depending upon amount of earthworks, services relocations, drainage, and lighting
	Cycle lanes (on-road) retrofit – based upon State Circle (extensive widening) and Launceston St (minimal widening)	$130 – 300/$m^2$ depending upon amount of pavement widening required, services to be altered/relocated; light columns to be relocated; extent of line marking adjustments; amount of green pavement treatment
vii	Street lights, by each different type	Minor pedestrian roads, including cable - $5,000 per street light Major roads, including cable - $7,500 per street light
viii	Signs Guide signs (depends on size)	$150 -200 $200 per m square
ix	Linemarking Paints Long-life material Green Pavement marking of Bike path	 $ 20 per m square $ 110 per m square $ 100 per m square
x	Parking Machines	$12000
xi	Parking Meters	$1500
xii	Roundabouts Three-leg Single lane Roundabout Three-leg two -lane Roundabout	 $ 870,000 typically $ 1,600,000 typically
xiii	Traffic lights	About $ 700,000 - $3.5 million depending on situation

1 (b) Annual Maintenance

i	Bus shelters	$44,482 (2008-09)
ii	Bus seats	$7,127 (2008-09)
iii	Buses	$13,523,459 (2008-09)
iv	Roads	$10.7 million
v & vi	Footpaths and bike paths	Community path is made up of $3.0 million from recurrent budget and $2.6 million from cycle path initiative funding
vii	Street lights, by each different type	$4,846,000 (2008-09)

viii	Road signs	$0.84 million which is made up of guide signs $0.44 million; parking signs $0.05 million; regulatory signs $0.117 million; street signs $0.156 million; warning signs $0.056 million and hazard signs $0/016 million
ix	Line marking	$0.5 million
x	Parking Machines	$1620 average annual cost per machine.
xi	Parking Meters	$650 average annual cost per meter.
xii	Roundabouts	This is not identified as a separate item to (iv) roads
xiii	Traffic lights	The average annual cost for the operation and maintenance of one set of traffic lights is approximately $6,500 (excluding electricity, tele communications)

(2)

i) 52 bus shelters were installed (all Adshel – 2009).

ii) 25 bus seats were installed in 2008-09.

iii) 16 CNG buses were delivered in 2008-09.

iv) 60km of roads were created in 2008-09. This represents a 2% growth in the network.

v) 3,555 metres of footpath were installed in 2008-09, this excludes paths in new residential areas.

vi) 56 km of community paths were constructed in 2008-09 associated with new residential developments including 6km of "bike path".

vii) In 2008-09, 4,124 new street lights installed comprising:
Minor road lights – 757
Major road lights – 879
LED decorative lights – 2488
Included in the above total are 941 streetlights installed as part of Land Development Agency land releases. This incorporates both minor and major road lighting.

viii) 1500 new signs of various types were installed in 2008-09.

ix) 120km of linemarkings of various types was installed for 2008-09.

x) No parking machines were installed in 2008-09.

xi) No parking meters were installed in 2008-09.

xii) 8 roundabouts where installed in 2008-09, none of which replaced existing traffic lights.

xiii) 12 new sets of traffic signals were installed in 2008-09; one of which involved replacing an existing roundabout.

Planning—Kingston
(Question No 552)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

(1) What communication did the Department of Territory and Municipal Services (TAMS) have with ACT Planning and Land Authority regarding the Kingston master planning process; particularly regarding feedback gained through the master planning process on Green Square.

(2) Was any feedback on Green Square, gathered through the master plan process, provided to TAMS; if so, when did this occur.

(3) What consultation was undertaken by TAMS on Green Square, including the issue of redeveloping it, or keeping the grass, and what dates did this occur.

(4) Were residents informed as part of the master planning consultation process that Green Square would not have lawn and that this decision had already been made.

Mr Stanhope: The answer to the member's question is as follows:

(1) Territory and Municipal Services (TAMS) was represented on the ACT Planning and Land Authority (ACTPLA) Working Group for the Kingston Centre Master Planning Project and received relevant meeting minutes and information as the project progressed. A briefing on the proposed Green Square upgrade works was provided to the working group at Meeting 1 in August 2009. Communications continued between ACTPLA and TAMS as the project progressed. Consultation for the Green Square upgrade work was completed prior to consultation for the Kingston Centre master planning project and so was not an issue for consultation during these sessions.

(2) Feedback received from the Kingston Centre master planning project consultation sessions was provided at the Working Group Meetings and recorded in meeting minutes.

As part of its Kingston master planning processes, ACTPLA established a technical working group consisting of representatives across the ACT Government agencies, including the Chief Minister's Department and TAMS. At these meetings - held on 6 August, 15 September, 4 November and 14 December 2009 - all of the issues, including feedback from public consultation, were discussed. Included in this was the desire for green grass from some parts of the community.

(3) The Landscape Plan for the upgrade works, together with an information flyer, was distributed to traders fronting Green Square in August 2008. Positive feedback was received from many traders. Additional feedback was later received from some traders and members of the public expressing a desire to retain grass. Subsequently TAMS staff met with traders on 1 September 2008 and a further on-site consultation session was held on 23 October 2008, where information about the non-sustainable nature of grass in Green Square was presented.

Due to continued feedback from some traders and residents that they wanted to retain grass a potential partnership option was developed and in May 2009. Current lease holders and business owners whose businesses front onto Green Square where presented with the offer by letter. This invited leaseholders to directly fund a level of service, including the retention of grassed areas, above the standard level which the Territory would normally provide. Only a minimal number of responses were received and there was clearly inadequate support for a trader/leaseholder funding contribution.

Kingston retailers were advised on 18 August 2009 that the landscaping improvements would go ahead, with some modification to reflect comments received on the original design. In December 2009 retailers were notified of the works program with work to commence in early February 2010.

Officers from TAMS visited traders adjacent to Green Square in the last week of January 2010, prior to the start of construction, and delivered construction program information.

(4) The consultation held for the master planning process informed residents that the proposal did not include lawn or grassed areas.

Pets—regulations (Question No 553)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

(1) What measures are in place to regulate pet stores in the ACT.

(2) Are there any licensing requirements for pet stores in the ACT.

(3) Is the Government aware of whether any puppies sold in ACT pet stores come from "puppy mills" or "puppy farms".

(4) Are there any measures in place in the ACT to ensure that puppies sold in ACT pet stores do not come from "puppy mills" or "puppy farms".

(5) Is the Government aware of how long puppies, kittens and other animals are kept in pet stores before they are euthanised.

(6) Are there any laws governing the euthanising of animals from pet stores, such as the length of time they must be kept.

(7) How many dogs and cats were euthanised in the ACT in the years 2005 2010 to date.

(8) Where does funding come from for the euthanising of pets.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Territory and Municipal Services, Licensing and Compliance Branch is responsible for conducting inspections of ACT pet shops. Officers confirm that the species conform to the requirements as set out in the *Nature Conservation Act 1980*.

The sale of animals through pet shops in the ACT is also regulated by the *Animal Welfare Act 1992* (the Act). Officers from the RSPCA Inspectorate are authorised inspectors under the Act and make routine inspections of pet shops and respond to direct complaints made by the general public.

The ACT's Chief Government Veterinarian is authorised under both the above Acts and can independently instigate investigations and prosecutions if breaches are detected.

The Animal Welfare Advisory Committee (AWAC) has reviewed the Code of Practice for the Care and Management of Animals in Pet Shops (1993). The reviewed Pet Shop Code was referred to stakeholders for comment and relevant comments have been incorporated into the new code. The new code will be known as The Code of Practice for the Sale of Animals in the ACT (other than from saleyards).

(2) Pet stores in the ACT must hold a licence to sell, import or export native animals under the *Nature Conservation Act 1980*, and to import live fish species under the *Fisheries Act 2000*. Pet shops must also conform to the ACT Reptile Policy. No native animal can be taken from the wild to be kept or sold without a licence.

(3) The Government is not aware of any ACT trade in puppies sourced through what have been termed as 'puppy farms or puppy mills'. The Government has sought advice from the RSPCA ACT detailing issues of concern with the supply of puppies and other animals through pet shops and details of any connection in the ACT to known or suspected puppy farms or puppy mills. To date, that further advice has not been received from the RSPCA ACT. TAMS advises that whilst puppy breeding is taking place in the ACT, it is limited to small scale residential breeders who primarily sell the puppies and kittens on either the internet or through local classified advertisements.

(4) Should evidence of such trade be forthcoming both the RSPCA and Government officers will investigate any suggestion of breaches of the *Animal Welfare Act 1992* and if necessary, liaise with officials of other jurisdictions.

(5) TAMS advise that puppies and kittens are not euthanased due to the length of time they have been displayed for sale; generally the only reason for euthanasia of kittens and puppies from pet shops is for severe genetic defects and/or major health problems. Normally puppies and kittens are sold within two weeks of display. If for some reason a puppy or kitten has not been sold, pets shops utilise discounts or other marketing tools to recoup the cost of that animal, rather than incur the additional costs associated with euthanasia.

(6) There are no laws in the ACT governing or prohibiting the euthanasia of animals, from a pet shop, if that process is undertaken by a licensed veterinarian.

(7) In the ACT, the majority of domestic animals that are euthanased are euthanased practicing veterinarians in private clinics; consequently the statistical information sought by the Member is unavailable.

(8) The cost of euthanasing animals that are privately-owned is borne by the owner. The funding of euthanasia of animals by Domestic Animal Services is provided within TAMS annual operational budget.

Government—payment of invoices (Question No 585)

Mr Seselja asked Minister for Planning, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f)

December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Mr Barr: The answer to the member's question is as follows:

Information on the number of invoices received by the ACT Land and Planning Authority each month is not available. The response is therefore based on the invoices paid by ACTPLA within the time period, July to December 2009 (based on information provided by Shared Services).

Reporting entity	**Number of invoices paid**			**% of invoices paid**		**Average value of invoices paid**
	On Time	Overdue	Total	On Time	Overdue	
ACTPLA	1,614	220	1,834	88%	12% See notes below	$7,381.10

Notes:

1. The information has been extracted by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible.

   The parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before ACTPLA receives invoices from suppliers.

2. Invoices can remain unpaid past the due date for a variety of valid reasons:
   - further documentation on the invoice is required or the invoice is being disputed with the vendor;
   - the invoice received is not a valid tax invoice;
   - the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency;
   - the invoice is issued by the vendor well after the date specified on the invoice.

Government—payment of invoices (Question Nos 586, 588, 601, 602 and 603)

Mr Seselja asked the Minister for Women, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Ms Burch: The answer to the member's question is as follows:

*Note – This response covers all Disability, Housing and Community Services portfolio areas.

Information associated with the number of invoices received by the Department each month is not available. In line with how Shared Services provided the required

information to the Department, the response below reflects the total number of invoices paid during the period July to December 2009.

Number of invoices	Average value of invoices	Paid by due date
22,924	$3,721.87	78%

The figures presented above do not take into account when invoices are received by the Department. A significant proportion of the invoices are received well after the date on the invoice due to the practice of "bundling" invoices for reason of small amounts or monthly remittance by suppliers.

Payment of invoices may also be delayed due to the need to verify services received or works completed and/or to resolve disputed amounts or incorrectly rendered tax invoices.

Approximately 21% of overdue invoices relate to internal transactions with other ACT Government agencies.

Government—payment of invoices (Question No 590)

Mr Seselja asked the Treasurer, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Ms Gallagher: The answer to the member's question is as follows:

- Information associated with the number of invoices received by the Department each month is not available. The response is therefore based on the invoices paid by the Department.

- In line with how Shared Services provided the required information to the Department, the below response reflects the total number of invoices paid during the period July to December 2009, rather than each month individually.

Reporting Entity	**Number of Invoices Paid**			**% of Invoices Paid**		**Average Value of Invoices Paid**
	Number			%		
	On Time	Overdue	Total	On Time	Overdue	
Reporting entities using Oracle (Treasury and Home Loan Portfolio)	4,270	224	4,494	95%	5% *Notes 1-2*	13,190
Reporting entity not using Oracle : ACTIA	1,180	206	1,386	85%	15% *Notes 3-4*	90,253
Reporting entity not using Oracle : SPA	138	-	138	100%	-	24,846
Reporting entity not using Oracle : TBA	4	-	4	100%	-	113,459

Notes:

Agencies using Oracle (Treasury and the Home Loan Portfolio)

1. The information has been extracted by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible. A parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs from the time when a supplier may print an invoice to the time when a department receives the invoice from the supplier.

2. Invoices can remain unpaid past the due date for a variety of valid reasons:
   - the invoice is being disputed by the agency with the vendor or further documentation is required;
   - the invoice received is an invalid tax invoice;
   - the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency; or
   - the invoice is issued by the vendor well after the date specified on the invoice.

Agencies not using Oracle (ACTIA)

3. The information is based on actual invoice due dates which was 7, 14 or 28 days, although in the majority of cases the invoices were due within 7 or 14 days.

4. Invoices can remain unpaid past the due date for a variety of reasons:
   - delays in receiving validation documents associated with reinsurance from overseas; or
   - the invoice being received by the agency well after the date specified on the invoice.

Government—payment of invoices (Question No 591)

Mr Seselja asked Minister for Health, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Ms Gallagher: The answer to the member's question is as follows:

Information associated with the number of invoices received by the Department each month is not available. The response is therefore based on the invoices paid by the Department.

In line with how Shared Services provided the required information to the Department, the below response reflects the total number of invoices paid during the period July to December 2009, rather each month individually.

Reporting Entity	Number of Invoices Paid			% of Invoices Paid		Average Value of Invoices Paid
	Number			%		$
	On Time	Overdue	Total	On Time	Overdue	
All ACT Health entities	39,098	5,438	43,536	88%	12% *Notes 1-3*	5,372

Government—payment of invoices (Question Nos 595 and 596)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Mr Corbell: The answer to the member's question is as follows:

1. Information associated with the number of invoices received by the Department each month is not available. The response is therefore based on the invoices paid by the Department.

   In line with how Shared Services provided the required information to the Department, the below response reflects the total number of invoices paid during the period July to December 2009, rather each month individually.

   The information provided is for both the Department of the Environment, Climate Change, Energy and Water (DECCEW) and the Office of the Commissioner for Sustainability and the Environment (OCSE).

	Number of Invoices				**% of All Invoices**				
	On Time	**Overdue**	**Total**		**On Time**	**Overdue**	**Grand Total**		**Average Value**
DECCEW	1,583	204	1,787		89%	11%	100%		$4,244.34
OCSE	151	12	163		93%	7%	100%		$3,199.57
	1,734	**216**	**1,950**		**89%**	**11%**	**100%**		**$4,157.01**

The information has been extracted by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible. A parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before a department receives invoices from suppliers.

Invoices can remain unpaid past the due date for a variety of valid reasons:

- the invoice is being disputed by the agency with the vendor or further documentation is required;

- the invoice received is an invalid tax invoice;
- the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency; or
- the invoice is issued by the vendor well after the date specified on the invoice.

Government—payment of invoices (Question No 597)

Mr Seselja asked Minister for Education and Training, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Mr Barr: The answer to the member's question is as follows:

1) Over the period 1 July 2009 to 31 December 2009 the Department paid 8751 invoices. Of these invoices 7386 or 84 per cent were paid by the due date and 1365 or 16 per cent were paid after the due date. Of the overdue invoices, 580 related to non ACT Government entities. The average value of non ACT Government overdue invoices was $2439.

   The table below details the information above on a month by month basis.

Month	Number of Invoices Paid	Paid by Due Date	Overdue	Average Value of Invoices
July	1530	1321	209	42 415
August	1844	1579	265	11 256
September	1491	1290	201	23 788
October	1458	1190	268	42 483
November	1193	980	213	28 141
December	1235	1026	209	47 796
Total	8751	7386	1365	
Percentage	**100**	**84**	**16**	

Notes

(1) The details in the above table are based on the date the invoice was paid. The Department's financial management system does not maintain details of the date invoices are received.

(2) The column detailing the 'Average Value of Invoices' relates to all invoices. The average value of overdue invoices over the period was $12 257.

Government—payment of invoices (Question No 597 additional information)

Mr Seselja asked the Minister for Education and Training, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Mr Barr: The answer to the member's question is as follows:

Reporting entity	**Number of invoices paid July to December 2009**			**% of invoices Paid**		**Average value of invoices paid**
	On Time	Overdue	Total	On Time	Overdue	
Canberra Institute of Technology	9,917	1,649	11,566	86%	14%	$3,064.79

Notes:

1. The information has been extracted by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible.

   The parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before CIT receives invoices from suppliers.

2. Invoices can remain unpaid past the due date for a variety of valid reasons:
   - further documentation on the invoice is required or the invoice is being disputed with the vendor;
   - the invoice received is not a valid tax invoice;
   - the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency;
   - this invoice is issued by the vendor well after the date specified on the invoice.

Government—payment of invoices (Question No 598 and 604)

Mr Seselja asked Minister for Transport, upon notice, on 11 February 2010 (*redirected to the Minister for Territory and Municipal Services*):

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Mr Stanhope: The answer to the member's question is as follows:

The Department of Territory and Municipal Services received 53,274 invoices between July 2009 and December 2009 inclusive. The average invoice value was $9,760. Of these invoices, 42,408 were paid within normal government trading terms.

Factors which can impact on the timeliness of invoice payments include:

- Satisfactory delivery of specified goods or services, including procurement and contract management controls;
- Accuracy of invoice details, including compliance with GST requirements; and
- Timeliness of invoice delivery, especially for invoices with payment terms of 14 days or less.

Government—payment of invoices (Question No 600)

Mr Seselja asked Minister for Gaming and Racing, upon notice, on 11 February 2010:

How many invoices were received by each department or agency in the Minister's portfolio in (a) July, (b) August, (c) September, (d) October, (e) November and (f) December 2009, what was the average value of these invoices and how many of these invoices were fully paid by their due date.

Mr Barr: The answer to the member's question is as follows:

In relation to the gaming and racing portfolio, the following information relates to the ACT Gambling and Racing Commission:

Period	Number of Invoices Received	Average Value of Invoices	Number of Invoices Fully Paid by Due Date
(a) July 2009	20	$4,131.25	19[1]
(b) August 2009	30	$1,863.67	29[1]
(c) September 2009	20	$2,258.84	20
(d) October 2009	25	$2,565.09	25
(e) November 2009	28	$1,536.92	28
(f) December 2009	19	$4,369.37	18[2]

Notes:

1. One invoice in each month did not provide the correct information.
2. One invoice was received after the due date.

Business—outdoor cafes (Question No 606)

Mr Seselja asked the Attorney-General, upon notice, on 11 February 2010:

(1) When will the review of outdoor cafe guidelines be complete.

(2) When complete, where will the guidelines be publicly available.

(3) What consultation has the Government undertaken with (a) business groups and (b) community groups during the review process.

Mr Corbell: The answer to the member's question is as follows:

(1) It is anticipated that the review of the outdoor cafe guidelines will be complete in about four (4) months.

(2) Once the review is complete, the outdoor cafe guidelines will be publicly available on the Office of Regulatory Services website.

(3) None to date. This will be undertaken over four weeks in March/April 2010. The Office of Regulatory Services has consulted with the Department of Territory Services and the ACT Planning and Land Authority in preparation of the guidelines going out to public consultation.

Business—outdoor cafes (Question No 607)

Mr Seselja asked the Attorney-General, upon notice, on 11 February 2010:

(1) How many applications were received by the Government for (a) outdoor cafe and (b) liquor licences in (i) November 2009, (ii) December 2009 and (iii) January 2010.

(2) How many of the applications referred to in part (1) have been approved to date.

(3) What was the average wait time for each application approved.

(4) What is the average seating capacity for applications received in (a) November 2009, (b) December 2009 and (c) January 2010.

(5) In which suburbs did businesses apply for (a) an outdoor cafe and (b) liquor licence in (a) November 2009, (b) December 2009 and (c) January 2010.

Mr Corbell: The answer to the member's question is as follows:

(1) The number of applications lodged for outdoor cafes and liquor licences in November 2009, December 2009 and January 2010 is provided in below table:

	November 2009	December 2009	January 2010
Outdoor Cafes	1	1	2
Liquor Licences	6	4	4

Under QON 454 I previously advised that there had been no outdoor cafe applications for the month of November 2009. This information was incorrect. Due to an administrative filing error, an application lodged in November 2009 was overlooked by my department in compiling a response for QON 454.

I can advise that a comprehensive search of all outdoor cafe applications has been conducted and no other applications were received in November 2009.

(2) November 2009: all outdoor cafe and liquor licence applications were approved
December 2009: all outdoor cafe applications approved; three liquor licences were

approved. One ON-licence is not yet approved as premises still under construction/fit-out
January 2010: all outdoor cafe and liquor licence applications were approved.

(3) The time it takes to approve an outdoor cafe or liquor licence is dependent on whether the premises are ready for use. Average time to approve an outdoor cafe for the period in question, where the application is complete and the premises is ready for use was less than 5 days. Average time to approve a liquor license for the period in question where the application is complete and the premises is ready for use was 6 days.

For all applications approved November 2009, December 2009 and January 2010, including those where the premises was not ready for use, the average wait time was:
Outdoor cafe permits – 13 and a half days;
Liquor licenses – 29 days

(4) a) November 2009 – 12 persons
b) December 2009 – 24 persons
c) January 2010 – 12 persons

(5) The following suburbs had applications for outdoor cafe permits and liquor licences in November 2009, December 2009 and January 2010:

	November 2009	December 2009	January 2010
Outdoor Cafes	City	City	City Braddon
Liquor Licences	Kambah Woden Gungahlin Mitchell x 2 Hume	Hackett City Fyshwick Woden	City Manuka Dickson x 2

Immigration—citizenship ceremonies (Question No 612)

Mr Doszpot asked the Minister for Multicultural Affairs, upon notice, on 23 February 2010:

(1) How many citizenship ceremonies were conducted in the ACT from 1 January 2008 to date.

(2) How many new citizens were conferred (a) in total and (b) at each ceremony for the period referred to in part (1).

(3) Which elected representatives at a Federal and Territory level were (a) invited to attend and (b) attended each ceremony referred to in part (1).

(4) Which elected representatives at a Federal and Territory level officiated at each ceremony referred to in part (1).

Ms Burch: The answer to the member's question is as follows:

(1) There were fifty three (53) citizenship ceremonies conducted in the ACT from 1 January 2008 to 26 February 2010.

(2) (a) 2773;

(b) the table at Attachment A outlines the number of citizens conferred at each ceremony.

(3) There is no record confirming which elected representatives at both Federal and Territory level were invited to attend citizenship ceremonies for the period 1 January 2008 to September 2009.

All local and Federal Members of Parliament were invited by email to attend citizenship ceremonies conducted since October 2009 with the exception of one that was conducted in conjunction with the National Multicultural Festival in February 2010. For future efficiency, a new protocol has been devised so that all elected representatives at both Federal and Territory levels will be sent a monthly letter of invitation to attend each ceremony.

(4) A list of elected representatives at a Federal and Territory level that officiated at each ceremony referred to in part (1) is also included at Attachment A.

(A copy of the attachment is available at the Chamber Support Office).

ACT Housing—foster carers (Question No 613)

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 24 February 2010:

(1) Does ACT Housing take into consideration whether or not an applicant is a current or ongoing foster carer when considering an application; if so, in what manner does ACT Housing take this into consideration; if not, why not.

(2) How does whether or not an applicant is a current or ongoing foster carer affect ACT Housing's decision when assessing whether an applicant should be placed on any of the three ACT Housing waiting lists (being priority, high needs or standard).

(3) What commitment does the ACT Government, including ACT Housing, have to assisting current or ongoing foster carers in securing stable housing.

Ms Burch: The answer to the member's question is as follows:

(1) Yes. See answer to (2) below.

(2) The Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2007 (No 1) outlines the criteria used by Housing ACT when allocating a needs category to an applicant. A copy of the determination is attached. The Priority Housing needs category includes families with children at risk of abuse or neglect.

(3) Housing ACT is committed to assisting families including foster carers to provide children safe and secure accommodation in line with the legislative requirements of the *Housing Assistance Act 2007*.

(A copy of the attachment is available at the Chamber Support Office).

Bimberi—incidents (Question No 615)

Ms Hunter asked the Minister for Children and Young People, upon notice, on 25 February 2010:

(1) What breakdown figures are there for the 11 different categories of the 129 reported category 2 incidents in Bimberi during the past 12 months,

(2) How many individual young people were involved in the category 2 breaches in the last 12 months.

(3) How many of these incidences resulted in further disciplinary action for young people and/or staff.

(4) Can the Minister provide advice on what the further disciplinary action taken was.

(5) Was any training implemented to equip staff with skills to better deal with category 2 incidents; if so, what was the training provided.

Ms Burch: The answer to the member's question is as follows:

(1) The 11 different categories of the 129 reported category 2 incidents, with some incidents having more than one category, have been broken down as follows:

Assaults which include pushing, shoving, slapping, spitting, fighting between residents, throwing punches or something at a Youth Detention Officer or another resident – 29;
Threats against youth detention officers or any other person – 30;
Use of Force – 56;
Contagious Disease – 0;
Minor Breach of Security – 1;
Significant disturbance to the Good Order of a detention place – 48;
Incident involving contraband (including weapons, tools of escape, and illicit drugs, lighters and cigarettes) – 33;
Motor Vehicle Accident – 1;
Incident involving visitor/s to the Institution – 1;
Possession of a prohibited thing at a detention place by a youth detention officer or staff member – 3;
Any other event which in the opinion of the Manager should be reported – 17.

(2) Of the 129 reported category 2 incidents there were 42 individual young people involved.

(3) Due to resource issues it is not possible to assign staff to obtain this information. It should be noted that reportable incidents are not directly related to behaviour management or discipline of detainees or staff.

(4) Due to resource issues it is not possible to assign staff to obtain this information. However, the nature of behaviour management and disciplinary action are outlined in the Children and Young People (Behaviour Management Framework) Policy and Procedure 2008 (No. 1) which is available on the ACT Legislation Register, and in relation to staff discipline, the *Public Sector Management Act 1994*.

(5) Training is continually monitored and improved. Initial policy and procedure training was provided to all staff following the transition from Quamby Youth Detention Centre (Quamby) to Bimberi Youth Justice Centre (Bimberi). Currently, all new staff undertake an initial 9 week comprehensive induction training. This is enhanced with on the job skills maintenance training. Bimberi has identified 3 operational staff as local workplace trainers and assessors. These staff are scheduled to be trained as workplace trainers in de-escalation and Use of Force by a NSW Training Manager. These staff will also complete Workplace Training and Assessment certificates and will be extended to provide training in other critical operational areas. The Office for Children, Youth and Family Support (OCYFS) supervision framework has been implemented and assists in identifying performance management plans for staff. Where possible, utilisation of CCTV footage is used in supervision and debriefing following critical incidents.

Aboriginals and Torres Strait Islanders—education (Question No 616)

Ms Hunter asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 25 February 2010:

(1) What programs are available, through the ACT Government, in ACT schools to assist children from Aboriginal and Torres Strait Islander backgrounds to remain engaged in school.

(2) How many of the programs referred to in part (1) are wholly funded by the ACT Government.

(3) Did the ACT Government make a submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into the high level of involvement of indigenous juveniles and young adults in the criminal justice system.

(4) What measures is the ACT Government undertaking to address the link between disengagement in schools and high levels of involvement of indigenous juveniles and young adults in the criminal justice system.

Mr Stanhope: The answer to the member's question is as follows:

(1) There are a number of programs provided through the ACT Government to assist Aboriginal and Torres Strait Islander students to remain engaged in school. These include:

a) Literacy and numeracy support is provided for Aboriginal and Torres Strait Islander students who are identified as being in need of targeted support using data from the Performance Indicators in Primary Schools (PIPS) and NAPLAN assessment instruments. Aboriginal and Torres Strait Islander students are also supported through the ACT Literacy and Numeracy Strategy that was launched in 2009.

b) Aboriginal and Torres Strait Islander students are supported at high schools by eight Indigenous Education Officers and in primary schools by two Indigenous Education Workers. The focus of work undertaken by the Indigenous Education Officers is implement strategies to improve attendance rates of Aboriginal and Torres Strait Islander students. The work of the Indigenous Education Workers aims to improve student engagement through classroom and curriculum based support.

c) The Indigenous Student Aspirations program also supports Aboriginal and Torres Strait Islander students to achieve a successful pathway through schooling to tertiary level study or a broad range of training and employment options. Three positions currently work to improve Aboriginal and Torres Strait Islander student participation in programs with career information and working at supporting students transitioning from primary to high school and high school to college.

d) Schools are allocated funds to provide tutorial assistance for Aboriginal and Torres Strait Islander students. Funds also allow targeted support to be delivered in selected clusters of schools such as Calwell High School, Calwell, Richardson and Theodore primary schools and individual schools such as Jervis Bay Primary School.

e) The Child and Family Centres are a flagship initiative of the ACT Government's early intervention platform. A priority for the Centres is working with Aboriginal and Torres Strait Islander children and families through the Growing Healthy Families Project and maintaining the first ACT Indigenous Parenting Support Service, in partnership with The Smith Family and the Australian Government. The Child and Family Centres also run the Schools as Communities program. The overall objective of this program is to improve social and educational outcomes for vulnerable children and their families. This work is done through the development of partnerships and collaboration between families, schools, health and community service agencies.

f) The Youth Connection program within the Office for Children, Youth and Family Support works with young people who are disengaged or at risk of disengaging from education to provide an outreach case management service to assist them to reengage in education and training. The Adolescent Day Unit within the Office for Children, Youth and Family Support provides a structured, part time program over two school terms for children and young people at risk of disengagement with the mainstream school system.

g) In addition to educational programs, young people at Bimberi have access to rehabilitative programs targeted to address criminogenic needs and sport and recreational activities which provide opportunities to help build confidence, improve health and fitness, assist with socialisation and provide avenues to assist positive transition back into the community. Over the last twelve months Bimberi has provided a tutoring program for Aboriginal and Torres Strait Islander young people with literacy and numeracy difficulties. Reports indicate that there have

been positive outcomes for young people engaged in tutoring. The Aboriginal Justice Service and Aboriginal Legal Services, Prisoner Support Officer attends Bimberi on a regular basis to make contact with young people who identify as Aboriginal and Gugan Gulwan Aboriginal Corporation attends Bimberi to provide classes in Aboriginal Art.

h) The Youth Support Program through the Office for Children, Youth and Family Support fund Gugan Gulwan Youth Aboriginal Corporation to provide a support service targeted at Indigenous youth aged 12 to 25 years who are disengaged or at risk of disengaging with education. The service is based at Gugan Gulwan Youth Centre in Erindale, but also provides outreach support through a variety of stakeholders and partnerships across the ACT. The support program provides young people with case management that identifies and meets both the personal and educational support needs of individual young people with an emphasis on assisting the young people to reengage with education or training.

(2) Of the programs described in part (1), literacy and numeracy support, Indigenous Education Officers and Indigenous Education Workers are wholly funded by the ACT Government. The Indigenous Student Aspirations program is a budget initiative completely funded by the ACT Government.

Schools as Communities, Youth Connection, the Adolescent Day Unit, the Youth Support Program and educational support programs at Bimberi are funded by the ACT Government.

Funds provided through the National Education Agreement include elements from the Indigenous Tutorial Assistance Scheme and the supplementary assistance program previously funded by the Commonwealth under the Indigenous Education Strategic Initiatives Program.

(3) The answer to question (3) is no.

(4) The Office for Children Youth and Family Support currently work with young people who have disengaged or are at risk of disengaging from education through the Youth Connection program. This program provides an outreach case management service that works with young people and their families to assist them to reengage in education and training.

In regard to young people who have become involved in the criminal justice system and are disengaged from education, Youth Connection case managers work in concert with the young person's Youth Justice case managers to assist them to obtain their educational goals and reduce their risk of recidivism.

When the young person is Aboriginal or Torres Strait Islander, Youth Connection also works with the OCYFS Aboriginal and Torres Strait Islander Unit to support young people to reengage with education by working to develop family and community supports, which addresses their educational needs. Bimberi Youth Justice Centre also has an identified Aboriginal case manager who works with young people in conjunction with Aboriginal and Torres Strait Islander services and family and kin members.

In cases where Aboriginal and Torres Strait Islander young people are disengaged from school and have become involved with the criminal justice system, the Office for Children Youth and Family Support may assemble a care team of case managers from

the Aboriginal and Torres Strait Islander Service, Youth Justice, Youth Connection, and where appropriate Care and Protection. The team will work with the young person, their family, and the other services involved, to develop an action plan that supports the young person to address the factors that are contributing to their offending behaviour and disengagement from their school and community.

The G8 project involves the development of a partnership between the schools of the Ginninderra Cluster and the Office of Children Youth and Family Support. The purpose of the project is to ensure that both systems work cooperatively to improve both the educational experience and social outcomes of children and young people.

One of the key objectives of the project is to explore available research and information on effective communication strategies to assist teachers in supporting Aboriginal and Torres Strait Islander students more effectively. Themes and learnings identified will inform a model of best practice between schools and its supporting agencies. This has required working collaboratively with all stakeholders with the findings and learnings of the model being implemented throughout the wider school system in 2010.

Canberra International Arboretum and Gardens (Question No 617)

Mr Rattenbury asked the Chief Minister, upon notice, on 25 February 2010:

(1) What is the total amount spent on the Canberra International Arboretum and Gardens since the project's inception to date and what is the breakdown of those costs for each year.

(2) What proportion of those costs was let to tender and what services have been provided under those tenders.

(3) What proportion of the total expenditure has been spent on consultants and what services have been provided under those consultancies.

Mr Stanhope: The answer to the member's question is as follows:

1. Total capital expenditure to date on the project is approximately $14.654m, made up as follows:

- 2004-05 $0.401m
- 2005-06 $0.458m
- 2006-07 $0.812m
- 2007-08 $2.012m
- 2008-09 $6.035m
- 2009-10 $4.936m (end-February)

In addition, recurrent funding of $0.4m was provided in 2006-07, $0.8m in 2007-08, $0.8m in 2008-09 and $1.020m has been provided in 2009-10.

2. Work undertaken by contractors and consultants has been undertaken in accordance with the appropriate procurement principles and directions. Strategic procurement plans have been prepared and approved by the ACT Procurement Board and the Department continues to work closely with ACT Procurement Solutions.

Accordingly, all work has been submitted through tender processes (single select, select, competitive) and with the appropriate approvals. All of the capital expenditure, except for procurement fees, works approvals fees and the like, of around 2 percent was contracted out.

Work undertaken to date includes planning and design work, forest preparation and planting, mulching, irrigation works, civil works (eg dam, roads, events terrace, and central valley works) and site services.

3. The Arboretum project is a very complex project involving a range of expertise from landscape architecture, architects, botanists, horticulturalists, tree surgeons, civil engineers, business planners, bonsai experts and so forth.

The exact percentage expended to date on 'consultants' is difficult to determine as many services (surveying, geo-tech, engineering services, signage etc) have been wrapped up in larger contracts. In the first few years the majority of capital expenditure was associated with planning and design, but the percentage of design services has progressively fallen as the master plan has been implemented and forests planted and civil works undertaken. For example, the majority of the capital budget in 2004-05 would have been design related, but the percentage to be spent on consultants has fallen to around 15% of the budget in 2009-10 (including forward planning work).

In relation to the capital budget, funds have been allocated for a range of services including upfront planning and design, including to the winners of the national design competition, Landscape Architects Taylor Cullity Lethlean in conjunction with Architects Tonkin Zulaikha Greer, and incorporating a range of sub-consultancies for engineering and other services, as well as for irrigation design and site superintendency.

In relation to recurrent expenditure, funding allocated to consultants (as opposed to contractors and payments for other goods and services) has been predominantly for tree experts, a bonsai curator for the National Collection, and sundry other experts as required. Of the 2009-10 Budget allocation of $1,020,000 about 20 per cent is to be expended on consultants.

Protection of Public Participation Act 2008 (Question No 618)

Mr Rattenbury asked the Attorney-General, upon notice, on 25 February 2010:

(1) Will the Government make regulations under the *Protection of Public Participation Act 2008* to specify the financial penalty for plaintiffs under section 9.

(2) In the absence of express regulations, what existing general regulations can the courts use to work out the penalty as they are required to do under subsection 9(3).

(3) In preparing for the review of the operation of the Act due after 1 January 2012 and required under section 11, will the Government be recording statistics on the number of applications made under subsection 9(4) and the number of plaintiffs ordered to pay a financial penalty.

(4) Has the Government determined which factors it will take into account in deciding whether to exercise the discretion to intervene established in subsection 9(4)(b); if so,

what are those factors and how is the Government made aware of proceedings taking place in the courts that have the potential to engage the Act.

Mr Corbell: The answer to the member's question is as follows:

(1) Yes.

(2) No civil penalty under the Act may be imposed until a regulation is made. Courts already have discretion to award costs on a higher scale if proceedings are improper.

(3) Yes.

(4) No, the Government has not identified factors it will use. Each opportunity to intervene will be determined on its merits. The Government will be made aware of proceedings to which the Act may apply by being given notice by a party that seeks the protection of the Act.

Courts—model litigant guidelines (Question No 619)

Mr Rattenbury asked the Attorney-General, upon notice, on 25 February 2010:

(1) When will the model litigant guidelines be made into a notifiable instrument as required under subsection 5AA(1) of the *Law Officer Act 1992*.

(2) Has there been any work performed to alter or amend the existing guidelines before they are made notifiable.

(3) Has the Attorney-General determined what factors will be taken into account in deciding whether to the exercise the discretion to enforce the guidelines set out in subsection 5AA(4).

(4) How are the present guidelines publicised (a) within Government departments and (b) to those members of the public and their lawyers engaged in legal proceedings which involve a Government lawyer.

(5) Will there be any change to those practices outlined in part (4) once the guidelines are made into a notifiable instrument.

Mr Corbell: The answer to the member's question is as follows:

(1) The Model Litigant Guidelines were notified on 26 February 2010 and are effective from 2 March 2010.

(2) Yes.

(3) Not as yet.

(4) The previous guidelines are published on the Department of Justice and Community Safety website.

(5) Yes, the new guidelines are available on the Legislation Register. In addition, the ACT Government Solicitor will be providing advice to all ACT Government Departments and Agencies.