Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

15 FEBRUARY 2011

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Tuesday, 15 February 2011

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MR SPEAKER (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners 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 Rattenbury**, *from 79 residents*:

Cycling and walking projects—petition No 116

> **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 the ACT Government's current *Cycling and Walking Infrastructure* report **favours expensive projects ahead of projects that offer better value for money**.
>
> The report's flawed and illogical analysis gives the $0.2 million Civic Cycle Loop only 29 points for cost-effectiveness, while the $17 million Fyshwick-to-airport bike path gets 500,000 points, even though it will serve only 34 people.
>
> Your petitioners therefore request that the Assembly **give funding priority to cycling and walking projects that offer good value for money**, using a recognised cost-benefit method such as dividing the sum of a project's benefits by the sum of its costs.

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.

Petitions
Ministerial responses

The Clerk: The following responses to petitions have been lodged by ministers:

By **Mr Corbell**, Minister for the Environment, Climate Change and Water, dated 14 February 2011, in response to a petition lodged by Ms Le Couteur on 7 December 2010 concerning battery recycling.

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

Recycling—batteries and light bulbs—petition No 115

The response read as follows:

> I refer to a letter of 7 December 2010 from Mr Max Kiermaier, Acting Clerk to Mr Jon Stanhope MLA, Minister for Territory and Municipal Services, regarding

Petition No. 115 lodged by Ms Le Couteur MLA, concerning the establishment of a convenient, community drop-off system across the ACT for battery recycling. Mr Stanhope has referred your correspondence to me as responsibility for this matter falls within my portfolio.

I am pleased to note the level of community interest in waste management practices demonstrated by this petition. For the ACT Government, waste management is one of the key strategic areas for creating a sustainable Canberra.

On 8 December 2010, a draft *ACT Sustainable Waste Strategy* was released for public comment. Managing hazardous waste is one of the many issues being considered in the new ACT waste strategy.

The ACT Government provides services for particular types of batteries:

- Car batteries may be dropped off at the Mitchell and Mugga Lane Resource Management Centres and Parkwood Recycling Estate.
- Mobile phone and mobile phone battery collection facilities were established in 2008-2009 at the Mitchell and Mugga Lane Resource Management Centres and at the Regional Recycling Centres. Including Scollay Street in Tuggeranong, Botany Street in Phillip, Bailieu Court in Mitchell and Jolly Street in Belconnen.

While batteries and fluorescent globes comprise less than 0.25 per cent of domestic waste sent to landfill. Ways to create additional places for residents to drop off batteries are currently under consideration by the Government. Consideration is being given to suitable containers for collection, markets for batteries, the willingness of businesses to receive or collect batteries for recycling, risks for installing collection facilities in public places and whether additional drop-off facilities are the best use of limited resources available for recycling.

I trust that this information is of assistance.

By **Ms Burch**, Acting Minister for the Environment, Climate Change and Water, dated 28 January 2011, in response to a petition lodged by Ms Le Couteur on 7 December 2010 concerning fluorescent bulb recycling.

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

Recycling—batteries and light bulbs—petition No 114

The response read as follows:

I refer to your letter of 7 December 2010 to Mr Jon Stanhope MLA, Minister for Territory and Municipal Services, regarding petition No. 114 lodged by Ms Le Couteur MLA, regarding the establishment of a convenient community drop-off system across the ACT for the disposal of fluorescent light globes. Mr Stanhope has referred your correspondence to Simon Corbell MLA as responsibility for this matter falls within his portfolio. Minister Corbell is on leave and I am replying on his behalf.

I am pleased to note the level of community interest in waste management practices demonstrated by this petition. For the ACT Government, waste management is one of the key strategic areas for creating a sustainable Canberra.

On 8 December 2010 a draft ACT *Sustainable Waste Strategy 2010-2025* was released for public comment. Managing hazardous waste is one of the many issues being considered in the new ACT waste strategy.

The ACT Government has set up collection facilities for residents to drop off fluorescent tubes and light bulbs at no charge at Mitchell and Mugga Lane Resource Management Centres, with the Government paying for these to be sent interstate for recycling.

While fluorescent globes and batteries comprise less than 0.25 per cent of domestic waste sent to landfill, ways to create additional places for residents to drop off batteries and fluorescents are currently under consideration by the Government. Consideration is being given to suitable containers for collection, markets for batteries, willingness of businesses to receive or collect batteries for recycling, risks for installing collection facilities in public places and whether additional drop-off facilities are the best use of limited resources available for recycling.

The ACT Government is supporting the national product stewardship initiatives that will provide further improvements to end-of-life management of fluorescent light globes. The FluoroCycle, a voluntary partnership between government and industry to increase recycling of lamps containing mercury by the commercial and public lighting sectors, is expected to be rolled out in 2011.

The Environment Protection and Heritage Council has also been investigating the issues associated with the end-of-life management of fluorescent tubes and other mercury-containing lamps. The initial focus of the scheme is on those sectors that account for the largest consumption of lamps containing mercury, namely the commercial and public lighting sectors. It is expected that the scope of the program will be broadened to include lamps from the domestic or household sector. This will address the issue of the disposal of the increasing volumes of end-of-life fluorescent lamps used in residences.

Thank you for raising this matter, I trust that this information is of assistance.

Leave of absence

Motion (by **Mr Corbell**) agreed to:

That leave of absence be granted to Ms Porter for this sitting week for medical reasons.

Public Accounts—Standing Committee
Report 14

MS LE COUTEUR (Molonglo) (10.03): I present the following report:

Public Accounts—Standing Committee—Report 14—*Review of Auditor-General's Report No 6 of 2009: Government Office Accommodation—Interim report—February 2011*, dated 10 February 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

First off, I would like, of course, to thank the committee secretariat, Andrea Cullen, and my fellow committee members, Mr Smyth and Mr Hargreaves, for their support of report No 14 of the Standing Committee on Public Accounts—*Interim report—Review of Auditor-General's Report No 6 of 2009: Government office accommodation.*

The Auditor-General's report presented the results of a performance audit that reviewed whether ACT office accommodation had been strategically managed in an efficient and effective manner. The audit specifically focused on strategic planning and management processes and compliance with the requirements specified in the whole-of-government accommodation strategy.

The public accounts committee resolved to inquire further into the Auditor-General's report on the basis that, firstly, the management and delivery of government office accommodation is an important public sector issue. In some jurisdictions government office accommodation is the second highest recurrent cost component for government agencies and departments after employee costs.

Government office accommodation can make a key contribution to the successful achievement of government objectives. In particular I mean environmental and social objectives, and the efficient and effective delivery of government services to the community. Government office accommodation must provide a functional, safe and accessible workplace for employees.

Secondly, I refer to the audit findings, and, thirdly, to any lessons arising from its inquiry which may provide useful input for consideration by the government as part of its recently announced proposal to build a whole-of-government office accommodation building. The option for the development of this whole-of-government office building was being considered at the time of the audit, and the audit report, together with the government submission, made reference to this proposal.

The committee's inquiry frame, while examining the findings of the audit report, is forward looking and focused on best practice planning, acquisition, management, delivery and utilisation of government office accommodation.

After considering the evidence received to date, the committee decided to table an interim report because it believes that its position with regard to the new government office building proposal should be brought to the attention of the ACT Legislative Assembly. Our interim report makes specific comment on and three recommendations in regard to the proposal to construct a purpose-built government office building as the government's preferred office accommodation option. We commented on the decision-making process in the context of the Canberra property market, re-use of existing office accommodation buildings versus new construction, the opportunity cost of using resources for the construction of a purpose-built government office building as measured against other projects that may be deferred, and the development of a whole-of-government office accommodation strategy.

I will go through the three recommendations. The first was that the ACT government should make no final decision with regard to the whole-of-government office building project until the Standing Committee on Public Accounts has received a copy of the business case and the economic and environmental analysis, together with any relevant considerations, and has had time to consider this information and report to the ACT Legislative Assembly.

The second recommendation was that the ACT government provide the Standing Committee on Public Accounts with an assessment of the opportunity cost of the whole-of-government office building project against other significant infrastructure projects, such as the Majura Parkway, the starting of a light rail network, a new convention centre or a third major hospital.

The third recommendation was that the ACT government whole-of-government office accommodation strategy should be finalised and considered by the ACT Legislative Assembly prior to any final decision, or awarding of any contract, with regard to the whole-of-government office building project.

I would now like to talk a bit more about why the committee came to those three recommendations. I will now be talking more from my point of view rather than from the point of view of the committee as a whole, because obviously we all may have some different views on this.

From where I am sitting, the idea of co-locating the government offices does seem to be a sensible idea. What we are more concerned about is how they are doing it, not whether it is a good idea at all. The situation at present is that the ACT has the highest office vacancy rate in Australia. We have a 13.4 per cent vacancy rate throughout the ACT and over 15 per cent in Civic, and it does not look like this is going to improve any time soon. So it really seems quite bizarre that the government, which should be acting in the best interests of all of Canberra, would be seeking to add to the oversupply of offices by building a new, large, substantial office building in Civic.

I understand that this project was begun many years ago when there was an undersupply of office buildings, but I think that the government needs to look at the fact that this has really changed. The government needs to look at what the alternatives are now. I am aware of a couple of buildings which are close to the Legislative Assembly and which are expected to become vacant in the not-too-distant future—certainly before a new government office accommodation building could possibly be built.

The government has claimed that a new office building would be the most environmentally positive option. Obviously, we have asked that question. But it has not really given any life-cycle analysis of a comparison with refurbishing an existing well-located building. It has just said that it would be better than some of the buildings that it currently has. And I am sure that statement is true. But what I am not sure about is whether it has really looked at what the alternatives are.

Just across the road from us, the private sector is currently refurbishing the old ActewAGL building. That, I believe, is targeting a 4.5 NABERS rating. And there are

other buildings in Civic which are being refurbished on the same sort of premise. So office refurbishment is certainly happening in Civic as we speak. It is certainly something which the private sector or the government are quite capable of doing. I also point out that the ACT government already has a dollar-for-dollar matching incentive scheme to encourage building owners to upgrade their stock for energy efficiency.

I would be confident that, with the current oversupply of office buildings, it would be possible for the ACT government to look at finding an office building which meets the locational objectives, the environmental objectives and the economic objectives. This would be better for the ACT government and for Canberra as a whole.

What I would like to see is that, before the government commit to what is expected to be a project in the order of $400 million, they seriously look at all the alternatives, not some of the alternatives. They should prepare a full business case which includes the environmental and economic costs of all the alternatives. They should bring this, as PAC's recommendation says, to PAC and PAC will then bring it to the Legislative Assembly. This is an important decision. We need to look at all of the issues.

MR SMYTH (Brindabella) (10.12): I endorse most of the words that Ms Le Couteur, as chair, has said about this report and start by thanking colleagues on the committee and the secretariat for their support in putting out the interim report so speedily. This is a big decision for Civic, in particular, but it is a big decision for the government as well. It is not a decision that should be made lightly. Indeed, in the course of the process that the government has undertaken we now have the revelation that there is more than 13 per cent office vacancy in the ACT and, in the short term at least, there is no respite for that market.

There is a question about the government going ahead and building their own office block. I think we have to start with the government's response to the initial report. The initial report from the Auditor-General—report No 6 of 2009: *Government office accommodation*—did a number of studies on various projects that the government had undertaken. However, the committee decided to take a forward-looking view to see what needed to happen in future to ensure that some of the mistakes, particularly with, say, the relocation of the Emergency Services headquarters to Fairbairn, would not be repeated. I will read recommendation 3 from the Auditor-General:

> ACT Property Group should develop and implement an office accommodation strategy that considers short, medium and long term planning strategies and objectives for the whole of government.

The government response was:

> Agreed
>
> The development of accommodation strategies are identified within the ACT Government Real Estate Policy.

It is disappointing that it went on to say:

> The long term strategy will be influenced by the Government's consideration of the possible whole-of-government office block.

So we have got a single building influencing the entire strategy instead of having a strategy that influences what the government does, in particular, with this building. The government is putting the cart before the horse in this case. The potential to get it wrong, as it has done on many occasions, I think, is highlighted simply by its answer to the recommendation from the Auditor-General. Paragraph 3.21 states:

> The Committee has a concern about whether the Government has fully considered the impact a new government office building may have on the Canberra property market. The Committee also has concerns about whether the process advancing the construction of a purpose built office building as the ACT Government's preferred office accommodation option has adequately considered alternative options.

The dilemma for us as a committee, and indeed for the community, is that we are yet to see any analysis. The government have said they will provide the analysis when they are finished, but our fear as a committee is that they will make the decision and release the analysis at the same time. The committee has considered what might happen—whether or not it is the re-use of existing office accommodation versus new, or whether the government just should rent a new building which is coming online. There are a number of options there. In paragraph 3.27 the report says:

> The Committee is concerned about the opportunity cost of funds that may be tied up in the project, if it were to proceed, against the lost opportunity of investing these funds in alternative infrastructure ventures or capital projects that may also yield positive benefits.

The problem here is that we were told in hearings that the cost of the building might be something like $300 million and the fit-out might be another $100 million. Although the government does not have a preferred option at this time, if the government were to invest $400 million in that one project, what is it that $400 million might be spent on? I am sure the people of Gungahlin will say Majura Parkway is probably a pretty valid consideration. I know there are fears as to whether or not the government can build a dual carriageway on time and on budget. We have seen the debacle that is the GDE. The people of Gungahlin would have an expectation that that $400 million may well assist in building the road access that they deserve.

I know the business community has a concern that $400 million could easily be allocated to something like a new convention centre, something that this government has been promising for about nine years. We are yet to get a site, let alone a commitment to building a new convention centre. The committee canvasses options like light rail. If there is $400 million in the offing, that might be something that goes to light rail. But if the work has not been done and we have not determined what the opportunity costs are then, of course, we will never know.

The committee goes on to say: "We understand the government has undertaken a detailed economic analysis. We have requested a copy of that analysis. It should be made available some time. The government has said that it will make it available." But we have a suspicion that it may come after the government has made its decision. At paragraph 3.29 the report says:

> The Committee is of the view that the Government has more work to do to make the public case for a whole-of-government office accommodation building.

It goes on to say:

> To assist with this, the Committee is also of the view that it should be provided with an opportunity to assess the business case, and the economic and environmental analysis, for the whole-of-government office building proposal compared to alternative options or scenarios …

So it is very important that we get this right. It is a big investment. We know that funds are tight. Let us make sure that the decision is made to give the best to all of the ACT. That simply leads to recommendation 1:

> The Committee recommends that the ACT Government make no final decision with regard to the whole-of-government office building project until the Standing Committee on Public Accounts has received a copy of the business case, and the economic and environmental analysis, together with any other relevant considerations, and had time to consider this information and report to the ACT Legislative Assembly.

This is, of course, a unanimous report. Recommendation 2 reads:

> The Committee recommends that the ACT Government provide the Standing Committee on Public Accounts with an assessment of the opportunity cost of a whole-of-government office building project against other significant infrastructure projects, such as the Majura Parkway, a light rail network, a new convention centre, or a third major hospital—

which the health minister is keen to talk about. If we go back to the original report from the Auditor-General, the audit report stated:

> The ACT Government, however, did not have a whole-of-government office accommodation strategic plan to assess its future needs and inform its current accommodation strategy.

The audit was advised that work was expected to commence shortly on the development of such a plan. Indeed, the committee was told that as well. Initially we were told that the government advised that the whole-of-government accommodation strategy would commence after a final decision had been made on the development of a new major office block. However, in the course of its inquiry to date, the committee was told that work had commenced on the development of the strategy to respond to short and medium-term accommodation needs.

If the work has been done then there is no need for a decision to be made until the public accounts committee, charged with scrutinising government expenditure, receives that information. Again, the committee in paragraph 3.36 says:

> The Committee has reservations that the proposal to construct a whole-of-government office building may proceed before the Government has completed its whole-of-government accommodation strategy.

It goes on, at 3.37, to say:

> A strategy of this kind is a high level document that sets the framework for planning and decision making …

That is how it should work, Mr Speaker. I think we would all agree with that. The report goes on, at paragraph 3.40, to say:

> A whole-of-government office accommodation strategy is a significant high level document which should be used to inform the decision making process for the construction of a new government office building. On the basis of the evidence, the Committee has reservations that the development of the Strategy, rather than informing what the decision should be, will, in the main, accommodate the decision.

At 3.41 the committee goes on to say:

> The Committee believes that this would be contrary to the purpose and intent of strategic planning.

That leads us then to recommendation 3, which says:

> The Committee recommends that the ACT Government whole-of-government office accommodation strategy should be finalised, and considered by the ACT Legislative Assembly, prior to any final decision, or awarding of any contract, with regard to the whole-of-government office building project.

I think that is a very wise recommendation. The committee resolved to table this as an interim report. We would like to see the detail. We would like to make sure that we get this decision right, given the importance—socially, economically and environmentally—of such a decision. We would like the government to comply with the recommendations as put here that this analysis is made available before any decision is put into the public realm.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Scrutiny report 32

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

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 32, dated 10 February 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report No 32 contains the committee's comments on six bills, seven pieces of subordinate legislation, 10 government responses and one private member's response. The report was circulated to members when the Assembly was not sitting. I would like to highlight to members that the committee has rescheduled its sitting program for this year so as to give members more advance warning of comments before a sitting period. As a general rule, we will be sitting on the Thursday before sittings, except when there are double sittings, and this will give members

more opportunity to go through the scrutiny comments before bills come up for debate. I commend the report to the Assembly.

MR SPEAKER: Thank you, Mrs Dunne, and for the update on the revised timetable.

ACT government campaign advertising—independent reviewer

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.23), by leave: I move:

> That, in accordance with the *Government Agencies (Campaign Advertising) Act 2009*, Derek Volker be appointed as the Independent Reviewer—ACT Government Campaign Advertising for a period of three years from 15 February 2011.

Mr Speaker, this issue is well known to all members of the Assembly. It has been agitated, discussed and debated on a couple of occasions. I think everybody understands the credentials that Mr Volker brings to the particular role, if he were to be appointed. I think they are beyond dispute; they are unassailable. He has the experience, the reputation and the standing to well and appropriately fulfil the role of ACT government campaign advertising independent reviewer, and I commend his appointment to members.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.25): Here we are again debating the appointment of the government advertising reviewer. I think it is worth observing the considerable politicking that has gone on around a process that is supposed to safeguard the community against inappropriate politicking in advertising.

Whilst I have voiced my frustration at this in a number of forums, I would like to take the opportunity to clarify my support for the act itself, the need for the review process and the appointment process. No-one doubts the huge responsibility this parliament entrusts the government with, not least of which is the responsibility for the very significant expenditure of public money. It is appropriate and proportionate to have this type of protection against the inappropriate expenditure of public money.

Equally, it is appropriate to ensure that the person appointed to fulfil the role of reviewer enjoys the confidence of two-thirds of the Assembly. There is also a responsibility on all of us to openly and honestly explain our position and the reasons for our decisions. Equally, we all need to be clear about the nature of the role the Assembly has given itself and not overstep what is a very clear role in that process.

Mr Speaker, as I said the first time we debated this motion, the Greens are happy to support the appointment of Mr Volker to the position. Mr Volker has expertise and experience in public administration, as required in section 12 of the Government Agencies (Campaign Advertising) Act, and he is not currently employed in the public service.

Mr Volker was the head of three commonwealth departments under both Labor and Liberal governments and has been appointed to roles by both Labor and Liberal ACT governments. He is a fellow of the Australian Institute of Public Affairs and has been for 18 years. Indeed, his professional career makes him a very appropriate person to fulfil the role.

The act addresses the widely held and, I would add, in my view, very valid concern at the risk that the government will use public money for an inappropriate political end. It is absolutely necessary that the person appointed to the role cannot reasonably be said to have or be perceived to have a political bias that would interfere with their ability to apply the law as intended by the Assembly. This is of course the reason why it is appropriate to require that a special majority of the Assembly approve the appointment, to remove the concern of bias in the reviewer.

When I have stood in support of Mr Volker's appointment on previous occasions, I have set out a series of objective tests as to why I believe that Mr Volker is appropriate to take up this position. I can see nothing in the long list of Mr Volker's achievements that demonstrates he is incapable of making an independent, objective decision on the merits of the material before him, and no adverse evidence has been presented to me to show that he would not conduct this role with a very professional approach.

The Greens are satisfied that he will acquit the task well and have no reason to believe there is any reasonable basis for any accusation of bias or doubt about his ability to perform the role. I am confident that Mr Volker will perform the role objectively, fairly and in accordance with the provisions of the act.

MR SPEAKER: As the act requires a special majority for the passage of this motion, I will direct the Clerk to ring the bells and we will conduct a vote for the passage of this motion.

Question put:

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

The Assembly voted—

Ayes 13	Noes 0
Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Mr Rattenbury
Mr Corbell	Mr Seselja
Mrs Dunne	Mr Smyth
Ms Gallagher	Mr Stanhope
Mr Hanson	

Question so resolved in the affirmative, by the special majority required.

Public Sector Management Amendment Bill 2010

Debate resumed from 9 December 2010, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (10.31): The opposition will be supporting this bill. When tabling the bill, the Chief Minister stated that it was his intention to provide greater opportunity in the ACT public service for Aboriginal and Torres Strait Islanders and Canberrans with a disability.

The Chief Minister quoted a statistic that, while people with a disability make up 16 per cent of our community, they only occupy 1.6 per cent of positions in the ACT public service. The actual numbers go some way to revealing the extent of this. As at 30 June 2009, there were only 175 Aboriginal and Torres Strait Islanders and 30 people with a disability in the ACT public service—this from a workforce over 20,000 strong.

That said, while the public service has grown by just over six per cent, the presence of Aboriginal and Torres Strait Islanders and people with a disability grew by 18 and nearly 10 per cent respectively, so there has been a considerable increase.

The amendment allows the chief executives to have dedicated positions within the department or agency for officers that are Indigenous or officers with a disability. I share the hopes of the Chief Minister that this will provide for an even greater increase in the participation rates of Aboriginal and Torres Strait Islanders and people with a disability within the ACT public service. I note that the Chief Minister made it clear to the public service heads that these positions are to be filled and supported and able to survive whatever internal changes may occur in the future.

I read with interest the views of the scrutiny of bills committee on the issue of privacy within the context of a person who identifies themselves as an Indigenous Australian. The committee makes a reasonable point regarding the potential of, in this instance, the department breaching the privacy of the claimant. In responding to this, the Chief Minister said that it was not intended that the claimant would have to provide evidence to substantiate their claim.

The Chief Minister also listed other changes to the act that were procedural and reflected the need to remain consistent with both other territory legislation and that of the commonwealth.

The amendment also deals with the issue of moving particular entitlements out of the legislative process and into workplace agreements. I note that the maternity provisions for staff covered by occupational specific agreements will not change until all of these agreements have caught up. I also note that a safety net will be in operation.

The bill also allows for increased flexibility for the chief executives with the clarification of their ability to extend and terminate probation when an officer fails to undertake a medical assessment. Further, the bill will increase flexibility for the redeployment of officers who are medically unfit to perform in their positions and their roles.

The bill also addresses the issue of mobility of provisions. We support the aims of the bill to provide greater clarity in regard to recognition of prior service and the recognition of the existing level of entitlements, particularly within the context of the proximity of the ACT public service to the Australian public service.

Finally, it is worth noting the comment from the scrutiny of bills committee in regard to the explanatory statement. The committee notes that the ES fails to meet standards expected. The committee goes on to say that it does not even attempt to explain in plain English the contents of a clause.

I think that this is a reasonable complaint. We have seen it time and time again. I suppose the message would be that, if you are not going to bother to do an explanatory statement that enlightens the community and the Assembly about the detail of a bill, why bother to do an explanatory statement? It should not simply be a cut-and-paste job from what is actually in the provisions of the bill. I think that the government does need to lift its game, not just in this case but in a whole range of other areas in relation to explanatory materials.

That said, the opposition will be supporting the bill.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.35): The Greens support the initiatives in the bill and are very pleased that a proactive approach is being taken to deal with these issues within the ACT public service.

There are two particular points to note about the bill. The first is, of course, the attempt to facilitate the employment of Aboriginal and Torres Strait Islander people and people with disabilities, and the second is the harmonisation of the act with contemporary workplace arrangements and the revising of the administrative arrangements for public service employment.

In September last year, the Greens moved a motion addressing the issue of disability employment in the ACT public service, and I am very pleased that we now have some definitive action and a proactive attempt to address the issue. I also note that the motion called for a government response by this Thursday, and I look forward to some more details on the implementation of the motion and the government strategy to address the shortfall in disability employment within the ACT public service.

As has been said, people with disabilities make up a very small proportion of our public service workforce—much less than the relative proportion when compared with the number of people with a disability in the community. Sixteen per cent of our population have a disability, yet they currently occupy just 1.6 per cent of the jobs in the ACT public service. In fact, from 1997, when the first ACT public service workforce profile was issued, the percentage of disability employment has steadily declined. At that time, the ACT employed 329 people who declared their disabilities. This represented 2.26 per cent of the ACT public service. Since then, that figure has fallen consistently to the current 1.6 per cent.

This is in spite of the fact that evidence shows that, contrary to the perceptions many employers hold, employees with disabilities have high-level skill sets, with levels of productivity that are equal to or better than those of their non-disabled counterparts.

They have better attendance records, are less likely to have accidents or make compensation claims and are more likely to stay in the same workplace for longer periods of time. Engaging employees with disabilities can also lead to better workplace morale and team development and enhanced corporate reputation and public image.

It is our job as community leaders to break down stereotypes and misconceptions that people with disabilities face in our community and to actively demonstrate to other employers that people with disabilities have a very valuable contribution to make; all they need is the chance to make it.

In addition to a legal mechanism, we now need a cultural commitment to implement these initiatives and utilise the laws. We need to see "identified positions" right across the public service in a range of different roles that truly reflect the diversity and capacity of people with disabilities.

The bill also facilitates the employment of Aboriginal and Torres Strait Islander people. Again, this is an initiative that is to be strongly encouraged. Right across Australia, there is an enormous gulf between the outcomes for Indigenous people and non-Indigenous people. Sometimes in the ACT I think we forget just how horrendous these outcomes are, because we are a wealthy community with a relatively low Indigenous population and so are not regularly confronted with the issues that Indigenous people face. However, when faced with statistics like the number of Indigenous children and young people in contact with the juvenile justice system in the ACT and the fact that half of the current detainees in Bimberi are Indigenous, it is clear that we do need to do something to address the cycle of disadvantage facing Indigenous people in our community.

Indigenous people in major cities across Australia have more than double the non-Indigenous rate of unemployment. The government has an active and direct responsibility to address the issue. The problem simply will not solve itself and general economic prosperity clearly is not sufficient to address the problem. We know that employment outcomes have a significant impact on the rest of people's lives. Giving Indigenous people a job has the real capacity to break the cycle of poverty and disadvantage and exponentially improve not only the employed person's quality of life but their whole family's.

It is always difficult to balance the ideological ideal of having people win positions purely on merit with measures such as this. The fact is that, to address many historic prejudices, reverse discrimination is required to make up for the disadvantage these people face. Currently, it is not a level playing field. These people have not had the same opportunity to demonstrate their merit and to be fairly assessed on it. This does not give them an unfair advantage and is not required because they could not do it without it. All things being equal, they have consistently demonstrated that they can do it and they do have a significant contribution to make. In the absence of the historic discrimination and prejudice that many groups in our community face, I have no doubt that many will perform at least as well as any other group in the community.

It is for this reason that what might otherwise be a limitation on a non-Indigenous or disabled person's human right to equality before the law is justified in a free and democratic society.

Ultimately, through initiatives such as this, I hope that there will be no need in the future for measures to correct the current imbalance because people in these identified groups will face only a true merit test and they will be given a fair chance to show just how meritorious they are.

I would like to briefly address the issue of the definition of an Aboriginal and Torres Strait Islander person proposed in the bill because the scrutiny of bills committee did raise a concern that it does raise an issue in relation to the right to privacy. The Greens are concerned that the bill should not limit a person's right to privacy in order to fulfil the requirements and apply for an identified position. I note the Chief Minister's response that no-one will be forced to prove that they satisfy the requirements. Whilst this, in and of itself, is not a sufficient justification for any incursion of human rights, I think what it does indicate is the great difficulty in adequately defining what is as much a social construct as a genetic one. The definition must be seen as indicative as much as definitive. It is simply not reasonable to expect that anyone could ever reasonably test their level of community acceptance and therefore it is not reasonable to see this as anything more than a requirement of notional community sentiment rather than express acceptance.

Whilst we are happy to accept any suggestions for an improved definition, currently this is the best available to us and it is possible to interpret it in a manner that does not unreasonably restrict a human right. For these reasons, the Greens do think that the provision is consistent with the Human Rights Act.

The other amendments in the bill which harmonise the act with the contemporary working arrangements, largely created by commonwealth legislation, are also a positive initiative that the Greens support. The administrative arrangements for public sector employment will always be complex and the government is, and quite rightly, under additional obligations that the private sector does not face. Whilst we do support the initiative to clarify employment arrangements and employment decision making, there are a couple of issues that do require some further consideration.

I refer to the due process concerns raised by the scrutiny committee. Again, I must say that the Chief Minister's response to the scrutiny committee was disappointing. Whilst we do, of course, welcome the articulation of responsibilities through the explanatory statement, some further justification for the provisions is required and I will be moving an amendment in the detail stage to insert an explicit reasonableness requirement in decision making.

The Greens are happy to accept that there must be a level of discretion over the structure of the public service and the use of public money in the executive. We recognise that the most efficient delivery of public services will not always be consistent with the wishes of particular officers and we have to be able to balance those concerns.

There will, of course, be a point where an employment decision will have to be made and the views of the employee concerned simply cannot be responded to. However, there is a general obligation to ensure procedural fairness, and particularly that the fair hearing rule is applied, and that individuals do have the opportunity to participate in the process.

I note that the revised explanatory statement issued by the Chief Minister clarifies some of the requirements and expectations that are being placed on decision makers when exercising these powers. Our view is that it would be preferable to have this included in the act itself, but I accept that the ultimate result will be the same for officers of the public service.

Having put those concerns, I would like to reiterate the Greens' support for the bill and the very positive initiatives that it contains.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.45), in reply: The purpose of this bill is to make changes to the Public Sector Management Act 1994 that will improve the management and responsiveness of the ACT public service.

Together with new enterprise agreements and amendments to the public sector management standards, the bill will be a first step in delivering a simpler, more consistent and coherent legislative employment framework for the ACT public service.

The bill makes a number of core changes to address the placement of particular entitlements, moving these from the act to the standards and/or into industrial agreements. This movement of entitlements from the act to other layers of the employment framework provides the public service with the opportunity and ability to respond to changes in the industrial relations arena and other relevant commonwealth legislation in a more timely and efficient manner.

Importantly, the bill gives effect to amendments aimed at improving the representation within our service of persons with a disability and Aboriginal and Torres Strait Islander persons.

These amendments are directly linked to this government's intentions to build a stronger and better public service—a public service grounded in sensible employment arrangements and practices. These arrangements will enable us to attract and retain a workforce which is representative of our diverse community and practices and support the principles of a fair and respectful public service.

Last December I launched the ACT public service's respect, equity and diversity framework. The framework envisages specific employment strategies for both Aboriginal and Torres Strait Islanders and people with a disability. While work on these strategies is well underway, we have not waited to act where we can. In fact, through 2010 and into 2011 we have conducted a whole-of-government pilot traineeship program for people with intellectual disabilities with a cohort of nine

trainees across six ACT government agencies; continued the Aboriginal and Torres Strait Islander traineeships; and provided learning and development places for both target groups.

This bill will ensure that the legislative employment framework for the ACT public service fully supports these initiatives under the respect, equity and diversity framework. By amending the merit principle, this will enable chief executives to identify specific positions within their agencies to be filled exclusively by Indigenous persons and persons with a disability. Chief executives are aware of my commitment and expectations around the creation, support and continuity of these types of positions. I expect the ACT public service to respond positively to the opportunity the bill offers in providing a pathway to employment for Indigenous persons and persons with a disability.

On some other aspects of the bill, the Public Sector Management Act 1994 along with the subordinate public sector management standards and industrial agreements constitute the ACT public service legislative employment framework. Successive rounds of agreement making in the ACT public service have resulted in matters originally covered exclusively in the Public Sector Management Act and standards being modified or overridden by agreements. The bill and concurrent amendments to the standards aim to address, in part, the overlap of matters across the employment framework and inconsistencies which have arisen over time as a result of these overlaps.

The majority of the amendments to be made by the bill result from the 2010 round of enterprise agreement negotiations between the territory and its employees. Other amendments are directly attributed to changes in legislative provisions at the commonwealth level and the ongoing evolution and maturity of the ACT public service. As a result, a number of anachronistic provisions and practices carried over from the commonwealth at the time of self-government have been removed.

To support a simpler, more consistent and coherent legislative employment framework, the Public Sector Management Act, public sector management standards and agreements ought to provide a coherent framework while ensuring appropriate flexibility in making employment decisions.

The Public Sector Management Act should also include provisions covering the establishment of the ACT public service and matters dealing with the administration and management of the service, such as how persons join, leave and move within the service. In addition, the public sector management standards should continue to support the act, providing detail on the operation and application of the principles established by the act.

Finally, agreements should provide conditions of employment and entitlements agreed between the territory and its employees, including hours of work, rates of pay, leave entitlements and rights of review and appeal.

The bill is the first step in giving effect to this realignment of matters between the act, standards and agreements, relocating and updating matters as appropriate to achieve greater harmony across the framework. Specifically, the bill deals with matters across

a range of employment-related issues including merit selection, probation, promotion, transfer and temporary transfers, long service leave and maternity leave, redeployment and the portability of entitlements.

In brief, the bill addresses the following matters. Probation of permanent appointees to the service is amended to allow for the termination of an employee who does not undertake a requisite medical assessment and to provide the power for a chief executive to extend the period of probation where a further period is required to undertake an appropriate assessment of an employee's suitability for permanent appointment to the service.

Probation provisions are also amended to reduce the period following appointment, after which the appointment of the employee may be taken to be confirmed. Most significantly, the bill provides for the appointment of an employee to be confirmed at any time during the probationary period where the chief executive has determined that the employee is suitable for permanent appointment.

Provisions relating to the composition of joint selection committees and management initiated joint selection committees are updated to align with agreements and moved to the public sector management standards consistent with the role of the standards in providing operational level detail.

Mechanisms for the transfer of individual employees and groups of offices and employees are streamlined to clarify the capacity of the Commissioner for Public Administration and chief executives to make management initiated transfers at an individual and group level dependent on the circumstances.

Prescription relating to the transfer of officers has been separated from prescription for the promotion of officers so that the provisions for the two different mechanisms may be more clearly expressed.

Temporary employment provisions are amended to allow for the extension of fixed-term engagements of more than 12 months up to a maximum of five years where engagement of the incumbent was made in accordance with prescribed merit requirements. This amendment responds to the changing nature and structure of some areas of the service where there is an increased need to create positions for a specific short to medium-term initiative.

The bill removes various mobility provisions introduced at the time of self-government. The key features of these provisions include the portability or recognition of prior service for all accrued entitlements for Australian public service officers moving to the ACT public service and the waiving of probation.

Portability of entitlements for Australian public service officers will continue to be maintained through revised recognition of prior service prescription in the public sector management standards. Additionally, recognising that the ACT public service is an employer it its own right, staff moving from the Australian public service will be subject to the same probation requirements as all new appointees to the ACT public service.

References to inefficiency procedures are removed from the Public Sector Management Act and replaced with a reference to the more contemporary procedures for managing underperformance as set out in agreements. Similarly, parts 9 and 11 of the act dealing with discipline procedures and reviews and grievances are omitted. The processes for discipline, misconduct, appeals and internal reviews are prescribed within agreements. The bill incorporates references to these processes as appropriate and provides a new consolidated list of all reviewable and appealable decisions arising within the context of the act.

Long service leave and maternity leave provisions will also be omitted from the Public Sector Management Act. Maternity leave entitlements are already located in the majority of ACT public service industrial agreements and will be comprehensively covered by all agreements at the completion of the 2011 round of agreement negotiations.

Long service leave provisions will initially move to the public sector management standards while further work is undertaken to simplify both the prescription of the entitlement and to align the accrual methodology with other leave types.

However, to ensure that chief executives, executives and statutory office holders retain access to these entitlements, long service leave and updated maternity leave provisions along with all other leave entitlements will be provided through a new part in the standards specific to these employees.

The scrutiny committee made some comments on the bill and explanatory statement which have been provided for in the government's response to the committee report. I now table a revised explanatory statement to the bill and I foreshadow that the government will be moving an amendment to address a minor change to better clarify the definition of a "reviewable level office".

In summary, this is a bill which is required for the effective and efficient operation of the employment framework for the ACT public service. Although the bill represents a significant move towards the harmonisation of the legislative employment framework, the nature and complexity of some entitlements and the practical application of the entitlements means that there is further work to be done to complete the realignment of the framework.

Most immediately, however, the bill provides improved capacity for representation within the service of Canberrans with a disability and of Aboriginal and Torres Strait Islanders while maintaining the principles which underpin merit-based selection.

I thank members for their contributions and their foreshadowed support and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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) (10.54): Pursuant to standing order 182A(b), I seek leave to move an amendment which is minor and technical in nature.

Leave granted.

MR STANHOPE: I move amendment No 1 circulated in my name *[see schedule 1 at page 109]*. I table a supplementary explanatory statement to the government amendment.

This amendment is minor in nature. It omits in proposed new section 86(5) in clause 13 of the bill previously circulated the word "or" and substitutes the word "and". The amendment makes it clear that a reviewable level position is restricted to an office with a maximum salary level that is equal to or higher than the minimum salary level for the senior officer grade C classification and for which teaching qualifications are not required.

Amendment agreed to.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.56), by leave: I move amendments Nos 1 to 10 circulated in my name together *[see schedule 2 at page 109]*.

These are very simple amendments that clarify the requirements we are placing on decision makers when exercising powers under this act. The amendments respond to the concerns raised by the scrutiny of bills committee. The amendments insert a requirement that when exercising the decision-making power there must be reasonable grounds to base that decision and satisfaction upon.

One can argue that the only way that the "satisfied" test could be applied is to test for a reasonable basis for the position. However, for the sake of consistency—that is, to ensure that when we are creating a decision-making power we are clear and consistent in the nature of that power and the requirements that exist for the exercise of that power—it is appropriate that this requirement be included in the legislation itself.

MR STANHOPE: (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.57): The government will support these amendments, although I hasten to add, acknowledging Ms Hunter's testy comments in her presentation speech, that the legal advice that I have suggests that these amendments are completely unnecessary.

The amendment provides that each of these provisions be amended to ensure or to prescribe as a requirement that a decision maker be satisfied on reasonable grounds. Of course, the law already requires the decision maker, in making a decision, to base it on reasonable grounds. To be satisfied on any matter, the law operates in a way, and has long operated, determined and explained, that a decision maker must always be able to point, particularly through a judicial review process, to some probative material, to a process of logic or inference, which indicates that the decision-making power was understood and applied. That is the law as it stands.

Ms Hunter seeks to explain the law as it stands by the addition of the words "satisfied on reasonable grounds", which, of course, is implicit in any decision that a decision maker makes. But, in confirmation of our close relationship with the Greens, close working relationships and our commitment to a non-adversarial atmosphere and culture within the chamber, the government is more than prepared to accept these unnecessary amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Bail Amendment Bill 2010

Debate resumed from 18 November 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.00): The opposition will be supporting this bill, which reforms two aspects of the ACT bail legislation. Firstly, it deals with the power of the courts to grant bail and review bail decisions; and, secondly, it changes the bail jurisdiction of the Magistrates Court.

As to the first arm of reform, an accused person will have available to them two unrestricted opportunities for bail applications. The accused will be able to present any relevant arguments, information or evidence without restriction. Even material heard in the first application can be presented again in the second application.

An appeal in the Magistrates Court for a review of a bail refusal will be required to show "change of circumstances" or fresh evidence or information. This is an easing of the current requirement that the change of circumstances must be significant before the appeal application can be accepted.

As is the case presently, there is scope for unlimited further bail applications. However, in doing so, the applicant will be required to show a change in circumstances, but not a substantial change in circumstances, or that there is fresh evidence or information of relevance that was unavailable previously.

In general, it is only after the three-stage process in the Magistrates Court is extinguished that the matter can proceed to the Supreme Court. Bail applications in relation to matters being dealt with in the Supreme Court must continue to be made to the Supreme Court.

In the Supreme Court, only one bail application can be made before having to demonstrate changed circumstances or fresh evidence or information relevant for further applications. If two or more bail applications have already been made in the Magistrates Court, change of circumstances has to be shown for the first application in the Supreme Court.

The second arm of reform that this bill carries will enable the Magistrates Court, when already sitting on a weekend or public holiday, to make bail decisions in matters involving arrest for breach of bail in Supreme Court cases. This is to mitigate the need to hold an accused in custody over a weekend or public holiday until the Supreme Court can hear the bail application.

It should be noted that these bail applications and review arrangements apply equally to the accused and the informant.

These reforms make the system of justice more accessible to our community, and the Canberra Liberals think that this is a good thing. But for this government that was only a secondary consideration. The bottom line of this bill, according to the attorney, is to reduce the caseload in the Supreme Court.

This government, in its arrogance—as well as the arrogance of this Attorney-General—makes it incapable of embracing recommendations other than its own, and it will only implement ideas of its own. Perhaps, had this government listened to the legal profession in terms of structural reforms in the Supreme Court, instead of running off in other directions without proper consultation, the focus on the kinds of reforms that this bill represents could have been more on the community and the benefits that it will bring to the community and to the justice system.

Instead, the reforms are made on the basis that they will relieve pressure on the Supreme Court, and that is the primary focus of a government that is struggling to find solutions because of a refusal to listen to the people who are on the ground and using the court system every day.

We are pleased to support the reforms in the Bail Amendment Bill 2010 because they are of benefit to the community. We do not support it for the government's singular purpose—to relieve pressure on the Supreme Court.

In that context, this bill represents little more than another band-aid to reforming the court system in the ACT. Indeed, there are too many band-aids on the court system overall, and this is just another on top of all the other band-aids. The government does not have the will or the guts to get down to the wound, treat it, dress it and heal it.

MR RATTENBURY (Molonglo) (11.04): The Greens will be supporting this bill today. It makes changes to the bail process to ensure that relatively straightforward

bail matters are dealt with in the Magistrates Court—where we believe they will be dealt with expertly and efficiently.

This is an important change because, as is well known, our Supreme Court has become overwhelmed with work and a backlog of cases has built up. This has caused people to spend up to two years waiting for their case to come up in court, and we do believe this needs to be addressed.

Part of the build-up has been caused by more and more bail matters going to the Supreme Court, whereas once they were dealt with by the magistrates. The attorney has noted that in 2008 there was an 82 per cent increase in the number of bail reviews being carried out in the Supreme Court and that that workload has not receded since.

Part of the solution to this problem needs to be diverting more of the relatively minor, straightforward work to the Magistrates Court to free up the Supreme Court to focus on the most serious cases. We suggested to the attorney in August last year that reforms to the bail process could be part of this solution, and we are pleased to be addressing the bill today.

The reforms will require accused people to exhaust their bail applications in the Magistrates Court before allowing them to enter the Supreme Court This improves on the current process which sees many bail applications made to the Magistrates Court in the first couple of hours after arrest. It is, of course, human nature to try and get released at the very first opportunity. There often is not time to gather the required evidence and, more often than not, bail is refused.

The current legislation then allows a review to go direct to the Supreme Court, therefore tying up their time with what could have been dealt with by the Magistrates Court in an expert and efficient manner.

The new process will require a second application and then a review application to be heard in the Magistrates Court before allowing the matter to go to the Supreme Court. All up, this means that an accused person will need to have their bail matter heard three times before a magistrate before being able to appeal to the Supreme Court.

We think this process is both practical and just. We think it is practical because it will allow for most matters to be dealt with by the magistrates, who are well placed to deal with them expertly and efficiently. It makes good sense to make use of that expertise and experience that the magistrates build up in regularly addressing these sorts of matters.

We think it is just because it allows for quicker access to justice and strengthens the rights of accused people to be heard without unreasonable delay. It also retains the ultimate right of appeal through to the Supreme Court for those cases that warrant it—those cases where more complex legal matters arise beyond the usual considerations for a bail application.

In conclusion, the Greens support this bill. As I said, we believe it is a practical and just response to the problems of delays in our courts.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.07), in reply: I thank members for their support of this bill.

The bill focuses on reforming two specific areas of the Bail Act 1992. The first area of reform is the provisions relating to procedures for the grant of bail and review of bail decisions. The second area is the limitations on the power of the Magistrates Court to grant bail.

The first and main area of reform relates to procedural matters concerning the grant of bail and review of bail decisions. These matters can be quite technical. I intend to provide members with a more detailed picture of this aspect of the reforms first.

Since its inception in 1992, the Bail Act has provided for two separate processes or routes for the court to consider the question of bail.

The first route involves what are known as the "grant of bail" provisions in part 4 of the act. The second involves what are known as the "review of bail provisions" in part 6. Insofar as they apply to court decisions in relation to accused people, the two procedures are interchangeable. The requirement for two procedures flows from the need for the review scheme to relate to all levels of bail decision, from police officers through to the Supreme Court. Both sets of provisions are reformed by the Bail Amendment Bill to ensure that that consistency is achieved.

The crucial concept of jurisdiction of the courts with respect to bail is one which it is important to address.

The term "before the court" is one that indicates when a court has the statutory authority to deal with a particular case. It is a term that is used throughout the bill to specify when either the Magistrates Court or the Supreme Court has the power to make a decision about bail in a criminal case. The bill makes specific provision as to when a case can be said to be "before the Supreme Court", to make it clear when the Supreme Court is empowered to make a bail decision. New section 12B of the Bail Act provides that an offence is before the Supreme Court in three circumstances:

- firstly, when an accused person has been committed to the Supreme Court for either trial or sentence;

- secondly, when the accused person is appearing in the Supreme Court because the Director of Public Prosecutions has exercised his statutory power to start proceedings on indictment; and

- thirdly, when an accused person is appealing to the Supreme Court against a conviction, order or sentence imposed in the Magistrates Court.

Now to the first example to demonstrate how the new procedures will work, and this example involves an accused person whose case is before the Magistrates Court. In this scenario the accused person makes their first application for bail in the Magistrates Court and the Magistrates Court makes a bail decision. If the decision is

to refuse bail then the accused can make a second application in the Magistrates Court as of right. Again, the court then makes a decision.

If the accused is again refused bail, the accused must show that there has been a change of circumstances before being able to make a further application for bail, which must also be in the Magistrates Court. This is classed as a bail review. Again, the Magistrates Court makes a bail decision provided that it is satisfied that a relevant change of circumstances has occurred.

The accused has now had the issue of bail considered by the Magistrates Court on three occasions. This approach will ensure that the issue of bail is fully explored in that court. In the event that bail is again refused, the accused person may then apply to the Supreme Court for bail provided that a further change of circumstances can be demonstrated.

I will now turn to a slightly different scenario to explain the interaction between the jurisdictions of the court when cases move from the Magistrates Court to the Supreme Court. In this example an accused person's case is committed from the Magistrates Court to the Supreme Court for trial.

The accused makes their first application for bail in the Magistrates Court and the Magistrates Court makes a decision to refuse bail. The case against the accused progresses. No further applications for bail are made in the Magistrates Court. The accused is ultimately committed to stand trial in the Supreme Court.

The accused is now before the Supreme Court and, because the entitlement to make a second bail application in the Magistrates Court has not been used, a second bail application can be made to the Supreme Court. The Supreme Court makes the bail decision.

If the accused is again refused bail by the Supreme Court, he or she will need to satisfy the change of circumstances threshold issue before any further bail applications can be considered.

It is important to note that in this scenario the right to a second bail application is preserved even though it has not been used in the Magistrates Court. This ensures that an accused person is not disadvantaged by their case moving to the superior court.

These examples illustrate how the new processes will work to encourage full consideration of bail issues in the Magistrates Court before the Supreme Court is engaged.

I would like to highlight the fact that these reforms place legally represented accused people on an equal footing with unrepresented accused. Under the current Bail Act unrepresented accused are already entitled to a second bail application without restriction. In order to have this additional entitlement preserved under the new provisions, the reforms would have had to give unrepresented accused people a third bail application as of right. This point was carefully considered, but the government has taken the view that to do so may encourage accused people to delay acquiring

representation and that providing two applications as of right was the fairest arrangement.

I would now like to turn to the issue of the change of circumstances test. The reform to the test is straightforward in that it simply removes the term "significant". It is important that both the reason for this change and how the new threshold provision will operate are understood.

The term "change of circumstances test" is a particularly important concept and again appears throughout the grant of bail and review provisions. It expresses the requirement for new information or circumstances to be presented before a court before a court can hear repeated applications for bail or review. More specifically, the test requires an applicant to establish that since the most recent application either there has been a change of circumstances relevant to the granting of bail or fresh evidence or information relevant to the granting of bail has become available.

The new threshold provision seeks to amend our legislation to mirror the interpretation of the existing provision by the Supreme Court in the context of the territory's Human Rights Act. The Supreme Court has, in effect, moderated the strictness with which the requirement of "significance" has been applied to comply with the right not to be detained in custody awaiting trial as a general rule.

However, I want to stress to members that this revised provision is not intended to lower the threshold from the current approach taken by the Supreme Court but is to ensure that the legislation reflects the interpretation that has been applied by that court. In this regard there are two important matters to highlight.

Firstly, there must be a real change or new information which merits further consideration of bail by the court. Secondly, any new circumstance or information must be relevant to bail; that is to say, it must go directly to the criteria that the court must consider when weighing up whether bail should be granted.

Other jurisdictions in Australia have similarly worded tests to the proposed new ACT provision and their case law provides useful guidance to the ACT courts and legal practitioners. For example, the Victorian Bail Act requires the applicant to satisfy the court that "new facts or circumstances have arisen since the making of the order". This test was the subject of judicial scrutiny in the case of application for bail by Antonios Mokbel in 2002 when the presiding judge commented:

> In my view the new facts or circumstances must be of such a nature that they are relevant to bail and justify a conclusion by the Court that reconsideration of the refusal of bail is required. Clearly not every new fact or change of circumstance will fall into this category.

The reformulated change of circumstances threshold test strikes the right balance between preventing repeated and unnecessary bail hearings and allowing further applications where they can be justified.

I would now like to turn to the bill's reform of the bail jurisdiction of the Magistrates Court itself.

This reform is a practical solution to ensure that people who have been arrested for breaching bail granted in connection with a Supreme Court case will not to wait any longer than necessary before appearing in court.

The reason for the extension to the Magistrates Court's bail jurisdiction has already been put to the Assembly in some detail. I will confine myself to discussing how the new provision will operate.

Often an accused person's case is before the Supreme Court in the sense I explained earlier—that the Magistrates Court no longer has any authority to grant bail or review a bail decision. However, the proposed new section 20(1)(b) provides an exception to this limitation. The exception applies when an accused person is arrested for a breach or anticipated breach of bail under section 56A of the Bail Act and it is not a Supreme Court sitting day.

In those circumstances, the Magistrates Court has jurisdiction to determine issues relating to bail. It should be noted that the definition of "sitting day" restricts the power to Saturdays, Sundays and public holidays. It is not the government's intent to extend the power to periods when the Supreme Court is otherwise not sitting. In addition, the exception only comes in to play when the Magistrates Court is already sitting to deal with its own business. This prevents the Magistrates Court from being obliged to sit especially to deal with a breach of bail in a Supreme Court matter.

I anticipate that members will be aware of the recent human rights incompatibility statement issued by the ACT Supreme Court. I think it is appropriate for me to emphasise that this decision does not in any way impact on the reforms in the Bail Amendment Bill. The issue of the incompatibility statement is a matter under careful consideration and I do not want to pre-empt any decision the government might make. Suffice it to say that these reforms are a positive step in human rights terms.

In conclusion, I want to emphasise that the reforms have been carefully formulated to reduce the number of bail applications being heard in the Supreme Court while still ensuring that accused people are able to access the higher courts when it is appropriate for them to do so. Court delays are a major issue in many Australian jurisdictions, and abroad, and the ACT, regrettably, is not an exception. It is important that the government seeks ways of addressing delay by ensuring that judicial resources are used effectively. These reforms will free the higher courts to deal with the more serious matters in a more timely way and so support the government's commitment to improve access to justice.

I would also observe that these reforms, whilst important, do not do all the heavy lifting that needs to be done in reducing the workload of the Supreme Court. Members would be aware that the government has previously proposed the establishment of a middle tier in our court system to free up the Supreme Court in its workload. We maintain that that reform is the fundamental restructure or reform needed to deal with these issues. But we note, and we accept, the view of the majority of members in this place that that reform will not be supported. We believe that is regrettable and we believe that this place will be asked to revisit and reconsider the issue of a third court, a middle tier, in a very short period of time.

But we accept that it is the view of a majority of members in this place that other reform should be pursued first. The bail reform is one of those, but it does not do all of the heavy lifting. In fact, the more substantive reform is in many respects the reform to the jurisdiction of the Magistrates Court, which is before this place at this current time. I will not pre-empt debate on that bill except to observe that if we are serious about tackling delay in the Supreme Court we must reform the jurisdiction of the Magistrates Court and we must reform it in the manner proposed in the government bill. That is the challenge for members in this place.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Statute Law Amendment Bill 2010 (No 2)

Debate resumed from 21 October 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.21): The Liberal opposition will be supporting this bill, which amends a range of acts and regulations for statute law revision purposes. Statute law amendment bills—or SLAB bills, as they are known colloquially—usually carry amendments contained within four schedules. Schedule 1 provides for minor, non-controversial amendments initiated by government agencies. In this bill, six acts are amended.

Schedule 2 provides for minor, non-controversial amendments to the Legislation Act, initiated by the parliamentary counsel's office. There are no such amendments in this bill. Schedule 3 provides for minor or technical amendments initiated by the parliamentary counsel's office. In this bill, 31 acts and regulations are amended. Schedule 4 provides for routine repeals. No legislation is repealed in this bill.

Schedule 1 continues the process established in the second SLAB bill passed in 2009 to centralise the definition of the term "bankrupt or personally insolvent". There are two amendments to the Mental Health (Treatment and Care) Act 1994. The first is to establish consistency of practice that does not require ministerial approval for the delegation of functions—in this case, those of the chief psychiatrist. The second is similar, removing the need to publish the delegations of the care coordinator's functions as a notifiable instrument.

The Work Safety Act 2008 is amended, as the minister's presentation speech puts it—and I quote—"to make it clear that a serious event includes a serious injury to a worker as well as to any other person". In fact, this amendment fixes an error, because

the relevant provision only covers—and I quote—"a person other than a worker". Why the attorney simply could not fess up to the fact that this was an error and call it for what it was, rather than try to hide it as a clarification, one can only speculate.

Schedule 3 in this bill amends 31 acts and regulations to effect a range of minor technical amendments that are non-controversial. They involve correction of minor errors, updating language, improving syntax, minor consequential amendments and other minor changes.

This SLAB bill, as with previous SLAB bills, serves to keep the ACT's statute book easy to access and understand. It is testament to the great work of the parliamentary counsel's office and I am pleased, once again, to have the opportunity to acknowledge the quality of their work and the commitment to setting the national benchmark for a well-maintained statute book. It is something that we in this place can be proud of. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (11.24): The Greens will be supporting this bill. This amendment bill makes changes to 37 ACT acts and regulations. All the changes are designed to update our statute book and keep our laws up to date. As Mrs Dunne has noted to some extent, the individual changes are minor and would not warrant an amendment bill in their own right. However, when taken as a package they represent an important piece of work. Maintaining an accessible and easily understood statute book is one measure of the openness and accountability of a democracy. For this reason, the Greens support the changes proposed in the bill and we support the ongoing program of updating and improving our statue book.

The attorney has discussed some of the more interesting amendments and I will not repeat what has already been said, other than to say we have tracked through the changes and agree with each of them. These are minor changes but, when added together, form an important suite of improvements to our laws and the Greens support them.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.25), in reply: I thank members for their support of this bill. This bill carries on the technical amendments program that continues to develop a simpler, more coherent and accessible statute book for the territory through minor legislation changes. It is an efficient mechanism to take care of non-controversial, minor or technical amendments to a range of territory legislation, while conserving resources that would otherwise be needed if the amendments were dealt with individually.

Each individual amendment is minor, but when viewed collectively they are a significant contribution to improving the operation of the affected legislation and the statute book overall. For example, two minor amendments of the Mental Health (Treatment and Care) Act 1994 will improve the practical administration of the act by making the process of delegating certain functions under the act simpler and more consistent with other similar delegations.

The Work Safety Act 2008 is amended to make it clear that a serious event under division 3.3 of the act includes a serious injury to a worker, as well as to any other person.

A number of other acts are amended to standardise the meaning of "bankruptcy". This continues a process begun last year in Statute Law Amendment Act 2009 (No 2) with the insertion of a definition of "bankruptcy" in the Legislation Act, dictionary, part 1.

I would like to express my thanks for members' continuing support for the technical amendments program. The technical amendments program is a good example of the territory leading the way and striving for the best—in this case, a modern, high quality, up-to-date and easily accessible statute book. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Auditor-General's report No 3 of 2010—government response
Statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations), by leave: On 18 November 2010, the chair of the public accounts committee informed the Assembly that the committee had resolved not to inquire further into Auditor-General's report No 3 of 2010 on the delivery of budget initiatives. As the committee has made no further recommendations for follow-up and no further action is required, I advise that the government's position on the matter is as provided in the government's submission to the committee, which was tabled in the Assembly on 19 October 2010.

Sitting suspended from 11.28 am to 2 pm.

Questions without notice
Hospitals—waiting lists

MR SESELJA: My question is to the Minister for Health. I refer to the Auditor-General's report on waiting lists for elective surgery and medical treatment. The Auditor-General found:

> … in 2009-10, 250 patients in Category 1 were reclassified and a significant number of these reclassifications (97 percent) occurred without documented clinical reasons …

Minister, why did 97 per cent of the reclassification of patients in category 1 take place without documented clinical reasons?

MS GALLAGHER: This is an issue that the Auditor-General identified in her report. It is also an issue that ACT Health has been working on with surgeons to rectify it. It is not always the surgeons themselves, and these are processes that have already changed within ACT Health, but during the time of the audit it is not always the doctor's inclination to give a reason why. The doctor may sign the form but not indicate a clinical reason. Whilst it fitted in with the policy that a clinical reason was required, that policy was not always being followed.

There were also other arrangements for dealing with re-categorisation; for example, the doctors' rooms making contact with surgical bookings area and asking that patients be reclassified, and those processes are going to be stopped.

In terms of what the audit found, the audit did not find a patient where they had been re-categorised without doctor authority. The problem is that all—

Mr Hanson: That's not true.

MS GALLAGHER: It is not not true, Mr Hanson. They did not find a patient where there had not been some contact with the doctor. As to whether the forms had not been signed by the doctor or a clinical reason given by the doctor, that is a different matter. But, in my discussions with the surgical bookings area when we have been talking about improvements to these areas, in some instances those decisions can be made over the phone and not documented and that is not appropriate. It is not in line with ACT Health policy and the forms and the systems have been changed already to make sure that those instances do not happen again.

I should also say that during the time of the audit about 250 upgrades were made—people's categories were upgraded—and we found the same issues there in terms of clinical reasons and not in all cases where doctors' signatures had signed off the reclassification.

So, yes, this refers to about two per cent of the elective surgery work in relation to downgrades, but the same problems were identified in the same amount of upgrades where people were upgraded from category 3 to category 2 and from category 2 to category 1.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, why were there instances of several patients being reclassified on the same day without documented clinical reasons?

MS GALLAGHER: Again, only a clinician can answer why that decision was taken. It may have been taken because that doctor was going on leave and was not able to deal with those patients within the 30-day time frame and was not happy to reallocate those patients to another doctor. The system that was in place was that if a doctor had so many category 1s that it was impossible for those category 1 patients to be dealt with within the 30-day time period, the doctors and the surgical bookings unit would speak to each other. They were offered extra operating times if extra operating times

could not be fitted in. They were asked to consider whether another surgeon could do that work. If that was not appropriate, they were asked to reconsider whether that person was a category 1 patient. In those instances, doctors make those decisions on clinical grounds.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, contrary to your answer to Mr Seselja, why did the auditor find that 55 "reclassifications, or 32 per cent, had no evidence of having been approved by a doctor"?

MS GALLAGHER: You did not listen to my answer, Mr Hanson. My answer was that we found no evidence, and I have asked all the doctors that I meet through the operating theatres: have they ever known a patient to be downgraded without their knowledge and not one of them has been able to indicate yes. But what the audit has found is that there are 55 reclassifications in the audit where there is no approval—that is, a signature by the doctor. That is not to say that that approval has not been given. I have seen evidence of approval being given through the secretary of the private rooms of the doctor, but that would not classify as being approved by the doctors themselves. So, yes, the Auditor-General has found that everybody needs to lift their game. In actual fact, the Auditor-General finds that the government has provided millions of dollars for extra elective procedures through ACT Health. The Auditor-General found that our policies and procedures and operational guidelines are appropriate—

Mr Seselja: No, she didn't.

Mr Smyth: That's not what she said.

MS GALLAGHER: Yes, she did. What she said is that they have not been followed, but the policies and procedures are there. The guidelines are there, but there is an issue in the day-to-day management of them.

Opposition members interjecting—

MS GALLAGHER: As you mock the surgical booking staff, as you sit here and laugh at the work that they do every day—

Opposition members interjecting—

MS GALLAGHER: Mr Speaker, those opposite are laughing because they think it is a joke that the good people that work in this hospital and try every day—

Opposition members interjecting—

MR SPEAKER: Before we go to the next question, members, it is not appropriate to have six members shouting at the minister at one time. I will not tolerate it. Let us try and have a better standard in the chamber this year. A further supplementary, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Minister, what role do visiting medical officers or clinicians outside the hospital system play in the overall process for the waiting list?

MS GALLAGHER: The visiting medical officers are a very important part of the elective surgery management at both of our hospitals. I think the audit also goes to some areas where our surgeons can assist us to improve the overall management of the waiting list. Some of the issues are around standardising requests for admission forms, forwarding those requests for admissions in a timely manner, abiding by the policies and procedures of the hospital in terms of giving clinical reasons and sign-off for any movements of patients within the list. Also, I hope that, over the next few months, there will be a preparedness to consider sharing lists—in particular, for those surgeons where their waits are so considerable and there are surgeons ready and able to do that work with shorter lists, that there would be some willingness on behalf of the surgeons to cooperate in that area.

I had a meeting last Thursday night with the surgeons at the Canberra Hospital and a surgeon from Calvary Hospital to talk about some of the improvements. Some of the advice I have got from doctors themselves is that they do categorise incorrectly, that they do that knowingly—that they would categorise someone as a category 1 when they do not technically fit into category 1, solely on the grounds that they want that person to have surgery, and to have it in a timely fashion. I can understand that, but what that does in compounding our pressure is that we then have inappropriately categorised category 1s that need to be dealt with within 30 days, alongside appropriately categorised category 1s that need to be done within 30 days. That does place additional pressure on those who are trying to manage surgical bookings at both hospitals. This audit, and the other work that has been done that is noted in this audit—*(Time expired.)*

Bimberi Youth Justice Centre—assaults

MS HUNTER: My question is to the Minister for Children and Young People and is in regard to the assault on a private security guard at Bimberi. Minister, in *Hansard* of 8 December 2010, you said:

> The new recruits will commence on Monday, 13 December. I am advised that this will end the need to engage private security guards on night shifts when Bimberi is understaffed, which was one of the concerns brought to my attention and which I agree is undesirable.

Minister, can you explain why a private security guard was still being used seven weeks after new recruits began work?

MS BURCH: I thank Ms Hunter for her question. In December, we had staffing that was relevant and comparable to the number of young residents in Bimberi. In December, the advice to me was that, with those new recruits, MSS staff would not be required.

We have an increased number of residents. We have moved from an average of 20 residents. Actually we have moved over the life of Bimberi to have an average of 12, moving up to the 20s. Last week, it is my understanding that there were 30 young people in Bimberi. That has a ripple effect on the number of staff that need to come on board. We have recruited; the staff came on in December. There are more staff coming on or who are undertaking an induction course. They will start in March as well. My understanding is that there are a number of staff who have previously worked at Bimberi and who have reapplied or may have had conversations with management about reapplying to come back to work in Bimberi.

It is not ideal to have MSS staff, I agree with you. We should have youth workers there that are trained. It is my understanding that increasingly they are enrolled in either diploma or cert IV in youth work at CIT. But it may just be circumstances that at times we do use MSS staff. It is my view that they should be maintained as a back-of-house and should not have direct contact with young residents there because that is the domain for trained youth workers. And that is our intent.

But should circumstances demand that MSS are needed for security, to ensure security, protection and safety of staff there, then that could just be an element of the workforce that we require.

MS HUNTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, given that during briefings with the Department of Disability, Housing and Community Services I was assured that when private security guards were being used they would have no contact with young people—

MR SPEAKER: Ms Hunter—

MS HUNTER: Sorry?

MR SPEAKER: Preamble.

MS HUNTER: Minister, how was a private security guard in a position to be assaulted within Bimberi?

MS BURCH: That is certainly our view and policy. That is part of the two operational reviews I have instigated over this incident, one to look at security and one to look at operational matters: were indeed all staff at the time following our understood protocols and practices? But how did MSS staff come to be assaulted by young residents? The young residents were in a place that they should not have been, absolutely, and MSS staff were doing routine rounds, for want of a better word, on the unit. That is when the assault happened. It is a disturbing incident on a number of levels, which is why I am looking at security and operational and just making sure that, if we do have an understanding of policies and procedures in place, they are invoked and understood not only by the Bimberi permanent staff, the youth workers there, but by MSS officers as well.

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne. You have the call.

MRS DUNNE: Thank you, Mr Speaker. Minister, since 13 December 2010 when you said there would no longer be a need for MSS staff there, have there been any other occasions, apart from the one publicised, in which private security guards were operating in any area of Bimberi facility without the direct supervision of employed staff located in the same area? If so, when and, if so, why?

MS BURCH: This forms part of the operational review. We have set some clear instructions for staff and certainly methods of oversight and supervision have been very clear with myself and management of Bimberi. As to were there individual incidents on any particular day or any particular night at any particular time, I am happy to take what advice I can, but I would also rather it come out within the operational review that we have already implemented.

We have two independent experts looking at this and they will report to me by mid to end March and I am quite happy to bring back to you what I can.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, how much longer do you anticipate needing private security guards and when will Bimberi be at full staffing capacity?

MS BURCH: We have 56 funded positions there and we continue to have rolling recruitment. We have a turnover or separation rate of somewhere between 12 and 14 per cent. It is not ideal—I agree with you—to have MSS. But if we cannot have a workforce through the youth workers on permanent departmental employ, MSS may form a vital function of operations at Bimberi.

Hospitals—waiting lists

MR HANSON: My question is to the Minister for Health. Minister, on 23 June, you said this in the Assembly about reclassification of some patients on elective surgery lists:

> In relation to concerns that there has been doctoring of lists or manipulation of lists, can I stand here and say that that is simply untrue …

You then went on to say:

> … I can absolutely say that that is not the case.

The Auditor-General has now found that 97 per cent of the reclassification of category 1 patients in 2009-10 occurred without documented clinical reasons. Based on the Auditor-General's findings, how can the people of the ACT have confidence that waiting lists have not been manipulated or doctored?

MS GALLAGHER: The Auditor-General's report did not find either of those things. There is no evidence of any doctoring of any lists, Mr Hanson. The Auditor-General has been through this; we have had a number of internal reviews here. What is picked up is poor practice from all sides, from surgical booking sides and from the doctors—

Mr Smyth: Oh, so now you're blaming the surgical booking side?

MS GALLAGHER: Mr Smyth, I do not sit there and fill out the forms for reclassification. As much as I am a hands-on health minister, I am not actually stationed in the surgical bookings area, filling out the form. The audit has found that the forms have not been filled in correctly, and they need to be filled in correctly so that people can have that confidence. We accept that. The forms have been changed already. There is a policy of no reclassification without a form, without that form being signed and without a clinical reason being provided by the doctors. That is causing some concern at the hospital at the moment in terms of the efficiency of the process, but this is the policy that we have. This is a policy that I do not think any other jurisdiction has. We set the bar higher here in terms of trying to have the processes in place that manage the list appropriately, and there has been absolutely no evidence of any doctoring or incorrect waiting list data.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, how bad would waiting lists and waiting times statistics for category 1 be if ACT Health had not been downgrading patients inappropriately?

MS GALLAGHER: If Mr Hanson had done his job properly as shadow minister for health, he would have read in the annual report the figure which is, I think, from memory, 88 per cent. That incorporated this data and if you had read the annual report you would have seen it. The annual report has been out and available to members of the opposition since September.

Mr Hanson: What is the figure?

MS GALLAGHER: I have given it to you. Go and read it. I gave it to you, 88 per cent.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, how can the people of Canberra have confidence that you know what is happening in your portfolio when the Auditor-General's report suggests otherwise?

MS GALLAGHER: I have not found that bit in the audit report, Mr Smyth, where it says that.

Mr Smyth: Read the report. It's been out for several weeks now, Minister.

MS GALLAGHER: I have read it. I am just asking you if maybe you can direct me to the part where it says that people should not have any confidence in my ability to manage the health system, Mr Smyth, or is that just a little add-on that you have put?

Opposition members interjecting—

MS GALLAGHER: I know a censure motion is coming, an urgent censure motion that apparently can be dealt with tomorrow—

Mr Hargreaves: Mr Speaker—

Mr Hanson: Only because you are running it, with the help of the Greens, as you did with Corbell's.

MS GALLAGHER: Bring it on!

MR SPEAKER: Mr Hargreaves has the call.

Mr Hargreaves: I know there is an attack afoot and I know that it is getting really emotional, but, Mr Speaker, those opposite have completely ignored your requests for order and for sensibility, and I would ask you to take them severely in hand, please.

MR SPEAKER: Thank you, Mr Hargreaves. Minister, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. The residents of Canberra can obviously have their say, as they do every four years. I will go to the next election, I think—and this government will—with a very long and proud history of what we have been doing to improve the health system. I know that as much as you would like to think that it is all about reclassification of elective surgery, there are a lot of other things that go on in the health system every day—for example, the 1,200 people that visit the emergency department, the services that are offered 24 hours a day, seven days a week—

Mr Hanson interjecting—

MR SPEAKER: Order!

MS GALLAGHER: the new buildings that are happening, the extra beds that are being put on—223 extra beds in the system, Mr Hanson. That is what people care about. Yes, there is room to improve. There is always room to improve in the health system. It is a human system and human systems always have the capacity to improve. Mr Speaker, our health system here is one that we can be proud of, one that Canberrans should be proud of. For the vast majority of people who use it, they are proud of it. *(Time expired.)*

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, why then does the Auditor-General say on page 5 that under your leadership:

> The strategies implemented by ACT Health have not been adequate to address increased demand, and reduce the waiting lists for elective surgery.

MS GALLAGHER: I thank the auditor for providing us with that view. What that fails to acknowledge is the increasing demand for elective surgery, the 20 per cent increase in emergency surgery.

Mr Smyth interjecting—

MS GALLAGHER: During the time that this audit was being done, there was a 20 per cent increase in emergency surgery being performed at that hospital and—what—you can just absorb a 20 per cent increase in emergency surgery and still maintain your elective surgery—

Opposition members interjecting—

MS GALLAGHER: Mr Speaker—

MR SPEAKER: Order! Stop the clocks. Mr Smyth and Mr Hanson, you are both warned for continual interjecting.

MS GALLAGHER: The auditor also acknowledges that the waiting list management is a complex process—and she goes to this in the report—that is influenced by practices of various parties within the system, including the doctors, and a number of factors, some of which are outside the control of ACT Health.

There have been ongoing discussions for my whole time in this job about how to improve the elective surgery waiting list at the Canberra Hospital and they are complex and they are hard. Change is hard and surgeons do not necessarily like change. To overhaul the theatre system requires significant change.

What we have done is to increase capacity. We have commissioned the dormant theatres that lay there under Mr Smyth's leadership. We have commissioned the two dormant theatres; we have built three extra theatres; we have a neurosurgery theatre there—all about increasing our throughput. And what we have seen in the first six months of this year is a very significant increase in the amount of elective surgery being performed and the throughput that I have been talking about. As we deal with the backlog, Mr Speaker—*(Time expired.)*

Visitors

MR SPEAKER: I would just like to draw members' attention to the visitors in the chamber today. We have six graduates from ACT Treasury who are having an initiation day at the Assembly. I welcome you to the chamber.

Questions without notice

Energy—peak oil

MS LE COUTEUR: My question is to the Chief Minister and it concerns peak oil. Chief Minister, a recent series of papers by the Royal Australian Planning Institute described the serious threats posed to Australian cities by peak oil. The response to peak oil must cover a range of portfolio areas, including planning, transport and urban infrastructure. Why doesn't the ACT government have a peak oil strategy to respond to the challenges that our city will face from peak oil?

MR STANHOPE: I will take the question on notice.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Chief Minister, can you explain why the term "peak oil" is not even mentioned on a single occasion in any of the government's major planning, transport, infrastructure or climate change plans?

MR STANHOPE: Mr Speaker—

Mr Coe interjecting—

MR SPEAKER: Mr Coe, your interjections are unnecessary and unhelpful.

MR STANHOPE: I acknowledge Ms Le Couteur's interest in this issue of peak oil. It is an important issue and, to ensure that there is a full response, I will take the question on notice.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. To the Chief Minister, is it not true that the government is aware of the need, in effect, to get away from oil-based fuels and, in fact, to increase the number of non-oil-based vehicles in the bus fleet over time and is it not true that it was part of this motivation which encouraged you to seek the ACT public service and, indeed, the Assembly to get away from gas-guzzling machinery into something a bit more appropriate in this day and age?

MR STANHOPE: I thank Mr Hargreaves for the question. Indeed, this government has a very proud record in relation to issues around alternative-fuelled vehicles and issues which we pursue—for instance, mandating four-cylinder cars. It is a proud record and these are issues that we are particularly concerned about.

Ms Le Couteur, however, does raise a similarly important issue in relation to peak oil. I have corresponded with Ms Le Couteur, I believe, in the last couple of weeks. I cannot remember or recall the exact detail of my response to Ms Le Couteur. Ms Le Couteur has answers from me on the questions she asked today and I propose to actually go back to my office, get those responses and resubmit them to Ms Le Couteur.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, has the government mapped out how peak oil would impact on cost of living issues in Canberra, particularly for those Canberrans living in outer suburbs who will be vulnerable to a combination of higher fuel prices and mortgage debt? Many of these people do live in the electorate of Ginninderra.

MR STANHOPE: I do not believe we have done modelling, to the extent of determining the impact on people who live in Tuggeranong or Gungahlin, of shifts in the price of peak oil and issues relating to peak oil. But certainly we are very aware of the cost of living implications of increases in the price of all utilities, most particularly, and indeed of all staples such as fuel. These are major issues that we as a community face; they are issues that this government is very concerned about. And there are issues which are a real focus in relation to our reviews, most particularly, of concessions and support—which we as a government and as a community can appropriately provide those members of this community that will be stressed as a result of the increase, the inevitable increase, of the cost of electricity, the provision of other utilities and fuel.

These very issues are at the heart of much of the work that we do in relation to ensuring that we respond appropriately for those members of our community who will face genuine stress as a result of the increase in the price of some of these staples of existence—electricity, gas, the other utilities and fuel.

We are very aware of the issue. We have a number of reviews in place in relation to concessions and the impact of cost of living. And of course these particular issues around the price of oil into the future are fundamental to all of our considerations in relation to sustainable transport and sustainability generally and our commitment to sustainable living and a sustainable city.

But in the context of the detailed questions around peak oil, and our engagement in relation to that issue, I will take some technical advice that my officials and the department provide to me and respond in full.

Hospitals—waiting lists

MR SMYTH: My question is to the Minister for Health. Minister, you have asked for other references. Well, here is another one. I refer to the Auditor-General's report, *Waiting lists for elective surgery and medical treatment*. On page 5 the Auditor-General found:

> … downgrades of patients' urgency category, often without documented clinical reasons, raised considerable doubts about the reliability and appropriateness of the clinical classifications for patients on the waiting lists.

Minister, why were patients' urgency categories downgraded often without documented clinical reasons?

MS GALLAGHER: I think this is exactly the same question that the Leader of the Opposition asked me. Through the audit and the audit process, they have had a look at the policy. The policy regarding downgrades, or indeed upgrades—and I say again that there were more upgrades during this time than downgrades—is clear about what people should do. They should have the doctor sign off, there should be a clinical reason for it and it should be updated on the electronic system. In a large percentage of the cases identified, all of those three components were not being followed.

I have asked the question as to whether that means the policy is too hard and impractical at the day-to-day coalface level, which it may well be. The surgical—

Mr Seselja: So you are going to downgrade the policy?

MS GALLAGHER: Mr Seselja, this policy does not exist in any other jurisdiction. This is a measure we have introduced ourselves to manage the waiting list. It has become clear that with all the players in the hospital; that is, in the surgical areas, in the theatre management areas and in the surgeons' areas—and this policy was approved by all of those people—the day-to-day reality of making it work is difficult. It is difficult to get a surgeon to sign off the paperwork when they may not be in the hospital for the whole time; in fact, when they are only in the hospital for short periods of time and when they are they are operating.

So, yes, I have asked the question. Indeed, I asked a question of the auditor when I met with her throughout the audit, and she indicated that she would not want to see a diminution of the policy but felt that we needed to put in additional steps to make sure that the policy was being followed. The policy is being followed. There will be no downgrades. A doctor cannot ring up and say: "I'm going to be away for the next week; therefore I can't do my category 1 patients. Can they all be downgraded?" That will not occur. Without a clinical reason, without a signature from a doctor, there will be no movements from the different categories, in a downgrade or an upgrade capacity. So that work has already been done. In terms of the reliability and appropriateness of clinical classifications, I was at a—

Members interjecting—

MS GALLAGHER: Is anyone interested in listening to the answer to the question you asked? It is groundhog year, isn't it? You ask a question; you ask all of your questions to me; you then ridicule and laugh and joke all the way through my answer. Groundhog Day!

Mr Seselja: Well, give them answers.

MR SPEAKER: Order, members, minister!

MS GALLAGHER: I am trying to answer it. Everyone else is listening except the people that asked the question. It is nice of you to turn up to work today. Eight weeks leave and you turn up and it is going to be a repeat of last year.

MR SPEAKER: Minister, thank you.

Mr Hanson: Mr Speaker, under standing order 42, I would ask that the minister address her comments through the chair rather than directly to the opposition.

MR SPEAKER: Yes, thank you. The point of order is upheld, Mr Hanson. Minister, let us return to the question at hand.

MS GALLAGHER: Thank you. With a bit of quiet, I will. With the doubts around the reliability and appropriateness of the clinical classifications, I have sat in recent meetings with people who work in this area and they have all confessed to inappropriately classifying patients because—and they are all doctors that do it—they want patients to be seen. The reason they are doing it is that they do not want their patients to have a long wait, so they classify them incorrectly and then we have to deal with that. So, yes, everybody has acknowledged that they have a role to play here to make the system work better. Everybody has committed to doing that.

Mr Hargreaves: On a point of order, Mr Speaker, in line with Mr Hanson's recent point of order, I ask you to seek that those opposite address their interjections through you rather than to the minister, according to the standing orders.

MR SPEAKER: Thank you, members. Mr Smyth, a supplementary question?

MR SMYTH: Yes, Mr Speaker. Minister, how long have staff been downgrading patients' urgency category, often without documented clinical reasons, and has this practice been occurring since you become minister almost five years ago?

MS GALLAGHER: I believe the policy came into place in 2007. It might have been 2008. I will check that. It was either 2007 or 2008 when it passed through the surgical services task force. The audit looked at a particular period of time and changes have been made to the category 1 rating in the annual report from the day that that came to the attention of ACT Health. You can see in the annual report there is a disagreement between the Auditor-General and ACT Health about how to correctly classify those category 1s and it is reflected on that page.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, today you blamed the surgeons, the administrative staff, the VMOs for the policy.

MR SPEAKER: Mr Hanson, preamble.

MR HANSON: Who else is there left to blame or do you accept some responsibility yourself?

MS GALLAGHER: I accept all responsibility for my department and for the operations within it.

MS BRESNAN: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, has there been an agreement from the visiting medical officers and clinicians to adhere to the policy for the waiting lists?

MS GALLAGHER: To the largest extent possible, yes. The Surgical Services Task Force met last Tuesday. They agreed to the revised documents for the new policy. I had another meeting with them on Thursday night, but unfortunately not all VMOs attend those meetings. The people that were there agreed to it, so we are progressing on the grounds that we have got agreement, even though the majority of surgeons, for one reason or another, do not attend those forums. So as much as we can we have got agreement, and in terms of reclassifications it is not up to the doctor any longer; there will not be any reclassifications upwards or downwards without a documented clinical reason and the signature of the doctor. It just simply will not happen.

Hospitals—waiting lists

MR COE: My question is to the Minister for Health. On 22 June you said this about ACT waiting lists:

> As I have said a number of times, when you look at our performance in our urgent, emergency, surgery, we are the best in the country. I think up to 97 per cent of our category 1 patients are done on time.

It was later revealed by the Auditor-General that 250 patients were reclassified from category 1 in 2009-10, mostly without documented clinical reasons. What impact did the removal of those 250 patients from category 1 have on performance statistics for 2009-10?

MS GALLAGHER: You obviously have not read the annual report either. It is there in the annual report. If you agree with the Auditor-General's interpretation of it, where she has taken out all of the category 1s that were downgraded, regardless of whether they met one aspect of the policy, it is 88 per cent. If you take into consideration those that had a signature or a reason or an email from the bookings area, it is 93 per cent.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do you think it would be appropriate to apologise to patients removed from the category 1 list without a clinically documented reason?

MS GALLAGHER: That is a decision that their doctor has taken. It is not a decision I have taken. The audit—and our processes have already been changed to do this—says that when a reclassification is sought, within I think it is two days, the patient will be contacted by the surgical bookings unit to inform them of that change. It is not the doctor's responsibility. It is the surgical booking area. That change has already been put in place.

MR HANSON: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why didn't you investigate this issue last year when it was first raised by the ACT president of the VMOs and by patients?

MS GALLAGHER: I did, Mr Speaker.

Mr Hanson: You said there was no problem.

MS GALLAGHER: I did not.

Housing—emergency accommodation

MS BRESNAN: My question is to the minister for housing and is in relation to homelessness. Minister, are you aware that over the last few days there have not been any emergency accommodation beds available in Canberra for people who are homeless and are looking for somewhere to sleep? If you are aware of this, what steps are you taking to provide immediate relief?

MS BURCH: I thank Ms Bresnan for her question. Homelessness is a challenge not only for Canberra, it is a challenge across the country, which is why we are increasing our housing stocks. Certainly we have brought a number of programs on line. A place to call home is one of them, a centralised social housing list, but also there is first point, which is a first point of contact for those that are at risk of or are experiencing homelessness. That service responds by the seeking or sourcing of accommodation beds or, indeed if they are not available, some support services to alleviate the distress and the circumstances that individual is in or, as is often the case, families are in. We arrange a number of homelessness services. We invest quite heavily across youth services and general homelessness services.

The domestic violence response service also responded to women who were escaping domestic violence over Christmas. We have a program in place that supports women who may need to seek alternative accommodation through domestic violence or abuse. We also have transitional housing for asylum seekers.

There are, certainly, turn-away rates for those that are seeking accommodation. In the ACT, I think we manage to find beds for, I think it is, the mid 90s of the 100 that would be homeless. I think that is our most recent data. But it is a challenge, which is why we continue to invest not only in services but the support services to prevent homelessness as well.

MR SPEAKER: Supplementary, Ms Bresnan?

MS BRESNAN: Yes, thank you, Mr Speaker. Minister, is it normally the case that there is a higher level of demand for emergency accommodation earlier in the year because of the influx of students and new workers? If so, how does the government plan for this seasonal adjustment in demand from people who are homeless?

MS BURCH: There would be no doubt different spikes along a calendar in different areas for accommodation and with the influx through our wonderful educational institutions of students there is certainly a stretch for accommodation. But this is why we are continuing to invest not only in the beds. The beds and a roof over their heads are certainly a significant and important part of it, but it is the other services, the preventative services as well, and that would go to our investment in the early morning centre within Civic as well. So it is the beds, it is the roof over their heads, but it is the support services as well that we continue to invest in.

I am quite happy to talk with my department to see whether as we seasonally look at transitional accommodation to support women who may be experiencing domestic violence over Christmas we also need to factor in some other expected calendar spikes as well.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, now many nights a year does Canberra's demand for beds for homeless people outstrip the supply of beds available?

MS BURCH: I am quite happy to come back with the detail, but it is my understanding that out of those that are seeking accommodation we would accommodate the high nineties of every hundred that are seeking accommodation. The bulk of those, though, we recognise, are continuing their nights. That is the challenge. How do we get them through emergency accommodation into more long-term sustainable accommodation? That is one of those bits of work that we need to work through. Within Housing ACT at any given time we would have accommodation available, not necessarily in an emergency response but to better facilitate that throughput from emergency accommodation into more permanent or more sustainable long-term accommodation. But I understand—I can get the figure back to you—that it is certainly the high nineties out of a hundred that we are able to accommodate.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Thank you, Mr Speaker. Minister, what communication have you or your department had with the ABS with regard to the census and how it can better collate information regarding homelessness?

MS BURCH: Collecting data on homelessness is a challenge not just for here; it is across the board. The department does talk with ABS around the census night and how we can better support that. Certainly the information and the data that we would get through our homelessness services, now that we have got a centralised point with first point, would also give us more informed intelligence about homeless nights and the numbers that are seeking accommodation per night.

Hospitals—waiting lists

MR DOSZPOT: My question is to the Minister for Health. I refer to the Auditor-General's report, Waiting lists for elective surgery and medical treatment. The Auditor-General found:

> However, the classification of clinical urgency categories did not always reflect ACT Health's policy and procedures, and therefore raised doubts on the reliability and appropriateness of the clinical classifications for patients within the waiting list.

Minister, how can the Canberra community have confidence in the classification of clinical urgency categories given the doubts about the reliability and appropriateness raised by the Auditor-General?

MS GALLAGHER: This is a discussion that surgeons have at length about whether categories 1, 2 and 3 capture exactly the circumstances that they are trying to deal with when allocating classifications to particular patients presenting with a range of different conditions. I think there is a national discussion at that clinician level about the adequacy of categories 1, 2 and 3. However, that is the national system that we work under at this point in time, and it is very important that those categories and classifications are appropriately used for patients, because that allows a fair triaging of the elective surgery access.

I have been in meetings where doctors have told me recently that they categorise non-category-1 patients as category 1 patients and then, when they cannot do them within their time, they will consider reclassifying them downwards to allow other category 1 patients to come in and be treated.

These classifications are audited. Reclassification is two per cent of the waiting list or the throughput that goes through without question. I think that, for the large part—and I have no reason to doubt this, and the audit had no reason to doubt—the waiting list is managed in accordance with the policies. The reclassification issue or the recategorisation issue is a very small component but it is one that has not been managed well by any side involved. It needs to be fixed and it has been fixed, to the extent that it will not occur with all aspects of the policy being followed. You can talk to a doctor; they say category 1 is life threatening, category 2 is painful and category 3 needs surgery but would need it within a year. They are, roughly, the different categories. I have certainly impressed upon surgeons the need to follow those categories when they are classifying patients so that those patients are classified appropriately.

The audit then goes on to say that if there is to be any change or clinical review of those patients, upwards or downwards—if their condition deteriorates or improves—through clinical review, then the opportunity is there to make sure they remain in the correct category. I think the Auditor-General's report will help to improve the overall management of this particular area. As to whether this audit will deliver one more operation to any Canberran, I have my doubts. But in terms of following our processes, it will improve them.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Yes, Mr Speaker. Minister, why would ACT citizens have confidence in the accuracy of waiting list statistics given the failure to follow policy and procedures?

MS GALLAGHER: The area scrutinised and the area you are referring to, as I said, is a very small part of the overall elective surgery management program. When you look at this year, 10,700 procedures being done under this program, this has looked at 250 cases. So to the largest extent possible, the elective surgery management and the list is managed. Yes, there is pressure; yes, we are getting more people onto the lists than we have ever seen. At the same time, we are removing more people than we have ever seen. We have got more theatres open than we have ever had before. The throughput is something that we had to maintain our focus on, but there is not any reason for us to believe that people are not being classified in accordance with the overall category of category 1, 2 and 3. That is certainly what I have asked the surgeons to abide by—that they do not classify patients incorrectly just as a way of jumping the queue, because the queue has to be managed.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, when did you become aware that surgeons are deliberately putting their patients into a category 1 because otherwise their patients simply will not get a date for surgery within a system that is entirely broken?

MS GALLAGHER: I reject that. The system is not entirely broken. It is offensive for you to say that the system is entirely broken. Not one suggestion out of you! Not one constructive idea in your whole time as shadow minister! Not one constructive idea, yet you are so ready to jump up and put the fear through the people of Canberra by saying that the elective surgery system is broken. The system is not broken.

Mr Hargreaves: Point of order, Mr Speaker. You have warned Mr Hanson.

MR SPEAKER: Sit down, Mr Hargreaves.

MS GALLAGHER: The paperwork was not filled out appropriately. It should have been, and it will be from now on. The system is not broken. To the hundreds of people that work in this area, your line, your allegation, that the system is broken is offensive. In terms of when was I told by a doctor to my face that—

Mr Seselja: Not to your face. When did you know?

MS GALLAGHER: That is the clear evidence that I have, because someone admitted to doing it—was last week. In terms of anecdotally—

Mr Seselja: Before then you knew nothing.

MS GALLAGHER: Why do you think you have a waiting list policy in place? To make sure people abide by the policy. That is what the policy was originally brought in in 2007 to manage. That is why you have a policy, Mr Seselja. For someone who has been sitting on the beach for the last eight weeks doing nothing—for everyone else who actually has to come to work and actually work—

MR SPEAKER: Ms Gallagher, the question.

MS GALLAGHER: That is what the policy was in place for. I have not had a specific case of where we are incorrectly classifying patients to get them through. I have not been given an example like that—until last week, when the surgeons confirmed it for me.

Mr Seselja: That is outrageous. What do you do? What do you actually do?

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

Ms Gallagher: I do a lot more than you, Mr Seselja, because you do nothing.

MR SPEAKER: Order, Ms Gallagher, thank you. Mr Hanson has the floor.

MR HANSON: Minister, if the system is not broken, why are surgeons circumventing it?

MS GALLAGHER: I imagine there are a lot of reasons for that, Mr Hanson, but it is not about the system being broken. Yes, the system can improve, and the system needs to improve, but it is not broken. When you think 10,700 people will have their operations this year in a safe health system with excellent outcomes, I do not know how you can then stand up here and say that system is broken.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, thank you. This is not a debate.

MS GALLAGHER: For 10,700 people the system is not broken. But, yes, there is room to improve, it needs to improve—certainly our policies and procedures in following them, and in making sure the paper work is done—so that when the next audit comes in—and I have asked for a re-audit of this area—it will tell a very different story about the processes that are in place.

Minister for Health—calls for resignation

MRS DUNNE: My question is to the Minister for Health. Minister, the president of the Visiting Medical Officers Association has written to the Chief Minister calling for him to dismiss you as health minister. This call was made after your handling of the bullying inquiry and the poor results achieved by you in elective surgery. Minister, do you accept that you have failed to gain the confidence of the VMOs and handled the

bullying inquiry poorly? Do you accept that you should resign because of these failures?

MS GALLAGHER: I do not think it is that unusual for health ministers and doctors to disagree on certain matters. On this one, I disagree with Dr Peter Hughes.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. Minister, you labelled the president of the VMOs as "rude" and claimed that he had not made any constructive contribution to the debate. Yet Dr Hughes claims that the letter was approved by a committee of his peers. Do you accept this letter as representative of the attitudes and opinions of VMOs?

MS GALLAGHER: I wrote back to Dr Peter Hughes so that I could answer his letter in its entirety. I asked him to let me know who within his membership had passed this, because he certainly did not indicate to me that it was a committee of the VMOA. I think that is what he told Peter Jean at the *Canberra Times*. I did not get a response from Dr Hughes, unfortunately. I thought it was a fair question to ask. He is asking me to resign, to lose my job. I thought I actually would like to know what party or membership had passed this resolution. I still have not heard back from him. He was at the meeting last week. He did come to the meeting to look at the surgical services at the hospital. I have to say that in my dealings with Dr Hughes he has always concentrated more on car parking at the Canberra Hospital than he has on any other matter, so my comments in the paper reflected that, Mrs. Dunne.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, have there been similar calls for your resignation from other medical associations such as ASMOF, the ANF or the AMA, just to name a few?

Members interjecting—

MR SPEAKER: Order! This is not a discussion across the chamber.

MS GALLAGHER: Thank you, Ms Bresnan. No, I have not. I have also spoken to numbers of VMOs at both of the hospitals and all of the ones I have spoken to were not invited to a meeting where that resolution was put.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, are you then unaware of the significant disquiet among doctors about your performance?

MS GALLAGHER: Do I—sorry? Can you repeat it?

Mr Hanson: Are you unaware of the significant disquiet amongst many doctors in the ACT about your performance?

MS GALLAGHER: I am aware that about five doctors at the moment disagree with my being in this job, and I can name them all. I imagine they are the ones that are in your ear all the time. And we have hundreds of doctors in this place.

ACT public sector—Hawke review

MR HARGREAVES: My question is to the Chief Minister. Chief Minister, earlier today you publicly released, in full, the Hawke review of the structural capacity of the ACT public sector.

Members interjecting—

MR SPEAKER: Order! Mr Hargreaves, you have the floor.

MR HARGREAVES: Thank you very much; when the children are quiet, Mr Speaker. I will keep saying it. Chief Minister, earlier today you publicly released, in full, the Hawke review of the structural capacity of the ACT public sector. What was the rationale for commissioning this piece of work?

MR STANHOPE: I thank Mr Hargreaves for the question. Indeed, it is a very important issue and a very important report. Roughly six months ago, as members know, I commissioned Dr Allan Hawke to review the structure, capacity and effectiveness of the ACT public sector. I did that because it is important, as we approach our second century as a city, and as we officially come of age as a self-governing jurisdiction, that we ensure that our systems of administration are fit for purpose. We have just celebrated our 21st anniversary of self-government. Yet the ACT public service, by and large, as presently configured, was lifted from the commonwealth public service at the point of self-government. Its agency structures and in large part its culture came as part of the package.

But much, as we all know, has changed. In many respects the work we do now as a government was unimaginable on the first day of self-government. Our population is now a third larger, the territory's budget has more than quadrupled, technology has transformed how government connects with, communicates with and delivers services to people. We have matured as a community. Indeed, we are at the point where we are starting to actively and legitimately question whether the systems of government, governance and administration imposed upon us at self-government are the best ones for our circumstances.

There is a growing mood for a mature and thorough review of the self-government act, with a desire to better define our relationship with the National Capital Authority and to work better together. There is a desire to have our structures more open to input from the community. There is a realisation that the big challenges for our community in the decades ahead are ones that will need to be tackled in a whole-of-government fashion, not by a single line agency, most notably issues such as climate change,

sustainable development, ageing, affordable and appropriate housing, skills and transport.

I believe the time is right to ask whether we should continue to make incremental changes to our administrative arrangements or whether we take a bolder approach. Seizing the moment now will build upon and complement other work on which the government has embarked. There is our activity in the area of citizen-centred governance, exemplified by the recent 2030 conversation. There is the growing momentum for a review of the self-government act, the law that created us but that now constrains us. There is the first comprehensive review of our taxation system since self-government, a review of the Canberra plan and a reconsideration of the spatial plan. All of this work acknowledges the realities and the opportunities of our city-state and our hybrid mix of municipal and state functions. All of this work has one purpose: to allow this government to serve Canberrans better.

I commissioned Dr Hawke to build on this work so that our city-state, unique in this country, is equipped to the greatest possible extent to meet the challenges and opportunities of the future. Dr Hawke found that in many areas and in some applications the ACT public service is exemplary. The question is not just whether we are adequately served today but whether, as presently configured, the bureaucracy can continue to serve this community and the government of the day effectively as we head into our second century.

Dr Hawke concludes that it is open to the ACT to choose a model of administration that actually reflects, for the first time in our history, the defining characteristics of our city-state and the type and range of services we deliver. This exercise has been about taking a public service that is already in many respects a national and even a world leader and equipping it to meet the needs of our community into the future. We have a chance, in this review and the other work I have outlined, to design the supporting structures of government to suit our own city's circumstances for the first time in our history.

I take this opportunity in this forum to commend Dr Hawke for the breadth of knowledge and the insight he has brought to this exercise, and I thank him for his report. For the information of members I table the following paper:

> Governing the City State—One ACT Government—One ACT Public Service—Review of ACT Public Sector Structures and Capacity, prepared by Allan Hawke, dated 2 February 2011.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thanks very much, Mr Speaker. Chief Minister, what are the immediate steps that will be taken in response to Dr Hawke's recommendations?

MR STANHOPE: Thank you, Mr Hargreaves. I am sure, as members would be aware, having regard to the nature of the report, the complexity of the issues that it raises, the essential recommendation of a complete restructuring of the ACT public service into a single department, along with many other potentially quite complex recommendations or issues to grapple with, the government will take some time to put

in place a system, a methodology, an implementation team that can ensure that all of the issues that the government needs to consider in relation to each of the recommendations is given due consideration.

The government has taken just two decisions in relation to the recommendations contained in the report. We have chosen not to accept as a position, perhaps an implicit position, that the Department of Treasury should be subsumed as a division into and become a division of the Chief Minister's Department. It should continue as a separate and distinct entity, as a treasury, and we have resolved that it would be appropriate—having regard to the report, the broad support, essentially in-principle support which we have given in accepting the wisdom of the report—that an ACT strategic public service board be established to oversight the work of an implementation team that will now begin the process of advising government on the detail around the implications, efficacy and appropriateness of the government pursuing all and each of the recommendations.

Change can be challenging. I accept that there will be staff that will be challenged by some of the recommendations as they impact on their workplace and their work. I have today given an undertaking that no jobs are at risk. This is not about job cuts or job losses. This is about developing a public service for the future. *(Time expired.)*

Mr Hargreaves: Mr Speaker—

MR SPEAKER: I am sorry, Mr Hargreaves, you cannot ask supplementaries on your own question.

Mr Hargreaves: Can you tell me why that is so, Mr Speaker?

Mrs Dunne: Because the standing orders say so.

Mr Hargreaves: I was not talking to you, Mrs Dunne. If I wanted it, I would—

MR SPEAKER: Order, Mr Hargreaves! I am quite capable of managing it.

Mr Hargreaves: I think so but I have noticed how these people have been bullying you, Mr Speaker.

MR SPEAKER: Mr Hargreaves, resume your seat.

MS HUNTER: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Chief Minister, how do you envisage moving forward some of the recommendations and commentary around changes to the self-government act?

MR STANHOPE: Ms Hunter has identified one of the issues that have been raised, that are covered, in relation to which there are recommendations in this very broad-ranging report. The fact that there are recommendations in the report in relation

to the self-government act and in relation to the size of the Assembly gives some quick illustration of the broad range and the complexity of the issues encompassed within the report.

The government, Ms Hunter, has been giving detailed consideration, over a number of years, to the need for the self-government act to be reviewed and amended. Dr Hawke has also identified that as an issue of concern to this Assembly or to this community. Indeed, some of my colleagues have discussed this issue again just in the last week in relation to an appropriate way forward in relation to some of the complex political issues associated with a review of the self-government act and changes to the size and the structure of this Assembly.

As you know, I have approached, over the last nine years now, each of the Prime Ministers that have led the national government in that time and sought their cooperation in a joint review of the self-government act. I have been unsuccessful in that. We have been looking for other ways forward. I believe that we will only achieve change in relation to the self-government act and in relation to the operations of this Assembly if there is tripartisan support. We do not have a preferred model. The decision, or the resolution, that I and my colleagues have come to after these discussions is that we would like to work with other members of this Assembly, most particularly the Greens party and the Liberal Party, to explore the possibility of a tripartisan, joint approach to a model for reviewing our self-government arrangements. *(Time expired.)*

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

Answers to questions on notice

Questions Nos 1339, 1342, 1361 and 1364

MR SESELJA: Under standing order 118A, I seek an explanation from the Attorney-General in relation to question on notice 1339 and, while he is up, as the Minister for Police and Emergency Services, question 1342. I refer also to question 1361 to the Attorney-General and question 1364 to the Minister for Police and Emergency Services.

MR CORBELL: Mr Speaker, I have signed off answers to those questions. I understand they are in the process of being delivered to Mr Seselja.

Question No 1346

MR SESELJA: Under standing order 118A, I seek an explanation from the Minister for Gaming and Racing in relation to question 1346.

MR BARR: I understand there may be an error from the Secretariat, as I signed that off a number of weeks ago. I have checked that this morning, I was surprised to see it on the list. My office has sought clarification that the answer was provided some time ago.

Question No 1382

MR SMYTH: Also under standing order 118A, I seek an explanation from the Minister for Police and Emergency Services as to why question No 1382 is unanswered.

MR CORBELL: Again, I have signed off an answer to Mr Smyth's question. I understand it will be with him shortly.

Mr Smyth: On a point of order, Mr Speaker, I actually asked for an explanation. The minister said that he signed it. We accept that. But why is it overdue at this stage? The actual standing order asks for an explanation as to the overdue nature.

MR SPEAKER: There are two things. It has just been indicated by the Secretariat that a number of these questions do appear to have been answered. The list has been recently updated. So that is the first part of it.

On Mr Smyth's point of order, the standing order does invite an explanation. That explanation can take a number of forms. I would invite ministers in the future to be mindful of perhaps giving reasons as to why the answers to questions have been so significantly delayed.

Question No 1287

MR HANSON: Under standing order 118A, I ask the Attorney-General for an explanation regarding question on notice 1287, which is overdue.

MR CORBELL: I am not aware of whether or not I have dealt with that question. I will seek an explanation from my office and provide further advice to the chamber.

Supplementary answer to question without notice
Planning—Molonglo land release

MR BARR: Way back last year, on 7 December, I took on notice a question from Ms Bresnan. The question related to whether ACTPLA had received any advice from the EPA in relation to asbestos washing downstream. The answer to Ms Bresnan's question is no.

Papers

Mr Speaker presented the following papers that were circulated to members when the Assembly was not sitting:

Standing order 191—Amendments to—

ACT Teacher Quality Institute Bill 2010, dated 14 and 15 December 2010.

Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010, dated 13 December 2010.

Auditor-General Act—Auditor-General's Reports Nos

10/2010—2009-10 Financial Audits, dated 21 December 2010.

1/2011—Waiting Lists for Elective Surgery and Medical Treatment, dated 17 January 2011.

Executive contracts
Papers and statement by minister

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): For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contract—Kirsten Thompson, dated 2 December 2010.

Short-term contracts:

Adrian Scott, dated 12 November 2010.

Alan Traves, dated 17 December 2010.

Anita Hargreaves, dated 15 November 2010.

Barry Folpp, dated 20 October and 16 December 2010.

Bianca Kimber, dated 22 October 2010.

Brook Dixon, dated 21 January 2011.

Christopher Cole, dated 13 December 2010.

David Dutton, dated 7 and 21 January 2011.

David Foot, dated 24 December 2010.

David Read, dated 8 December 2010.

Gordon Collins, dated 26 November 2010.

Grant Carey-Ide, dated 12 November 2010.

Ian Thompson, dated 16 November 2010.

Ian Turnbull, dated 21 December 2010.

Jacinta George, dated 9 and 15 December 2010.

Jennifer Dodd, dated 25 November 2010.

John Wynants (2), dated 2 December 2010 and 14 January 2011.

Jonathan Quiggin, dated 7 January 2011.

Julie Field, dated 24 December 2010.

Margaret Russell, dated 14 December 2010.

Maria Kanellopoulos, dated 24 December 2010.

Megan Young, dated 15 December 2010.

Michael Bateman, dated 4 November 2010.

Michelle Callen, dated 14 January 2011. 1122

Richard Baumgart, dated 9 December 2010.

Rodney Bray, dated 2 December 2010.

Rosemary Kennedy, dated 6 December 2010.

Rowena Barrell, dated 12 November 2010.

Sean Moysey, dated 5 January 2011.

Simone Fowlie, dated 24 December 2010.

Tanya Wheeler, dated 16 December 2010.

Timothy Grace (2), dated 18 November and 15 December 2010.

Vera Van De Velde, dated 6 December 2010.

Contract variations:

Andrew Kefford, dated 21 December 2010.

Anita Hargreaves, dated 12 January 2011.

Bronwen Overton-Clarke, dated 10 December 2010.

Conrad Barr, dated 1 December 2010.

Donna Mowbray, dated 24 December 2010.

Francis Duggan, dated 26 November 2010.

Geoffrey Rutledge, dated 8 December 2010.

James Corrigan, dated 21 December 2010.

Katrina Bracher, dated 6 December 2010.

Keith Simpson, dated 7 January 2011.

Leanne Power, dated 3 December 2010.

Linda Kohlhagen, dated 16 and 22 December 2010.

Lisa Holmes, dated 14 January 2011.

Maree Mannion, dated 9 December 2010.

Mark Huxley (2), dated 9 December 2010 and 14 January 2011.

Mark Whybrow, dated 15 December 2010.

Meredith Whitten, dated 30 November 2010.

Narelle Ford, dated 14 January 2011.

Paul Wyles, dated 20 December 2010.

Richard Neves, dated 15 November 2010.

Robert Hyland, dated 18 January 2011.

Rowena Glenn Barrell, dated 12 May 2010.

Sushila Sharma, dated 3 and 7 December 2010.

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive contracts and contract variations. Contracts were previously tabled on 7 December. Today I present one long-term contract, 35 short-term contracts and 24 contract variations. Details of the contracts will be circulated to members.

Legislation program—autumn 2011
Paper and statement by minister

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): For the information of members, I present the following paper:

Legislation Program—Autumn 2011

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

Leave granted.

MR STANHOPE: I am pleased to present the government's autumn 2011 legislation program. This year, the government's legislative focus will be to getting on with the job of growing and improving Canberra and to better providing for our community's future. We will continue our emphasis on reforms and for delivering on the commitments we made to the people of the ACT.

A range of new initiatives are to be proposed that will build on the government's achievements and record to date. These will further promote positive action on important issues, such as sustainability, health and legal reforms, and public safety.

To maintain our effort for increasing the production of renewable energy in the territory, the Electricity Feed-in (Large Scale Generation) Bill 2011 will build upon the successful household scale feed-in tariff. It will facilitate establishment of market-based processes to implement the government's commitment to a clean economy through the deployment of large scale renewable generating capacity.

Legislation is also to be proposed to establish a residential energy efficiency scheme. It will facilitate delivery of household energy efficiency improvements with a special benefit to low income households.

A key government priority is the provision of high quality health care to all Canberrans. To improve the efficiency, effectiveness and quality of health services in the ACT, the Health Amendment Bill 2011 will amend parts 4 and 5 of the Health Act 1993 that governs how approved clinical privileges committees and quality assurance committees exercise their powers and perform their functions. The amendments will clarify the existing legislation in order to give better effect to the intention of the legislation.

Additional amendments will also establish a legislative basis for a local hospital network for the ACT. As well as setting a definition of the ACT local hospital network, an ACT local hospital network council is to be established and a process provided for the appointment of its members, its generic composition, and its general role and function.

Implementation of national agreements will be continued by introduction of the Work, Health and Safety Bill 2011. This will harmonise the ACT's occupational health and safety laws with what will be in place in other jurisdictions around Australia. The passage of the bill and the associated regulations to be introduced throughout 2011 is another step in this government's commitment to the seamless national economy strategy agreed to by the Council of Australian Governments.
Nationally consistent legislation on this matter will have a positive social impact. The legislation will retain essential protections for employees and the community embodied in the current ACT legislation while simplifying the national effort overall of complying with work health and safety obligations. The harmonisation process will lead to a reduction in the cost of compliance, with the primary beneficiaries being those industries and businesses that operate within multiple jurisdictions, such as between Canberra and New South Wales.

A new Education and Care Services Law Bill will enable the ACT government to implement the national quality agenda for early childhood education and care from 1 January 2012 in long day care, family day care, preschool and outside-school-hours care services. It will replace existing separate licensing and quality assurance processes as part of the national quality agenda for early childhood education and care. The government is committed to delivering the vision of the early childhood development strategy endorsed by COAG in July 2009.

Amendments are also to be made to the Gas Safety Act 2000 and the Gas Safety Regulation 2001 to bring the legislation up to date with changes that have occurred nationally on gas safety matters and to improve the appliance approval schemes.

Vulnerable people are to receive increased protection. A Working with Vulnerable People (Consequential Amendments) Bill will affect a range of transitional and consequential amendments to facilitate the implementation of the Working with Vulnerable People (Background Checking) Bill 2010 when passed by the Assembly. This legislation fulfils the government's commitment to establish a centralised background checking system for those working with vulnerable people in the ACT that was announced in the Canberra plan 2008, towards our second century.

The ACT will require persons working with children and vulnerable people to be checked for criminal and other offences. Under the system the government will set the minimum checking standards and apply a consistent risk assessment framework and decision-making process. A screening unit in the Office of Regulatory Services, Department of Justice and Community Safety will be established to assess applications for registration with the successful applicants to be registered for three years. The checking system has been developed with reference to the ACT Human Rights Act 2004 and will include review and appeal mechanisms for applicants.

For financial management, the Appropriation Bill will again be central to the legislative and financial agenda for the upcoming financial year. It will be presented in May for provision of appropriation to administrative units. Payroll tax is to be reformed with a rewrite of the territory's existing act through adoption of nationally harmonised legislation. It is proposed to adopt the harmonised New South Wales Payroll Tax Act as a template, except for provisions that are specific to the ACT, such as rates, thresholds and some exemptions.

The current payroll tax rate of 6.85 per cent and threshold of $1.5 million will not change as a result of the new act, and exemptions that are currently available to taxpayers will continue to be available under the harmonised regime. The new Payroll Tax Act will simplify the ACT's administration of payroll tax and at the same time reduce compliance costs and administrative burdens.

To follow up a major project that was undertaken by the Department of Treasury, a Planning and Development (Change of Use Charge Codification) Amendment Bill will codify the amount of change of use charge payable. Instead of the charge being determined by individual valuation it will be determined by reference to a codified table.

There will be a number of significant changes to progress legal reforms, address justice issues and promote community safety. Three bills will reform the law of evidence in the ACT. Since self-government, the provisions of the commonwealth Evidence Act 1995 have been directly applied in the ACT, providing most of the law of evidence for the territory. The Evidence Bill 2011 will replace the application of the commonwealth Evidence Act in the ACT with our own legislation, a move acknowledging the responsibilities of ACT self-governance.

The ACT has been a strong advocate in relation to efforts to achieve uniformity of evidence law Australia wide and will continue this commitment by independently adopting the Standing Committee of Attorneys-General's agreed model uniform evidence law in the ACT. As the commonwealth Evidence Act largely mirrors the model law, there would be no substantive change to the existing law of evidence as it is currently applied in ACT courts. Amendments to be made by the Evidence (Miscellaneous Provisions) Amendment Bill will establish a framework to be applied by ACT courts when a party seeks to disclose the counselling notes of a sexual offence victim in civil proceedings.

The reform of evidence law in the ACT provides also an opportunity to review the entire ACT statute book to update, consolidate, reorganise and discard redundant provisions in light of the reforms proposed. Any such changes will be implemented by the Evidence (Consequential Amendments) Bill 2011.

A Criminal Proceedings Legislation Amendment Bill will be introduced to limit the nature of offences in which elections for trial by judge alone can be made to exclude charges involving the death of a person and charges of a sexual nature, including child pornography. It will include changes to strengthen existing legislative provisions to ensure that elections for trial by judge alone cannot be made once the identity of the trial judge is known. The penalties for some sexual and child pornography-related offences will also be increased.

Legislative changes will follow up a comprehensive review of the Coroners Act that has been underway since 2003. After a long consultation process involving the Coroner, legal practitioners, departmental officers and members of the community, a number of short but very significant amendments will be proposed to the Coroners Act to clarify the purpose of coronial proceedings and improve the operation of the coronial system.

Residential Tenancies legislation is to be enhanced. In 2006 the Ministerial Council on Consumer Affairs agreed to the development of model uniform legislation regulating the use of residential tenancy databases. Model legislation has been developed and approved by state and territory ministers.

Existing protections under the ACT Residential Tenancies Act 1997 regarding residential tenancy databases will be strengthened through the adoption of this model legislation. The amendments will impose new requirements and obligations on lessors and database operators to afford greater protections to tenants. Another separate bill will simplify and clarify unit title law in the ACT. It follows feedback received from the 12-month operational review of amendments made to unit title legislation in 2008. Government conducted the review, calling on submissions from the community with a view to ensuring that the legislation was operating effectively.

To improve terrorism protection measures, six amendments are to be made to the Terrorism (Extraordinary Temporary Powers) Act 2006. These amendments were identified by a review of the act which was tabled in the Assembly on 16 November 2010. The bill proposes to extend the operation of the Terrorism Act to 2016 and requires that a further review of the act be undertaken. The necessity for the continuation of the Terrorism Act is based on terrorism assessments conducted by the commonwealth government, ASIO and the reviews of similar state and territory legislative schemes conducted across Australian jurisdictions.

It will also propose four technical amendments to assist with the operation of the act. These amendments include providing police with additional care considerations if a child is being released from preventative detention, clarifying the information obligations of police under section 78, and an amendment to specifically state that a person must be immediately released from preventative detention if the Supreme Court has set aside the preventative detention order.

Some amendments are to be proposed for the security industry that continues the government's commitment to implementing reforms to the security industry agreed by COAG in July 2008. The reforms to be implemented in this tranche will align the ACT with other jurisdictions in regards to training and probity requirements for security licensees.

Lastly, the government will introduce new legislation to improve the governance of gaming machine clubs and for traffic safety. The Gaming Machine Amendment Bill will improve the governance of clubs by increasing the accountability and transparency of operations. Proposed changes will increase the regulatory powers of the Gambling and Racing Commission over associated organisations that are approved to appoint directors to a club and will ensure that voting members elect a minimum proportion of club directors.

Additional traffic safety will result from the Road Transport (Safety and Traffic Management) Legislation Amendment Bill 2011. This will permit the capture of images of motor vehicles travelling between various points on ACT road infrastructure. The captured images will then be matched in order to calculate the average speed at which a vehicle will have travelled between those points. Vehicles that are found to have exceeded the applicable average speed limits between those points will be issued infringement notices for speeding offences.

I commend the autumn program to the Assembly.

Papers

Mr Stanhope presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Chief Justice of the Supreme Court—Determination 8 of 2010, dated 1 December 2010.

Chief Magistrate, Magistrates and Special Magistrates—Determination 10 of 2010, dated December 2010.

Children and Young People Official Visitor—Determination 13 of 2010, dated 1 December 2010.

Clerk of the Legislative Assembly—Determination 14 of 2010, dated 1 December 2010.

Master of the Supreme Court—Determination 11 of 2010, dated 1 December 2010.

Members of the ACT Legislative Assembly—Determination 15 of 2010, dated 1 December 2010.

Part-Time Holders of Public Office—Determination 12 of 2010, dated 1 December 2010.

President of the Court of Appeal—Determination 9 of 2010, dated 1 December 2010.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2009-2010—Commissioner for Public Administration—Corrigendum.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2009-2010—Department of Territory and Municipal Services—Corrigendum.

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2010-2011—First quarter (1 July to 30 September 2010).

Financial Management Act—consolidated financial report
Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.23): For the information of members,

I present the following paper:

> Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2010.

This report was circulated to members when the Assembly was not sitting. I seek leave to make a short statement in relation to the paper.

Leave granted.

MS GALLAGHER: I present to the Assembly the December quarter consolidated financial report for the territory. The report is required under section 26 of the Financial Management Act.

The December quarter headline net operating balance for the general government sector was a surplus of $137.2 million, which is a $130.2 million improvement from the year to date budget of $7 million. The improvement in the year to date of the territory can be largely attributed to stronger revenue performance, including increases in taxation revenue, mainly due to the finalisation of a large, one-off tax assessment in 2010-11 relating to prior years, increased grant revenue due to timing of payments from the commonwealth, higher than anticipated private equity distributions to the superannuation provision account increasing dividend revenue, and increases in interest revenue mainly associated with interest received on moneys held pending the finalisation of the one-off large tax assessment in 2010-11.

Increases in revenue were offset by an increase in expenses, mainly associated with the timing of payments and grants and increased supplies and services expenses. On an AAS basis, the GGS recorded a surplus of $224.6 million, which is $198.6 million higher than the year to date budget of $26 million. The primary reason for this result, compared to the headline net operating balance, is the year to date performance of debt and equity markets.

The territory continues to maintain a strong balance sheet, as reflected in a number of key indicators, such as net worth, net financial liabilities and net debt. These improvements in activity and returns over the past six months have been reflected in our revised budget estimates as presented in the 2010-11 budget review, which will also be tabled today.

This report separately addresses and updates the territory's economic and financial forecasts, and I commend the quarterly report to the Assembly.

I move:

> That the Assembly take note of the paper.

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

2010-2011 budget review
Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.26): For the information of members,

I present the following paper:

> Financial Management Act, pursuant to subsection 20A(2)—Budget 2010-2011—Budget review.

This report was circulated to members when the Assembly was not sitting. I seek leave to make a short statement in relation to the paper.

Leave granted.

MS GALLAGHER: I present to the Assembly the budget review for 2010-11, prepared in accordance with the Financial Management Act 1996. The general government sector headline net operating balance has improved by around $79 million in 2010-11, from a deficit of $83.9 million to a deficit of $5.8 million. This improvement is primarily the result of a large one-off taxation revenue return to the territory relating to the finalisation of prior year assessments.

The variations to the budget estimates are technically driven, with the exception of the one policy decision announced by the government to form a partnership with the Greater Western Sydney football club.

Our GST revenue estimates have been revised downwards as a result of a decrease in the national GST pool, equating to a $61 million loss in GST revenue grants to the territory across the budget and forward estimates. Taxation revenues associated with the property activity are forecast to improve marginally, underpinned by the continuing strength of the market and the current low interest rate environment.

The territory's investments have been performing better than previously anticipated due to the recovery in debt and equity markets and increasing interest rates. Returns from the land program are also increasing across the forward estimates, largely following a reassessment of the program to take account of the current state of the market and potential future market impacts and joint venture profit distributions.

The financial position of the general government sector, as assessed through a number of balance sheet measures, continues to grow and improve since the budget. The changes in the balance sheet largely relate to increased investment values as a result of the recovery of the financial markets and the increased value of infrastructure assets following asset revaluations.

We have a strong record in delivering capital works to the territory, as represented by the strength of the infrastructure assets on our balance sheet. Our program continues to provide the essential infrastructure solutions for Canberrans necessary to support the ongoing delivery of high-quality services to the community.

As part of the 2010-11 budget review we have again undertaken an assessment of our capital works program in light of the first six months of project activity. This reprofiling exercise also included accelerating some projects and bringing forward planned outyear expenditure to progress or hasten some existing projects. This is a prudent approach to maintaining expenditure on infrastructure works by advancing projects to offset delays in others. As such, the program is only estimating a very

small $34 million rollover to the outyears. The budget review provides further details of the reprofiling exercise.

The territory is progressing well with the delivery of its capital works program. I will publish the December quarter capital works report shortly. However, for the advice of the Assembly, I am pleased to announce that, to the end of December, the territory has spent $274 million of its program, equating to 34 per cent of the funds available for expenditure, which is the best half-year result for the past 10 years.

The revised estimates and forecasts published today are welcome signs that the economy, and the budget, are recovering more quickly than anticipated. There is still, however, no doubt that there are some risks to the budget and there is still a significant task ahead of us to move the budget back into surplus.

There are several challenges and risks to our finances which we will have to be mindful of when putting together the 2011-12 budget, including interest rate increases, easing of the commonwealth stimulus measures, future restraint in commonwealth spending as it seeks to restore its own budget and respond to the Queensland flood crisis, the outcomes of forthcoming enterprise negotiations as unions seek to catch up on previous restraint, and further pressure on the infrastructure and land release program as labour supply and material shortages may be forthcoming.

The territory continues to maintain a strong balance sheet, negative net debt levels, and improving net financial liabilities to support us in these challenges moving forward. The hard work is not yet over and we have still more to do to return our budget to surplus. The budget review forecasts remain consistent with the objectives of the budget plan, in particular, with the commitment to return the budget to surplus. I commend the 2010-11 budget review to the Assembly.

I move:

> That the Assembly take note of the paper.

MR SMYTH (Brindabella) (3.31): The review of the budget for the first six months of the financial year 2010-11 and the response of the ACT Treasurer to this review are both causes for considerable concern. Let me deal with the half-year review of the budget first and note that the December quarter financial report is also pertinent in this context. It appears that the outlook for the ACT budget for 2010-11 has improved slightly, the expected deficit for the year being reduced from $84 million to $6 million.

In other circumstances, this would be good news. A careful examination of these reports, however, does raise some concerns. On the one hand, revenue receipts have increased from $2.9 billion to $3.1 billion for the half-year, which represents an increase of more than $200 million over budget, but, on the other hand, spending has also increased from $2.86 billion to $2.9 billion. This represents an increase of nearly $40 million over budget.

This means that revenue was seven per cent over budget. This increase resulted from higher dividends, higher tax revenue from land-related activities, higher grants from

the commonwealth and a mystery one-off tax assessment and associated interest revenue. I had hoped that the Treasurer might explain that reference.

Ms Gallagher: What?

MR SMYTH: I had hoped the Treasurer would explain the one-off tax assessment and the associated interest.

Ms Gallagher: I can't.

MR SMYTH: But she now tells me across the chamber, deepening the mystery, that she cannot. Then, of course, spending was more than one per cent over budget. This resulted from increased use of nursing contractors, higher payments to public trading enterprises and increased community service grants.

The significant concern that I have is that, in an environment where the ACT government is meant to be exercising substantial spending restraint, spending in the first six months of this financial year increased by nearly $40 million. I need to remind the Assembly that this lack of spending restraint has taken place despite the Treasurer saying that there is a strict regime of cost cutting, the efficiency dividends may well be relaxed, there needs to be some flexibility around our savings and there should be, or there could be, an "easing up on the unallocated savings". It is difficult to reconcile how the Treasurer will return the ACT budget to surplus, as part of her grand plan, if she cannot restrain spending by this government.

This brings me to the response of the Treasurer to this latest financial information. Treasurers of jurisdictions have a serious responsibility to represent important financial information very carefully. Consider how our Treasurer has dealt with the two reports that were released yesterday. In the world of political spin, this Treasurer takes the prize.

The Treasurer has also seriously misrepresented the budget outcome that is set out in these reports. The Treasurer crows about the outcome for the six months. The forecast deficit could fall from $84 million to $6 million, and why is this? Apparently one of the things, the Treasurer said, is population growth and a booming housing market. But clearly that is not correct.

The reduction in the forecast deficit for 2010-11 has little to do with population growth, as the Treasurer would have us believe. Indeed, I suspect it has almost no role in this outcome. The reduction in the expected deficit is the result of, simply, "a large one-off tax assessment finalised in 2010-11 relating to prior years". The total value of this tax assessment, with interest, is $96.6 million. It is also because of the government's continuing reliance largely on property taxes. Hence the reduction in the deficit had nothing to do with the actions of the Treasurer and everything to do with a substantial, one-off transaction.

I am also concerned, and we all should be concerned, at this misrepresentation by the Treasurer of what these reports tell us, because the words in each report directly contradict the Treasurer's spin. She should apologise to the Assembly and to the

people of Canberra for the way in which she has twisted the analysis of the review of the first six months of this financial year.

As if that is not enough, the review of the first half of the financial year notes that the many parameter adjustments that have been made to the budget are just technically driven. Again, these parameter changes have little or nothing to do with the Treasurer's involvement in the Treasury portfolio. They are the result of largely outside factors. These variations have occurred largely because of reductions in the GST pool, reduced payments from the commonwealth, recovering global financial markets or rising interest rates. Again, these are factors that have not been really the result of any direct action taken by this Treasurer.

What is just as concerning is that the Treasurer, having misinterpreted the revised budget outcome, has now suggested that the strict restraint on spending should be eased. So shallow is the Treasurer's understanding of fiscal policy that, on the back of substantial reductions in the deficit for 2010-11, she is now saying that the purse strings can be loosened. We can, to quote from yesterday's *Canberra Times*, "relax the efficiency dividends"—the Treasurer is quoted as saying—"We can introduce some flexibility around our savings; we can ease up on allocated savings."

I remind the Assembly: what is the major reason for the change in the immediate budget outlook? It is a one-off revenue flow from a tax assessment. There is no significant underlying change to the outlook for the ACT. If anything, the picture is far from clear, with the two big factors being reducing GST revenues—and considerable caution among consumers across the country is continuing—and concerns about decisions that may or may not be made by the commonwealth relating to spending.

It is also important to highlight another outcome from the half-year review. If we go to page 5, all is revealed. The Treasurer's plan, you will recall, is to return the ACT budget to surplus by 2013-14. Table 1, however, shows that the forecast over the three outyears are for deficits for the underlying net operating balance.

After the effects of commonwealth stimulus payments are removed, what do we see? We see a deficit of $91 million this year, a deficit of $75 million in 2011-12, a deficit of $61 million in 2012-13 and a deficit of $24 million in 2013-14. According to her own numbers, the Treasurer's plan is now off track. We must note in passing that this review has been prepared after the end of the calendar year. That is as it should be. The explicit acknowledgement on page 3 that this review takes into account information as at the end of the six-month period—that is, 31 December 2010—is welcomed.

Ms Gallagher: Can I get a tick for that, Brendan?

MR SMYTH: There you go. I always give you credit where you deserve it. It is not very often. This avoids the nonsense, of course, of a review of the six-month period using data that does not cover the complete six-month period, as this government has done previously.

As a vigilant opposition, we will continue to monitor closely the performance of this Treasurer. I repeat that the Treasurer should correct her misrepresentations of the nature of the revised budget outcome. We will continue to question her closely about her performance in this critical portfolio.

It is interesting, in the time remaining, that the Treasurer does in fact fess up to some of this in her speech. On page 2 she does say that the variations to the budget estimates are technically driven. Again, that is not something that she has control over. She goes on to say that taxation revenues associated with property activity are forecast to improve marginally, underpinned by the continuing strength of the market. This just illustrates, again, that this is a government that is a one-trick pony. All it has is land and the profits from land upon which to base its success.

If we continue to have this narrow view, if we continue to rise simply on this one stream, we may encounter difficulties into the future. It is interesting to note that the Property Council has pointed out that the estimates from land revenue are wildly inaccurate—something like an average of $245 million a year—and this is something we have said for years. We have pointed out as well that you cannot rely on the estimates from this government.

The Treasurer goes on to say that we have a strong record in delivering capital works. It is on page 12, I think, of the budget review. This is only a half-year result, remember? Already we see reprofiling, which is code for delay, to the tune of something like five per cent of the expected spend. The minister actually says that this first half-year is the best half-year result for the past 10 years, which of course is a sad reflection on all of her ministerial colleagues, both present and previous, in their inability to deliver the capital works tasks that they have put in front of them.

The minister goes on to say—and again there is acknowledgement—that there is no doubt that substantial risk to the budget remains and there is still a significant task ahead of us to move the budget back into surplus. That is true. That is something we have said. It worries me—and again referring to yesterday's *Canberra Times*—that the minister thinks it may give them the ability to relax the efficiency dividends and it gives us some flexibility around our savings. There are still unallocated savings, but already we are relaxing the dividend and looking for flexibility. With those sorts of statements you have to question whether the Treasurer is committed to the task and is up to the task.

Question resolved in the affirmative.

Financial Management Act—instruments
Papers and statement by minister

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

Financial Management Act—

> Pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of Land and Property Services, including a statement of reasons, dated 16 December 2010.
>
> Pursuant to section 16B—Instruments, including statements of reasons, authorising the rollover of undisbursed appropriation of—
>
> ACT Health, dated 22 December 2010.
>
> Chief Minister's Department, dated 22 December 2010.
>
> Department of the Environment, Climate Change, Energy and Water, dated 22 December 2010.
>
> Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Treasury, including a statement of reasons, dated 21 January 2011.
>
> Pursuant to section 18A—Authorisations of expenditure from the Treasurer's Advance to the Chief Minister's Department, including statements of reasons—
>
> Dated 10 January 2011.
>
> Dated 17 January 2011.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act, I table a number of instruments issued under sections 16, 16B, 17 and 18 of the act. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given.

Sections 16(1) and (2) of the act allow me as Treasurer to authorise the transfer of appropriation for a service or a function to another entity following a change in responsibility for that service or function.

This package includes one instrument signed under section 16. The instrument facilitates the transfer of $10,000 in net cost of outputs appropriation for the city centre marketing and improvements levy from the Department of Territory and Municipal Services to the Department of Land and Property Services.

Section 16B of the act allows for appropriations to be preserved from one financial year to the next. The appropriation being rolled over was not spent during 2009-10 and is still required in 2010-11 for the completion of the program or project identified in the instrument. This package includes three instruments authorised under section 16B of the act.

The first 16B instrument authorises a total of $2.28 million in rollovers for the Chief Minister's Department comprising $1.071 million of recurrent appropriation and $1.209 million of capital injection—departmental—appropriation. Recurrent appropriation rollovers include: $440,000 for additional repairs and maintenance at Manuka Arts Centre, Strathnairn woolshed and other works; $249,000 for reaching

out to the community to support community engagement activities across government; $163,000 for repairs and maintenance of public art; and $138,000 for supporting business innovation in the ACT. The capital rollovers include the rollover of appropriations for a range of projects including public arts.

The second 16B instrument authorises a total of $4.130 million in rollovers for the Department of the Environment, Climate Change, Energy and Water comprising $2.948 million net cost of outputs; $747,000 payments on behalf of the territory; and $435,000 departmental capital injection appropriations.

These rollovers of net cost of outputs include $1.401 million for programs to assist the community to reduce their energy and water consumption and waste; $605,000 for a range of climate change projects including improvement of monitoring greenhouse gas emissions, transition to weathering the change action plan 2, and community consultation on how proposed legislated greenhouse gas targets can be achieved; $369,000 for environment protection projects including finalising remediation works on the Civic petrol plume and a review of the Environment Protection Act 1997 and conservation legislation; and $310,000 for the finalisation of work associated with the expanded feed-in tariff and ACT solar power facility.

The rollovers for payments on behalf of the territory include $429,000 for the Office of the Commissioner for Sustainability and the Environment to prepare the state of the environment report and undertake investigations of trees and Canberra nature reserves; and $318,000 to correct the inadvertent transfer of an amount between DECCEW and the Department of Territory and Municipal Services pursuant to the administrative arrangements in November 2008 when the new department was established.

The rollovers for capital injection include $417,000 for the renewable energy technology showcase work at the west Belconnen child and family centre.

The third 16B instrument authorises a net total of $22.063 million in capital injection rollovers for ACT Health. The rollovers are made up of $28.313 million underspent on capital works projects offset by $6.250 million of accelerated capital projects; $4.256 million for the continuation and completion of the e-healthy future project; $3.815 million for costs associated with the procurement and installation of a PET/CT scanner project; $3.270 million for costs associated with clinical equipment for Calvary hospital $2.646 million for the continuation and completion of digital mammography; $2.513 million for the costs associated with linear accelerator procurement and replacement; $2.359 million for the continuation of the national health and hospital network, flexible funding pool; $2.146 million for the continuation and completion of the neurosurgery operating theatre; $1.688 million for the continuation of the national health and hospital network, elective surgery; and $1.669 million for the continuation of the national health and hospital network, emergency department.

Section 17 of the act enables variations to appropriations for any increase in existing commonwealth payments by direction of the Treasurer. The Department of Treasury has received $5.288 million in additional funding from the commonwealth for the first

homeowners boost and this increase in funding is due to higher than expected first homeowner boost payments being made during the current financial year.

Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Under these two instruments, $250,000 has been provided to the Chief Minister's Department to make donations on behalf of the ACT community to the Queensland flood relief appeal. These funds are essential to provide support and assistance to the flood relief effort across Queensland, including community recovery, rebuilding and repairing infrastructure, insurance advice, financial assistance and counselling for the community, primary producers and small businesses.

Additional detail regarding all instruments is provided in the statement of reasons accompanying each instrument.

I commend these instruments to the Assembly.

Paper

Ms Gallagher presented the following paper:

> Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 April to 30 June 2010, dated 17 September 2010.

Human Rights Act—declaration of incompatibility
Paper and statement by minister

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

> Human Rights Act, pursuant to subsection 33(2)—*Bail Act 1992*, section 9C—Declaration of incompatibility, dated 19 November 2010.

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

Leave granted.

MR CORBELL: In accordance with section 33(2) of the ACT Human Rights Act 2004, I present a copy of the declaration of incompatibility made on 19 November 2010 by Justice Hilary Penfold in the matter of an application for bail by Isa Islam.

Section 32(2) states:

> If the Supreme Court is satisfied that the Territory law is not consistent with the human right, the court may declare that the law is not consistent with the human right …

On 19 November 2010, Justice Penfold in the ACT Supreme Court declared:

> … section 9C of the *Bail Act 1992* (ACT) is not consistent with the human rights recognised in subsection 18(5) of the Human Rights Act, in that "Anyone who is awaiting trial must not be detained in custody as a general rule".

The declaration was made in the course of her decision in relation to an application for bail by Mr Isa Islam. Section 9C of the Bail Act requires special and exceptional circumstances to be established before bail can be considered for certain serious offences.

The ACT has a proud history in the protection and promotion of human rights, being the first jurisdiction in the nation to enact a legislative bill of rights. The ACT Human Rights Act was established as a dialogue model to encourage a meaningful dialogue on human rights issues between the three arms of government—the legislature, the judiciary and the executive—as well as with the broader community.

This model allows for a declaration of incompatibility made about the act. A declaration of incompatibility provides a trigger for further discussion between the three arms of government and the community on the issues that have been raised.

This is the first declaration of incompatibility made under the Human Rights Act. It therefore presents us with the first opportunity to work through our dialogue model of human rights law.

As Justice Penfold noted in her decision, the declaration has no impact on the operation of, in this case, section 9C of the Bail Act 1992. Any decision to change the legislation in question remains a matter for this Assembly. Nor does the declaration affect the outcome of the proceedings for the individual applicant in the case.

What the declaration does do is confirm the supremacy of the Assembly in determining how human rights are to be reflected in ACT laws through the legislative process. At the same time it signals a triumph for our dialogue model and gives us the opportunity for robust consideration of the issues raised and for our further development as a human rights jurisdiction.

Having said that, because the declaration is a conclusion of the court, to the extent that the government wishes to take issue with the decision in the court we are governed, like other litigants, by the court's time lines in relation to appeal processes. At this stage the government's position in relation to the litigation is that it disagrees with the conclusion that Her Honour reached about this particular law and the analysis that led Justice Penfold to her decision.

In the circumstances, I take the opportunity to inform the Assembly that on 17 December last year I filed an appeal from Justice Penfold's decision in the matter of an application for bail by Isa Islam that section 9C of the Bail Act is not compatible with the Human Rights Act.

As it happens, in the meantime these matters are, in part, also being addressed by the High Court in another case currently on appeal from Victoria, Monsilovic v the Queen and others, in relation to the operation of Victoria's human rights legislation. The ACT is an intervener in those proceedings, which were heard by the High Court on 8 February this year.

This does not mean that the government will hold off on considering section 9C of the Bail Act. If the dialogue brought about by this declaration of incompatibility results in proposals by the government to change the legislation, any decision on those changes will ultimately have to be made by this place.

The government's appeal will not affect the other orders made by Her Honour in Islam; nor does it affect my obligation to present the declaration of incompatibility to the Assembly and, in due course, provide a response to it. As attorney, I will prepare a written response to the declaration of incompatibility and present it to the Assembly no later than six months from today as required by section 33(3) of the Human Rights Act.

Given that the Human Rights Act commenced operation on 1 July 2004, one might have reasonably expected that a declaration would have been made before now. The fact that none has been made is a sign that the assessment of human rights compatibility being undertaken by my department and by other government agencies in the formulation of policy proposals, and indeed through this Assembly's own scrutiny of bills committee, is working well.

Now that a declaration has been made, I welcome the opportunity to engage in a healthy and productive dialogue with the ACT community, other arms of government and, of course, members in this place over the next six months about the human rights issues raised in this decision.

Papers

Mr Corbell presented the following papers:

> Civil Law Wrongs Act, pursuant to Schedule 4, subsection 4.60(3)—Review of Schedule 4—Report on the outcome—Professional Standards, dated February 2011.
>
> **Performance reports**
>
> Financial Management Act, pursuant to section 30E—Half-yearly departmental performance reports—December 2010, for the following departments or agencies:
>
> ACT Health.
>
> ACT Planning and Land Authority.
>
> Chief Minister's Department, dated January 2011.
>
> Department of Disability, Housing and Community Services, dated January 2011.
>
> Department of Education and Training, dated January 2011.
>
> Department of Justice and Community Safety.
>
> Department of Land and Property Services.
>
> Department of Territory and Municipal Services—
>
> Minister for Territory and Municipal Services Portfolio.
>
> Minister for Tourism, Sport and Recreation Portfolio.

Department of Treasury, dated January 2011.

Environment, Climate Change, Energy and Water Portfolio.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Auditor-General Act and Legislation Act—Auditor-General Standing Acting Appointment 2011—Disallowable Instrument DI2011-5 (LR, 20 January 2011).

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2010 (No 7)—Disallowable Instrument DI2010-302 (LR, 20 December 2010).

Board of Senior Secondary Studies Appointment 2010 (No 8)—Disallowable Instrument DI2010-304 (LR, 20 December 2010).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2010 (No 2)—Disallowable Instrument DI2010-311 (LR, 23 December 2010).

Corrections Management Act—Corrections Management (Indigenous Official Visitor) Appointment 2011—Disallowable Instrument DI2011-3 (LR, 17 January 2011).

Education Act—Education (School Boards of School-Related Institutions) Murrumbidgee Education and Training Centre Determination 2010—Disallowable Instrument DI2010-293 (LR, 25 November 2010).

Financial Management Act—Financial Management (Investment and Borrowing) Guidelines 2010—Disallowable Instrument DI2010-295 (LR, 2 December 2010).

Fisheries Act—Fisheries Prohibition and Declaration 2010 (No 2)—Disallowable Instrument DI2010-285 (LR, 9 December 2010).

Food Act—Food (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-2 (LR, 13 January 2011).

Gaming Machine Act—Gaming Machine (Maximum Number of Gaming Machines) Declaration 2010 (No 1)—Disallowable Instrument DI2010-294 (LR, 8 December 2010).

Government Agencies (Campaign Advertising) Act—

Government Agencies (Campaign Advertising) Exemption 2010 (No 6)—Disallowable Instrument DI2010-290 (LR, 22 November 2010).

Government Agencies (Campaign Advertising) Exemption 2010 (No 7)—Disallowable Instrument DI2010-296 (LR, 6 December 2010).

Government Agencies (Campaign Advertising) Exemption 2010 (No 8)—Disallowable Instrument DI2010-303 (LR, 20 December 2010).

Government Agencies (Campaign Advertising) Exemption 2011 (No 1)—Disallowable Instrument DI2011-6 (LR, 24 January 2011).

Government Agencies (Campaign Advertising) Exemption 2011 (No 2)—Disallowable Instrument DI2011-7 (LR, 24 January 2011).

Government Agencies (Campaign Advertising) Exemption 2011 (No 3)—Disallowable Instrument DI2011-8 (LR, 24 January 2011).

Health Act—Health (Fees) Determination 2010 (No 5)—Disallowable Instrument DI2010-298 (LR, 16 December 2010).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-1 (LR, 6 January 2011).

Liquor Act—Liquor Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-48 (LR, 30 November 2010).

Magistrates Court Act—

Magistrates Court (Liquor Infringement Notices) Regulation 2010—Subordinate Law SL2010-47 (LR, 30 November 2010).

Magistrates Court (Smoke-Free Public Places Infringement Notices) Regulation 2010—Subordinate Law SL2010-50 (LR, 7 December 2010).

Magistrates Court (Tobacco Infringement Notices) Regulation 2010—Subordinate Law SL2010-49 (LR, 7 December 2010).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2010 (No 5)—Subordinate Law SL2010-45 (LR, 22 November 2010).

Planning and Development Act and Financial Management Act—

Planning and Development (Land Agency Board) Appointment 2010 (No. 4)—Disallowable Instrument DI2010-297 (LR, 23 December 2010).

Planning and Development (Land Agency Board) Appointment 2010 (No. 5)—Disallowable Instrument DI2010-313 (LR, 23 December 2010).

Public Health Act—

Public Health (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-314 (LR, 23 December 2010).

Public Health Risk Activity Revocation 2010 (No 1)—Disallowable Instrument DI2010-291 (LR, 22 November 2010).

Public Place Names Act—Public Place Names (Forde) Determination 2010 (No 1)—Disallowable Instrument DI2010-299 (LR, 16 December 2010).

Public Sector Management Act—Public Sector Management Amendment Standards 2011 (No 1)—Disallowable Instrument DI2011-4 (LR, 20 January 2011).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2010 (No 2)—Disallowable Instrument DI2010-301 (LR, 16 December 2010).

Road Transport (General) Act—Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2010 (No 1)—Disallowable Instrument DI2010-312 (LR, 23 December 2010).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2010 (No 1)—Disallowable Instrument DI2010-306 (LR, 20 December 2010).

Taxation Administration (Amounts Payable—Eligibility—Home Buyer Concession Scheme) Determination 2010 (No 2)—Disallowable Instrument DI2010-310 (LR, 20 December 2010).

Taxation Administration (Amounts Payable—Eligibility—Pensioner Duty Concession Scheme) Determination 2010 (No 2)—Disallowable Instrument DI2010-308 (LR, 20 December 2010).

Taxation Administration (Amounts Payable—Thresholds—Home Buyer Concession Scheme) Determination 2010 (No 2)—Disallowable Instrument DI2010-309 (LR, 20 December 2010).

Taxation Administration (Amounts Payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2010 (No 2)—Disallowable Instrument DI2010-307 (LR, 20 December 2010).

Transplantation and Anatomy Act—Transplantation and Anatomy (Designated Officers) Appointment 2010 (No 1)—Disallowable Instrument DI2010-292 (LR, 22 November 2010).

University of Canberra Act—
University of Canberra Council Appointment 2010 (No 1)—Disallowable Instrument DI2010-305 (LR, 20 December 2010).
University of Canberra Council Appointment 2010 (No 2)—Disallowable Instrument DI2010-315 (LR, 23 December 2010).

Utilities Act—Utilities (Electricity Network Use of System Code) Determination 2010 (No 1)—Disallowable Instrument DI2010-300 (LR, 16 December 2010).

Work Safety Act—Work Safety Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-46 (LR, 25 November 2010).

Education, Training and Youth Affairs—Standing Committee
Report 5—government response

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): For the information of members, I present the following paper:

Education, Training and Youth Affairs—Standing Committee—Report 5—*Needs of ACT Students with a Disability*—Government response.

I move:

That the Assembly take note of the paper.

I am pleased to table the government's response to the inquiry into the needs of ACT students with a disability. The government's goal in education is to ensure that all ACT students reach their full potential and that lifelong opportunities are available for all.

For the young people in our schools who have a disability, this means making the necessary adjustments to ensure that they can participate and access their educational program on the same basis as their peers.

We are seeing a growing number of students with a disability in ACT schools, and the complexity of their needs is also increasing. It is, therefore, timely that we do stop and reflect on what we have achieved and what our next steps should be.

The ACT Department of Education and Training is a leader in providing quality education for students with a disability. The department provides an extraordinary breadth and depth of services, a fact acknowledged in the recent and extensive review of special education in ACT schools. Students in ACT schools benefited from skilled and professional teachers, and students have access to a range of classes and support programs to meet their individual needs.

Parents, too, acknowledge the quality of our education provision. In 2010 a survey of parents of students with a disability showed 90 per cent indicated satisfaction with their child's progress.

Whilst we perform well in the area of disability education, we must always strive to do better. The outcome of the Assembly inquiry and, before it, the review of special education in ACT schools has provided a wealth of evidence that will allow us to more effectively build on and improve our current services. The inquiry conducted by the standing committee resulted from a commitment given by the government as part of its agreement with the Greens party. The inquiry overlapped with the review of special education in ACT schools, or the Shaddock review, as it has come to be known.

I am pleased to inform the Assembly that significant work has already been undertaken around the findings, recommendations and options of these two significant pieces of work. One specific outcome of the Shaddock review has been the development of the excellence in disability education in ACT public schools strategic plan 2010-13. This was a central recommendation of the review. The strategic plan was launched in September last year after significant collaboration with stakeholders, and work on implementation is already well underway.

The plan picks up on the key findings of the Shaddock review, and although released prior to the Assembly's inquiry, it addresses many of the issues raised by the committee. Indeed, at the time the department launched its plan, the Catholic Education Office launched the disability education strategic plan 2010-14—equity, diversity and inclusion in Catholic education. This is a high watermark in cross-sectoral collaboration to support all Canberra students who have a disability.

In relation to the 30 recommendations made by the committee, the government agrees with 18, agrees in part to four, notes seven and disagrees with just one. The government agrees or agrees in part with recommendations that relate to strengthened liaison between education sectors, individual learning plans, student outcomes, a review of the ACT Discrimination Act, the definition of disability, funding costs, costs of service delivery and the appraisal of need process, coordination of information sources, inclusive technology and transport assistance, post-school options and planning, including vocational education pathways and maximising the use of learning support assistance.

The government does not agree with the recommendation that seeks assurance that the formula used to determine funding for post-school options be based on the number of students graduating each year. This is because the funding provided to each student graduating from high school is based on the needs of the individual, not on a formula.

I am pleased to advise the Assembly that many of the recommendations either have been or are in the process of being delivered through the implementation of our excellence in disability education strategic plan. In particular, I would like to draw to the attention of the Assembly the establishment of a cross-sectoral disability education steering group, comprising representatives of the public and non-government school systems.

This steering group has a major role in areas such as school leadership, sharing resources to support students with a disability, transition of students between sectors, and cross-government service agreements. I am confident the enhanced collaboration between education sectors will contribute to a consistently higher service delivery for students with a disability in ACT schools.

Other actions that have taken place in disability education over the last year that relate to the inquiry include closer collaboration with tertiary institutions, the continued provision of quality professional learning, and commencing the development of service agreements between ACT government agencies.

The disability education reference group, comprising representatives of key disability advocacy groups, parents and service providers, has a revitalised role monitoring the delivery of the department's strategic plan. Terms of reference and membership of the disability education reference group have been updated to reflect this role.

The recommendations of the inquiry also provide useful new directions that were not directly addressed in either the strategic plans or the Shaddock review. For example, the recommendation that the department incorporate questions about transition planning into the annual parent satisfaction survey will be actioned and will provide useful feedback on the effectiveness of transition planning.

In closing, I would like to commend members of the standing committee for the way in which they conducted the inquiry and arrived at the recommendations contained within the report. I would also like to acknowledge the valued contribution of parents and disability advocacy groups to the inquiry. Finally, I would like to restate the government's continuing commitment to high quality education and lifelong learning opportunities for all students in the ACT education system and thank the committee for their work.

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

Planning and Development Act 2007—schedule of leases
Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing): For the information of members, I present the following paper:

> Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 October to 31 December 2010.

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

Leave granted.

MR BARR: Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter outlining the details of

leases granted by direct sale. The schedule I have just tabled covers the leases granted for the period 1 October to 31 December 2010. Forty-nine single-dwelling house leases, six of which were land rent leases, were granted by direct sale for the quarter.

Planning and Development Act 2007—approval of variation
Papers and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing): For the information of members, I present the following papers:

> Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 298 to the Territory Plan—Structure Plan, Concept Plan and Zone Changes—Holt Section 99 Part Block 11, dated 1 February 2011, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.
>
> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 8—Variation to the Territory Plan No. 298—Holt Section 99 Part Block 11 (Belconnen Golf Course)—Structure Plan, Concept Plan and Zone Changes—Government response.

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

Leave granted.

MR BARR: The government is responding to the committee recommendations. In recommendation 1, the committee recommends that the proponent maximises solar orientation for the development. This is noted. The developer would need to have an estate development plan assessed against the relevant codes in the territory plan before the land could be approved by the ACT Planning and Land Authority. New estates need to satisfy the solar orientation provisions in the residential subdivision development code before the estate development plan could be approved.

The committee recommends that ACTPLA ensure open space provisions within a development are adequate for the proposed dwelling density and suitable for a variety of recreation and relaxation uses. This is noted. The residential subdivision code in the territory plan also contains requirements for the provision of open space in new estates, and an estate development plan would need to be assessed against this code to ensure adequate space is provided for recreation and relaxation uses by future residents.

The committee recommends that the design of the estate facilities feature bus access. This is noted. The proposed estate development plan would have to be consistent with the relevant codes of the territory plan, and the proposal includes provision for bus services to access the community centre. The residential subdivision development code includes provisions to ensure proposed street configuration is consistent with relevant Austroads guidelines for geometric road designs.

Recommendation 4 of the committee is that ACTION investigate offering bus services to the estate. Again this is noted. It is not an issue that can be dealt with

through the territory plan variation process. The planning of bus routes operated by ACTION is administered by Territory and Municipal Services but ACTION has indicated to date it is unable to make a commitment to the service until the assessment of the final roads plan has been completed.

Recommendation 5 of the committee is that mature remnant native trees in good condition be retained within open space wherever possible. This is agreed. The residential subdivision development code provides for the protection and retention of all exceptional high and medium-value trees identified in the tree management plan and endorsed by the Conservator of Flora and Fauna. The conservator is consulted as part of the estate development plan assessment process prior to its approval by ACTPLA.

Recommendation 6 is that the committee recommends that the variation to the territory plan proceed subject to the recommendations I have just outlined above, and the government notes that.

In response to the additional comments made by Ms Le Couteur that the development should include a mix of household and dwelling types, this is noted. The draft variation will establish a residential RZ1 suburban zoning for the site to allow development of a mix of dwelling types within a low-density residential environment. A combination of both multi-unit and single dwellings is proposed for the site. The planning report and the proponent have indicated that the estate will be marketed to persons nearing retirement and retirees. Nonetheless, this would not prevent a mix of households moving into the estate.

Ms Le Couteur also recommended that ACTPLA should ensure that the development is consistent with reducing the ACT's greenhouse gas emissions by 40 per cent. This is noted. The estate development plan for this development will be assessed against the relevant codes in the territory plan, and the ACT government is committed to reducing greenhouse gas emissions in the territory.

The planning policy is being reviewed under the sustainable futures program and changes to the territory plan have been proposed to reduce greenhouse gas emissions by improving solar access for residential development via some separate draft variations. A reference group has reviewed these changes, after many comments were received on the drafts. The timing of the finalisation of these variations will be in the very near future, subject to a cabinet process, and then the development will need to be consistent with the provisions of the territory plan that are in place at the time it is assessed.

Ms Le Couteur's recommendation 3, that a bus service should be provided as part of the development and that, if the ACT government is not about to do so, then the development should not proceed, is not agreed. ACTION and the Department of Territory and Municipal Services have been consulted about servicing the estate and this advice has been included in the response to recommendation 4 above.

Ms Le Couteur's final recommendation is that the existing estate be modified to allow a bus service and the bus service should be provided for both the new and the existing development and that the modifications to the road network to allow a bus service

should be at the expense of the developers. This is noted. Advice from ACTION via Territory and Municipal Services about servicing the existing proposed estate has been included in the response to recommendation 4 of the report above. ACTION does advise, though, that the residents in the existing estate have previously opposed plans to run buses due to their concerns about noise and pollution.

With that, I commend the variation to the Assembly.

Diversionary practices in youth justice
Paper and statement by minister

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (4.12): For the information of members, I present the following paper:

> Towards a diversionary framework for the ACT—Discussion paper, prepared by the Department of Disability, Housing and Community Services, dated 14 February 2011.

I move:

> That the Assembly take note of the paper.

I am pleased to table today for the information of members a copy of the ACT government's discussion paper *Towards a diversionary framework for the ACT*. This paper has been formulated to engage stakeholders in a dialogue on the way forward to promote better futures for young people in, or at risk of, contact with the youth justice system.

The ACT justice system has as one of its fundamental principles the notion that rehabilitation is possible for every offender. Indeed, international research tells us that a high rate of incarceration does not equate to lower crime rates. In fact, it is quite the opposite.

That is why the ACT government has for some time now been working on this discussion paper, which has as one of its core objectives to address the underlying factors that are contributing to the ACT's higher than average remand rates for juveniles and an over-representation of Indigenous youths in our juvenile justice system. A closer examination of these detention figures in the ACT reveals that many of the short-term remand periods that we are seeing can, or ought to be, preventable.

We need a considered approach to the bail processes around juvenile justice. The objective of this paper is to improve our juvenile justice system so we do not have bail conditions that are unnecessarily difficult for young people and conditions that of themselves place additional and unnecessary pressures on families.

It is around supporting young people on bail to ensure that they have adequate support while on bail to help them to comply with their conditions. We know that periods of

detention, no matter how short, are disruptive to a young person's education, employment and family life.

Every young Canberran deserves opportunities to lead a fulfilling life. As a government and as a community, we must all take collective responsibility to provide those opportunities, whether they be in education, skills development, jobs, welfare or recreational activities.

We are fortunate that the current generation of young Canberrans, for the most part, do have these opportunities and we celebrate their achievements and contribution to our community. I am pleased to say that the government and its community partners have been actively engaged in that role, and I can give you a few examples.

The PCYC has a great commitment to developing young people's social skills such as self-discipline and understanding of behavioural expectations within the community. Gugan Gulwan Aboriginal Corporation has a range of fantastic primary healthcare programs for Indigenous young people and their families. Winnunga Aboriginal Health Service offers parenting programs to Indigenous families, which include behavioural management skills for parents to minimise at-risk behaviours of young people.

While these services exist we cannot ignore the fact that there are young people here in Canberra that are at risk of ongoing contact with the juvenile justice system. This government has had a longstanding commitment to divert young people from the justice system in the ACT. It is an important objective not only for the young people themselves but also for our community as a whole.

I am sure that all members would share my concern at some of the figures on youth justice that have been reported in recent studies, including the Australian Institute of Health and Welfare and the Productivity Commission report on government services.

The latest published data tells us that the ACT has the third highest rate per thousand young people aged between 10 and 17 years in detention. We have the second highest rate per thousand young people aged 10 to 17 under youth justice supervision. But it is the story behind these statistics that should inspire the greatest concern.

Each of us in this place realises the effect of youth crime and the costs of disengagement and antisocial behaviour on our community. But what is most concerning is the impact of a period of remand or custody on our young people. Research tells us that their education, their job prospects, their personal relationships and their futures are all affected. It is not surprising then that a period of custody has such an effect when those young people in contact with it are among the most vulnerable in our community.

There is also, as I stated, over-representation of Aboriginal and Torres Strait Islander young people in our juvenile justice system. I am very concerned about our rate of Indigenous young people in custody. Of the 30 young residents in Bimberi last week, 15 were from Aboriginal and Torres Strait Islander background. Those statistics just cannot be ignored.

This is why this government has put together this discussion paper which outlines what is presently working well in the ACT and to pose questions about making improvements that promote a more positive and inclusive future for all young Canberrans. The paper takes a broad approach to juvenile justice including preventative strategies, diversion, bail, custody and alternative sentencing in the framework of human rights principles.

There are 34,808 young people between the ages of 10 and 17 in the ACT. We know that, as it stands now, 967 of these will have some level of contact with the criminal justice system during these years. In fact, research tells us that by focusing on the risk factors that have the potential to lead a young person into contact with the justice system—that is, by providing assistance such as educational support, cultural-strengthening activities and support and recreational pursuits for young people at risk before first contact with police—our chance of reducing future offending behaviours are improved considerably.

The police are an integral front-line point of diversion in the youth justice system, de-escalating criminal behaviour with the use of cautions or warnings as an alternative to prosecutions. There are specific programs for drug and alcohol diversion practised by community policing in collaboration with ACT Health. The court also implements a range of sentences and orders available to it to redress juvenile criminal behaviour and to facilitate the young person's transition into the community.

There is a restorative justice unit facilitating face-to-face meetings with victims and offenders with a high compliance rate for restorative justice arrangements. While these and other systems are in place, it is important that as a government, judiciary and community we continually review our performance.

This discussion paper also poses the question of the need for joined-up and integrated youth justice services to embed diversionary policies in the daily work and activities of agencies. It seeks engagement on issues around diversionary principles and policies and the value of embedding these works into all relevant government agencies, non-government organisations and the service system.

The paper puts forward questions for stakeholders and our broader community on the service system, models of diversion, the collection of data on diversionary activity, considers the legislative framework and provides an overview of the programmatic response of other jurisdictions. It also provides examples and case studies to illustrate the diversionary options available to authorities in responding to young people who have contact with police or who enter the justice system.

One key issue identified is the need for better support for young people and police in relation to after-hours arrest for alleged offences or breaches of bail. All of the models considered in the paper are designed to support vulnerable young people to meet their bail conditions in the first place while still remaining in the community.

There is a cogent body of evidence to suggest that these services provide real assistance to young people in reducing criminal behaviour, and I look forward to receiving feedback on how these models might be effective within the ACT.

The ACT legislative operational policy framework provides a strong foundation for addressing the issues that lead young people into the criminal justice system. What is needed now is an open and inclusive conversation on what needs to be done to improve outcomes for young people beyond the current practice, to better meet the needs of young people at risk and provide a continuum of effective diversionary options.

The issues in this paper are bigger than politics. They involve all within our society. They require involvement, engagement and support by all of us who desire a positive future for all young Canberrans. I am sure that all of us would agree that each and every young person in the ACT should have the opportunities to achieve all that they can.

Effective diversion at the earliest opportunity will not only support young people to reach their potential but also pay a long-term dividend to the community as a whole. I encourage all members to be part of this dialogue and I look forward to the contributions from all practitioners, researchers, advocates and supporters of young people within the ACT.

MRS DUNNE (Ginninderra) (4.22): I welcome the paper that the minister has brought forward in relation to diversionary programs and the youth justice system. But in doing so, I am somewhat perplexed that this paper is being brought forward and there is a consultation process that seems in no way to relate to the Assembly's established inquiry into the youth justice system.

The Labor Party and the Greens have gone to great lengths to say that the inquiry is a good inquiry, that it has been broadened from what was apparently a narrow approach from the Canberra Liberals. But then at the same time we have this process here. The minister has not at any stage in her remarks here or her remarks yesterday said how this will interface with the inquiry into the youth justice system.

It seems to me that the government is not serious about really looking into the youth justice system. I call upon the minister to come back into the Assembly and explain to the Assembly how this consultation process and how the engagement of people across the community—I note her last paragraph about encouraging a dialogue and looking forward to contributions from all practitioners, researchers, advocates and supporters of young people in the justice community—will feed into the inquiry set up by this Assembly.

I hope that the minister is not trying to circumvent that inquiry and I call upon her to tell the Assembly how these two things will fit together. If they do not fit together and she cannot give a satisfactory explanation, I undertake to bring this matter back more formally and require the minister to have these two things linked together.

Question resolved in the affirmative.

Economy—cost of living pressures
Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Hanson be submitted to the Assembly, namely:

> Cost of living pressures on Canberra families.

MR HANSON (Molonglo) (4.25): I rise today to talk about a matter that is very important to many Canberrans, particularly Canberra families—that is, the struggle that so many people have to run their households, to feed their families, to send their children to childcare and to maintain their health. Today's motion is really about Mr and Mrs Average—Mr Average or Ms Average, if they are single—and the pressure that this government is putting on them with their out-of-touch policies and wasteful spending of taxpayers' money.

It is a timely issue, Mr Assistant Speaker. If you read today's *Canberra Times*, there is an article that shows the real pressures that Canberra families are facing. It shows that CPI is simply one measure of inflation and that, for the majority of citizens, it is irrelevant as a measure of the impact of the rising cost of living that they face.

The Australian Bureau of Statistics cost of living indices—which look at different groups in the community, not just an average across all people—measure the impact of rising prices according to particular spending habits. The data show that the living costs for households whose main source of income is a salary or wage—and that is obviously the vast majority of those in the ACT—rose by 4.5 per cent over the last year compared to a CPI rise of 2.7 per cent. That is a significant difference.

For old age pensioners—pensioners and people who are on—

MR ASSISTANT SPEAKER (Mr Hargreaves): Excuse me, Mr Hanson; ministers, could you keep the low hum down to a lower hum, please. Thank you.

MR HANSON: We know that they are already struggling to keep the roofs over their heads and cope with the increasing cost of living, but for them that cost of living rose 3.1 per cent, which represents a 48.4 per cent increase in the cost of living since 1998.

These statistics reflect what I am hearing from the community. I have been out and about as much as I can. I have been out doorknocking in Amaroo to listen to what young families have got to tell me. What you will hear from a lot of young families—a lot of the young mothers that are at home during the day—is that the cost of childcare in this town is simply outrageous. The median weekly cost for childcare is $345; that is $60 higher than the Australian average and $16 higher than it was last year.

Those of you with friends, and I have many, who have their children in childcare, as my own son was until recently, will know that they are struggling. There are a lot of people struggling to meet exorbitant costs, particularly if you have got two or three children.

And what if you talk to senior citizens? I have done that as much as I can in places like Weston and Dickson, where Mr Barr lives. You will hear about the steep price rises in electricity.

Mr Barr: Famous, please.

MR HANSON: The famous Mr Barr in Dickson. It is not just young singles in Dickson; there are a lot of retirees and pensioners there as well. They have real difficulties in coping with the rising cost of living pressures—things like electricity, which means that when it comes to winter or the summer heat, their ability to run heating or air conditioning in their homes is limited. That is a terrible thing. The average household energy bill has increased by more than $500 in the last six years.

If you go out to places like the Mawson shops, Cooleman Court or the Dickson shops, you will find people who will tell you about the rise in rental costs—how high housing prices are preventing them from setting up their own homes. They are stuck in that rental cycle. And the cost of rates, for those who can actually afford their own home, has increased on average by 75 per cent across the board in the ACT in the last nine years since the Labor government came into power.

My colleague Mr Seselja will be talking on this MPI and will be highlighting the difficulties that ACT residents are finding when it comes to housing affordability, be it affording their own home or renting. Katy Gallagher will tell you that everything is hunky-dory in the ACT, that everything is okay. She will tell you that we are trying to skew statistics, no doubt, and that no-one is facing any pressures—that we have low unemployment, that everyone can get a job, that we have the highest average income. Some of these are the arguments that they use.

Ms Gallagher interjecting—

MR HANSON: The point is that for many people—

MR ASSISTANT SPEAKER: Order, members! Treasurer, would you mind not baiting Mr Hanson, please.

MR HANSON: Many people in the ACT simply cannot afford holidays in Spain—cycling through Spain—or the sort of holidays Ms Gallagher takes, tasting wine through the south of France. There are a lot of people that are on quite low incomes—they might be classified as on mid or low incomes; they are not in the poverty bracket—who really struggle to manage the necessities of life and do not even dream of the sort of holidays that others can afford.

Members interjecting—

MR ASSISTANT SPEAKER: Order, members! No conversations across the chamber, please! Could you address your remarks, interjections included, through the chair, please?

MR HANSON: You have got to look at the high average wages that we have. Indeed, that is the case, and a lot of people are doing very well in Canberra. That is great; there are a lot of people doing very well. But you have got to remember that there are a lot of people that do it really tough as well. Although we do have high average wages, there are a lot of people—they could be a nurse; they could be a childcare worker; they could be an APS5 in the public service; someone in that category who is a mother, a father or whatever arrangement they have, and they may have young children—who are struggling with the cost of education or childcare or who have got a big mortgage. These people do not classify among the 10 per cent of Canberrans who might be considered poor, but they really do struggle with the cost of living.

You meet these people on a daily basis out in the suburbs. Although they do not classify as being poor, when you look at the cost of living pressures that are being applied on them you can see that, by the time they have paid all the bills that they have, their disposable income is really minimal. Be it from the rental prices they are paying, the mortgages they have got to pay, the water prices or the electricity, what they are left with at the end of the day is minimal.

When we look at electricity costs, we see that they have risen by over 69 per cent since this government took office. Water prices have gone up over 106 per cent; rents have gone up 54 per cent; and the cost of public transport has gone up 31 per cent. But salaries have not doubled or gone up at the same percentage. You would see that if you talked to nurses, if you talked to the lower rank public service officers that we have in the ACT and in the federal public service. They simply have not kept pace: their wages have not kept pace with the cost of living pressures that have affected them.

Does the government play a role? Of course it does. The government will try and emphasise that, when it comes to these factors, the market is a significant factor. I do not disagree with that; the market does play a role. But quite clearly also the government plays a role. This is where the government needs to take some responsibility and acknowledge that its policies for the last nine years across that broad range of factors that I have just discussed have really put pressure on families in the ACT and made their lives harder. That is the net result of many of the policies.

This government is in many ways incapable of running its own budget effectively. If you look at the half-yearly reports today, you will see $200 million for the first half of 2010-11 that is above the projected figure. We see that expenditure is $36 million above the budgeted amount. And this is in an era where the government is arguing that its expenditure is restrained. It is difficult to see how the government is able to argue that the people of the ACT need to be managing their budgets more effectively when it cannot even manage its own.

Members interjecting—

MR ASSISTANT SPEAKER: Order, members! Four to one is not a fair fight.

MR HANSON: Let us turn, then, to some of the spending measures that we have seen from the ACT government. One of the most talked about is the Arboretum. This came up as a matter of debate previously in this place. At that time, the minister interjected and was saying to me, "All your mates in the business community like the Arboretum, Jeremy." This is the point. On the cocktail circuit or in talking to business and people at the top end of town—they probably do like the Arboretum. When they drive past, I think that a lot of people in the ACT say, "That is going to be nice."

The point is that it is a matter of priorities. If you are out there in the suburbs, if you are living in Weston Creek, Tuggeranong, Belconnen or Gungahlin, it is a matter of priority. Yes, you might like an arboretum, but was that where you wanted the ACT government to be spending their money? Did you want them to be spending their money on the feed-in tariff? Did you want them to be spending their money on public artwork on the side of the road? If you talk to many Canberrans—not the top end of town; not the people you hang out with, Mr Barr, potentially—and if you go out there into the suburbs, if you go out and have a chat—

Mr Barr interjecting—

MR ASSISTANT SPEAKER: Order, members! Mr Hanson, through the chair, please.

MR HANSON: you will find out what they have got to say about things like public art and about the Arboretum. And of course there was the Cotter Dam—was it the tripling of the cost of the Cotter Dam?—and the impact that that is going to have on families. The increase there has been deferred till close to the next election.

You can see that these are not price increases that have just happened in the first nine years of this government; they are planning on it further on. Hopefully, we will have a Liberal government by that time.

While Mr Corbell is here, we could probably talk about the jail—the expense that we have seen in the jail and the pressure that that puts on the budget. In 2009-10, each prisoner was costing us $477 per day. We know that we have got bunk beds being retrofitted into the jail because it is full, and we know that the government is considering the need to further expand the jail. When it comes to priorities, when it comes to expenditure, spending so much both on the capital outlay and then on the operational cost of the jail, when so many families are doing it tough to just put a roof over their own heads, this is where the people of the ACT, the families of the ACT, question this government's spending priorities.

What about health? Health is not an area that is immune to cost of living pressures. If you are a Canberran and you are trying to find a bulk-billing GP, good luck. We have the lowest number of bulk-billing GPs in the country. If you do find a GP, and you do pay for one, what you will find is that you pay more per episode of care—per consultation with a GP—in Canberra than anywhere else in the country.

In and of themselves, each one of these probably does not sound like such a big deal, but what happens when you look at the cumulative effect, be it from visiting a GP, your water bill, your electricity bill, your rent, your rates or childcare prices and so on? Your collective bill means that at the end of the week many struggling families here in the ACT have got nothing left. What they see is this government with spending priorities that are unaligned with their own priorities. They see a government that is focused on arboretums, on pet projects, on roadside art and on jails, rather than on measures that could alleviate some of the cost of living pressures that they are facing.

It seems that this is a government that is driven by ideology, be it with the 40 per cent reduction in greenhouse gas emission targets that it is chasing, and the unknown costs that that is going to place on Canberra families, or the drive to ban plastic bags, which is absolutely nonsensical. Talk to anybody: everybody uses their plastic bags as bin liners. It is a nonsensical policy. That is just another measure. People say that it is only 5c a bag or whatever it may be, but by the time you add the cumulative effect of that and all the other measures again, it is about this government pursuing an ideological agenda over prioritising reducing the cost of living pressures on Canberra's families.

No doubt the Greens will have something to say about this. They will probably bang on about peak oil. It seems that their response—they were talking about it in question time today, but this is something that the people have been talking about since I think the early 1970s—is peak oil. I look forward to how they weave that into their narrative on looking after the families of Canberra and how we can reduce their cost of living pressures. It is quite clear that, just as the Labor Party is getting out of touch when it comes to cost of living pressures, so are the Greens. We have the scramble by the new Mike Hettinger of the Labor Party, Simon Corbell—Mr Monergy—to try and be the greenest that he can, to out-green Mr Rattenbury.

When it comes to middle income families, they are facing extraordinary pressures. It is important that we recognise in this place that there are people that are doing it very hard at the bottom end of society, and there are people who are doing quite well at the top, but for the vast bulk of Canberrans in the middle the cost of living pressures brought about by the policies of this government are hurting them badly.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (4.40): I welcome the opportunity to discuss cost of living pressures in the ACT through this matter of public importance today. I think we have just heard the leadership-type speech from Mr Hanson, surrounded by all his followers—none. No-one is here to listen to it from his own side, but it was the usual Mr Hanson. I had hoped that there had been some progress over the long summer break, but no. It was full of the barbs and nastiness that we experienced last year—swipes at me for having a holiday in France that I saved up for myself. All very nice! The Assembly has not grown up, and it is pretty sad that in our 21st year we are still dealing with these kinds of bottom-of-the-barrel attacks from Mr Hanson, but we will continue to expect that.

In terms of the cost of living pressures, there is no denying that cost of living is increasing right around the country and, indeed, right around the world. It is an issue for those less fortunate than ourselves and for whom meeting cost of living increases presents significant challenges. There is no denying that there is a level within our community that face financial hardship. That community has always been in the hearts of the Labor Party, always been in our thoughts and always been in our policies and our decision making to make sure that we look after those who need that extra bit of assistance. It is probably an element of our community that has not, until recently, experienced the focused attention of the Canberra Liberals, but we are pleased to welcome them to an area that, in a sense, formed the basis of our political party so many years ago.

Mr Hanson interjecting—

MS GALLAGHER: When we just take some of the emotion of today's speech—

Mr Hanson interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Hanson, I remind you about the warning.

Mr Hanson: There were constant interjections when I was speaking.

MR ASSISTANT SPEAKER: And I protected you, and I will not do it again.

MS GALLAGHER: It is important to look at some of the hard, cold data around this. It is very clear that Canberra's annual consumer price inflation remained the lowest in the country and has so since the June quarter 2010. Actual annual consumer price inflation in Canberra in the last three quarters was 0.7 percentage points lower than the national average. I know this data is impersonal; it is not emotional; it does not say that there is no-one experiencing financial hardship. But what it does acknowledge is that we are seeing prices go up everywhere. Canberrans are not experiencing the highest increases in that area.

The latest ABS publication on cost of living indexes suggests that the cost of living is increasing right across Australia. Our expectation is that costs might even increase in Victoria and WA, even though they have got new Liberal governments in place. It is just a feeling I have. I think that the cost of living increases might stretch right across the country, regardless of what political flavour a state or territory government is.

When we look at the CPI data for the December quarter, food prices in Canberra increased by two per cent compared to an increase of 2.5 per cent across Australia. Alcohol and tobacco prices increased by 9.6 per cent compared to an increase of 11.4 per cent across Australia. Clothing and footwear prices declined by 5.5 per cent in Canberra while the Australian rate of decline was 4.8 per cent.

Housing costs in Canberra increased by 3.3 per cent compared to an increase of five per cent across Australia. Health costs increased by 4.8 per cent in Canberra, also lower than the national inflation rate of five per cent. Transportation costs increased

by one per cent in Canberra, lower than the national increase of 1.7. Education costs increased by 4.5 per cent compared to the increase nationally of 5.7. Financial and insurance services increased by 1.7 per cent, lower than the national increase of 2.2 per cent.

It is also important to know—I think Mr Hanson acknowledged it in his speech—that there are cost of living pressures that are beyond the control of the ACT government. For example, market forces, weather patterns, the value of the Australian dollar, commonwealth government policies and decisions of independent pricing authorities also impact on prices. When comparing cost of living, it is also necessary to make assessments in the overall context—comparisons against national averages and other jurisdictions, comparisons of household incomes and the phase of the business cycle.

There is a whole range of information available on cost of living, including from the ABS and other providers. These show that cost of living trends in Canberra are not out of line with other jurisdictions. Living costs increased broadly in line with inflation. Moreover, increases in living costs over time are an international and national phenomenon and, therefore, not something unique to the ACT.

In comparing the latest CPI figures with the figures of the March quarter 2002, while the ACT has recorded slightly higher inflation in terms of rates, Canberrans can rest assured that our utilities and electricity price growth are lower than the national average, and the ACT is on par with the national inflation for rent and water.

Canberra is currently experiencing lower consumer price inflation than Australia. In the December quarter our annual inflation was the lowest in the country, while quarterly inflation was the equal second lowest in the country. Data on average retail prices indicates that the cost of living in Canberra remains below the national average, and this data shows that Canberra is the jurisdiction with the third cheapest average retail prices, slightly behind Sydney and Melbourne.

We also need to look at the relatively high income levels that our community enjoys. In the August quarter 2010, average weekly ordinary time earnings in the ACT were 17 percentage points higher than the national average. The territory has also experienced higher growth in average weekly ordinary time earnings over the past eight years. With incomes rising higher than the national averages and prices going slower, it would appear that this news is good for the ACT and for Canberrans that live here.

Gross household disposable income per capita was the highest of all jurisdictions, at $63,783, which is a whopping 69 per cent higher than the national average, at $37,714. Much of this difference can be attributed to the ACT's higher rate of participation in the workforce and our very low rate of unemployment. We currently have the second lowest unemployment rate and the highest participation rate. There is no better way to protect the most vulnerable in the community against rising costs than providing meaningful employment.

This government considers as part of the overall budget process the cost of living pressures on residents in the ACT. We do, however, need to recognise policy levers

outside the control of the ACT government, in particular the role of the commonwealth government in setting the payment levels for pensions and allowances as well as taxation rates.

We will as a government continue to work hard to deliver our mandate to the people of the ACT. We worked hard through the global financial crisis to maintain jobs in the ACT. I think 6,000 new jobs in the last year were created. I know Mr Smyth does not like to give the ACT government any credit, but 6,000 jobs were created, our participation rate is increasing and there is a very significant increase in women in employment. Part of that has to be down to the work that the ACT government did with the community to steer us through the global financial crisis.

We listened to what people were saying around what they wanted, and we are delivering on the infrastructure and initiatives in the ACT that focus on sustainability. Now, some of these measures are not without cost, but we do not shy away from that where the benefits to the future of our city and future generations who choose to live here will be so important.

Prices for electricity in the ACT are not set by this government; they are set by the ICRC, and according to their data, the annual average electricity bill in Queanbeyan will be $2,386 per year compared to $1,512 in the ACT, a difference of 58 per cent. This $874 price differential in favour of ACT residents is not only substantial, it is significant. Irrespective of the rate of increase in electricity prices in the ACT, ACT electricity customers are significantly better off than consumers in New South Wales.

Price increases for consumers within the national energy market, including the ACT, have predominantly been due to both short and long-term supply constraints associated with earlier drought, network upgrades and requirements for increased generation capacity. Canberra households and businesses have fared better than other capital cities along the east coast of Australia, with only a 43 per cent increase in Canberra compared to a 64 per cent increase for Sydney over the last five years.

I notice Mr Hanson talked about childcare. The cost of childcare for families is tough; I accept that. I have had both my children in childcare over the last three years, and it is a significant part of your pay that goes into that. I also note, however, that we are desperately hoping that the 2,000 families who are not claiming childcare benefit or childcare rebate in the ACT who are eligible for it according to the data that has been released by the commonwealth government do take up the opportunity to have that rebate paid to them. It is an entitlement, and there are significant numbers of people across the country that are not accessing that entitlement.

The price of childcare has significantly decreased because of that rebate. That is there to help families deal with those very significant costs, but there are 2,000 families in the ACT who are not accessing that. Based on that rebate and the childcare benefit, when you compare childcare costs to the December quarter 2005, the cost of childcare, when rebated, has fallen by 29 per cent in the ACT. I think that is a clear example where governments have intervened—in this case, the commonwealth government—in recognition of the price of childcare and the hardship that families experience to meet some of those cost pressures.

That is precisely what the childcare rebate and the childcare benefit are there for. For many families it pays 50 per cent of the childcare fees. When you talk about $350 a week—I think it is $375 at the centre I am at—for most families—not families like mine—that cost is offset by a 50 per cent rebate via the commonwealth government. That is a significant reduction in fees, and, particularly for those parents who have more than one child, it should ease some of the pressure of childcare.

What it has also done, though, is made childcare in long day care centres very, very attractive, and so you are dealing with extra demand being generated to long day care and less focus on other types of childcare, like occasional care and family day care. I think that is something that we have seen in the ACT with increasing demand for additional childcare places and additional childcare centres to be made available. That has been a direct result of the cost of childcare when rebated coming down.

The government in every budget looks at our concessions regime. I know my colleague Minister Corbell will talk more about that, but I can certainly say from the budgets I have been involved with that every single budget goes through an analysis of what an initiative will mean to individual taxpayers in the ACT, what will it mean for those who earn under the average wage or who are struggling and, if there are increases in costs, how we offset those increases. That could be through something like the fire and emergency services levy, which had a concession attached to it, the homebuyer concession scheme or the energy concession schemes that the government has established.

Another example is the one we have just done recently for renal dialysis. People spend a lot more on their water bills because of how much water their machines use. We have stepped in to pay the cost of that extra water in recognition of the fact that, for that small group in the community, many of whom are already struggling, their costs are much higher than anyone else's and that there is very little they can do about it. Plus, there is a benefit with them not coming to the renal unit to have their dialysis if they can have it at home.

They are examples of where we are responsive. There is no doubt there are cost of living pressures. I think there have always been cost of living pressures. I do not know that they are any worse than they were when my mum and dad were bringing up their kids down in Waramanga and struggling with one car and no bus service at that time. I am not sure that they are any greater for families. I think families will always struggle, particularly when they have young children. The job of the government is to respond to those pressures, look to see where we can meet them or offset them and provide that extra support, whether it be through a concessions regime or through our community service system.

On all fair analysis in the cool calm of day, the ACT is not experiencing cost of living pressures over and above the national average. In fact, you would have to say that we are under some of the pressures that are being experienced nationally. We should welcome that, but we should never take our eye off the ball of what we need to do to make sure that everyone living in the ACT can be supported to meet the challenges of the cost of living.

MR SESELJA (Molonglo—Leader of the Opposition) (4.55): Again I think we have what is a fairly dismissive attitude demonstrated there by the minister: "It's all okay." No matter what the minister is talking about, whether it is the problems in health or whatever: "It's all okay; there is nothing to see here"—until there is. And any fair analysis says that these are serious cost of living pressures.

Ms Gallagher touched on "we can't control everything" No-one says you can control everything. But there are a number of cost of living pressures which the government either influences directly—it sets them, such as taxes and charges—or indirectly through policies that either put upward pressure or downward pressure on some of these prices. The government cannot walk away from that. It cannot walk away from its policies which are putting upward pressure on prices for families who are already struggling.

We can look at the ones that the government are directly responsible for. When you spend as recklessly as this government, you are going to have to recover it somewhere, and they slug people all over the place. Rates have gone up by 77 per cent since 2001. Is Katy Gallagher not responsible for that? Are the ACT Labor government not responsible for the fact that rates have gone up 77 per cent?

Mr Corbell: How much have wages and land values gone up?

MR SESELJA: Mr Corbell interjects. I will tell you that inflation has not gone up by 77 per cent.

Mr Corbell: How much have wages gone up?

MR ASSISTANT SPEAKER (Mr Hargreaves): Order!

MR SESELJA: There are not many people whose wages have gone up by 77 per cent in nine years.

Mr Corbell: How much have property values gone up?

MR ASSISTANT SPEAKER: Minister, please.

MR SESELJA: Apparently, according to Mr Corbell, it is okay.

Mr Hanson interjecting—

MR ASSISTANT SPEAKER: Mr Hanson.

MR SESELJA: It is okay: 77 per cent, no big deal.

Mr Corbell interjecting—

MR ASSISTANT SPEAKER: Order! Are people deaf? Mr Seselja has the floor.

MR SESELJA: Thank you, Mr Assistant Speaker. No big deal: 77 per cent! Wages have gone up, Mr Corbell says. But most people's wages have not gone up 77 per cent in that time.

The level of services delivered to people since 2001 has certainly not gone up 77 per cent, and to claim that that does not hurt and that the government are not responsible is simply dishonest. I think again it goes to just how little regard this government sometimes have, this ACT Labor Party have, for how their policies affect the hip pocket of Canberra families. They simply do not seem to get it, nor do they seem to care.

We can look at parking and how much that has gone up—57 per cent since 2000. The cost of buying a home or renting a home in the ACT has become prohibitive for many young families. We see it regularly through the HIA Commonwealth Bank report. It looks at the income of the average first homebuyer in Canberra, which is higher than the national average, and then it looks at the mortgage that they need to take out to buy their first home, and it consistently places the ACT amongst the most unaffordable jurisdictions for first homebuyers. I heard again on radio yesterday the Chief Minister claiming that it was some sort of urban myth that Canberra is unaffordable. Has he actually spoken to some of these families who are renting in Canberra, who are looking for rentals or who are trying to buy a home?

What can the government do in relation to this? They control land release, and of course it was Minister Corbell who was the man who turned the tap off when it came to land release. It was Mr Corbell, when he was planning minister, who really started to cause problems that are still being felt. We see significant planning problems which hold back the ability to build homes quickly and efficiently. The Hawke review has identified them. That is a failure of Andrew Barr and it is a failure of Jon Stanhope; they have control of land release and the planning system, and those things coming together, along with the failure to plan for infrastructure, make it more expensive. So when these young families have to pay more and more to get into their first home, when they have to pay more for their rents, they can thank this government for their policies. The ACT Labor government cannot run away from their policies, including the massive amount of stamp duty that people have to pay to purchase their first home.

You can either put downward pressure, through efficient land release, through an efficient planning system and through lower taxes and charges, or you can put upward pressure. And what do the government do? They have got massive amounts of stamp duty. Their whole budget strategy is designed on the back of homebuyers, particularly first homebuyers. They ride on the back of first homebuyers. But what do they now want to do? They now want to actually put a tax on units—not a little tax; a really, really big tax on units, a massive tax on units.

What do we think putting an extra $30,000, $40,000 or $50,000 in tax per unit will do to the cost of a unit in Canberra and the cost of renting in Canberra? Those Canberra families who are already struggling to pay the rent are likely to see their rents increase again in coming years as a direct result of this government's policies. They will be paying for the government's reckless spending through higher rents. They will be paying for the government's reckless spending through higher unit prices.

Mr Hanson touched on childcare—eight per cent since 2008. We have said: "Why don't you make some reforms here? Why don't you actually make some reforms? Why don't you have some sort of master planning process? Why don't you have a centralised waiting list?" And I see that the government are coming on board some eight months after we announced it. We have been advocating for these families who are paying more and more because of this government's policies.

Ms Gallagher again dismissed the issue of water. We pay more for water in the ACT than anywhere else in the country. It has gone up over 100 per cent since 2001. How many people in Canberra do you think have seen their wages go up by 100 per cent since 2001? How many have seen the level of services delivered to them go up by 100 per cent? Yet we have seen the cost of water go up by over 100 per cent, and of course partly as a result of this government's mismanagement of water, its slowness to react, the cost blowout we have seen in relation to the Cotter Dam, the $240 million cost blowout.

All of these things add up. The Treasurer did not want to stay to listen because she was happy to put out all sorts of things that were not true: "It's not our fault. It's not as bad as in other jurisdictions." Again, on water, she is wrong. She dismissed the rising electricity prices—a 70 per cent increase since 2001.

What does this government want to do with its Greens colleagues? It wants to add to that. It wants to add to those price rises. The prices are going to continue to rise for a number of reasons. The ACT government has a choice: does it add to that burden or does it look to work against that? This government and the Greens have chosen to add to that burden—$225 a year they are going to add over and above all of those other increases. They have said, "We want a solar feed-in tariff." It might cost us a few hundred dollars a tonne, but this government is going to add $225 a year to electricity prices for households in an ongoing manner.

You cannot take seriously the protestations from a Treasurer who says, "It's not our fault and it's not that bad." That was the message from Katy Gallagher: "It's not our fault; it's not that bad." But, when it comes to rates, it is your fault. When it comes to water, you influence it. When it comes to the cost of housing in the ACT, it is a direct result of your policies. When it comes to the amount of stamp duty that is charged, when it comes to the massive increase in tax that you are proposing, these are all government policies. We will stand up and say that we will fight to keep the cost of living as low as possible. Can we influence everything? No, we cannot.

But there is a lot that the government through its policies does influence and can influence and directly influences, and on every score it is putting upward pressure rather than downward pressure because it simply does not care.

We have got the Greens with all sorts of policy ideas that cost hundreds of millions of dollars with not a saving in sight. What does that do for the cost of living? Someone eventually has to pay. Someone has to pay. We have seen the rates go up 77 per cent. If we see policies, without savings, that cost hundreds of millions of dollars, we will see the rates continue to skyrocket. They will go up more.

We will fight in relation to this. We will fight for families in Canberra. We do take it seriously. Irrespective of whether the government and the Greens dismiss it, policy decisions made in this place have an impact—*(Time expired.)*

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.06): I think it is important to articulate exactly what the real cost of living pressures are so that we are clear on the problems faced by the community and the initiatives required to remedy them. The cost of living includes housing, utilities, education and childcare, food, clothing, transport and health. So what are the Greens doing in relation to each of these items? I will run through them in my speech today. I am sure that that will provide Mr Seselja with a very clear idea of our policies and our views towards this matter. I would very much like to hear more about his ideas.

The Greens are committed to addressing the cost of housing and particularly to providing quality public housing. The cost of housing is not just the purchase price or the amount of rent; it is also the running costs of the house. Needless to say, it is very difficult to reduce the cost of housing. It is largely set by the market and there are limited mechanisms for government. However, the Greens are committed to addressing the issue and looking at the full range of issues involved. This includes considering significant amendments to the land tax scheme, as well as the planning regime, to ensure that it is sufficiently flexible and delivers the homes people want at prices they can afford.

If we go to utilities, there is no doubt that we have seen utility prices rise. The price of gas, electricity and water has risen significantly over the past few years. The reasons that prices are rising are varied and not easily ameliorated. Energy prices are rising because of a lack of investment by government in network infrastructure, because of the rising demand for energy at peak times that is driving the need for infrastructure development. Network costs currently make up just under 50 per cent of the retail price of electricity.

A 2010 study undertaken by Simshauser, Nelson and Doan indicated that the rising commodity costs are likely to drive up electricity costs in Australia by around 30 per cent over the next five years, and distribution costs by more than 20 per cent. The best way to insulate ourselves against rising prices is to invest early in the kinds of policies that will drive the uptake of distributed renewable energy and improved energy efficiency. To do anything else is to bury our heads in the sand. We have a responsibility to protect people from rising prices, and we can best do that in two ways. The first is to decrease the amount of energy that households need to use and the second is to build a cheaper distributed renewable energy system that will eventually displace our reliance on coal-fired power.

The Greens are extremely aware that those who are most vulnerable in our society are also more likely to be affected by rising electricity prices in a way that is not equitable. Recent ABS cost of living data shows that the cost of living had risen faster than inflation since mid-1998, and this is particularly the case for households that rely on government benefits. Hardship applications made to ACAT from people who are unable to pay their energy bills show that about 75 per cent of people who are experiencing hardship and cannot pay their bills are people in public housing.

The most effective way to protect low income households from rising energy costs is to provide or assist them with more energy-efficient housing. Through the parliamentary agreement the government committed to double the amount of money it spends retrofitting public housing from $2 million per annum to $4 million. Unfortunately, the government is yet to fulfil this commitment, so the Greens are calling on it to meet this obligation in the next budget.

Extra funding to improve energy efficiency across the government's 11,500 houses is a wise investment that will save money over the longer term and will protect people from rising costs. At a bare minimum, the government should be aiming to have all of its public housing at an energy-efficient rating of three stars or more. Energy efficiency is important for all Canberra households. We are looking forward to seeing what the government has in mind for systematically improving energy efficiency in houses and business right across the territory, particularly when it releases its sustainable energy policy.

In the area of education and childcare, the Greens have a long and proud track record of defending and promoting public education. Quality public education not only reduces an essential cost to families but also creates real opportunities for our children to prosper into the future. People should not have to choose to turn to the private sector for good educational outcomes. I certainly do not believe that they do now, but I am aware that the public system does have to work very hard to promote itself and the benefits that it offers. Surely providing the same, if not better, quality education service for free, as opposed to paying thousands of dollars, will help many Canberra families.

In relation to childcare, the Greens' view is that childcare should not be a profit-based business. Families and, importantly, children need well-resourced, community-based and managed centres. The Greens support a diverse range of options for childcare. We particularly acknowledge a funding system that focuses on the needs of parents and children, rather than the larger empire building that we have seen in recent years with some companies. The Greens also acknowledge the importance of the childcare sector and the need to remunerate childcare workers accordingly. Community-based childcare that operates to provide care rather than create profit is the most cost-effective solution for families.

I refer also to a report in the *Canberra Times* recently, and I note there are hundreds, if not thousands, of Canberra families who are not accessing the commonwealth childcare subsidies. This surely is an issue that needs to be addressed because those subsidies certainly do help out. It is of assistance to those who still have a child in after-school care, as do many of the families that I speak to, to be able to use these services.

The impacts of the recent cyclone and floods have shown just how vulnerable food production in Australia is to natural disasters and weather conditions. We are seeing an increase in the number of natural disasters. Of course, this is going to get worse due to the effects of climate change. This will result in food price rises, especially fresh fruit and vegetables. We can expect to see the costs of food rise even further. Therefore, we need to look at how we can address this issue.

Access to and affordability of fresh fruit and vegetables are key to maintaining people's health. What we really do not want to see exacerbated is people's poor health due to poorer diets. One thing that we know that we could easily do in the ACT is make it easier for people to produce food locally. The more fresh food that people grow here in the Canberra region, the less reliant we are on other areas' production. This means fostering things like the farmers markets as well as commercial and domestic food production within our borders and the surrounding region.

At present there are 11 community gardens across the ACT. These allow people to grow vegetables, particularly those people who may not have room in their own gardens. It would be very easy to replicate this model right across the ACT. We already know that there is heavy demand for plots, far more than are available at the sites we already have. So we really believe this is an area to look at.

Transport is a massive weekly cost for families across Canberra. The Greens have a comprehensive and integrated transport plan that includes the provision of more public transport services as well as encouraging active transport. We are determined to make public transport a cheap, sustainable, fast and reliable way of getting about Canberra. Worryingly, studies conducted by transport researchers at the Queensland University of Technology have shown that the highest levels of car dependency are strongly correlated with high levels of mortgage stress—that is, it is usually the case that the families whose mortgage bills are the highest proportion of their income often have the highest bills associated with transport. This is a nexus we need to break. The provision of better public transport is a way that can provide a choice so that Canberra families may not have to purchase that second car with all of its running costs.

This afternoon in question time my colleague Ms Le Couteur raised some issues around peak oil. There was a lot of laughter from the opposition backbenchers, particularly Mr Alistair Coe, who thought it was a great joke. But what we need to understand is that direct line between peak oil and the impacts that peak oil are going to have on many people in Canberra and right across the world. These will be vulnerable families. These will be the families whom Mr Hanson has referred to, and others have referred to, in this place this afternoon. Those families who are having a hard time with some pressures and the cost of living will be the ones who will really feel the increase in petrol bills. They are the ones who really will feel those increases in utility costs—that is, the cost of running their houses and maintaining a lifestyle that they currently enjoy. It is important that we do not laugh at these ideas, but that we actually see that there are many things impacting on the cost of living. *(Time expired.)*

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.16): I am pleased to speak in this discussion on the matter of public importance this afternoon because the Labor government is focusing very strongly on assisting the poorest in our community, the most vulnerable, those on the lowest incomes, to address the challenges and to cope better with costs around energy and water, to make sure that they have a better standard of living and a better level of income to support them and their family into the future, because that is what a Labor government is always committed to do.

I would like to outline today a number of programs that the government is pursuing. I would like to start with a program that is directly assisting hundreds and hundreds of low income households to improve their energy efficiency and reduce their power and water bills. In 2010 I announced that the government would begin a five-month trial of what it called the outreach program to improve the energy efficiency of low income households and reduce their carbon emissions. The government committed $1.3 million to this program from the Environment, Climate Change, Energy and Water portfolio.

Five community welfare organisations were contracted to provide energy-efficient appliances to low income clients to replace inefficient appliances. We know that, particularly if you are in private rental, if you are renting in a private property, you often cannot do much about the energy efficiency of the fabric of the building. You cannot change the curtains, you cannot put in insulation and you cannot even upgrade the hot water system, because these are the responsibility of the landlord. And you may not always have a landlord who is willing or interested to undertake those measures. But what you can do is improve the energy efficiency of the appliances in your home. And we know that, after hot water, one of the big users of energy in the home is the fridge, then the oven and the other major energy-consuming appliances like the washing machine.

So the government provided private rental tenants who were on an average household income of $540 a week or less with funding to purchase new energy-efficient appliances. Five hundred and seventy-seven appliances were installed, the majority being refrigerators, freezers, washing machines and indeed some heaters.

In addition to this, the government also spent some of this money to assist Housing ACT to further improve its existing built stock. As a result, Housing ACT replaced over 280 existing inefficient appliances with new energy-efficient refrigerators, freezers and washing machines in properties rented by community welfare organisations and used for emergency and crisis accommodation.

Housing ACT was also funded, as part of this program, to carry out insulation and draught sealing in over 200 additional properties, over and above its existing program funded directly by the government. And it was also funded to install solar hot-water systems in over 100 properties—an acceleration of its existing retrofit and refurbishment program.

I have recently reviewed the evaluation of the trial of the outreach program. It has shown that this program has had very substantial benefits for those participating low income households in private rental and low income households in community and public housing.

Let me give the Assembly a bit of an illustration of what sort of outcomes we have been able to achieve. Firstly, we have achieved energy use reductions of just over one million kilowatt hours per year or the equivalent of the power bill of 130 ACT homes as a result of those measures. Greenhouse gas emissions reduced by 915 tonnes of carbon dioxide equivalent, with total savings to all the households of about $131,600

a year in terms of their energy and water costs. To give an example of that, the appliance operating cost saving per household or dwelling was estimated at $147 per annum—not insignificant. To cut the cost of running the fridge or the washing machine, the dryer or the heater by $147 per annum is a really significant achievement and one the government is very pleased to have seen implemented as a result of the program.

The government, of course, recognises that it is important to note that these programs also provide additional benefits to those who receive them. They get greater year-round comfort and they get other improvements in the liveability of the premises they are in that cannot be measured in dollar terms but do make a real and meaningful difference for those households who have benefited from these programs.

The savings will continue. Over the assumed 15-year lifespan of the appliances, insulation and the draught sealing that has occurred in these premises, the following results are expected: energy use will be reduced by the equivalent of 15,420 megawatt hours of electricity, sufficient to power about 2,000 ACT homes for one year; greenhouse gas emissions of around 14,000 tonnes; total household operating cost saving of around $1,198,000; and an appliance operating cost saving per household or dwelling of $1,339—just from retrofitting, just from providing more energy-efficient appliances for those on the lowest incomes, for those on pensions, for those on other welfare payments, for those who are unemployed, for those who are struggling with their and their family's cost of living. That is what this program has done, and it is one that the Labor government is very proud of.

I would like to thank those community organisations that have partnered with the government to deliver these services to those in need—organisations such as the Belconnen Community Service, Communities@Work, the Northside Community Service, the Salvos and Vinnies. All have done an excellent job in pursuing and implementing this program on behalf of the government, and we look forward to working with them further in the future. There is real scope for ongoing partnership in this way to deliver energy savings, cost savings, dollar savings, and, of course, greenhouse savings, through partnering with these organisations and reaching those who are not in public housing but are in community housing or in private rental and who are suffering real stresses in terms of their costs of living.

Of course, there is a range of other programs the government also pursues to ensure that we help those who are on the lowest incomes when it comes to the costs of their utility services. The government continues to support households through the water and energy saving in the territory program, or the WEST scheme, as it is known. Households through this scheme are assisted with energy-saving education and practical low-cost refits of their homes to help reduce their energy and water use.

This program now includes low income households who do not fall within ACAT's jurisdiction but who are nevertheless experiencing difficulty with paying their water, electricity and other energy bills. These clients are referred by community welfare organisations and by Actew.

Previously, this program assisted mainly tenants of government housing, but the government has now extended its eligibility to assist those people and families who

are in private rental accommodation as well as owner-occupiers who are struggling because of their particular economic or social circumstances.

Of course, the government has also focused very strongly on improving the level of payments available to all low income households when it comes to the concession they receive for their energy and water bills. We have provided an additional $1.8 million over four years to increase the energy concession payment. This funding allows for a one-off increase of $20 on the maximum concession, bringing it to just over $214 per year, an increase of 10 per cent in the current concession and bringing the value of the maximum concession to approximately 15 per cent of the average household electricity bill. This is one of the most generous and significant concessions available in any jurisdiction.

MR SPEAKER: The time for this discussion has expired.

Adjournment

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

> That the Assembly do now adjourn.

MR SPEAKER: Ms Hunter, I believe your guest has not arrived. Would you like me to give Mr Smyth the call?

Ms Hunter: Yes.

Mr Howard Charles Grant OAM

MR SMYTH (Brindabella) (5.25): I rise to speak in honour of Howard Charles Grant OAM. Howard died on 5 February, this month. As was so like Howard, he actually wrote his own eulogy so the facts would be straight. I just thought I would say a few words about a great bloke, a very strong business person in the ACT, a wonderful family man, and I would not dare have the temerity not to use his words. So I will read out selective parts from the document that he prepared.

Howard was born on 13 July 1929 as the first child of his 19-year-old mother, Irene. The family of three moved into a small weatherboard house in East Malvern when Howard was very young. A brother, Don, and sister, Lyn, completed the family in the years that followed. As a child, Howard Grant developed innovative and energetic traits that followed him throughout his life. In the small house in East Malvern, Victoria, where he shared a room with his brother for more than 20 years, he loved nothing more than to build cubby houses in the early years and later on do general house maintenance such as improving bathroom systems so that he could have a decent bath and providing easier electrical services for his mother to do the ironing.

Schooling was at Lloyd Street state school No 4139, where he did reasonably well in most classes and competed with one or two others for the top position. A report from grade 4 or 5 shows him coming first in a class of 59 students. Being handy with his hands, in the words of his father, it was agreed that Howard would be sent to a technical school rather than proceed with the high school program at Lloyd Street.

He enrolled at Caulfield technical school in 1941 for a proposed trade apprenticeship. He won a small scholarship to complete the intermediate technical certificate in third year.

Timing had a marked influence here as Caulfield tech decided to become a senior college, and those in their third year were invited to stay on and do the first year of the diploma course in engineering. Howard was one of those 20-odd students who put up their hands, and he was accepted. At the end of year 11 in 1944, the students were required to move to Melbourne, Swinburne or Footscray technical schools. Howard chose Melbourne technical college and entered a second-year electrical engineering diploma course at the age of 15.

Again, the timing was extraordinary, as the commonwealth scholarship scheme was introduced, with 60 eligible scholarships being awarded in Victoria, 45 of which were eligible for a living allowance. Howard was one of those who received such a scholarship, which covered all tuition costs, with the living allowance of £2 a week. This, combined with earnings from part-time work in his uncle's grocery store, meant he was financially independent at age 15 and was able to pay his family full board as well as provide for his fares, clothing and other living requirements.

Howard continued and graduated with an engineering diploma, and he then moved on to various organisations, such as the State Electricity Commission and then Australian Paper Manufacturers. He was moved by APM to Canberra, where he arrived in January 1971. He stayed here ever since, having loved the life.

He left a number of firms and set up his own firm called Commerce Management Services. The business continues until today, owned by his wife, Elizabeth, and Sue, his daughter. Howard continued to work in the office on a part-time basis until his death. He never retired.

While in his teens, an unfortunate accident at a beach where his Uncle Wal drowned led Howard to join the lifesaving movement. The incident clearly made an impact on Howard because he then joined the Bonbeach lifesaving club, travelling to the club regularly by train from East Malvern for some years, learning to swim properly and participate fully in bayside lifesaving.

It was at the Easter bayside lifesaving camp at Cape Patterson in 1950 that he met another lifesaver and champion swimmer called Elizabeth Allen. Romance blossomed quickly and they were engaged on her 21st birthday in February 1951. Marriage followed in September 1952 and two children, Allen and Sue, were born over the next few years. The family settled in Greensborough and eventually moved to Canberra.

He was upset in 1947, when he was at Melbourne University, with elements of the Student Representative Council. This prompted Howard to join the Liberal Party in the Darling-East Malvern branch, and he has been a member of the Liberal Party continuously for the subsequent 64 years. He served in a number of positions in the party, including president of the ACT division, which is exactly where I met Howard when I joined the party.

Howard was a great fellow. He was a great Canberran. He was a great family man. He was a life member of Lions. For his services, Howard was awarded the Order of Australia Medal for his services to Lions internationally and to the community.

Ms Pauline Lynga

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.31): I would like to bring to the attention of the Assembly today the passing of a passionate and active Canberran, Pauline Lynga, and I offer this as a celebration of a life well lived. Pauline was born in Kandos, New South Wales. She trained and worked as a midwife in her young adult life. She was privileged to have welcomed many Canberrans into the world here in the 1950s.

Pauline was very fond of the outdoors, and it was as a member of the Canberra Alpine Club that she met her husband of close to 50 years, Gosta Lynga, and I would like to acknowledge Gosta's presence in the public gallery today. Gosta was a Swedish astronomer. Gosta and Pauline spent a number of years in Sweden where Gosta was a Green member of parliament. They raised three daughters, Ann, Ellen and Claire, with Claire being born in Canberra. In their early years the family lived at Mount Stromlo.

Pauline's love of the outdoors and passion for preserving the environment continued as a member of the Cooleman Ridge park care group. Pauline and Gosta were founding members of the Canberra Bushwalking Club, a group celebrating its 50th anniversary this year. Pauline devoted much time, until most recently, as a volunteer bush regenerator. She lovingly tended to a part of Cooleman Ridge, tending and nurturing native vegetation and helping it thrive against the threat from exotic weeds.

Pauline balanced her physical pursuits with a love of learning. She was an avid reader and had a thirst for knowledge. This developed not only an interest in but a keen understanding of global environmental issues and politics. Pauline was a well-regarded member of the Canberra Spinners and Weavers. Her work was highly crafted and was rewarded with numerous prizes.

Pauline and Gosta were one of the unlucky Canberra families to lose their Duffy home in January 2003. Ever positive and pragmatic, although mourning their loss, they took steps to rebuild on their block a new and better home. This was something I found particularly special, that resilience and energy even in later years.

Pauline died on 17 January this year after a short illness. Her family never left her side, an example of the close bond she created and the loving family environment she and Gosta enjoyed.

While this speech mourns her passing and acknowledges the loss to her family and friends, it marks a life filled with action and good deeds, thoughts and insight, a life of family love and community service rich and inspiring. Pauline was a woman to be remembered and honoured.

Natural disasters
Mrs Shirley Meldrum
Mr Howard Charles Grant OAM

MR DOSZPOT (Brindabella) (5.34): Nationally, this year has begun in a very tragic fashion as we watched helplessly via television the tragedy in Queensland unfold before our eyes—the tens of thousands of people affected through the loss of property and their very livelihoods. Even more tragic of course were the instances where lives were lost. The elements conspired against Victoria and WA as well, and it was good to see the many examples of support, both financial and volunteer, from around the country, including the ACT.

In Canberra we started the year with the loss of several prominent Canberra contributors to the Canberra community. On 20 January, St John's Church in Reid was filled to capacity to farewell Shirley Meldrum, a wonderful lady who touched the lives of many in our community. Amongst the many tributes paid to her, she has been quite correctly referred to as "the Queen of Canberra".

Reverend Paul Black, in his eulogy about Shirley, mentioned that she was a person who made a difference because of her commitments to the people of the Canberra community. After the service, it was quite incredible to hear the many stories from a large cross-section of our Canberra community who had stories to tell that highlighted her generosity and energy and her incredible network.

Shirley's son, Ian Meldrum, in his eulogy, said that even as a child he noticed his mother was showing symptoms of a serial networker and that it was not unusual to come home from school to find the likes of Apollo 13 astronaut Jack Swigert or Prime Minister Bob Hawke or an ambassador or two, chatting away in their lounge room. He said it was only years later that he discovered these were not normal, run-of-mill visitors.

There was a very moving rendition of Leonard Cohen's *Hallelujah* by one of Shirley's grandsons, Samuel Millsom, and at the end of the service her grandchildren, Danielle Meldrum, Alexandra Meldrum, Samuel Millsom, Lachlan Fraser, Lucinda Millsom and Angus Fraser wheeled the coffin to the hearse.

The day prior to the funeral service, David Marshall gave a very moving tribute to Shirley Meldrum in a radio interview with Genevieve Jacobs, where he described her as the countess of Kingston and spoke of her many contributions to Canberra charities, including her 50 years of service to the Red Cross, which earned her the Red Cross service award medal, the 50 years service medal and lifetime honorary status. Shirley Meldrum was also awarded the Order of Australia in 1996 for services to the community. We offer our sincere condolences to Shirley Meldrum's family.

My colleague Brendan Smyth has already paid tribute to another former great contributor to the Canberra community, Howard Grant, and I would like to echo Brendan's words and our sincere condolences to his wife, Elizabeth Grant, and family.

Liquor licensing fees

MRS DUNNE (Ginninderra) (5.37): I note that Melbourne's *Herald Sun* reported on 11 January this year that the new Baillieu government has slashed liquor licensing fees for restaurants, cafes and clubs. Renewal notices that are going out to licensees in Melbourne at the moment halve the liquor licensing fees for 10,500 small businesses and clubs hit by steep rises under the former Labor government, and that will see hundreds of dollars slashed from liquor licensing fees for small establishments.

Liberal consumer affairs minister Michael O'Brien told the *Herald Sun* that local services and sports clubs were low risk when it came to alcohol-linked violence and deserved to be supported. He said:

> These sorts of clubs are the glue that holds the community together and government should be making it easier for people to get together and enjoy sport or do good works for the community.

Under the breath of fresh air provided by the new coalition government in Victoria, all licensees will have access to even lower fees, with good venues being rewarded with further discounts through a rating system. Venues with no infringements for three years will get a five-star rating and attract the lowest fees. An unblemished record for two years will bring a four-star rating. A clean record for a year will earn three stars. One or two infringements in a year will earn two stars and more than two infringements in a year will earn a one-star rating.

Poorly performing venues in Victoria face automatic shutdowns under a system of demerit points. Points will be issued for offences relating to the presence of and service of minors or drunk or disorderly people. When a licensee tallies up enough points for one of three triggers, they will receive immediate licence suspensions for 24 hours, seven days or 28 days.

This is the sort of risk-based licensing that we should have seen in the ACT, but the government and the Attorney-General lacked the imagination to do this. What we saw in the ACT was typical Labor fare—one size fits all. Just bung up the fees and see what happens. What did happen? We saw tens of thousands of dollars in increases in compliance costs for community sporting clubs such as Yowani and increased costs for people who run stalls at community markets and shopping centres. We all know that small-scale tasting venues like that are a notorious source of alcohol-fuelled violence!

There have been huge cost hikes for wine and cheese served after musical performances. We have seen the handing in of liquor licences by small restaurants and icons like the Pancake Parlour—again another hot bed of alcohol-fuelled violence! Small business proprietors of off-licences have seen increases, again, of tens of thousands of dollars if they own more than one venue.

The Labor Party and the Greens have conspired together to run the liquor and hospitality industry into the ground, to undermine diversity and to cripple small business through high fees and unnecessary regulation. They have done this because

they do not care and do not understand the impact of regulation on business. The result of the so-called reforms that we saw late last year in the ACT will be that the big will get bigger and smaller traders will be squeezed out.

The ACT minister would do well to take a leaf out of his Victorian counterpart's book and provide some relief to small traders and licensees with good records that do not present a risk to the public.

Economy—cost of living pressures

MS LE COUTEUR (Molonglo) (5.40): I want to speak briefly, because I was unable to do so in the cost of living debate. I just want to follow on from the comments that Ms Gallagher made. She made the comment that the debate was ideological. I have to agree somewhat with her. Unfortunately, she did not include the Greens ideology as one that she considered.

The Greens are looking at costs of living from a long-term point of view. All we are trying to do is ensure that, in the long term, we create a human society which is sustainable and which, over the long run, will be the least cost for humans and the least cost for the planet on which we live. So, yes, I would have to agree with Ms Gallagher—this is an ideological debate at its heart. We are talking about long-term sustainability and the long-term lower cost of living for everybody.

HeartKids

MR COE (Ginninderra) (5.41): Today I rise to talk about a very special charity that I had the great pleasure of supporting late last year. HeartKids is a charitable organisation made up of volunteers that offer support to families of children suffering from childhood heart disease. At its core, their mission is simple: to raise awareness of the incidence of both congenital and acquired heart disease among children. But it does much more than this. It builds a network of support, pairing families who are facing the same hurdles of heart disease, providing them with the opportunity to share common experiences, anxieties and challenges together. It provides information about hospital stays, from such simple things like where to stay; where to eat and how to get there to the really important decisions, such as what options are available to the families.

HeartKids lobby both the government and the medical community to adopt best practice policies in the treatment and prevention of heart disease. It is hoped that their efforts to raise awareness will have a significant impact not only on the incidence of childhood mortality from this disease but also in significant improvements in the quality of life for those living with this disease.

None of this would be possible without the fundraising efforts of countless volunteers and the events they organise. I was able to attend one such event—the HeartKids hill climb—in November last year. Now in its second year, the rally takes place near the airport on a one-kilometre circuit track, with contestants competing for the quickest times. There were 31 cars on show. The cars themselves were complemented by a great range of drivers of all ages, the youngest being just 14. The 10 HeartKids

families from the ACT region were in attendance and were joined by over 400 spectators.

As well as raising awareness, the rally made for a great day with food, raffles and plenty of entertainment. Spectators were later invited to a slow lap around the circuit, which I very much enjoyed. I was pleased to see that last year's event was even bigger than the year before, raising in excess of $8,000 for the foundation.

I would like to thank Daniel Cummins for the tremendous work he did in making the event happen. I should also note that Daniel was a recipient of a 2009 ACT Children's Week child development award for individuals, groups or organisations who have made extraordinary contributions to children and young people, significantly improving their opportunities to learn and grow. This award was in recognition of his initiative in setting up the hill climb event. His commitment to HeartKids is a tribute to Daniel's brother, William, who died from congenital heart disease.

I would also like to commend the Southern District Motorsports Association and their members for hosting the event. Special mention should also be made of the local businesses that got behind the event. The sponsors included Supabarn supermarkets, U8one2, Tongue & Groove, Ozzy Tyres, CRAFT ACT and fire and first-aid services. I also thank the competitors for their generosity.

Finally, I would like to thank the board of HeartKids New South Wales and the ACT for their tireless efforts in trying to combat childhood heart disease, the chair, Ryan Payne, his deputy, Jayne Blake, and their fellow board members, Stephanie King, David Goodenough, Erron Palmer, Des Hammond, Stephen Snowden and Allan Bruty. I would also like to thank the staff and volunteers of the organisation. In particular, I would like to acknowledge the ACT representative, Sarah Henderson-Smith, for her commitment to the cause.

I urge all members to get behind this year's event. For more information, please visit www.heartkidsnsw.org.au.

Human rights—Iran
Cerebral Palsy Alliance

MS BRESNAN (Brindabella) (5.45): On 10 February at Parliament House, I attended and spoke at the rally for democracy in Iran. I would like to acknowledge the hard work, courage and dedication of Mohammed Sadeghpour in the work he is doing to draw people's attention to the human rights abuses that are occurring in Iran and for organising the rally last week. The rally called for the condemnation of the executions and repression that is occurring in Iran, as has been done by organisations such as Amnesty International, and for the thousands of people in Camp Ashraf in Iraq to be protected.

Just recently, Amnesty International released a report into people who had been detained during the arrests in Iran in 2009. Amnesty International condemned the executions of two men who were arrested in September 2009 during mass protests following Iran's disputed presidential election. Their hangings in January this year are

the latest in a wave of executions, which has seen the Iranian authorities execute at least 71 prisoners since the beginning of 2011. I believe that figure has now gone up to about 120 people, which is an average of more than 20 people each week. And thousands more prisoners are on death row in Iran.

Like a large number of people across the world, I have been watching the democracy protests in Egypt that have now spread across the Middle East and only have to think back to 2009 when we saw those incredibly brave and courageous people in Iran on the streets protesting against the political situation in their country. People of Iran rose up in their millions in cities across the country from June 2009 to February 2010.

With the current protests in the Middle East, the one country which I keep thinking about is Iran and how we must, no matter who we are, listen to and continue to speak up for those people who are now being arrested, as I have mentioned earlier, and executed for speaking up for their rights. I can only imagine how people from Iran here in Australia must feel if they still have family in Iran and are fearful that if they speak out or attend a protest their family in Iran will suffer. It is therefore essential that politicians from all sides not allow what is happening to go on unnoticed and unspoken for and to let people in Iran know that we are watching, that they are not alone and that we will continue to speak about what is happening in their country.

I also want to mention very briefly that on 8 February I attended the launch of the Cerebral Palsy Alliance, which was formerly the Spastic Centre. The launch was conducted by the Chief Minister, Jon Stanhope. Mary Porter MLA and Steve Doszpot MLA also attended.

This was a very exciting day for the Cerebral Palsy Alliance because it marked a new chapter in the organisation. They have put together some great promotional materials that go with it too. So I do wish them all the best and every luck for the future as the Cerebral Palsy Alliance. I am sure that they will have great success.

Question resolved in the affirmative.

The Assembly adjourned at 5.47 pm.

Schedules of amendments

Schedule 1

Public Sector Management Amendment Bill 2010

Amendment moved by the Chief Minister

1
Clause 13
Proposed new section 86 (5), definition of reviewable level office, paragraph (a)
Page 18, line 5—

omit

or

substitute

and

Schedule 2

Public Sector Management Amendment Bill 2010

Amendments moved by Ms Hunter

1
Clause 11
Proposed new section 70 (4)
Page 7, line 11—

omit

is satisfied that

substitute

is satisfied on reasonable grounds that

2
Clause 11
Proposed new section 71 (4)
Page 8, line 27—

omit

satisfied that

substitute

satisfied on reasonable grounds that

3
Clause 11
Proposed new section 71A (4)
Page 10, line 12—

omit

satisfied that

substitute

satisfied on reasonable grounds that

4
Clause 11
Proposed new section 71B (1) (b)
Page 11, line 12—

omit

is satisfied that

substitute

is satisfied on reasonable grounds that

5
Clause 11
Proposed new section 71B (5)
Page 12, line 24—

omit

is satisfied that

substitute

is satisfied on reasonable grounds that

6
Clause 13
Proposed new section 90 (1)
Page 20, line 10—

omit

cancel the promotion.

substitute

cancel the promotion on reasonable grounds.

7
Clause 13
Proposed new section 95 (1)
Page 23, line 3—

omit

is satisfied that

substitute

is satisfied on reasonable grounds that

8
Clause 13
Proposed new section 96 (1)
Page 23, line 19—

omit

is satisfied that

substitute

is satisfied on reasonable grounds that

9
Clause 13
Proposed new section 96D (1)
Page 26, line 8—

omit

cancel the transfer.

substitute

cancel the transfer on reasonable grounds.

10
Clause 26
Proposed new section 143 (1)
Page 38, line 8—

omit

is satisfied that

substitute

is satisfied on reasonable grounds that
