



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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Wednesday, 25 August 2010

The Assembly met at 10 am.

(Quorum formed.)

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

Petition

The following petition was lodged for presentation, by Mr Seselja, from 329 residents:

ACTION bus service—schools—petition No 110

SCHOOL BUS SERVICE BETWEEN MARIST COLLEGE CANBERRA AND THE SUBURBS OF YARRALUMLA & DEAKIN

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

“A direct school bus service does NOT exist between Marist College Canberra and the suburbs of Yarralumla & Deakin for 39 (plus) Marist College students in these suburbs. Students (as young as eight years of age) are required to catch two public buses via the Woden Interchange, leaving home 1-1½ hours before school commences, or be driven to and from school, each day.”

Your petitioners therefore request the Assembly to:

“Provide a direct school bus service between the Yarralumla/Deakin suburbs to Marist College Canberra for the 39 (plus) enrolled students at MCC or extend an existing bus service to cover these students & suburbs. This will reduce traffic congestion and pollution, particularly on Adelaide Avenue; and importantly increase the safety of the 39 students.”

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

Children and Young People (Death Review) Amendment Bill 2010

Ms Hunter, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.03): I move:

That this bill be agreed to in principle.

The ACT Greens are introducing this bill today to establish a comprehensive child and young person death review mechanism in the ACT.

Whenever a child dies, we know that a community of people surrounding that child are all affected in ways that cannot be measured. The loss of a child is not something we ever want to experience. In fact, if we had the chance to prevent it, we would. This is the driving force behind the establishment of a child death review committee within the Children and Young People Act 2008.

When we talk about a child death review committee, we are not talking about a process which circumvents or overtakes the mechanisms we already have in place. Within the territory, there are three existing mechanisms which work to review the deaths of children and young people. These are: the ACT Coroners Court, which must hold an inquest into the manner and cause of death of a person who dies in those circumstances set out in section 13 of the Coroners Act 1997; and the Clinical Review Committee within ACT Health, which is a privileged committee and the internal review process within the Department of Disability, Housing and Community Services for children who come into contact with or are known to the Office for Children, Youth and Family Support.

In 2009, a memorandum of understanding was signed between ACT Health and the ACT Department of Disability, Housing and Community Services, which includes care and protection services, allowing for the joint case review of clients known to both care and protection services and ACT Health. The review process is conducted under the auspices of the ACT Health Clinical Audit Committee. Cases referred to the audit committee include critical incidents such as the death of an infant or child, and near-miss incidents will also be reviewed in the future.

In relation to the death of a child known to child protection services, currently the ACT Health Clinical Audit Committee can provide recommendations for systemic improvements for individual agencies and for improved collaboration between ACT Health and child protection services. Child protection services may also engage an external investigator to review a child death in some circumstances.

This new mechanism is designed to build on the existing reviews. The children and young people death review committee will undertake its function after any other applicable inquiry or investigation has run its course. The committee review is designed to be far broader ranging than the existing process and collate existing information to give a broad perspective on child deaths in the ACT.

Within an Australian context, child death review teams aim to identify strengths and weaknesses in system responses for the benefit of future prevention and action. Child death review teams do not aim to determine the culpability of alleged offenders or

comment on the individual performance of people; nor do they investigate the causes of child deaths. That role is left to the police and coroner.

Child death review teams do not conduct interviews or meet with staff or families of the deceased, but rather rely on document analysis. Child death review teams are categorised as a second tier review mechanism. The key contribution to be made by this mechanism is the identification of emerging trends, common themes and issues across the child deaths that have been recorded in the ACT.

New South Wales, the Northern Territory, Queensland, South Australia, Victoria and Western Australia have child death review teams, and Tasmania is working on establishing one. These states and territories each conduct their review mechanisms in a slightly different way. What we propose here today are the best parts of these experiences for legislation that will work to strengthen the ACT community's ability to make recommendations and take action that can prevent future deaths of children and young people.

Many children's advocates in the ACT have long been calling for the establishment of a children and young people death review committee, and there is a long history associated with the formation and development of a child death review mechanism in the ACT. Simon Corbell, as the then health minister, announced on 23 March 2004 that "a child death review team would be established to review the deaths of people up to 17 years and 11 months". In May 2004, *The territory as parent* report, also known as the Vardon report, was released, and it held strong recommendations about the need for a child death review team in the ACT.

In 2004, a child death review committee was formed to review child deaths that occurred in the ACT between 1992 and 2003. The purpose was to review the deaths of children and to consider and make recommendations to address systemic social and environmental issues that were associated with children and young people.

In 2006, the committee presented its report, which showed that no child or young person known to the child protection department had died as a result of non-accidental injury inflicted by another person during that period. Within that report, titled *Review of ACT child deaths*, released by the Office of the Chief Health Officer in 2006, it was stated:

A need has been identified for appropriate legislation that will underpin the operations of the Child Death Review Team. The ACT Government Department of Disability, Housing and Community Services is responsible for development of the legislation.

Following on from this, there has been no progress towards the development of legislation for a child and young people death review committee in the ACT. This means that currently there are no processes in place for the routine preparation and tabling of an annual report on child deaths in the ACT and, therefore, no access to information.

The child death review mechanism proposed in this bill goes beyond a statistical analysis of the figures. This is an opportunity to give the narrative context and supply

a qualitative information aspect to why a child or young person has died. The aim is to improve our understanding, our responses, our planning and our policy development and ultimately help prevent such deaths in the future.

The current processes in the ACT do not feature all of the components of a child death review committee process. The proposed child death review committee has:

- a multidisciplinary panel of experts from a range of areas or backgrounds including legal, medical, child development, child safety and the community;
- authority to review all deaths of children and young people that occur in the ACT each year;
- the ability to analyse the administrative or clinical issues as well as the wider social or contextual circumstances underlying the death;
- a systemic and preventative approach that includes analysis of the factors that contributed to the death and identification of possible strategies or means which might be used to address factors and prevent future deaths;
- an independent governance structure with legislated appointment and terms of reference; and
- transparency of process and de-identified public reporting of the outcomes of the systemic reviews.

But why is it so critical that we get this data and qualitative narrative? It is important that we understand the context and story to make sure that we can see any real trends and how we respond into the future.

One example from Victoria that may illustrate the need for and benefit of this death review committee occurred when a mother stopped jogging to answer her mobile phone. As she bent down to write her phone number, the pram rolled away and fell into the nearby pond. The mother believed for several hours that her baby had been kidnapped and had no idea that the pram had rolled away.

For statistical purposes, this would have been recorded as a death by drowning. Of course, that was the cause of death. However, the details, the story and the context allow us to understand that this was more than a drowning. The outcome from this particular review was a recommendation that, in the future design and construction of public paths around waterways and water features, the path be constructed to lean away from the water—a very simple and inexpensive strategy. The intention was to ensure that in future any vehicles with wheels, such as prams, would not roll into water; therefore this work was done to prevent future deaths.

Another example is to look at the New South Wales 2008 child death review annual report. In one of its sections, it talked about drowning deaths:

Twenty children died by drowning or submersion in 2008.

This year no child with epilepsy died as a result of drowning.

It talked about natural bodies of water:

... five children drowned in a natural body of water ...

Two of the five deaths in 2008 occurred in one incident.

It talked about private swimming pools or spas:

In 2008, 10 children drowned in private swimming pools ...

All the deaths concerned young children aged 1-2 years accessing the pool without the knowledge of their carer. There were issues with the pool barriers, the way they were used, or both.

All the children were engaged in free play at the time of the fatal incident.

The recommendation following on from this analysis was:

That the NSW *Swimming Pools Regulation 2008*, require local authorities to inspect all swimming pools notified within their area and monitor compliance with the legislation. This could occur through councils developing a plan for inspection and monitoring over a period of years, and reporting periodically against the plan.

These examples of the New South Wales Child Death Review Team's work allow us to understand that the analysis of the circumstances surrounding the death is critical to ensuring that strategies, campaigns, and indeed the spending of public funds, are targeted towards the right areas.

This bill proposes that a new chapter be placed in the Children and Young People Act 2008 which establishes and sets out the functions, powers and processes of the children and young people death review committee.

The functions of the committee include keeping a register of death of the children and young people that occur in the ACT and the deaths that occur outside the ACT of children and young people who normally live in the ACT. The committee will also identify trends and patterns in relation to the deaths of children and young people and undertake research and identify future research that aims to prevent or reduce the likelihood of the death of children and young people.

The committee is required to make recommendations about legislation, policies, practices and services for implementation by the territory and non-government bodies to help prevent or reduce the likelihood of death and also to monitor the implementation of the committee's recommendations. The committee is also given the function to report to the minister through an annual report each financial year and any other function given to the committee under chapter 19A.

The nature of the committee is structured to ensure that a multidisciplinary team will sit at the table and, without cause for blame or culpability, look at the death, the

context and ways it could have been prevented. This committee will include: the Chief Executive of DHCS; the commissioner for children and young people; senior managers of Housing and Community Services, Education and Health; a social worker; an industrial engineer; a paediatrician with forensic child health expertise; a psychologist; a representative from the Aboriginal and Torres Strait Islander community; and a health practitioner.

Section 727E also defines that the chair of the committee must be appointed as an independent member of the committee without the right to vote. This appointment is modelled on the management assessment panel which operates in the office of the Public Advocate of the ACT. The independent chair is intended to ensure that the panel operates in a clear and transparent manner. This model is preferred to ensure that the committee is able to take into account the sensitive and confidential nature of the subject matter and the need for all parties and members of the committee to be transparent in ensuring that the functions of the committee are fulfilled.

The bill sets out the criteria for appointment of committee members and the types of skills, experience, qualifications and positions that members of the committee must hold. The representation of this committee aims to broadly embody a variety of professions and fields that work with or have an interest in the safety and wellbeing of children and young people in the ACT. Under a defined set of circumstances, the minister may end the appointment of a member of the committee.

The bill provides for arrangements to be made by the Chief Executive of DHCS and the committee for public servants in DHCS to act as the administrative unit to provide support to the committee in the exercise of their functions. The administrative detail of the committee is set out in the bill to guide the committee's work plan and operation.

This bill establishes the children and young people deaths register which must be maintained by the committee. The register contains information on the cause of death, the age and sex of the child or young person and whether the child or young person is of an Aboriginal and Torres Strait Islander background. The register will also include whether the child or a sibling was identified under the Children and Young People Act 2008 as being in need of care and protection within three years before his or her death and anything else prescribed by regulation.

The register may also contain any other demographic data available to the committee and any information about a child or young person or the circumstances of the child or young person's death that the committee considers relevant—for example, information that would provide a qualitative narrative or contextual understanding of the circumstances surrounding the death of a child or young person.

It is integral that the committee has access to the information it needs to provide a clear and accurate picture of the child and young people deaths that have occurred in the ACT. The bill provides that the committee has the power to ask people to provide it with documents relevant to the consideration of a review of a death. This power is one that is commonly given to investigative bodies and is consistent with the powers currently available under the Discrimination Act 1991, the Community and Health Services Complaints Act 1993 and the Human Rights Commission Act 2005.

The nature of this topic is both emotive and sensitive and, as such, the bill has attempted to maintain confidentiality and de-identify data used by the committee. It is well understood that we are a small jurisdiction and therefore the committee must ensure that the children and young people deaths register is accessed only by committee members, staff who are assisting in the administration of the committee as outlined in section 727G, or someone authorised by the committee to have access to the register. The bill proposes that a record of any access must be kept and publicised as a notifiable instrument.

The bill also proposes that the committee must report annually to the minister on the number of deaths of children and young people; the age and sex of the child or young person who died and if under the Children and Young People Act 2008 this child or young person has been in need of care and protection within a three-year period before their death or is a sibling who has been identified as being in need of care and protection within a three-year period before their death; and the patterns or trends identified in relation to the death of children and young people in the ACT.

The committee may also include in the annual report: its recommendations about legislation, policies, practices and services for implementation by the territory and non-government bodies to prevent future deaths of children and young people; information about the implementation of any previous recommendations of the committee; and any other matters considered relevant.

The annual report ensures the information is available to the community and is a way of engaging the broader community in the implementation and monitoring of the recommendations made in the report.

The development of a child and young people deaths register allows us to develop a comparative picture of the ACT compared to national data available and other jurisdictions. It is important to note that every other state and territory—excluding Tasmania, which is in the process of establishing one—do have a child death review team or committee. They are able to sit at a national table to also share this information and to be able to analyse and look at emerging trends. At the moment we are not able to participate at the level that the other jurisdictions are able to.

The establishment of a child and young people death review committee is a way to ensure that we are engaged in a process of continuous improvement and innovation in policy and practice. This will mean that our work to keep all children and young people safe and well is based on relevant and meaningful evidence.

I call upon all parties to provide support for this bill that will cement our commitment to a mechanism that will help to prevent future deaths of children and young people in the ACT. I look forward to talking to my colleagues in other parties in the next couple of months, or next month, around this issue.

I think there is some confusion about the role of this committee and other mechanisms in the ACT. I need to be quite clear: this does not duplicate other mechanisms. It is recognised nationally that this is about building on those mechanisms. It is about

pulling together data, analysing that data, putting a narrative context about it, and ensuring that, from there, we are taking forward actions and putting in place programs, policies or maybe legislation that will make the ACT safer for our children and young people.

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

Financial Management (Appointments) Amendment Bill 2010

Mr Seselja, pursuant to notice, presented the bill.

Title read by Clerk.

MR SESELJA (Molonglo—Leader of the Opposition) (10.22): I move:

That this bill be agreed to in principle.

I rise to introduce today another important element to a longstanding and ongoing policy objective to make this Assembly more open, more accountable and more in tune with what the people of Canberra want us to achieve, instead of this place being used as a way for certain members to achieve what they want for political or personal gain.

Previously, my team and I have introduced and successfully carried the fight to stop governments misusing their incumbency to hide information by introducing important legislation providing enhanced rigour under freedom of information legislation. We have moved to prevent governments using the budgets of their departments to promote partisan political interests with the introduction and passage of the campaign advertising act. We are working to end the arms race in political donations and prevent this government being the biggest profit taker from an industry they are supposed to be regulating with campaign finance reform.

Today, Mr Speaker, I add another plank of the legislative framework that is shoring up the excesses and self-interest of governments who are all too tempted by the advantages of incumbency and who, until now, have all succumbed to that temptation.

The Financial Management (Appointments) Amendment Bill 2010 will prevent ministers moving from the comfort of their offices within the executive to the security of sinecures within territory authorities or corporations. The culture of patronage, so decried around the world, has quietly coexisted here in the ACT, with mate looking after mate.

The fact that this is an issue is obvious from a look at the comments made about it around Australia and around the world. On the ABC in February this year, communications minister Stephen Conroy came under fire when he was caught using his influence to help a Labor figure win a plum government job.

It is not an issue for just one party. Simon Crean, when he was opposition leader, called for reform to prevent former ministers from using “their knowledge and

contacts” obtained during their ministerial tenure to gain placements or positions after their exit from office. The Democrats also called for reform. Their leader said on 18 February 2002 that it was “questionable practice for government ministers to leave office and walk straight into jobs in areas where they have previously been ministers of the Crown”.

In the ACT, of course, with only five ministers and a revolving door on those offices anyway, the areas of responsibility cover a very large field and the range of territory authorities offers a panoply of places, all of which would have in some way been exposed to direct influence of their former positions.

My bill addresses that issue in a reasonable and restrained manner. It does not ban ministers from any job—just those in authorities and corporations directly controlled by the government. Indeed, it does not even ban ministers from those jobs. It just insists there be a mandated cooling-off period between their appointment as ministers and their accepting the new role. This is based on similar models from other jurisdictions, including attempts here in Australia to achieve the same outcome.

The Democrats in 2002 said that they were preparing legislation to require newly retired or defeated ministers to observe a cooling-off period of at least two years before entering into private contracts. Overseas, the imperative to separate ministerial propriety from private gain is enshrined in law in severe terms. In the United States, it is in fact a crime for an employee of the executive branch to be involved in attempts to lobby the government for two years after the termination of their employment.

As a head or senior manager of a territory authority or territory-owned corporation, an ex-minister would be very much involved in lobbying the government on behalf of their new employees. Even the Australian Medical Association has made public comments on this issue. In a release titled “AMA joins call for cooling-off period for ex-ministers’ jobs” the association also called for government ministers to observe a cooling-off period, with the former president stating, “This has to be done in order to ensure the decisions they make as ministers are made in the interests of Australians and not in the interests of the potential client or the minister themselves.”

As I stated earlier, there is a slightly different situation here in the ACT, with so few ministers yet so many authorities from which they can cherry-pick post-ministerial appointments. Make no mistake: it does happen here in the ACT. Bill Wood left office and soon after took up a position at the LDA. Ted Quinlan was appointed to ACTTAB and Rosemary Follett landed a position with the Sentence Administration Board.

Let me make it clear that I am not reflecting on these individuals. I respect each of them. However, it can lead to a perception of jobs for the boys or mates’ rates. It can be unseemly and after careful consideration of all the issues, including the impact on future Liberal governments, it is a practice that we believe should be modified.

My bill does modify this practice. This is a simple, strong bill. It addresses an important issue but does so in moderate terms. It does not prevent a minister from ever taking up a position—just for a reasonable period after leaving office. It imposes

the cooling-off period that so many players have called for but so few have been able to achieve. That period is two years, as noted by some of the commentary referred to earlier, but also as a policy that would allow a full budget cycle to progress, from cabinet submission to program expenditure, before a minister may take up an appointment.

It does not prevent a minister from taking up private positions on their own merit, just from taking roles in territory agencies and authorities where they would be making decisions and lobbying government in relation to the inner workings of the executive that, immediately prior to their appointment, the ministers had been privy to. It does not prevent them from applying for commonwealth positions. It is sound, it is sensible and it is long overdue.

I am very proud of the achievements that the Canberra Liberals have made in the areas of government accountability, openness and integrity. Once again, we have led the way on this important reform. Once again, it is the Canberra Liberals who are actually doing the hard work to hold the government to account. Once again, it is on an issue that has been problematic for many of our predecessors, but to which we have proposed a solution. Once again, we have arrived at a concrete, practical solution that should, if accepted by the parties in this place, create genuine results. Once again, I present to the Assembly a piece of legislation that makes our parliament a more equitable institution and seeks to address some of the imbalances of the past so that we may look towards the future with more integrity.

Mr Speaker, I commend the bill to the Assembly.

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

Schools—non-government

MR DOSZPOT (Brindabella) (10.29): I move:

That this Assembly:

(1) notes:

- (a) the importance of the non-government school sector to the ACT;
- (b) the strong performance of the non-government school sector in the ACT;
- (c) the substantial contribution non-government schools make to the education system in the ACT and surrounding region;
- (d) that non-government schools provide broad, inclusive and diverse education options to parents;
- (e) the substantial services provided by the non-government school sector to the community which reduce the financial burden on the ACT government;

- (f) that the ACT government's 17.2 per cent per capita contribution to non-government students is below the national average; and
 - (g) the autonomy of principals to hire staff is vital to maintain the vitality of their school's culture;
- (2) reaffirms its strong support for:
- (a) the non-government school sector;
 - (b) funding for non-government schools to, at the very least, be maintained in real terms; and
 - (c) non-government school principals to retain their autonomy to manage their schools in accordance with their values; and
- (3) calls on:
- (a) the Commonwealth and ACT governments to ensure that funding for the sector does not fall in real terms; and
 - (b) the ACT government to explore options on how to enhance funding to non-government schools and report back to the Assembly by the last sitting day in 2010.

Last week's motion introduced by Mr Seselja, the Leader of the Opposition, regarding the Greens' policies and their impact on living costs to families resulted in what can be regarded as one of the most intense sittings in this Assembly. This motion was debated from morning until evening. Importantly, Mr Seselja's motion allowed us all to do a bit of soul searching. In the end, the result showed that for the most part common sense prevailed.

With that in mind, I would like to commend Mr Seselja for the motion. The election has now passed and the rhetoric of policy has shifted to the pending election results and who will form government. Here in the Assembly, this is not a time for us to hold our breath and wait. There is much to do.

Last week it was noted, among other things, that the Greens' education policy would rip approximately \$60 million from ACT private schools by diminishing commonwealth government funding to 2003-04 levels, reducing the level of government funding to non-government schools by taking into account moneys raised locally by school fees, fetes and philanthropic support, and decoupling them from public school spending. The policy would also take away freedom of religion by forcing faith-based schools to employ people who do not share their values and stop the development of new non-government schools if they endanger the viability and diversity of existing public schools.

It was also put that approximately 40 per cent of students in the ACT attend non-government schools. Government funding levels to non-government schools in

the ACT are already among the lowest in the country at 17.2 per cent. In essence, families who pay for their children's education at non-government schools save the government in excess of over \$100 million a year. Hence, it is my hope that this motion today, with the Assembly's support, can in some way or another act as a balm for the many concerned families who were affected by the Australian Greens policy that penalised their children for attending non-government schools.

On the day of the elections there was an interesting newspaper article that talked about the simmering power struggle between Bob Brown loyalists and the hard left New South Wales faction led by Lee Rhiannon. Perhaps this is why Senator Brown was monotone and totem-like during his talk at the Press Club. When posed with the issue of funding for non-government schools, he would not or could not give a straight answer on the matter.

It is perhaps also no surprise that in New South Wales the issue of the Greens wanting to shift government funds from non-government schools to public schools dates back as far as 2003, when the New South Wales Greens proposed cutting all state funding and capital works interest subsidies for wealthy private schools and freezing per capita spending for all other non-government schools at year 2000 levels.

I recall my colleague Mr Hanson noting that the Greens' policies were tantamount to socialism. In this regard, I think he is not that far off the mark. Take, for example, the fact that Ms Rhiannon is the daughter of the communist Freda Brown. In the words of the *Australian*, she is from one of Australia's most unapologetically pro-Soviet families.

In her speech for Public Education Day in 2009, rather than espousing the merits and importance of government schools, she took advantage of the moment and recklessly positioned non-government schools as the scourge of government schools. Here are a few of the things she had to say:

We are coming off a strong base if this is the way we choose to go. From my experience community support for public education is stronger than ever, and what is very exciting is that it is a political commitment. More and more people understand that funding of the privates has to be cut.

She also lays blame on Labor with the following:

But we do know that Labor—Is unwilling to break with the private school funding formulas—Has closed schools on a scale not even entertained by Liberals when in office—and are now engaged in a major con job with the PPP—public, private partnership plans.

And allowing us a glimpse of her imperative for getting rid of non-government schools, she has this to say:

... it is our public schools that provide the means to move beyond a narrow view of the world, which comes from adherence to a particular ethnic, religious or societal position.

Mr Speaker, just as you should not have to apologise for your Canberra Grammar School education, nor for your mother wishing you to have the best education possible, this motion today is very much about ensuring that future generations of children should have the same opportunities that you had. If we are to seriously protect the values of diversity in our country then it would seem that parents are free to reasonably choose to send their child to the school that fits their criteria of a formal education model or one that is congruent with the values they are aspiring to bring their child up in.

With approximately 40 per cent of ACT students attending non-government schools, it is safe to say that parents, when given the chance, will support choice. This is perhaps the rationale for the minister's recent discussion paper to add variety to the public school system, but that is for another debate. The truth is that demand for non-government education is higher and it is perhaps indicative of a perceived merit of such an education.

The ABS reports that nationwide between 1998 and 2008, the percentage of students attending non-government schools grew by 21.9 per cent. In the ACT, the Department of Education and Training census figures show that over the last five years student enrolments at non-government schools have consistently increased. In fact, demand is strong and schools with room for growth like Burgmann Anglican School have had a 31 per cent increase in enrolments over the last two years. With the government in the ACT contributing only 17.2 per cent of the per capita costs of a public school student, parents pay the bulk of the school fees for the privilege of educating their children in chosen preferred schools. They pay this in addition to contributing to the public school system through their hard-earned tax dollars.

Many on the left of the political spectrum would like to ascribe the success of non-government schools to socioeconomics and the further left one ventures, this becomes an issue of class where the pearly gates of non-government schools are rife with social inequalities and injustice.

Contrary to this, the Canberra Liberals take a more realistic view, that a contributing factor to why parents value non-government school education for their children is because such schools have greater autonomy over such matters as staffing, budgets, school culture and the like. This allows them to better reflect the goals of the communities they serve and the aspirations of parents. As such, we believe the government plays a vital role in education, but it is not the cure-all to education.

Equally, in order to maintain a stable democratic society, adequate government support to both our public and private school systems is justified. Again, this issue has made for a tumultuous several weeks for some families leading up to the elections. The Greens' policy in education has left relevant segments of the ACT community somewhat rattled and apprehensive. I think this matter has also caught the ACT Greens off guard, as in their education policy they do not seem to take the same rabid and controversial stance on non-government schools as their federal and New South Wales counterparts. But nor have they categorically distanced themselves from these policies.

That said, these policies are still on the Australian Greens website, which can only mean that when it comes to taking the axe to non-government schools, it is business as usual. If there is something to be learned from this episode, it is that ideas do have consequences, rhetoric can be interpreted as policy and words can lead to action.

Mr Speaker, I seek support for this motion by all the members of our ACT Assembly.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.39): The Stanhope Labor government are investing in better education for all children in all of our schools. We are investing in teacher quality—the \$3.9 million ACT Teacher Quality Institute starts next year. We are investing in classrooms to teach and learn in, new libraries and halls, new gyms and performing arts centres, new schools and new classrooms where they are needed most. And we have been busy cutting planning red tape so that all our schools can deliver their own school building programs on time and on budget.

We are investing in new ways to teach and learn. We have delivered our \$2.1 million election commitment to provide the parent group or association in every ACT school with a one-off \$15,000 grant to be spent on projects to improve their school. This investment also included \$1,500 for each preschool parent association. Across the ACT, our public, Catholic and independent schools are trialling the national curriculum. It is a strong record of achievement.

But my approach in the future is simple—no investment without reform. So we are publishing school results, because once we can measure performance, we can improve performance. We have begun establishing new accomplished teacher and leading teacher classifications so that we get seniority out and merit in to our teaching profession. We are trialling new powers for our public school principals—in part, learning from what works well in the Catholic and independent sector. We do this because the old public versus private debate in education is over.

There are many powerful reform currents in the contemporary Australian education debate, but Mr Doszpot's motion today shows he understands none of them. It is the same old debate, provoking the same old division from the same old Liberals. It contains not one new idea. So bereft is he of ideas that this Liberal motion concludes by asking the government to get back to him if we have any suggestions. Well, we do and we will not make the Assembly wait until the end of the year. Here they are right now.

Labor's ideas are not just about funding; they are about people. They are about schools as workplaces and learning spaces. They are about how teachers, principals, students and parents relate to each other, whether it is the smiling face at the front desk welcoming a child by name each morning, the teacher finding a lost lunch box and delivering it to its owner or the principal noticing a child who is not as outgoing as she used to be and checking in with her to find out why.

The ACT's most recent school movement survey has shown that quality of education was the most common response parents gave when moving their children from one

school to another. Yes, peer relationships and school culture also continue to influence these decisions. But fundamental to the quality of education is reading, writing, spelling, grammar and maths, and these skills underpin everything that happens at a school. I want to build incentives to do this into education funding.

Our ideas include innovative funding models to improve our return on investment in education, incentives for partnerships where high performing schools team up with low performing schools, and rewards for geographical clusters of schools that share resources more efficiently and produce better student outcomes. I hope that this will include more partnerships between our public, Catholic and independent schools.

The Australian government is adopting a similar approach through the release of its draft terms of reference to review Australia's school funding models. I state here that I strongly believe we must fund schools, not school systems; there is no point in pitting public against private, or Catholic against Anglican. This old debate is over. I can make this simple guarantee: this is not about taking money away from schools; this is about getting the best value for new money in future.

I believe new funding in education should be targeted to those schools most in need. I believe new money should go to the initiatives that give us an educational return on our investment. Put simply, there must be more money for the initiatives that work. All Australian governments, including the ACT government, have agreed to this national review of school funding. The ACT government is committed to this process and will be making a formal submission to the review. All interested parties are also encouraged to participate in this review and make submissions.

We are in a unique position in many ways. Our pockets of disadvantage are often not well represented nationally. The data sets are often not sophisticated enough. In short, when we are measured on the national scale, we have disadvantaged children, not disadvantaged areas. So we will contribute to the national debate, but we will reserve the right to develop our own funding models for the ACT's share of schools funding.

I want the benefits of these nationwide reforms and this funding review to be felt by all children in all schools, and I will work to make sure that this happens. I am proud of the cross-sectoral relationships that exist between our public, Catholic and independent schools. Our schools work together on issues of national priority to ensure the very best educational outcomes for ACT students.

We are developing the Teacher Quality Institute together. We are implementing the national curriculum together. We are managing cross-sectoral school sport together. We are delivering the youth commitment that every child will learn or earn together. We are reforming teaching through the literacy and numeracy national partnership together. We are protecting kids through the safe schools task force together.

The ACT government is not alone in supporting our ACT Catholic and independent schools. Our ACT public and Catholic and independent schools alike have greatly benefited from funding under the building the education revolution. Every Catholic and independent school in the ACT has benefited from approximately \$80 million in Australian government funding under this program; improving learning environments

for students and teachers. That is a Labor program that I am proud of, but it is a program that the Liberals at both the federal and territory levels have fought against every step of the way.

Just last week, at the official opening of a new primary school classroom block and refurbished special education and language centre at Trinity Christian school, the principal clearly stated how thrilled he was not only with the funding but with the quality of the work that was undertaken by local architects and builders and with the value for money achieved by that project. I am sure Mr Doszpot remembers these words, as he sought leave from this place to be there.

In addition to the building the education revolution funding, Catholic systemic colleges, such as St Mary MacKillop college, will benefit from approximately \$6 million in funding under the trade training centre program. This commonwealth funding will train young people in the ACT in general construction and hospitality. These are areas of present and future skill shortage. As we get towards a result in the federal election, I hope that whoever forms a federal government will not cut this important program. I know the federal Liberals are on the record as saying that they will.

Mr Doszpot's use of figures in his motion is distorted and misleading. I note that he even made a handwritten correction to an obvious error of fact in the motion that was circulated to the administration and procedures committee. The key fact is this: the Stanhope Labor government delivers record funding to our Catholic and independent schools. Over the term of the Stanhope government's funding, our Catholic and independent schools' resourcing has increased from \$29 million in 2001-02 to over \$45 million in 2010-11. That is more than any other government has provided in the territory's history. This is an increase of \$16.1 million or 54.2 per cent, which is well above the CPI increases over this time. In per capita terms the grant has increased from \$1,300—

Opposition members interjecting—

MR SPEAKER: Mr Barr, one moment. Stop the clocks, thank you. Members, Mr Doszpot gave what can perhaps best be described as a contentious speech. He was heard in silence. I expect the same standard to apply to Mr Barr, and to Ms Hunter when she rises. Mr Barr.

MR BARR: Thank you, Mr Speaker. As I was saying, in per capita terms, the grant has increased from \$1,313 per student in 2001-02 to \$1,821 in 2010-11, or 38.7 per cent, again well over CPI for that period.

The ACT government makes funding decisions on a needs basis per capita assessment. I am proud that, under this system, our Catholic systemic schools in the ACT receive substantially higher per capita funding than our independent schools. This is primarily because of the needs-based model, but also because the ACT government provides targeted funding to our systemic Catholic schools. This is good, progressive education policy, providing funding where it is needed most.

Specific per capita funding information for public, Catholic and independent schools is collated and published by the Ministerial Council for Education, Early Childhood Development and Youth Affairs through the national report on schooling in Australia. As part of the annual budget process, the Department of Education and Training determines the per capita funding to our Catholic and independent schools as a percentage of funding provided to public schools. I note that in the 2010-11 budget this was 17.8 per cent and not the 17.2 per cent described in the motion. Yes, this is below the national average. This is because the method to derive this percentage takes into account the unique nature of each Australian education system.

The funding for our Catholic and independent schools is influenced by factors such as the geographical location of the school, the proportion of students, the fee levels charged, and the socioeconomic status within the jurisdictions. Indeed, the socioeconomic indexes for the ACT show relatively high levels of social advantage. While these have shortcomings, as I have noted earlier, no-one would deny that here in the ACT we are a relatively less needy community than elsewhere in the country. This is the same reason that ACT public schools receive below average per capita funding from the federal government.

Another important factor to consider in the context of this debate is the ACT government's tremendously valuable in-kind support to Catholic and independent schools, most particularly through the free grant of land. In short, Mr Doszpot's motion does not compare apples with apples.

The ACT community is rightly proud of the quality of our Catholic and independent schools in the ACT, and the ACT government shares that pride. Our vibrant, diverse school sector includes systemic Catholic schools educating one in five of our students, independent schools educating another one in five, and a growing public system teaching around three in five ACT students.

Our school sector provides to parents in the territory and in surrounding New South Wales a diverse educational choice. This choice includes large Anglican schools and small parent-controlled Christian schools, an Islamic school, a Steiner school, a Montessori school, boarding schools, schools that cater for children when they are in preschool years all the way through to year 12, systemic Catholic primary and high schools, and a diverse and growing public school sector that I am very proud to lead. Our Catholic and independent schools are strong performers; strong in student numbers, strong in student academic success, and strong in the provision of pastoral care. I am proud to say that, as minister for education, I am minister for every ACT student in every ACT school.

In conclusion, this government has a clear vision for the future of education in the territory. We will take the hard decisions. We will make change for the better. The poor kid will keep up. The bright kid will be challenged. Every student will have the opportunity to become their best. We will end the old public versus private debate. All children in all schools should get the best education possible. That is the way of the future, Mr Speaker. That is why I will move the amendment that is before members today.

Following last week's debate, it is important that the Assembly looks particularly at paragraph (3) of the amendment I will formally move shortly—that all parties in this Assembly work together in the interests of all students in all schools and not attempt, like Mr Doszpot has just done, to profit from the politics of division.

Mr Speaker, I formally move the amendment to Mr Doszpot's motion:

Omit all words after "That this Assembly", substitute:

"(1) notes:

- (a) the old public-private debate is over; and
- (b) all children in all schools should get the best education possible;

(2) reaffirms:

- (a) its strong support for the Australian Government's comprehensive review into education funding; and
- (b) its strong support for a system that provides the most funding to the neediest schools, whether public, Catholic or independent; and

(3) calls on all parties in this Assembly to:

- (a) support needs-based education funding in future; and
- (b) work together in the interests of all students in all schools, not to attempt to profit from the politics of division."

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.54): I was going to thank Mr Doszpot for bringing this motion forward today, but after listening to the speech I find it a little hard to do that. Once Mr Doszpot read his speech, I thought that the motion seemed to be meant for last week, leading up to the federal election. It looks like Mr Doszpot missed the boat. Maybe that is because his federal Liberal colleagues had stopped that particular boat!

In the context of the federal election campaign, much has been said about how we should be educating our children and the way we allocate funds to that task. Just as we value, support and appreciate schools in the government sector, the ACT Greens value, support and appreciate the importance of the contribution the non-government school sector makes to education in the ACT.

The two sectors make up a school system which is recognised as amongst the best in Australia. The retention rate of students completing secondary schooling and the percentage of Canberra students gaining entrance to university are also the highest in Australia. The Department of Education and Training annual report 2008-09, on page 2, states:

On national and international measures of student performance, the ACT is the highest, or among the highest, performing jurisdictions and countries. ACT students perform above the national average in all literacy and numeracy areas assessed.

All schools, government and non-government, can share in the credit for these great outcomes and it is clear that all schools are important in achieving these high standards for our students.

The Greens will be supporting the amendment moved by Mr Barr, as this far better reflects the status of, and appropriate direction for, education policy in the ACT. It does not play politics with the government and non-government sector. It moves beyond that divide and provides us, I believe, with a far brighter vision of the future.

All families deserve access to high-quality education. The educational outcomes for a child should not depend on the wealth of their parents. The Greens' policy is that, as a wealthy nation, we should be providing a high standard of education to everyone. A high-quality, free and equitable education is a cornerstone of a healthy democracy. We believe that everyone should have access to an education that meets their needs and aspirations and gives them the skills and capacity to participate in our society. School funding should be based on need and allocated in a transparent manner. Those schools that need extra resources to achieve better outcomes should be given them. This is undoubtedly the fairest and most equitable way of allocating limited resources.

I think that is a fair, compassionate, proper way to go. I am not quite sure about Mr Doszpot's wander off into talks about socialism, but for me this is the compassionate, fair, equitable way to go.

Long-term prosperity lies with knowledge. The more innovative and creative we are, the more capacity we have to respond to the challenges before us and the more prosperous we will be.

We are pleased that the Gillard government, if they retain government, have undertaken to review, at the end of 2013, the current funding model, which has been criticised by educational experts as being flawed in that it is inequitable and unsustainable. We welcome this review and look forward to reviewing submissions with our national colleagues and being involved in discussions with stakeholders so that a more appropriate funding model is developed for the future.

It is essential that we get the balance right, supporting both private and, in particular, less well-off independent and Catholic schools, and our public schools. The Greens' view is that the funding review should be undertaken as soon as possible. Delays perpetuate the inequity, and the most important thing we can do as quickly as possible is move to a needs-based model that provides more resources for those that need them the most.

As we know, education funding is provided by both the commonwealth and the ACT. Whilst there should be equity in each level of funding, it is important to look at both

in evaluating schools funding. Last financial year, the commonwealth contributed \$128.8 million and the ACT government \$42.7 million to the non-government sector. Additional funding of \$600,000 was provided to non-government school parent groups in 2008-09 and \$700,000 from the interest subsidy scheme allocated for disability access in non-government schools on a per capita basis.

The commonwealth government provides funding to private schools in a number of ways: recurrent grants, capital grants and specific program grants, for example for literacy and numeracy programs. The most controversial of these funding mechanisms is the recurrent grants to private schools and the socioeconomic status formula used to calculate the amount provided to each school. The SES formula was introduced by the Howard government in 2001. It replaced the education resource index as a means of determining the amount per student a private school would receive in direct funding from the commonwealth.

The SES formula uses ABS statistics of the socioeconomic status of a school's students derived from the census to calculate an average SES score. Schools then receive a percentage of the average government school recurrent costs depending on their SES score. For example, a school with a high SES score of 120 will receive 26.2 per cent, while a school with a low SES score of less than 85 will receive 70 per cent of the average government school recurrent costs. The minimum grant is for SES scores over 130, receiving 13.7 per cent.

Since its introduction, the SES model has been roundly criticised by a whole range of people, experts and bodies. And yes; that includes the Australian Greens. The problems with the SES formula and the way it has been implemented include the following. The formula does not take into account private income such as endowment or donations, and appears biased towards students from country areas, leading to some wealthy city boarding schools receiving lower SES rankings. There are problems with the use of the average school recurrent costs, which relate to the amount of state government expenditure on government schools, and not the costs of actually providing education; and the percentages of the AGSRC corresponding to SES scores, so that even schools that rate highly receive considerable government funding. And there is a problem in providing that no school would be worse off under the change to the SES system, therefore maintaining the real funding levels of schools.

We also need to go to accountability and transparency. There is considerable commentary on the lack of accountability and transparency measures applicable to private schools in receipt of government funding. The OECD statistics show that Australia is near the top of countries in relation to the public funding of private schools and near the bottom in relation to accountability regimes. Only about two per cent of private schools are audited each year on their government grants.

Internationally, many countries that publicly fund private schools place considerably more conditions on the funding than Australia does. For example, in many countries—including the UK, the US, the Netherlands and Belgium—schools that receive government funding are not able to collect fees. There are also often requirements relating to admission and staff wages and conditions.

The Greens have been talking about needs-based funding for a long time, so it is very pleasing that this has now become ACT government policy. We are pleased and agree that the debate has moved beyond the public-private divide and that we should look at how public money is being spent, what the returns on that money are and what the opportunity cost is.

Whilst it is true that the resource divide in some cases is that some independent schools have a lot and some public schools have very little, there is a world of grey in between, and a superficial analysis can sometimes overshadow the real issue of the appropriateness of the resource allocation. We all need to make sure that we are rationally considering the issue. Again, I reiterate that the only rational, fair, equitable and appropriate funding system directs the most funds to the schools that need them the most.

People should have the opportunity to choose an alternative education option. However, they should not have to choose that alternative in order to receive a quality education. The fact is that all children have the right to a quality education. Parents should not have to pay in order for children to receive that quality education. If people wish to participate and send their children to the non-government school sector, there should be no impediment to them doing this. And the government should make a reasonable contribution to their education along with that of all other children.

I wholeheartedly agree that the divisive politics should be taken out of this debate. We need to recognise different contributions and have a reasonable debate about how we get the best returns on the funds available. The Greens do not agree with Mr Doszpot's motion that we should be blindly looking to increase funding to one sector over another. The better approach is a needs-based model approach. You need to look at the whole system, not just approach it in an ad hoc manner.

I will reiterate that the Greens value the contribution that all schools—that is, the public schools, the independent schools, the systemic Catholic schools—make to the educational outcomes of children in the ACT and that we should be very pleased at the results being achieved by these schools. Of course, improvements can be made, and our view is that the amended motion better reflects how we should be approaching the issue of delivering the best quality education we can to our children and young people right across the territory.

MR SESELJA (Molonglo—Leader of the Opposition) (11.06): I thank Mr Doszpot for bringing this motion forward, because it is true, and it highlights again, the fact that there is only one party in the ACT that is committed to both the government sector and the non-government sector. That is a fact.

How do we know this? We know this from the record over many years. We know this from the record of the Labor Party at a national level and at an ACT level; we know it from the record of the Liberal Party at a national level and at a local level; and we know it from the policies of the Greens. So we can all stand here and we can hear from Mr Barr, and he says the public-private debate is over, but let us look at the record and let us look at the facts.

The Labor Party have had ongoing philosophical opposition to the non-government sector since Bob Menzies first started giving state aid to non-government schools. This goes back a long time, Madam Deputy Speaker, and they have not changed. They have changed some of their words, but what they fundamentally believe has not changed.

It was only two elections ago that the Labor Party told us—two elections ago—that we should elect Mark Latham as our Prime Minister. Mark Latham should be our Prime Minister: that is what Julia Gillard thought; that is what, presumably, Kevin Rudd thought; that was what Jon Stanhope and Andrew Barr thought—that Mark Latham should be our Prime Minister. Now, Mark Latham wanted—had, in fact—a hit list. He had a hit list, Madam Deputy Speaker, of non-government schools.

So, just two elections ago we were told: “If you vote Labor, you will get a hit list. You will get an anti-non-government school hit list.” What are we to make of a party that have such a hit list? Well, we look at their record, and they did not support it in the first place. They reluctantly agreed that there were some electoral implications perhaps in not supporting funding for non-government schools, and they have been kicking and screaming ever since. Of course, Mark Latham was perhaps the only honest one in the Labor Party, when he came out with what they truly believe, and that is that they believe you should go after the non-government sector.

We have heard it from the language of Mr Barr—having a go at the “blazer schools”, using that terminology, in order to divide. It is straight out of the Mark Latham playbook. It is the class warfare that we have seen from Mark Latham, and we have it from Mr Barr. He is trying to run away from it now. Perhaps, being able to count, he is looking at those numbers and saying, “There are perhaps a lot of parents who choose to send their kids to non-government schools in the ACT who maybe do not like that kind of language”—who maybe did not like the fact that the Labor Party had a hit list, supported by the ACT Labor Party.

The ACT Labor Party did not come out against Mark Latham’s hit list; they supported it. They voted for him. They handed out the how-to-votes. They were there saying: “Vote for Mark Latham’s hit list on non-government schools. Help us attack the non-government school sector.” That is the record of ACT Labor, and it is reflected right across the board.

I am reminded that in the last Assembly, if you want a local example of what you guys think of the non-government sector, four out of nine members of the Labor caucus voted for a motion that would have ended all funding to non-government schools. And one of them abstained. The Chief Minister abstained—

Mrs Dunne: Twice. They had to put the vote twice, and he still abstained.

MR SESELJA: So we actually technically probably had a majority of the Labor caucus, the last time this was put to them, voting in favour of a motion that would abolish funding to non-government schools, that would undermine their ability to exist. This is a motion that fell one vote short. This was only a couple of years ago,

Madam Deputy Speaker. In July 2006, we had members of this government voting for a motion that would get rid of non-government school funding.

In fact, it went further, this motion that was voted on by half of the caucus. Half of the caucus said, “The growth of private education is facilitating the fragmentation of Australia’s children along ethnic, cultural and, particularly, religious lines.” Catholic schools: not allowed, divisive. Christian schools: not allowed, divisive. Muslim schools: not allowed. Any other non-government school, according to the Labor Party in the ACT, is divisive, Madam Deputy Speaker. That is what this mob think.

We do not have to go back to when they opposed it 50 years ago. We do not have to go back 50 years to find how much they opposed non-government education. We do not even have to go back as far as six years, when Mark Latham was the Prime Minister that they wanted us to have—that the ACT Labor Party wanted us to have—with his hit list, with his attacks on non-government schools. We only have to go back a couple of years here, where half of the ACT Labor caucus voted for a motion that says, “This is divisive.”

In fact, I think Katy Gallagher may have voted for that. I think that is what the Deputy Chief Minister of the ACT believes. She believes that non-government education is divisive. We have a flow-on effect: I believe Simon Corbell may have voted for that motion. So Simon Corbell and Katy Gallagher—the Deputy Chief Minister and Treasurer—say that we should not be funding non-government schools. That is what they truly believe.

They can try and run away from it all they like, but the reality is that their record is there for all to see. And it is no surprise that we saw a very uncomfortable looking Ms Hunter get up to support Mr Barr’s amendment, because last week in this place the Greens voted against a motion that actually would have just called on them to clarify their policy on non-government schools. It called on them to clarify, and I commend Mr Barr for his amendment, because I would have thought it was reasonable that a party clarifies their position on non-government education.

There was a lot of discussion last week about the Greens’ policies, and they were rejected in the Senate. That is why they finished more than 20,000 votes behind. No matter what spin they try and put on it, when you finish 20,000 votes behind—

Mr Barr: Right, so they did get Gary below quota.

MR SESELJA: Perhaps it has got something to do—

Mr Barr: Gary will get back in on Democrat preferences.

MADAM DEPUTY SPEAKER: Mr Barr!

MR SESELJA: Perhaps the fact that they finished more than 20,000 votes behind after spending half a million dollars for a one per cent swing has actually got something to do with their policies. No matter how much money you spend, no matter what kind of scare campaign you run, perhaps, when people actually looked at the policy to cut funding to non-government schools, people were concerned.

The policies to cut funding to private health: people were concerned. That might explain why you can spend half a million dollars and move one per cent of the vote. Half a million dollars, Madam Deputy Speaker, but people looked at the policies. And we were told last week during debates that actually they were going to remove this from their website, because it was not their policy. But they kept it on their website and they said they would remove it next week. After the election they would remove it, which is risible. But it is still there.

So, before the election and after the election, this is what the Greens stand for. The Greens want to rip \$60 million out of the non-government sector here in the ACT. That is what their policy is. That is what their policy was before the election; that is what their policy remains after the election.

I come back to the point I started with: there is only one party that supports both the government sector and the non-government sector in the ACT. There is only one party that has shown that through its record. We know the record of the Labor Party: federal and local, they are against it. We know the record and the policies of the Greens: they are against it; they want to rip \$60 million out. We believe in both sectors. We believe in choice in education, and we do not believe in the retrograde policies of the Labor Party and the Greens, at both a national and a local level. (*Time expired.*)

MRS DUNNE (Ginninderra) (11.16): The Liberal opposition are here today to demonstrate that we, the Canberra Liberals, are the only people who stand up for all schools and all children in schools, irrespective of which school they choose to attend or which school their parents choose to send them to. That has been the case for as long as the Liberal Party has existed. The Liberal Party has a proud record of ensuring that there has been appropriate funding for all children, irrespective of where they go to school or where their parents choose to send them to school.

It is instructive to look back over the history. The Labor Party—and Mr Barr—are trying to back away from that history and trying to forget that history. But people need to be reminded that, for years and years, there were sectarian fights in this country, because people like Andrew Barr and Mark Latham do not want to support non-government schools of any sort, of any stripe.

We still have in the Education Act here in the ACT limitations on how non-government schools are set up. There is still a limitation that says that we cannot set up a non-government school if it provides competition to a government school. That is in our legislation and it is a memorial clause put in at the behest of the Australian Education Union, because they do not want competition for government schools. And that is supported, and has been continually supported, by successive Labor ministers in this place.

We know what Andrew Barr is trying to do here today. He has taken up the mantra to some extent, because he wants to cloud the issue. He wants to be able to say to people, “There is nothing to see here.” He has got a fine line in rhetoric. After years of persistence, there is a Labor minister who is prepared to answer the question, “Are you the minister for all school-children?” and he is prepared to say yes.

He is prepared to run a really nice line about smiling faces welcoming children to school and lost lunch boxes, and we know where he is coming from. We know what the motivation for that is. What he is trying to do is cover up the underlying policy. The underlying policy is there in stark figures. The ACT government provides less than an 18 per cent contribution to the education of a child in a non-government school in this territory. By comparison with the kids across the border in Queanbeyan, they get substantially less from the ACT government than the kids in Queanbeyan get from the New South Wales government, which is now approaching 25 per cent.

If Mr Barr actually talked to the people in the Catholic Education Office, he would understand what the problems are, because for instance, the people who administer the Catholic Education Office have to have a whole different budgeting system because of the inequities in funding between New South Wales and the ACT. I have asked this question in here on a number of occasions, and neither Mr Barr nor any of his predecessors can answer the questions: what is so special about the kids who go to St Gregory's in Queanbeyan, as opposed to the kids who go to St Benedict's in Narrabundah, two or three miles down the road? What is so different about them, that the kids who go to St Gregory's in Queanbeyan get much more state government-territory government support than the people who go to St Benedict's in Narrabundah?

No-one is prepared to answer the question. The costs of running schools that were established at roughly about the same time—and the amortising of blocks of land and all that sort of thing—are way gone. They are paid for. They are paid for by the parents. The buildings are paid for by the parents who send their children to those schools. But why does Andrew Barr think that the kids at St Benedict's are less worthy than the kids at St Gregory's? That is the question that this government has not been able to answer.

The socioeconomic differences between the kids at St Greg's and the kids at St Benedict's are not very great. The issues are that Andrew Barr and ACT Labor are not prepared to put their money where their mouth is. They can talk about finding lunch boxes and smiling faces, and they can put together motions that say the public-private debate is over. It is not. It will never be over until the ACT government is prepared to put its money where its mouth is. Words are fine, but by their deeds shall you know them, and Andrew Barr is not prepared to stump up the money, just the same as Katy Gallagher was not prepared to stump up the money and just the same as Simon Corbell was not prepared to stump up the money, just the same—

Mr Barr: So when is the debate over, Vicki? Define when the debate is over.

MRS DUNNE: We still have members of the ACT Labor Party who are prepared to support in conferences motions that say that non-government schools are divisive and that they should not be funded by Labor governments across this country—until those times come to an end and until the Labor Party is prepared to fully embrace it, not just by rhetoric and not just by words about lunch boxes.

We can see what he is trying to channel here, but lunch boxes do not cut it. It is funding that cuts it. It is real, active support for the people of the ACT who choose to

send their children to what he characterises as blazer schools. They are not all blazer schools, but if people choose to send their children to schools where they have a uniform that creates some pride and some recognition and some identification with the school, that is their choice and that is what they are looking for, and that is why, as I am constantly told when I visit schools, if we had more places, we could fill them. The unmet demand in the non-government system is still out there.

We have seen a small change in the statistics, but principal after principal in non-government school after non-government school, big and small, systemic and non-systemic, tells me, over and over again, that their entry-level classes, whether those are kindergarten or year 7 or year 4, depending on where it is, could be filled over again with the unmet demand for people who have their names on waiting lists.

Those waiting lists are there because there are many people in the ACT who, for a variety of reasons, would prefer to send their children to a non-government school over a government school. And I have said here, and I am on the record: I do not want to see the government school system becoming the minority system in the ACT. It is very close to that and has been for many years in the high schools. I do not want to see that happen. It would be bad for everybody if that were to happen. It would be bad for the government schools. It would be equally bad for the non-government schools. But we do not want a system where you have the people who are too poor, too badly behaved and too disabled left in the government school system, because that would be bad. That would be bad for everybody's achievements.

But Andrew Barr and successive ministers in this government have not addressed those issues. Andrew Barr is better at spin and rhetoric than his predecessors, but his actions do not live up to his spin and his rhetoric. The fact is that he spent a substantial amount of time in his speech today saying, "Well, we have spent more money than other governments"—but not in relation to the size of the budget. He was saying, "We have increased our spending by 43 per cent and that has taken the subsidy from \$1,100 to \$1,800," but, when it comes to the crunch, he admits that still we are spending less than 18 per cent. The ACT government is spending less than 18 per cent on children who attend non-government schools, compared with very close to 25 per cent across the border in New South Wales.

And the question still remains: why are the kids at St Benedict's less deserving than the kids at St Gregory's? Andrew Barr cannot answer that. He will not answer that, because his party are not prepared to address that question. And, until the Labor Party are prepared to put actions along with their words, we, the Canberra Liberals, will be still the only party that are prepared to support all children in all schools, irrespective of the sector.

Question put:

That **Mr Barr's** amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr
 Ms Bresnan
 Ms Burch
 Mr Corbell
 Ms Gallagher
 Mr Hargreaves

Ms Hunter
 Ms Le Couteur
 Ms Porter
 Mr Rattenbury
 Mr Stanhope

Mr Coe
 Mr Doszpot
 Mrs Dunne

Mr Hanson
 Mr Seselja
 Mr Smyth

Question so resolved in the affirmative.

MR DOSZPOT (Brindabella) (11.30): I think this again highlights the prevarication and obfuscation that goes on whenever issues of real importance are put before this Assembly. Where it has been proven by every one of the speakers here about the reluctance of the members opposite to support education across both sectors, I find it very disappointing that Mr Barr was not able to go without trying to modify what was a motion that should have gone through in this place.

Motion, as amended, agreed to.

Education—bilingual

MS PORTER (Ginninderra) (11.31): I move:

That this Assembly:

- (1) commends the ACT Government on its commitment to bilingual education in the ACT; and
- (2) encourages the ACT Government to investigate the viability of establishing further bilingual schools in the ACT.

I am pleased to be able to move this motion in this place today. Three weeks ago, the minister for education issued a discussion paper titled *Improving ACT public high schools and colleges: a discussion paper to generate ideas*. I believe this to be an opportune moment to consider what we wish to achieve in foreign language education, a complex and often misconstrued area of public policy. This area of policy has often captured the attention and imagination of our federal colleagues.

One thing that concerns me about foreign language education policy is the lack of clarity about what we wish to achieve. Are we trying to increase the number of Australians fluent in a foreign language so that they are able to contribute to local business or organisations in an international context or are we simply hoping to use language education to expose our young people to other cultures, in the hope that some may develop useful skills that they can use in their careers, and to open the minds of all students to the world that lies beyond our borders?

Policies formulated to improve foreign language learning at a federal level in Australia are often focused on increasing the number of students actively participating

in foreign languages, rather than on improving the proficiency with which students speak the language. I believe this has the undesirable consequence of increasing the number of students who have studied a language without increasing the number who are able to use this language to the degree that is required for employment or further study.

Developing proficiency requires daily immersion for extended periods of intense, focused study and instruction. When I refer to proficiency, I refer to a level only slightly inferior to that of a native speaker. Between 800 hours for European languages and 2,600 hours for more complicated Asian and Arabic languages is universally recognised as the minimum amount of study for a student to become proficient.

Given the amount of time required to achieve language proficiency, it would be fair to say that full immersion would be the most effective path for young Australians wishing to become proficient in a foreign language. Immersion can be achieved by living overseas for a period of time, but another option is to attend a bilingual school. In the ACT, there are a number of environments in our education system where immersion is offered. They include Yarralumla primary school; Mawson primary school, where there is a Mandarin-intensive program; and several others.

The success of the Mawson program also serves to dispel concerns that bilingual programs somehow compromise a student's capacity in other areas of the curriculum. I was interested to hear that the dux of Melrose high school had been a product of the Mandarin-intensive program in Mawson primary school, where the curriculum is taught in Mandarin two days a week. There are also a number of playgroups that offer immersion in a foreign language.

Telopea Park school, established in 1923 and operating as a binational school since 1984, provides us with a model bilingual program. The school offers a bilingual K-12 curriculum whereby students have 80 per cent of their class time delivered in the French language and 20 per cent in English, from kindergarten to year 2. The split is fifty-fifty French and English in years 3 to 6. These students are then able to follow the bilingual high school stream from years 7 to 10, leading to the French brevet or baccalaureate. One of my grandchildren is in year 10 at a bilingual French-English school in Brisbane; I have seen considerable improvement in his confidence since he was enrolled in this program in the first year of his high schooling.

Importantly, Telopea Park school offers an excellent funding model, as it benefits from a unique funding model founded on a binational agreement signed in 1983. Under this agreement, both the French and Australian commonwealth governments provide funding to the school. Teachers qualified and practising in the French education system are provided by the French government. Substantial resources available due to the binational arrangement support the program and contribute to the success of the Telopea Park school.

Currently, applications for entry into Telopea Park primary school are double the positions available. This demonstrates significant public appetite for further bilingual schools. I believe there is a case to be made for the development of further bilingual

schools in the ACT. These schools would ideally run from kindergarten to year 12, as Telopea Park does, and could benefit from a diverse funding arrangement so that the cost of providing adequately trained teachers does not fall solely on the ACT government.

As a European language is the focus of our only bilingual program, at Telopea, we could investigate the possibility of developing K-12 bilingual schools focused on a Japanese-English or Mandarin-English curriculum. Japan and China are Australia's largest trading partners and are likely to remain so in the foreseeable future. Developing students with fluency in these languages will bolster our capacity to further grow these two key trading relationships.

These languages also reflect the ACT's current sister city relationships, which would inevitably facilitate student and teacher exchanges with greater ease. Japan and China are important strategic partners that will play a role in shaping Australia's future. As we already have a strong bilingual program for English-French language education, bilingual schools reflecting our commercial and strategic priorities provide an appropriate balance.

I believe that further bilingual schools would be popular in the electorate. The catchment area could include Canberrans who recognise the value of learning a foreign language. It would also appeal to Canberrans who have a linguistic background consistent with the school's curriculum and who wish their children to develop or maintain proficiency in their mother languages.

An increasing number of children in the ACT come from families where parents may have different mother tongues and wish to see their children develop in a way that reflects this family background. Such bilingual schools could also appeal to Canberrans who see vocational opportunities for their bilingual graduates in the future and wish to offer their children this advantage. I do not doubt that there would be a significant number of parents who would see merit in broadening their children's horizons in an international environment.

As I noted earlier, applications for entry into Telopea Park primary school are currently double the positions available. I have little doubt that there is sufficient demand to warrant an investigation of the potential for further bilingual schools. The success of the Chinese preschool and infant school in Mawson is an indication that a natural catchment area exists in the ACT for a Mandarin-English K-12 program.

However, I understand that several embassies of Spanish-speaking countries have communicated an interest in contributing to the development of a Spanish-English bilingual school. This is another potential avenue well worth investigating, although it should be noted that no funds have been committed at this point. The Spanish-speaking embassies have a strong presence in the ACT, and proficiency in the Spanish language would allow Canberrans to converse with a global Spanish-speaking population of over 500 million people.

In asking the ACT government to investigate the availability of developing possibly two further bilingual schools, I acknowledge the need to identify additional funding

sources and appropriately qualified teachers capable of executing the local curriculum in the relevant language. Obviously, additional resources would be needed should further programs be contemplated. There are several potential sources for such funding, which, in partnership with the ACT government, could provide the necessary resourcing for the schools.

Of course, partnerships with the respective governments would be valuable sources of funding to facilitate teacher exchanges. Further sources of potential support are the University of Canberra and the Australian National University. There is a great deal of potential for there to be a stream from kindergarten to graduation at university. This would build on the large body of research demonstrating that foreign language learning is most effective in the early years and would generate parental support from an early stage.

Finally, the federal government may embrace this concept and offer financial support as part of the national Asian languages and studies in schools program. From January 2009, the new national Asian languages and studies in schools program supported additional language classes in high schools, and further teacher training and support, as well as specialist curricula for students who display advanced abilities in Asian languages and studies. There may be some scope in this program for bilingual schools to be considered.

The 2008-09 federal budget increased languages funding by \$62.4 million over three years. If this trend continues, there is potential to seek recurrent funding from the federal government to support the development of additional bilingual schools here in the ACT.

Under the national Asian languages and studies in schools program, all states and territory governments have agreed to the target that by 2020 at least 12 per cent of all students will exit year 12 with fluency in one of the targeted Asian languages—that is, Mandarin, Japanese, Indonesian and Korean—sufficient for engaging in trade and commerce in Asia and/or university study. I wonder how we can achieve this objective given the limited time that students are able to dedicate to these complex languages.

I am very proud of the ACT Labor government record in terms of education. I commend the minister for his desire to build on our excellent education system to further improve ACT public high schools and colleges. Language education has long been a complex and challenging area of public policy, as I said at the beginning, and we will continue in our commitment to effective policy in this area.

I believe that immersion is the way we will achieve concrete outcomes in terms of the numbers of students proficient in a foreign language. As I said before, it takes many hours of study for a person to become fluent in a language to a level just short of being able to speak it as their native language. Immersion, I believe, will give us these concrete outcomes in terms of the numbers of students proficient in a foreign language at a level where they are able to work and live in that environment and to benefit from it later in life.

It will also contribute positively to outcomes in other scholastic endeavours. I have spoken about my grandson. I have seen him blossom since he has been in the French immersion school in Brisbane, to the point where he is achieving in almost all of his scholastic endeavours as well as his sporting abilities. His studies in language have taken nothing from the time he spends doing other activities with the school.

I encourage the ACT Labor government to investigate the viability of further bilingual schools in the ACT. I ask members to support this motion, because I believe that this warrants our attention. I am very pleased to bring the motion before the Assembly today.

MR DOSZPOT (Brindabella) (11.44): I would like to speak to Ms Porter's motion today to push for greater commitment to bilingual education in the ACT and to encourage further consideration of bilingual schools in the ACT.

Perhaps we should take a step back and consider what we are in the ACT. As a medium-sized city, we have impressive multicultural credentials, with almost a quarter of our population born overseas and over 15 per cent of the population whose mother tongue is not English. Just on that, Ms Porter has spoken at length about Mandarin. I am sure the Chinese community will be interested to hear, according to Ms Porter's pronunciation, that our Chinese friends not only eat mandarine but also apparently speak mandarine. The correct pronunciation is "Mandarin". Obviously, it is important, if we are to understand cultures, to have an understanding of the pronunciation as well.

Coupled with that, as the nation's capital, we are the centre of diplomatic institutions in Australia. And as a city with equally strong international research and academic credentials, the ACT is considered to be a major hub of global knowledge flows for Australia. So why bring this motion up? In many ways, this motion should be a moot point. The fact that the government are bringing it up shows that this is a point of insecurity for them. It shows, in some way, that they have underdelivered and are seeking confirmation from the Assembly that they have not. As such, I would read Ms Porter's motion with a question mark at the end of each sentence.

The Canberra Liberals' position is consistent on this matter: more can be done. We firmly believe that, as a multicultural city, groups should be able to maintain and express their culture and language through educational programs. However, under the ACT Labor government the situation of inadequate support remains. There are many small community groups which consistently fail to receive grants funding, although their needs are great—including, in the case of some African and Pacific islands communities, much-needed youth programs.

Language programs are vitally important for helping multicultural groups maintain their cultural identity and heritage among younger members of the community. In 2008, the Canberra Liberals promised an additional \$50,000 per year to double the funding for the ACT community languages program. Two years later, the Stanhope government could scrounge up a mere additional \$25,000. The truth is that ACT Labor views sculptures as being more important than our community groups. Having

a statue of Mr Grassby in front of the multicultural forum appears to satisfy the need. The fact that \$70,000 is spent on that statue but only \$25,000 on something as important as the ACT community languages grant program highlights what we are talking about here today. I prefer the vibrancy that our international city has and feel that we should build on this rather than plan for a city that looks like a mausoleum of sculptures.

On the one hand, Ms Porter has been commending the ACT government on its commitment to bilingual education, and she would like us to join in that commendation. But on the other hand, there were elements of criticism in her speech on her motion about what actually has been done by this government.

In support of the motion, the government does need to show greater commitment to bilingual education in the ACT. And there needs to be more commitment to look into the viability of further bilingual schools in the ACT. On that point we do agree. We support Ms Porter's motion about greater support for the issues that Ms Porter has highlighted but in a somewhat contradictory fashion.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.49): I thank Ms Porter for this motion today and for the opportunity it provides to discuss the importance of bilingual education. The ACT Greens have long been advocates for the learning of other languages. I have met with members of the ACT Ethnic Schools Association, with Dr Mandy Scott and with members of the multicultural community to discuss these matters. I have raised with the minister, through questions on notice, the need to work closely with our ethnic schools and other stakeholders in the ACT community to continue to improve language education in our schools. To quote Dr Scott:

... bilingualism assists conceptual development. Children who know and use two languages are often more creative and flexible in their thinking. They can 'think outside the square' because they are accustomed to using different ways to think about the same idea or problem.

Bilinguals are also more aware of the structure of languages since they can compare different linguistic systems. This helps with general language development, including listening, speaking, and literacy.

Canberra, as the capital city, has a number of multilingual resources, including embassies, government agencies, four universities, strong ethnic community organisations and out-of-hours ethnic language schools. We should be utilising these resources to the fullest extent possible to get the best outcomes for ACT students.

The Greens MLA in the Sixth Assembly, Dr Foskey, was a vocal proponent of bilingual—and multilingual—education in ACT schools. In 2008, coincidentally in a motion by Ms Porter, Dr Foskey stated:

We know that bilingualism is a way of learning literacy. If you are learning another language or learning to write, you are learning to think. It absolutely should be part of the core curriculum because it actually adds to all those other skills.

In fact, on the same day as Ms Porter's motion in February 2008, Dr Foskey moved a motion about language education in schools. That motion called on the then ACT government to ensure that:

- (a) a key element of the curriculum delivered in ACT schools is an engagement with other cultures through learning an additional language;
- (b) sustained, and meaningful language learning experiences are provided for all students in ACT schools; and
- (c) priority is given, through realistic funding and support, to attracting and retaining qualified and capable language teachers in ACT government schools.

Mr Barr amended this, in the typical majority government style of the day, to noting that the ACT government:

- (a) has ensured a key element of the curriculum delivered in ACT schools is an engagement with other cultures through learning an additional language;
- (b) is providing sustained and meaningful language learning experiences for students in ACT schools;
- (c) has increased funding for languages in ACT schools and for professional development for teachers; and
- (d) has mandated that languages are taught in all ACT public schools by 2010.

I am pleased to see Ms Porter echoing Dr Foskey's concerns about language education. Today Ms Porter is encouraging the ACT government to investigate the viability of establishing further bilingual schools in the ACT, perhaps in part because she believes the current commitment to language education is not sufficient to provide proficiency in other languages for ACT students. The ACT Greens welcome Ms Porter's call, but I wonder, Mr Assistant Speaker, whether Mr Barr has lived up to the commitment in this 2008 motion. Are languages taught in all of our ACT public schools at this point and how meaningful is the engagement with language education?

As both Dr Foskey and Ms Porter have noted, limited and arbitrary exposure to language classes is not an adequate way to truly teach or learn a language. One hour once a week is simply not sufficient to gain proficiency in a language. Though language classes do offer an opportunity to learn about other cultures and give a brief introduction to the language, often students come away from these classes knowing little more than a few words of the language they are studying.

A bilingual school can, and does, provide a more in-depth engagement with language and therefore a greater understanding of language and the associated culture. The programs run out of Mawson primary school, Telopea Park school and Yarralumla primary school in Mandarin, French and Italian provide a valuable resource for ACT students. I would like to see an increase in the number of these types of programs. I hope the government acts on Ms Porter's motion today.

As Ms Porter has noted, the Rudd Labor government, when Rudd was our Prime Minister, had stated a strong commitment to increasing language education in Australian schools. In an October 2009 quote from the Department of Education, Employment and Workplace Relations website, it is noted:

The Rudd Government considers learning languages other than English, in particular Asian languages, very important to Australia's future security and prosperity in an increasingly globalised world.

It will be interesting to see how this commitment is followed up by the new federal government—in whatever form it eventually takes.

In the context of this discussion today, I would like to note that language education is not just about teaching English-speaking students another language; it is also about ensuring our English as a second language and English as an additional language or distinct dialect students are supported. In a submission made by the Association of Teachers of English to Speakers of Other Languages in the ACT to the Assembly inquiry into the educational achievement gap in the ACT, it was suggested that the government should increase numbers of bilingual assistants in ACT schools to assist these students.

The committee recommended that the Department of Education and Training undertake a full review and assessment of the English as an additional language or distinct dialect profile in the ACT education system, including a breakdown of the groups of students and a clear articulation of the sorts of supports these students are likely to need, and that the department review the funding model for these students, with special attention to the capacity of the model to meet the needs of the broader group of students identified by the profile review and whether funds should be targeted to meet need.

The ACT government has simply noted these recommendations and outlined the processes and measures already in place. I am pleased to see the commitment to the enrolment of 25 teachers in the teaching English to speakers of other languages graduate certificate through the University of Canberra. This measure will serve to address some of the matters raised by the Association of Teachers of English to Speakers of Other Languages. However, I would have liked a larger commitment to the needs of our English as an additional language or distinct dialect and ESL students, especially as the department conceded to the education, training and youth affairs committee that there is a shortage of ESL teachers and this is an area which needs improvement.

Learning another language, be it English, Mandarin or whatever, is more than about translating words from one language to another. Culture and language are inherently linked. Students who have come from another country need assistance to understand the nuances of Australian culture and the way we use the English language, not just the literal meaning of the words being spoken or read. This is vital for their comprehension of every part of the curriculum. I urge the ACT government to monitor the progress of the measures outlined in their response to the committee's recommendations to ensure that we get the best possible outcomes for these students.

In the questions on notice I asked in February this year, the Minister for Multicultural Affairs advised that the ACT whole-of-government language policy for the ACT would be released and consulted upon from mid-2010. I ask Minister Burch: what is the status of this policy and the timetable for the consultation process? Language education in schools is one small part of addressing language education in the wider community. I look forward to this discussion paper being released and the subsequent consultation.

In discussions between my staff and Ms Porter's staff, it was noted that Ms Porter had discussed an increased commitment to bilingual education with Minister Barr, and that she felt that it was a good time to raise it given the context of the "Improving ACT public high schools and colleges" discussion paper and review process. I agree. I note, however, that the word "language" is only mentioned in the discussion paper once, and only in passing. I encourage language teachers and other stakeholders to participate in the consultation process on this discussion paper. I hope that the continued support and lobbying of stakeholders in the community, plus advocacy from members in this Assembly, will see an increased commitment from the ACT government to this important part of education.

The ACT Greens support this motion. I look forward to Mr Barr and the Department of Education and Training increasing the numbers of bilingual schools in the ACT, as well as enhancing other language classes and programs delivered in ACT schools.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.59): The government is committed to language education as part of a well-rounded education that equips young Canberrans for the future. Our public schools provide courses in eight focus languages, being Indonesian, Japanese, Chinese Mandarin, Korean, French, German, Italian and Spanish. Investing in these language programs will help prepare students for a more globalised future.

This is particularly the case with languages spoken by our closest regional neighbours and trading partners such as Indonesia, Japan, China and Korea. Besides equipping students with the skills they will need to work in various locations across the globe in the future, the study of languages has a more immediate benefit, helping children understand and appreciate the variety of cultures and traditions that make up a vibrant multicultural city such as Canberra.

Current requirements are that all children in ACT public primary schools learn one of eight target languages from term one 2011. The rollout of this policy so far has delivered an increase in the number of students learning a language. In 2007, 12,731 students took a language. In 2010, 18,425 students are taking a language. The number of students learning Japanese, Italian and German has doubled since 2007. And the number of students learning Chinese Mandarin has nearly tripled in the last three years, from 567 to 1,450 in 2010.

The government has successfully supported the introduction of new language programs in public primary schools by providing additional staffing resources to assist

with program development, supplementary start-up grants and professional training to support new languages teachers. Each year, a number of events are run across our primary schools, often in partnership with local embassies, to encourage student engagement with languages. These include events such as speaking competitions, the primary schools Japanese fun day and the French poetry competition.

Our policy now ensures that all secondary students will study a language for at least 150 minutes a week in years 7 and 8 from 2011. Students will also have the opportunity to continue their study in years 9 through to 12. In the ACT system, students will be able to begin a language in kindergarten and continue this same language all the way through to year 12. This is a unique feature of public education in the ACT.

Secondary schools use a range of strategies in language education. This includes offering students opportunities for overseas excursions or to participate in sister school exchanges. These provide students with the opportunity to spend up to three months overseas, often with a reciprocal visit the following year.

Language networks promote student exchange organisations, scholarships and competitions which offer opportunities for further intercountry study. As an initiative in 2010, over 400 ACT secondary students visited the ANU with their teachers or career advisers to explore the study and career options on offer for Asian languages. This is just one of many examples of the successful partnerships we have with the ANU in the area of language education.

Mr Speaker, you may have heard me speak from time to time on the importance of quality teaching. Put simply, beyond parental support, great teachers are the most important ingredient in a great education, and it applies to language teaching as it does to any other subject. To help ensure quality teaching in languages, regular professional development is offered to language teachers. Since 13 August, more than 180 teachers from ACT public schools, operating bilingual or immersion programs, attended professional learning workshops with Professor Tony Liddicoat of the University of South Australia. Next month, a guest lecturer from France will conduct a two-day workshop for 30 ACT teachers of French. This opportunity was developed in conjunction with the French embassy.

Only since 2007 has the ACT government enjoyed a good relationship with the commonwealth with regard to moving education forward. And I hope, for the benefit of all ACT students, this relationship continues to deliver a better education system. This includes the national Asian languages and studies in schools program. In 2010, the program's strategic plan supported over 30 teachers to attend tertiary-level study. This included classes at the ANU for teachers of Japanese and Indonesian, and for teachers of Chinese Mandarin at the Australian Catholic University. The program also places 14 Indonesian language teachers' assistants in ACT schools and supports senior secondary students to attend events at the ANU's College of Asia and the Pacific. An information brochure was developed in 2010 for students and parents outlining the benefits of learning an Asian language and was distributed to all secondary schools in the territory.

Three schools in Canberra operate bilingual or immersion programs. They are at Mawson primary, Yarralumla primary and Telopea Park. Mawson primary began its immersion program 10 years ago. In 2010, Mawson has 40 students in years 3 to 6 who participate in a two-day-a-week language program. Students in kindergarten to year 2 at Mawson currently learn Chinese Mandarin for 90 minutes per week. This prepares them to move into the more intensive program in year 3. Mawson has the support of a teachers assistant two days a week under an MOU between the department and the embassy of the People's Republic of China. Language teachers at Mawson receive significant professional learning support from the department. Further expanding the program at Mawson would require sourcing additional teachers, with not just the target of language proficiency but with an understanding of Australian schools curriculum and practice.

Yarralumla primary school currently has seven classes operating in an Italian immersion program. These children have 50 per cent of their week with Italian as the classroom language. And from this year, all new kindergarten students are enrolled in the immersion program. Funding from the Italian government provides teachers assistants for the development of the necessary resources and relevant teaching materials.

Telopea Park school is a binational French-Australian school created through an agreement between the French and Australian governments on behalf of the ACT in 1983. There is a significant financial contribution made by the French, commonwealth and ACT governments to deliver this bilingual program. Students satisfy both the ACT and French curriculum requirements. There is high parent demand for enrolment at Telopea, from both the French and Australian communities. Four hundred and twenty students, in 20 classes in the primary school, work in a wholly bilingual setting.

Over time, the government will examine the viability of an additional bilingual school for Canberra. This examination will consider a number of factors. These include demand, the wishes of those in the priority enrolment area, resources and staffing. A key indicator will be parent and student demand for further immersion programs.

We will carefully monitor interest in the Mawson and Yarralumla programs to see whether there is demand for an additional program. To date, it would be fair to say, though, their enrolments are not growing any more than is the case in other primary schools in similar demographic circumstances. However, if there is strong interest and embassy support, the government will consider expansion in the future.

We must also, though, give consideration to a school's priority enrolment area and recognise that parents in the priority enrolment area may prefer for their children not to be included in the school's bilingual program, and we must respect this wish. But in doing so we must recognise that the ability to opt out can make establishing an adequately sized cohort in each year problematic. We are also conscious of the need to focus on implementing the new Australian curriculum at this time and recognise the need to develop curriculum materials both in English and in the immersion languages. The cost of this curriculum development is considerable and it will take some time to deliver.

We must also recognise that bilingual programs require a reliable supply of teachers with both teaching qualifications and high levels of proficiency in the target language. And there is no doubt this is an area of skill shortage generally.

Providing properly trained staff and delivering professional development in curriculum requires significant investment. And while the establishment of additional bilingual schools will take time, many opportunities exist now for students wishing to immerse themselves in a language. The virtual learning environment to be rolled out in all ACT schools next year, ACT public schools particularly, allows for this.

In conclusion, I thank Ms Porter for her ongoing interest in ensuring ACT public schools remain at the forefront of education in Australia and I appreciate her interest in, and support for, the government's long-term vision in language education.

MR HARGREAVES (Brindabella) (12.09): I welcome this motion being brought forward by Ms Porter. It is a particularly important one. To address Mr Doszpot's point, it is a mistake for any parliament to assume that non-executive members are merely mouthpieces for the government of the day. They actually have brains and they actually can think for themselves, curiously. So every now and again a motion is developed through a non-executive member because that particular non-executive member has a commitment to that particular issue. That is the case here today.

I have to tell you that, had Ms Porter not put this motion forward, I was thinking about doing something myself along these very lines. The coincidence being, of course, that on Saturday night it is the annual dinner for the Ethnic Schools Association, and it is timely, therefore, to give some consideration to this. Any members who have been invited to that dinner and who were thinking about ducking out, I urge you to reconsider, as it will be a very entertaining evening, I can absolutely assure you, because I will be there.

I wanted to congratulate Ms Hunter—I will tell you why in a tick, Steve; you will love it—because she brought forward a point that is often forgotten in the discussion and the conversation around the teaching of languages—that is, bilingual education is as much for people for whom English is a second language as it is for people whose native tongue is English. Often we talk about the way in which you can immerse yourself in a culture is through the language, music and cuisine of a particular culture. So should it be that, if we want people to immerse in our culture and our language and all the rest of it, we should do it through the teaching of English in all of its colourful forms. I do think that was a particularly salient point, and I congratulate Ms Hunter on bringing that forward.

For the record, Mr Speaker, it needs to be said that we have a number of different models for teaching language in this city. We have the recreational opportunity that you get through such places as Alliance Francaise, the Goetha Institute and some of our colleges for recreational language training and education. I have done a bit of that myself and it is absolutely fantastic. But put that aside for a second. When we are talking about teaching younger people, we have language opportunities through our mainstream schools. That is one model. We have bilingual schools. That is another

model. But we also have the language education which is available through the multicultural community. I was going to say it was through the Ethnic Schools Association, but not every single school is affiliated with that association, but you will get the drift.

Language education can actually be described in two ways. The first one is the language of commerce, and that is what we teach our young people in the schools—that is how they can compete in the commercial world nationally and internationally by knowing the various Chinese languages—Cantonese and Mandarin—knowing Indonesian, knowing Japanese, knowing the European languages. That puts us on an equal footing commercially. It is not only the language; it is the culture. If you have ever heard of the difficulties of doing business in Japan, you would know that it has as much to do with the culture as it does the language. Learning Japanese will also give you that cultural training for when you actually get into the business boardrooms.

But the other sort of language is the language of the kitchen. This is the language of the ordinary people. It is how people converse, how people convince, how people talk to each other, how they share their joys and their sorrows. You do not do it through the academic milieu of the training that we do in a lot of our schools systems. It is about talking to people about the quality of corn flakes. That is when you really find out about culture—it is the language of the kitchen. That is where the Ethnic Schools Association comes into it.

You do not need to have a command of Burmese or Korean, but these are available in the Ethnic Schools Association's suite of opportunities for young people to learn, and, indeed, if you want to as older students. This language of the kitchen is so important. Once upon a time Indonesian was the language of the kitchen; it was not one of our commerce. It is now. Hindi, for example—

Mr Doszpot interjecting—

MR HARGREAVES: Indonesian and Malaysian, got it in one. The Hindi language, for example—did you know that Bangladesh is the only country that ever got its independence because of the struggle to not want to surrender their native tongue? Now, that is the importance of language to them. It is important that we support the Ethnic Schools Association to do what they are doing. The government actually allocates funds to distribute amongst all of these schools, and those funds are absolutely needed and welcomed.

Mr Barr talked about the quality of teachers, and we need to recognise that that is a thing very high in the priority of the government, and I applaud that. We also need to recognise that the Ethnic Schools Association have qualifications in smaller languages, but sometimes they are not necessarily the qualifications needed in mainstream education.

A lot of the work in the ethnic language schools is done by volunteers. I want to put on the record my appreciation of the volunteers that give of their time—the mums and the dads and the people who just love a particular language. I want to also mention Mandy Scott, whom Ms Hunter mentioned, as a leading light in the pushing of

languages in this town. But we also need to understand that nothing in this world is free, and we need to make sure that these people have the resources to be able to put these languages of the kitchen into the kitchens through the kids.

If we are not careful with the distribution of resources to the Ethnic Schools Association and such, what will happen is that we will shrink the resources going to the schools. It concerns me greatly that we might be facing that situation. I put the flag of caution up right now. We have to talk about this, because we need to be very careful that we do not just think that the teaching of languages of the kitchen to children is a hobby. It is not a hobby; it is education. It is immersion in culture.

If we are to be the best multicultural city in the country, and maybe the world, we need to talk about cultural appreciation. The best way of doing that is through the language of the kitchen and to have mums and dads talking to their kids in their mother tongues. Mr Speaker, I congratulate Ms Porter for bringing the motion forward, and I ask everybody to support it.

MS PORTER (Ginninderra) (12.18), in reply: I thank members for their contributions to the debate, but I am particularly sorry that Mr Doszpot seeks to politicise the question and undermine the intent of the motion, which is a genuine conversation that members on this side of the chamber are having. It should not be a political football that Mr Doszpot can kick around.

He did point out that we are a great multicultural city and are fortunate to have so many people from so many nations with so many tongues from all around the world here with us. I thought that, at that point, Mr Doszpot was going to continue in this positive vein. Unfortunately, he could not resist the temptation to slip into the old rhetoric of complaining about Al Grassby's statue and other works of art that adorn our city. Of course, many of the cities and towns where our multicultural population lived in and worked in prior to coming to Australia are adorned with such statues. Australians travel many thousands of miles to go to admire this art, particularly in Europe. No-one should decry a government for investing in art in all its forms.

So much for Mr Doszpot's four minutes—only four minutes, I note. What happened? Did he run out of steam? Was all his steam used up in the previous motion? Mr Doszpot gave us four minutes of what? No concrete policy suggestions and no useful contribution to the debate. What about congratulating our current bilingual education providers?

I would like to thank Ms Hunter for her support of the motion and her exploration of the issues involved. I would also like to thank my colleague Mr John Hargreaves for his exploration of the topic. I am sure members would join with me in thanking the minister for his commitment to supporting language education. As the minister says, we are ideally situated in this part of the world and we have strong relationships with our Asian neighbours. Of course, the world is becoming smaller every day in terms of communication, and I believe that all language education—European or Asian—is important and merited.

As I said before, I have a grandson in a French immersion school in Brisbane, and my daughter-in-law is a German teacher also in Brisbane. As I said before, I believe we

can build on our relationships, particularly with our embassies as well as our sister cities to explore the opportunities to support further bilingual schools. I thank the minister for the undertaking to investigate the expansion of the number of such schools in the ACT, should they be warranted. I ask members to support this motion.

Motion agreed to.

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

Sitting suspended from 12.21 to 2 pm.

Questions without notice

Calvary Public Hospital—proposed purchase

MR SESELJA: My question is to the Minister for Health. Minister, on 23 June you were asked about delaying a Calvary deal until the “planned capital element of the national health reform is resolved and made clear to the community”. You stated in your answer:

We are trying to make sure that we can finalise any outcome with Calvary as soon as possible.

You added:

There is not any reason to delay it around the capital component.

In response to a question last week, you advised that you had received advice from PricewaterhouseCoopers that the government no longer needed to purchase Calvary Hospital in May. Why didn't you refer to this advice in your answer on 23 June?

MS GALLAGHER: I think because the question was around the national health reforms and not around any advice that the government had received around progressing the negotiations. In the question, as I understand it—and I will check the *Hansard*—I was asked about whether the national health reforms should or could impact on finalising negotiations around Calvary. My view is—and is still—that they would not. There is a range of other factors that would impact on finalising the negotiations with Calvary, but the national health reform is not one of them.

MR SPEAKER: Ms Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, why did you mislead the Canberra community by not telling them and this Assembly about the PricewaterhouseCoopers advice back in June in your response to the question?

MS GALLAGHER: During that time the government were re-testing the advice, at the request of Little Company of Mary Health Care, who still until this day disagree with the advice that the government had received. We had received the advice. I had spoken with Little Company of Mary around that advice. Indeed, I think we had had a

number of conversations around that advice. We were asked to re-test that advice and we were in the process of doing that.

If one of you had stood up and asked me, “Has the government received accounting advice that will impact”—indeed, if you look at the media comments of the Chief Minister and me when we were asked around Calvary, we said that we were in the process of finalising them subject to accounting advice.

That is the reality. These are the ways we negotiate. We do not necessarily come into this place and discuss everything about those details of the negotiations when they are still ongoing.

MR HANSON: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, did your answer to the question breach the ministerial code of conduct requiring that all ministers are to recognise the importance of full and true disclosure and accountability to the parliament?

MS GALLAGHER: No.

MR HANSON: A supplementary question, Mr Speaker?

MR SPEAKER: Yes Mr Hanson.

MR HANSON: Why do you consistently fail to keep the Assembly advised of the current status of negotiations to purchase Calvary hospital?

MS GALLAGHER: I do not. I do keep the Assembly advised, Mr Speaker.

Tidbinbilla nature reserve—camping

MS HUNTER: My question is to the Minister for Territory and Municipal Services and concerns camping at Tidbinbilla nature reserve. Minister, on their website Conservation Volunteers Australia are offering overnight tours to Tidbinbilla nature reserve, which includes camping at the Nil Desperandum homestead site. Why has the ACT government already permitted overnight camping in Tidbinbilla, given that the current management plan says that camping is an inappropriate activity and prohibits it in the reserve?

MR STANHOPE: I thank Ms Hunter for the question. As members are aware, I was most pleased, in fact, after a difficult time and some effort, to be able to table the final of the Namadgi plan of management, a major piece of work that has been undertaken over a number of years in relation to the management of our largest—to the extent that it is our largest—and our most significant nature reserve.

There was exhaustive consultation with all stakeholders in the community in relation to the development of the plan. At the end of the day, there were a number of issues in

relation to which there was not unanimity amongst stakeholder groups in relation to all aspects of the plan of management. There were only a couple of those issues. I think the two most significant of the issues were different organisations, different groups, had different perspectives around an appropriate level of usage of Namadgi, was, firstly, in relation to camping at Tidbinbilla. Others, of course, were in relation to—

Ms Hunter: On a point of order, Mr Speaker, I need to be clear here. Mr Stanhope, my question was about Tidbinbilla nature reserve and the ACT government already permitting overnight camping at Tidbinbilla, given that the current management plan actually says it is inappropriate and prohibits it.

MR SPEAKER: The Chief Minister.

MR STANHOPE: Thank you. I was actually giving some context of the negotiations. I apologise to Ms Hunter if that context and that background are extraneous to her interest. I thought it might be of interest to others and those that look avidly, of course, at the *Hansard* in relation to the background of the issue that we are discussing and in relation to which I am responding.

In the context of camping at Tidbinbilla and Conservation Volunteers Australia, indeed it was in March 2009, some significant time ago—indeed a year ago—that the Department of Territory and Municipal Services entered into an agreement with Conservation Volunteers Australia in relation to their role and function in Tidbinbilla. That particular relationship has been an outstanding success and we look to continue to expand it.

Under the arrangements that have been entered into between the department and Conservation Volunteers, there was an understanding that Conservation Volunteers Australia would offer a range of experiences for visitors to Tidbinbilla, including the possibility or the prospect of overnight stays at Nil Desperandum. To the extent that this is inconsistent with the now concluded final plan for Namadgi and the extent to which it is inconsistent, I will need to take some advice on that. I think that is the background surrounding the nature of an agreement that was entered into 18 months ago with Conservation Volunteers Australia.

As I go to the management plan, it notes the potential—I believe this is taken from the final—to introduce commercial activity into Tidbinbilla nature reserve to enhance visitor use and enjoyment. It goes on to conclude that low-impact activities such as nature tours may be allowed in the national park.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, what has changed at Tidbinbilla such that the new draft management plan says that camping is to be investigated as an acceptable activity within the park?

MR STANHOPE: In the context of that particular investigation in relation to camping, it does suggest that it is an activity that needs further consideration, but in

relation to Nil Desperandum and Conservation Volunteers I will just conclude with the rationale, the basis, the current arrangements. They actually do go to the current management plan, which, as I said, notes the potential to introduce commercial activities into Tidbinbilla to enhance visitor use and enjoyment and then goes on to say that low-impact activities such as nature tours may be allowed in the national park.

The management plan then nominates criteria against which tourism products might be judged suitable at Tidbinbilla, including environmental sustainability, potential for environmental impact and economic viability—all of which have been assessed during the planning stage of the Naturewise product that has been negotiated between TAMS and Conservation Volunteers. But the current management plan is actually silent on the appropriateness of the short-term overnight use of Nil Desperandum—the cottage Nil Desperandum—though it does quote the 1995 conservation plan for the building as stating that the underlying theme in relation to the conservation management of Nil Desperandum is to maintain the building as a residence.

I assume, Ms Hunter, that with your concern around camping and Conservation Volunteers Australia at Tidbinbilla you are expressing a point of view around the occasional overnight use of Nil Desperandum as a residence apart from camping. It is something that was deemed by TAMS, at the time it entered the arrangement with Conservation Volunteers Australia, as consistent with the conservation management plan for Nil Desperandum. I guess we could have a conversation on whether or not overnight use of Nil Desperandum constitutes camping. (*Time expired.*)

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Regarding Conservation Volunteers, unlike the Greens, we on this side of the chamber support them, and we are keen to know how the government—

MR SPEAKER: Mr Coe, preamble.

MR COE: We are keen to know how the government is also supporting Conservation Volunteers Australia.

MR STANHOPE: Thank you very much, Mr Coe. I am not sure it is exactly fair to say that the Greens oppose Conservation Volunteers Australia and their wonderful work. I was not suggesting that, Mr Coe, so your question poses me some difficulty. I would not suggest that.

I sometimes do think there is a rush to condemn or criticise the government most particularly—“You’ve just tabled a management plan for Namadgi, but you’re allowing camping in Tidbinbilla, in contravention of the management plan.” What has been happening at Tidbinbilla is that Conservation Volunteers Australia, through a contract entered into between Conservation Volunteers Australia and TAMS, has been seeking to use Nil Desperandum, which was, until it was destroyed by the fire in 2003, regularly used for those purposes, most particularly for short-term stays. It had previously been used for that purpose. The conservation plan suggests that it is appropriate to be used for that purpose.

But I think it is probably a long bow to suggest that the occasional overnight use of Nil Desperandum by Conservation Volunteers Australia as part of their suite of conservation offerings at Tidbinbilla is to embrace camping within Tidbinbilla. That is the background. I am not sure there is much more I can offer.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Minister, are you aware that, while camping at Birrigai would occur in a recreation zone, camping in Nil Desperandum would occur in a core conservation zone, and do you consider that this is appropriate?

MR STANHOPE: I think the position that has been taken by parks and conservation is that at Nil Desperandum it is consistent with the 1995 conservation plan for Nil Desperandum. It actually specifically states that the underlying theme of conservation at Nil Desperandum is to maintain the building as a residence. Certainly, the building was severely affected by the bushfires. It has been restored to some extent. Conservation Volunteers Australia, through a Naturewise program that is part of a formal arrangement between Conservation Volunteers Australia and the ACT government, I think you are aware, now essentially provides all ranger type services within most particularly the new Tidbinbilla sanctuary. And it has been the most wonderfully successful relationship imaginable between the ACT government and Conservation Volunteers Australia—the relationship, the partnership, at Tidbinbilla. I only wish that we could actually create similarly successful partnerships again with Conservation Volunteers, as well as with other groups, in relation to other parks in the ACT.

The government is enormously supportive of the relationship and its continuation and its growth. Part of that growth, pursued by Conservation Volunteers Australia, was the development of a Naturewise program at Tidbinbilla, part of which involves the occasional possible use by conservation volunteers of Nil Desperandum for overnight stays. My advice, Ms Le Couteur, to respond to your question, is that the conservation management plan believes that it is appropriate for Nil Desperandum to be used for occasional overnight use. If the conservation management plan says it, until it decides otherwise, I am not quite sure—and I think it is a long bow, as I said, to say that overnight use of Nil Desperandum equates to camping. (*Time expired.*)

Taxation—review

MR SMYTH: My question is to the Treasurer. Treasurer, on 12 August 2010, you announced that a review was to be conducted of the ACT's taxation system and that this review would be headed by a former ACT Treasurer, Mr Quinlan. Treasurer, on 14 April 2005, a report in the *Canberra Times* quoted Mr Quinlan as making the following statement:

Abolishing stamp duty on commercial conveyances would not necessarily stimulate the ACT economy or generate more jobs here.

Treasurer, why have you appointed as head of this review a person who is on the public record as having such a closed mind to the potential for effective taxation reform to boost employment and economic activity?

MS GALLAGHER: I see the Liberals' campaign against the tax review continues—the only stakeholder group, if you can call them that, in the community that is opposed to the taxation review and, indeed, the people that have been appointed to the panel. I have not had one complaint from anyone in the ACT, other than you, other than the out-of-touch opposition that sits over there and bags processes. I have not had one complaint or issue of concern raised about the appointment of a former Treasurer in this place, a high-profile Canberran, a Canberran whose reputation is second to none, to chair this work on behalf of the ACT community.

Mr Quinlan brings with him a range of skills and experience which will benefit this tax review. I know that he comes to it with an open mind to engage with stakeholders, to commission pieces of work that will help inform the panel's recommendations to government.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, why did you not include as an explicit term of reference for the inquiry the matter of enhancing economic activity and employment?

MS GALLAGHER: The review is around our taxation effort—our own-source revenue. That is what it is about. There are other areas within government that are charged with the responsibilities around business and economic development. This is a review into our own-source revenue—30 per cent of the budget—and making sure that our revenue effort is fair and equitable across the board. That is what this taxation review is about. It is not going to be everything to everybody. It is a difficult area of reform for any government—

Mr Smyth: So it is just about more taxes.

MS GALLAGHER: You have the terms of reference, Mr Smyth, and if you had concerns about them I would have imagined that you could have engaged with me around that and sought additional terms of reference or some sort of proactive involvement in this as the shadow treasurer instead of standing on the sidelines and throwing stones.

This review is to find recommendations on the overall efficacy of the tax system. It is to complement and build on the recently completed review of commonwealth taxation. It should be limited to taxes levied by the ACT government, consider options to ensure revenue certainty, provide sufficient revenue to ensure that important community services continue to be provided, and have regard to the unique economic, legislative and policy context of the ACT.

I imagine that if the panel wants to pursue additional interests such as the ones you have outlined, you could put that to them, Mr Smyth, and that they would consider that as part of their work.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what capacity will the review have to consider the potential for effective taxation reform which underpins a stronger and more diverse economy?

MS GALLAGHER: What capacity will they have? They will direct their work, Mrs Dunne. They will be ably supported. We have allocated a small budget to support them in that work. We expect that they will commission expert pieces of work, but I am leaving that to the panel.

Children—kinship carer support program

MRS DUNNE: My question is to the Minister for Children and Young People. Minister, in relation to the request for tender for the kinship carer support program 2010-13, I note from your media release of 17 August this year that Marymead has been awarded a contract of \$40,000 for the provision of representation and advocacy for kinship carers of children in the care of the ACT executive. I would like to congratulate Marymead for being awarded that part of the contract.

Your media release indicated that the decision to award the contract was made by “the government’s independent procurement unit, Procurement Solutions”. Minister, were any of the people on the decision-making panel drawn from organisations or agencies other than Procurement Solutions? If so, from where were they drawn and did this in any way compromise the independence of the panel as you described it in your media release?

MS BURCH: I thank Mrs Dunne for her continued interest in kinship carers and for congratulating and recognising the work that Marymead does. Procurement Solutions is independent and is at arm’s length. If there is any question of it being compromised or not being independent, I take that as a slight on Procurement Solutions. I do not know the details of the people that were on the panel, but I have absolute faith and trust that a proper assessment was made and the right decisions were made. It was an open tender process. There were a number of bids, and there was one successful bid, and I stand by that.

MR SPEAKER: Mrs Dunne, you have a supplementary question?

MRS DUNNE: Yes. Could I ask the minister to get back to the Assembly in relation to who was on the panel? Can she also tell the Assembly what expertise did the panel have to make the decision that they made?

MS BURCH: I will take some advice and certainly bring back what I can.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you. Minister, who were the people on the panel that made the decision to award the contract to Marymead and, particularly, what role do they have in their home organisations or agencies?

MS BURCH: I think I just answered that question in response to Mrs Dunne's question.

Mr Seselja: The first part, not the second part.

Mr Hanson: Mr Speaker—

MR SPEAKER: A supplementary?

Mr Hanson: A question without notice, Mr Speaker.

MR SPEAKER: No, Ms Le Couteur has the call.

Mr Hanson: How does that work?

Ms Bresnan: She was standing.

Ms Hunter: She kept standing up and sitting down.

MR SPEAKER: Order! Mr Hanson, just to be clear—

Ms Gallagher: You'll get your moment, Jeremy. Everyone gets a turn.

MR SPEAKER: Order! Ms Le Couteur had stood previously. She actually conceded to you because she thought you wanted a supplementary, and in recognition of her politeness and her precedence, I am actually giving her the call. Ms Le Couteur.

Planning—small dwellings

MS LE COUTEUR: Thank you, Mr Speaker. My question is to the Minister for Planning and concerns innovation in the planning system. Minister, the planning system already places a number of restrictions on the building of compact dwellings. The new draft territory plan variations will place further restrictions on small blocks and require secondary dwellings and student accommodation to be bigger than some current accommodation in the ACT. My question is: why are so many restrictions placed on smaller dwellings, which are likely to be more affordable, and are you aware that these restrictions could prevent the building of studio apartments equivalent to those currently in the Waldorf?

MR BARR: I think I detect a theme to the beginning of each of Ms Le Couteur's questions this week. As Ms Le Couteur would be aware, these draft variations are just that, draft variations, out for public consultation. I note that the content of the question makes a series of assertions that are not proven at all. I would encourage Ms Le Couteur, if she has strong views on this matter, to put in a submission during this initial round of consultation, noting that by the time the draft variation comes back to the Assembly for a vote as a final variation, I would imagine probably 12 to 18 months will have transpired. If Ms Le Couteur believes that there is an issue with the draft, please bring forward her specific concerns during this consultation process.

It is an extensive consultation process and I am sure that, through the committee that Ms Le Couteur sits on, there will be ample opportunity for these issues to be debated.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what action is the government taking to facilitate the conversion of excess office space in Canberra into residential accommodation, which could help address Canberra's housing shortage?

MR BARR: The government has, of course, taken a number of steps to improve access to student accommodation, most particularly working with the universities and a number of investment companies to ensure that there is more student accommodation. I can certainly signal today my intention to continue to take decisive action to ensure that there is more student accommodation available within the territory.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, given that the government's unit titling laws effectively lock in unit title plans, how does the planning system accommodate new developments with flexible layouts that can change in configuration in order to meet demand?

MR BARR: Ms Hunter may well be aware of recent variations to the territory plan and recent changes to the planning and development system that provide much greater flexibility in this and many other areas. I do acknowledge, though, Mr Speaker, that getting perfect allocative efficiency in the housing market is quite a challenge.

I note that there is quite a concerted campaign being run against one-bedroom units through the Canberra *Chronicle* in recent times. We have seen quite a bit of commentary in the public arena in relation to that. Yet we all know that by 2025 the predominant household structure in the ACT—the largest group—will be single people.

Clearly, there is a mismatch in our current housing stock to our future housing needs. The government is taking a variety of steps to enable a market-based solution to address that. It is interesting, of course, in the context of some community debate at the moment that there does appear to be fierce resistance to an increase in the number of single-bedroom dwellings.

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Minister, how have you ensured that the planning system facilitates local level environmental initiatives, such as the sharing of grey water and energy generation between different buildings not part of the same body corporate?

MR BARR: I thank Ms Bresnan for the question. Ms Bresnan would also be aware of a number of changes to the planning and development system that make it simpler,

faster and more effective, that go to respond to a number of the issues that she has raised. She would be aware also that the Land Development Agency is undertaking some important work in the Molonglo Valley in relation to just the issues she has raised. The government will continue to progress work in this area.

ACTION bus service—effectiveness

MS PORTER: My question is to the Minister for Transport. Would the minister please advise the Assembly what steps the government has taken and is taking to improve the effectiveness of delivering bus services to the ACT community?

MR STANHOPE: Thank you, Mr Speaker. I thank Ms Porter for her continuing interest in this important subject. I was very pleased to receive a question from Ms Porter on this yesterday to outline some of the rationale in relation to negotiations that are currently underway with the Transport Workers Union and other unions in relation to enterprise negotiations that are currently underway, which are not proceeding as rapidly as I think many of us would like, but which are being conducted in good faith. The government, of course, remains hopeful that we will receive mutually agreeable outcomes from that process.

I might go into some more of that today, but I think it is important that we do understand that the government are determined to continue incrementally and, to the extent that we can, to continue to invest in public transport options and the effectiveness of ACTION within the ACT. We do not wear blinkers in relation to ACTION and its effectiveness and the need for us to continue to invest. The government accept that we will need to continue to invest increasingly. In the most recent budget, we identified \$97 million of funding explicitly for our public transport network. We know that we will need to invest more than that, and indeed I have signalled that I would anticipate investments of a similar order in coming budgets, without committing the cabinet or the government to those quantum. But that is what we will need to do in order to increase the reliability, the frequency and the extent of the network and in order for us to meet some of the primary infrastructure needs, even to the point of continuing to increase the number of bus seats in order to ensure that there are bus seats and bus shelters and disability able buses.

There is a whole range of issues that we need to invest in increasingly to meet targets in relation to disability access. We have committed, for instance, that, by 2012, 55 per cent of our fleet will be accessible buses. We have committed that, by 2012, 55 per cent of our bus infrastructure—in other words, the seats and the shelters—will be fully accessible and consistent with our obligations under disability discrimination and other legislation. And we are on target to achieve those outcomes. The next deadline in relation to arrangements that states and territories have made to ensure that their public transport infrastructure and fleets are disability able or accessible is 2012, and we are on track to meet the targets in relation to infrastructure.

As I have said, in order to ensure that we do attract more people to ACTION, that we do increase the number of people that are travelling to work by public transport and, indeed, that are walking or cycling or actually getting to work otherwise than by car, to meet our sustainable transport targets, we need to continue to invest. There is an

additional \$97 million, and that comes on top of significant other investments, not just in infrastructure, in park and ride or dedicated bus lanes—or bus stops and bus stations—but in a determination to increase frequency—and we saw that through Redex—and to expand the network and to make the network far more efficient than it currently is. We are all aware of significant deficiencies within ACTION, and the government is working hard to address them.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Minister, what steps is the government taking to improve ACTION's service in terms of timeliness and in the development of a network that meets the community's requirements?

MR STANHOPE: As I was indicating, the government are doing all that we are able to in the context of our budget and other priorities at the moment, and that does involve very significant investments in public transport and in ACTION. I have to say that, despite that, one of our continuing frustrations is that—despite the significant effort—we have not got to a tipping point where there has been a significant increase in patronage. It remains, of course, a real frustration and a major challenge to the government that ACTION patronage essentially has plateaued to some extent on around eight per cent.

It is a classic chicken and egg situation in relation to public transport that we need to get the push and the pull factors right. We need to continue to invest. We need more frequent and more reliable services. But we need also to deal with issues around, for instance, pay parking and the availability and ease of car use within the ACT. We need to get the balance right. It is quite obvious that at the moment we do not.

But, as I say, we are working on that. We are investing significantly. I know that in relation to network 08, in the 2008-09 budget we invested an additional \$34 million—I think \$8 million plus a year of additional recurrent operational funds to roll that out. We have invested in Redex. That comes to \$34.95 million in the 2008-09 budget for network 08. We are just about in November this year. We are negotiating and consulting, most particularly with the unions, in relation to network 10. That will again incrementally improve the range of the network and the frequency, the reliability and, we hope, the attractiveness of ACTION to consumers within the ACT.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you, Mr Speaker. Chief Minister, could you please detail to the Assembly the steps that ACTION takes to ensure that it is effective in meeting its safety obligations and that it responds to reported incidents?

MR STANHOPE: I thank Mr Hargreaves for the question. As an employer and as an operator of a government service, it does not need to be said that we take our obligations for safety and security, not just for passengers, those who utilise the service or other road users but also indeed staff of ACTION, very seriously. We have

in recent years invested very heavily in the business of safety. In 2009-10, we provided \$2.4 million in capital upgrade funding to focus primarily on safety and security, including, of course, the installation of CCTV cameras at interchanges and on buses, as well as supporting the relocation of the communications centre from the Belconnen depot to the Winchester Police Centre. Again, in 2010-11, we maintain or continue that focus on safety, security and efficiency, with an additional \$2½ million to improve bus driver seats, to retrofit buses with park brake alarms and to undertake other efficiencies.

In relation to accidents and incidents, there are a significant number involving buses. That has been the subject of some interest by some within this place. We certainly are looking at all of those things that we, as an operator of a major fleet, should be doing in order to ensure that the buses are safe before they proceed onto the road, that drivers are aware of that and that they understand appropriately issues in relation to the bus and in relation to safety.

Underpinning these improvements, though, is the essential point I made yesterday: the need for the government or ACTION to achieve significant changes in relation to governance and workplace practice. That is why ACTION has taken the position it has in relation to the EBA negotiations. They really are important; they are fundamental to the capacity to actually make ACTION—

MR SPEAKER: Thank you, Chief Minister. Your time has expired.

MR STANHOPE: a far more attractive public transport network than it is.

MR SPEAKER: Chief Minister, we are going to have to try and make a bit of a better effort to actually finish.

Mr Stanhope: I just assume that everybody is deeply interested in all of these things.

MR SPEAKER: Perhaps you will have to compact it in to your available time then, Chief Minister. A supplementary question, Mr Seselja?

MR SESELJA: Chief Minister, could you provide us with an update on efforts to address the issues around the lack of a bus service between Deakin and Yarralumla and Marist college, an issue which we have corresponded on in the past?

MR STANHOPE: I cannot provide an update over and above that which has previously been provided in that correspondence, Mr Seselja, other than to say that ACTION is very responsive to consumer feedback in relation to any route where it is believed that demand actually justifies an additional service or expanded service.

Of course, in relation to ACTION's current capacity, it has a budget of somewhere in excess of \$100 million. With the breadth of the city and expansion to the new greenfield estates and areas, there are significant equity issues facing ACTION as a network provider in meeting all of the expectations of all of Canberra and doing it in a framework that recognises the breadth of the network, its expanse and some of the issues around finance and efficiency in relation to the capacity to run buses into areas

where, of course, there are some people that would like a more efficient or a closer or a more frequent service and our capacity to justify it in relation to the overall operating cost to the network. Everybody knows that.

ACTION tries desperately hard to be fair and to be equitable and to ensure we meet the needs of those in inner areas, and it is within the inner areas where there is far greater access to capacity than there is in outer suburbs. To the extent that there is any spare capacity, of course, ACTION looks to ensure that it is equitably distributed. But, Mr Seselja, I am more than happy to write to you to provide an update on that particular issue.

Canberra Hospital—obstetrics unit review

MR HANSON: My question is to the Minister for Health and it relates to the review of public maternity units in the ACT released on 5 August 2010 that provided a critical report into obstetrics services at the Canberra Hospital. Minister, yesterday in this chamber you said that your department would only attempt to alter the report for “factual errors”. Later you said that “there is always dialogue between the agency and the reviewer”. Minister, will you categorically state in this place that your department did not attempt to request or suggest that sections that were critical of the management of the unit should be removed from the report prior to publication?

MS GALLAGHER: I took this question on notice yesterday. I have not heard back from my department so I cannot answer that question for you at this point in time. What I was saying yesterday was that it is not uncommon, when a department commissions a piece of work, for there to be dialogue between the client and the review team. I understand that has been the practice for some time. I would be surprised if there is any review commissioned where there is not that interaction. As to the question which I think goes to Mr Smyth’s and Mr Seselja’s questions yesterday, I can confirm that I have not read the draft report. I am not aware of the discussions, other than around factual errors and naming individuals, which my department have told me they raised with the review team. Outside of that, I cannot answer the question, but I have undertaken to get back to you.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Minister, is it true that your department only withdrew their attempts to have critical sections of the report removed after the reviewers threatened to go to the media?

MS GALLAGHER: I am not aware of that threat to go to the media. My department has told me that, in discussions with the review team, the review team did confirm that they would not make changes to the report—that they would stand by the report. Essentially, they did not want to make further changes and that was the end of the discussion, as I understand it.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, are there any other services provided by Canberra Hospital other than maternity services?

MR SPEAKER: The question is out of order. Mr Seselja has the call.

MR SESELJA: Minister, do you accept responsibility for your department's actions in their dialogue between your department and the reviewers?

MS GALLAGHER: Yes, I do, Mr Speaker. I think this has been a very difficult piece of work to be done. I understand that there have been discussions between the department and the review team around content in the report—from views held within the department and views held within the review team. It is a normal process, as I understand it. I would say that this piece of work has probably been the most difficult piece of work in ensuring that we get a fair and balanced review.

Mr Seselja: Did anyone in your office read the draft?

MS GALLAGHER: No, Mr Seselja. I am aware there is a rumour going around—I have not found out who is circulating the rumour, but certainly they have spoken to Mr Hanson—about this threat that the department interfered unreasonably in the review. I certainly do not share that view. I think there are mixed views amongst doctors around input into this review, around fair process, around natural justice and around some doctor politics that still exist.

Mr Hanson: That doesn't sound like factual changes to me.

MS GALLAGHER: What I can confirm for you, Mr Hanson, is that there were changes requested about factual content and individuals. As to any other changes that were requested, I am unaware of them and I have undertaken to get back to you. I can confirm that I have not read the draft report. I can confirm that there were discussions between the Department of Health and the review team around the report. As you can see, the report has been provided in its entirety for everybody in this place.

I am very concerned that there are rumours going around that the department has interfered unreasonably in this process. I do not think that is the case. I think the department has a role to fulfil and it had to deal with that problem.

Capital works—program

MR HARGREAVES: My question is to the Treasurer. It has got nothing to do with health, necessarily. Treasurer, could you please inform the Assembly of the preliminary outcome of the capital works program for 2009-10?

MS GALLAGHER: I can. I am very pleased to inform the Assembly that the outcome for the 2009-10 capital works program is excellent, both in terms of the number of projects completed and the physical progress of the works to date.

Mrs Dunne: And the number of dollars.

MS GALLAGHER: Well, that is what it relates to, Mrs Dunne—dollars. The preliminary estimate for the capital works expenditure for 2009-10 is \$580 million. This is almost double the 2008-09 outcome of \$296 million, and this is a record achievement. This government has delivered double the previous record. The preliminary outcome represents the delivery of 74 per cent of the revised funds available for expenditure during 2009-10. This proportion of delivery exceeds the average delivery over the last three years of around 60 per cent—once again, a significant improvement on past performance.

These results do not come just by luck or chance. You cannot double the previous record just by accident. This government has worked hard to achieve it. The result reflects a range of refinements to our capital works program to improve delivery. These include enhancing our planning and delivery systems, introducing more through monitoring and reporting practices, enhancing project delivery resources, and a more flexible approach to capital works delivery being adopted by larger agencies. The necessary changes have also been made to legislation, regulation, systems, documentation and processes to support these enhancements, particularly in regard to the delivery of stimulus projects.

The capital works program is not just about spending money, though; it is about delivering projects which improve the infrastructure which we rely on to deliver a wide range of services to the community. Quality infrastructure development is also essential to support the territory's growth, jobs and activity in the local economy and, through this support, ultimately the economic and social wellbeing of our community.

This is an unprecedented level of investment in the territory's infrastructure, which will support the provision of high quality services to the ACT community for a long time into the future. The timing of this record investment could not be any better. It has been achieved at a time when the economy needed support. It has been delivered at a time when business needed confidence. Business would be confident that this government is serious about investing in the territory's infrastructure following this result.

We have adopted a medium to longer term perspective in our infrastructure investment program. We believe this is necessary to shape essential community and social infrastructure as well as other core infrastructure, such as transport networks. These investments ensure the sustainability of services and the continued prosperity of the community into and beyond the next decade.

Some of the outcomes achieved in 2009-10 for the territory's capital works program include the physical completion of 94 projects during the June quarter, bringing the end-of-year total to around 200 projects. Significant projects are the Belconnen Arts Centre; the inner south library at Kingston; the new horticulture facility at CIT Bruce campus; the Lakeside Leisure Centre refurbishment; Edison Park youth recreation facility; a new 16-bed intensive care, coronary care and high dependency unit at Calvary hospital; Canberra Hospital's new walk-in centre; works at Glebe Park; a new south-side park and ride and bike and ride facility in Mawson; 15 new public art pieces; the upgrade of Tharwa Drive; Northbourne Avenue and London Circuit

pavement improvements; Horse Park Drive extension to Burrumurra Avenue; extension of Well Station Drive; and City West infrastructure stage 2, the Childers Street precinct.

In addition, the government has effectively delivered against the commonwealth's stimulus program through 2009-10, including the completion of 84 national school pride projects; 19 primary schools for 21st century projects with construction commencing on the remaining 49, and completion of 55 of the 57 new dwellings comprising stage 1 of the social housing program.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thanks very much, Mr Speaker. Treasurer, what does the 2009-10 program preliminary outcome mean for the 2010-11 program?

MS GALLAGHER: I thank Mr Hargreaves for the question. Around 80 per cent of the 2010-11 capital works program is for works in progress, for projects commenced in previous years. So a substantial proportion of the 2009-10 program expenditure outcome was also on projects that will continue to be delivered in 2010-11, and some beyond. If members look around the territory, they will see the range of projects being delivered—small, medium and large. These are projects funded by the ACT government and also those continuing from the commonwealth stimulus program.

Major projects underway that contributed to a large proportion of the 2009-10 program outcome and continuing through 2010-11 include the building the education revolution and the social housing stimulus programs, the duplication of Flemington Road, the Cohen Street extension at the Belconnen town centre, the Tharwa bridge restoration project, the health capital asset development planned program of works, the car park at the Canberra Hospital, Gungahlin college, the Kambah P-10 school, the establishment of regional community facilities across the territory, and the Emergency Services headquarters.

To assist in managing the large programs of work in 2009-10 and across the forward years, and in consideration of industry capacity to meet the increased level of infrastructure work, the government proactively undertook a number of reviews of the capital works program during 2009-10 and in the development of the 2010-11 budget. The outcome of these reviews, coupled with a range of refinements to our capital works program to improve delivery, were welcomed by industry.

The reprofiled program over the budget and forward years provides some assurance to industry of the anticipated program moving forward. Given the level of works in progress this year, I am sure that we can continue to achieve high levels of expenditure against our program. We are moving quickly already this year on planning and preparatory works that underpin the delivery of the program. More than half of the functional briefs for new projects—*(Time expired.)*

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. I note the comments of the Property Council in today's *Canberra Times*. How is the expenditure on infrastructure in the

growth areas of the ACT affecting the expenditure in the inner city areas—the existing areas?

MS GALLAGHER: I thank Ms Le Couteur for the question. I have just printed off the Property Council's discussion paper to be released today around the infrastructure needs of the city, so I have not had time to read it. But in terms of the proportion of expenditure that is going to support new development, there is certainly a significant part of the land release program and the associated infrastructure works that is going to delivering in new areas of Canberra city. You can say that there is more going in there, so there is less available necessarily for inner city infrastructure. But you could say that against any part of the capital works program. You could say it against health, education, community facilities. If somebody gets more then someone else loses out.

I think the issue that the Property Council have wanted the government to tackle has been around preparedness to borrow more to do more. We have indicated that we will need to borrow to deliver some of the infrastructure program over the next few years. Whether that is as much as they would like us to borrow—indeed, in their paper they do not think that we should protect the AAA credit rating at any cost, that we should borrow more, potentially jeopardise the AAA credit rating to deliver more and also deliver more in partnership with the private sector and let the private sector take some of the risk.

I think there are some very industry-specific discussions and points of view that have been put forward. Government's job, I guess, is to weigh all that up, prioritise our expenditure and accept that there is never enough money to do everything that you want to do.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, with regard to the capital works program, do you have any concerns about performance, service delivery, monitoring, reporting or liaising with other departments?

MS GALLAGHER: No, I do not. I meet once a month with every department as part of the monitoring of the capital works program. I do that in a way to stay across the whole program, even though I do not have individual responsibility for each department's capital works program. I think the government have worked hard in the last 18 months to make sure our processes across government are the best that they can be. Where there are delays or problems with particular projects, we are working and moving very quickly to address them. But the roundtables that the Chief Minister has had, the focus that we have put on our capital works program and the meetings that I have with every department every month to work through each project individually have greatly improved our own processes. You can see that from this end-of-year outcome: 74 per cent. It is actually higher; it is about 93 or 94 per cent of the revised program as outlined in the budget update. All of the agencies have done an excellent job this year and they should be congratulated for it.

Department of Treasury—government briefs

MR SPEAKER: Questions without notice, Mr Doszpot.

MR DOSZPOT: Thank you, Mr Speaker. My question is to the Treasurer and Deputy Chief Minister. Treasurer, have you or any delegate of yours instructed the Department of Treasury to produce new-minister briefs? If so, when did that request take place and have the briefs been received by your office? If not, are you aware of any official answering to you being asked to prepare new-minister briefs?

MS GALLAGHER: Someone is trying to get rid of me or I am trying to get rid of myself, am I, now? The answer is no.

MR SPEAKER: Mr Doszpot?

MR DOSZPOT: Thank you. Minister, are you aware of any other departments that have been asked to prepare new-minister briefs?

MS GALLAGHER: I am not, but I cannot answer for every department. I am not aware of any department's actions.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, has any staff member in any of your departments been asked to prepare an incoming minister's or a new minister's brief at any time this year?

MS GALLAGHER: So I am trying to get rid of myself from every portfolio now? The answer is no.

Tidbinbilla nature reserve—tourism

MS BRESNAN: My question is to the Minister for Territory and Municipal Services and concerns tourism at Tidbinbilla nature reserve. Minister, on their website, Conservation Volunteers Australia are offering overnight tours to Tidbinbilla nature reserve, which include room accommodation in Nil Desperandum homestead. Minister, can you advise why Conservation Volunteers Australia have advertised homestead accommodation at Nil Desperandum, given that last year's community reference group, of which Conservation Volunteers Australia are a member, on the new management plan for Tidbinbilla expressed wide disapproval of the use of Nil Desperandum for overnight accommodation?

MR STANHOPE: I do not think I can answer the specific questions asked but—

Mr Coe: It's a witch-hunt. They are in the conservation, not the preservation faction, I think.

MR SPEAKER: Mr Coe, you are now warned for repeated intervention.

MR STANHOPE: I cannot answer the specific question. I will take it on notice and provide the member with the answer to the specific question.

But I actually alluded to this earlier, and I did not want to be specific about it. There is a difference of opinion. It is quite clear that the National Parks Association has been in touch with the Greens' offices in relation to the ongoing dispute between the National Parks Association and Conservation Volunteers Australia. You know, it is a pity that the Greens, I think, air the fact that, within this tremendous community network we have, there are different points of view around Nil Desperandum.

Conservation Volunteers Australia have a view, supported by TAMS and the government, in relation to the reasonable overnight use of Nil Desperandum. The National Parks Association disagrees. The National Parks Association is really disappointed that the government did not accept every single one of its representations in relation to the Namadgi National Park. Well, I would like very much too to be able to agree with every single representation that every community organisation makes to me. But, in this particular instance, in relation to Tidbinbilla and Nil Desperandum, the National Parks Association is totally opposed to this particular use and, indeed, it has a minimalist approach to any activity in Namadgi.

Indeed, the National Parks Association does not believe that there should be orienteering events in Namadgi national park. The ACT government did not agree with the National Parks Association in relation to that either. We think orienteering is quite a reasonable thing to be undertaken in Namadgi, but the National Parks Association is disappointed and upset with the government that we did not agree with it on orienteering being banned from Namadgi. The National Parks Association is also disappointed that we actually believe that the Conservation Volunteers Australia approach to Nil Desperandum deserves to be supported.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. When did the tendering for the provision of recreational and tourism services for Tidbinbilla occur and how many applications of interest did the government receive?

MR STANHOPE: I will take the question on notice.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Minister, what environmental conditions of access have been determined for Conservation Volunteers Australia to use the site?

MR STANHOPE: I will take that question on notice too.

I really do regret the fact that the Greens here are stirring up this dispute that is going on between the National Parks Association and Conservation Volunteers Australia. The government has genuinely sought not to play favourites between the National Parks Association and Conservation Volunteers Australia. I think it is a matter of regret that the Greens have decided to back the National Parks Association to the hilt in relation to this disagreement that has occurred between two fantastic voluntary community organisations. They are both fantastic organisations. They have a fundamental disagreement on this particular issue. I think it is a pity that the Greens feel the need to try and take sides and to pick winners in these issues.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you. Minister, what other government agencies, commercial organisations, community groups and volunteer organisations have been approached to promote and develop tourism opportunities at Tidbinbilla?

MR STANHOPE: I will take the question on notice. Certainly, the National Parks Association may have been approached, but they do not support any activity, it seems, almost anywhere. I am more than happy to provide a full answer to the question.

Capital works—program

MR COE: My question is to the Minister for Territory and Municipal Services. Minister, given the volume of capital works currently underway in the ACT, are you concerned about the disruptions to Canberrans and the increased workload on the ACT public service?

MR STANHOPE: Mr Speaker, could Mr Coe repeat the question?

MR COE: No problem. Minister, given the volume of capital works currently underway in the ACT, are you concerned about the disruptions to Canberrans and the increased workload on the ACT public service?

MR STANHOPE: As the Treasurer has just outlined, there has been over this last year an unprecedented level of capital works initiated and pursued by the ACT government. We have delivered over \$500 million just through ACT government programs. Accepting that, I think that that is just one-sixth of the total of capital works that have been delivered throughout the ACT this year.

I will check those numbers, but my memory is that somewhere in the order of \$2 billion to \$3 billion worth of work has been pursued over this last year. I think we need to put that into some context. Some of the ACT government's capital works are, of course, the most visible, most particularly those on roads, because we are responsible for roads.

But our memories, it seems to me, are short in relation to some of these issues. There has been some community commentary about the amount and level of roadworks

within the ACT at the moment. We believe that level of roadworks is appropriate. It also needs to be remembered that, in the context of the global financial crisis, this government, in concert with the commonwealth government, took deliberate decisions in relation to what capacity did governments have working together and in partnership to deal with the threats that the global financial crisis presented to this community and, indeed, to the whole of Australia in relation to jobs, in relation to economic activity, in relation to confidence.

This government deliberately pursued a policy of supporting jobs, supporting the economy, supporting Canberra families through the capacity that we had to enhance capital works. You see the fruit of that on our roads to some extent. We have over this last two years had historically very high levels of investment in government infrastructure. It is very necessary investment. To some extent, it is overdue investment in some of our public infrastructure.

To suggest, as the question implies, that we are doing too much is an amazing suggestion. The suggestion is that we are doing too much, that we are disrupting the life of the city. I find it remarkable that the Liberal Party now all of a sudden are posing questions to the government: “You are doing too much work.”

Mr Coe: Mr Speaker, I raise a point of order on relevance. The questions were about whether he could confirm disruptions to Canberrans, but also I asked whether he is concerned about the increased workload on the ACT public service.

MR STANHOPE: I was getting to that. There is still plenty of time and I will answer it in full. But in the context of disruption, to suggest that there is so much work that it is disrupting the life of the city suggests that there is an implied criticism of the fact that we have delivered over half a billion dollars of capital works and we will do more in the current financial year.

Of course, any question from the Liberal Party in relation to infrastructure always has to have underpinning it the fact that this year—the Treasurer was too polite to say this, but I am not—the sum total of capital works delivered in this last financial year is greater than the total sum of capital works delivered by the Liberal Party in six years.

In the context of the capacity of our agencies to deliver, our agencies have actually illustrated quite conclusively that, in delivering 74 per cent of the capital spent this year, an historic investment of over \$500 million in infrastructure in the ACT, they have handled it with aplomb. I have absolutely no concerns about their capacity to handle an even more enhanced capital works program in the year to come.

MR SPEAKER: A supplementary, Mr Coe?

MR COE: Thank you, Mr Speaker. Minister, are the relevant government agencies—whether it be Roads ACT, Procurement Solutions or others—charged with the responsibility of managing all day-to-day aspects of the territory works program sufficiently skilled and resourced?

MR STANHOPE: Yes, I believe they are sufficiently skilled and resourced. Indeed, you raise Roads ACT most particularly and Procurement Solutions. Roads ACT have

an enviable record of achievement in relation to the delivery of capital works. Look at the achievements of Roads ACT over this last year. It has been a massive effort and it has been achieved very professionally and extremely well. I do not know whether, underpinning Mr Coe's question, there really is a suggestion that either Procurement Solutions or Roads ACT, because of the issue in relation to the GDE—

Ms Gallagher: I think it might have been.

MR STANHOPE: You think it might have been? It might have been a shot at Roads ACT or Procurement Solutions in relation to the Barton Highway bridge. Of course, it is, Mr Coe. I think, Mr Coe, it would serve us all well if we simply awaited the outcome of the WorkSafe inquiry into that particular issue.

Mr Coe: You raised it, Jon.

MR STANHOPE: For you to be standing here today, the day after the—

Mr Seselja: We didn't even mention it. You are paranoid, Jon.

MR STANHOPE: So the question had nothing to do—

Mr Seselja: You are paranoid, mate.

MR STANHOPE: It did, and it is underhand. It is underhand; it is unnecessary. Here we are, within 24 hours the Liberal Party are out there gunning for someone. And who do they gun for? They go straight for hardworking, professional, diligent public servants. They are out there gunning for Roads ACT and Procurement Solutions. I must say, Mr Coe, that it is underhand. It is unbecoming, but it is so typical. It is so typical. At one level, I guess I am surprised that it took you 24 hours.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker. Chief Minister, are there any areas of your departments where you have concerns about performance and/or service delivery?

MR STANHOPE: At times I guess probably every incumbent government has some concern about just how professional—so if I have concerns it is about the rigorous, apolitical, objective nature of advice that I have received sometimes on what are quite patently absurd proposals put up by the Liberal Party and others in relation to, say, legislation. For instance, I thought some of the responses I got from TAMS in relation to just how ridiculous your proposals were in relation to drug testing legislation were far too objective. Where they actually stood by their objectivity, they failed to give me the advice I needed on exactly how absurd your proposals were.

Mr Hanson: Mr Speaker, on a point of order as to relevance, the question was not regarding advice that he has received; it was regarding concerns about performance and/or service delivery.

MR SPEAKER: I would ask the Chief Minister to come to the point of the question.

MR STANHOPE: The point was: am I concerned about advice that I have received? I have to say that when members in this place put up proposals as dumb as Mr Hanson's proposal in relation to—

Mr Hanson: Warn him, Mr Speaker—

MR SPEAKER: Chief Minister—

Mr Hanson: He is ignoring your ruling.

MR SPEAKER: I think it is clear, Chief Minister.

MR STANHOPE: You are splitting straws here. We have a wonderfully professional public service. I am fully supportive of them. Of course, there are always instances where each of us could do better than we do. There would be nobody in this place that would dare stand and suggest otherwise. Perhaps there are—let us not be too generous here. I support our public service. They are hardworking and they are professional. They do not deserve this sort of snide undermining, which we are now seeing from the Liberal Party, in relation to the pursuit of their professional duties. Here we have already the start of a campaign by the Liberal Party in relation to this particular issue. It cannot wait for the outcome of the inquiry.

MR SPEAKER: Thank you, Chief Minister.

Mr Stanhope: It cannot wait to see what the truth of the matter is.

MR SPEAKER: Chief Minister—

Mr Stanhope: Here we are, damning the reputations of hardworking, professional public servants.

MR SPEAKER: Chief Minister, sit down.

Mr Hanson: He is ignoring you repeatedly, Mr Speaker. Aren't you going to warn him?

MR SPEAKER: Chief Minister, I really do not expect to have to ask you repeatedly, when your time has expired, to sit down. Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Chief Minister, have there been any concerns brought to you about the workload of public servants and whether this is putting undue pressure on some areas of your portfolios?

MR STANHOPE: I do, of course, from time to time, as every minister would, receive representations or have conversations with chief executives and senior executives in relation to the workload implications of particular initiatives that government pursues. I do not think there would be a single budget initiative that would be agreed or a policy initiative where, of course, there is not an immediate

consideration of the resources available to deliver a particular policy. So to this extent—do departments raise issues with ministers, and particularly have departments for which I am responsible ever raised with me the implications for workload or capacity?—of course they have. It happens. I cannot remember specific instances but certainly issues are raised with me—that, if the government pursues a particular policy, it will of course have resource implications. There is only so much capacity in the department or in the unit. That is a regular occurrence, I would say, and every minister would have received such representations, and always will.

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

Supplementary answer to question without notice Alexander Maconochie Centre—women’s and children’s program

MR CORBELL: In response to a question I took on notice in question time yesterday, when Ms Le Couteur asked me whether the location of the women’s cottages in the AMC or the number of female prisoners was preventing delivery of services to those prisoners, I can advise Ms Le Couteur that the location of the cottages in the AMC and the number of female prisoners do not prevent the delivery of services.

The willingness of female prisoners to participate in both education and criminogenic programs has affected the delivery of these programs at times. This is because some programs—for example, cognitive skills and alcohol and other drug programs—require a minimum number of participants.

Traditionally, the therapeutic community program is presently only delivered to male prisoners as it is still in the pilot phase. In due course, if evaluation suggests the program can be delivered appropriately and effectively to women, it could be delivered to that cohort of prisoners in the future.

Planning—Kambah Village

MR SMYTH (Brindabella) (3:11): I move:

That this Assembly:

(1) notes:

- (a) the increasingly rundown state of Kambah Village shopping centre and the surrounding environment;
- (b) the way in which the suburb of Kambah has evolved over the past 10 years, particularly in relation to the provision of shopping facilities; and
- (c) the need for appropriate planning for this area to take account of:
 - (i) developments that have taken place;
 - (ii) the loss of schools from this area;

- (iii) the existing infrastructure; and
 - (iv) developments which are proposed; and
- (2) calls on the ACT Government to:
- (a) commission a master plan of the Kambah Village site and surrounding environment, taking into account relevant economic, environment and social objectives;
 - (b) consult with local businesses, residents, community and sporting organisations and other people with appropriate expertise in preparing this master plan;
 - (c) take into account in preparing this master plan:
 - (i) the potential for the redevelopment of existing businesses and infrastructure;
 - (ii) the opportunities for new commercial and community activities; and
 - (iii) the existing road structure; and
 - (d) report to the Legislative Assembly with a completed Kambah Village Master Plan by the first sitting week in September 2011.

The focus of this motion is about shopping in Kambah, in particular the Kambah Village. And those of us that have lived in Tuggeranong or worked in Tuggeranong would know the area well. Kambah is, of course, the largest suburb in the ACT and when it was designed it was designed with about seven locations for retail activity.

I want to raise the matter of Kambah Village for three reasons: firstly, my observations over recent years of the state of this retail precinct; secondly, complaints I received when I visited the shop owners there with Giulia Jones, our Liberal candidate for my former seat of Canberra; and, thirdly, the changing nature of Kambah over the last 30 years.

I think it is appropriate to provide a short history of retailing in Kambah. When the suburb was planned as the first suburb in Tuggeranong it had seven retail sites identified because it covers a large geographic area, something akin to four times the size of an ordinary suburb. When Canberra was first planned, this structure of retail sites may have been appropriate. Ultimately, however, the reality of the presence of larger centres, particularly the Tuggeranong town centre, has had its effect on the commercial viability of some of these retail centres, as for instance, has the change in retail hours.

Of the seven sites, three are now closed. The Marconi Crescent site is now occupied by professional offices. The Livingston Avenue site remains shut and looks very run down and dilapidated. And the O'Halloran Circuit site remains vacant. Of the four operating sites, Castley Street has a single IGA store and looks in pretty good

condition. The Carleton Street shops have been refurbished and this precinct looks quite vibrant. And the site in Mannheim Street has been upgraded somewhat after looking extremely run down some years ago, although, unfortunately, the surgery is long closed and neglected.

The major retail and business centre for the suburb of Kambah is, of course, the Kambah Village, where there is a combination of retail premises, professional offices, a tavern and nearby a major club, a business centre, an Anglican church, restaurants, a childcare centre, as well as a service station and some attached businesses.

A key issue that I want to focus on today is the Kambah Village precinct and what the future holds for this relatively small but significant commercial centre. What I propose is that a proper master planning project be undertaken for the Kambah Village commercial precinct, a master planning project that recognises the location of this precinct at the gateway to Tuggeranong and the potential for this precinct to become a vibrant area for commercial, community and other activities.

A master plan prepared after appropriate consultation with all interested parties and individuals will enable proper consideration to be given to such matters as whether any changes are required to the existing buildings; the potential for new commercial developments to be undertaken; whether any changes are required to parking arrangements, including the possibility of a park and ride capacity; whether any changes are required to roads serving the precinct; particularly of interest to the older patrons of the Kambah Village, the footpath and pedestrian access; the issue of security should be addressed; links to Kett Street; as well as the service station complex and its effect upon the Kambah Village.

I note that under the former Liberal government some refurbishment was undertaken of Kambah Village and the somewhat quirky sheep, that I think we all associate with Kambah, were one of the outcomes of that project. But 10 years ago, it did upgrade the facilities in a very meaningful way, and more recently there has been, under the current government, some relatively minor refurbishment of the playground and the surrounds.

As the Tuggeranong Valley has matured, however, the time has come for a complete review of the way in which Kambah Village, as a substantial suburban retail centre, provides various services to the community. The first homes were occupied in Kambah in the early 1970s. Over the following nearly 40 years, Tuggeranong has evolved as a major urban, commercial and residential area which houses some 90,000 people, who have of course the superb views over the Brindabella Range, who call it home.

It is now possible to stand back and see how Kambah Village fits into this emerging and maturing community and use this contemporary perspective to consider the possibilities for this valuable, but smaller in comparison to centres like Tuggeranong and Erindale, commercial and community precinct. We also need to be able to take into account the new retail policy that has been promulgated by the Labor government.

Members will recall that we debated late last year the future of the Erindale centre. And we concluded that it would be appropriate to develop a master plan for that larger

retail, commercial and community precinct. In much the same way, there are similar issues with Kambah Village. Hence, such a review as this could enable a comprehensive look at the hierarchy of centres in the Tuggeranong Valley and indeed would fit in with the master planning exercises that are currently underway for Tuggeranong and for Erindale.

I will mention a few complaints about the Kambah Village that particularly some of the residents and some of the shop owners and managers have. And a lot of it concerns maintenance issues. They are particularly concerned with the status of the paving and reports have been made to me of particularly older shoppers who have taken a tumble. Some of the finish to the street furniture has deteriorated and has not been replaced. There is considerable concern with the drains, in particular when it rains. And one of the shop owners reported to me that she has to go out and unplug drains and downpipes when it rains because of the way that the system works.

With these issues at one angle and with the concerns that have been raised by residents who do not like some of the effects of, for instance, the ironbarks that are there and that tend to give off a lot of sap, which makes the place look untidy and which does affect the quality of the buildings and some of the street furniture as well, it is not just opportunism to say there should be a master plan here. I think there is a clear case that can be made and has been made that this is the ideal time to undertake it.

When I visited with Giulia Jones, I received a number of complaints about this. It is not about things like paving, it is about the size of the supermarket, the nature of the trees and the sap that they drop, and the effect on the street furniture. It is then important to tie all that together and come up with a master plan that addresses all of these issues.

It is also important to make a brief comment about the location of the Tuggeranong town centre and the effect that it actually has had on places like Kambah. The town centre was actually planned to be in the centre of Tuggeranong and, when the plans for this, then new, city were discussed with the first Legislative Assembly, substantial disquiet was expressed about two matters: first, having a significant residential development on the west bank of the Murrumbidgee River and, secondly, therefore, having five major bridges across the river to connect the western and the eastern areas of the new town centre at Tuggeranong.

Ultimately, the proposed developments on the west bank were abandoned. By this time, however, the initial development of the town centre was underway. Indeed, some of the longer term residents—and I am sure Mr Hargreaves will remember—will remember the telephone exchange that sat all alone beside the road to Pine Island for so many years. And it took about two decades for the city to catch up to the infrastructure.

Consequently, today we have the major town centre not in the centre of the city but on the edge of the city and we have a much smaller satellite city that was originally planned. And of course this all has an effect on the operation of retail outlets in the valley.

I note Ms Le Couteur is proposing an amendment to my motion. I will comment on her amendment during the debate. But the time has come for a review of the Kambah Village precinct, in much the same way that, for instance, the Jamison centre has been refurbished. And we may recognise that there may be pressure on resources to undertake such a master planning project but would suggest the relevant priorities be established and that the planning for Kambah Village be started as soon as practicable.

The problem with this—and I am aware, and the minister and I spoke about this last week but unfortunately the motion did not get up last week—is that the government does plan some maintenance work for the village. But we also know that at the same time the supermarket in the shopping centre, Woolworths, has some interest in expanding. We have got the government's supermarket policy on the table, as it were.

At the same time, as Mr Hargreaves would know, having been seen occasionally at the Burns Club, there is activity on Kett Street. And that is having an effect as well. We have had a number of restaurants there that have come and gone. We have now got some development there of residential accommodation, and that is important too.

Just beyond the entrance to the Burns Club, there is now the refurbished scaffold, which the ACT Scouting Association have set up as their art centre for the scouts, which I think we all support. But it is, again, the very nature of the whole precinct, which is that Kambah is growing like topsy and changing, that if we are able to enhance it, if we are able to do a master plan and work consistently now for something better, we will get a long-term outcome for the Kambah Village which will be good for Kambah. That will be good for Tuggeranong, which of course will be good for the entire city.

Short-term measures in this case may see some ad hoc work being done to buildings, perhaps the enlargement of the supermarket, some other residential being put in place, so that when you do a long-term plan it might not get you the best outcome that we can get. And, given that once these things are built it is very hard to move them in a short time frame, it is important that we get this right.

Over time, I have called for a master plan for Tuggeranong. To give Mr Barr his due, he said yes, after Mr Corbell had said no for some time. We called for—and I think Mr Hargreaves in particular would remember many of the meetings at the Tuggeranong Community Council under the old management, where the whole issue of what was happening at Erindale, particularly the service station site and what will happen on the other side behind the Mobil service station where we have now got quite an interesting restaurant precinct—that work to be consolidated. We called for it for Erindale and, again, the government initially said no. Congratulations to Mr Barr and the Greens for coming on board with that one and getting that motion up. That was well done.

But it is time now, for what is probably the third most important of the group centres for the Tuggeranong Valley, the Kambah Village shops, being the northern gateway to Tuggeranong, to actually get it right and make sure that, instead of doing some ad hoc work in the short term, we do some good planning, ensure some great

outcomes and make sure that the investment that will go into a revitalised Kambah Village does deliver for the investors but, more importantly, delivers for the people of the ACT, particularly those residents in Kambah who rely on it as their primary place of shopping. I commend the motion to the house.

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) (3.23): I think that none of us would disagree with the intent of Mr Smyth's motion, which simply seeks an upgrade of the Kambah shops. It is a commendable ideal. However, I think that in any discussion around the motion we do need to put it and Mr Smyth's proposal into the context of the 90 other shopping centres that exist in the ACT and for which the ACT government accepts some responsibility.

I think the starting position for each of us in relation to this particular motion and this particular debate is that, yes, of course, in an ideal world we would wish to perhaps prioritise each and every one of the shopping centres that we have. Mr Smyth's motion today concentrates on Kambah and he has outlined why he believes that Kambah is particularly significant. In effect, what Mr Smyth has sought to outline and argue is why, of the 90 shopping centres—including, of course, all the group centres—Kambah should go to the head of the list, why Kambah should leapfrog a whole range of shopping centres throughout the whole of the ACT.

I think that is essentially what this motion is about. This is a request by Mr Smyth through this motion for the government to essentially re-jig the priority order of shopping centre upgrades. Another shopping centre in the ACT should be asked to give way to Kambah. That is what this motion is about. I do not have the list with me. I am sorry that I do not, otherwise I might have been able to give members some indication of which of the other group centres or shopping centres in the ACT will now, if the government were to pursue this particular approach, not receive the priority in the time frame that the government had proposed. That is what this motion is about—that Kambah jump the queue.

The ACT government does not believe that this is an appropriate way to determine the funding priorities of shopping centre upgrades. It is not about which particular shopping centre manages to attract the support of the majority of members of this place on a particular day. At the next private members' day, will some other shopping centre perhaps get this same level of attention and treatment? Will we actually completely re-jig the priority in relation to shopping centre upgrades? Is that the precedent we are setting today, that in future government expenditure priorities are set by a political process? Does the Assembly decide "we think Kambah is more important than any one of the other group centres that you want to name or any one of the other shopping centres around the ACT"?

The ACT government seeks to respond to the need to continually upgrade shopping centres. There have been rolling programs of shopping centre upgrades probably since the beginning of self-government. As Mr Smyth says, we all accept that different shopping centres over time have each been upgraded by successive governments. But

we have 90 shopping centres. An amount of \$1.4 million was spent on Kambah in 2002-03. That was seven years ago but of the 90 shopping centres, maybe 15 over that time might have received some significant attention. But that means there are 75 that have not. Where do they go and what does the government say to them?

We did commit over the term of this government \$8.9 million in dedicated funding to the shopping centre upgrade program. I will just touch on some of those and what we have achieved through that program. It gives some indication of the level of investment. We have over the last few years completed a couple. Over the last five years, major shopping centre upgrades that we have pursued have been at Ainslie, Deakin, Lyons, Red Hill and Scullin. Some of those are still underway.

The Ainslie shopping centre refurbishment, for instance, is underway now. That is part completed with some significant work, most particularly on the car park at the rear of the shops. Construction there commenced in March. The car park was reopened in July. We expect that program to be completed in 2010.

The Ainslie shopping centre refurbishment comes at a cost of \$1.6 million. Similarly, we have completed a \$1 million refurbishment of the Deakin shops just some months ago. It included repaving, widening the footpaths, improving pedestrian access, improving stormwater management, new lighting and street furniture. That was completed, as I say, earlier this year. I must say that the amenity really is very nice.

The Lyons shopping centre refurbishment has just commenced. The Lyons shopping centre refurbishment is costing \$1.1 million. It will go to issues around amenity for lighting, safety, pavement, and a refreshed and hopefully much more vibrant Lyons shopping centre.

The Red Hill shopping centre refurbishment will cost \$1.1 million. That is planned to commence in March 2011. We hope that will be finished in August 2011. An amount of \$1.1 million has been allocated from the local shopping centre upgrade program towards the Scullin shopping centre refurbishment. It hopefully will also lift the amenity there. We did also earlier this year, of course, complete the upgrade of the Garran shopping centre at a cost of \$1.1 million.

I think we have to consider the issues around a rolling program for major upgrades or refurbishment. There is a strategic approach adopted by TAMS in relation to shopping centres on the priority list. In relation to each of these upgrades, five are just about to commence or are underway and one has just been completed. Of course, the Garran shops are the sixth. These have all been pursued over this last year. Each of them comes at a cost in excess of \$1 million. I think the least expensive of the upgrades was just over \$1 million. It cost just under \$1.1 million at Deakin and goes up to the \$1.6 million refurbishment that is being pursued at Ainslie.

Just to put this into some context, I would invite members to consider that \$1.4 million was expended at Kambah in 2002-03—seven years ago. There are nine shopping centres. Mr Smyth makes the case for Kambah as a very important and strategically located group centre. We cannot argue with that. But I invite members, for instance, to take a visit to the Scullin shops.

By way of comparative analysis and in order to understand the sorts of issues which TAMS and the government take into account, certainly we all accept that it would be nice to invest more heavily in Kambah and in all of our group centres. But I invite members to take a drive out to Scullin, which has not had the benefit of an upgrade at any time in the last 30 years. Go to Scullin and have a look at Scullin. Then go to Page and then go to any number of other of the shopping centres in the ACT.

Mr Doszpot: It is a damning indictment of this government.

Mr Smyth: But you stopped the program for a number of years. You stopped the program.

MR STANHOPE: Okay, I am more than happy to get out a comparative analysis on this. Actually, I will bring it with me tomorrow at question time. Just have a look at the Liberal Party's record of achievement in investing. It is a poor and sorry record. We picked it up. We picked up the ball when we came into government and we have been pursuing it in a methodical, reasonable way. It included, of course, \$1.4 million of investment in 2002-03 at Kambah. If you go to the other group centres, you will see that there has been ongoing work at Southlands, at Jamison and, as I said, at Kambah. I have got nothing against Kambah—

Mr Seselja: Just Tuggeranong in general.

MR STANHOPE: except that they received \$1.4 million in 2002-03. There are 90 shopping centres. Mr Seselja asked what we have against Kambah. I think it is fairer to ask what has Mr Seselja got against that group centre or that shopping centre that will miss out completely if the government were to pursue this particular motion. What have you got against—

Mr Seselja: Maybe a little bit less of the public art.

MR STANHOPE: I am going to bring it in, Mr Seselja, tomorrow and I will let you know. I will let you know which of the shopping centres in the priority list, determined on objective criteria by the Department of Territory and Municipal Services, will miss out if this motion as proposed by Mr Smyth is pursued. We will identify this. We can do it.

Mr Seselja: The arboretum. We will take it from the arboretum.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Seselja, please! You have been a really good boy so far.

MR STANHOPE: We can work out which shopping centre will be displaced as a result of Kambah having received \$1.4 million in 2002-03 going straight back to the top of a list because of a political intervention in the process as proposed through this motion.

We are talking about 90 shopping centres. That is at the heart of this motion. What about the 89 that are not included in this motion? What do you say to those

89 shopping centres? What do you say to them? What do you say to them? What is your process for excluding the rest of them? What is your process for saying, “Yes, Kambah received \$1.4 million in 2002-03; seven years later we want to repeat it”? What are you going to say?

Mr Doszpot: Ask the community, Jon. What would the community want—an arboretum or shopping centres?

MR STANHOPE: What are you going to say to all those other shopping centres that still have not actually received any investment? Are they going to say, “Kambah gets another million dollars and we get nothing. It gets another million dollars on top of the \$1.4 million it has had and you get nothing.”

Mr Doszpot: It is a memorial to Jon Stanhope. The arboretum gets most of the—

MR STANHOPE: We would be asked to explain that to them.

MR ASSISTANT SPEAKER: Mr Doszpot, Mr Coe is on a warning. Do you want to make it two? Keep it down.

MR STANHOPE: But there is an alternative here which we should be focusing on and that is the work that is currently underway as a result of interest expressed by the owner of the Woolworths store to extend. The government is currently dealing with a potential direct grant of land for an expanded Woolworths on this particular site. That possibility does present enormous opportunities to achieve some of the outcomes that Mr Smyth is proposing. Hence the amendment which I have circulated and which I will now take the opportunity to move. This amendment focuses very much on the opportunities presented by the fact that work has been signalled if a direct grant application—

MR ASSISTANT SPEAKER: Stop the clocks, please. Just by point of clarification, Chief Minister, was it your intention to amend Mr Smyth’s motion or Ms Le Couteur’s foreshadowed motion?

MR STANHOPE: I thought my amendment had been circulated. My amendment is to Mr Smyth’s motion.

MR ASSISTANT SPEAKER: Okay.

Mr Smyth: Then where is it?

Mrs Dunne: It hasn’t been circulated.

MR STANHOPE: I will have to find it and circulate it. I do not know where it is. I thought that had been done. I beg your pardon.

Mr Doszpot: It is like the shopping centres.

MR ASSISTANT SPEAKER: Mr Doszpot, please. Mr Stanhope, perhaps you might like to do something in the next two minutes, 37 seconds.

MR STANHOPE: I will. Here it is. I move a motion circulated in my name, which actually focuses very much—

MR ASSISTANT SPEAKER: Chief Minister, I am sorry about this. I am just going to get technical. You are actually moving the amendment circulated in your name, not the motion.

MR STANHOPE: Yes

MR ASSISTANT SPEAKER: Thank you very much. Restart the clock, please.

MR STANHOPE: I move the amendment circulated in my name:

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

“(1) the significant ACT Government investment in the Kambah Village shopping centre over the past decade, including the \$1.4m refurbishment in 2002-2003, which included:

- (a) addressing access needs of the disabled, elderly, young children and families;
- (b) improving signage;
- (c) planting low maintenance vegetation;
- (d) enhancing vehicle movement and parking measures;
- (e) revitalising the internal shopping centre courtyard through the replacement of the existing paving, lighting, street furniture and play equipment; and
- (f) installing shade structures, as well as timber decking and associated artworks;

(2) through consultation, the potential for further redevelopment of existing businesses and opportunities for new commercial and community activities that will flow from further upgrade works being examined by LAPS, including:

- (a) land release and development opportunities at Kambah Village;
- (b) the current physical design of the Village;
- (c) car parking access and circulation issues;
- (d) a new ‘front door’ entrance that will direct shoppers from the main car park into the Village;
- (e) improved weather protection for shoppers and pedestrian movement between the shops and car park; and

- (f) ensuring parking capacity and requirements are met and are consistent with ACT parking guidelines;
- (3) that the ACT Government will report on these upgrade works to the Assembly and the community in the 2010-2011 Annual Report; and
- (4) that master planning priorities should be determined through the budget process on the basis of need, reflected through community consultation, rather than through a political process.”.

The amendment goes to the very issue of the opportunities that are presented as a result of proposals that might come to pass for a direct grant and an expansion of Woolworths, which would lead to significant change to the look of the area and provide very significant opportunities to deal with some of the issues which Mr Smyth has raised as being of concern. They are issues of concern with which none of us disagree.

As a part of that process, the Department of Land and Property Services has initiated the process for a design option study for Kambah Village to outline further development opportunities and to outline the potential to achieve the very sorts of outcomes that Mr Smyth seeks to achieve. But it will do this, we believe, in a more reasonable way, in a focused way and in a way that does not intrude into the objective decision making of the Department of Territory and Municipal Services in relation to the identification in a reasonable, ordered way of upgrades for the shopping centres across the whole of the ACT and does not just focus on the one shopping centre which is the focus of political interest on a particular day.

MR ASSISTANT SPEAKER: The question is that Mr Stanhope’s amendment be agreed to. Mr Seselja, before you proceed, are you speaking to the substantive motion, to the amendment or to both of them?

MR SESELJA (Molonglo—Leader of the Opposition) (3.38): I will speak to both, if I could, Mr Assistant Speaker.

Mr Smyth: We haven’t got the amendment. We don’t know what it says.

MR ASSISTANT SPEAKER: It was just a point of clarification. Thank you, Mr Seselja.

MR SESELJA: Thank you, Mr Assistant Speaker. I thank Mr Stanhope for his contribution. Effectively the Chief Minister is telling the people of Kambah, “Well, you should just be grateful for what you’ve got.” He is saying—

Mr Stanhope: What about the 80 that missed out, Zed? What do you say to the people of Scullin?

MR ASSISTANT SPEAKER: Chief Minister, please have a seat. It is hard enough to control him without your statements.

MR SESELJA: Effectively his argument is: “This government has done such a terrible job everywhere else that you should be grateful, Kambah, that you’re not as bad as some of the others.” That is the argument that we are hearing from the Chief Minister today as he scuttles off again. It caused us some amusement, I think, as we listened to that argument from Mr Stanhope. What he is saying is, “No, no, no, we can’t help Kambah, and the reason we can’t help Kambah is that we haven’t helped any of these other centres.”

Because he has not done a proper job in Scullin or Evatt, he seems to suggest through his words today that the people of Kambah should be grateful. Effectively he is saying, “Let them eat cake.” He is saying, “Accept what you’ve been given by this government. Gratefully accept what Mr Stanhope has given you.” We could go to all of the examples where Jon Stanhope has chosen his personal interests over the maintenance of local shopping centres.

Let us have that debate. There was the \$1 million spent on the twisted bits of metal on the side of the GDE. Now, there’s a shopping centre upgrade. There was the \$5 million wasted by this government on the busway that was only going to get there over your dead body, Mr Assistant Speaker. It was only going to be delivered over your dead body and, Mr Assistant Speaker, you are still alive. I am pleased to advise that Mr Assistant Speaker is still alive; Mr Hargreaves is still with us. That \$5 million was thrown away. There’s another five shopping centres. Then there was the five million bucks that Mr Stanhope and his government wasted on FireLink for nothing.

Mr Smyth: There’s another five.

MR SESELJA: There’s another five shopping centres.

Mr Smyth: Fifty million on the arboretum.

MR SESELJA: Another \$26 million extra in this year’s budget for the arboretum. These are the priorities, the choices, that governments have. This government has chosen to neglect local communities. It has chosen to neglect local centres like Kambah. I commend Mr Smyth for bringing this motion forward. I commend him for the work he did in talking and listening to the people of Kambah. I was pleased to see when I read the *Chronicle* today the wonderful work of Mr Smyth on this issue for the people of Kambah.

We see the pattern. We have raised it right across the ACT. We have seen all of the Liberal members going to the local shops in their electorates, talking to the shop owners and customers and saying, “What can be done better?” Jon Stanhope’s answer is: “Well, it could be worse. You know, it could be worse for Kambah. It could be Scullin.” Why do the people of Scullin have to be treated in this way? It is because the government’s focus is on other things. They have not been able to control the costs and they have not been able to control their spending. They have spent tens of millions of dollars of our money with no result, in some cases, or a result that most Canberrans would reject.

Jon Stanhope comes in here and tells us that we should be grateful. More offensively, he tells the people of Kambah that they should be grateful for what they have been given. We reject Jon Stanhope's disdain for the people of Tuggeranong. We can talk about Kambah in this case, but we have seen it over the years, haven't we? We have seen how the people of Tuggeranong have been treated by this government. We could go to the examples. Their schools were closed when they were told they would not be. This is the Chief Minister who tried to put a power station in their backyard. That is what he thinks of the people of Tuggeranong. If he was not trying to put a prison or a dragway in their backyard, he was trying to put a power station in their backyard.

You have got to ask: what is it about the people of Tuggeranong that has done so much to offend this government and this Chief Minister? We have this tirade again today against the people of Kambah, when effectively he says, "Well, what do you want? We put some money into it like 10 years ago." Ten years ago they put some money in, apparently. He says, "Go down to Kambah. It's fantastic." I do not know when the Chief Minister last went down to Kambah or the Tuggeranong Valley, but when you go to Kambah you see it.

I again commend Mr Smyth for bringing this forward. The point that he makes is absolutely right. Kambah is a critical group centre. It is our biggest suburb—the biggest suburb in Canberra. I go down to Kambah shops and I see that, in the context of the shops nearby and the population there, what the people of Kambah have in that centre is not good enough. It has one of the smallest Woolies in Canberra. Yet there is a lot of potential.

Mr Smyth is doing the hard work of a local member who goes and listens and says, "Well, yes. We can do something." Is it a priority? Well, yes, it is a priority because we have got Canberra's biggest suburb being poorly serviced by its local centre, its group centre. There is no doubt about it. I do not think anyone is going to get up in here and say that the Kambah group centre is as we would expect for a suburb the size of Kambah. There is no doubt about it.

I lived in the area in my early days and not much has changed in Kambah Village since the 1980s. Not much has changed from when the demographics of Kambah were very different. But we still have a significant population base there. We now have an older population, which in many ways relies even more on good local services.

Mr Barr: That's a considerable concession from you, Zed, on an older population in Kambah.

MR SESELJA: What was that, I am sorry?

Mr Barr: That's a very big concession you've just made.

MR ASSISTANT SPEAKER: Conversations will cease, please, gentlemen.

MR SESELJA: This is an important motion which does a number of things. Firstly, it acknowledges that local services or local grassroots work is core business for this

Assembly. It is certainly core business for the Canberra Liberals, even if this government prefers to spend money on other things. It highlights the hypocrisy of Jon Stanhope, who comes in here and tells us he does not have the money but we constantly see him spending money on frivolous exercises, at best. He effectively says to the people of Kambah and Tuggeranong that they do not deserve this spend. But we disagree with that.

Finally, the motion acknowledges that there is actually a planning outcome here that could be really good with a bit of work. There is space there. You have got the playing fields and lots of car parking at the back. You have the space to make this a far better centre than it is. The opportunities, whether they be for park and ride or all sorts of other things, are there. But you need to do the planning. You need to actually have a think about how you want this area to grow.

If this is not core business then we may as well all go and do something else. This is core business. People expect that the basics will be taken care of by the ACT government. They want health, education, police and roads and they want their local services. They want their local amenities taken care of. This government has failed dismally at that. If the best argument that can be put up by this government after nine years in this place is “it could be worse; you could be in one of the 80-odd other suburbs we’ve neglected” then it is not good enough. Why have you neglected those others? We are highlighting Kambah because it is one of many that require resources. It is one of many that have been neglected by this government. We know that this government is very good at wasting our money. We say: redirect some of that wasted money and put it back into core services.

I again commend Mr Smyth for the work that he has done in bringing this to the attention of the Assembly. I commend him for his very active work in the community for the people of Brindabella, in this case for the people of Kambah and Tuggeranong. That is a commitment that is not matched on the other side. It is certainly not matched by the Chief Minister, who continually shows his disdain and whose response to this motion shows just how out of touch he is. It indicates just how out of touch this government is with the real needs of the community in Tuggeranong. (*Time expired.*)

MS LE COUTEUR (Molonglo) (3.48): I will speak very briefly at this point because I have an amendment which has already been circulated. My amendment is not an amendment to Mr Stanhope’s amendment. It is an amendment to Mr Smyth’s original motion. I understand that procedurally I am going to have to wait until after Mr Stanhope’s amendment has been dealt with to deal with mine.

I have quite a degree of sympathy for the sentiments which Mr Stanhope has addressed around trying to work out what part of the ACT should be planned and what part should have resources. That is basically why I have put in my amendment. It deals with a process that we can actually use to try and keep some of the politics out of planning, so that we can have some rational process for deciding where we are going to put our planning resources, where we are going to put our very limited resources. I will not speak any longer now—otherwise I will be repeating what I plan to say about my amendment. I just foreshadow that, once Mr Stanhope’s amendment, which we will not be supporting, has been addressed, I will move my amendment.

MR DOSZPOT (Brindabella) (3.50): I rise in support of the motion by Mr Smyth, a timely motion that highlights the attitude of this government and their long-term neglect over the past nine years towards the community serviced by the Kambah Village and, indeed, towards Tuggeranong as whole.

We have been highlighting for years the fact that Tuggeranong generally has been left out of much of the overall infrastructure planning of the territory. The Tuggeranong town centre itself has prompted prominent members of the community and businesses to highlight the decline over the past few years, exemplified by the fact that there are over 25 empty shops in Anketell Street and the Hyperdome Shopping Centre.

This decline has seen Business Tuggeranong issues headlined in the *Chronicle* recently, with prominent and dramatic headlines like last week's "Save our town centre". The facilitator for the Business Tuggeranong group, Jill Faulkner, was quoted as saying:

Having a master plan for Tuggeranong is critical, I think it's strange that there hasn't been one developed as the majority of other town centres have them.

Well, Ms Faulkner, I also think it strange and, prior to being elected to the Assembly, I had been calling on Mr Hargreaves and this government for the past eight years to heed the call of this community and treat Tuggeranong with the same respect they have for other areas. As Ms Faulkner so rightly stated in the *Chronicle* article I mentioned:

There has been a lack of planning for Tuggeranong, things just seem to happen here with no overall view on how it fits in with the area.

We have to plan what needs to happen here, instead of it just happening.

Then we look at Calwell, where all the previous comments can just as well apply—and also to the businesses around the Calwell shopping centre. The residents and the Neighbourhood Watch group there, led by Nick Tsoulas, have been trying to get the government to focus on this growing, yet much neglected, area. Mr Hargreaves, during his tenure as a minister, did precious little to answer the call of the locals. In fact, I well remember one instance over six years ago when I presented a petition with 600 signatures, on behalf of the Calwell and nearby communities of Isabella Plains and Theodore, calling for action to upgrade the Calwell shopping centre surrounds. Mr Hargreaves commented that, even if I had 6,000 signatures, he would not budge from his stance. Well, his constituents from this area have largely deserted him. They have changed tack and have been trying to engage with the Chief Minister, but their calls for attention here too are falling on deaf ears.

Which brings us back to Mr Smyth's motion, which again highlights the attitude of this government. It highlights the long years of neglect that have been the significant trademark of this Stanhope government over the past nine years. Mr Smyth's motion focuses on the real and urgent needs of the Kambah Village retail precinct, the real and urgent needs of the businesses of Kambah Village and the real and urgent needs of the community that rely on the Kambah village for their day-to-day requirements.

Mr Smyth has already pointed out the history of retailing in Kambah. When the suburb was planned as the first suburb in Tuggeranong, it had six retail sites identified. The structure of retail sites may have been appropriate back then, but the larger centres, particularly the Tuggeranong town centre, have had their effect on the various retail centres in Kambah. Of those six original sites, only four remain in operation today, while, of the two closed sites, the Marconi Crescent site is now occupied by professional offices, and the Livingston Avenue site remains shut and is becoming more and more run down and dilapidated.

This has all been of concern to the residents for some time, but this government has not listened to the community of Kambah. I applaud Mr Smyth for taking on the call of the concerned business owners and the Kambah Village, and the community who are pushing for a revamp of this area to take place.

The major retail and business centre is Kambah Village, where there is a combination of retail premises, professional offices, a tavern and the Burns Club, which has become a growing hub for this community. Their growth has also raised the need to look at parking in the area, as well as the traffic flow. All of these factors obviously have an impact on the business centre, the Anglican church, the restaurants and the childcare centre. Mr Smyth's motion highlights their growing concerns and asks a question of this government about what the future holds for the small but significant commercial centre of Kambah Village.

The residents of Kambah have received a number of cutbacks in recent years. From around five smaller shopping centres scattered throughout the suburb, Kambah Village now remains the focal centre. It is high time that their situation was addressed. As the business owners point out, it is over 10 years since any work of any significance has been carried out.

I also support the call for a master plan to be prepared, after appropriate consultation with all interested parties and individuals, that will enable proper consideration to be given to such matters as whether any changes are required to the existing buildings, what potential for new commercial developments could be undertaken and whether any changes are required to parking and traffic flow arrangements to cope with the increased community patronage of their main local business and shopping hub.

I applaud Mr Smyth's motion, and, indeed, Ms Le Couteur's amendment, which we have yet to talk about. But I certainly applaud Mr Smyth's motion and endorse his call on the ACT government to commission a master plan of the Kambah Village site and surrounding environment, taking into account relevant economic, environmental and social objectives, to consult with local businesses, residents, community and sporting organisations and other people with appropriate expertise in preparing this master plan and to take into account in preparing this master plan the potential for redevelopment of existing businesses and infrastructure, the opportunities for new commercial and community activities and the existing road structure and to report to the Legislative Assembly with a completed Kambah Village master plan by the first sitting week in September 2011. Thank you, Mr Assistant Speaker.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.56): Thank you, Mr Assistant Speaker. I rise in support of the Chief Minister's amendment and indicate, obviously, that, whilst the government do not support Mr Smyth's motion in its original form, I do acknowledge that the issues raised in the motion are important ones. As I said to the Assembly, in responding to Ms Bresnan's motion earlier in the year in relation to master planning for Erindale, the government are taking a very careful approach to planning in the entire Tuggeranong Valley. In Tuggeranong, as indeed in the rest of the ACT, we are looking to make our city more ecologically and more economically sustainable. But, whilst we are looking forward, Mr Assistant Speaker, there are indeed a number of legacy issues we need to deal with, which do impact on how we go about achieving these goals.

Members will recall from earlier debates that I have outlined the way Tuggeranong was developed when it was originally planned. Mr Smyth touched on some of this in his speech. Clearly, the thinking about the development of our cities was quite different back then. At that time, the key influence on the urban form was transport, particularly the car, and creating an efficient city structure that enabled easy movement between Canberra's various centres. Since then, I think it is fair to say, there has been a significant evolution in thinking and, with the realisation that cities of the future face challenges around energy and water, particularly due to climate change, planners are now seeking to build adaptable cities. This means a reduced ecological footprint, less resource use, and most importantly, the ability to cope with change into the future.

This means, clearly, that our community must also adapt. We must be thinking about how we live and the sort of city that we live in. We must plan for a population that is changing and moving—and that is particularly relevant in the context of Kambah. When I lived in Kambah in the early 1980s, it was a very different suburb than it is in 2010. We need to accept that there is a need for higher levels of housing and urban density, that the quarter-acre block can no longer be the only form of housing, that this is no longer sustainable.

And so, mindful of this, at the last election ACT Labor committed to invest in planning studies and master plans for the Tuggeranong town centre. That work is currently being done, and the master plan process will provide a sound basis for future decision making. It will provide a wide angle snapshot, if you like, of the Tuggeranong town centre's infrastructure capacity.

Mr Assistant Speaker, the government has invested heavily in a number of significant master planning projects over the past two years. These have focused on areas where emerging issues and changing demographics have required a refocus from a planning perspective on particular areas of the territory. Members would be aware that the Gungahlin town centre master plan is nearing completion and that master planning for the Dickson and Kingston group centres has undergone comprehensive community consultation and is at a stage where consultation reports will soon be released for further public comment.

As part of an ongoing program, ACTPLA has scheduled a number of master planning projects which are to be completed in 2010-11 and 2011-12. As members have already identified, this planning process will include a joint study of the Tuggeranong and Erindale centres. There will also be planning work done in Pialligo, Oaks Estate, Hall and Tharwa. Now, of these, the Tuggeranong and Erindale centres studies are funded for this financial year. Pialligo is scheduled to commence in the final quarter of this financial year, and the Oaks Estate study is a joint effort involving ACTPLA and LAPS. It is intended to undertake master planning for Hall and Tharwa villages in 2011-12, subject to budget funding. In that context, I look forward to the unanimous support of members for that funding.

The government considers the priority needs for master planning, using a range of criteria, including when planning work was last undertaken for the area, proposals for significant infrastructure investment; for example, public transport, bus stations, and the economic vitality of the area. The Tuggeranong and Erindale centre joint planning project is scheduled to be completed by mid-2012. Its main purpose is to establish a workable future direction for the area. Community consultation will be extensive and will play a central role in determining how the area will develop and redevelop into the future. Many issues will be considered during the course of this project, including the impact of any proposed changes to the area on other nearby centres, particularly Kambah—and, indeed, depending on the range of decisions and outcomes from the Tuggeranong and Erindale process, there could indeed be significant impacts on Kambah Village, and so it will be important to consider those.

The Tuggeranong and Erindale centre study will look at the adequacy of current infrastructure, including roads, car parking, cycle and pedestrian paths, public transport and utility services. In relation to Erindale specifically, the ACT strategic public transport network plan and service design report highlights the importance of the area as a public transport interchange, due to its location. This new master planning work will be conducted in a similar manner to that being currently undertaken in Dickson and Kingston. As with those plans of engagement, local businesses, residents, shop owners and young people will generate new ideas and develop greater community ownership towards the outcomes. Just as we're doing in Dickson and Kingston, we are determined to listen to the community in developing a plan for the Tuggeranong Valley. The government will continue to ensure that Tuggeranong—in fact, the entire ACT—develops in a way that is both economically and environmentally sustainable.

Whilst the issues at the Kambah Village precinct warrant attention in terms of maintenance and longer term viability, the government is already taking action to ensure that these aspects are addressed. The Chief Minister has indicated that the Department of Land and Property Services and ACTPLA are already working on a planning and design study for the Kambah Village. The primary objective of this study is to look at the design of the centre and to identify opportunities to expand the Woolworths store and potentially create more mixed use within the centre.

The second part of the Chief Minister's amendment goes to the range of issues that that study will consider: land release and development opportunities at Kambah

Village; the current physical design of the village; car parking access and circulation issues; the need to create a new front door entrance that will direct shoppers from the main car park into the village; improved weather protection for shoppers and pedestrian movement between shops and the car park; and ensuring parking capacity and requirements are met and are consistent with ACT parking guidelines.

So, in closing, Mr Assistant Speaker, on the amendment, I would like to thank Mr Smyth for bringing forward the original motion. The government is doing a planning study for the Kambah Village. As always, this study will involve consultation with the community and with local businesses and will look at the potential to expand the shopping centre. I think perhaps in the end what we are ultimately arguing over here is what constitutes a master plan and how broad that plan should be. Without foreshadowing too much of my contribution on Ms Le Couteur's amendment, we seem to be being drawn in two different directions. Ms Le Couteur talks a lot about localised planning. Now, how local is local? Does it need to get down to a street by street planning approach to the ACT? Very interesting. I note that, within the context of master planning work, I would interpret that as meaning a larger area.

I will be interested in hearing the views of other members as to exactly what they mean by a master plan. If what is currently proposed does not constitute a master plan, please identify the areas or the additions to that process that would satisfy them that it is indeed a master plan. That, I think, would be important, because it may well be that we do not disagree that much; we just have different interpretations of what each of the terms mean—although I do look forward to a more detailed explanation from Ms Le Couteur as to exactly what she means by her amendments, but that of course is the subject of some further debate later this afternoon.

In closing, I believe that the amendment moved by the Chief Minister acknowledges the issues at Kambah Village, outlines the government's proposal to address those issues and provides a way forward to do so quickly, to take the opportunity that the Woolworths expansion proposal provides and to get some action happening quickly. We have heard quite a bit about this alleged delay in government action. Well, if we undertake a planning study of the kind referred to by Mr Smyth, it will be at least 12 months before that work is completed, noting there is no funding for it at this point, so we will have to stop doing something else or we will have to appropriate it in next year's budget and it could not start until July next year. So there would be delay, I think. What Mr Stanhope proposes is a practical way forward to get some action now.

MR SMYTH (Brindabella) (4.06): I am curious at Mr Stanhope's approach to this debate, because he comes into this place and says, "I've got a list, I've got a priority, but I can't tell you about it because I didn't bring the list with me." It is not like this debate was sprung on the Chief Minister; it was on the notice paper last week. Indeed, I spoke to Mr Barr about it last week and I spoke with Ms Le Couteur about it, and there has been some talk about what might occur here. But the approach of the Chief Minister really does not get to the nub of what this is about.

This is about looking after people where they live. He runs off his list—Ainslie, Deakin, Lyons, Red Hill, Scullin, Garran. Well, I make the point that none of those, as

you would notice, Mr Assistant Speaker, are in Brindabella. Certainly none of them are in the Tuggeranong Valley. One of my jobs here is to represent Brindabella and the Tuggeranong Valley, and I will do that to the best of my ability.

It may well have been useful to have the list. Perhaps we could have had a further debate. It might actually be a debate for another day about this whole process. I am not pre-empting what is in Ms Le Couteur's amendment, but the processes of this government concern me. For those that do not recall, the previous Liberal government had a strong campaign to upgrade shopping centres. We did fabulous work at Narrabundah, we did work at Manuka, as you would remember, Mr Hargreaves, and Curtin. They are some of the outstanding successes of that period, and the upgrades of the current government have been successful, too. But there are a number of shopping centres that need action now. It is one of the vagaries of the way that Canberra came about that so many suburbs were built in such a short period of time that the infrastructure is ageing in big lumps.

If you live in Woden or Tuggeranong or Belconnen, you are in that time frame where it is now 20 and 30 years out from their original construction—in some cases 40 years—and they are worthy of attention. The Chief Minister has adopted the approach of saying, "Tell me how you'd do it." Well, we are telling you how we are doing it. We have got an infrastructure bill on the table—it is to establish the infrastructure commissioner—so that we do get detailed infrastructure plans, so that we do have a forward plan, so that we have long-term planning, one, for the maintenance, two, for the reconstruction and, three, for the acquisition of new pieces of infrastructure, and so that this stops.

Coming down and berating people is not the way to do it. Mr Barr, I congratulate you on your approach. Thank you very much for your contribution to the debate. I accept what you say about adaptable cities, and that will become more and more an important part of this discussion. I think the adaptable cities conference starts next week at federal parliament. It will be a very important part of the way we look at Australia into the future.

But my concern is for the people of Kambah today. It is where they live, and they want decent facilities. When you talk to people, when you talk to the retailers at Kambah, they say, "The elderly citizens who live across on the other side in the aged persons units"—which I believe started under my term as the housing minister—"around the Anglican church and some of the new constructions are afraid to come across here because they trip, or they can't cross roads, or they're worried about the lighting or the security," and that means we have got to do something today. It is well and good to say, three, five, 10 or however many years you want to put it out, but that is unacceptable.

It strikes me from what the Chief Minister has said, and what Mr Barr added, that a fair percentage of the work on a comprehensive master plan has been done. To my mind, a master plan would incorporate the Kambah Village shopping centre, the developments along Kett Street and across the road into the service station complex with those few retail outlets that they have there. If that whole area were encompassed into a master plan—taking into account the outlying retail outlets or locations that are

already there, some of which are okay, some of which are dying and some of which are dead—and if you were to come up with a proper retail plan and services plan for Kambah then that would be a good outcome.

This is the folly of the Chief Minister's amendment: we are going to do some of the work to achieve some of the outcome to advantage some of the retailers, but we will get back to the rest in 10 or 20 years from now. That strikes me as sheer folly and very poor expenditure of taxpayers' money. Here we are: the Queen, the law and the people—the people's money. That is what we are talking about, and we are talking about the people that live in Kambah and who want something better. Why should one of the local retailers have to clear the drains and the gutters when it rains because whatever is there is not working? Given that the paving is now shifting, why should elderly Kambah residents and those that visit these shops be at risk?

The government is doing a planning and design study to look at what might happen around Woolies and other retailing commercial activities in Kambah. If that is enlarged to encompass "Kitt" street and the service station precinct—

Mr Barr: Do you mean "Kett"?

MR SMYTH: "Kett", "Kitt"; it depends on how you spell it—depends on how you pronounce it.

Mr Barr: I thought it was K-e-t-t.

MR SMYTH: Well, maybe it is the Celtic. Yes, "Kett" street, "Kitt" street; I don't care, "Kett" street, call it "Kett" street. But it strikes me that most of this work is being done. If you want to take into account the supermarket policy, does it mean that just Woolworths gets enlarged? What else might go into that area? There are questions there.

The Chief Minister and Mr Barr talked about extra commercial or retail activity. You are talking about a fairly large study there, so let us get it right. Let us talk about the road linkages and the car parking. Is there room for a park and ride? Can we improve security? The lighting there is pretty good. You go down there, particularly on a rainy night, the lighting is probably the best in one of the local shopping centres that you will find anywhere south of the lake. Let us keep it that way. But if you go across to Kett Street, it is not as good, and I think we need to look at that.

I do not think it is unreasonable, given that the government would appear to be saying it is doing a fair percentage of the work, to do it for the whole area. It is false economy. What you are saying is: "We'll do this. We'll go through the planning process. There'll probably be a direct grant. There'll be a construction period. We'll get a bigger Woolies. We might get some more shops, and then we'll come back five, ten years later and do it all again." That is reminiscent of the approach to GDE.

The duplication of the GDE is going to cost a lot more money than having built it all at one time would have cost. If the Chief Minister wants a source of funds for planning these other centres, had the GDE been done properly in the first place, that

would have freed up at least \$21 million. I understand that is the estimate, but I suspect it is a whole lot more than that. If you want to go through the list, as Mr Seselja pointed out, there is the busway at \$5 million, FireLink at \$5 million, the arboretum is now pushing \$50 million worth of construction that has been appropriated it and budgeted for—

Mr Barr: What a fantastic tourism incentive and economic diversifier the arboretum is going to be.

MR SMYTH: Well, yes, that is true. I hear what you are saying. But you asked where the money would come from. At the end of the day, we are here to look after where people live first and foremost and build up. We will not be supporting the Chief Minister's amendment. He said ACT government investment included addressing access needs for the disabled, elderly, young children and families. I am happy to take anybody for a walk through Kambah one wet and rainy night and see how disabled, elderly, young children and family friendly it is. If you want to go down, we will have a look at the signs. Planting low maintenance vegetation was a good move. As to vehicle movements, it is an interesting car park. It is quite a large car park, it has got a lot of space there.

As to revitalising the internal shopping centre courtyard through replacement of the existing pavement, lighting, street furniture and play equipment, the paving is lousy, the lighting is probably okay, the street furniture, because of the dropping of the sap, looks very tired, very worn and probably needs a good coat of shellac or replacement, and, of course, we have got the sheep. The sheep are ageing very well. When you have stainless steel sheep, they do age well.

Paragraph (2) of the amendment is where the Chief Minister says, "We want to look at opportunities that will come from land release and development opportunities, current physical design, car park access and circulation issues, a new 'front door', improved weather protection and parking capacity requirements". It strikes me that a lot of the work has been done. With a little bit of foresight, more could have been done in the same design brief, and that is what we are asking for here.

I have outlined to you the area that I think needs to be looked at. You know the area; you know what the interplay is. You know how important Kambah is to the Burns Club and the Burns Club to Kambah. We know how the service station across the road affects the village. We know that beyond Kett Street we have got the Anglican church and APUs. We know there are more units going in on Kett Street. We know that the ovals provide a lot of amenity to the people of not just Kambah but to everybody in the region.

For those reasons it is important that we do a master plan, that it is done quickly, and that the work that has been done is not wasted or compromised or delivers a lesser yield than it should in terms of amenity, economic activity and return to the government for the sale of any land that might come from it.

Amendment negatived.

MS LE COUTEUR (Molonglo) (4.16): I have previously spoken. I am seeking leave to move the amendment to Mr Smyth's motion which was previously circulated in my name.

Leave granted.

MS LE COUTEUR: Thank you. I move:

Omit all words after "notes", substitute:

- (a) the increasingly rundown state of Kambah Village shopping centre and the surrounding environment;
 - (b) the way in which the suburb of Kambah has evolved over the past 10 years, particularly in relation to the provision of shopping facilities;
 - (c) that the Government is embarking on consultation relating to the expansion of the supermarket in Kambah Village;
 - (d) the need for appropriate planning for this area to take account of:
 - (i) developments that have taken place;
 - (ii) the loss of schools from this area;
 - (iii) the existing infrastructure; and
 - (iv) developments which are proposed;
 - (e) that there is wide community concern about changes to local suburbs and shops around Canberra; and
 - (f) there is no systematic process for involving local communities in the planning processes that are impacting on communities; and
- (2) calls on the ACT Government to:
- (a) extend currently proposed consultation to include a master plan of the Kambah Village site and surrounding environment, taking into account relevant economic, environment and social objectives;
 - (b) consult with local businesses, residents, community and sporting organisations and other people with appropriate expertise in preparing this master plan;
 - (c) take into account in preparing this master plan:
 - (i) the potential for the redevelopment of existing businesses and infrastructure;
 - (ii) the opportunities for new commercial and community activities;

- (iii) whether there is need for a Park and Ride; and
- (iv) the existing road structure;
- (d) report to the Legislative Assembly with a completed Kambah Village Master Plan by the first sitting week in September 2011; and
- (e) develop a process for meaningful consultation with the Canberra community on planning, by:
 - (i) improving Canberra wide consultation on planning issues such as DV301 and DV303;
 - (ii) developing a priority list of areas on the basis of need, reflected through community consultation, to be master planned and subject to further localised planning;
 - (iii) undertaking localised planning and consultation in suburban areas and town, group and local centres where significant changes are anticipated;
 - (iv) incorporating these master plans and precinct plans into the Territory Plan; and
 - (v) reporting back to the Assembly by end June 2011 with the results of the priority list.”.

I am very pleased that there seems to be quite a degree of unanimity from the two sides that have already spoken on the need for planning and on the need to do something positive for Kambah. I will go briefly through my proposed amendment; my colleague Ms Bresnan will speak at more length about the issues with Kambah itself. Not being a Brindabella member, I do not have as good knowledge as her; I will stay more with the planning issues.

The first part of my amendment basically comes from Mr Smyth’s motion. It is not a total replacement except for paragraph 1(c), where we note, as the government has said:

... that the Government is embarking on consultation relating to the expansion of the supermarket in Kambah Village ...

As the government in particular, and also Mr Smyth, have mentioned, this brings us an opportunity to do something a lot better than what is happening at present.

My next new point is that there is widespread community concern about local concerns for suburbs and shops around Canberra. It is not just Kambah. As Mr Stanhope said, we have a lot of shopping centres which have issues to a greater or lesser extent. I am a resident of Downer. Downer shopping centre has not had any shops for quite some years and has some quite significant problems, some of which I could probably argue are bigger than those of Kambah.

Mr Barr: Most people in Downer live closer to the Dickson group centre, which—

MS LE COUTEUR: That is one of the reasons, yes. It is one of the reasons.

Mr Barr: would be one of them.

MADAM ASSISTANT SPEAKER (Mrs Dunne): It is not a conversation, Mr Barr.

MS LE COUTEUR: It is one of the reasons for the problems, but certainly not the only reason. I think that statement is possibly not factually correct, Mr Barr. Anyway, the point I am trying to make is that there is quite a lot of Canberra which is having concerns about the things that are happening either in their local shops or their suburbs. You only have to read the *Chronicle* every week, or the *Canberra Times* on many days, to see that what I am saying is true. We have a widespread discontent about what is happening to our city. This is something that we need to address in a better way than we are at present. I come to that in the second part of my motion. I now go to paragraph 1(f), which states:

... there is no systematic process for involving local communities in the planning processes that are impacting on communities ...

Standing here as MLAs, we all know that is true. We are all getting representations from constituents. I am sure that we all have many constituents who are very upset about what is happening close to them. They simply do not understand why it is happening. They feel that they are not involved in any way and that there is no way that they can possibly be involved. They can put a comment in on a DA, but that is not likely to lead to any great change and that is the most they can do. They cannot even appeal and go to ACAT in general, even if they have the resources to do so, because it will be deemed that they live too far away from the development and they cannot say anything. At present the process is not working for the people of Canberra.

Let me move to paragraph 2(a). Our big change here is to say:

... extend currently proposed consultation to include a master plan of the Kambah Village site ...

This has already been canvassed to some extent by Mr Smyth and Mr Barr. The government has already told us that it is about to embark on significant consultation in Kambah. The front page of today's *Chronicle* tells us this. Given that the government is about to do this, we are asking the government, as Mr Smyth said, to be a bit broader in what you are going to do. Don't do half the job; do the whole job. Given that the government appears to be planning to do a significant amount of work in Kambah, we are saying: involve the community; plan for the long term.

We have specifically got a suggestion here about the need for a park and ride, because if there is one thing that most people would agree with it is that Tuggeranong has not been well served by our public transport system. It is probably the worst served of any area of Canberra. I suspect that Ms Bresnan may elaborate on that point,

but certainly it has not been well served. Kambah Village is not well served. That is something which a rational master plan, or any rational planning of Kambah Village, would look at—how can we get this better served by public transport?

I very much hear what Mr Stanhope said about trying to work out what order of priorities we have in terms of master planning. There is the point about politics and planning. I strongly feel that debating on the floor of the Assembly is not the appropriate way to determine what part of Canberra will be blessed with some planning process. But equally, I would say that the current process is simply not working—or we would not have these motions. This is not the first motion, and it may not be the last motion.

We are all concerned about the resources that are put into planning in the ACT, and we are all concerned about the happiness and wellbeing of the residents of the ACT. I think we can say that we all want something better. That is what we are talking about in paragraph 2(e) of my motion, which says:

... develop a process for meaningful consultation with the Canberra community on planning, by:

(i) improving Canberra wide consultation on issues such as—

the current ones—

DV301 and DV303 ...

I would have to say that both of these draft territory plan variations are almost impenetrable. I found them very hard to read. I admit that I am not a planning professional, but I have learnt a little bit about it in my tenure as the Greens' spokesperson, and I think it is very hard for people in the community to understand them. But they have considerable impact. DV 301 and DV303 give us the rules for greenfield development and the rules for the redevelopment of our suburban areas. It is a real pity that ACTPLA has not done any meaningful public consultation. I did write to Mr Barr about this.

Mr Barr interjecting—

MS LE COUTEUR: I agree that there was time allocated, but there have not been intellectual resources allocated. There has not been anyone out there explaining to the community what these things mean. The community just do not understand it.

Unfortunately, I am running out of time to get to the rest of my amendments. Basically, what we are saying here is, you could say, that we are agreeing with Mr Stanhope and Mr Barr. There needs to be a priority list of areas to be planned, but this needs to be on the basis of need reflected through community consultation. And these areas are to be master planned and subjected to further localised planning, whether we use the words “master plan”, “neighbourhood plan” or “precinct plan”. The term “precinct plan” is a good one, because precinct plans can explicitly be made part of the territory plan, and in some cases they have been.

What we are saying is that where there are significant changes happening in a community, people need to have a chance to say, "Yes, this is what we would like." Or the government needs to try and explain to them: "Well, this is why it is happening, and if you look at it from an overall point of view it has got a lot going for it." We need to get some more community consensus.

We believe that there are probably ways that these could be done in a somewhat more streamlined fashion. Given that, hopefully, a lot more of them are going to be done, I suspect that there are probably ways that they could be done in a more streamlined fashion. I understand that the government is quoting the sum of \$100,000 per study at present. I suspect that, were the government to seriously take on a commitment to doing a number of them, there are ways that this could be made a bit more cost-effective.

We do need sufficient consultation. What we have got at present is the worst of all worlds. We have got a lot of people very upset about what is happening. This level of dissatisfaction will require government resources to address it. Basically, we are saying that you either address it at the beginning or you address it at the end. If you address it at the beginning—it is like preventative medicine: it is cheaper in the long run and it leads to happier patients—it leads to happier people in the ACT, and it leads to better planning.

We want consultation to bring most of the community along with what is happening. We want a long-term view of planning, to have enough time and for people to think a bit outside the box. Take Kambah, for example. If Woolworths wants to expand, what opportunities does this give Kambah? Does this mean that it would work for park and ride? Does this mean we now have the resources to upgrade the—(*Time expired.*)

MS BRESNAN (Brindabella) (4.27): I thank Mr Smyth for bringing on this motion today and Ms Le Couteur for her amendments. Kambah Village has very much become an important focal point for the area. I agree with Mr Smyth that the village is in need of maintenance and repairs, particularly if we are to see an expansion of the Woolworths supermarket and the new housing developments which have been identified. We also have the large combined school which is being constructed there. All those developments will have a significant impact on the area.

The government has recognised, obviously, that there needs to be work done. As mentioned in the *Chronicle* today, and as the Chief Minister and Mr Barr have outlined today, we have a commitment from the government to do consultation with the shop owners about what should be the priorities for redeveloping Kambah Village and we have already identified some possibilities based on existing issues which have been identified. This is a positive outcome for Kambah Village, and it is welcomed by many sections of the community.

However, as we have discussed today, it would make sense, as part of the process which was outlined today, to look at wider issues which will be impacted by the possible expansion of the major supermarket in Kambah. This will obviously have

flow-on effects to parking and other transport. We also need to acknowledge that there are other smaller shopping centres in Kambah which, as Mr Smyth has outlined, are already struggling. Some of those shopping centres will be impacted if Woolworths does expand. It makes sense to look at these issues if we are already looking at doing consultation.

As Ms Le Couteur says, public transport is continually identified by us, and I am sure by other members, as a problem in the area. If we have older persons units being expanded there, and we have the relocation of the equipment loan service, that will lead to a need to look again at public transport for people who have a disability. So, again, public transport is going to be an ongoing issue. It is something which will need to be considered if this is to become the major shopping centre for the area—and it will attract people to the area if the supermarket does expand.

In discussions we have had with the Tuggeranong Community Council and other Tuggeranong community representatives, the key point that has been raised with us is that there are many areas in Tuggeranong in need of planning and redevelopment, and that it is important that we have a plan and priority list developed for areas that should have master plans undertaken. Some of the other areas that have been raised with us—I am sure other people are aware of them—are Isabella Plains and Calwell. The development of Tuggeranong and other areas in Canberra should be about how they can fit in with the overarching planning for development for the area. As our amendments explain, it is about how master plans can be more consultative and in touch with community needs and aspirations. It is important that this master plan is based on this process.

There are other areas within the Brindabella electorate, not just in Tuggeranong, in great need of the master planning process. One which has been drawn to the Greens' attention recently is Chifley, which is experiencing significant development issues around density and an increasing number of community facilities. This is leading to increased pressure on their local shops. In recent months the Greens have been contacted by a large number of constituents regarding Chifley. As Ms Le Couteur has already said, this is another example of areas in Canberra which are changing. People want to have an input into what is happening in their communities and we need to be providing them with that opportunity.

Mr Smyth and other members have noted the Tuggeranong town centre and Erindale master plans which have been scheduled. We would just like to note that these areas do have specific issues, which I think is why they have been identified as a priority. Erindale is earmarked to have significant development, with a bus interchange, a park and ride facility and major road developments in an area which is already quite congested in terms of existing developments, housing and other major infrastructure.

As Mr Doszpot has noted, the Tuggeranong town centre master plan is something that has been called for for quite some time and is very much about maintaining the viability of the major town centre in the Tuggeranong area. The Hyperdome is continually losing business to other centres across Canberra. We need to look at ways in which the residents of Tuggeranong are attracted to shopping in their own area.

As I noted earlier, the feedback we have sought and received from the Tuggeranong Community Council and community representatives is very much about developing a process which includes community consultation about what the priority areas are for master planning.

As Ms Le Couteur's amendments state, this is a process which must be developed for all of Canberra as all areas start experiencing increasing pressure—for example, in relation to increased housing densities, just one of the many issues they are facing. It is important that any planning for the area happens only after the community is consulted. Many people in Tuggeranong specifically are telling us that they are feeling shut out of the process already. This is in relation to the Tuggeranong town centre master plan. There is a feeling that the planning process has been somewhat ad hoc.

It has been very much emphasised to us that it is recognised that Kambah is in need of an upgrade as one of the more established, older suburbs in the Tuggeranong area. And we need to start looking at other areas that need work done. One priority issue that has been identified with us is the need for more park and ride facilities in Tuggeranong, particularly in the north. This should be one issue which is used in determining priority areas.

Mawson is already experiencing congestion with its park and ride facilities. And there is some concern that Erindale will not be able to carry an interchange and park and ride facility as it is already quite a congested and busy area—particularly if we have the interchange going in there, which will significantly increase the pressure on the area. It therefore seems appropriate that this issue be looked at with Kambah, because it could become an area where more people are attracted with a shopping centre and it could be a good location for a park and ride.

What was also made clear was that through the Tuggeranong town centre master planning process in particular, other suburbs around the town centre will and should benefit from this process. We should start looking at a much less centralised version of planning so that fringe suburbs can benefit. This includes having an efficient transport system and looking at what other development reflects the desires of residents.

What the Greens are saying is that we need to develop a process for determining where and when master plans should occur, and that this is not through the existing process whereby cabinet determines it through the budget process. This should be a process developed through consultation with the community, businesses, community councils and other key community representatives. As I have already said, there is an obvious need for master plans to occur in a number of areas across Canberra—which is becoming more and more evident—and there should be a clear, transparent and accountable process developed to determine what the priority master plans are.

Like Ms Le Couteur, I acknowledge that I have sympathy for the points which have been raised by the Chief Minister about how we determine when and what areas are in need of development and about that issue of politicising planning. As I have already

outlined, the current process for determining when master plans occur is through the cabinet process. In estimates, Mr Barr, the planning minister, was asked who determines what areas are taken to cabinet in this decision-making process. He said that the minister is the one that brings forward those processes. The minister had to be pushed slightly on the point of whether he got any advice from ACTPLA on this. Eventually it appeared that he did seek some sort of advice from ACTPLA.

We have a situation where there is no real process in place to determine how these master plans are prioritised or to involve the community in this process. This is not just about refurbishment; it is about involving the local communities and businesses in the future of their area.

I acknowledge, as Ms Le Couteur did, that the process today is not ideal. Many local areas are not being given any option other than to say, "My area is important. Where do we stand?" That is why the Greens see that where we have a situation with Kambah, which has work planned, other related issues should be consulted on. This does make sense. However, we need a process so that communities do not have to resort to going to the media or use other such means. Rather, we need a process in place that involves the community and establishes a priority list which is clear to everyone.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.36): As I indicated in my earlier contribution, there are certain elements of Ms Le Couteur's motion that the government find extremely difficult to agree with today, not necessarily because we object to the intent perhaps of what Ms Le Couteur is attempting to achieve but just that there are some very clear, practical difficulties in trying to achieve what I understand to be, admittedly from only two speeches and a number of other conversations perhaps over the last two years, what is planning nirvana in the minds of the Greens. I must confess a certain level of frustration that it is nearly impossible to land that sweet spot that seems to keep everyone in this place happy but I am not remotely anticipating a prospect of even getting two-thirds of Canberrans happy. I would probably settle for 51 per cent and unanimity in this place as being as close as you could possibly get to nirvana in terms of planning matters.

We have 360,000 planning experts in this town. Everyone has a different view, and I just think it is idealism beyond the pale to suggest that you are ever going to get absolute agreement. And it is because these matters are dynamic. They are not static. We have a moment in time, we have a snapshot, when we do a neighbourhood plan or we do a master plan and we try to account for the past, the present and the future. But we know that at some point in time in the future there will be: "Yes, but that was so many years ago. In the case of Kambah, seven years is too long."

Most of the neighbourhood plans that were undertaken under the previous planning regime, prior to the change to the Planning and Development Act, were a snapshot in time representing the views of people who lived in those suburbs at that time. It is a fact of life that a number of people have died since then and a number of people have moved into those suburbs. The changes that were enabled through those neighbourhood planning processes changed the dynamic and there is now a different view in some suburbs.

I find it interesting in my role that I now get representations from people who have moved into multiunit developments that replaced single dwelling houses opposing any further multiunit developments in the area. So now they are there, they are happy, they are fine, no-one else can move in. The same objections were received from people who lived in single-housing dwellings at the time who had multiunit development occur next to them. It is such a dynamic environment, and we do have to account for that spectrum.

There are different opinions. If you asked me, as a 23-year-old, what my views were on the vibrancy of living in a suburb like Braddon, I would have perhaps a very different view from the 37-year-old who now lives in Dickson. People's views change over time. People's priorities change as they age and as they move through the lifecycle.

Having said that, I just do not believe, four years into my time as a member of this place, that it is possible to reach the planning nirvana that Ms Le Couteur seems to be seeking. Having said that, I do not want to say that you should not always strive to do better. But, again, as in everything in planning, there is a series of trade-offs.

Ms Le Couteur has indicated in conversation with me on many issues that the time for action is now and that we must be responding on solar access and a range of things. So we go away and do the work, we put something out, we spend years developing it, we have a year-long conversation on sustainable futures, we involve as many people as will turn up to put forward a draft. And then the consultation on the draft is not good enough, knowing of course that that has got to go through another round of consultation and then another round and then another round.

Even if this moved at breakneck speed, we would not have a final variation on 301 or 303 through this place possibly until the first half of 2012. If the planning committee takes its full six months and then the government take three months to respond, as we are in this process, we are in the first half of 2012, I imagine, before the Assembly will finally take a vote on 301 and 303.

This process began way back in 2004, with the spatial planning work, and then it was continued through the changes to the Planning and Development Act that was further refined. And that process, through the sustainable futures workshops and all of that effort and intellectual rigour that were put into that process then led to a draft variation that we have got eight weeks to talk about, then have a consultation report on it, then refer it to the planning and environment committee, then have another debate about what that committee says. That committee will, I anticipate, have public hearings. There will be a lot to comment on this. There is a variety of views.

I think, from some shaking of Ms Le Couteur's head through some of what I said, that she would like to see more advocacy for elements of 301 and 303. Yes, it is complex and, yes, there are a number of issues for people to address and for people to consider. And we do intend, as we have from the beginning of this process and all the way through, to provide opportunities to explain, to talk to people. Other organisations will do so as well.

There are so many different views on these issues. The industry associations have views. The community councils are funded to do this sort of thing as well. It cannot all be the Planning and Land Authority. It cannot all be the planning minister. We all have responsibilities, as members of this place, to have these discussions. I know we all take them seriously. I know Ms Le Couteur does particularly. And she will, I am sure, be discussing these issues broadly amongst her networks, just as the shadow planning minister will be, just as I am and just as all members who take an interest will be.

But to suggest, through these motions and making such sweeping statements, there is no systemic process, when we have a Planning and Development Act, we have an Assembly planning committee and we have all of these legislatives processes that we all agree on and that set in train all of the consultation mechanisms, is wrong. In some regards, for some people who engage at each stage in the process, there is this raising of eyebrows and sighing, "You are not back again, are you, wanting our views again?" Some people engage at such a detailed level that they, in the end, I think, find the pace of the process so slow that it drives them to frustration. They come and say, "You never do anything. Everything takes so long."

Then this afternoon we had a speech and a motion in front of it that says we are not doing enough on 301 and 303. Okay, fair cop! I am the minister. Everyone is going to have a bit of a go. That is life. You get used to that. I will take it on board. I know this motion will pass today. I know it will pass this afternoon. I know it will pass. I will do my best to try to get a little bit more grunt into 301 and 303. I have made some public comments. I have undertaken some further work on this one. There will be further debates about that. That is paragraph (2)(e)(i), Ms Le Couteur.

In terms of master plans and precinct plans, again, I think from this debate this afternoon we generally agree on what we are talking about. I think there is probably a little disagreement over just how localised "local" is. As I say, even within my suburb of Dickson, within the neighbourhood master planning process from seven years ago, there were five different sub-precincts within the suburb of Dickson. So, how local is "local"?

There are some issues that I think we have in common, that are city wide and that, if you are ever going to get anything done in planning, you must adopt some city-wide principles. I do not think, for example, that Ms Le Couteur would be advocating that we have a street-by-street approach to solar access and we have a different set of planning rules in every suburb. I presume you are wanting a territory-wide response to that.

Are we going to consult street by street? Are we going to have a precinct code for solar access? Are we going to have a precinct code for building performance? No, we try to do some of these things at a city-wide level. I know there are tensions between the two. I read the front page of the *Chronicle*, like everyone else. I recognise that there are some issues. But my response is there will always be some issues. We strive to get the policy settings right. I think the best approach is to go territory wide, trying to recognise, as much as possible though, that there are some local variations.

This motion obviously will pass this afternoon. I understand that is the will of the Assembly and we will work, as best we can, through this, with available budgets, to get the outcome that I think people want out of this. And I do not think we are that far apart. But I cannot support the way Ms Le Couteur has structured this amendment this afternoon.

MR SMYTH (Brindabella) (4.46): I almost thought I should stand up and say, “Woe is me; I am the planning minister,” after the perils of being the planning minister were outlined in the speech by the planning minister. But it is important. I have been a planning minister. I know how important it is. And I see the minister concentrates on paragraph (1)(f) of Ms Le Couteur’s amendment:

there is no systematic process for involving local communities in the planning processes that are impacting on communities ...

A lot of the community believes that. You only have to come down to Tuggeranong and come to a Tuggeranong Community Council meeting and talk to the people of Fadden, Macarthur and Gilmore, who over the last five years had to put up with Karralika redevelopment, the placement of mobile phone towers, the potential for a dragway in their backyard, the potential for a prison in their backyard and the potential for a power station in their backyard, to know that a lot of people actually feel that. They actually do believe that they have been excluded specifically—

Mr Barr: Are you sure? Everyone wants to hit the veto button and go, “Not near me.”

MR SMYTH: No.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, Mr Barr! This is not a conversation.

MR SMYTH: They actually feel that they have been excluded from this planning process and they only find out about it when the decisions are made. You might disagree. That might be right or wrong but that is how they feel. Full power to David Dawes, who came to the Tuggeranong Community Council meeting a couple of weeks ago. There were representatives of LAPS, LDA and ACTPLA. When you get the then acting, and now permanent, head of a department to actually come down to get ahead of the game, a lot of people said, “That’s what we want. We actually want to be in this at the start.”

There are other issues that come out of that meeting that probably need to be addressed. But to have the head of the department there, a lot of people suddenly thought, “We’re finally being taken seriously by this government.” That is why something like (f) is important, because that is how people feel. If you want to bring it back to the Assembly, then maybe we as an organisation have failed. You might say ACTPLA have failed. You, as planning minister, have failed. You might also have done very well, but that is how people feel.

Mr Barr: It depends on whom you talk to.

MR SMYTH: It does depend on whom you talk to.

MADAM ASSISTANT SPEAKER: Mr Barr, it is not a conversation.

MR SMYTH: But the sentiment I get, the feeling I get, particularly when you talk to those residents of eastern Tuggeranong, is: firstly, what has the government got against us? What does it take to actually be heard? And why is this the only block in Canberra that is suitable for a power station, a prison or a dragway? They do not have a lot of confidence, and it is important that they should have confidence.

The issue of the Tuggeranong town centre and its master plan has been raised by a number of speakers. Some of you were not here when we had these discussions before. And basically, when Mr Corbell was the planning minister, his discussion was: "Tuggeranong is not old enough to need a master plan. It is okay." I have given Minister Barr credit for this before. This minister at least saw the need for the master plan, accepted that and that is now being worked upon. You get the headline in the *Chronicle* "Save our town centre". If you had followed Mr Corbell's planning paradise rules, the whole of Tuggeranong would have been raised as some sort of economic disaster zone before anything would have happened.

I say that because it is important that we get it right for Kambah. Kambah should not be allowed to drift or fall apart before something happens. Kambah is actually doing reasonably well as a trading community. It is a great little set of shops. But it could be a fantastic asset to that community if we get the planning process right. And that is why I put this motion on the notice paper today.

The opportunity is here not to let Kambah decline so that the remedial action has to be stronger or cost more and come at a personal cost to those retailers and the community who suffer by allowing it to decline. That is why we have said, as an opposition, for some time now, through our leader, Zed Seselja, that there is a need for an infrastructure commissioner to look at these things long term, to make sure that the maintenance is done, that the need for refurbishment or enlarging of assets occurs and that new infrastructure is planned and the planning process is put in place to deliver it as it is needed and not after the event.

I suspect, in regard to a number of the points in Ms Le Couteur's amendment, particularly paragraph (2)(e)(ii), (iii) and (iv), where she is talking about priority lists and how they are put together, having the consultation, doing the planning and then getting a timetable so that governments through their treasurers and the cabinet can allocate the money in the outyears so that we can get it right, it cannot be that hard for a city like this.

There are some timing difficulties. If you moved to Canberra or you lived in Canberra in the late 1960s, Woden started early 1960s or mid 1960s. In Belconnen, I think Aranda was started in about 1966 or 1967. The first works started in Tuggeranong in 1970 or 1971. The first houses, I think, were occupied in about 1973 or 1974. I moved here in 1969 and we lived in Lyons. Lyons was brand spanking new. We moved into Curtin in 1969. The shops, I think, were completed in 1968, brand spanking new. The

first development started in Weston Creek—we were its newsagent—in 1969 and we moved to our new shop in Fisher in, I think it was, 1971 or 1972. As their paper boy, I was riding my bike furiously around Kambah in 1974.

You have got this lump of infrastructure in the ACT—Belconnen, Woden and Tuggeranong—that was all built in the mid 1960s to the mid 1980s. There is a 20-year building program that is all now coming of age. The assets that were handed over and surrendered to the people of the ACT by the commonwealth government in 1989 had, in most cases, much longer life expectancies on them than we have actually received.

If you look at the road network, it was severely impacted upon by the construction of the new Parliament House. Nobody took into account in the life of those major roads that so many trucks rumbled up and down as they built the new Parliament House.

That is our problem. That is why we are saying the answer is an infrastructure commissioner to look at these things long term, to plan long term, so that treasurers and planning ministers do not sit here and we hear the speeches about the perils of being a planning minister. It is important to get it right long term and to give people certainty so that businesses, communities and residents can make their decisions against what they know is coming. It is also important that the government keeps its word.

I know, for instance, families that moved into Macarthur, to swing back to that block of land in Macarthur, who rang the government and said, “What is happening on these sites? We want to move into Macarthur. We want some certainty. We want horse paddocks and we want the local surrounds to be bush.” They were told the government had no plans. And they bought on that proviso that nothing was going to happen on these blocks. As the minister points out, things change but there has got to be a process and there has got to be a better way of doing it than is currently being done.

I thank Ms Le Couteur for rewriting most of my motion into her amendment. It is a neat way of doing amendments. You delete the original motion and just rewrite it all, which is kind of novel, but she has picked up the major points.

I agree with this discussion, particularly in paragraph (e). We know the problems. We know the timings. People do feel left out of the process. They feel that they do not have any say. They feel that they are not being listened to. That is not to say that consultation means you hear everything that everybody says and they get whatever they want. Governments cannot afford to acquiesce in that way. And governments should not. They should adhere to proper planning principles. But people need some certainty, as does the government, as does industry, as does business, so that we can all move forward together.

There are a couple of timetables in this: a master plan for Kambah by September 2011, reporting back to the Assembly by June 2011 with the results of (e), the process of meaningful development and the priority list. We look forward to the minister carrying out these objectives and everyone, particularly the people of Kambah, getting a better deal out of this motion today.

Amendment agreed to.

Motion, as amended, agreed to.

Litter (Shopping Trolleys) Amendment Bill 2010

Debate resumed from 30 June 2010.

Detail stage

Clause 1 agreed to.

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

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) (4:57), by leave: I move amendments Nos 1 to 30 circulated in my name together [*see schedule 1 at page 3986*].

As members are certainly aware, through this particular debate and generally as we go about Canberra, abandoned shopping trolleys are becoming and, indeed, have been a significant problem in the ACT for some time, with trolleys regularly being found throughout our suburbs, in our waterways, our lakes and drains. The government supports the intention of Ms Le Couteur's bill to address the issue of abandoned shopping trolleys in the ACT, and I indeed commend Ms Le Couteur for bringing this bill on.

However, the government does believe that there are some efficiencies, or more efficient procedures, and a different approach that might be considered, other than that which underscores Ms Le Couteur's bill. The government does have some concerns that Ms Le Couteur's bill would impose a burden on the Department of Territory and Municipal Services, on ACT Policing, on the retail owners of shopping trolleys and ultimately on members of the community who are intent on doing the right thing.

The government has therefore, in consultation with Ms Le Couteur, drafted amendments to her bill that offer an alternative scheme, or solution, that it believes is less onerous but does, essentially, achieve the outcome which Ms Le Couteur has always sought to achieve through her proposals in relation to how to deal with this quite vexed question of abandoned shopping trolleys. So I have to say that the government has been very pleased to work with Ms Le Couteur, and it has been a process that I believe has allowed us today to develop what I hope is a consensus position in relation to this particular issue.

Currently, the problem of abandoned shopping trolleys is handled in the ACT primarily by the retailers who own those abandoned trolleys. Retailers engage contractors to patrol the suburbs around their stores to collect any abandoned trolleys

they encounter. Some retailers in the ACT have also signed up to the national trolley tracker notification service, which, as members may be aware, is an information service that encourages members of the public to report any abandoned shopping trolleys that they find, in exchange for the chance to win prizes.

Despite the current arrangements, abandoned shopping trolleys still appear in the ACT, littering our suburbs and creeks, and I know all members are aware of this. Indeed, I think there has been some further advance in relation to attempts by some supermarkets in particular to deal with this issue, with cash deposit type arrangements in relation to the use of trolleys. It is pleasing to see the sector engaging with the issue, but I think all of us would acknowledge that the steps that are currently being pursued simply do not work and there is a role for government in taking a more proactive responsibility.

The government therefore believes that, while Ms Le Couteur's bill would certainly go some way to solving the problem of abandoned shopping trolleys, a more effective process for dealing with the problem would perhaps enhance compliance with the legislation. So the amendments which I move reflect the government's proposal that offers a scheme that more firmly places the onus on retailers to do the right thing by the community and manage the abandonment of their shopping trolleys. The amendments will also provide a financial disincentive to deter retailers from failing to collect their trolleys and leaving the government to do the job.

Both the Greens' bill and the government's amendments to it rely on three broad remedies to discourage abandonment and other improper uses of shopping trolleys in the ACT: namely, the creation of offences against the improper use of shopping trolleys, the provision of identification on shopping trolleys to assist their collection and the proactive trolley collection scheme that allows the government to respond to a problem in a specific area where retailers are not responding. I have already referred to some differences between the government's and Ms Le Couteur's proposals, but I will now go into some detail of the differences.

Both Ms Le Couteur's bill and the government amendments create strict liability offences for the misuse of shopping trolleys. The offences are, however, cast differently. Ms Le Couteur's bill has created a strict liability offence of leaving a shopping trolley in a public place. The government amendments create an offence of failing to comply with the direction of an authorised person under the Litter Act, or a police officer, when he or she directs an individual to return a shopping trolley to a retailer's premises. In the government amendments, an authorised person or police officer may issue a direction to return a shopping trolley, where a person has taken a shopping trolley from a shopping centre precinct or is using a shopping trolley in a place outside a shopping centre precinct or has left the shopping trolley at a place outside the precinct.

The offence in the bill focuses on abandoning a trolley in a public place, while the offence in the amendments focuses on the removal from or use of a trolley outside a shopping centre precinct. This recasting avoids the situation at present in the bill, under which it would be an offence to abandon a shopping trolley in a public place like a local park, but not an offence if the trolley was abandoned, say, on private property—for instance, the front lawn of a house.

The government does recognise that, if unchecked, the legislation has the potential, under certain circumstances, to adversely affect some members of the community. Therefore, the proposed new section 24(d)(5) of the amendments prohibits an authorised person or police officer from giving a direction to return a trolley, if it would be a harsh or unreasonable thing to do. The government envisages that this clause would cover situations where, for example, a parent would have to leave young children alone in a car in order to return a trolley to a shopping centre or where a homeless person is using a trolley to transport their belongings. In these circumstances, an authorised person under the act would have the option of issuing a direction that the person return the trolley within a reasonable period of time.

The amendments create a new offence for retailers of failing to keep a shopping trolley identified as belonging to a retailer within the retailer's shopping centre precinct. During consultation for the bill, small retailers expressed the opinion that they would find it particularly onerous to comply with the requirement to keep their shopping trolleys within shopping centre precincts. Responding to their concerns, the government has included a clause allowing the regulation to exempt a small retailer from the offence of failing to keep a shopping trolley within the retailer's shopping centre precinct.

The bill and the amendments require retailers to display certain information about the shopping trolleys that they own. The government agrees with all the identification requirements set out in the bill, with one exception. The government has consulted with retailers and supports their concern that it is onerous to have to provide a unique identification number on every shopping trolley that they own. The government amendments therefore remove the requirement for a unique identifier in each trolley but leave in place measures to ensure that the supermarket chain and the relevant contact numbers are identified.

The government believes that it is important that ACT citizens are informed of their obligations under our laws and that retailers are encouraged to remind citizens of their obligations. That is why the government amendments introduce a requirement for a retailer to install a notice at the exit to the retailer's premises, informing shoppers that fines can apply for taking, using or leaving a shopping trolley outside the shopping centre precinct. The notice will visually define the relevant shopping centre precinct to which it applies. The signage requirement is also intended to build greater awareness among shoppers of the fact that removing trolleys from a shopping centre precinct is an offence. The government hopes that the presence of these notices will lead to a reduction in the number of trolleys being abandoned.

Finally, the government amendments build upon an improved, we believe, procedure, establishing the bill for trolley collection by government officers. The bill and the amendments provide for financial disincentives to deter retailers from leaving their shopping trolleys abandoned on our streets. The bill uses a mix of criminal and civil penalties to retailers, while the government amendments rely solely on civil remedies that we think improve their effectiveness. I believe that to be an appropriate and more equitable response to any retailer's failure to observe its duty to keep our streets and environment clear of abandoned shopping trolleys.

The government amendments, however, also recognise there are times where the government will need to be able to act to collect shopping trolleys. The amendments create a scheme of shopping trolley collection days, whereby the Chief Executive of TAMS will give retailers two days notice that the department will conduct a sweep of specified areas and remove any trolleys found abandoned. Any trolleys not collected by retailers before a notified collection day will be removed by the government and taken to a retention area. Any reasonable costs incurred by the government in handling the trolleys will be charged to the retailer. The government considers that these reasonable costs will include the costs of removal and storage and any costs of destroying and recycling the trolley's components if not retrieved. The reasonable costs incurred by the government in handling an abandoned shopping trolley become a debt owed to the territory, which is payable, whether or not the trolley's owner collects its goods.

During consultation, the chamber of commerce indicated it preferred the government's proposed trolley collection scheme requirements to those in the bill. The chamber of commerce indicated it does not support the requirement for a retailer to repay the government's costs of destroying and recycling shopping trolleys. While I appreciate the chamber's views in the matter, I think it is appropriate that these costs be passed on to any retailer that effectively abandons its shopping trolleys in the government retention area.

If passed by the Assembly, TAMS will begin the process of implementing the legislation over the coming months. In response to input from traders, the government has undertaken to advise them of the specific time when trolley collections will commence. This will allow retailers the time to undertake a sweep of the area immediately prior to government collection commencing. The government has consulted extensively with interested parties in determining its response to this bill. Consultation on the government's amendments has occurred with the retail industry, the ACT region Chamber of Commerce and Industry, and I have sought advice from the Human Rights Commission.

Both the Human Rights Commission and the Scrutiny of Bills Committee have provided comments on the amendments. I believe that the amendments provide an adequate balance between public safety and urban amenity and consideration of society's more vulnerable members on the other, a view shared by the human rights commissioner. Thank you, Madam Assistant Speaker. I commend the amendments to the chamber. *(Time expired.)*

MADAM DEPUTY SPEAKER: Thank you, members. Before we go on I would just like to draw members' attention to the fact that Mr Moore, a former member of this place, has joined us in the gallery.

MS LE COUTEUR (Molonglo) (5.08): I would like to thank Mr Stanhope and the government in general for their cooperation with this bill. The amendments are the result of a good deal of cooperation between the Greens and the government. This is something we have been working on for some months, and I am very pleased that we will finally have an end to it in a few minutes, I guess.

Mr Stanhope's suite of amendments include both amendments that the government wished to make and further amendments that the Greens wanted to make to our original bill. Many of the amendments have been through a number of iterations in discussion between our two offices. I am very pleased that the government was willing to take on my recommendations for amendments; we have agreed and ended up with a good scheme. I must say that I look forward to being able to work in this cooperative way again in the future. This offer is, of course, extended to the Liberal Party, despite the fact this bill was not one they supported. I would note, however, that we have just had a cooperative arrangement with supporting Mr Smyth's motion and my amendment to it earlier today. In the context particularly of the federal election results, I now look forward to more cooperative assemblies and parliaments in general.

Going back to the amendments, I did seek assurances from the government that they have consulted on the amendments. The government have not yet provided me with details of the comments, however, I have been assured—and I do know—that the government did undertake considerable consultation on these amendments. Mr Stanhope mentioned some of the feedback in his speech, and I understand that the feedback has been fairly positive.

As I said in our previous debate, I consulted widely on my original bill, especially with retailers. The feedback I received was also generally positive. Probably the main issue raised by retailers was the impracticality of putting a unique identifier on their trolleys. I must say that the Greens agree this is too onerous and it would stop retail chains being able to move their trolley fleets between different stores. Instead, we have suggested that rangers put out a unique notice sticker to any trolleys they find and need to identify, and Mr Stanhope's amendments cover off this important issue.

I will briefly now touch upon comments from the scrutiny committee, which identified a number of issues with the amendments and the comments from the human rights commissioner, who looked at both the original bill and the amendments. We were very pleased to receive this feedback. As Mr Stanhope will recall, I requested specifically that the amendments go through the scrutiny committee, and I am satisfied that issues raised by the committee have received an appropriate response in the amendments.

The human rights commissioner also provided comments about the way the legislation interacts with human rights. My concern in the original bill was to ensure the legislation did not disproportionately impact on people who are at socioeconomic disadvantage, like homeless people. The human rights commissioner wrote additional comments to me confirming that the Greens' bill improved the existing Litter Act offences in terms of human rights. She recommended that finetuning some of this drafting would improve this further, and we welcomed all advice and suggestions from the commissioner.

One of the amendments in the suite introduced by Mr Stanhope requires that an authorised person cannot give a direction to an individual to return a trolley if it would be harsh and unreasonable in the circumstances. This is an amendment which was introduced at the insistence of the Greens and is designed to improve the fairness of

the bill. The human rights commissioner picked this up in her advice and said that the amendment mitigates the risk of being found unreasonable.

As I said, we agree with the amended scheme that Mr Stanhope has just introduced. We support the shopping precinct idea and agree that this is a good way to ensure the bill covers off both private and public land. We agree also with the proposal for retailers to post warning signs about potential fines at the premises of retailers who have trolleys. The signs also describe the precinct so that customers are clear on where they can take a trolley without breaching the law. This is an important deterrent to people at the site where the trolleys are located, and I am happy that, through our discussions with the government, we were able to settle on appropriate words. I also note that it is sensible that the precincts are defined in regulations in some instances due to the different circumstances and locations of retailers.

The amendments expand the individual offence to include that taking, using or leaving a trolley outside a precinct is acceptable, given it is the requirement to first issue a 24D direction to return the shopping trolley. As I mentioned, the new harsh and unreasonable defence is also very important to ensure that people are not treated unfairly. There are some circumstances where it is unreasonable to require a person to return a trolley. Mr Stanhope mentioned one of those in his speech.

We also support the new power the amendments give the government to give retailers at least 48 hours notice that it will undertake a trolley collection day in a particular area. If the government then finds any trolleys in this area, it may fine the responsible retailers. I do want to point out that the success of this new section depends on the government's willingness to enforce it. My discussions with the government make me optimistic that this will be the case.

I note that this new power complements nicely the power in my original bill for rangers to issue 24-hour collection notices on individual trolleys. I am pleased that this power has been retained in the amendments. It can be used for spot enforcement rather than having to organise a collection at a whole suburb. It also has certainty. Evidence is collected, and there is no mistaking that a retailer failed to comply with its duty.

I am also pleased that my input into the amendments has meant that all trolleys still need to contain a government contact number. It is not sufficient just to have a retailer's number on the trolley. It is important to make it easy for people to inform the government of the location of trolleys. This means there is always going to be a way for people to inform the government, who are the ones who have the enforcement powers to ensure that trolleys are cleaned up. It also means that people, when they find trolleys, particularly those trolleys in very out-of-the-way places such as away from roads, actually have a way of ensuring something happens. At present, one of the biggest problems is trolleys on bike paths and trolleys in creeks and drains. These are the places where the retailers simply do not patrol.

We also support the new section 24F(a), which requires that retailers must take all reasonable measures to keep shopping trolleys within the shopping trolley precinct. It is a useful extra avenue of enforcement and it links to the other enforcement powers.

If a trolley is impounded because a retailer left it out on collection day or did not collect it within 24 hours of receiving advice and the retailer also did not take reasonable measures to keep a shopping trolley within the precinct, then higher fines may apply.

It is this section which also encourages retailers to install trolley containment systems such as coin locks. This is an important incentive, as I have always said. Making these efforts on site can make a big difference to reducing the number of escaping trolleys and to ensuring that some of those escaped trolleys are actually taken to the trolley's home rather than to individual's homes.

There remains a section in the amended bill that allows small retailers to be exempted from this requirement. This may be necessary to keep the scheme fair, and I look forward to further discussions with the government about the appropriateness of exempting retailers who are below a certain size.

I would also like to point out that, due to these amendments, the explanatory statement I introduced with my original bill is now partly obsolete. The government has not proposed a revised explanatory statement to accompany the amendments. I have been assured, however, that the government will be producing public information about how the new trolley scheme will work. There will be a TAMS factsheet published online, and I understand the Office of Regulatory Services will now start working with retailers. I look forward to updates on how the implementation of this scheme is proceeding.

As I have said before, we now have a good scheme and strong government powers. We need the government to do a good job now with implementation and enforcement. The scheme comes into effect on a date to be fixed by the minister. However, at the latest, it will commence after six months. This means that by February next year the ACT will have a trolley maintenance scheme which will be a win for Canberrans in terms of litter, safety, the environment and the economy. I look forward to the next clean-up day, which is in March next year, to not having a lot of trolleys to clean up in Downer. I am sure the rest of Canberra on clean-up day will also be very pleased to find a lesser number of trolleys in their clean up.

Most areas of Australia have found it too tricky to address the trolley problem or they have just ignored it until the once-a-year clean-up day. The ACT is now a leader with a sound, well-balanced scheme that will bring good outcomes to our city. I commend the government for the process, and I support the amendments which Mr Stanhope is bringing forward. This has been a very good example of cooperative law making.

Amendments agreed to.

MADAM DEPUTY SPEAKER: The question now is that the remainder of the bill, as a whole, as amended, be agreed to.

MR COE (Ginninderra) (5.19): I would like to speak to the bill. The opposition will not be supporting this bill. As I said on 30 June, either the legislation will have no impact because it is too difficult to enforce or it will unfairly affect hardworking business men and women of Canberra by applying offences on retailers.

Whilst a trolley by the side of the road may affect our amenity, I have serious concerns about whether this Assembly passing legislation will make such a problem any less likely. Does anyone here actually think that the careless uni student who walks their trolley back to their group house or apartment will be less likely to do so after this legislation? Does anyone think that the homeless person who keeps all their worldly possessions in a trolley will be less likely to do so after this legislation? Does anyone expect that the police will make the call that it is on reasonable grounds that a person leaves or intends to leave a shopping trolley in a public place? I do not think so.

This legislation originally said an authorised person or a police officer may remove the trolley to a retention area—a police officer. This is absolutely absurd and is not the right use of our resources. I am glad Mr Stanhope's amendments have at least removed that provision. The clause whereby each shopping trolley was to have a unique ID—each shopping trolley was to have a number plate, in effect—was absolutely absurd, and I am glad Mr Stanhope's amendments have fixed that.

I believe the solution to the problem is not by moving legislation and is not by this Assembly overreaching into the lives of Canberrans. It is much more so to simply ask retailers to sort out this problem, if, indeed, there is one. I am sure there are some good people at TAMS who could have a chat with some retailers and try and make this come about independently.

Finally, let me comment on a fascinating letter from the Human Rights and Discrimination Commissioner. The commissioner has slammed Ms Le Couteur's bill in a 10-page report into shopping trolleys—a 10-page report from the Human Rights and Discrimination Commissioner. I find that pretty amazing. Who would have thought when they set up the position of the Human Rights and Discrimination Commissioner that she would write a 10-page report into a shopping trolley bill? Who would have thought it? This commissioner and this legislation cannot stop 100 people living in five houses, cannot stop 25 people living in a single house, cannot stop five people living in a garage, cannot stop 25 people sharing one toilet—cannot stop any of that. But here we have it—we have got a 10-page report into shopping trolleys.

This is pretty special stuff, and I think it comes down to the fact that this government and indeed sometimes this Assembly do not have the right priorities. We are more interested in what happens in this place than what happens outside the perimeters of this building. We are more interested in getting a box next to our name ticked as saying we moved legislation rather than actually making a difference outside these four walls.

I think it is very disappointing that we sometimes have such an inward focus, that we actually are not in touch with our community, and we try and move legislation to stop shopping trolleys when we have all these other problems in our community that this government or this Assembly will not address. I think it is absolutely disgraceful that we should spend taxpayers' money, the resources of Canberrans, by putting together a 10-page report which details why shopping trolley legislation is not consistent with the Human Rights Act.

I find it absolutely extraordinary, and I think it is indicative of the wrong priorities of this Assembly. Indeed, I am afraid that this is an example of why so many people in Canberra do not necessarily respect this place as much as they should. This place should be respected by all Canberrans. This is indeed Canberrans' chamber. Yet I am afraid that, when we move legislation like this, we get so sidetracked and we get so inward focused that we forget about the real deal.

I wonder what the cost of this bill is to the taxpayer, whether it be the cost of drafting the bill, the cost of the chamber time, the cost of TAMS's time or the cost of the Human Rights and Discrimination Commissioner's time. That is before you even implement this legislation. It would be many thousands of dollars.

The ACT opposition will be voting against this legislation, because it is legislation for legislation's sake. It could have been done easily by the department or by retailers on their own.

MS LE COUTEUR (Molonglo) (5.24): I want to make some brief comments, given that Mr Coe has raised the human rights issues. Firstly, I would like to say that, of course, the Greens are very supportive of human rights and we do think it is appropriate to consider human rights in all legislation, regardless of Mr Coe's view. I would also just like to point out that from a human rights point of view, the bill was designed to improve the existing law regarding littering and shopping trolleys, particularly relating to individuals at socioeconomic disadvantage. That was in the explanatory statement and in my introduction speech back in February.

The comments provided to me, first, by Mr Stanhope and, then, some further comments by the human rights commissioner, Dr Watchirs, confirmed that the trolley scheme I introduced is in fact an improvement on the existing scheme under the Litter Act. The Litter Act takes no account of the fact that homeless people or other people at a socioeconomic disadvantage could be treated unreasonably.

This is the case under the previous scheme and it is presumably the scheme which the Liberal Party are still supporting, albeit that they clearly do not agree with the new bill. They clearly wish the old Litter Act to remain. As confirmed by the human rights commissioner, it was definitely worse for human rights. If they were concerned about the human rights issues, I believe that they would be supporting my bill as amended by Mr Stanhope.

I will now read part of the letter to me from the human rights commissioner. It says:

I would agree that a reduction in the penalty for abandonment of a shopping trolley would make the existing offence more proportionate under s. 28 of the Human Rights Act 2004, based on the assumption that such an offence may disproportionately affect people at socio-economic disadvantage. It is clear that your intention was to ensure that individuals with such an attribute were not treated unreasonably.

She went on to say:

The purpose of my advice is to seek to ensure that such provisions are reasonable and proportionate under the Human Rights Act. In this regard, your changes to existing provisions would improve the proportionality of offences relating to shopping trolleys.

The other issue that Mr Coe raised was basically that this Legislative Assembly should not be concerned with shopping trolleys. I would point out that this Legislative Assembly is for the ACT both the local council and the state government. If we are not concerned with shopping trolleys, I would ask Mr Coe who he thinks should be. I am surprised he has not interjected to say that he already said “the retailers”. Clearly, it is the issue for the retailers. Clearly, the retailers have not in every case managed to control their shopping trolleys.

Every day I come to work along Northbourne Avenue and I see shopping trolleys. I am quite amazed at the constant stream of emails I get from constituents about shopping trolleys in some remarkably inventive and inappropriate places. I am also aware of the number of people who have suffered quite severe injuries because of collisions in the dark with shopping trolleys left in inappropriate places.

Yes, I do think that shopping trolleys are one of the issues which this Assembly should concern itself with, and I am a bit disappointed that the Liberal Party’s TAMS spokesperson does not feel that trolleys are something worthy of his consideration.

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) (5.29): I wish to respond too to the charge of misplaced priorities. It sort of reflects a very single-dimensional approach by the Liberal Party to issues.

It is possible for governments, Assemblies and members to deal with more than one issue at a time. Dealing with issues of litter, public amenity and the look of our public spaces is a very important issue. I have to say that based on my time in this place it does concern Canberrans. I am surprised that Mr Hanson and Mr Coe do not share the very general concern within our community around the look of our city.

One of the behaviours that impacts quite severely on the look of our city, people’s view of our city and its tidiness or otherwise is abandoned shopping trolleys. There are at times, most particularly in those suburbs around town centres or group centres, dozens and dozens of abandoned trolleys. They represent a very significant issue for government.

I think that over any given week it is fair to say that there are at different times hundreds of abandoned shopping trolleys spread across the whole of the ACT. I am stunned at the number of shopping trolleys that I see in Lake Ginninderra. There is a stunning number of shopping trolleys thrown into Lake Ginninderra, into creeks, into gutters and into ditches.

Mr Coe: And this will stop it?

MR STANHOPE: This will stop it. I have absolutely no doubt. This is one of those issues where the prospect of a penalty and the inevitability of a penalty—a payment for not collecting trolleys—will, I have absolutely no doubt, have an impact.

We tried a collection system previously. TAMS did at one stage actually collect abandoned trolleys and take them to its pound. The pound utilised at the time in Belconnen was the one at Parkwood. Unfortunately, we collected hundreds of trolleys over time, thinking that the shopping centre owners or the supermarkets, having lost access to hundreds of trolleys would be very keen to retrieve them. This was, I think, in a situation without the prospect of penalty. They did not and they just built up and built up to a point where TAMS was left with hundreds of trolleys that the shopping centres refused to collect. It was not worth their while to send somebody out to Parkwood to pick them up and to take them back. They did their cost-benefit analysis. They would not. Even when we collected them in a central spot, they would still not come and pick them up. So we abandoned that.

We actually ended up filling the yard with them and they were never collected. We rang up and said, “We have got a hundred of your trolleys here.” They never did collect them. That was the response of the supermarkets to that particular effort or attempt to deal with the issue. I really am surprised. The next time I hear the Liberals whinging about the look of the city, I will remind them that they are happy to actually agitate, whinge, carry on and to put out press releases about grass not being cut or litter on the side of the road. But when it comes to one of the major items of litter and rubbish—shopping trolleys abandoned in lakes—they think it is actually not important enough to pursue.

We are pursuing it here. Look at some of the other motions we are debating today. On a really productive, positive, significant social issue, you claim there are more important issues for us to be debating or spending our time. Look at your own motions on the program for today.

Mr Hanson: Calvary hospital is not important?

MR STANHOPE: We have done it 15 times in the last two months and you are going nowhere with it. It is repetition ad nauseum.

Mr Hanson: I will keep trying; don't you worry.

MR STANHOPE: Of course you will keep trying. You are very trying. You are trying all the time and you will, but you will get nowhere with it. But do not stand here and suggest that all the issues that you are interesting in pursuing, as puerile as they are, are more important than a practical, sensible approach to a major issue of concern to the people of Canberra.

I commend Ms Le Couteur for her energy and interest in this issue and I have been very happy to work with her to get this good outcome.

Question put:

That the remainder of the bill as a whole, as amended, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Remainder of bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Calvary Public Hospital—proposed purchase

MR HANSON (Molonglo) (5:37): I move:

That this Assembly:

(1) notes:

- (a) that the Minister for Health has pursued the purchase of Calvary Public Hospital for two years at a proposed price of approximately \$77 million;
- (b) that the Opposition and others have argued that the purchase should not proceed based on the Minister's flawed rationale that spending \$77 million was necessary to fix an 'accounting problem';
- (c) that accounting advice provided to the Government has shown that the hospital does not need to be purchased before further investment can be made in Calvary;
- (d) that, if the Opposition and others had not opposed the purchase and had not delayed the Minister's plans, then she would have wasted \$77 million of taxpayer's money; and
- (e) that the Calvary purchase fiasco has caused significant aggravation to staff at the hospital and several community groups and has disrupted and distracted the Little Company of Mary, ACT Treasury, ACT Health and the Assembly; and

(2) calls on the Minister to:

- (a) table all accounting advice she has been provided in full; and

(b) rule out further attempts to purchase Calvary Hospital.

This is an issue about openness and accountability and about ensuring that we do not repeat the mistakes of the last two years. It is about the secretive deals that have occurred in relation to Calvary Public Hospital and the plan by the government to purchase it. I think it would be wise to open with some words from someone I like to quote regularly, who is a great inspiration for me, and that is the previous opposition leader, Mr Stanhope. I will quote from him in October 2001 when he was the opposition leader. You can judge the performance of his government against the rhetoric from when he was the opposition leader—

Mr Stanhope: You've been in opposition that long, have you?

MR HANSON: and see if he meets his own standards when he lectured the good people of Canberra.

Mr Stanhope: You've been in opposition for nine years now, have you?

MR HANSON: I quote:

Labor understands that good government does not bully.

Ms Gallagher missed that one—

It leads.

Mr Stanhope: It has been leading for nine years.

MR HANSON: "Good government accepts criticism." Does it?

Good government has the courage to allow itself to be closely scrutinised. It conducts its operations in an open, honest and accountable manner, not in secret.

What a pearler. Last Thursday Ms Gallagher made a statement in the Assembly. Largely it was an exercise of excusing her appalling handling of the Calvary purchase fiasco, but she also outlined the government's current position in light of accounting advice that they have now received. Before I go to that, it is worth pointing out and reminding members of the Assembly of the process that has led us to this point.

I remind you that in August 2008 the minister started this secretive process to purchase Calvary hospital. Indeed, she wrote to the chair of the Little Company of Mary in the lead-up to the last election asking him to sign a heads of agreement in relation to the deal. I think it is fair to say that there was a substantive plan on the table. When she said on the eve of the ACT election in a health debate, "All of our plans are on the table," that simply was not true.

I have another quote from Mr Stanhope here. You will like this one. It is also about being honest. Mr Stanhope lectured the community in 2001. He said, "Because

integrity is one of our core values, we do not accept that the only way to govern is by deals done behind closed doors.” That is exactly what you were doing with the Calvary deal. Just like Simon Corbell’s fake opening of the jail on the eve of the election, the secretive deal that you have done with Calvary has clouded this process from the outset. The community only found out about this deal when it was leaked to the media in 2009. That has breached the trust of the electorate.

Let me again quote Mr Stanhope. He really is a goldmine. He was entirely correct in 2001 when he said:

... we also understand that it is impossible—

impossible, Mr Speaker—

to rebuild and maintain the community’s confidence in government and public institutions unless the business of those institutions is conducted in the most open manner possible.

What rhetoric, what hypocrisy. It is palpable. It has been a large factor as to why this whole shabby exercise has such a stench about it. It has the stench of secrecy and it has the stench of incompetency.

I remind members also that this is a minister who offered up Clare Holland House simply as a bargaining chip. That was condemned by large sections of this community. In fact, it is hard to find someone other than the Little Company of Mary and the government who thought it was anything other than a very shabby part of this deal.

The minister also conducted a sham consultation. In fact, it was largely a PR exercise done at the eleventh hour. She refused to listen to the experts. I remind members that she refused to listen to Andrew Podger. Andrew Podger is the President of the Institute of Public Administration Australia. He is a former secretary of the federal health department and he said in May 2009, “Someone please get the accountants to fix a problem that is theirs, not the taxpayers or the hospital users.” We agreed with that and we have been proved correct, as has he. She refused to listen to Professor Sinclair Davidson, who described her budgetary arguments as simply nonsense.

Mr Seselja: Everyone else was wrong. Katy was right.

MR HANSON: Indeed. There was Terence Dwyer, an economist with a PhD from Harvard. She refused to listen to him. She also refused to listen to Tony Harris, whom she was applauding and congratulating in the chamber only a month before in relation to the budget. When he described her arguments as a contrivance she then chose to ignore him and discard his objections to the deal. She told us again and again that purchasing the hospital was the only way forward. They were not the exact words; that is a paraphrase.

Mr Smyth: It was the only way to move forward.

MR HANSON: Moving forward. The minister was wrong and she was negligently wrong. In fact, last October I moved a motion in this Assembly, as you will recall,

asking that the deal be put to the Auditor-General so she could have a look at it and make an assessment on whether or not this was the way you should be moving forward. But, no, the minister would not want that. What did the Greens, the great bastions of accountability and open government, do? They rolled. There was a bit of a smile between Katy and Meredith and then: “The job’s on. No, we won’t have anything going to the Auditor-General.”

Let us be very clear here that if it had not been for the opposition and others in the community standing up and saying, “This deal has got a stench about it; this is a bad deal; you don’t fix an accounting problem by spending \$77 million”—and, in part, if the minister had not been so bungling with her actual approach to the deal and not being able to get the thing done—we would have spent \$77 million of taxpayers’ money completely needlessly.

Mr Stanhope was talking here before about the fact that he has not got enough money to re-do the Kambah shopping centre. He said, “We simply don’t have enough money.” How many shopping centres did he say there were across Canberra—about 90? Well, Mr Stanhope, there is your money. We just saved it for you: \$77 million. There you go. You did not need to waste it on a hospital.

I remind members also that this whole fiasco has caused significant aggravation to the community, to the staff at Calvary hospital, to the staff in ACT Health, to the staff in ACT Treasury and to the Assembly. It has wasted a significant amount of our time. If you look at the absolutely disastrous results we are getting in elective surgery and other bad results we are getting in ACT Health, it is quite clear that this has distracted the minister from her core responsibilities. When the minister made her ministerial statement last week she outlined four new options for proceeding with Calvary hospital, and I will get to those. She said:

In May 2010, PricewaterhouseCoopers provided accounting advice to the territory on the proposed arrangements. PricewaterhouseCoopers advised that the proposed Calvary network agreement, if signed, would result in a service concession arrangement which means that the territory would be able to register the hospital on our accounting books as our asset and would not need to buy the asset in order to achieve this. This advice was significant and obviously changed the course of action for both the government and the Little Company of Mary.

She went on:

PricewaterhouseCoopers advised that within the existing arrangements there is currently a service concession arrangement and informed Treasury that the territory could still recognise the Calvary Public Hospital as a territory asset. Given the magnitude of this advice and the obvious changes it posed, the office of the Auditor-General was contacted to provide a view on the current and proposed arrangements.

The audit office then engaged a major accounting firm, which was not PWC, to provide them with advice on this issue and to review the advice received from PricewaterhouseCoopers.

In that statement, as I have just read, the minister talks of the magnitude of this advice, that this advice was significant and it changed the course of action for the government

and for the Little Company of Mary. In this context, it seems fair and it seems right, and in the interests of the openness that Mr Stanhope preaches of, that we should be given access to that advice. It seems perfectly reasonable to suggest that.

In the speech that she made there was no acknowledgement that her bungled proposal very nearly wasted \$77 million of taxpayers' money. There was no admission that she got it wrong. This gives me an opportunity to quote Mr Stanhope again. It brings me great joy:

We will try not to make mistakes, and if we do, we will be open about them.

This got me reflecting, over the last eight or nine years of the Stanhope government—however long it has dragged on for—whether you can ever recall them admitting to a mistake? I am trying to think of one. I invite whoever is going to respond on behalf of the government, be it Mr Stanhope or the Deputy Chief Minister, to outline their mistakes. I have only been here a couple years, and I accept that. Maybe Mr Smyth, who has been here significantly longer, can remember the times that Mr Stanhope got up and said, “We’ll be open about our mistakes. We’ll admit our mistakes. We’ll acknowledge them.”

I cannot remember for the life of me Mr Stanhope ever admitting to a single mistake. So it is no surprise, members, that, again, after bungling this fiasco of the Calvary purchase, there is no admission that there was a mistake made when quite clearly we very nearly made a \$77 million mistake. It is the old Labor mantra: never admit you are wrong and never apologise. There is another element to that—

Mr Smyth: Never explain.

MR HANSON: And it is never explained. We are starting to demand some explanation and that is what this is all about. We would like to engage in this process as far as is possible. Our role is not to sign off or write a blank cheque. If we had done that 18 months ago we would be \$77 million poorer. Our job is to examine, to scrutinise and to get into detail. That is what the community expect of us. They expect us to look at the options that are on the table, to judge them, to make an assessment and to provide our view of whether it is a good deal, whether it is a bad deal or whether there should be another option presented.

But for us to make an informed decision, for us to be able to do our job in the Assembly, it is very difficult if we do not have the necessary information. A large part of that—a substantive part, as the health minister says—is the accounting advice that has been provided. If we talk about the reason that they will not provide this advice that we are asking for it seems that it is an excuse about commercial in confidence. Again, let me quote Mr Stanhope from 2001:

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.

That is exactly what they are doing now. The contradiction between the government's rhetoric and their actions is stark. If we were to believe their rhetoric then they would table the accounting advice. They will not do so, so it is up to us in this Assembly to compel them to do so.

If we want to look at consistency here, let us look at Mr Stanhope in 2005. In 2005, he published a copy of the draft Anti-Terrorism Bill 2005 and it was labelled "draft in confidence". That was proposed by the Australian government to the states and it was intended for release for general publication after October. Mr Stanhope claimed that that was all in the public interest back then—so piously: "Because it is in the public interest, I will publish in-confidence advice." The premiers disagreed and the Prime Minister disagreed. The Prime Minister actually said, "It is important that governments, no matter what political stances they might take, have the capacity to talk to each other in confidence." That legislation was given in confidence.

Mr Stanhope and his colleagues back in 2001 were lecturing the Canberra community about openness, about accountability, about not doing secret deals behind closed doors, about not hiding behind in-confidence and about not hiding behind commercial in confidence. But in 2005, he did exactly that. He released some documents. What is going on now? When it comes to it, when it does not suit him, he will not follow through on his own rhetoric.

The Greens have an opportunity here to support openness, to support accountability and to avoid what I fear will happen if they do not go through this process in an open and accountable manner, and that will be a further two years of procrastination, more secret deals and more bungling from the health minister. I am asking members today—I know that the government does not want to release the documents, but I plead with the Greens—to let us restore some integrity, openness and accountability into what has been a very shabby process.

Let us restore the confidence of the public that they are going to get the very best deal and they are going to get an open and accountable deal from this government when it comes to the future of their hospital in Calvary. At the moment, while this government refuses to present and provide the information it has been given then no-one will have the confidence that the government is actually doing so.

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) (5.53): Mr Speaker, I am very pleased to speak on this motion. I must say that I am very pleased to have had my memory jolted by Mr Hanson to the fact that we took government nine years ago.

Mr Smyth: And you haven't kept your word on a single day since.

MR STANHOPE: It is interesting to reflect—the passage of time takes one by surprise from time to time—that it was actually nine years ago that the people of

Canberra first decided that the Liberal Party was not fit to govern, a judgement that they have exercised on three subsequent occasions and will exercise again in two years time.

Mr Hanson: Were you lying back then or are you lying now?

MR STANHOPE: It is interesting to reflect on what has now become a permanent opposition in this place and on some of the reasons that they have—

Mr Hanson: When were you lying? Back then or now?

MR STANHOPE: Point of order, Mr Speaker. Mr Hanson just referred to me as a liar. I think he does this—

Mr Seselja: I do not think he actually called you a liar.

MR STANHOPE: Yes, he did.

MR SPEAKER: Sorry, Mr Stanhope; I was not listening.

MR STANHOPE: Mr Hanson just referred to me as a liar. I ask that he withdraw that. We know that he is a man of absolutely no integrity, standing or substance, but it would be good.

Mr Seselja: Mr Speaker—

MR SPEAKER: On the point of order, Mr Seselja?

Mr Seselja: Yes, Mr Speaker. Firstly, Mr Hanson did not call Mr Stanhope a liar. He is sensitive on this point. But secondly, in making the point of order, Mr Stanhope cannot go around saying that Mr Hanson has no integrity. That is unparliamentary, and I would ask you to get him to withdraw.

MR STANHOPE: No, it is not. On the point of order: Mr Hanson just accused me of lying. Let us not get silly about it. Just show some integrity. Show some integrity and withdraw it.

MR SPEAKER: Thank you, Mr Stanhope. One moment. Mr Hanson?

Mr Hanson: Mr Speaker, I am happy to withdraw it, and I would ask that Mr Stanhope withdraw the comment that—

MR SPEAKER: You are withdrawing?

Mr Hanson: I am.

MR SPEAKER: Thank you. Mr Stanhope, I ask that you withdraw the comments you made about Mr Hanson in your point of order.

MR STANHOPE: I must say that I am not clear on what was unparliamentary.

MR SPEAKER: The observations about Mr Hanson's lack of integrity.

MR STANHOPE: I will withdraw anything that was unparliamentary, Mr Speaker.

MR SPEAKER: Thank you.

MR STANHOPE: I was not aware that it was. But there we have it. A man who stands and begins his speech in relation to this issue with a reference to integrity and standing, who refers to codes of conduct and comments that I made about integrity—and within one minute of his standing to respond calls me a liar. This is a man who wants us to take him seriously in relation to this issue, a man who stands and claims that there are certain standards in relation to the issues he seeks to pursue around integrity, honesty, capacity and parliamentary standards.

Mr Smyth: There are issues. Why do you hide behind commercial in confidence?

Mr Hanson: What a contradiction.

Mr Smyth: What a contradiction: more honest, more open, more accountable. That was your vow.

MR STANHOPE: And what does he do within a minute of my response? He deliberately breaches all of those standards that we expect of members of this place.

Mr Hanson: You can't have been right then and right now.

MR STANHOPE: What does he do within a minute? He breaches completely any acceptable parliamentary standards.

Members interjecting—

MR STANHOPE: It puts in some perspective the purpose of this particular motion. The nonsense from this man, getting up and bleating about adherence to standards, hand on heart, talking about how it is important that we maintain our commitment to ministerial standards and codes, and then within a minute—

Mr Hanson: I am a man of my word, not like you.

Mr Smyth: You are not a man of your word. Where is the health minister?

MR SPEAKER: One moment, Mr Stanhope. Members, similar to the conversation we had this morning, Mr Hanson delivered a contentious speech. He was heard in silence, and I expect the Chief Minister to have the same courtesy extended to him.

Mr Seselja: Mr Speaker, I take issue with the ruling. Mr Hanson was not heard in silence. I do not know if you were in the same chamber I was in, but Mr Stanhope was consistently yelling across the chamber. I am not quite sure how you come to the conclusion that Mr Hanson was heard in silence, because he certainly was not.

MR SPEAKER: It is certainly my recollection that it was a lot quieter than it is now. Perhaps “silence” was a bit generous, but I do not expect the constant interjection.

MR STANHOPE: We are used to this double standard from Mr Hanson. All of us remember quite clearly an awful speech in this place—

Mr Seselja: Point of order, Mr Speaker.

MR STANHOPE: where he expressed a whole range of views around human rights and the rights of gay and lesbian people, and his commitment, the commitments to be made—

MR SPEAKER: Chief Minister, one moment, please!

Mr Seselja: Point of order, Mr Speaker. The point of order is on relevance. We have now had five minutes from the Chief Minister. He has not gone near the motion. He is now talking about Mr Hanson’s maiden speech rather than the motion. We know that he does not want to debate this, but perhaps you could ask him to be relevant.

MR STANHOPE: On the point of order, Mr Hanson went to issues around human rights in his speech—decisions that I took in relation to the terrorism legislation. He raised the issue as a matter of relevance to this debate. He raised issues around ministerial codes of conduct. He raised issues around human rights. I am responding.

Mr Hanson: You are very sensitive about this, aren’t you?

MR STANHOPE: Well, we are a little bit sensitive about our opening speech, aren’t we, Mr Hanson?

MR SPEAKER: Chief Minister, one moment. On the point of order, I think that Mr Hanson did cover a fair bit of territory but, Chief Minister, if you can try and address the issue of Calvary, that would be helpful.

MR STANHOPE: I am addressing this motion, the motion that goes to ministerial standards. That is what the motion is about—comments and statements that I made.

Mr Seselja: Mr Speaker, on the point of order—

MR STANHOPE: I am talking about Mr Hanson’s opening remarks in his first speech about his commitment to non-discrimination against gays and lesbians, his commitment to human rights, his commitment to women—all commitments that he has breached over the last two years.

MR SPEAKER: Chief Minister, thank you. Stop the clocks, thank you.

MR STANHOPE: He has been homophobic; he has been sexist; and he has no commitment to human rights.

MR SPEAKER: Chief Minister, sit down. Mr Hanson.

Mr Hanson: Mr Speaker, firstly, all the comments I made, which were quotes which I drew from Mr Stanhope, were directly relevant to the issue—

MR STANHOPE: And I am referring to your opening, inaugural speech.

MR SPEAKER: Order! Mr Stanhope!

Mr Hanson: which were about the release of public documents, were about not hiding, how you do deals behind closed doors. They were all directly relevant to the deal. Secondly, to somehow make an assertion that I am homophobic and I am misogynistic, which is what he just said, I find both offensive and also entirely irrelevant to this debate about Calvary Public Hospital and the need to release certain documents. I would ask that he, firstly, withdraw his comments that I am homophobic and misogynistic and, secondly, address the substantive issue, which is about the release of public documents relating to the Calvary Public Hospital purchase.

MR STANHOPE: On the point of order, Mr Speaker, Mr Hanson felt the need to raise the issue of anti-terrorism legislation in a debate about Calvary.

Mr Seselja: When you've got nothing to say, Jon, just make it up.

Mr Smyth: Because you released in-confidence material—

MR STANHOPE: The issue of the release of documents—

MR SPEAKER: Order! Chief Minister, just on the point of order, I did not hear whether the Chief Minister used words along the lines of “homophobic” or not. There is no clarity from the Clerk either. I will have to review the tape. Chief Minister, did you use those words?

MR STANHOPE: I did. I used them quite honestly. In his inaugural speech, Mr Hanson promised that he would in no sense ever discriminate against gays and lesbians. Then, the first time he was put to the test, we know he did. He refused to support our civil union legislation. We know he is misogynistic.

MR SPEAKER: Order! Chief Minister, thank you.

MR STANHOPE: These are not unparliamentary terms, Mr Speaker. These are not. These are statements of fact.

MR SPEAKER: I will have to review the *Hansard* on this one, I am afraid.

Mr Seselja: He has acknowledged that he said it.

MR STANHOPE: I did, but it is not unparliamentary.

MR SPEAKER: Order! I will have to form a view on whether I consider that Mr Stanhope used unparliamentary language or not.

Mr Hanson: Mr Speaker, he has just admitted that he has called me homophobic and misogynistic in the context of a debate about Calvary hospital. I ask that you rule on that.

Mr Barr: No; you have said it. You have interpreted it.

Mr Hanson: He just said it. He acknowledged that he did.

MR SPEAKER: Sit down, Mr Hanson. I have given a ruling. I will have to review the *Hansard* to form a view on whether I consider this to be unparliamentary or not. I am not prepared to make a ruling when I am unclear about the terms. We are now going to move to the adjournment.

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.

Sitting suspended from 6.01 to 7.30 pm.

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) (7.30): Mr Speaker, I do not know whether I should refresh my earlier contribution, in the event that members may have forgotten the thread of my argument, but I was thinking—

Mr Seselja: You reminded us in the car park.

MR STANHOPE: No, you reminded me. Actually, Zed, you really should, when you are slagging off at somebody, check that they are not actually in hearing distance, mate, particularly when you are walking down stairwells.

Mr Seselja: You reminded us in the car park, Jon. People do not normally go on with that in the car park.

MR STANHOPE: You didn't know I was in the stairwell, did you, Zed?

Mr Seselja: You demonstrated your embarrassment.

MR STANHOPE: You didn't know I was in the stairwell, did you, Zed?

Mr Hanson: Were you hiding down there, were you?

Mr Seselja: I was happy to have a chat, but you do not normally go on with it.

MR SPEAKER: Mr Stanhope, Mr Seselja.

MR STANHOPE: Well you were—I followed you down the stairwell, mate, I—

Mr Seselja: You were following me? Are you stalking me, Jon?

MR SPEAKER: Order!

Mr Seselja: You are taking this very personally.

MR STANHOPE: You really ought to be aware of who is around you, mate, when you are actually speaking aloud to your colleagues.

Mr Seselja: You are taking this personally.

MR STANHOPE: It's something for you to remember in future.

Mr Seselja: If I cared whether you heard it, I might.

MR SPEAKER: Members.

MR STANHOPE: You really should, Zed—the stairwells echo a bit, mate, and I followed you down.

Mr Seselja: So what have you got? What pearls of wisdom do you want to share with us?

MR SPEAKER: Mr Seselja, thank you.

MR STANHOPE: I think I had reflected—and I think this motion does reflect—the point that Mr Hanson reminded us of in his presentation: that is, that the Liberal Party have been out of government now for over—or just on—nine years. They have occupied the opposite bench for a long time now. They actually have no experience of government, and I think at its fundamental level that is what this particular motion we are debating now reflects: a lack of understanding of the business and process of government. I think that is one of the difficulties that the government has in engaging with the opposition on this particular issue and on issues such as this in relation to the needs of our health system and the need for us to develop a coordinated, integrated health system and the fact that fundamental to the reform that the Minister for Health has been driving over recent years is not just a desire but the need for this territory to develop a truly seamless integrated public hospital and health system.

Everything that the minister has done in relation to how best to invest in Calvary—how best to get the best out of a public health system—has been directed to that end: a need for the system to work as one. It does not have that capacity whilst ever we do not own or at least control or have the managerial capacity to direct in the way that a seamless system determines.

The position that has been pursued, on the basis of advice from Treasury and the Department of Health, supported and backed up by independent advice, has been that we could not invest in Calvary Hospital without significant implications for our budget position—for our bottom line. That was the advice. That has been the

consistent advice of the Treasury, the Department of Health—and of others—that we accepted and that we acted on. It was a position that was appropriate, and it was advice, which, at the time, was consistent with the accounting standards that applied.

But, Mr Speaker, things do change. The advice changed, and there is some classic comment by someone that, when circumstances change, when positions change, one is required to perhaps reflect on a better way forward, as a result of a change in advice, a change in position or, in this case, a change in accounting standard.

The accounting standard changed. At the time we developed a position, we responded to advice on the application of the accounting standard. The accounting standard changed. And what is the Liberal Party saying? That, if an accounting standard changed, it would nevertheless not change its position?

Mr Seselja: No, you should have had a different position to start with, you dill. You took the wrong position from the start.

MR STANHOPE: Well, that is not what your motion says—

Mr Seselja: That is your problem.

MR SPEAKER: Mr Seselja.

MR STANHOPE: You might want to argue that.

Mr Seselja: That is your problem.

Ms Gallagher: How do you argue that, Zed?

MR SPEAKER: Mr Seselja.

MR STANHOPE: Argue that!

Mr Seselja: Every commentator except your Treasury said you were wrong.

MR SPEAKER: Order!

MR STANHOPE: But this motion does not go—

Ms Gallagher: You are wrong.

Mr Seselja: Every commentator.

MR STANHOPE: This motion simply does not go to the position that was appropriate at the time, in the face of the accounting standards that applied.

Mr Seselja: Where is the third-party validation, do you remember?

Ms Gallagher: So what did Kate Carnell do? Was she wrong?

Mr Hanson: There was none.

Mr Seselja: Well, where is the third-party validator?

Ms Gallagher: Was she wrong?

Mr Hanson: She did not try and buy the hospital, Katy.

Ms Gallagher: What did the Liberal government do?

Mr Hanson: Kate Carnell did not try and buy the hospital.

MR SPEAKER: Order, members. I cannot hear the Chief Minister. Do not shout across the chamber.

Mrs Dunne: He does not have anything to say.

Mr Hanson: Kate Carnell did not try and buy the hospital.

Ms Gallagher: She did not invest in it, because she could not afford it.

MR SPEAKER: Ms Gallagher.

MR STANHOPE: The position we took was appropriate and reasonable at the time we developed the position, and circumstances changed. The accounting standards did, so, of course, we changed our position. Why would we not? It would be completely unreasonable, and that is the nonsense of this particular motion.

We adopted a position that was reasonable and appropriate. You might not have agreed with it. You might have actually approached it in a different way, but you cannot say that it was not appropriate on the basis of the advice we received at the time. It was more than appropriate, and the advice in relation to the accounting standards that applied then still stands. It is just that the accounting standard has changed, and, because of that, the government has reviewed and reflected on a new way forward.

The minister has, in acceptance of that, put forward four new policy positions or options, and I think it behoves the Liberal Party to look, now that there are those four possible options on the table—and the minister has done this in a spirit and a willingness to engage. It would, of course, be pleasing if the Liberal Party would give us some indication now of a willingness to engage on one of the options. Are any of these options going to be options that the Liberal Party is prepared to give serious consideration to?

Mr Hanson: Until we see the detail, how can we possibly do that?

MR STANHOPE: Well, you could work at developing the detail. You could ask questions about that, rather than moving these tedious motions that you have moved

before and that we have debated before about the change in the accounting standard. The accounting standard has changed, and we have changed our position.

What this motion reflects is that the Liberal Party would not have changed its position. If the Liberal Party was in the position the government is in, if it had taken advice on the operation of an accounting standard and then that advice had changed, is the Liberal Party seriously telling us that it would not have changed its fundamental position? We had a position—

Mr Seselja: We would not have had your position. You were wrong then.

MR STANHOPE: That is a different argument. Then why are you moving this motion? You are saying that you would have adopted a different position at the time. Perhaps you would have. We did not. We pursued a position consistent with the accounting standard and the advice we received. The advice changed, the accounting standard changed, and we have adopted a different—a new—position. So there is absolutely no logic at all in your position. Absolutely none.

And I think it is fair for the government to ask the Liberal Party to tell us what you would do now. The government, through the minister, has put forward four possibilities. It would be interesting to hear from the Liberal Party—from the Leader of the Opposition or from the Shadow Minister for Health—what their position now is in relation to the best way forward in relation to the development of an integrated public hospital system: an integrated, seamless public hospital system working as one.

We have put four possibilities on the table. Tell us what you think of those four. Go through each of them. That would be productive. That would be positive—rather than standing here today and saying, “If we were you and we received advice to change, we would not change our position. We would maintain a position based on advice that was no longer relevant and that was no longer appropriate.” That is what you are saying through this particular motion.

That is the absurdity. That is how patently political this motion is. The Liberal Party is standing here today with a motion, which, at its heart, says, “We, the Liberal Party, if we had received that advice and, if we had accepted that advice, as you would, from Treasury and from the Department of Health and others, and then the advice changed, we would not have changed our position.” That is just a nonsense, and it is so patently a nonsense that it actually exposes this motion for what it is: just a tedious, tortuous repetition of a position that you put that has absolutely no credibility. I think you are exposed for how patent and how nonsensical this particular motion is. It should be rejected out of hand.

Ms Gallagher: How about a bit of independent thought, Jeremy. Ever tried that?

MR SPEAKER: Order. Ms Bresnan.

Ms Gallagher: Have you? Or is it too dangerous?

MR SPEAKER: Ms Gallagher, thank you.

MR SPEAKER: I call Ms Bresnan.

Ms Gallagher: How about a bit of independent thought, Jeremy? Have you ever tried that or is it too dangerous?

MR SPEAKER: Ms Gallagher! Thank you.

MS BRESNAN (Brindabella) (7.39): Thank you, Mr Speaker.

Opposition members interjecting—

MR SPEAKER: Members, Ms Bresnan has the floor.

Ms Gallagher: You wish, Zed.

MR SPEAKER: Ms Gallagher!

MS BRESNAN: Thank you, Mr Speaker. The Greens welcome Mr Hanson raising this topic again today as we are keen to outline, once again, in the chamber while we believe that public health patients and the taxpayer are best served when public health facilities are owned and run by government. The Greens have a number of disagreements with the text of the motion that Mr Hanson has put forward and I will be moving amendments later. In the case of Calvary, the Greens argument about public health in public hands—

Members interjecting—

MR SPEAKER: Order, Ms Bresnan! Stop the clocks. Ms Gallagher, Mr Seselja and Mr Hanson, if you wish to continue this, take it outside. Ms Gallagher, take it outside if you want to continue it. Ms Bresnan has the floor.

Mr Seselja: Jon did. He followed me into the car park.

Mrs Dunne: He did—in the car park.

Mr Seselja: Stalking.

Mrs Dunne: “I will do you.”

MR SPEAKER: Members, I will send you outside if it does not stop. Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker—

Mr Stanhope: You have got to have some awareness of what you are saying when people are around—

MR SPEAKER: Mr Stanhope!

MS BRESNAN: Thank you, Mr Speaker. In the case of Calvary, the Greens' argument about public health in public hands is proven by evidence provided through the Auditor-General's report of 2008 and evidence provided through estimates, which are issues I will come back to.

There are two elements to the Calvary debate which we must discuss: who runs the hospital and who owns it? I am disappointed that Mr Hanson has failed to address half of this debate—that of management—as this is one of the reasons as to why public ownership would benefit the delivery of health services to the ACT community. The needs and interests of public health patients should come before those of the interests of private health corporations. We also should be looking at how services can best be delivered across our hospitals in a way which again is to provide the best service possible to the ACT community.

It is inappropriate for the public taxpayer, through the Calvary Public Hospital, to be subsidising the Calvary Private Hospital. The matter has been investigated and proven by the Auditor-General through a 2008 report. The report also refers to concerns where Calvary Private Hospital has disputed levels of repayment to the public purse. The 2008 report showed, for example, that whenever repayments were made, the ACT government had to settle for amounts less than which they were owed.

In the 2010-11 estimates hearings, the Greens asked the Minister for Health if these issues regarding cross-subsidisation had been resolved. The minister replied:

I know that the Little Company of Mary have done significant work to separate their private and public hospital functions, which is in line with the Auditor-General's report and something we support. I guess the downside of it has been that it is impacting on their efficiency and their throughput in the hospital because they are having to run two different hospitals in the one hospital. Even if there was not cross-subsidisation, some of the efficiencies of running a joint list, for example, have gone ... Everyone agrees that changes have to be there and we have to run separate facilities, very clearly, but it is having an actual impact on their outcomes.

These are core issues about how we seek to ensure that the public health dollar is used with efficiency and with transparency. I also find it difficult to understand why the Liberal Party is not considering the need to run services across our public hospitals in a streamlined and efficient manner. Issues such as human resources are significantly affected as well as those clinical services which have reached capacity at the Canberra Hospital. When TCH is at capacity, then Calvary Hospital should be providing services to patients to address these capacity issues.

To reflect on the history of this debate, the Greens did agree to the government's proposal to purchase Calvary Public Hospital but not to the Little Company of Mary having a monopoly over palliative care and outright ownership of the hospice. We were put under significant pressure from all sides about whether or not to agree with the proposal that had been put forward by the ACT government and the Little Company of Mary.

We examined the issue thoroughly, attempted to negotiate in good faith with all parties while holding strong to those points which we believed were backed by evidence-based policy. We stand by the manner in which we dealt with the issue, not only because of the recent news about accounting standards but also because we believe we dealt with the proposal in a reasonable and thoughtful manner. The Greens continue to believe that public health should be in public hands and we are moving a number of amendments to Mr Hanson's motion which address this issue.

In addressing this matter today, I would also like to reflect on the draft accounting standards and their impact on the ability of the government to purchase Calvary hospital. Prior to the release of these documents, the Greens were convinced that government investment in the Calvary site would have an impact on the ACT government's budget bottom line given its inability to recognise it as an asset. Attempts by the Liberal Party to prove otherwise at the time were unsubstantiated. As much as the Liberals tried, I do not think they could have predicted the release of the international public sector accounting standard that came out earlier this year.

I am referring specifically, to the release on 24 May 2010 of the Australian accounting standards board exposure draft on service concession arrangements for grantors. My office has obtained and examined copies of this exposure draft and consulted with the senior project officer from the agency. We have also looked at some of the submissions that have been made to the board, including that of the head of Treasury's accounting reporting advisory committee.

Most bodies are supportive of the change and there is now a process to be followed both nationally and internationally for processing the proposal. The AASB has also issued interpretation 12 of the service concession arrangements. While this document relates to the operators rather than the grantors, it seemed that this too suggests that the ACT government should be booking the Calvary hospital as an asset. While the financial problem regarding investment in the Calvary site has been solved, issues regarding management of the Calvary site, which I outlined earlier, remain and these issues cannot be ignored and need to be solved.

The Greens encourage the government to pursue an option that sees as much of the public health system operated and owned by the government as is possible in terms of affordable capital costs. A balance must be struck between outlying money now and overcoming the long-term costs that a private operator will have on the government's books. It is a difficult balance but it is obvious that it is an issue which needs to be addressed for the future provision of health services in the ACT.

Having spoken with some of the key stakeholders regarding the way forward on Calvary, they all seem to agree that we should pursue this avenue and they also want to make sure they keep themselves informed on the proposals being put forward. It is also important that key stakeholders understand each of the options that are being proposed by the government because some of them are quite complex in their nature and are likely to lead to different outcomes in each instance.

I do acknowledge Mr Hanson's point in the motion that there has been disruption caused to staff. Again, with staff we should be considering what is the best for them

and take their views into account in all instances. The amendments I have circulated reflect the issues and the points which I have raised. I move the amendment circulated in my name:

Omit all words after “notes”, substitute:

- (a) that the needs of public health patients should come before that of private health corporations;
 - (b) that the outcome of community consultations conducted by the ACT Government in 2009 with regard to Calvary Public Hospital and Clare Holland House showed that the majority of the community supported public health facilities being under public ownership;
 - (c) findings by the ACT Auditor-General Performance Audit report into the management of Calvary Hospital agreements which showed that:
 - (i) there was ‘risk that the public hospital has subsidised the private hospital’;
 - (ii) ‘Calvary Health Care ACT Limited (CHC) disputed claims of under-payments identified in ... consultant reports, and subsequent discussions with ACT Health have led to agreed, often lower, amounts being repaid’; and
 - (iii) ‘costs were not appropriately recovered by ACT Health from Calvary Private Hospital’;
 - (d) statements by the Minister for Health on 17 May 2010 in the 2010-2011 Estimates Committee hearings that although CHC had done work to separate their private and public hospital functions in line with the Auditor-General’s report, the separation was impacting on the hospital’s efficiency and throughput; and
 - (e) the release on 24 May 2010 of the Australian Accounting Standards Board (AASB) Exposure Draft on Service Concession Arrangements for Grantors read in conjunction with AASB’s Interpretation 12 of Service Concession Arrangements which suggests that the ACT Government can recognise Calvary Public Hospital as an asset. However problems remain between CHC and the ACT Government about transparency of funding for services, efficiency of throughput, and control over decision making on capital investments; and
- (2) calls on the ACT Government to:
- (a) work towards having as much of major public health facilities under public ownership as possible; and
 - (b) outline, as soon as practicable, the process that will be undertaken for engaging with the public about the way forward and what timeframes can be expected.”.

MR SESELJA (Molonglo—Leader of the Opposition) (7.47): The opposition will not be supporting the amendments from Ms Bresnan. Unfortunately, as is too often the case, we see the attempt to water down a motion it would seem for no other reason than to spare the government from actually facing any real scrutiny in this place. We certainly do not support that kind of approach which is epitomised by the Greens again tonight.

I do have to respond to some of the extraordinary rant that we heard from the Chief Minister. It really was one of the most extraordinary performances we have seen in here for some time. Mr Stanhope was so over the top in his attack on Jeremy Hanson that you would think perhaps Mr Hanson may have just touched a nerve. Based on the vehemence of his response, perhaps, Mr Hanson, you are actually on to something. You are actually perhaps onto something with this motion.

I do not know what it was that set the Chief Minister off. I do not know whether it was the motion. I do not know whether it was you referring to his terrorism leaks or Terry Hicks, or perhaps it was just his embarrassment about the poor performance of his deputy when it comes to the Calvary issue. There is no doubt, Mr Speaker, that this has been handled terribly from start to finish. It has been handled very poorly. We see that sensitivity across the chamber from Ms Gallagher. We saw it from Mr Stanhope to the point where he went to such lengths as to follow us into the car park to let us know about his displeasure with the motion.

It is embarrassing when we see a leader reduced to that, when we see a leader either so embarrassed by the performance of his deputy or simply so offended by the barbs across the chamber from Mr Hanson, he has to respond with such vitriol and such name-calling. It is interesting to note that Mr Hanson talked about the Chief Minister keeping his word. I think it was only early this evening that he told us he was going to come back into the chamber and he was going to show Mr Hanson how wrong he was. He was going to throw his words back at him. Well, that promise lasted about an hour and half, Mr Speaker.

No doubt he had a look and realised he did not have a case for his outrageous attacks on Mr Hanson. It goes to the fact that he does not have an argument on this. We saw it at the end when he actually started to address the issue. He was forced to concede this point at the end when he said, "Maybe you would have done it differently." Yes, we would have. We would have done it differently. We would not have sought to spend \$77 million of taxpayers' money for no good reason. That is what we would have done differently. We were clear about that at the time and we are clear about that now. You got it wrong. You were prepared to throw away \$77 million of taxpayers' money for what? It was for an accounting standard that eminent economists were telling you did not preclude you from investing in that hospital.

You were told time and time again. We asked the Treasurer again to point to a third-party validator for the position that she took and she could not find one. There is not one. There is not one. If we accept the argument put forward by the government, put forward by Ms Gallagher, put forward by Mr Stanhope, we are to accept that Katy Gallagher was right and everyone else was wrong. All of that other advice, whether it was from Tony Harris or anyone else, was wrong. Let us just focus on that.

Tony Harris called the argument a contrivance. Are we seriously going to suggest here in the chamber that Tony Harris does not have credibility on these issues? The former Auditor-General of New South Wales, a respected commentator on financial issues, called the argument a contrivance. You had Tony Harris calling it a contrivance. You had Sinclair Davidson, eminent economist from RMIT, saying, "The ACT Treasury calculations do not support the purchase of the Calvary hospital. Rather, they support the status quo or base case."

You have got Sinclair Davidson; you have got Terry Dwyer PhD; you have got Andrew Podger. What would he know? What was he? He was the former head of the commonwealth department of health. And you have got Tony Harris, the former New South Wales Auditor-General. Apparently all those people were wrong, according to the government. But Katy Gallagher was right.

That is what we were expected to believe. Excuse us for being just a tad sceptical when the Treasurer cannot find one third-party validator—not one. We were able to find three eminent economists and a former senior commonwealth public servant who was head of the department of health who completely disagreed with the premise.

We have four eminent voices saying, "You are wrong." Yet this government pushed on. They pushed on because it was ideological. They simply wanted to buy this hospital and maybe it would have been better if they were honest about that. It would have been if they were just honest and they said, "We simply want to buy this hospital. We do not want to see a private operator operating a public hospital." We could have had a debate about that—an honest debate, an open debate.

But that goes to the other part of this motion, Mr Speaker. It is the secrecy and the way that this has been handled. It continues tonight. It continues tonight with the support of the Greens. We have seen from start to finish that the biggest problem with this, apart from the fact that the Treasurer wanted to throw away \$77 million of our money, was the secrecy.

We had the Treasurer going to the election saying all the plans are on the table—all the plans except the plan to buy Calvary hospital for \$77 million. We were told that it is only the little plans that are not on the table—just the minor details that are not on the table. There is an expenditure of \$77 million and apparently all the plans are on the table.

That was dishonest. It was fundamentally dishonest to try and claim that all the plans are on the table when objectively they are not. It is interesting that Ms Gallagher has been attempting to interject. We know that the more the injections come from Ms Gallagher, the more concerned she is. We have seen from start to finish that she has handled this badly. Again, it calls into question her judgement, Mr Speaker. It calls into question her judgement.

Why would the Treasurer have thought that it was a good idea to plan to spend \$77 million of taxpayer's money for no good reason; for no health benefit; for no other benefit based on all of the advice, apart from the Treasury? Why would the

Treasurer have thought that? Why would she have thought it was a good idea to keep it secret before an election? The only reason we actually had this debate was that the matter was leaked to the *Canberra Times*.

This Treasurer tried to hide this plan and now we know why she tried to hide it. When it was put up to the light of day, it did not withstand scrutiny. It did not withstand scrutiny. Everyone who was not on the government payroll, who was asked about this, disagreed with you. Every eminent economist who was asked to comment on it disagreed with you and you could not find one to back it up. Perhaps that is the reason why you did not want to have the scrutiny. Perhaps that is the reason. It did not stand up to scrutiny.

We offered to have the Auditor-General look at it and again the Greens and Labor got together to shut that down. Now Mr Hanson is simply asking for some more information. He is asking for some more information. I put it to the Assembly that the biggest problem amongst many in this process has been the fact that this minister has hidden information.

This motion calls on the minister to table the accounting advice and to rule out further attempts to purchase Calvary hospital. Why would you not table that advice? What is so secret about this advice that would stop you from tabling it and being open? You have not been open up until now. Why do you not start tonight, support this motion, table the advice and show that, despite the fact that you could not stand up to scrutiny before, you actually believe that you can stand up to scrutiny?

MR HARGREAVES (Brindabella) (7.57): I want to put a couple of things on the record in relation to this. One is addressing specifically the wording of the motion and the other one is what I believe to be the significant issue that has been missed by those intellectual dwarves across the chamber. I have not seen such a display of paranoia and hysterics over conspiracy theories since Mrs Dunne's last outburst.

Mrs Dunne: Since Jon Stanhope lost his bottle last time.

Mr Hanson: Jon was pretty appalling, mate, but I've seen worse.

Mrs Dunne: It was pretty embarrassing, wasn't it?

MR HARGREAVES: I do note the comment from Mr Seselja; the more they interject, the more they are obviously upset. So I take him at his word—so far we have got three out of three, and I congratulate them for having that position.

Looking at the actual words of the motion, it is interesting to see how Mr Hanson's straw man is built on such flimsy stuff and hysterical wording. Basically, he has to create a state of fear so that the people out there in punter land really need him, because he is the only person who can kill the monster. He creates this state of fear by using such words as "flawed rationale". There is nothing to back it up here—nothing. But he says "the minister's flawed rationale". I have not seen any flawed rationale. And he puts words in people's mouths. He says that the minister said the spending of the \$77 million was necessary to fix an accounting problem. I do not recall the minister saying that that was the reason for this particular transaction.

In subparagraph (c), Mr Hanson says that accounting advice provided to the government has shown that the hospital does not need to be purchased before investment needs to be made into Calvary. He does not tell us when the advice was received. He does not tell us that, as soon as the minister became aware of the latest accounting change, she put a stop to the proceedings.

Opposition members interjecting—

MR HARGREAVES: Mr Speaker, people can actually go “ribbit, ribbit, ribbit” like frogs in a pond, but it is not going to deter me; it is not going to stop me. One of the idiotic claims in this motion that absolutely made me guffaw—but I know that to guffaw in this chamber is quite unparliamentary—is that if the opposition and others had not opposed the purchase and had not delayed the minister’s plans, she would have wasted \$77 million. What on earth, Mr Speaker, makes those opposite feel or think that anybody in this town takes a blind notice of what they say or think? They have absolutely no impact at all, because these people are the ones who are dedicated to perpetuating themselves in opposition for forever and a day.

I just thought that this is a really silly motion. Mr Hanson could have done a lot better than he did. He says here in subparagraph (e)—Ms Bresnan actually touched on it—that the Calvary purchase fiasco—there is that word again, another bit of creating a state of fear so people run screaming into the shadows—has caused significant aggravation to the staff at the hospital and several community groups. I might argue, Mr Speaker, that it is Mr Hanson who has actually put the frights up the staff at Calvary in the same way that he has put the frights up the people in the maternity unit, that he has put the frights up people in the emergency department and that he has put the frights up people throughout the hospital system entirely.

The only thing that Mr Hanson knows about the hospital is when he actually visits. He probably knows where the kiosk or the canteen is. He would not know anything else about the hospital. He certainly would not know anything to the extent that I might.

Mr Hanson: It turns out I was right about Calvary. It turns out I was right about obstetrics.

MR HARGREAVES: I will back my 20 years of experience in the hospital system against his 20 minutes waiting in the queue at the canteen for something to eat.

Mr Hanson: Two out of two, mate. Two out of two.

MR HARGREAVES: And he screams at me across the chamber and does not pay me the same courtesy I paid him. I made absolutely no comment while he was speaking, not one comment while Mr Seselja was speaking—

Mr Seselja: You weren’t here when he was speaking.

MR HARGREAVES: Excuse me, excuse me. Now, the one thing that has not been touched on is what the \$77 million is actually for. These people here would have the

people of the ACT believe that we would be purchasing bricks and mortar. In fact, they have not actually thought about that, because that is not the case. What the case is that it goes to the notion of property as covered by the self-government act. The actual arrangement and the expectation to operate, under licence or any other arrangement, a business over an extended period of, say, 100 years or 60 years or something like that is regarded as property.

That is where the value of the \$77 million was placed. It was not that the gardens and the plant room and the wheelie bins all add up to \$77 million—not at all. The self-government act says you cannot take away a property without due and proper compensation. Those opposite should have a look at the self-government act and they will see it standing up there like that. Mr Speaker, they actually got it wrong. Again, Mr Hanson has got it wrong. But because he has this need to be wanted and respected by those people outside, he has to create this state of fear. So he says, “Okay then, those opposite are doing the wrong thing. They’re wasting all of our money.”

But what actually happened? What happened was that the accounting standards were changed, and that changed the whole notion of the amount of compensation which needed to be paid. What was the responsible thing to do? These guys would have said, “We wouldn’t have changed things,” and I heard Mr Seselja say that. “We would not have changed our position.” I can tell you, Mr Speaker, if the accounting standards change and you do not change your position, that is being irresponsible in the extreme.

Mr Seselja: Our position was right in the first place. We didn’t need to change it.

MR HARGREAVES: Mr Seselja says across the chamber, “Especially if we were right in the first place.” Well, he was not right in the first place, because if he was right in the first place the accounting standards would not have needed to have been changed. As it turns out, they were changed. Of course, all of these negotiations keep going, and what happens? This minister looks at the accounting standards that have changed and has the feeling that something is about to go wrong and stops the whole lot in its tracks. In my humble opinion, that is the absolutely spot-on right thing to have actually occurred. There is absolutely nothing more one could have expected.

We talk about having to hand over \$77 million in compensation for the loss of the right to operate a hospital on that site. The accounting standards changed, and there is no need to make that compensation payment. So this minister says, “Call it all off. We’ll go back to the drawing board. Call it all off. We don’t not need to do this,” and then she comes up with a way we can go forward in the provision of public hospital services to northern Canberra in a way where the infrastructure can be improved, can be added to, at no loss to the balance sheet of this territory, at no loss in the standard of service provided in that hospital and with a continuation of the relationship.

As far as I am concerned, there has been no loss in this whole sorry affair, except in the credibility of those people opposite. You know that they are on shaky ground, because every time the subject comes up Mr Hanson’s voice goes up three or four octaves, Mr Seselja’s voice goes up three or four notches in volume, and Mrs Dunne sits there and shrills away in the background trying to get her little interjections through without being noticed by your good self, Mr Speaker.

They are on very weak ground. This motion is not only silly but it is poorly constructed. It is actually wrong in content, and it misses the point entirely in relation to the \$77 million. What is my reaction to Mr Hanson in regard to this? It is that I feel sorry for him, and he has my absolute bucket load of pity for putting this feeble piece of work before the Assembly.

MRS DUNNE (Ginninderra) (8.07): This has been a pretty unedifying debate. Really, it was brought to a new low by Mr Stanhope before dinner, and his performance out of the chamber was no better. I was listening upstairs and one of the staff said to me, “What is that tinkling sound I can hear?” Again, it was the sound of Mr Stanhope’s glass jaw. I am not quite sure what it was that really set him off.

Perhaps it was the humility of being reminded that this was a man who was going to change openness and accountability when he became Chief Minister. He was going to play hell with a stick, and he was going to make sure that no-one would ever hide behind all sorts of devices that he accused previous governments of hiding behind. But here we are today making one of the most important decisions that this community will ever make in relation to the continued ownership of one of our hospitals and everything has been hidden.

One year ago there was “everything is on the table; all my health plans are on the table” but we now know that that was not true. When Katy Gallagher said at the press club, “All my health plans are on the table,” that was a lie. She lied at the press club, and that lie has been repeated. That lie has been repeated over and over again. Because we knew when she was saying, “All my plans are on the table,” that she had a secret plan, the same secret that Simon Corbell had—to get her hands on Calvary come what may.

Mr Seselja is absolutely right—if the government came in here and said, “We don’t like the situation; we want to own Calvary,” perhaps that would be different. At least Mr Corbell had the guts to do that. He made it perfectly clear that he was ideologically opposed—

Ms Gallagher: On a point of order, Mr Speaker, just reflecting on Mrs Dunne’s comment where she said twice that I lied—“That the minister lied”—I believe that she needs to move a substantive motion if she is going to be making those sorts of allegations. She should be asked to withdraw it.

MRS DUNNE: On the point of order, Mr Speaker, I purposely and very deliberately said, “She lied at the press club.” I did not say that she lied to this place, which would be a matter for a substantive motion.

Ms Gallagher: I would ask, Mr Speaker, that you review the *Hansard*, because she said “lied” a number of times, not once.

MR SPEAKER: Mrs Dunne, I think it is recognised in the practice of this place that that is unparliamentary language, and I would invite you to withdraw it.

MRS DUNNE: I will withdraw the comment.

MR SPEAKER: Thank you.

MRS DUNNE: But the facts remain. What she said at the press club has been proved to be wrong. It was absolutely untrue. When she said, “All my plans are on the table,” it was not true.

As I was about to say, Mr Corbell at least had the decency to tell the community when he tried to acquire Calvary hospital that he was opposed to the private ownership of public hospital beds. He had the decency to do that, and when the Greens signed up, sight unseen, to Ms Gallagher’s plans, when they became public, to acquire Calvary hospital, they at least said, “We think that public hospital beds should be in public hands.”

If we want to have that debate, let us have that debate. Let us not hide behind all these other confections, these artifices, and the whole idea about the balance sheet, which was the principal reason put forward by Ms Gallagher. She has shifted her position now. We have the Chief Minister trying to finesse the argument. He leads the debate in here because she has been so bad at leading the debate and has made such a mess of this over the last two years. As a result of this, he has to lead the debate, and then he loses his temper completely and behaves in a completely uncivilised way.

But what it all boils down to is that Katy Gallagher and the Labor government, while she has been health minister, have tried to hide behind a range of artifices. Mr Hanson is entirely correct—if the Liberal opposition and members of the community had not kicked up a shine, Katy Gallagher, with the connivance of Amanda Bresnan and the rest of the Greens, would have signed the ACT community up to a sale that they did not need to make and that would have cost the ACT taxpayers in excess of \$70 million. They would have done it in a heartbeat, and they would not have cared.

What they care about is their ideology. They do not care about seamless hospital services; they do not care about the provision of good services. What they want to do is to take a good hospital and turn it into a bad hospital. What they want to do is own it themselves. They have proved themselves comprehensively incapable of managing a hospital. This minister has proved herself to be a failure at managing hospitals. She is pretty good at coming up with building plans—and what a great impact the building plans are currently having on the campus of the Canberra Hospital. You cannot move, you cannot park. Anyone who looks sideways gets a parking ticket. The staff are disgruntled and concerned about their safety at night, and this is all on her watch. She wants to go and take a functioning hospital and make it worse, because that is what will happen if Katy Gallagher gets her hands on Calvary, if she ever does.

All of the issues boil down to the fact that Jon Stanhope and Katy Gallagher have squeezed and bled Calvary dry so that the Little Company of Mary have eventually signed up. In 2003 when Simon Corbell attempted to do this, the Little Company of Mary objected loudly and publicly, and Jon Stanhope said, “I won’t ever try and do this again unless you want to do it.” So what they did is they set about cutting and cutting and cutting.

It has been reported to me—and I repeated it here—that Calvary does not have the funds to provide the services. That is why it cuts back; that is why it stops providing obstetric services; that is why it stops providing surgery. If it blows its budget, it has to answer to its board. Unlike the Canberra Hospital, if the medical staff at Calvary blow their budget, they have to answer to the board. They do not get bailed out by the ACT government in the same way that Canberra Hospital does.

What Mr Hanson is doing here today is saying, “Enough is enough. Come clean. Put the information on the table. We will engage in a conversation about the future funding of Calvary hospital when Katy Gallagher shows good faith to the people of the ACT and puts the facts on the table.” The people of the ACT know that they are being duded over this. The people in my electorate are unhappy about the way their hospital is being talked down and driven down by this government. The people of the ACT want honesty; they want openness—all of those things that Jon Stanhope claimed he was going to do.

Mr Honesty, Openness and Accountability Stanhope. That was, of course, in another age at a time when Jon Stanhope was either idealistic or a fraud, I do not know which. He has proved today that the words that he spoke back in 2001 were completely hollow, because Mr Hanson’s motion is about openness, accountability and fairness. Jon Stanhope has failed again to be open and accountable with the people of the ACT. He aids Katy Gallagher, the Minister for Health, in her continued cover-up of the story about Calvary hospital.

There will be an open discussion about this only when this government puts the facts on the table and comes clean with the community. By all means, if you want to own Calvary hospital, say, “We want to own Calvary hospital, because we don’t want the Little Company of Mary there,” or, “We don’t want any private provider there, whatever their stripes.” But you are not prepared to say that. You do not have the courage to say the Little Company of Mary is no longer welcome in this town, but that is what you think. Have an open discussion. Be honest, be upfront and see whether the people of Canberra support you. I guarantee you they will not.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (8.17): I welcome the opportunity to discuss Calvary again in this place on private members’ day. I must say, just to begin with, it is a bit rich taking a lecture from Vicki Dunne about ideology without Vicki sitting there and maybe indicating her slight bias towards the Catholic Church and Catholic Church-run organisations. Talk about ideology!

Mrs Dunne: Good on you, sweetie.

MS GALLAGHER: “Good on you, sweetie”—after delivering a venomous speech like that, Mrs Dunne. I am sure your place in heaven is secure. I am sure the car park there is ready and waiting for you. The way you behave in this place is surely judged as well.

The Liberal Party today have basically said the advice the government had was wrong. To prove that argument, they would have to go back and say that every single piece of government advice since self-government has been wrong, because this is the way—

Mr Hanson: Katy, the Liberals didn't try to buy the hospital.

MS GALLAGHER: If you let me have a moment, Mr Hanson, this is the way capital injections have been made into Calvary since self-government. Capital injections have hit the bottom line, not just with Labor governments but with Liberal governments. It has been a challenge for both governments.

To support the argument being put by the Liberal Party, you would also assume that the Auditor-General, who signs off on our accounts every year and on our balance sheet, has also been wrong since self-government. Is that what you are arguing, Mr Seselja, that the Auditor-General has got this all wrong as well? That is the argument that you put here tonight. That is the argument. You are arguing that advice to government has been wrong. You are accusing the Auditor-General—

Mr Hanson: Ha, ha!

MS GALLAGHER: She signs off on our accounts every year, on ACT Health accounts every year. You are accusing her of being wrong and you have been unable to support that element of the argument.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Hanson, Ms Gallagher has the floor. Please hear her in silence.

MS GALLAGHER: That is the argument that the Liberal Party have given us tonight. It is completely without substantiation, in law or in fact. Indeed, the fact is that they are all patting themselves on the back, saying, "We were right the whole time." They were right in the sense that they refused to engage and just decided they would oppose this for opposition sake, which is what we see on every issue that comes before them, particularly any difficult issue where there is not unanimity of opinion across the community. Governments cannot ignore difficult issues just because not everybody agrees with them.

We have the position here where it was not about injecting \$10 million or \$5 million into Calvary, as has occurred since self-government. If you go back and look at the injections going into Calvary since self-government, they have been tinkering at the edges, by all governments, patching up here, giving little bits there. The reason they have done that is that it was very difficult to invest in the hospital when we were unable to capitalise that injection. You can go back and have a look at all the previous budgets.

We were faced with the situation where we had to essentially rebuild the hospital. It is not going to be a little tinkering. It is going to be rebuilding and doubling the size of that hospital. It was going to be in the order of \$200 million-plus. This presented the government with enormous challenges.

If you listen to Mrs Dunne, it is like this government has been pursuing Little Company of Mary, squeezing them, not funding things, which is the opposite of reality. Every year we fund them, every year they go over budget, every year we fund

their over-budget runs. It is not the board that funds them. Every year we look at their capital requirements. There is a better intensive care unit at Calvary Public Hospital than there is at Canberra Hospital, all funded by the ACT government but at Calvary it is all owned by Little Company of Mary. That was the position that we were in.

How do we deal with an additional \$200 million injection? How do we deal with creating the best public health system for our community? It is not for this year, not for next year, not when Mr Hanson wants to make politics out of it but for 50 years time when my two-year-old is 52 and needs a hip replacement. How do we actually build the hospital system that is going to be there for her? These issues are complex and they do take time.

The opposition will stand here and say that Tony Harris, Andrew Podger, Terry Dwyer and Sinclair Davidson all saw this coming, all saw the issues presented for government, and that they knew we did not have to pay for the hospital to put in the investment that we needed. It is simply not true. Each of them came from different viewpoints. None of them suggested that the government already owned the hospital, either in a legal or in an accounting sense.

Andrew Podger essentially argued that, as a supporter of the purchaser-provider arrangement, a capital injection for the hospital, if owned by Little Company of Mary, would appear as an expense. However, he did go on to say this is an accounting issue that the accountants can fix. Indeed, that is what they have done. With the exposure draft on 21 April, the situation changed and changed dramatically.

Tony Harris provided two other options. He did not foresee, through a crystal ball, this accounting treatment coming but what he said was that the first option was to treat all future investments in Calvary as assets owned by the ACT government under an agreement with Little Company of Mary. Yes, that is an option but it was not an option that Little Company of Mary would agree with. As Little Company of Mary own the lease and have significant say about this, we could not pursue that option.

That option had been discussed, as had Tony Harris's second option, which was that the government provide the capital as a loan to Little Company of Mary, guarantee the loan and then provide LCM with recurrent funding to pay off the loan. Yes, we could do that but why should the taxpayers fund the loan and the interest on the loan in an asset they do not own? This government did not support that option.

Terry Dwyer came from a different perspective to Tony Harris and Andrew Podger. He indicated his indifference to whether \$200 million of taxpayer-funded investment is made in an asset owned by the community or provided as a grant to the third party. That was Terry Dwyer's argument. It was: "Yes, you've got to spend the money. We don't care who owns it." Terry Dwyer does not have to manage a budget. Terry Dwyer does not have to worry about \$200 million hitting his bottom line. So, yes, the government looked at that and, no, that was not an option either.

Sinclair Davidson—and I think if you take time to look at Sinclair Davidson's blog you will see this—comes from a very particular philosophical point of view, which is that governments should be the provider of last resort. So, yes, he has a particular

view about whether or not the government should own and operate a public hospital. His philosophical point of view was that essentially people other than government are better at doing it.

The Liberal Party keeps standing up here and saying, "All of these people saw this coming. All of them realised you didn't have to buy it." It is not true. None of them did. They all had different views about the proposal but not any of them have dealt substantively with the accounting issue. The government will support the amendment moved by Amanda Bresnan. I flag that we have an amendment to paragraph (2) and I can talk to that later.

But at the heart of this issue is this: what sort of health system do we want for the future of this city? Do we want a system where 30 per cent of it is controlled by a third party who has responsibilities to a board, a board that is not a Canberra board, or do we have a situation where we want to create the hospital system for the future that is interlinked with our community health facilities, that has got first-rate infrastructure, that has seamless delivery of services and role delineation across both hospitals, reached in consensus with the health professionals that work there? When the Liberals come into this place and say, "Nobody agrees with you," that is simply incorrect.

I have had more support from the community to actually resolve the Calvary issue than ever before. People want a way forward and this government wants a way forward. But these issues are complex. They are hard. There is disagreement between the parties.

I note that the Liberal Party obviously do not support Little Company of Mary's very strongly held views that the accounting advice is wrong. Little Company of Mary's view is that we should still be paying for the hospital and it might come as a surprise that they are very keen to sell it to us. So the Liberal Party, sitting there, having a go at the government, obviously agree with the government in one sense. And it is good to have that support for me to go back into negotiations with the Little Company of Mary and say that the Assembly is unified that we should not pay for this hospital. That is where these negotiations are going to start from.

MR HANSON (Molonglo) (8.27): Speaking to Ms Bresnan's amendment, the opposition will not be supporting it. What it clearly indicates is the Greens' continuing dislike or ideological objection to private health. The first line is:

that the needs of public health patients should come before that of private health corporations ...

I think that is an entirely needless comment to be putting in the amendment. All it does is really stake out an ideological position. It is an ideological position that we have seen of late in the Greens' election manifesto that would see the private health rebate rescinded at a cost to ACT residents of \$37 million. By losing the health rebate, the tax rebate in the ACT, many Canberrans would no longer be able to afford private health cover and it would put additional strain on our public system. I think it is very important that we acknowledge the very important role of the private health system in the ACT and that we do not start or continue an ideological attack on our private health system, as I fear the Greens intend to do.

It is quite clear from the Greens' amendment that they do not want to see the detail. As we saw from Ms Bresnan when this debate first emerged mid last year, when she said, "No, public health should be in public hands; we'll sign up to this deal," before she even looked at the fact that this contained any reference to Clare Holland House, she actually gave a speech in this chamber at length without even mentioning Clare Holland House, saying how she thought this was all a great idea. It was only when she came late to the game, realising that Clare Holland House was part of this deal, that she noted some objection.

Once again, we see Ms Bresnan's fear of the detail, not wanting to get engaged in the process in any substantive way, but simply relying on the nod and the wink from Katy Gallagher. "Don't worry. It's all right. Just sign up for this deal. Here's the blank chequebook." That is what Katy Gallagher has been saying to the Greens all along, and Meredith Hunter and Amanda Bresnan have been swallowing it hook, line and sinker. We see it every step of the way on this Calvary deal, as we see on so many other matters of importance in the health portfolio and others that are debated in this Assembly.

We will not be supporting the amendment for that very reason. It takes away any requirement for the government to present the documents. We want them to present the documents. This prevents them from doing it. It certainly does not compel them to do it. It also takes away the important aspect, which is to say, "Make sure that the plans to purchase Calvary hospital now are shelved and shelved for good." So we will not be supporting the amendment.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (8.30), by leave: I formally move the amendment to Ms Bresnan's amendment:

Omit paragraph (2), substitute:

"(2) calls on the ACT Government to:

- (a) outline, as soon as practicable, the process that will be undertaken for engaging with the public about the way forward and what timeframes can be expected; and
- (b) present to the Assembly, as soon as practicable, further detail regarding the four options to proceed with Calvary Public Hospital and, in particular, providing an overview of the positives and negatives of these options."

It is as circulated and just amends paragraph (2) of Ms Bresnan's amendment. Instead of supporting the section which talks about moving to public ownership of public hospital services, I am required to bring back to the Assembly as soon as practicable details regarding the four options and, in particular, provide an overview of the positive and negatives of those options.

MRS DUNNE (Ginninderra) (8.31): This goes to my narrative, I am afraid, that, again, Mr Hanson's motion is about coming clean with the community about what

your advice was, what the accounting advice was, and what the legal advice that you used to back that up was, when you went back and checked it. If you are going to make a whole lot of changes, policy changes in relation to the administration of one of Canberra's two public hospitals, what is the problem with putting on the table the information that you are using? Why is it that the Greens will support you, will not demand this of you? They are here, saying, "We are a new force in politics. We want open and accountable government," except when Katy Gallagher and Jon Stanhope say to them, "No. Really it is not very convenient on this occasion."

Ms Gallagher's amendment goes to my narrative. My narrative is that this government seem to have something to hide. If they did not have something to hide, we would not have had to move the motion that Mr Hanson has moved today, because Ms Gallagher would be prepared to come out and say, "Here it is. Here, people of Canberra, have a look at it. You will see that I am right. You will see the problems that I am confronting."

But no! Mr Hanson and the Canberra Liberals, for the past 18 months, have been grasping, fighting tooth and nail, for openness on this matter. Again here today, we have Ms Gallagher in cahoots with the Greens, saying, "It is not good enough. The people of the ACT do not deserve openness on this issue." Ms Gallagher's amendment basically comes back and says, "I will find a convenient way of explaining it to you in my words. I will tell you what the story is," not, "Here is the information and you can read it and make up your own mind." We are going to be led down the garden path again by Ms Gallagher.

This Assembly has spent a lot of time over the last 18 months trying to get to the bottom of the motivation that this government has in its attempt to take over Calvary hospital. Ms Gallagher and Ms Bresnan can stand up here and say again, "I am very pleased that Mr Hanson has brought this matter to the attention of the Assembly again on private members' day." They say it through gritted teeth.

We have to do this because so much is at stake. The future good administration of one of our public hospitals is at stake. The future underpinning of our budget is at stake. The future of the health of the people in my electorate is at stake. And I do not make any apologies and I will not be cowed by this government. I will stand up for the people in my electorate who depend upon that hospital and who want answers.

Why is it that Katy Gallagher is going down this path? And what is it that Katy Gallagher has to hide? If everything was as she said, she would put these matters on the table. Mr Hanson would not have to come back here time after time and try to get some transparency into this issue. The fact is that time after time Mr Hanson comes in here in an attempt to gain transparency and the Labor-Greens alliance, coalition, coalesce to tell the people of Canberra, "Don't worry about it. It's all right. Katy Gallagher is looking after it and you can be confident."

I am not confident. The people in my electorate are not confident. And I will continue to stand up for openness, for accountability and for real information about what is driving this deal. What is driving Katy Gallagher in such an obsessed way? Twice she has come up with failed propositions in relation to Calvary and now she is coming

back for a third, fourth, fifth and sixth bite of the cherry. She has had two attempts and now she has got four options on the table. Why is she so obsessed with this? Why is it that the health services of the people of Belconnen are under threat? Why is it? Why won't she answer? Why won't she answer and why is it that again—

Mr Hargreaves: On a point of order, Madam Assistant Speaker, I am still waiting for the relevance to the amendment. Could you ask Mrs Dunne to be relevant in her speech, please?

Mr Seselja: On the point of order, Madam Assistant Speaker, this has been a wide-ranging debate. The debate is about Calvary hospital and the government debacle. Mrs Dunne is quite entitled to speak about her electorate in that context, how Calvary hospital affects it.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Thank you. There is no point of order. It has been a wide-ranging debate.

MRS DUNNE: Again, Mr Hargreaves is being frivolous. But this amendment, again, is about not providing information. We have Katy Gallagher's version of information. As soon as practicable—goodness knows when that will be—she will undertake to engage with the public about a way forward. She can engage with the public about a way forward, yes, and she should be doing that. One of the ways you engage with the public about a way forward is that you put the documents on the table. You say, "This is how it is." And she is not prepared to do that.

She is going to present an outline of what she thinks we need to know. It is not about what Katy Gallagher thinks we need to know. It is what the facts are, and the people in my electorate and the people across Canberra who are going to be footing the bill for this deserve to know. Again, Katy Gallagher will not come clean, will not put the documents on the table. The fact that the documents will not be put on the table suggests to me that she has something to hide.

MADAM ASSISTANT SPEAKER: Mr Seselja.

MR SESELJA (Molonglo—Leader of the Opposition) (8.38): Thank you, Madam Assistant Speaker.

Ms Gallagher: I don't think they want you to get to your business. I am just getting that little sneaking suspicion.

MR SESELJA: Ms Gallagher continues to interject. We saw Ms Gallagher trying to turn this debate into this sort of sectarian attack on Mrs Dunne before—this disgraceful sectarian attack.

Ms Gallagher: I was responding to her attacks on me.

MR SESELJA: No, no. That is what Ms Gallagher did. She launches a sectarian attack on Mrs Dunne, because she has no argument. That is what you descend into. You descend into cheap name-calling, which is what Ms Gallagher did in her speech,

directed at Mrs Dunne—a sectarian attack—because Mrs Dunne dares to speak and happens to be a Catholic. What an outrageous thing to say—that somehow it is fair game. According to Ms Gallagher, it is fair game to go after and impugn Mrs Dunne’s motives because of her religious affiliation, because of—

Ms Gallagher: After getting a lecture from her about my motives.

MR SESELJA: It is extraordinary. She does not want to fight it on its merits, does not want to defend the way she has handled this. Has she handled it well? No. She will descend into an unfounded sectarian attack. It follows on from the Chief Minister’s extraordinary, unparliamentary attacks on Mr Hanson. You always know you have hit a nerve when you get those kinds of disgraceful attacks. I would just draw people’s attention to those words from Ms Gallagher. To effectively attack Mrs Dunne because of her religion, because of her religious background, is disgraceful. I do not think it would be deemed acceptable by Ms Gallagher if someone was attacked for any other reason, for any other similar reason. It is disgraceful.

Ms Gallagher: So you did not hear Vicki’s attacks on me now? They are all right, are they, Zed? They are all right?

MR SESELJA: When we go into substance—if you do not like being attacked because of your record, then perhaps you are in the wrong job, Katy.

Ms Gallagher: No. She attacked me over my ideological beliefs, Zed.

MR SESELJA: No; she went you for your record.

MADAM ASSISTANT SPEAKER: Ms Gallagher, please stop interjecting.

MR SESELJA: She went you for your record and you went for a religious attack. That is what we saw. You know you cannot win the argument on its merits when you descend to those kinds of attacks.

The problem with this amendment and the combination of the two proposed amendments from Ms Bresnan and Ms Gallagher is that it is again all about accepting the government’s line. The government is again saying to us as an Assembly, “Trust me.”

You do need to question what is the Greens’ motivation here in this place if, regardless of what happens, they continue to always accept the word of the minister, accept the word of this government, despite all the evidence to the contrary. Despite all the evidence to the contrary, they will accept whatever they are fed. This is the minister who said before the election that all the plans were on the table. And they were not. On this very issue, they were not. When we tried to get the Auditor-General to look at it, the Greens and the Labor Party did not want it. It has now fallen over in a heap. They have got this advice and we are saying, “Put it on the table.” The Greens and the Labor Party again are saying, “No; we do not need information. We do not need openness. We do not need accountability.”

What exactly was their platform? What was the Greens' platform at the last election? What was it? I think I may have heard some words about accountability, but again they accept the government's word. When the government is so pleased with your amendments and your motions, you have got to ask whether you are asking hard enough questions. If you accept every bit of information provided to you, you are not doing your job. You may as well be part of the government. If you want to be part of the government, be part of the government: defend the government; accept everything the government says and be part of it. Otherwise, as members of the Assembly, it is our job to question, it is our job to probe and it is our job to say, "Put the facts on the table."

The record of this minister on this issue has been one of hiding the information right the way through—right the way through. We are saying that maybe now it is time for a bit of transparency on this issue. Maybe it would be reasonable, but given that she has botched it so badly by hiding things and given that she came perilously close to wasting \$77 million of taxpayers' money on this issue, maybe in the light of day, rather than us just accepting whatever this minister serves up, it might be a good idea. It might actually improve this process. It might help avoid future errors, future stuff-ups that potentially affect taxpayers.

We will not be supporting this amendment. We will not be supporting Ms Gallagher's amendment and we will not be supporting Ms Bresnan's amendment. Ms Gallagher's amendment is obvious. She is the minister; she is looking for the least scrutiny she can get. That is what it is. The Greens' amendment unfortunately is in exactly the same vein. What their motivation is I will leave to others to judge.

Question put:

That **Ms Gallagher's** amendment to **Ms Bresnan's** proposed amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 5

| | | |
|--------------|---------------|------------|
| Mr Barr | Ms Hunter | Mr Coe |
| Ms Bresnan | Ms Le Couteur | Mr Doszpot |
| Ms Burch | Ms Porter | Mrs Dunne |
| Mr Corbell | Mr Stanhope | Mr Hanson |
| Ms Gallagher | | Mr Seselja |

Question so resolved in the affirmative.

Question put:

That **Ms Bresnan's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 5

| | | |
|--------------|---------------|------------|
| Mr Barr | Ms Hunter | Mr Coe |
| Ms Bresnan | Ms Le Couteur | Mr Doszpot |
| Ms Burch | Ms Porter | Mrs Dunne |
| Mr Corbell | Mr Stanhope | Mr Hanson |
| Ms Gallagher | | Mr Seselja |

Question so resolved in the affirmative.

MR HANSON (Molonglo) (8:49): I would like to thank members for their contributions to the debate. Some were quite exceptional contributions. I particularly refer to that of Mr Stanhope. It was quite a remarkable contribution. I am not quite sure what provoked it but I can only imagine that he did not like being made a fool of. That is certainly what occurred. When you compare the statements—these pious, lecturing, sanctimonious statements that he has made—with his actions, he should be embarrassed. His response was quite bizarre. It was to ignore the substance, which was about Calvary and about the production of documents, the tabling of documents in the chamber—which, although he did not like my quotes, were all directly relevant to that issue. He came up with this bizarre attack on me as being homophobic and misogynistic. To be honest, I think that he was under a bit of pressure; he was not liking what he heard. Just to make sure that he can strengthen his glass jaw, I will give him an opportunity to hear some of it again.

Before I do that, though, I will turn fleetingly to the Greens. It seems, sadly, that once again in this place we are seeing exactly the same thing: the Greens will do the bidding of Katy Gallagher. It is just a compelling argument, and I have said it before, that they continue to be unable to hold this government to account, to demand scrutiny. It does not matter where things go wrong, whether it is obstetrics, the bush healing farm, Calvary or sending things to the Auditor-General, the Greens are just happy to let Katy Gallagher have her way.

I turn to Mr Stanhope. Remember that this is a central argument about the release of documents. Let us not get too precious about what these documents are; this is about some accounting advice that has been provided. Let us remember what Jon Stanhope said:

Labor understands that good government does not bully. It leads.

Good government accepts criticism.

Good government has the courage to allow itself to be closely scrutinised. It conducts its operations in an open, honest and accountable manner, not in secret.

He said further, “Because integrity is one of our core values, we do not accept that the only way to govern is by deals done behind closed doors.” We are all aware of how this deal has been done, and it would have continued to be done for a significant period of time if the matter had not been leaked to the *Canberra Times*. Mr Stanhope said further, “We also understand that it is impossible to rebuild and maintain the

community's confidence in government and public institutions unless the business of those institutions is conducted in the most open manner possible." Basically that is a critique of his own government and shows the lack of confidence that this community is currently experiencing in relation to the Gallagher-Stanhope government.

As an aside, let me say that I met a staff member at a club last night. I was speaking at an engagement and I met a staff member there. She said, "You are Jeremy Hanson, aren't you?" I said, "Yes." She said, "Thank you very much for saving Clare Holland House." I kid you not. It was "thank you". I had never met her before. She said, "Is that who you are?" She said, "Thank you." She said, "I have seen you before at Palliative Care Society meetings." She had been a staff member at Clare Holland House and now is a volunteer. She thanked me and the opposition for preventing the sale of Clare Holland House. I just give that as a little aside.

Mr Stanhope also said in 2001:

We will try not to make mistakes, and if we do, we will be open about them.

I raised that one before. I challenge Mr Stanhope to outline in the Assembly any mistake that this government has made in the last nine years. He said in 2001 that he would be open about them. I am still waiting to hear an admission from Mr Stanhope or Ms Gallagher that they made any mistakes. When they said there were no problems in obstetrics and it turned out that there were, was that a mistake? Clearly not. The cover-up about the bush healing farm—was that a mistake? Clearly not. The mistakes with Calvary? No; nothing to see there. Again, we see the contradictions.

I will save the best until last, because we are talking about the release of documents. We are being denied them under the guise of commercial in confidence. Mr Stanhope said:

Under Labor, the ACT Government and its agencies will restrict the use of commercial confidentiality to the narrowest possible application.

You like this one, don't you, Andrew?

Mr Barr: Look at me. Go back and look at the horse. Look at me. It is an Old Spice ad.

MR HANSON: I am not sure what you are on over there. I know that Jon Stanhope is on valium, because he certainly settled down over dinner time, but I am not quite sure what drugs you are taking, Mr Barr.

Mr Barr: Have you seen the Old Spice ads?

MR HANSON: You probably have it on repeat, mate. I will start again. He said:

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.”

Do you consider this an exceptional occasion?

Mr Seselja: Another one, another exceptional occasion.

MR HANSON: It seems that they are all exceptional occasions, Mr Seselja. Everything is exceptional. And he said:

Labor won't hide behind a cloak of confidentiality.

You will not do that, minister? No; never. It will never happen. No, it never happened with the bush healing farm, never happened with obstetrics and the Public Interest Disclosure Act—no, never happened.

But the great hypocrisy, as I said before, was the reckless act by Jon Stanhope in 2005 when he decided, in the context of counterterrorism legislation that was draft legislation, that was labelled in confidence, that he felt that, because it suited his purposes, he would release it publicly. We have got to make sure that we do not think that this is some high principle and change of view that Jon Stanhope has got now that he has matured into government—that he was wrong back when he was in opposition, but now he is the Chief Minister he has become wise. No, that is not the case. He simply uses the application of his rhetoric where it suits him. He was quite happy to talk about freedom of information and public interest back in 2005, because it suited him. But now he is doing exactly what he preached against—hiding behind the cloak of secrecy.

We from the Canberra Liberals want to be involved in the process moving forward. We do not want to see a further two years of procrastination, failure and bungling. We want to be involved in it. Clearly the secret way of doing business has not worked. We want to be engaged. I have looked at the options but, when I look at the paragraphs in each of the options, it is difficult to understand the detail contained in those. I am looking forward to doing that, but it is difficult for me to do that with all the necessary information lacking. This is all I have received. If this is all I have received to date, and I am being expected to make a decision, and Jon Stanhope is demanding—

Ms Gallagher: But you were right, Jezza. You were right the whole time. You knew it all.

MR HANSON: Remember that last time it took us six months to come to a conclusion. It took us six months to come to a conclusion because we looked at it in detail. And all the time, thumping on the table, you are saying, “Where is your answer, opposition?” We said, “No, we will take our time”—as we will in this case. We will look at what you propose; we will look at the options. We will judge them and we will let you know whether we support any of them or whether we think there is a further option that should be considered. We will let you know in timing that is chosen by us. We will not be rushed by you. Certainly, whilst you refuse to provide us with the

necessary information, you make it impossible for us to do that in a reasonable manner.

Those on the other side are busy talking about some Old Spice ad, I think. They have moved on from engaging in this debate. I guess it is more reasonable than some of the rants Jon Stanhope had. But again, it displays their lack of regard for giving the Assembly what it needs—the right information so that we can make the right decision.

Question put:

That **Mr Hanson's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 5

| | | |
|---------------|---------------|------------|
| Mr Barr | Ms Hunter | Mr Coe |
| Ms Bresnan | Ms Le Couteur | Mr Doszpot |
| Ms Burch | Ms Porter | Mrs Dunne |
| Ms Gallagher | Mr Stanhope | Mr Hanson |
| Mr Hargreaves | | Mr Seselja |

Question so resolved in the affirmative.

Motion agreed to.

Children and young people—advertising

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (9.02): I move:

That this Assembly:

(1) notes that:

- (a) there is a significant level of community concern about the sexualisation of children and young people in advertising and the media; and
- (b) evidence suggests that the sexualisation of children and young people is having a significant detrimental impact on children's and young people's health; and

(2) calls upon the government to:

- (a) explore options for the development of a voluntary code of conduct for retailers in the ACT to promote awareness and active decision making about the types of materials sold to children and young people and the advertising that depicts them;
- (b) ensure that education programs provided in ACT schools give students the opportunity to talk about their media consumption and how it informs their ideas about relationships and their perceptions and expectations of themselves; and

(c) report to the Assembly on the progress by the end of 2010.

Mr Hanson: Madam Assistant Speaker, on a point of order, the forms of this place that were agreed to by the whips were that the Assembly would adjourn at 9 pm. I have had no agreement from the other whips that there is any change to that. My understanding is that the motion that the Assembly do now adjourn should be put.

Ms Gallagher: You are not a minister, so you cannot adjourn it.

Mr Hanson: No, I know I cannot but—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): This is something that a minister must move.

Mr Hanson: I understand that but it is 9 o'clock and—

Mr Hargreaves: On the point of order, Madam Assistant Speaker, there was discussion, actually. This is not the truth. There was discussion between the whips. Two of the whips agreed that we would go at least to the conclusion of Ms Hunter's motion, and Mr Hanson decided not to. Those opposite decided to filibuster until they were blue. This is the penalty they pay.

Mr Hanson: Madam Assistant Speaker, on a point of order, can I clarify whether we will be going through the entire motion. I have an important adjournment speech I want to make regarding the death of a soldier in Afghanistan and I would rather not have that deferred to a later date.

MADAM ASSISTANT SPEAKER: Mr Hanson, I cannot call for the adjournment. A minister moves. Until that happens, the debate is in progress and Ms Hunter has the floor.

MS HUNTER: Thank you, Madam Assistant Speaker. At the end of 2006 two papers were released by the Australia Institute. These papers raised the issue of the sexualisation of children in Australia. These reports were intended to bring this issue into the public consciousness where previously—

Mr Hanson: Your priorities are up your arse.

MS HUNTER: professionals' concerns at what was happening to our children had not made the media spotlight.

Mr Coe: You like it do you, Joy?

MS HUNTER: But I put this motion to the Assembly today as a means of maintaining the public debate—

Mr Coe: You are a rank amateur. You really are.

MS HUNTER: and as an opportunity for us, as community representatives, to discuss—

MADAM ASSISTANT SPEAKER: Excuse me, Mr Coe! Ms Hunter, one moment. Mr Barr?

Mr Barr: Mr Hanson just inferred that Ms Hunter's priorities were "up her arse". I think he should be required to withdraw that.

MADAM ASSISTANT SPEAKER: I did not actually hear that but, given that it has been drawn to my attention, Mr Hanson, please withdraw.

Mr Hanson: I withdraw.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson. Ms Hunter, you have the floor.

MS HUNTER: Thank you, Madam Assistant Speaker. I am pleased that I did not hear such a disgusting remark in a place like this.

I put this motion to the Assembly today as a means of maintaining the public debate and as an opportunity for us as community representatives to discuss how we deal with the issue and hopefully reduce its prevalence in our community.

Following publication of the reports, on 15 August 2007 the Senate passed an Australian Democrats motion noting the harmful effects of the sexualisation of children in the media. On 12 March 2008, the Senate referred the matter to the Senate Standing Committee on Environment, Communications and the Arts for inquiry and report. The committee presented its report, *The sexualisation of children in the contemporary media environment*, in June 2008, and the government tabled its response to the report in August 2009.

Following the referral of the issue to the Senate committee, a review of the Australian Association of National Advertisers' code for advertising and marketing communications to children was undertaken and the code subsequently revised so that it now specifically prohibits the use of sexual imagery of children in advertising or marketing, whether in print, on television or online. Whilst this was a good first step, it is still a self-regulated system and there are still images of children in very adult and arguably sexualising poses circulating in a range of media today.

Since that time, there have been many media articles as well as television and radio features, a number of books written and a wide range of research and resource material published on the issue. There are a number of organisations such as the Australian Psychological Society, Kids Free 2B Kids, the Australian Council on Children in the Media, Young Media Australia and the Australian Childhood Foundation that actively campaign on the issue.

The distinction between sexuality and sexualisation is stark. Sexual development is a healthy and normal part of childhood and growing up and definitely is not

something to be shied away from. Sexualisation, on the other hand, is the deliberate objectifying and devaluing of people, usually women, which occurs in the public domain and more often than not to further a commercial purpose and sell a particular product.

This is not about hiding sex or casting it as something negative. Rather, it is about preventing gender stereotypes and sexual objectification and making sure that we are not instilling in our kids a desire to be something or someone at the expense of their unique talents and ideas.

The usual response by people criticising those who raise this as an issue is that it is simply censorship or an attempt to hide sex from the community, and this is not at all the case. This is a serious issue. It is not wowsersism or pro-censorship conservatism.

The other point to make is that just because women have been objectified or told that they have a particular role in the community for a long time now does not make it okay. As a community, we have come a long way in ensuring that both genders have the opportunity to excel in whatever pursuit they are talented at. We need to make sure that we do not step backwards or slow progress to real gender equality.

Associate professor at Southern Cross University and author of the book *Consuming innocence—popular culture and your children*, Karen Brooks, said on ABC radio that advertisers are consciously trying to circumvent parents and go straight to the children and are “cultivating a culture of acquisition rather than inquisition”.

To seek to trivialise this issue is at best irresponsible. What is happening in society today, the short-sighted, selfish profiteering from one of the most vulnerable groups in our community, is a serious issue that we all need to engage with. The harms are serious and well documented.

There are estimates that children in our community now see hundreds of thousands of advertising images a year. Very often these are images objectifying women and promoting what is, for most women, an unattainable physical appearance. The concern is that, with the increasing amount of access exposure to technology, children are being drawn into this stereotype from the moment they can actively interact with the world. The harms associated with this are many and varied.

Amanda Gordon, president of the Australian Psychological Society, said to the Senate committee inquiry:

Research links sexualisation with three of the most common forms of mental health problems of girls and women. They are eating disorders, low self-esteem, and depression and depressed mood.

When asked about the effects on 12 and 14-year-olds of this type of hyper sexualised material, Ms Gordon replied:

I think the emotional response would be very complex ... It could also include a sense of, ‘I’m not good enough and no-one loves me because no-one wants to do this stuff with me.’ So it would reduce any self-esteem, make me feel bad about myself. It might start me thinking about my body much more and putting aside all other aspects. That is what sexualisation is about.

The Queensland Commissioner for Children's website cites an Australian study which found that, by age seven, 71 per cent of girls want to be slimmer. An adolescent psychiatrist, Dr Sloane Madden, from Westmead Children's Hospital said:

1/3 of 8 year olds are not happy with their weight and shape. Nearly 1 in 4 are dieting. I think there is a growing concern amongst eating disorder professionals around the world that children at this age are being subjected to increasingly sophisticated and adult messages. Messages equating thinness with success ... presented to children at an age when really they're psychologically unable to understand those images.

The Royal Australian and New Zealand College of Psychiatrists say that eating disorders have the highest mortality rate of any psychiatric illness, with a death rate higher than that of major depression. The time, money and mental energy spent on conforming to sexual stereotypes is at the expense of other development opportunities.

There is a general harm that is additional to the specific physical, psychological and sexual harms related to sexualisation of children. For children and young people, especially girls, this is a real problem. And there is a vast quantity of material out there that explains the harms and the various ways this part of pop culture is damaging our children. Very large companies are making very large amounts of money out of it. And we have a responsibility to do all we can to reverse this problem.

What we need to do now, as a community, is work on the best way to productively address the issues. In particular, we really need to be looking at the curriculum framework for ACT schools. If we look at the chapter "The student manages self in relationships", it does address some of the issues that have been raised today. There needs to be a more comprehensive approach. In particular, classes must provide the children with an opportunity to talk about their media consumption and how it informs their ideas about sex and the perceptions and expectations of themselves.

We need to make sure that we are giving our children the skills and confidence to break down the stereotypes to understand why people are presented in different ways and the commercial motivation behind the promotions.

On the creation of a voluntary code of conduct part of my motion, I am the first to recognise the limitations and difficulties. However, I do think it is a productive first step that will force retailers to consider an issue that perhaps they have never had to do before. It is an opportunity to help parents understand more about the issue and how it affects their children.

The Greens support the right to freedom of expression and think that censorship should be minimal. However, we also know that, as adults, our role is to safely guide children and young people through their exposure to life events and the development of their own free thinking.

We hear an age-old argument from industries that attempt to cast this issue as being about the right to freedom of speech. We are not talking about expressing political ideals or other values or beliefs. We are talking about objectifying women and

preying on the consequences of that objectification for commercial profit. Media and television regulations are largely the responsibility of the commonwealth. It is our responsibility as members of this place, as representatives of the Canberra community, to voice our concerns and drive public debates so that, hopefully, legislative reform to protect children takes place.

I have put a number of views here today about why it is incredibly important and why I have moved this motion today. And there are a number of excellent, I believe, programs in the ACT such as Mental Illness Education ACT's body image, body scrimmage initiative that I was pleased to be part of some years ago. This is why today I have brought this motion to the Assembly. I commend this motion to the Assembly.

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) (9.13): I thank Ms Hunter for bringing this motion to the Assembly. I will be brief on this. There is an amendment that has been circulated in my name. Let me start by saying, as Minister for Children and Young People, that the safety and wellbeing of all children and young people in the ACT is of great importance to me.

As Ms Hunter has stated, there has been a lot of work and research done on matters raised in the motion, and I think the paper put out by the Australia Institute on this subject summarises the core issues. It states:

Children's general sexual and emotional development is affected by exposure to advertising and marketing that is saturated with sexual images and themes ... and all aspects of the development may be affected. Sexual representations of adults in advertising and marketing often occur together with the treatment of women as objects, the understanding of sex as either a commodity or an instrument, and the linkage of sex with violence. The messages children receive about desirable behaviour and values thus incorporate ethical effects and go well beyond simply how to dress.

As it stands, advertising and the electronic media are required to comply with commonwealth legislation and national codes of conduct. National practice guides and protocols already exist for managing the depiction of children in advertising and the arts, following action taken in the ACT in 2008 by the Standing Committee of Attorneys-General on censorship. We in the ACT have a Human Rights Act and the Children and Young People Act which outline the protection and rights of children.

The messages we send to children and young people through advertising and television about what is an appropriate way to behave stay with them and impact on the way they want to be. And the images of children and young people behaving in a sexualised or objectifying way send the wrong message and, along with comments from peers, can impact on their self-esteem and healthy developments.

This government is committed to the health and wellbeing of young people, and this motion and my amendment aim to promote awareness in the community about how advertising depicts children and young people and the impact this has, which in turn

will hopefully assist in decision making about the types of materials that are sold to children and young people.

I am happy to support this motion. I move the amendment circulated in my name:

Omit paragraph (2)(c), substitute:

“(2) (c) ask the Youth Advisory Council to investigate the possibility of organising a competition, campaign or event designed to promote positive body image amongst children and young people;

(d) request that the Children and Young People’s Commissioner explore issues regarding any sexualisation of children and young people in the ACT; and

(e) report to the Assembly on the progress by the end of 2010.”.

MRS DUNNE (Ginninderra) (9.16): This is an extremely important matter and I would have thought that, on such an important matter, if the Greens thought it was so important to bring it on, they might have devoted some time to it.

Mr Seselja: The minister speaks for two minutes on it.

MRS DUNNE: And the minister comes in and speaks for two minutes. I think that this is a disgrace. If the Greens were really interested in this issue and really thought it was a priority, they would be prepared to bring it back on on another occasion and deal with it in the way that it deserves to be. I was ready to debate this last week and I am ready to debate it today, because this is something that is close to my heart.

I congratulate a wide range of people across the community who have been openly discussing this issue over a number of years. It is true that the publication from the Australia Institute from 2006 *Corporate paedophilia* was the kicking-off point for most of this debate. But it is not the only place where this work has been done. *Corporate paedophilia* looks at some of the issues related to that. It is essentially a discussion and an expose of how essentially major department stores in particular do objectify young people and young girls in particular.

I am surprised a little at some of the words that Ms Hunter used in her motion and some of the press coverage from last week. I think she tried to describe it here today where she tried to draw the distinction between sexuality and objectification. And it is not clear what she is trying to get at here. When you try to draw these distinctions in this very unclear way, it seems to me that you have not really got your head around what the issues are.

I would like to take some opportunity this evening to pay testament to some of my colleagues and some people—I will call them friends—who have worked in this area for a very long time. And I pay tribute to the publication from the Women’s Forum Australia of August 2007, *Faking it*. It was the work of one researcher in particular, Selena Ewing. Selena has worked in a number of areas of women’s rights over a very long time and has put together a particularly useful publication.

I will not table it because it is my only copy at the moment. I actually had to rifle it out of my daughter's bookshelf last week in preparation for this debate. It is a spectacularly compelling publication that looks at many of the issues, not just in advertising but in the media in general and how much of the media in general today do women no good service and do young women no good service.

Selena Ewing, in her publication, in a magazine style which in many ways mimics the magazines that she is analysing, looks at the objectification of women and makes some fairly substantial and hard-hitting comments. I think some of them would, given the tenor of Ms Hunter's comments, make her a little uncomfortable.

There are really strong comments about the corporate approach to demeaning young women and the impact that this is having—the corporate approach by corporations like Playboy and the impact and the penetration that the Playboy brand has had amongst young people. I notice it often and think why is it that young people—and not just young people; I actually saw a member of staff here not long ago with a Playboy logo pen—would go and advertise for Hugh Hefner who is nothing more than a very dirty and very old man.

What does it say? What it says is that the young girls think that the bunnies are cute. The bunnies are not cute. It is a symbol of objectification of women. It is a symbol of exploitation of women and it is something that we should be encouraging our girls to be aware of and to avoid at all possible opportunities where they can be objectified and told how they should think, how they should behave, how they should look, and, if they do not meet all of these criteria, they are in many ways worthless individuals.

I do congratulate Ms Hunter for bringing this matter forward but I foreshadow that I too will move an amendment, which has been circulated, which I believe will put some more power and more strength into this motion and may come up with something which we can take away and actually provide a service to the community.

There are many measures that have been proposed. Ms Hunter has already dwelt upon the recommendations of the Senate committee and the government response but we still have a long way to go. The government response has come up with a code of practice which, although many people have signed up to it, has been substantially ignored.

Most of the glossy magazines, the *Girlfriend*-type magazines and the *Dolly* magazines, tend to have token articles from time to time about body image, whilst surrounding those articles with photo-shopped images of improbable body forms which tell the average young girl looking at the magazine that they may as well give up and go home now because they will never obtain those body images. When we give people these bad images and bad information about their body image, the damage is substantial.

Ms Hunter referred to Amanda Gordon's comments and the Australian Psychological Association. The American Psychological Association has done similar research and it does show that these images and this persistent sexualisation of young people,

especially girls, contribute to anxiety and a whole range of adverse medical and psychological outcomes.

I think that it is unfortunate that Ms Hunter's motion tends to dwell on the medical side because there is much more to it than that. In her own presentation she did actually dwell on depression, anxiety, poor body image, eating disorders and low self-esteem. Not all of those are medical indications of poor outcomes and I think that it is unfortunate that Ms Hunter's motion, as it is currently drafted, tends to concentrate on the medical side of it.

I think that the Greens are probably a little more uncomfortable about delving into this space than I would be because they are essentially trying to walk both sides of the road. They want to say, "We do not want to talk about censorship. This is not about censorship." But this is somewhere where we have to act. If we have to act in this place, effectively we will have to say to people, "This is not acceptable for our children; we will not accept it and we will not tolerate you doing it anymore," and that is effectively censorship. Ms Hunter needs to work out what it is exactly that she wants out of this motion.

I am a little surprised that the Greens have brought this forward but I am encouraged, because a previous member who sat in this place on the Greens' side said, on a number of occasions to me personally and then repeated it in a public forum, that she thought it was okay for girls to go into prostitution. I was always a little concerned about the attitude that the Greens had to women and girls if they thought that prostitution was an authentic career choice for my daughter or their daughters. I am grateful today to see, with this motion, a little more sense in the Greens.

I congratulate Ms Hunter for bringing this matter forward but I do not congratulate the Greens for the cursory way in which they have attempted to deal with this tonight. What they wanted was a little publicity that showed that they were a bit more mainstream than a lot of people in the ACT might think that they would be, but at the same time they are not prepared to have a proper debate. They are not prepared to have a lengthy debate. They just want to sweep it through.

I would like to particularly comment on Ms Burch's amendment which she has circulated. What do you say about Ms Burch and her amendment? The fact is that she made a two-minute or three-minute speech on this and then moved this amendment without much comment on it. It would be hard to comment on it because it really does degrade the whole thing.

What are we going to do? This is an important issue. This is an important issue for our daughters. This is an important issue for our sisters. This is about the mental health and wellbeing and physical health and wellbeing of the young girls in this community. And the best Ms Burch can come up with is a competition.

Mr Barr: Campaign or event.

MRS DUNNE: We are going to have a competition or a campaign or an event, a one-off something, to address a systemic and endemic problem in this community.

And the idea that she would think that a competition would be enough to deal with this issue shows that she has either no care or no understanding of this very important issue. I do agree with her that there is a role for the Children and Young People Commissioner in this.

Mr Barr: Not the Youth Advisory Council?

MRS DUNNE: And there would be a role for the Youth Advisory Council in this. But I think that the whole notion of a competition and a one-off event demeans and degrades this issue. The amendment that I foreshadow, which has been circulated, I think, addresses more of the issues in a more detailed way.

This is a very important issue but it is not a blank sheet. There is substantial research on the subject and substantial writing on the subject. I commend to members of this place a collection of essays edited by my friend, a very courageous woman who has worked very hard in this area, Melinda Tankard Reist, *Getting real: challenging the sexualisation of girls*. It has a very thoughtful preface by renowned Australian actress Noni Hazlehurst. She does get to the issue of how far have we come in the women's movement when our children and our girls are treated like this. We have not come very far and I think that the substantial amount of research that is out there is diminished and downplayed by Ms Burch's amendment and downplayed to a great extent by the original motion.

I commend to members the amendment that I have circulated because I think that it more fully outlines the issues that are there. In the call to action, what I am proposing is that the Commissioner for Children and Young People convene a task force. The potential members of that task force are quite large and deep. Ms Hunter cited a range of people who would be eligible to be on that task force. Melinda Tankard Reist, a local Canberran, who probably has more knowledge and done more research on this than any other person in this country, could be part of a task force that would do a whole range of things.

The formulation of a retail code of practice, I think, is important. We need to look at whether there are issues of classification that need to be addressed. These have been looked at by my colleague in South Australia, the South Australian shadow minister for young people, Michelle Lensink. In May this year, she introduced legislation in the South Australian parliament that targeted tweens and teenage magazines with PG and M ratings in response to the issues of the sexualisation of young girls. While I am not sure that this is necessarily the way to go, I think that this would be a good thing for the commissioner and such a task force to look at.

I do think that it is important that we come up with appropriate curriculum material for use in ACT schools. Some of it is already there in the teaching material that goes with *Faking it* and I do commend that to members.

I think that it is important that this matter is dealt with in a much more thoughtful way than it has been tonight. I commend Ms Hunter for the thought but I do not commend her for the execution.

MR ASSISTANT SPEAKER (Mr Hargreaves): Members, before we go to the next phase, before Mrs Dunne could contemplate putting her amendment, we need to vote on the amendment. If Ms Burch's amendment is unsuccessful, then Mrs Dunne can move her amendment.

MRS DUNNE: I understand that. That is why I foreshadowed it.

MR ASSISTANT SPEAKER: If Ms Burch's amendment is successful, your amendment cannot go forward.

MRS DUNNE: I understand that.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Lance Corporal Jared MacKinney

MR HANSON (Molonglo) (9.32): Mr Assistant Speaker, thank you. It is with great regret that I rise tonight to discuss the death of another Australian soldier in Afghanistan. This is now the 21st soldier who has died in Afghanistan, and since June there have been 10 deaths. Indeed, over the last few weeks it seems increasingly that it is a more hazardous area of operations.

The soldier who died today was Lance Corporal Jared MacKinney. Jared was married to his wife, Becky. He has a three-year-old daughter and his wife is pregnant and their child is due shortly. He was going to see his unborn child for the first time five weeks after he returned home.

I will quote from the Chief of the Defence Force's words:

I want to express to them—

and this is to the family—

how saddened we are for their loss. My highest priority right now is to ensure they are receiving all the support they need. Their loved one was lost in the service of our nation and we will bring him home and lay him to rest with dignity and respect ...

His bravery should not be forgotten. His sacrifice has brought great honour to our nation, the Australian Defence Force, the Australian Army, and most especially his family.

I would just like to read the names now of the 21 soldiers who have lost their lives there. I hope this is the last time I will have to do this, but I fear that it will not be: Lance Corporal Jared MacKinney, Sergeant Andrew Russell, Trooper David Pearce, Sergeant Matthew Locke, Private Luke Worsley, Lance Corporal Jason Marks, Signaller Sean McCarthy, Lieutenant Michael Fussell, Private Gregory Sher, Corporal Mathew Hopkins, Private Grant Kirby, Sergeant Brett Till, Private Benjamin Ranaudo, Sapper Jacob Moerland, Sapper Darren Smith, Private Timothy Aplin, Private Scott Palmer, Private Benjamin Chuck, Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale.

Obviously, this is a very difficult struggle that we are involved in, and I would now like to quote from our defence minister, Senator Faulkner, who said today:

I believe our work there is absolutely vital ...

This soldier and his fellow soldiers have been doing the difficult but essential work of training and mentoring the Afghan National Army.

And:

the work of protecting our community must include preventing Afghanistan from becoming fertile ground for terrorism.

I would like to support Senator Faulkner and the words he spoke today.

Finally, I would just like to wish the troops serving in Afghanistan well. I am sure that is a sentiment echoed by everybody here, both within the chamber and also in the Canberra community. Many of our serving personnel actually would come from the ACT. I would like to wish Lieutenant Colonel Mark Jennings, the commanding officer of the MTF-1, all the best—to him and to all his troops—and likewise to the Special Operations Task Group and to all of those various troops who are embedded in headquarters and embedded with coalition forces.

Rest in peace.

Telstra business awards

MR SESELJA (Molonglo—Leader of the Opposition) (9:36): Mr Assistant Speaker, I would just like to pay tribute to the Telstra ACT business award winners announced recently. I, along with many others, had the opportunity to attend the Telstra business awards here in the ACT, and they were ably, again, emceed by the wonderful Anne Fulwood. But I would like to pay tribute to Telstra for sponsoring these business awards. They do a great job in putting these on and they are very professional awards and it is always a fantastic night.

I would like to particularly pay tribute to the local winners. We have the business owner Micro-Business Award to Makin Trax Australia, which is a Curtin business, established in 2005 by Darren Stewart, that designs, constructs, maintains and remediates mountain bike, walking and multi-use track networks. Completed

projects include the Stromlo Forest Park track and the refurbishment of the Casuarina walking trail on Mount Majura.

The MYOB Small Business Award went to Today's Homes and Lifestyle, a contract home building business in Fyshwick, set up in 2001 by father and son team Peter and Brendan McCoullough, that services a market for designs priced between \$300,000 and \$750,000, winning housing industry association awards for its custom-built small lot and green smart designs

The Panasonic Australia Medium Business Award was for stratsec, a business established by Doug Stuart, Peter Lilley and Nick Ellsmore in 2004 that provides information, security consulting and testing services for government and commercial clients.

The AMP Innovation Award went to Viridis E3 in Phillip, an environmentally sustainable development consultancy, founded in 2007 and led by directors Warren Overton, Jonathan Dalton and Gesa Ruge, that offers leading edge technology, environmental design and engineering.

There was the Sensis Social Responsibility Award, and congratulations for that to Richard Luton Properties, a real estate agency established in 1999, which employs 73 people in six ACT offices. The entire staff team volunteers to support a diverse range of community activities, including organising a fundraising ball for the past seven years and conducting charity auctions.

And the 2010 ACT Telstra Business of the Year award was for stratsec. I would like to say just a couple more words about stratsec, because stratsec actually went on to win one of the national awards. Indeed, at the national awards, stratsec won, if I can just refer to it, the Telstra Australian Business of the Year and the Panasonic Australia Medium Business Award. That is the national prize for a great local company, so I would just like to pay tribute. It is great to see local businesses thriving. It is great to see local businesses getting that recognition on a national level. And, as I said earlier, it has grown from a three-person start-up in 2004 and now it is a business with 40 employees and offices throughout Australia and in Singapore.

I will just quote from some of the materials being provided. Telstra Business Group managing director and ambassador of the Telstra Business Awards, Ms Deena Shiff, said that all ACT winners in the five award categories were chosen from hotly contested fields. Now, it is a great tribute to Doug Stuart, Peter Lilley and Nick Elsmore, the success of stratsec and the fact that they have received this honour.

So I would just like to pay tribute to all of the winners at the ACT level and to the national winners, stratsec, who went on and represented the ACT—and also to pay tribute to Telstra for the wonderful work that they do in putting those awards together.

NationsHeart committee

MR COE (Ginninderra) (9.40): Thank you, Mr Assistant Speaker. It is a pleasure to rise this evening to give due credit to a wonderful community in the electorate of

Ginninderra, based in Belconnen, and that is the NationsHeart Community. NationsHeart do an absolutely tremendous job, and I know a number of members of this place have visited the church and seen some of the great work they do. It is such good work that, indeed, they have been the recipients of a number of grants from the ACT government and from a number of companies that offer financial assistance.

Among the work they do there is the Food Hut co-op. They have got the Belco Kitchen. They have got the Rough Diamonds. They have got craft and chat. They have got independent living skills, including a cooking program, and the Gentle Footprint nutrition program. I had the pleasure of going out there and seeing and tasting some of the food they had prepared, and it really was a magnificent occasion and it was really quite touching to see the progress that these people have made with their cooking skills and how much pride they had in the food they prepared for me and for the other guests.

It is a great program, the Footprint nutrition one. It provides a place to learn and share and provide mutual support and education opportunities about nutrition, food choices, meal planning, food preparation and budgeting. It is a great program, as are all the programs they have.

I would like to thank and commend: the ministry team, including Pastor Naomi Giles, Pastor Jenny Moore and Jan Roberts; the management team, including Craig Webber, Ric Glenister, Marc Blackmore and the office administrator, Janet MacKinney; and the elders, the finance team, all the volunteers of the children's work and all the other programs they do. They really do a superb job.

I will just mention Janet MacKinney, who is the office administrator. She does an absolutely amazing job. She has always got a million things on the go at any one time and she keeps track of it all tremendously. I know they have got a thank you for their volunteers coming up in the next couple of weeks, which I look forward to attending, to also pay tribute to all the great people who make up their wonderful community. They punch well above their weight and give so much back, and I wanted to take this opportunity to thank them formally in this place and to offer my support—and, indeed, I am sure, the whole Assembly's support—in assisting them going into the future.

Question resolved in the affirmative.

Assembly adjourned at 9.42 pm.

Schedule of amendments

Schedule 1

Litter (Shopping Trolleys) Amendment Bill 2010

Amendments moved by the Minister for Territory and Municipal Services

1

Clause 4

Proposed new section 24C, definition of *collection notice*

Page 2, line 23—

omit the definition, substitute

collection area—see section 24FB (2) (c).

collection day—see section 24FB (2) (b).

collection day notice—see section 24FB (1).

2

Clause 4

Proposed new section 24C, definition of *removal notice*

Page 2, line 24—

omit

section 24G (3) (a)

substitute

section 24FC (3)

3

Clause 4

Proposed new section 24C, definition of *removal notice location*

Page 3, line 1—

omit the definition, substitute

removal notice location, of a retailer's shopping trolley, means—

- (a) the place mentioned in section 24FC (1) where the trolley was found; and
- (b) any place outside the retailer's shopping centre precinct that can be clearly seen from the place mentioned in paragraph (a).

4

Clause 4

Proposed new section 24C, new definitions of *retailer collection notice* and *retailer's shopping centre precinct*

Page 3, line 7—

insert

retailer collection notice—see section 24J (2).

retailer's shopping centre precinct, for a retailer's shopping trolley, means the shopping centre precinct where the retailer's premises identified on the trolley are located.

5

Clause 4**Proposed new section 24C, new definitions of *shopping centre* and *shopping centre precinct*****Page 3, line 8—***insert****shopping centre***, for retail premises which provide shopping trolleys for use in the premises, means—

- (a) if the premises occupy a single building—the retail premises; or
- (b) if the premises are in a shopping centre, shopping mall, shopping court or shopping arcade—the centre, mall, court or arcade.

shopping centre precinct means—

- (a) an area consisting of—
 - (i) a shopping centre; and
 - (ii) any car park provided for the use of customers of the shopping centre; and
 - (iii) any area, including a road or other public place, between the shopping centre and the car park; and
 - (iv) any other area provided for the use of customers of the shopping centre immediately adjacent to the shopping centre; or
- (b) an area prescribed by regulation.

6

Clause 4**Proposed new section 24C, definition of *shopping trolley*****Page 3, line 9—***omit the definition, substitute****shopping trolley*** means—

- (a) a predominantly metal trolley incorporating a basket that cannot be removed; or
- (b) a trolley or handcart prescribed by regulation.

7

Clause 4**Proposed new section 24D****Page 3, line 10—***omit proposed new section 24D, substitute***24D Direction to return shopping trolley**

- (1) This section applies if an authorised person or police officer believes on reasonable grounds that—

- (a) a person—
 - (i) has taken a retailer's shopping trolley from the retailer's shopping centre precinct; or
 - (ii) is using a retailer's shopping trolley in a place outside the retailer's shopping centre precinct; or
 - (iii) has left a retailer's shopping trolley at a place outside the retailer's shopping centre precinct; and
- (b) for paragraph (a) (i) and (ii), the person is not—
 - (i) the retailer identified on the trolley; or
 - (ii) a person authorised by the retailer to do the things mentioned in paragraph (a) (i) and (ii).
- (2) The authorised person or police officer may give the person a written direction to return the shopping trolley to the retailer's premises identified on the trolley.
- (3) The person must comply with the direction.
Maximum penalty: 10 penalty units.
- (4) An offence against this section is a strict liability offence.
- (5) The authorised person or police officer must not give the person a written direction under subsection (2) if it is harsh or unreasonable in the circumstances to do so.
Note The defendant has an evidential burden in relation to the matters mentioned in s (5) (see Criminal Code, s 58).
- (6) A direction must—
 - (a) state that it is an offence against subsection (3) not to comply with the direction; and
 - (b) state a reasonable time within which the direction must be complied with; and
 - (c) include a statement that the person may be served with an infringement notice or prosecuted under subsection (3) if the person does not comply with the direction.
- (7) In this section:
infringement notice—see the *Magistrates Court Act 1930*, section 117.

8**Clause 4****Proposed new section 24E****Page 3, line 19—**

omit proposed new section 24E, substitute

24E Notice about taking etc shopping trolley outside of shopping centre precinct

- (1) A retailer must place prominently at or near the customer exits in the retailer's premises a notice that—

- (a) contains the following statement:
‘Under the *Litter Act 2004* fines can apply for taking, using or leaving a shopping trolley outside this shopping centre precinct’; and
- (b) describes the retailer’s shopping centre precinct; and
- (c) contains anything else prescribed by regulation; and
- (d) can be seen and read easily by a person leaving the retailer’s premises.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

9

Clause 4

Proposed new section 24F (1) (a)

Page 4, line 15—

omit

10

Clause 4

Proposed new section 24F (1) (c)

Page 4, line 17—

omit proposed new section 24F (1) (c), substitute

- (c) the address of the retailer’s premises at which the retailer keeps the trolley;

11

Clause 4

Proposed new section 24F (4), note

Page 5, line 8—

insert

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

12

Clause 4

Proposed new section 24F (6)

Page 5, line 12—

omit

territory

substitute

Territory

13

Clause 4

Proposed new sections 24FA, 24FB and 24FC

Page 5, line 13—

insert

24FA Retailer must keep shopping trolleys within shopping centre precinct

- (1) A retailer commits an offence if the retailer fails to keep a shopping trolley identified as belonging to the retailer under section 24F (1) within the retailer's shopping centre precinct.

Maximum penalty: 60 penalty units.

- (2) This section does not apply if the shopping trolley is—
- (a) in premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley; or
 - (b) in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
 - (c) in a shopping centre precinct other than the retailer's shopping centre precinct.
- (3) This section does not apply if—
- (a) the retailer operates and maintains a trolley containment system at the retailer's premises where the shopping trolley came from and the containment system applied to the trolley; or
 - (b) the retailer took all reasonable measures to ensure that the trolley was kept within the retailer's shopping centre precinct; or
 - (c) the number of trolleys provided by the retailer at the retailer's premises where the trolley came from is less than the number prescribed by regulation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) and (3) (see Criminal Code, s 58).

- (4) In this section:

trolley containment system means a system approved by the chief executive that is designed to reduce the number of a retailer's shopping trolleys taken out of the retailer's shopping centre precinct.

Example—trolley containment system

a system which requires the deposit of money by customers to use a shopping trolley which is refundable on the return of the trolley

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

24FB Notice of shopping trolley collection days

- (1) The chief executive may give a retailer a notice (a ***collection day notice***) of the chief executive's intention to remove shopping trolleys left in places outside a shopping centre precinct.

Note For how documents may be served, see the Legislation Act, pt 19.5.

- (2) A collection day notice must state the following:
- (a) the date the notice is given;
 - (b) the day (the *collection day*) that the removal of shopping trolleys will take place, being a day not less than 2 days after the date the notice is given;
 - (c) the area (the *collection area*) from where trolleys will be removed;
 - (d) if a trolley is found in a place outside a shopping centre precinct in a collection area on a collection day, the trolley may—
 - (i) be removed to a retention area; and
 - (ii) only be collected by the retailer from the retention area if the retailer pays all fees, charges and other amounts payable under this Act;
- Note* A fee for removing and storing the trolley may be determined under s 25 for this provision.
- (e) it is an offence against section 24FA if the retailer fails to keep a trolley identified as belonging to the retailer under section 24F (1) within the retailer's shopping centre precinct;
 - (f) the maximum penalty for the offence;
 - (g) how the retailer may contact an authorised person, including, for example, by giving a telephone number.

Note An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

24FC Notice to remove individual shopping trolley

- (1) This section applies if a retailer's shopping trolley is found in a place outside the retailer's shopping centre precinct by an authorised person or police officer.
- (2) This section does not apply if the retailer identified on the shopping trolley has been given a collection day notice and the trolley is found on a collection day in a collection area.
- (3) An authorised person or police officer may give the retailer a notice (a *removal notice*) to remove the shopping trolley from the removal notice location.
- (4) A removal notice must state the following:
 - (a) the time and date the notice is given;
 - (b) the place where the shopping trolley was found;
 - (c) that the trolley must be removed from the removal notice location within 24 hours after the time the notice is given;
 - (d) if the trolley is not removed from the removal notice location within 24 hours after the time the notice is given, the trolley may—

- (i) be removed to a retention area; and
- (ii) only be collected by the retailer from the retention area if the retailer pays all fees, charges and other amounts payable under this Act;

Note A fee for removing and storing the trolley may be determined under s 25 for this provision.

- (e) it is an offence against section 24FA if the retailer fails to keep a trolley identified as belonging to the retailer under section 24F (1) within the retailer's shopping centre precinct;
- (f) the maximum penalty for the offence;
- (g) how the retailer may contact an authorised person, including, for example, by giving a telephone number.

Note An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (5) The removal notice must be given by—
 - (a) securely attaching the notice, addressed to the retailer, to the shopping trolley in a conspicuous position; and
 - (b) calling the contact telephone number stated on the trolley and giving the information in the notice to the retailer.
- (6) For subsection (5) (b), information in the removal notice is taken to have been given to the retailer if—
 - (a) the information is given to—
 - (i) a person who answers the telephone call; or
 - (ii) a telephone answering or recording device; or
 - (b) a reasonable attempt was made to give the information to the retailer by telephone.
- (7) A removal notice given in the way mentioned in subsection (5) is taken to have been given to the retailer at the time and date the telephone call is made.

14

Clause 4

Proposed new section 24G

Page 5, line 14—

omit proposed new section 24G, substitute

24G Removal of shopping trolley to retention area

- (1) The chief executive may authorise a person (a *trolley collector*) to remove shopping trolleys found outside shopping centre precincts to a retention area.
- (2) A trolley collector or authorised person may remove a shopping trolley found outside a shopping centre precinct to a retention area if the retailer identified on the trolley has been given—

- (a) a collection day notice and the trolley is found on a collection day in a collection area; or
 - (b) a removal notice in relation to the trolley and the trolley has not been removed from the removal notice location within 24 hours after the time the notice was given.
- (3) Subsection (2) does not apply if the shopping trolley is—
- (a) in premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley; or
 - (b) in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
 - (c) in a shopping centre precinct other than the retailer's shopping centre precinct.
- (4) However, an authorised person or a police officer may remove a shopping trolley to a retention area without a notice under section 24FB or section 24FC having been given if the authorised person or a police officer believes on reasonable grounds that—
- (a) the trolley may cause injury to a person or animal or damage to property or a public place if it is not removed; or
 - (b) it is impractical for the retailer to remove the trolley.

Example—par (a)

A shopping trolley is left next to a main road. Prompt removal is necessary because the trolley could roll or be pushed onto the road.

Example—par (b)

A shopping trolley is dumped in a waterway. Removal by the retailer is impractical because it requires specialised equipment to remove it.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

15**Clause 4****Proposed new section 24H****Page 6, line 16—***omit***16****Clause 4****Proposed new section 24I****Page 8, line 9—***omit***17****Clause 4****Proposed new section 24J heading****Page 9, line 1—***omit***left in public places**

18

Clause 4

Proposed new section 24J (1)

Page 9, line 3—

omit

section 24G (2)

substitute

section 24G

19

Clause 4

Proposed new section 24J (2)

Page 9, line 4—

omit

collection notice

substitute

retailer collection notice

20

Clause 4

Proposed new section 24J (3)

Page 9, line 8—

omit

collection notice

substitute

retailer collection notice

21

Clause 4

Proposed new section 24J (3) (b)

Page 9, line 10—

omit

22

Clause 4

Proposed new section 24J (3) (e) and note

Page 9, line 15—

omit proposed new section 24J (3) (e) and note, substitute

(e) any fee the retailer must pay before the trolley may be collected;

Note A fee for removing and storing the trolley may be determined under s 25 for this provision.

23

Clause 4

Proposed new section 24J (3) (f)

Page 9, line 20—

omit

24

Clause 4

Proposed new section 24K

Page 10, line 3—

omit

section 24G (2)

substitute

section 24G

25

Clause 4

Proposed new section 24K (b)

Page 10, line 7—

omit

collection notice

substitute

retailer collection notice

26

Clause 4

Proposed new section 24K (d)

Page 10, line 11—

omit

collection notice

substitute

retailer collection notice

27

Clause 4

Proposed new section 24K (f)

Page 10, line 16—

omit proposed new section 24K (f), substitute

- (f) for that Act, section 26 (2) (a) and (b) and section 30 (1) (a) and (b), the reasonable costs incurred by the chief executive are taken to be any fee determined under this Act for the removal, storage and disposal of the trolley; and

Note A fee for removing, storing and disposing of the trolley may be determined under s 25 for this provision.

- (g) that Act, section 27 does not apply.

28

Clause 4

Proposed new section 24KA

Page 10, line 19—

insert

24KA Recovery of cost of disposal etc of shopping trolley

- (1) This section applies if a shopping trolley has been disposed of under section 24K and the *Uncollected Goods Act 1996*, part 3.
- (2) A fee for the removal, storage and disposal of the shopping trolley is a debt due to the Territory by the retailer.

Note A fee for removing, storing and disposing of the trolley may be determined under s 25 for s 24K (f).

- (3) The debt is payable within 14 days after the date of the invoice.
- (4) Interest is payable on the amount of the debt that remains unpaid after the payment date at the interest rate mentioned in the *Court Procedures Rules 2006*, schedule 2, rule 2.3 (Interest on judgment after 30 June 2010—Supreme Court).

29

Proposed new clause 4A

Page 11, line 3—

insert

4A Dictionary, new definitions

insert

collection area, for part 4A (Shopping trolleys)—see section 24FB (2) (c).

collection day, for part 4A (Shopping trolleys)—see section 24FB (2) (b).

collection day notice, for part 4A (Shopping trolleys)—see section 24FB (1).

removal notice, for part 4A (Shopping trolleys)—see section 24C.

removal notice location, for part 4A (Shopping trolleys)—see section 24C.

retailer, for part 4A (Shopping trolleys)—see section 24C.

retailer collection notice, for part 4A (Shopping trolleys)—see section 24J (2).

retailer's shopping centre precinct, for part 4A (Shopping trolleys)—see section 24C.

retention area, for part 4A (Shopping trolleys)—see the *Uncollected Goods Act 1996*, dictionary.

shopping centre, for part 4A (Shopping trolleys)—see section 24C.

shopping centre precinct, for part 4A (Shopping trolleys)—see section 24C.

shopping trolley, for part 4A (Shopping trolleys)—see section 24C.

30
Clause 5
Proposed new items 12 to 14
Page 11, line 6—

omit proposed new items 12 to 14, substitute

| | | | |
|----|---------|----|-----|
| 12 | 24D (3) | 10 | 60 |
| 13 | 24E (1) | 10 | 200 |
| 14 | 24F (3) | 10 | 20 |
