



Debates

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Tuesday, 21 June 2011

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Tuesday, 21 June 2011

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 custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**Resignation of member
Statement by Speaker**

MR SPEAKER: Pursuant to the resolution of the Assembly of 27 March 1992, which authorises me to receive written notice of resignation of a member, I wish to inform the Assembly that I have received a written notice of resignation from Mr Stanhope, dated 16 May 2011. Pursuant to subsection 13(3) of the Australian Capital Territory (Self-Government) Act 1988 I present the following papers:

Stanhope, Mr J—Resignation of office as Member—Letter of resignation in accordance with section 13 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), dated 16 May 2011.

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Copy of letter to the Electoral Commissioner, ACT Electoral Commission, from the Speaker, dated 16 May 2011.

Announcement of member to fill casual vacancy

MR SPEAKER: The Clerk has been notified by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Dr Christopher Bourke has been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancy created by the resignation of Mr Jon Stanhope. I present the following paper:

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Declaration of the poll—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, Legislative Assembly for the Australian Capital Territory, dated 1 June 2011.

Oath or affirmation of allegiance

MR SPEAKER: In accordance with the provisions of the Oaths and Affirmations Act 1984, which requires the oath or affirmation of a new member to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or a judge of that court authorised by the Chief Justice, the Hon Justice Terence Higgins, Chief Justice of the Supreme Court of the Australian Capital Territory, will attend the chamber.

The Chief Justice attended accordingly—

Affirmation of allegiance by member

Dr Christopher Bourke was introduced and made and subscribed the affirmation of allegiance required by law.

The Chief Justice having retired—

MR SPEAKER: Dr Bourke, on behalf of all members, I bid you a warm welcome to the Assembly.

Inaugural speech

DR BOURKE: I seek leave of the Assembly to make my inaugural speech.

Leave granted.

MR SPEAKER: Before I call Dr Bourke, I wish to remind members that in his inaugural speech, it is traditional that he is heard in silence.

DR BOURKE: Thank you, Mr Speaker. I thank my Assembly colleagues for the opportunity to deliver my inaugural speech today. I am pleased to begin by acknowledging the Ngunnawal people, on whose land we meet. I cherish their continuing contribution to the life of our community and pay my respects to their elders and to those present today.

I am humbled and privileged to represent the people of Ginninderra and the Australian Labor Party in the Assembly. To take up the seat vacated by Jon Stanhope is a particular honour. My background, skills and knowledge are different from those of my Assembly colleagues and it is my intention to use them to enhance the decision making in here to build a better Canberra.

Vision is best gleaned with hindsight—when time has sieved the mundane from the magnificent. Looking back in time within the Australian polity two extraordinary figures stand out to me—Don Dunstan and Gough Whitlam. The extent of their vision for Australian society, as evidenced by the reforms which they promulgated, has changed our social and political landscape forever. They are the heroes who inspired me to join the Labor Party.

During Dunstan's premiership South Australia was socially transformed. His reforms in the fields of Aboriginal land rights, equal opportunities, consumer protection, town planning, the environment and the restructuring of electoral law are close to my heart. His support of the arts, particularly for the Adelaide Festival Centre, the State Theatre Company and the establishment of the South Australian Film Corporation, were also inspired.

The Whitlam government, led by my other great hero, fostered Australian participation in international agreements and became an active player in international organisations. By ensuring Australia was party to these agreements, the Whitlam

government initiated Australia's first federal legislation on human rights, the environment and heritage. Whitlam laid the foundations of modern Australian life with the Family Law Act, the Australian Legal Aid Office, the Consumer Affairs Commission, the Racial Discrimination Act, Medibank, the Trade Practices Commission, and the Australia Council.

On 16 August 1975 Gough Whitlam as Prime Minister formally handed the Gurindji people at Wattie Creek in the Northern Territory title deeds to part of their traditional lands.

Could we imagine an Australia without these progressive social changes?

Progressive social change was also a hallmark of Jon Stanhope's ACT Labor government with the long struggle to legislate for civil partnerships.

Jon spoke out against the Howard government's attacks on personal liberties and human rights, describing the Northern Territory intervention as racist; and he justly criticised the mandatory detention of asylum seekers.

The ACT Human Rights Act, also a Stanhope initiative and an Australian first, introduced important new duties for the executive and the legislature to ensure all policy, administrative action and legislation could be compatible with human rights principles. Consideration and debate about human rights are now an integral part of government action and all Canberrans will benefit.

Jon Stanhope's achievements for Canberra in economic development and social justice coupled with his championing of human rights have established his reputation as another great Labor leader. I now look forward with anticipation to being part of the new Labor team in the ACT under Katy Gallagher as Chief Minister.

The journey to where I stand today began a long time ago. My aunty, my father's sister, celebrated her 78th birthday this year. It is remarkable to consider the Australia of her childhood. In 1928, five years before her birth, Mounted Constable Murray, a Gallipoli veteran, led a punitive raid against the Warlpiri in the Northern Territory. Seventy Aborigines were shot dead.

In Victoria and New South Wales Aboriginal protection laws were on the books; they controlled the movement, association and employment of Aborigines. The laws said where you had to live and whether your children could be taken away to state institutions to be trained as farm labourers or domestic servants.

My aunty completed her secondary schooling at Wangaratta high school in Victoria and then went on to Geelong Teachers College in 1953, the first of our family to achieve a tertiary education. She provided the example and inspiration for my father to follow in her footsteps. Together they inspired my cousins, my siblings and me to aspire and achieve.

My mother and father were committed to lifelong learning before it became a slogan. During the 1960s and early 1970s my father completed degrees in commerce and education at Melbourne university. My mother, who had only received a primary

education to grade 8 in country Victoria, undertook and completed a teaching degree. From an early age I was immersed in a home where education, achievement and community service were highly prized.

Our home also embraced multiculturalism. I am personally proud of the cultural diversity of my own ancestors. My great-great-grandparents came from Ireland, England, China and the Kamillaroi nation.

The cultural mix of my family was further enriched in the 1960s when two aunts married men from Italy and the Netherlands. I was shaped by my close experience of cultural diversity. Of course, we should remember that this country has been multicultural for more than 40,000 years with 300 different language groups and diverse geographic conditions of islands, deserts, mountains and rivers. It has continued to be multicultural despite the support, denial or antipathy of government policy since 1788.

In high school I was attracted to science and I enjoyed working with my hands. Coupled with a strong desire to help others, these interests led me to dentistry. And looking back after more than 30 years that decision was extremely sound.

When I began dentistry at Melbourne university in 1977, the environment was very different to my aunty and father's times at Geelong Teachers College in the 1950s. By this time it had been recognised that education, and in particular tertiary education, was essential to the sharing of Australia's wealth and opportunity between Indigenous and non-Indigenous Australians. Support for Indigenous tertiary education had been instigated by the National Union of Students in the mid-1960s in a program called Abschol. I was able to benefit from these initiatives and with hard work and determination completed my dental degree in 1982, becoming the first Aboriginal dentist in Australia.

My first job as a dentist was with the Victorian Aboriginal Dental Service, travelling country Victoria and southern New South Wales with a dental caravan. It was the beginning of 10 years in public dentistry working in Aboriginal dental services, school dental services and public dental clinics. I also involved myself in community work on Aboriginal education committees and community health. I wanted to capitalise on this experience with additional qualifications so I completed a graduate diploma in public health at Adelaide university. My unease about the career potential of public dentistry and my developing political awareness were heightened during this postgraduate study. This led to two key decisions. I decided to seek employment in private practice dentistry and I joined the Australian Labor Party.

In 1991 I travelled to Groote Eylandt in the Northern Territory for a two-year contract providing a private dental practice to the manganese miners and their families and public dentistry to the Andilyakwa people. The contrast between the dental surgeries provided for the predominantly non-Aboriginal mining community and the Andilyakwa people was stark. In the Aboriginal communities the equipment was old and dilapidated; the emphasis was on blood and acrylic—extractions and dentures. It was outrageous and a situation which I complained about loudly. I am pleased to say that the Northern Territory health department was able to refit these clinics with proper equipment during my contract.

In 1993 it became clear to me that I needed to be here in Canberra where my ex-wife had moved with our children. She had grown up in Canberra and many of her family members are Canberra residents. I bought a dental practice in Turner and later moved to Civic. This financial commitment sharpened my appreciation of the ups and downs of running a business with employee relations, overdraft financing and cash flow management. I sold the practice in 2009 and stopped working there in January this year in order to make a career change; although I was not expecting the one which brought me here today.

Outside business my community involvement in Canberra was initially with the ACT branch of the Public Health Association. In 1997 the ACT government, under Kate Carnell, decided to establish an Indigenous education consultative body. I applied to join this body because of my commitment to the improvement of educational outcomes for Indigenous children. I was elected as the inaugural chairperson.

During my term as chairperson the consultative body signed a compact between ACT Indigenous families and the Department of Education and Community Services. This agreement acknowledged the past and set out significant commitments by Indigenous families and the department to achieve improvement in Indigenous education.

I helped found the Indigenous Dentists Association of Australia in 2004 and was the inaugural president. The principal objective is the promotion of good oral health for Indigenous Australians through supporting Indigenous dentists and dental students. With no resources, other than the personal sacrifice of its members, the association has been able to influence policy development at the highest level. Oral health goals are now integral to national Indigenous health policy.

For the last two years I have been Chairman of the ACT and Southern Highlands Division of the Australian Dental Association. I am proud of two initiatives which this division instigated. Firstly, in conjunction with the Salvation Army and ACT Health we have reached out to a group of people here in the ACT who cannot afford to seek dental treatment.

I want to pause here to acknowledge the work of volunteer dentist Dr Colin Seaniger, and I also want to acknowledge Liz Dawson, whose untiring efforts have supported this program.

The second initiative has been about introducing dental assistants into the school-based apprenticeship scheme. This meant that dental practices could take on year 11 or 12 students who want to be dental assistants—they work part time, continue with their year 11 or 12 schooling and attend CIT for the certificate III qualification. This is a great opportunity for Canberra dentists to find a solution to the perennial problem of staff shortages. I enjoyed my visit to one of these CIT classes last week.

I am a strong supporter of the arts in Canberra, especially through my role as a board member of the Capital Arts Patrons Organisation. CAPO has raised nearly \$2 million over the last 28 years to support Canberra artists. This effort is the direct result of generous donations by Canberra businesses and artists.

Great cities include public art as an integral part of the urban landscape. The diversity of works—in style, theme and scale—engages citizens and visitors with their urban surroundings and enhances their experience of the city. In Canberra through public art we can enjoy the works of some of Australia’s best Indigenous artists. I personally applaud the role of contemporary public art to engage, delight, and question.

I am proud to have been elected during Reconciliation Week, the first Indigenous member of the ACT Legislative Assembly. It is an important event not just for Canberra’s Indigenous community but also for the half a million Aboriginal and Torres Strait Islanders in Australia who continue to be underrepresented in our democracy. It is the opportunity to provide an Indigenous perspective in the Assembly.

For me the purpose of reconciliation is nation building. In 1788 this country was invaded and the dispossession of Aboriginal and Torres Strait Islanders began. This knowledge is a whispering in the heart of the Australian conscience. How long can we continue to pretend our history was different? A better Australian story, the story we want to tell our children, eludes us. We cannot change our history, as much as we might desire it. We cannot ignore our history, because it has made us. But we can change our future to become an Australia without shame, embarrassment or the anger of dispossession. Reconciliation will be the nation-building task of this century—a nation building that redefines what is Australia and what it means to be Australians. As Phillip Pepper, Gurnai elder, said, “We are what we make ourselves to be.”

In her speech last week to the National Congress of Australia’s First Peoples Linda Burney talked about consensus decision making and the capacity for narrative—story telling—and how her craft as a politician has been enhanced by these Indigenous attributes. Being a good local member for the people of Ginninderra begins with listening—it is also about finding solutions and explaining policy.

I would not be here today if it were not for the support and encouragement of a large number of people. There are too many to thank individually but I would particularly like to acknowledge my wife Julie; my 2008 campaign team led by Ross Maxwell and Michael Pilbrow; the wise advice of Bob McMullan and Bill Wood; the members and affiliates of the Australian Labor Party, particularly Matthew Cossey, former ACT branch secretary; my sub-branch, the Belconnen branch; and the ACT Indigenous Labor Network.

Thank you very much, Mr Speaker.

Sitting suspended from 10.24 to 10.34 am.

Death of Mr Jim Murphy AM

Motion of condolence

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer): I move:

That this Assembly expresses its deep regret at the death of Mr Jim Murphy AM, a man whose generosity, commitment and contribution to the Canberra community

will be sadly missed, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

I would like to extend my deepest sympathy to the family of a much loved local identity, Mr Jim Murphy, who sadly passed away on Thursday, 26 May, aged 63. I am sure I speak for all of my colleagues in the Assembly in offering my profound sympathy to Jim's wife, Margaret, his two sons, Adrien and Damien, and his family, friends and colleagues in the time of this loss.

As one of the capital's leading citizens, Jim's contribution to the ACT was immense. I think it is fair to say that, through his tireless efforts over so many years, Jim Murphy raised the profile of the ACT both overseas and nationally. He had an impact on the lives of many Canberrans through his passion for wine, business and charitable works, sport and the church. As his eldest son, Damien, put it so eloquently at his father's funeral, "Dad managed to bundle up all of these passions. He was an ordinary man who did extraordinary things."

The many hundreds who attended his funeral at St Christopher's were testament to his popularity and the esteem in which he was held in the community. The overwhelming outpouring of grief at Jim's sad passing was something that is reserved for very few people. On that day, the packed congregation included people from all walks of life—captains of industry, Indigenous leaders, young people, politicians from both sides of the fence, sports stars, the clergy and ordinary Canberrans—who wanted to pay their respects to a man who, through his generous nature, had touched them all.

Jim was born in Boorowa in 1948, the youngest of eight children. He often remarked about the benefits and the challenges of growing up in a large Irish Catholic family in a small country town. This must have been character building and no doubt helped to shape his later life, which was marked by his tenacity, strong work ethic, humour and support for those less privileged.

Jim is probably best remembered for his outstanding contribution to the wine industry. He was instrumental in advancing and promoting it both locally and across Australia since 1971. His reputation and connections both nationally and overseas helped put our local wine industry on the map. Colleagues have described his work in this field as an unbelievable success story, but he will be remembered for so much more than his love and promotion of fine wine.

As an honorary ambassador for the ACT, Jim travelled the world selling the benefits of the national capital. He led numerous successful trade missions, particularly to his beloved Ireland and frequently into China and Japan. Such was Jim's ability to win over all comers that the mission Jim led to Ireland in the late 90s was supported by both Liberal and Labor, with Gary Humphries and Ted Quinlan making the journey together. I am told that some excellent meetings were held at the time when the Irish economy was going gangbusters, and, with Jim leading from the front, special tastings were arranged at the famous Guinness brewery and Jameson whiskey distillery.

The strong ties that Jim made in China were instrumental in the establishment of Canberra's sister city relationship with Beijing. In 2003 Jim was appointed a member

of the Order of Australia in the Australia Day honours list for his contribution to the Australian wine industry and to the ACT community. His commendation read:

For services to the community and business sectors of the ACT through a range of private and government committees and associations and to the wine industry, particularly through marketing and promotion.

This short acclamation does not do justice to the enduring contribution that Jim has made to the Canberra community. One of his greatest qualities was his generosity. His philanthropy and genuine interest in others less fortunate will be forever remembered. He was driven by a selfless desire to help those he believed he could assist, and the contribution he made to numerous local charities over many years was enormous. It was said that there could not be a charity in Canberra which did not have a donation of some kind from Jim Murphy.

He was particularly passionate about providing real and tangible outcomes for the region's young people. Many of us are apt to forget how many street kids do it tough in Canberra and Queanbeyan. Jim's tireless work with Open Family Australia helped young homeless people to improve their quality of life, which has been a significant contribution.

There are numerous charities and community groups that Jim has supported either directly by serving on committees, boards or fundraising committees or simply by generous donations. These include the Australia-Irish business council, including a term as president, the Australian Catholic University, the Australian Centre for Christianity and Culture, the Carbine Club, the Australia Chinese Business Council, Marymead, the ACT Science and Technology Council and the Spirit of Calvary campaign establishment committee.

Not so well known is that Jim was also a very active member of a small group of Canberrans who raised funds to assist Indigenous artists by acquiring their works of art. The money raised as a result—tens of thousands of dollars—was spent in remote Aboriginal communities in central Australia on the serious health issues encountered there. Jim's group also assisted Canberra doctors in their work in places like the central desert.

One unintended consequence of this work for Jim was a serious collection of Indigenous art that is proudly displayed in his boardroom. He may be gone, but there are little bits of Jim Murphy's incredible legacy scattered all over Canberra. Most we simply will never know of, such was the unassuming nature of the man.

He negotiated a long-term lease with the commonwealth to create an impressive business events centre at Regatta Point, but for Jim the job was not done. At the time of the opening, almost 10 years ago, he was not 100 per cent satisfied with the quality of the final fit-out. Jim decided that the meeting room, with a spectacular view of Lake Burley Griffin, that was likely to attract Australian and international business leaders, needed a serious meeting table. So Jim went out and bought the best boardroom table money could buy—at his own expense, of course.

That sums up the generosity of Jim Murphy. Not satisfied with giving to charities and hundreds of other worthy causes across Canberra and the district, he even found it in his heart to dig deep to help the ACT government get a boardroom table it could be proud of. And I should add that it is still serving us well a decade later.

At Jim's funeral, Archbishop Mark Coleridge remarked that he had never known a man who had so many fingers in so many pies. He described Jim as modest and humble and a man of faith who commanded loyalty but returned it tenfold. Jim will be remembered as a man who was driven by a selfless desire to help people.

Jim's passing will also be felt in Canberra's Irish-Australian community and through his involvement with the Irish business association. He did his best to make the association feel at home by transforming the room at the Market Cellars into an Irish cottage for their meetings. Former Irish ambassador to Australia Richard O'Brien recently remarked that Jim was one of their most enthusiastic members and a man who is passionate about his Irish-Australian heritage.

Jim was indeed a man of great compassion, caring, sensitivity and gentleness. His brother Father Peter Murphy said that Jim lived the life of a Christian in the most practical sense and recently remarked that one of the most endearing and enduring attributes of Jim was a sense of loyalty. He commanded loyalty, but returned it tenfold. He was a regular churchgoer and a man of great faith, which presented challenges on his many trips to China, where there were not too many accessible Catholic churches.

Jim will be forever admired not only because of his successful business career and the breadth of his achievements but also because of his humility and decency. Through all of his work, Jim remained a staunch family man. We can only imagine the grief of his family, especially of Margaret, Adrien and Damien, who join us here this morning, as they face the loss of this generous, loving and loyal man. We give thanks that he extended his family commitment into our local sphere, and at such a time we hope that his more immediate family receive the comfort and support they so richly deserve.

The government is currently considering how best to recognise and remember Jim's legacy to Canberra and the surrounding district. We feel it is fitting that his contribution to the local community should not be forgotten. Notwithstanding Jim's magnificent and enduring achievements, in a simplistic way he was arguably one of the most recognised faces in Canberra, mainly because of his TV commercials. His catchphrase in these ads, "enjoy the good times", is something that we should all take to heart and should forever remember as Jim's lifelong philosophy. Thank you, Mr Speaker.

MR SESELJA (Molonglo—Leader of the Opposition): I rise to join with the Chief Minister in speaking of the life of Jim Murphy. I speak with both regret for his passing and respect for his life and his contribution. Jim was in many ways a man larger than life, but in equally as many ways, humble of spirit. His prominence in Canberra life is undeniable. His contributions to our community are indisputable and his love of life irrefutable. He will be missed by all who knew him, by many who knew of him and by many more who were touched by his generosity yet never had direct contact with him.

He was that sort of man. His influence and affable spirit extended far beyond his immediate circle and into the lives of those who had not benefited from the booms that Jim had encountered. Yet he forever strived to share his good fortune with others far less fortunate than himself.

As a businessman, he built one of Canberra's most prominent local firms from far from prosperous beginnings, starting his wine distribution business from a humble shed. From that base, he built a business that remains unrivalled in the local scene, and from that base he put himself in a position where he became far more than just a successful businessman; he became what can be genuinely called a pillar of the community.

He served on a number of boards in the capital. The most prominent of these would be the Canberra Raiders, a club he supported from beginnings as humble as his own. He saw them grow into the major competitors they are today. Raiders chairman, John McIntyre, is reported as saying, "His contribution to cancer support people and his contribution on the board of the Raiders has been magnificent over the last five or six years—probably not just Canberra, also Australia, because he was a quintessential Australian and a very generous, generous man."

He is also famously generous in his support, as well as spirit, for many charitable funds, foundations and organisations. The stories of his generosity at charitable functions is nigh on legendary, as can be attested to both by the many tales of Jim stepping up with support at everything from charity events to support from the boards of charities. In fact, some organisations would not exist at all without Jim's support. Peter Schwartz from Open Family that assists young people said, "Open Family really owes its existence in the ACT to Jim's determination and enthusiasm towards trying to make things better for young people in Canberra."

The tributes continued in the days after the sad news of Jim's death became known. Former Liberal Chief Minister Kate Carnell said, "There was never anything impossible for Jim. He always believed that if he just got on with it, you could get things done. And he did."

ACT and Region Chamber of Commerce Chief Executive, Chris Peters, said, "The city has lost a legend. Jim was a leader of the business community. He also became heavily involved in other areas, well known amongst many charities in Canberra, a very generous man who was a great support, and his first and longest love was his involvement in rugby league as a former player and, more recently, on the board of the Raiders."

Even former business competitors have nothing but praise for Jim. Chris Shanahan wrote a glowing tribute to Jim, describing in detail how he not only survived the competitive world of wine selling but how he thrived from the late 70s through the 80s and on into the new century. His stores are still operating today when so many others have fallen by the wayside. He stated in his article:

I was there in the thick of it, watching Farmer Bros sales grow, even as Richard Farmer's sales took off. This had to be at the expense of competitors, including

Murphy, but Murphy quietly sidestepped hostilities and ultimately outlasted both brothers.

Former Coles liquor boss Craig Watkins knew Jim and often visited Market Cellars, impressed by Murphy's success. He said, "He was always successful, a fantastic negotiator, a great relationship builder, respected by suppliers, and a street fighter." He was famous for sticking to the basics of the business he knew so well. This is, of course, the epitome of Jim's success and the basis for one of the longest lasting and most recognised marketing lines in Canberra's history, "enjoy the good times".

However, this dedication to the good times never got in the way of Jim being equally passionate and effective in other areas of the Canberra community. As well as the charity and business success, Jim's involvement with our side of politics is well known. He was a long-term supporter and sometime critic. He was a party member but so much more. He held important positions on management committees and was, of course, instrumental in the supporter group, the 250 Club. This group was an important organisation for the Liberal Party for many years.

I remember first meeting Jim in 2003 when I was on the management committee as policy convenor and Jim was finance director. Now, a lot of wonderful things have been said about Jim, and that is as it is. But I remember some of those arguments. Jim could be as passionate in putting his views as anyone I have seen. I still have recollections of Jim with his big arm banging on the table when he was having a particular dispute over a particular issue. I think that passion is something that I also admired and was also important in his business and other success.

As with any close relationship, it did have its ups and downs. However, even during some of the difficult times, it was never so damaged nor so distant that we could not work through our differences. Indeed, in recent years the relationship was a very, very strong one. I remember just recently having a very enjoyable lunch with Jim, Mr Smyth and others to discuss how we could move Canberra forward. I remember very well the wonderful hospitality that we received from Margaret and Jim at their house over a good bottle of red—I think that particular night enjoying Brumbies success, something that does not happen as often as it used to.

In speaking with Margaret Murphy about what to put in this speech, I asked her how she would like Jim to be remembered. Margaret summed it up as a wonderful husband and father and a lovable man. I think that with all of the public attributes and the tributes to his public life, we should remember that at his heart that was who Jim was and how Jim's family would particularly like him to be remembered.

Margaret also wanted it known just how much pride the family had in the work that Jim did in the community. Her greatest regret is that Jim left us so young with so much left to give and to experience. Damien said at the funeral that his death has left a hole which can never be filled. To Margaret, Damien and AJ, who are here today, my sincere and deepest condolences.

I used to see Jim at mass at St Benedict's in Narrabundah from time to time. After his funeral I was speaking with the parish priest at St Benedict's, who informed me of Jim's contribution to the parish through its fundraising committee, something I was

not aware of. It was another contribution from Jim, which was not known to many. As Father Steve said to me, when it came to fundraising, if Jim said it would happen, it would happen.

As the Chief Minister has already noted, I think that the way Archbishop Mark Coleridge summed it up is worth reflecting on. He summed it up well at the funeral when he said that he had never met a person with so many fingers in so many pies as Jim.

All of Canberra enjoyed the good times of Jim Murphy's contributions, be that in commerce, in charities, in sport, in politics. Rarely has one man made so many contributions to so many areas or been such a positive influence for so many people. Canberra is the richer for his making Canberra his home and we are all poorer for his passing. He was unique. He was passionate. He was committed. But most of all, he was effective. We may well not see his like again, but I, like so many others in Canberra, have been touched by his compassion and impressed by his commitment.

There is more than a little sadness in these times, but I think we owe it to the man and his lasting legacy never to forget that in our busy lives we should take some time to enjoy the good times, to reflect on our good fortune and to help those less fortunate than ourselves. So the next time we do have a moment, we should all raise a glass in remembrance of a great local success story, a great man and a great Canberran. Farewell, Jim Murphy.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens): Jim Murphy died unexpectedly on 26 May after complications from surgery. Jim was aged 63. He is survived by his wife Margaret and sons Damien and Adrien. On behalf of the ACT Greens I extend my deep sympathy to his family and acknowledge their presence in the gallery today.

Jim was the youngest of eight children and, sadly, the first to pass away; a man of Irish Catholic heritage who lived by those ideals and was respected and regarded by many. His funeral was testimony to the affection in which he was held, with one of the biggest turnouts ever seen in Canberra, with many hundreds of Canberrans there to farewell Jim and reflect upon his considerable contribution to our community.

Regardless of one's political views, few could dispute the devotion Jim had for Canberra. He was deeply committed to the economic development of the area and gave freely of his time to advance Canberra.

Perhaps people liked to put Jim Murphy in a box—the man on the TV selling wine “for the good times” or a friend to conservative politics. While this was part of Jim, like most of us, there were many facets to the man. He was highly regarded by many and he should be applauded, for instance, for keeping his business thriving for 30 years and facing the challenges of a changing market, particularly one that saw competition from both major national supermarkets; for understanding his product and most importantly his customers and never wavering from that.

Former Coles Liquor boss Craig Watkins knew Jim and often visited Market Cellars. He was impressed by Jim's success in business, considering his Fyshwick store was

not in a central location. Mr Watkins said, “He was always successful—a fantastic negotiator, a great relationship builder, respected by suppliers and a street fighter.”

While his business acumen was considerable, his willingness to share these skills and resources was felt by many: the local wine industry, vulnerable young people, local sport, especially the Canberra Raiders, where he was a member of the board, and the Catholic community. The Catholic faith Jim was born into remained strong and an important part of him throughout his life, so it is no surprise that Jim was a great supporter of and donor to many charities.

He was a tireless supporter of Open Family. Open Family provides outreach and support services to young people who are at risk and to the homeless. This front-line work sees youth workers engage with young people on the streets to support them to reconnect with community services and ultimately empower them with the life skills that will assist them to make the right decisions about their education, health and employment. Funding for services such as Open Family is a constant challenge and Jim made sure that funds were raised to ensure that Open Family could continue giving lasting and positive benefits to the young people that risk being forgotten and that can, with the support and help provided by Open Family, form the generation of future leaders.

Jim Murphy’s support of Open Family certainly made an impact on the lives of many young people across the ACT and Monaro region. Peter Schwartz from Open Family expressed his gratitude to Jim, and I note Mr Seselja gave that quote. Having worked in the youth field for many years, I do remember Peter Schwartz coming back to meetings that I was attending and saying, “Yes, this morning we had another breakfast. Jim was there, helping to raise money for Open Family.” I do know personally about the fantastic and important work that Open Family does with many of our at-risk young people here in the ACT.

Jim’s relationship with the Canberra Raiders has been described as “beloved”. He was a member of their board from 2003. Current Raiders players formed a guard of honour at Jim’s funeral. Long-time friend and Raiders chairman John McIntyre described Jim as “probably one of the most generous people you will ever meet in life, not just through a monetary sense but through an intellectual sense”.

Jim set up his wine business in a shed at the ANU 30 years ago. His interest in and knowledge of wine was probably his best ally in maintaining business success. What made him different is that he shared this knowledge and experience. This knowledge and experience was central to putting the local Canberra wine industry on the map and for him personally maintaining and expanding his robust business. He took an important role in the negotiations that led to the establishment of the Kamberra wine complex. He was also a foundation member of Canberra’s national riesling challenge. This event has received international acclaim.

Another role Jim took on was as honorary ambassador for the ACT. This role saw him lead trade missions to both Japan and China, and his work assisted in the development of Canberra’s sister city relationship with Beijing. His work always had a clear focus on promotion of the local industry and the Canberra region.

Cantrade was another organisation to benefit from Jim's generosity. As the voluntary chairperson for five years, he oversaw a job creation project for young unemployed people, a program that is credited with creating 1,000 jobs. During this time he also established the Canberra Business Promotion Centre located at Regatta Point. On top of his board commitments at the Raiders, Jim also held a position on the board of Calvary hospital.

He was appointed a Member of the Order of Australia in the 2003 Australia Day honours list for his contribution to the Australian wine industry and to the ACT community.

Jim's television ads and his well-known catchcry of "for the good times" seem to have been etched in the minds of a generation of Canberrans. Regardless of whether one enjoys a good wine, it is hard to ignore that Jim's continued participation and generosity in time, expertise and finance have enabled many who may not have seen the "good times" to do just that. He has also assisted in shaping Canberra and providing it with a stable core of business development activities outside the public sector. This vision and tenacity should be applauded and acknowledged as thousands of Canberrans continue to benefit and will do so into the future.

I join with many people across the ACT in mourning the premature loss of a fine Canberran and in acknowledging Jim's extraordinary contribution to our community.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): I rise to speak in this place to pay tribute to a great Canberran. I knew Jim Murphy professionally as a major driver in the wine, tourism and sport industries. And it is his contribution in these areas that I wish to focus on today.

There is no doubt that Canberra boasts a fine, first-class wine industry, one that produces great wines and makes a significant economic contribution to this community. Indeed, our local wine industry is a major part of a \$1.5 billion tourism industry that employs nearly 13,000 Canberrans every day. But it was not always like this, and most likely never would have been without the contribution of Jim Murphy.

Jim's career in fine wine began when he took over as bar manager at the ANU's staff centre in 1969. Not long after, Dr Reik planted vines on the foreshore of Lake George and an Irish research scientist, Dr Kirk, planted those very Irish varieties, cabernet sauvignon and riesling, near Murrumbateman. From these very humble beginnings the destiny of Jim Murphy and the Canberra and region wine industry has stretched out over 40 years. They reached heights that would have seemed unimaginable in those early days when, if you drank wine, you were perhaps considered some sort of snob or a continental dandy.

Whilst at the staff centre, Jim started to conduct wine-tasting classes and helped found the Canberra Wine Club. He also introduced such ideas as wine options dinners, an annual poets luncheon and the first ACT Wine Symposium. The symposium brought the local wine industry together in a public forum and was so successful that the industry now run it as one of their major events, in conjunction with Wine Australia.

It is fair to say that in the early 70s Jim Murphy saw what was happening in Canberra, and indeed in Australia—that we as a nation were opening up to new ideas and cultures and that wine was growing in popularity. He matched his great head for business with his great love of wine and in 1978 established Market Cellars, operating at the Fyshwick markets. In 1987 he left the staff centre to take on Market Cellars full time.

He established during his career long and lasting friendships with such wine industry icons as Wolf Blass, David O’Leary, Nick Walker and David Morris. He was also part of that informal but elite leadership of the Canberra wine industry that includes such notables as Ken Helm. Over the next 40 years he became an iconic figure in the industry, not only locally but nationally.

His knowledge of wine, acquired largely through self-education and experience, earned him the respect of the industry nationwide. This meant that if Jim Murphy said a Canberra wine was worth stocking, the national industry did not dismiss him as another regional yokel trying to flog a second-rate product—something that was common in the industry in the 80s. They took Jim seriously, and this has been of enormous value to the local wine industry.

Jim Murphy’s reputation and drive saw him play a vital role in the establishment by a major player in the industry, BRL Hardy, of the Kamberra wine complex. Apart from providing a valuable showcase for our local product, it has been instrumental in creating and sustaining some of those 13,000 tourism industry jobs that I spoke of earlier.

In short, Jim Murphy’s influence helped to develop Canberra’s reputation as one of the finest cool climate wine regions in the country, particularly renowned for its shiraz and riesling.

Jim Murphy believed in wine and he believed in business, and he believed in Canberra’s potential in both of these areas. His passionate belief in the ACT’s business potential and the need to pursue emerging opportunities will remain a lasting legacy, and, as such, his influence has extended far beyond the wine industry.

He chaired the Cantrade board to encourage business development in the ACT in a broad range of industries. In this role, as we have heard, he led many delegations to China, often at his own expense and all on his own time. He was instrumental in establishing the Canberra-Beijing sister city relationship and the Canberra-Beijing Business Council. He was the driving force behind the establishment of the Canberra business centre at Regatta Point and, as the Chief Minister indicated, provided a personal contribution with that board table. He also secured commonwealth funds for the centre’s construction.

He was instrumental in pulling Canberra out of the 1996 recession, mobilising local business to get involved in helping to address what was a major crisis for our local economy. His efforts ultimately led to the creation of over 1,000 jobs for unemployed youth in our city.

His contribution to our local tourism industry was both shrewd and practical. We heard at the service his particular tactic of scheduling meetings with interstate colleagues late in the afternoon. It meant that perhaps his visitors would have to stay the night. Well, it often did. It meant they had to stay the night in a Canberra hotel, eat in a Canberra restaurant and, naturally, enjoy Canberra wine. In the long run I suspect that many of these perhaps accidental tourists became important and positive opinion changers for our tourism industry and the produce offerings of this region.

As tourism minister, I often talk about the very strong link between elite sport in Canberra and the role it plays in supporting the tourism industry. Our elite sporting teams draw crowds to our city to watch games. They generate TV and other media coverage and generally send the message to Australia that there is more to Canberra than politicians. In this area Jim Murphy's business head and his heart for sport delivered in spades for the people of Canberra. His love of Rugby League and the Canberra Raiders and his long business experience made him one of the most effective board members of the Canberra Raiders in the organisation's history.

Samuel Johnson is reputed to have said: "Wine gives a man nothing. It only puts in motion what had been locked up in frost." In a sense, I think that sums up both Jim Murphy and his attitude to Canberra. It is pretty clear that regardless of what business Jim got into, his natural drive would have seen him succeed. It was perhaps fate that it was wine that set in motion what was always locked away within him. More broadly, with the assistance of Jim Murphy, the local wine industry, like so many others since, became one that unlocked the innovation and drive of the Canberra community.

I join with all members in acknowledging Jim Murphy's outstanding contribution to Canberra and in expressing my condolences to his family.

MR SMYTH (Brindabella): I would just like to say welcome to Margaret, AJ and Damien and thank you for being here. First and foremost, I say thank you for sharing dad with us. It is a very generous family that would let Jim out of their home. I suspect, because he had so much to give, you would really have wanted to keep him to yourself. But I think you guys knew, as perhaps his mum knew, he was much bigger than that.

I think that is what we celebrate here today, that bigness of Jim Murphy. And it is not just the physical bigness. I am quite surprised that a prop could actually turn into one of Canberra's best-known wine connoisseurs. It is not that usual attachment that one would give to a Rugby League player. But it is the many facets of the man's nature and his character that I think have attracted so much attention.

You only had to have listened to the radio, 2CN, the next morning to hear the number of people that just rang in with a story to tell. And it was so surprising—everybody had a Jim Murphy story. That is the sign of a man who was part of his community. He never asked for anything back. I think that is also part of the greatness of Jim.

We talk about the boardroom table at Regatta Point. I have an understanding—and perhaps somebody in the gallery will nod at me—Jim actually had that made. I

understand it is from the pews of the old Boorowa church—the ultimate recycling, old Catholic Church to the boardroom table for the business centre. It is a beautiful table. And when you sit and look at it, the beauty of the wood and the previous life it had before it became that table have not been eradicated. But that was Jim. He saw an opportunity and just made it happen. And it happened so often in the community and people do not know that it did.

We acknowledge that the Chief Justice has remained and that most of the Assembly members are still here. I think the importance of that today is that you, Terry Higgins, as the representative of the community at large, remained. But that is the sort of effect that Jim Murphy had. And it is very important that people know about it.

Somebody said they do not know where Jim is now. Let us reflect on the funeral. There were 26 priests, there were three Catholic bishops, there were two bishops from other faiths, there was a clutch of Buddhist monks, there were nuns, there were representatives of the other churches. This is a man whose faith was not shallow. Mention was made of his Irish Catholic heritage. This was a man whose heritage allowed him to be something great, not something boxed in and insular. And I think it is fantastic that all those people turned up.

Unfortunately, when you go to funerals—and I have been to a few funerals—there are many people there. But I have never seen so many people at St Christopher's for a funeral. Perhaps the funeral for Brother Mark May from Marist would have been the same. But the number of people that actually went to the cemetery was just sensational. It was past 4 o'clock; it was bitterly cold. But there were tears, there was laughter, there were smiles and there were hugs. They wanted to be there for him.

Later at the stadium—and I thank the stadium for hosting the function—the people came. The people stayed. The people celebrated the life of a bloke who, when you looked at him, was just ordinary. But that greatness shone through.

There were some images that night that perhaps should not be mentioned, particularly the one of Jim in a white T-shirt and a weightlifter suit. It is not a visual I think I want to see. I see Margaret laughing. I am sure it is not a vision Margaret wants to see too often. But that was the guy. He was willing to do whatever it took to make it happen. And he did make it happen, as Zed and others have said. He actually made things happen. Whether it was in Rugby League, he made it happen. Whether it was in the Irish-Australian business community, he made it happen. Whether it was in his own business, he made it happen.

You skip out of that trauma—and Chris spoke of it this morning—and that step you make when you are buying your first business. He did not buy it. He set it up from scratch. "I think I could run a wine business." You could hear all his mates saying, "Mate, you are a prop." "Yes, but I think I could run a wine business." "Mate, you are a prop." But he did it and, as Zed said, he outlasted the competition. He has the respect of a community that it is very hard to get the respect of. It is a pretty cutthroat community. But what he carved a niche out on was fairness, on service, and making sure he did the right thing. Again, I go back to the Irish Catholic nature of the man and fairness.

Recently we were talking about some developments that were happening around town, and he said: “They’re going to let this competitor in. But I’ve got a lease in my clause that says I’m the only person that can sell alcohol in that area.” I said: “What will you do? Will you stop them?” He said, “No, that’s not fair.” To his own detriment and to the detriment of his business, he understood that what he might do would be unfair. And that is interesting. I think people get their reward for that.

There is a lot of criticism of those who like to attack religion for all the poor things that have happened in whatever religion. Let us face it, a lot of faiths have not covered themselves in glory and the glory of God that God calls us to be. But in many ways Jim Murphy was the poster boy for Catholicism. Laugh at me—I am sure Jim would laugh at me for saying that—but this is a guy who understood faith, who understood the power of prayer and who understood that it is not something you do on Sundays at 11 o’clock. But there was a call to action and there was a call to humility. Jim Murphy in many ways encompassed that call.

For those of you who did not know him, you only have to look at the way that he operated. He would often ring and we would be discussing something and he would say: “Do you know what time mass is? I have got to get to mass before I go to the meeting.” So he would work out where and when mass was on and what he would do. He had a great affection for St Benedict’s. I know he loved the cathedral, his own parish. But central to everything he did was his obligations to his faith. He was a Catholic through and through. He chose to be a Catholic. He chose to live as a Catholic and he tried to make it work, so the obligations to mass and to prayer. But then he just did not see it as a Sunday morning activity.

As to his charitable work, I do not think any of us will ever know the extent of his charitable work. I am not sure that you three know. You should. I hope you do. I doubt you do, because he just did not tell people. On the Saturday night before his operation—what would that be, 21 May?—there was the Oakton-Jim Murphy wine dinner for Marymead. He put on the grog, the staff came, they talked it up. At the start the MC mentioned that Jim could not be there for the night due to the operation and we would all wish him well. There was this amazing round of applause, sort of community adulation, community acknowledgement of the greatness of the man. You should carry that with you forever. They gave him that great round of applause that he deserved.

But the extent of his charitable work will never be known—the number of Sunday lunchtime dinners that I and others went to at Murphy station where Jim would put them on. He would be there, he would host them, he would cover a lot of the cost, to raise money for everything from Marymead to Open Family and everything in between. It was extraordinary. I am sure those charitable organisations that received his assistance will always be grateful. But it was real.

He lived what he believed in. He lived his Catholic faith. And for all those who would seek to condemn particularly the Catholic Church, yes, the church has made mistakes and I think we all acknowledge that. But you need to look at ordinary people like Jim Murphy who are the true Catholic Church, who lived their faith, who acted on their faith and who were not spoilt by their faith. He was not spoilt by his success. He kept

his humility, he kept his simplicity. I think that is one of the things that endear him to us all the most. He was always just Jim.

Where is Jim now? Somebody said, "Where is Jim now?" I have got this vision of Jim. I can imagine Jim getting to the pearly gates and not demanding entry but sussing the place out. He was always looking for the angles. Eventually, I am sure, he would be introduced to the Lord and he might sit down at the right hand of God. After conversation had progressed through his life and what God had in plan, I can hear Jim saying to the Lord: "Now, mate, this water into wine thing, have you thought of the franchising opportunities and where we could take this? There are a few debts the church has got but if we could market this properly, divine wine could catch on here." And I can just see his head ticking it over, thinking: "How do I approach it? What is the angle you take with the Big Man? What is the approach here? I cannot be a prop. I cannot barge this one through and try to get it over the line. But I will talk him up to it." If you have ever been buttered up by Jim Murphy—it is a wonderful thing to be buttered up by Jim Murphy—you should always have it in your heads as an honour.

On behalf of my wife, Robyn, and my daughters, Amy and Lorena, and my son, David, we would like to say thank you for all you did for us in a personal sense. My daughters, on their 18th birthday, got a nice bottle of 1986 wine that Jim had out the back. He said: "They are 18 today. Here is a bottle of 18-year-old wine." We have got a bottle for David, which is lovely, which we will drink when he is 21. And I think it is that personal touch of the man who was fully human, of a man who was fully alive, that will be remembered.

No matter what he tried, he gave it 100 per cent. He never accepted defeat. He was always looking for a new angle. He could always turn a silver lining out of however grey the clouds were. I think that is the thing that we love him for.

The last dinner I had with Jim was on Ash Wednesday actually. Five of us met. I think, oddly enough, all of us were Catholic. We all ordered fish and we all ordered lemon squash. So my last meal with Jim Murphy was not a big steak and a glass of wine, it was fish and lemon squash, which again is indicative of the guy. So I was lucky to be at that last dinner.

The last footy game I saw with him was the Doggies game, the Bulldogs game, on the Friday night before he died. He looked great. He was there in his overcoat. He sat in the chair. They cleared the way for him so that he could just sit and watch the Raiders. And I think the Raiders gave him the send-off he deserved. The last game he saw of his beloved Raiders was a big win, and that is a great thing too.

I will finish where I started. Margaret, AJ, Damien, I would just like to say thank you for sharing him. He had so much that he wanted to do, he had so much to give. What truly, particularly to you, Margaret, enabled him to be the man that he was was the love, the support, the kindness and the generosity that you gave him. I know you know it, but it needs to be said: he was always grateful for the love of his family. And I know that no matter what happened or how late a meeting went, whenever it finished, he did not dilly-dally. He got the keys and went home because he wanted to be with you three, because you three were his world. The things that he did and that we have all talked about today were simply his expression of love for you because he

wanted to make this world a better place, particularly for you three, to live in and for those that come after you three.

I know you know that. I think it is worth saying. We should not be afraid of it. And it is something we do not express enough of in this world in this day and age, that we can actually say in a public forum our love for somebody else. Again, I get back to the idea of Jim Murphy, the poster boy for the Catholic Church. It is the essence of the man. You guys know this.

It was his love for his mum. Once a week, he would drive out to Boorowa to see mum. He seldom missed it. I can remember him telling me that he was distraught on the few occasions that I know that he could not get out there, but he would always make it up. He never forgot his family. He loved you guys, he loved his brothers and sisters, his mum and dad. We are all the better for you guys.

So thank you for sharing him with us. Thank you for gracing this place today with your presence. It is an honour to speak on behalf of my friend Jim Murphy. As I said at estimates that day when Mr Barr was before us, “Members, enjoy the good times.”

MR COE (Ginninderra): I, too, rise to briefly put on the record my lasting thoughts and impression of Jim’s life and Jim’s achievements and his commitment to our community. My involvement with Jim was largely restricted to the Liberal Party. We have heard today about many other aspects of Jim’s life, but my involvement was not quite exclusively but largely restricted to the Liberal Party. I can remember as a young person joining the party back in 2000, in the days of the Carnell government, going to branch meetings and to policy conventions and divisional council meetings. Whenever Jim was there, there was gravitas. Wherever he was, whether it be with the Liberal Party or elsewhere, he was always one of the notables in the room. He was always someone who had influence; he was always someone who really did stand out. I think he really added a tremendous amount to every community. I know for the Liberal Party he certainly made a huge contribution.

I served alongside Jim on the management committee of the Liberal Party at the time of the 2004 election and just before and just afterwards. It was a pretty tough time for the party, there is no doubt about that. It was a very difficult time for the management committee; there were a lot of heated discussions and a lot of things that happened that I think really tested the characters of those people on the committee. But I have no doubt that all those who served at that time did so with a commitment to the party and did what they thought was best for the party.

Jim’s contribution to the party, especially during the Carnell years but throughout his membership, really was immeasurable. He was someone who brought credence, he brought credibility, he brought real influence to the organisation. To a large extent, I think he actually represents to a T what the Liberal Party is all about. It is about family, it is about commitment, it is about community, it is about business, it is about values—not in isolation, but intertwining them and actually delivering upon it as well. I think Jim’s contribution to the party will be very sorely missed. He will be heralded as one of the great movers and shakers in the party and someone who gave an immeasurable amount to the party and, through the party, to Canberra.

My thoughts as a Liberal and as a Canberran are with the family at this very sad time. We all celebrate the life of Jim Murphy and thank him for his legacy and his heritage.

MR HANSON (Molonglo): There have been some wonderful speeches today about a wonderful man. I am glad, Alistair, that you followed Brendan, because his was a very moving speech. Mr Coe and I actually turned up to the funeral of Jim Murphy quite early. We wanted to get there early. We turned up, and there was standing room only. We stood with several hundred other people outside St Christopher's. Certainly a sight I have not seen before, and maybe we will not see again, was so many people inside the church and so many people standing outside and listening to every word of the very moving speeches that were given.

Some great words have been said today, but one thing I found quite moving was reading the *Canberra Times* website where some comments are made, and it is an opportunity to post articles and for the family to post as well. I would like to read some of those comments from people who have known Jim Murphy, people who were either great mates or who hardly knew him at all. I think it is an expression of what the community felt about Jim Murphy, and I would just like to read some of those comments into the *Hansard*. Firstly, this is from his son Damien:

On behalf of mum, a.j , Jen, Vicks and myself. I would like to say to all of our close friends and the greater community thank you! Thank you! Thank you! For your overwhelming support and comments. The reaction from the community in a city that was cherished by this great person is truly humbling!

Dad was (as mentioned) the most generous and hard working person I ever knew, and it is amazing to see how much that has been observed and recognized by the community. Once again all we can say is Thank you, but the biggest thank you goes out to you dad for your endless generosity and kindness! You will be sorely missed. RIP dad.

That is from Damien, but I am sure they are the sentiments from his brother and from his wife, Margaret, and from the rest of the family.

Some of the other comments:

Even though I have come to know Jim closely only recently, what struck me most, was his generosity, friendly smile and his wit.

My heart goes out to Margaret, AJ and the family.

I will miss him.

Josef W

To me he was Uncle Jimmy, our families were close when we were young. I have so many fond memories of Uncle Jimmy and my heart goes out to Auntie Marg, Damien and AJ.

Emma Tattam

And this from his fitness instructor:

I have been looking after Jim's fitness for nearly 4 years. He was the most dedicated and disciplined client I have had over the past 20 years. He would only miss a session if he had Open Family meetings or out of the country. He would be here at 7am every day no matter how little sleep he had had due to his heavy commitments. He would never complain about being tired, and would always put in a good solid hard effort for at least an hour. I know this will surprise many because of the myth that you have to be thin to be fit. What a myth that is, Jim was remarkably fit and strong. He was here at my centre putting in the effort right up until Friday and we walked again Saturday before he and his wife Margaret left for RPA.

We developed a close and strong relationship and I will miss him desperately.

All his friends at Partners in Health are shattered by the news of his passing.

He was enormously proud of his boys Damien and AJ and had wonderful support from his wife Margaret.

Jim would say every morning as he left the gym for work that he was as happy as a worm coming home from fishing. I miss that worm every moment of every day.

Jim is the saddest loss the ACT has ever had.

Lisa

Another posted by Lesley:

I knew when we were young and wild, I knew you when we had reached middle age and had slowed down, I know you were a man that had a heart of gold and man that worked so hard for his family and "Canberra". God Bless. Thinking of Margaret and son's AJ & Damien and their partners.

There are numerous comments on that website, and I encourage all of the members here to get on to the *Canberra Times* and read them. I seek leave from the Assembly to table the remainder of those comments, which I have copied.

Leave granted.

MR HANSON: I table the following tributes:

Mr Jim Murphy AM—Tributes.

In conclusion, again, to Margaret and to the boys, our commiserations on your sad loss. I did not know Jim well; I had only met him a few times. What an incredible Canberran.

MRS DUNNE (Ginninderra): I would like to rise briefly to pay tribute to Jim Murphy as a great man and a great Canberran and a great family man. Like Mr Coe, I knew

Jim mainly through the Liberal Party, and I value the service and the contribution that he has made to the Liberal Party. As an aspiring candidate, I know the support that Jim gave to members of the Liberal Party, but he also extracted a price for that. Jim would very generously provide you with wine for fundraising dinners, but he also took the time as he walked you through his store and handed over the wine to give you the benefit of his views on whatever was the topic of the day or whatever you had said or not said and whether he thought that it was appropriate or not.

He was a man of views and a man of great generosity. I was constantly amazed at the areas where Jim was involved in with his charitable work and where he gave his time. I recall when we were trying to establish scholarships at the Australian Catholic University, Jim was there. When Gary Humphries was attempting to raise scholarship money, Jim, as always, provided the wine for countless dinners. And it was Jim and people like him who first gave me my introduction to the splendid work of the Open Family foundation.

Touching on the comments of Mr Smyth, one of the great achievements in life is the nature of your send-off, and the nature of Jim's send-off was a testament to the greatness of the man and the contribution he made in every aspect of his life. The clear expressions of love and admiration that came through his requiem were outstanding and something that will stay with members of the community who were there. As Mr Smyth has said, it is a testament to the man that he maintained willingly and openly and with great love his faith throughout his 63 years. A testament to that faith was the nature of the send-off with three bishops and such a collection of clergy. It is a send-off that all we Catholics aspire to.

In sending my personal condolences to Margaret, Damien and Adrien, it is quite clear that they have suffered an enormous loss, but I think that, because of the nature of the man, we know where Jim is now and we can only say: "Rest in peace, Jim. You will be missed, but your example will live on in those who knew you and loved you and admired you across the Canberra community."

MR DOSZPOT (Brindabella): To Jim's family—wife, Margaret, and sons, Damien and Adrien, who are in the chamber here with us today—I also offer my sincere condolences and sympathy. There has been a lot said about Jim's generosity to charities and causes and his enormous contribution and dedication to Canberra and to the Canberra community. I served on the board of Cantrade with Jim for a number of years, and he was a tough, fair and very demanding chair. But he was a chair who never demanded anything more than he himself contributed. He wanted more, but he also contributed more than any of us on the board. We spent many hours in interesting discussions on various matters of importance to Canberra, such as a very fast train and initiatives that Jim wanted to push.

I also went on a memorable delegation trip with Jim and other business representatives to visit our sister city Nara in Japan in 1997, where I saw first-hand yet another side of Jim Murphy—a consummate diplomat representing Canberra and supporting the then Chief Minister Kate Carnell in countless functions we attended, always extolling the virtues of our capital city and the opportunities it could offer to our Japanese hosts.

Canberra will miss Jim Murphy, his energy, enthusiasm, determination and his generosity. Once again, sincere sympathy to the family and friends and to Margaret and Damien and Adrien.

Question resolved in the affirmative, members standing in their places.

Petitions

The following petitions were lodged for presentation:

Lanyon Valley—library—petition No 118

By Ms Bresnan, from 79 residents:

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: People living in Lanyon and the surrounding suburbs only have limited access to a mobile library and the library in the Tuggeranong Town Centre. A Library in Lanyon would provide an important service and resource for the community, including older people and families in the area, particularly for outer suburbs such as Conder, Banks, Gordon, Theodore and Calwell, and also for Tharwa.

Your petitioners therefore request the Assembly to: Provide for the establishment of a library in the Lanyon Valley.

Planning—Pitch and Putt Golf Course—petition Nos 119 and 121

By Mr Rattenbury and Mr Smyth, from 13 and 1,456 residents respectively:

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: Development Application 201119563 proposes a change of use to the land now used as a pitch and putt course in Woden which, if agreed, will result in the loss of a valued sporting and recreational facility that is used by thousands of Canberrans of all ages. It has become very important in meeting the needs of the ageing community and is valued by many more for its ambience as a green oasis in an area that is being rapidly urbanised.

Your petitioners therefore request the Assembly to: take such action as may be necessary to retain the current sole purpose of the lease as a par 3 gold course (pitch and putt), comprising 18 holes and associated facilities, in order to secure this site for community sport and recreation use into the future.

Alexander Maconochie Centre—drugs—petition No 120

By Mr Hanson, from 234 residents:

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

This petition of Custodial Officers and associated employees of the Alexander Maconochie Centre (AMC) wish to make it abundantly clear that we are strongly opposed to the introduction of any form of needle syringe program within our workplace. We believe any such program would constitute a serious threat not only to our health and safety and that of our families, but also to inmates.

Our working environment in the AMC is already dangerous enough and we will actively fight any proposal to make it worse by introducing needle syringes into our workplace.

Your petitioners therefore request the Assembly to: Reject any proposal for the introduction of a needle syringe program in the AMC.

We “Just say No” to needles.

The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.

Ministerial responses

The Clerk: The following responses to petitions have been lodged by a minister:

By **Mr Corbell**, Minister for Territory and Municipal Services, dated 31 May 2011, in response to a petition lodged by Mr Rattenbury on 15 February 2011 concerning cycling and walking projects.

Cycling and walking projects—petition No 116

The ACT Government notes the petition submitted by the petitioners, tabled by Mr Shane Rattenbury MLA on 15 February 2011 and makes the following comments:

- The report on Walking and Cycling Infrastructure prepared on behalf of the ACT Government uses four criteria to establish an initial ranking of projects;
- These criteria include network characteristics, safety, cost effectiveness and strategic importance;
- The definition for the cost effectiveness criteria used was the cost of the project divided by the number of people that it serves, so that the lower the criterion score, the better;
- In the case of the Civic Cycle Loop project, this was ranked as the highest ranking project in the Walking and Cycling Infrastructure report with a score of 29 points against the cost effectiveness criterion. The Fyshwick to airport bike path project was ranked as the lowest of the 200 projects considered with a cost effectiveness score of 500,000;

- As Minister for Transport, I requested Roads ACT convene a working group to review the top two ranked projects in each of Canberra's six districts to confirm the physical feasibility, the treatment type, the project cost and the cost effectiveness of the projects;
- The cost effectiveness for the projects will adapt a recognised economic appraisal method and will include a ranking of projects on the basis of the ratio of the benefits to the cost of the projects; and
- The working group will report to me in July 2011 and I will use the advice to consider which projects should be included in the 2011-12 and forward year's programs for the Walking and cycling Infrastructure Program.

Select Committee on Estimates 2011-2012

Report 1

MR SMYTH (Brindabella) (11.36): Pursuant to order, I present the following report:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012*, dated 17 June 2011, together with a copy of the relevant minutes of proceedings and answers to questions on notice and questions taken on notice (4 volumes).

I move:

That the report be noted.

Madam Assistant Speaker, as a member of the committee, you will no doubt enjoy being relieved of the burden of distributing what has turned into rather a large document. It is a substantial document and I am very pleased that it is a document to which no dissenting report has been attached. At this stage I am going to ask that the copy I just tabled come back, because it is my marked-up copy. That would be very kind.

It is a good document in that it does canvass what turned out to be quite a difficult period, I think, for all concerned, in that we did have the resignation of the Chief Minister halfway through the budget process itself, which then led to changes in ministries, changes in admin arrangements. We basically got it right. I think we had Mr Corbell appearing for one organisation that he was not responsible for. I would thank all those involved, particularly the secretariat staff, for the way that they handled the process.

It is a report that is divided into a couple of sections. The first paragraph is an introduction. The introduction, as you would, looks at some of the issues across the budget papers and across the whole process—things like questions not answered that should be answered and if they are not answered by the end of the budget debate they get transferred to the notice paper. We have also made a suggestion that the Speaker investigate extending Committees on Demand as a permanent feature.

Chapter 2 is a separate chapter on the government office block. The government office block was an area of great interest to many members. We probably had the largest committee meeting ever in the history of the Assembly, where there were 10 people, including the minister, sitting on one side of the table and there were 10 members on the other side. It was well and truly something that Assembly members were interested in.

There are a number of recommendations. I think the easiest recommendation for members to look at is recommendation 6:

The Committee recommends that the ACT Government provide the ACT Legislative Assembly with additional information to support a decision on the Government office building.

The committee also recommended that the government table their response to the public accounts committee. There are three recommendations that basically say the government do nothing until PAC has had time to make a report back to the Assembly. They are important recommendations.

The next chapter then of course is Treasury. On the day of the budget, the Treasurer, now Chief Minister, said, "We now need to stand on our own two feet." There is a section in the chapter on Treasury called "Stand on our own two feet" that reads:

The Committee recommends that the ACT Government table, by no later than the first sitting day in December 2011, the plan to enable the ACT to stand on its own two feet through diversifying its economic base, instead of being so totally dependent on Federal funding and land based taxation.

So I look forward to that sitting day in December. It is important, if we are to stand on our own two feet and if it is not just lip-service, that we actually do achieve that and it is important that we achieve it. There are a number of other areas covered in the Treasury section and I would commend them to members.

In the Chief Minister's area, one of the issues that were largely talked about with the Chief Minister was infrastructure, in particular the Majura parkway. And there is a recommendation on how the government, in particular the Chief Minister, might handle the Majura parkway issue.

As members go through the report, they will see at the bottom of some pages there are quite substantial footnotes. We took a differing approach this year in that where members had comments or indeed recommendations that were not supported by all of their colleagues and therefore were dropped out of the report or were not put into the report, to give the context of where they occurred in the discussion rather than tack them on at the end as a different view or indeed rather than go to a dissenting report, members took the opportunity to put in place their comment in situ, as it were.

The next chapter looks at economic development, and there are a number of important recommendations. First and foremost, there is an acknowledgement of the money the government has put forward for the Australia Forum, and the committee welcomed that. We would like to know how that \$1 million is to be spent, what are the

guidelines for it, and we would like to know what progress will be made in supporting the Australia Forum.

Also in economic development, the minister spoke of a number of areas he saw as areas ripe for development—tourism, sport, aviation, education and the training industries. As members will know, I am keen on these areas, and we do have from 2008 the government's Canberra plan: towards our second century, their economic development plan. We were told at previous hearings that plans would come. It is about time we saw those plans. So the minister will be busy and we look forward to seeing some of those plans in December 2011 and hopefully, by the first sitting day in April 2012, the industry development plans for the construction, information, communication, defence and science and technology industries as well.

There were some other recommendations about potential airline flights and how we progress the clean economy. In this area also is Tourism, Venues and Events, and there are a number of recommendations. A number of the things that I would have liked to have seen remain in the report did not make it. So on the bottom of page 88 there is quite a substantial footnote about what I believe should happen with Enlighten.

The committee received in camera a report by Ernst & Young for the ACT government. We thank the minister for that. But I think it is fair to say that you were at quite a loss as to what was commercial-in-confidence in there. Commercial-in-confidence might be your mailing list or your list of suppliers. It might be the formula for the beverage that you sell. It might be the industrial process. It could be many things. But what is contained in the report is basically a summary of what happened. How that reveals some process is beyond me, but there is a recommendation about the utilisation of commercial-in-confidence.

There is a recommendation about how the government should indeed detail how it will improve Enlighten, given that almost a third of the tickets to Enlighten were given away. There are always tickets given away for promotional or other reasons, but a third on its first outing seems quite extraordinary to me. I would be delighted to hear where another event has had a third of its tickets given away for its first event.

In Health, we looked at a number of areas, particularly elective surgery waiting lists, and there are a number of recommendations there. We also looked at the new hospital and the need to see the roles delineated. There are recommendations there. In regard to the site for the new hospital, the committee would like to understand the logic behind that when the government makes a decision.

In education, there are also a number of good recommendations about the expenditure of that money. Indeed, there were some that did not quite make the cut. I am concerned that on the day we had part of the education portfolio before us, the minister released his glossy document. The only real initiative is to form a committee and we will see a blueprint sometime in the future on how the government will address the almost 14 per cent differential between the number of students in government primary schools and the number of students in government high schools, an important issue and something that needs to be addressed.

The JACS portfolio also has a number of recommendations. We were made aware that the communications centre for the ESA has not gone back to Fairbairn. It would be nice to know when and why that will happen. There are also some recommendations in regard to the bushfire operational plans. There was an advert during the estimates process where the council was basically told they were finished, that is, their notification. There also is some need to make sure we understand what is the relationship between the Bushfire Council and the bushfire operational plans. The council clearly have a different understanding from the government. Indeed, there were also some recommendations about the Jerrabomberra and Rivers fire sheds and the debacle that that has been, how we have now got bays that are too small for their trucks and facilities that I think are below par for volunteers. The government really needs to explain how that occurred.

The report does go on to cover all of the major areas. I will not get through them now in the short time that we have. I just have one more in JACS and that is in regard to the prison. There are some interesting recommendations about events at the prison. Indeed, some of them did not make the cut. So I would urge members to read the footnotes, particularly on the dismissal of the superintendent.

As you can imagine, the list goes on. It was not all heavy going. I think the two or three light points for me were Ms Le Couteur trying to bring to the attention of the committee something that was on the government website. For members, Ms Le Couteur brought a piece of paper that we could view and she actually said: "When you go to the first screen, this is what you see. Then when you go to the second screen, this is what you see." Then she actually said, "And then what you need to do is scroll down so that you can see the third screen." We had to turn the paper over, which is the mechanics of scrolling down when you have a piece of paper that purports to be a computer screen. It was quite amusing watching members mastering the paper computer.

The other thing that was quite funny was that Ms Hunter and I noticed that every morning, just before morning tea, there was the tinkling of a spoon in a teacup and obviously somebody was getting to morning tea early. And some mornings obviously a lot of sugar had gone into the teacup because the tinkling went on for some time. It took us a number of days to work out who it was, but Ray obviously was getting to the morning tea earlier than most people. So we have christened him "Tinkerbelle" and that name shall be known forthwith.

I have to thank the committee staff, particularly Chris, who is with us. Chris is in the gallery today. If members turn to page 215, paragraph 11.13, they will see the word "abstruse", in the document. We were struggling for a word and Chris in his wisdom said, "I think you should write 'abstruse'." So I will leave you to go away and check your dictionaries as to what it means. That is the objective for the day in self-education. And I would challenge members, between now and the end of the budget process, to each use "abstruse" at some stage in their speeches, in acknowledgement of it having been brought to our attention.

As chair, I should thank a lot of people because a lot of people made this report happen. I will start by saying thank you very much to my colleagues, Ms Hunter, who

was deputy chair, Ms Le Couteur, Mr Hargreaves representing the Labor Party, and Mr Hanson doing his first estimates. He has come through it without too many scars. Thank you for your goodwill. It does take a lot of effort for people to keep focused and get through the work. It is an incredibly short time frame.

If there are any errors in the report, I take responsibility for them. We have endeavoured to do our best but I am sure somebody, by the time I finish, will have found a spelling mistake or a punctuation error. They are all my fault; I take full responsibility. But members, thank you for the way in which you approached the task given us by the Assembly and for what we have achieved. It is probably a record. It is 285 pages and over 190 recommendations. It is a very comprehensive report.

I thank the community groups who attended. It is very hard for community groups to get involved in this process. They write submissions. They are given the opportunity to fill out a survey. They actually take time out to come and attend and often for some of them it is a dry well. But we do thank you for coming and we ask you all to remain engaged in the estimates process and the budget process. It is important that we know what it is that you need so that we can get the budget right.

To the ministers, thank you for your attendance. I appreciate the difficulties of the shifting sands of the admin arrangements and shifting them to the directorate structure, but I think we all coped. We got most of it right. To the departmental staff who attended and who, in most cases, were forthright with their answers, we appreciate that.

To the Committee Office, I would like to say thank you for all of your efforts, particularly the good process. Most of this document was written by the staff. For those that do not know, they sit there with us as we debate, writing almost a stream of consciousness. And you can see that. We have assisted in that process by putting in recommendations. There was an exchange bench and each of the members of the Committee Office came off the bench to take their turns at the computer. For instance, Dr Cullen would come forward and do Treasury and Economic Development. All of the staff had a turn in the committee. So we thank them for that and the work that they did.

In particular, I would say to Ray, “Tinkerbell”, thank you very much for the recording and thank you to the Hansard staff for the timely way that the *Hansard* and Committees on Demand appeared.

To Dr Lilburn, as the committee secretary, thank you. The committee did pass a couple of motions that did not make it in any recommendations. I will read one of them: “The Committee was most distressed to learn of the imminent departure of the Manager of the Committee Office, Dr Sandra Lilburn, for, of all places, Adelaide. The Committee does not believe that this will be good for the Members of the Legislative Assembly or the Committee Office, however beneficial it will be for the residents of South Australia. Recommendation: The Committee recommends that Dr Lilburn immediately reverse the decision to move to Adelaide and remain as the Manager of the Committee Office.” It was done tongue slightly in cheek but with some affection for Dr Lilburn as a person and the quality of work that she does. Sandra, best of luck

in Adelaide. I am sure there will be a place for you in Canberra any time you choose to come back.

Let me finish by thanking my staff, Haidee and Tim, for putting up with me for the last month, six weeks, as we are immersed in this process. But in particular, to close, the best and most worthy thanks go to Grace Concannon, who engineered the process. Grace, thank you very much for all your efforts. I commend the report to the house.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.51): I take this opportunity to provide some comments on the Select Committee on Estimates report on the Appropriation Bill 2011-2012. As Mr Smyth pointed out, it is probably a record for an estimates report. Certainly, I think it is the first time that we have had to go to this ring-bound arrangement. I would very much like to acknowledge and thank the secretariat for their extraordinary efforts in producing this report.

Some important issues are raised in this report. There are some important recommendations that have been made in the report. I will go to those in a minute. First, I would like to raise a bit of an issue I have with the size of the report. It seems that we are moving in the direction of larger and larger reports with more and more recommendations. I think we need to have a bit of a stocktake about where that might be going.

I know that last year, having been on the estimates committee, we did have a conversation about the increasing workload and the impact on the secretariat. I think we need to be extremely mindful that this is a very intense period of work in a very short time. That does have a considerable impact on a very small team of dedicated and professional people. I think that we need to keep that in mind and be cognisant of that in future estimates reports.

One of the things I also note is that we have here the discussion and the recommendations, but of course at the back there is the full list of questions taken on notice and questions on notice. This year we have got up to 894 questions on notice and questions taken on notice. I also think that would be quite a record. Of course, all of that does need to be managed through the Committee Office. I would particularly like to acknowledge Lydia and the role that she plays in tracking those and ensuring that they are sent out and come back again. It is an enormous task and I think that we need to be aware of that impact and look at how we might be able to have a greater focus or streamline the estimates work.

As Mr Smyth said, there were a number of recommendations and sections. One of them, obviously, was around the office building. A considerable amount of money is being allocated to the government office building, or GOB, and it had about 20 recommendations in this report. That was because we did have ministers coming in to talk about the reports that had already been undertaken. We also heard from the consultants, which was a very useful exercise, I believe. I would like to thank those consultants who came in to appear before the estimates committee. It was useful. But, of course, with many of these exercises, it sometimes can lead to even further questions to be asked.

As Mr Smyth pointed out, it was a packed house that day. I think we could barely fit into the room with the number of consultants, ministers, public servants and also a number of other members, apart from members of the select committee. That is an important area that does need further scrutiny. Further work needs to be done and there are a number of recommendations. As I said, there are 20 recommendations that go to this particular part of the budget.

That was not the only time that we had a number of members coming in to participate in the Select Committee on Estimates. Of course, they are there as visitors. It is a good thing to be able to have other members come down to ask questions on their portfolio areas. But it really struck me that this, again, is a good argument for not going down the Select Committee on Estimates path. The Greens, as may be recalled, had put forward a suggestion to change the way that we did estimates and felt that there was very good sense in, rather than having one Select Committee on Estimates, actually allowing the standing committees to conduct that estimates process. They are the ones that are following through, not just the appropriation but the yearly cycle through the annual reports, and they are able to follow through particular issues that they may be pursuing. I still think that is the best way to go.

I note that one of the objections from the government was about the impact on their backbench, with two members. They now have, of course, three members on their backbench. I hope that we are able to reopen discussions around whether this could be another way to approach estimates. I also hope to be able to engage in that discussion with the Canberra Liberals.

I think there is some sense in being able to follow through, as I said. It is not going to add to the number of days; it does not add to the number of hearings or whatever. This idea that it is extra, I believe, is not the case. It certainly is not the case that it would have extended the number of sessions. I believe that all of those MLAs showed that they were interested in their portfolio areas and wanted to be part of estimates. Therefore, why not have a system that does engage all members, through the standing committees, in estimates processes? Obviously, we are all keen to be part of the estimates process.

As Mr Smyth said, there were a couple of other changes in the report. One was around where a recommendation was put up and it was lost. This year, rather than having it in additional comments or in a dissenting report, it was put down as a footnote. On page 44 of the estimates committee report there is an example around the Infrastructure Canberra Bill. I thought it was a little cheeky of Mr Smyth to want us to support a particular piece of legislation, but I point that out as an example of how this report was done. But nice try, Mr Smyth, at that time.

There were a number of important issues. Mr Smyth has highlighted some of them but I will go to others. One that was raised was about our concern around Calvary Health Care and the staff entitlements issue. We learned that there is a dispute between the ACT government and Calvary around those staff entitlements. This is an important issue. It is an issue that needs to be addressed. Therefore, recommendations 98 and 99 go to the heart of this. The crux of this is to get a negotiation, to get a solution, so that

we can all be assured that workers at Calvary are going to be confident that their workers entitlements are going to be available to them when they need them.

As I said, there are many recommendations in this report—194 recommendations and 248 pages. I also note that there were some things that we initiated last year that were continued on, and I was pleased to see that. One of those was around the community sector survey. A number of organisations filled that survey out. It is a way that we can quickly get an idea and an assessment of what the key issues are for particular organisations and also be able to offer that opportunity for organisations to come along on the community day and be able to give their thoughts and opinions on the budget, on the proposed appropriation bill. I would like to thank all of those community organisations who filled out the survey and, of course, those organisations who came along and appeared before the committee. I hope that we have done you justice in picking up on some of those issues and including them in the report.

Another issue that we touched on was around the Fitters Workshop. I note in the *Canberra Times* today that this is still an issue that is very much alive out there in the community. I note that there are comments in the paper today around it not needing to be an either/or—Megalo or a place for the music community to enjoy a venue with fine acoustic value. A solution can be found that could accommodate both. The committee did look at this, and there is a recommendation in the report that goes to the heart of that particular issue.

To finish up, I would like to say thank you to fellow MLAs on the committee. It is a hard couple of weeks. It is a very interesting couple of weeks. For anyone who does have the opportunity to sit on the estimates committee or to be part of that process, it can be a great way to get a very good grounding across government and in some of the key issues that are facing the territory.

I would like to thank Mr Smyth for his chairmanship this year; also to Mr Hanson, Ms Bresnan and Mr Hargreaves—sorry, to Ms Le Couteur and Mr Hargreaves. I also take this opportunity to thank those in the secretariat. They do a heck of a lot of work, as I said, in a very intense, short period of time. I have already made my comments about the length of the report and what is included in it. I would like to thank Grace Concannon. I thank Dr Sandra Lilburn for her fantastic leadership, her great wisdom on matters and her advice, which is always sound advice. I also thank Brian, Veronica, Andrea, Christopher, Ellen and Nicola and, as I said before, Lydia.

There is an enormous amount of text in this report. One thing that I would like to see reinstated in the report is the sort of format that we had last year, where issues were dot pointed and then a reference to the *Hansard* was put in. I think that really provides a great reference document for a number of further debates that might be entered into. It provides a quick way to be able to access particular evidence that was given and the particular points and issues.

Thank you also to the officials who attended all of those hearings. Thank you to the ministers, to my fellow colleagues and to the secretariat. As you can see, it is significant, and we look forward to seeing the responses to this year's estimates report.

MR HARGREAVES (Brindabella) (12.03): It is customary for committee members to thank people at the conclusion of their speeches. I am going to do it at the beginning of mine. I would like to echo the expressions of appreciation from our chair, Mr Smyth—and from Ms Hunter—who has named every single person who had anything to do with the report. I think that is most appropriate; so I am not going to do it. However, I would like to single out the amazing Grace Concannon for the work that she did to knit all of those pieces together.

I have served on estimates committees where they have had the one secretary, and that person has basically been incarcerated with members for a good couple of weeks, tortured to death and been requested and required to put forward a report which can make sense to the common man. They have always been able to do it, but this Assembly has seen common sense in recent years by spreading the load across all of the committee secretaries. I think that is a very good way forward.

I would like to say a big thank you to our chair, Mr Smyth, for the record. I thought that his chairmanship of the hearings themselves was done very well. I thought the number of times where tempers started to get a bit heated, where people were starting to get a bit tetchy, was very much in the minority in my experience in this particular set of hearings, and I have been involved in some. I have been on the receiving end in some. I have been on the dishing-out end in some and I have used it as a tactic in previous years to actually slow the thing down. This time it was hardly ever needed.

I think, with very few exceptions, the hearings were conducted with respect and with restraint. I thank the members of the opposition and the members of the crossbench for their professional approach to those hearings. I think the democratic process is the winner out of all of that, quite frankly.

Now to the report: when looking at this report, I was reminded of another tome “The angler’s art—the estimates committee reports for dummies”. I think this has probably got to be one of the biggest fishing trip exercises that I have seen in a long time. It would do “The traveller’s guide to Pratt’s Tackle Box” an awful amount of credit.

I did some stats on it just for the record. Get this: I found that there were 20 machinery recommendations. These are ones where we might say that we want some consistency across indicators and those sorts of things. There were 20 of those. There were 27 recommendations where we actually called for an action. For example, I think there was one around the Fitters Workshop where we called for an action. There were 27 of those.

You might note, however, that there were 192 recommendations, but 92 of those called for additional information. In respect of getting the government to be a mirror government, always constantly looking into things, there were 51 of those. So if you add those two together, out of 192 recommendations, 143 of them were fishing trips. Seventy-five per cent of the recommendations are actually fishing trips.

That has to be added to the number of questions on notice. Some members were getting tetchy because their questions on notice were not answered. We need to understand that in the context of how many there were. There were, in fact, 894

questions on notice or questions taken on notice. It is in the appendix. Of those, 250 were taken on notice, but there were 644 questions placed on the committee notice paper.

If that is not one of the world's greatest fishing trips, I am blessed if I know what is. It is unbelievable. Go and have a look at this: 644 questions put on notice. That is nothing short of ridiculous. It is ridiculous. What is it all about? How much do you reckon in the answers to those questions on notice would be actually used to stimulate or inform public debate? How much of that do you think would be used for nothing more than trolling through it with a nice little jiggler type of lure—one of those ockie jigglers—trying to find something which pops out like a carp flapping on the bank? No, that is all they are going to do with it. Does it find its way into the newspaper? No. Does it find its way into debate here? No. Does it find its way into an MPI? No. What does it do? Does it find its way in the minds of those empty vessels on the other side of the chamber? No.

These people have not got enough time left on this earth to do something with the information that they have asked for. They have not got enough time left on this earth. We observed that in previous years. I think, in fact, what we are seeing now is that the high jump bar keeps going up. There were 894 questions taken on notice. How about we put a \$10 note in the middle here and ask, "How many is it going to be next year?" I reckon it will go past 900. It has got to—maybe even 1,000. When you have a look at the number of questions put on the notice paper in the ordinary sense, it would not surprise me.

However, we move on. Ms Hunter was saying that her idea of having the standing committees do the estimates process might be a nicer way of spreading the load a bit. I take that point. However, I do make this point, Madam Deputy Speaker. Your good self is in fact the chair of a committee. I noticed recently there has been furious agreement from those opposite and those on the crossbench about having a chair of an estimates committee process be a government member. I just point that out as a matter of inconsistency, ladies and gentlemen. You cannot have it both ways. You cannot put in the standing orders that the chair of an estimates process cannot be a government member, then turn around and say, "The standing committees can do it," knowing that one of those chairs is a government member. There is an inconsistency.

Ms Hunter also referred, and I think quite rightly, to the new way of doing things in terms of dissenting reports. I have to say that I am really pleased to see the lack of a full-on dissenting report at the back of the estimates report. I reckon from the perspective of the average man in the street that that is just a load of nonsense. These insomniacs look through the estimates report and they find something that they really do not like. But unless there is a footnote telling them to go back and have a look at the dissenting report, which is sometimes 300 pages later on, then the context is totally gone.

I do like the idea of having a disagreement with a given process, either a statement or a recommendation, appearing in the body of the report. I like it. Indeed, I think I put one in myself and I think Ms Le Couteur put three in like that. I think that is great. That means that between us we put four in. Consider that against those opposite who on the other hand, using the footnote system, did 13. Actually, from what I read in

their 13 they disagreed with the recommendations and wanted their recommendations put in anyway; so they printed it out, word perfect, and popped it in at the bottom of the page—13 times.

I draw members' attention, if they want a bit of a giggle at this time of the morning, to page 151 of the report. You will note that 50 per cent of the page is the footnote saying that those opposite dissented. I could be wrong. It could be 45 per cent of the page, but it is pretty good. They have asked for the whole lot to go in.

I do not mind that. I just pointed it out because it amused me. I think it actually shows the context, it shows what the thinking was and what the division of opinion was in the committee. I think where it is helping is where we can have a division of opinion and that division of opinion would find itself in the report and the people reading the report can make the judgement. It has not been sanitised by the five members.

Again, I would like to extend my appreciation to the chair, Mr Smyth, for the way in which he conducted the deliberative sessions. The hearings are probably about 15 per cent theatre and the rest of it is consideration. There is always a bit of theatre in there and—

Mr Barr: Only 15 per cent?

MR HARGREAVES: Yes, maybe a bit more. I remember my first-ever estimates committee. In fact, I made it about 40 per cent theatre. But we did not need to do it this time.

Mr Barr: With no Steve Pratt to storm out, leaving his coffee cup behind.

MR HARGREAVES: Mr Barr does remind us of a bit of theatre and we do remember Mr Hird being frogmarched out of one. That was an interesting one we can reflect back on. But the time for people to really get upset is when they see the chair's report and the comment is diametrically opposed to their view. I think it says a lot for the maturity of this year's committee that we were able to discuss it and come to a difference of opinion and move on.

I do not recall there being any histrionics, shouting and all of those sorts of things and I thought it was a particularly good process. I would like to have this put on the record, because I have been particularly critical of estimates processes in the past and I think this one is an improvement.

I think my preference was last year's. I had an absolutely great time last year. I thought the estimates committee report last year was a pearler. It was not straight out of Pratt's Tackle Box at all whereas this one is straight out of Pratt's Tackle Box. But you cannot have everything in life and you have to suck it up and get used to it occasionally.

However, I would be remiss, Madam Deputy Speaker, if I did not comment on the obsession. Of course, we all know that when we talk about gobs, the people opposite are the experts and the masters. I recall that we had a bit of a giggle about gobs in the committee hearing. But the government office building took up an inordinate amount

of time, an unnecessary amount of time. It was absolutely unnecessary. Did you know that the commentary goes over 15 pages and it has got 20 recommendations? Ten per cent of the recommendations relate to the building.

The thing is that it is still in the contemplative stage. How many times do we have to have the argument about the \$15.2 million or the \$19.3 million? They say, "What is it made up of?" So we get a piece of paper and it tells us what is there. Then they say, "Okay, which part of the reports did that come from?" They were told: "No, this is a reconciliation for you. It is an aide-memoire for you." But no, no, no. They need to have chapter and verse on that. So we tear off down the cul-de-sac on that one. So much time was absolutely wasted on that. Of course, the absolute pearler of all time was recommending that the sky bridge not be built. I think we might actually see that put to bed once and for all a little later on in budget sessions. But it is really unnecessary. It was totally unnecessary.

There were some real little sneaky ones in there. We described this one here as the biggest capital works program. I do not think so. I think maybe the hospital redevelopment project might have been the biggest one, at 2½ times the cost. We can play semantics. Indeed, what you see happening and being played out in this report is some sword fighting using semantics instead of ratings. I really think that sometimes that belittles the report.

All in all, though, I think the process was a good one. It was a dreadfully long period of time to be doing these sorts of things and being shut up with those people you would normally want to shout at, rather than be shut up with. But I thought the process was professional. As I said, I think the differences of opinion were dealt with very professionally and I take my hat off.

I would also be remiss in my final remark not to say a big thank you to Mr Hanson, who sat there occasionally wrestling with his inner self, not wanting to leap out of the chair, take an axe and become an axe-wielding mass murderer on behalf of the Liberal Party. I admire his self-control and wish it to be reported.

MR HANSON (Molonglo) (12.19): What an extraordinary display from Mr Hargreaves.

Mrs Dunne: As usual.

MR HANSON: As usual, indeed, Mrs Dunne. I think we understand why the government is running with four ministers, after a display like that one. In fact, it is bizarre that Mr Hargreaves's big criticism seems to be about the amount of scrutiny that the Canberra Liberals want for the budget. I think that that is actually what the estimates process is about: inquiring, investigating, exploring and understanding. That requires a body of work. I appreciate that there are some on the committee that do not like doing a great deal of work or exploring and looking for other options; that will allow them to have an easier run during the estimates period, but for Mr Hargreaves to describe that as a fishing exercise—well, we consider it to be scrutiny. No wonder he enjoyed last year's report so much, because that was the report that avoided all scrutiny.

Despite Mr Hargreaves's babblings, he did point out one issue which I do agree with him wholeheartedly on, and that was the splendid leadership of the chair of the committee, Mr Smyth. I commend Mr Smyth for his approach to the committee, and I think that that has been felt, despite our disagreements at various stages, by the Liberal, Labor and Greens members. He did do a splendid job, and I commend him on that. He was ably supported by the committee secretariat—by Grace, Sandra and the rest of the team.

Perhaps the reason there was not so much emotion this year is that it was such a bland budget, lacking any sort of vision. Other than the great big office building, it was a disappointing budget and one that it was difficult for any of the members of the committee to get overly excited about—either John Hargreaves saying what a great budget it was or us criticising it in terms of substance because it lacked so much substance other than the bizarre great big office building.

When we look at that, we see that it is \$432 million. It almost seemed as though the government was doing everything it could to avoid scrutiny. When we did ask some reasonable questions about the savings, where they appeared and what sat behind them, we were given the A4 sheet of paper of which the top half was the \$19 million of savings. Basically, it was half an A4 sheet of paper: "There you go; that is what this whole strategy of spending \$432 million is based on."

We know that it will not be \$432 million, because we know that when Mr Corbell says that something is going to be delivered on time and on budget, that never occurs. Probably my highlight from the estimates process was that when we did ask Mr Corbell, in the 10 years of the Labor government, what projects they have delivered on budget, on time and on scope, there was this deathly silence. In fact, it was the quietest period throughout the whole estimates. There was this embarrassed look between Mr Corbell and departmental officials, and finally they came up with phase 1 of a road somewhere—in the 10 years of the Labor government.

So we know that this great big office building will not be \$432. Another \$600 million, no doubt. If it is anything like the dam, it will be another \$900 million. And if we—

Mr Corbell: No, it is not. Didn't you see the question on notice? Didn't you see the answer to the question on notice, Jeremy? Be careful; you do not want to mislead the Assembly, Jeremy.

MR HANSON: You are the expert on misleading the Assembly, Mr Corbell, so I appreciate your advice.

MADAM DEPUTY SPEAKER: Mr Hanson! Mr Corbell!

MR HANSON: I appreciate Mr Corbell's interjection that—you are criticising me for stopping—

Mr Corbell: Be careful, Mr Hanson; you do not want to mislead the Assembly.

MADAM DEPUTY SPEAKER: Mr Hanson! Mr Corbell! It is not a conversation across the—

Mr Seselja: She needs to protect you from yourself, Simon. She needs to protect you from yourself.

MR HANSON: I suggest, Madam Deputy Speaker, that the—

MADAM DEPUTY SPEAKER: Mr Seselja! Order, members! Mr Hanson.

MR HANSON: Splendid. Madam Deputy Speaker, I am reflecting on what actually occurred during the estimates process. I think that what I gave is a very true and accurate reflection of what occurred during the estimates committee process. If Mr Corbell disagrees with that, I suggest that he looks at Committees on Demand or reads the transcript. He will see that there was indeed a long period of embarrassed silence. You can know that Mr Corbell afterwards has scurried back upstairs and said, “Look, there has got to be something that I have done right. Come on; I have been in this place as a minister for 10 years.”

Mr Corbell: I fear you are misleading the Assembly, Mr Hanson.

Mrs Dunne: “There has got to be something. I have probably done something right.”

MADAM DEPUTY SPEAKER: Order, members!

MR HANSON: “I have got to have done something right, surely. Surely I have.”

Mr Corbell: You are a grub.

MR HANSON: And his officials—

Mr Smyth: Warn him. He cannot ignore you, Madam Deputy Speaker.

Mrs Dunne: You have to call him to order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: I have called everyone to order.

MR HANSON: I am used to this. I can get called a grub and interjections go on and on, but it is me that gets called out. I understand that. There is a certain—

Mr Corbell: Because it is accurate, Mr Hanson.

MADAM DEPUTY SPEAKER: Mr Corbell!

Mr Smyth: He cannot ignore you. Warn him.

MR HANSON: It is only one side that gets warned, Mr Smyth. We have seen that.

Mr Corbell: The pitch is going up. It must be correct.

MADAM DEPUTY SPEAKER: I think Mr Corbell—

MR HANSON: You can call someone a grub and there is not even a request that he withdraw it but—

MADAM DEPUTY SPEAKER: Mr Corbell! Mr Hanson has the floor.

MR HANSON: Thank you, Madam Deputy Speaker. It has touched a bit of a raw nerve, that one, hasn't it? But I think that—

Mr Corbell: I don't like liars, Mr Hanson.

Mr Smyth: He cannot ignore you. Point of order, Madam Deputy Speaker. He must withdraw that.

MADAM DEPUTY SPEAKER: Thank you, Mr Smyth.

Mr Smyth: He must withdraw the imputation of lying, and you have to call him to order or name him. He cannot ignore you; he cannot ignore the position of the chair.

MADAM DEPUTY SPEAKER: Sorry, Mr Smyth; I did not hear any—

Mr Smyth: He must withdraw "liar".

Mr Corbell: I did not accuse anyone of lying.

MADAM DEPUTY SPEAKER: I actually did not hear the word. I am happy to check the *Hansard* later and speak to it at a later stage today.

MR HANSON: I think that the worth of anything that Mr Corbell says in this place is so devalued by now that probably calling anybody a liar is indeed a compliment from Mr Corbell, so I will go about my business.

If members choose to look at Committees on Demand or read the transcript, they will find that my recollection of what occurred during the estimates committee is exactly accurate. I invite you to do so. In fact, I might make it the subject of an adjournment speech later—who knows? I note that the MPI, members, is on openness and accountability of government, so there might be an opportunity there where I can bring that forward.

There were some interesting debates that were had during the committee process. One of those was in Mr Corbell's portfolio area in terms of sustainability. It is worth noting that there are a lot of sustainability measures in place. There is the green energy; there is the feed-in tariff. One question I wanted to ask and one thing I wanted to investigate is: what is the whole-of-government cost, the whole-of-budget cost, of all these measures? On an individual basis we will see various ministers coming out and saying things. Mr Corbell says it is a great green initiative; Mr Barr will say it is a great clean energy initiative. They have a difference in language. But what is the cost

of all these measures? That is something that I am going to try and work on. Mr Corbell again was very evasive. He did not want to put that forward.

We also saw Mr Corbell refuse to offer up information about what had happened with the former superintendent of the ACT correctional facility. That is a matter that requires further explanation. I did try and get that referred to the committee for further investigation, but this new government of openness and accountability that we hear about—the Chief Minister again has decided to bury that as deeply as they can, probably putting it in a drawer with other things like—

Mrs Dunne: The secret bullying report.

MR HANSON: The secret bullying report, the Costello review and a bunch of other secret documents that they never want to see come to light in this open and accountable government.

Mr Smyth: The Enlighten reports.

MR HANSON: Indeed. And talking about Enlighten, wasn't that a wonderful exercise for the ACT public? Fantastic! I am sure Mr Smyth will explore that more when we debate the budget.

In health, I suppose that the thing that we can be thankful for is that we did see some seed funding, some \$4 million, in there, to start looking at what the government is going to do with our hospital system. It seems that after 2½ or three years of toing and froing on Calvary—these obsessions of trying to get rid of Calvary, doing everything they can to get rid of it—they have realised that that is not going to happen, that they are going to maintain Calvary, invest in Calvary and develop a sub-acute facility.

It does seem to me as though we are back where we could have been with the budget perhaps three or four years ago—that all we have seen essentially is ideology blinding Katy Gallagher and being pushed along a path to try and get rid of Little Company of Mary Health Care from the ACT. Now that that has failed, we are back to where we were. It is good that we have reached at least a position that seems on the surface to make some sense, and I look forward to more detail on that coming forward.

Within the police area, I think that our police are doing a fantastic job. Some of the statistics I am looking at are encouraging, and I look forward to seeing that come forward. It was disappointing to see the extra money being spent on the \$5 million blow-out in the Belconnen police station. Probably Mr Corbell had something to do with that somewhere along the line. But it would be good to see some more transparency in the budget for police, given the way that it is done through a purchase agreement.

I was particularly interested in the role of the Speaker. There was a lengthy debate with the Speaker and his portfolio responsibilities clouding his impartiality as Speaker. That is an issue that we will explore. I note that when we came to debate that, one of the members abstained; when I called on the Speaker to relinquish his portfolios, one of the members abstained. So he got very close to losing his portfolios. *(Time expired.)*

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

Sitting suspended from 12.29 to 2 pm.

Unparliamentary language

Statement by Speaker

MR SPEAKER: Members, before we commence question time, this morning during a debate the Deputy Speaker undertook to review the Hansard tape to establish whether words allegedly spoken by Mr Corbell were unparliamentary. During the lunch break officers of the Secretariat have listened to the tape and Mr Corbell can be heard stating, “I don’t like liars, Mr Hanson.” In this context, obviously, standing orders 54 and 55 are relevant regarding offensive words and personal reflections. Standing order 56 also provides that whenever the attention of the Speaker is drawn to words used, the Speaker shall determine whether they are offensive or disorderly. I consider that in the context in which the words were spoken, they were disorderly, and I ask Mr Corbell to withdraw them.

Mr Corbell: I am always happy to withdraw, Mr Speaker.

Questions without notice

Schools—closures

MR SESELJA: My question is to the Chief Minister. In yesterday’s *Canberra Times* you are reported as “pledging a new era of government accountability”. On 11 August 2004, while you were education minister, you promised that “The government will not be closing schools”. Six weeks after the election, you started the process for school closures, leading to the eventual closure of 23 schools and the gutting of several communities who had taken you at your word. How can the public believe any of your pledge now of open and accountable government when you promised no school closures in 2004?

MS GALLAGHER: This matter has been dealt with extensively by this Assembly, and indeed I have been judged accordingly by the community when I faced the 2008 election. The results of that election, and indeed those comments, were prior to the 2004 election, from memory, and it was around—the government did not have any plans to close schools at that point in time. All of that information was correct. The minute we made some decisions around the future at the time of Ginninderra district high school, we were very up front with the community about the issues and the challenges that that school faced. Indeed, I stand by those decisions and the decisions the government has taken since that time to reform our public education system and to make it sustainable into the future.

Mr Seselja, I have been judged by the community. The response I get from the community is that they do have faith in this government and our capacity to lead and tackle the very significant challenges facing this community. As Chief Minister, I do intend to introduce changes to improve our information sharing with the community

and try to instil a better understanding from the community of the challenges that are facing government and encourage that dialogue. I will be making further announcements about that over the coming week.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Chief Minister, is not your promise that there will be no school closures during your time in politics equally as dishonest as the Prime Minister's claim that there would be no carbon tax under a government I lead?

MS GALLAGHER: The Tony Abbott influence is coming into our question time; very welcome, Mr Speaker. I think you will also find that in the comments you seek to twist and turn and shape for your own use, you will not find anywhere a promise from me not to close a school during my time in politics. You won't find one. It was never given and this government makes decisions around the best plans forward for the public education system based on the most recent information available to us. We will not step back from having to take difficult decisions if they are needed to be taken in order to ensure that our children have access to the best facilities and the best teachers that we can possibly provide.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Chief Minister, is the fact that as a candidate at the last election you received the greatest number of votes of any member of this place, a testimony of the community's understanding of your honesty?

MS GALLAGHER: I do not think that is technically correct. I think I was pipped at the post by Mr Seselja.

MRS DUNNE: A supplementary question, Mr Speaker.

Members interjecting—

MR SPEAKER: Order! Mrs Dunne has the floor.

MRS DUNNE: Thank you, Mr Speaker. Chief Minister—

Members interjecting—

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

MRS DUNNE: Chief Minister, will you apologise to the people of Canberra for stating one thing before an election and doing exactly the opposite once the people were fooled into voting for you?

MS GALLAGHER: Firstly, I did not make the comments that Mrs Dunne is alleging I made, and I do not take a step back from the decisions that this government has

taken in the interests of a sustainable public education system for the children of the ACT. We took some decisions back in 2004, 2005, around the future of Ginninderra district high school, and I think if anyone has a look at that school in 2005 and that school in 2011, they cannot come into this place and say that decision was wrong. We have a thriving school community in new facilities, whereas there was an ageing building falling down with about 80 students attending the school—

Mrs Dunne interjecting—

MR SPEAKER: Thank you, Mrs Dunne.

MS GALLAGHER: and those enrolments were declining. I do not think, on any measure, I need to apologise to the Canberra community for delivering a brand-new school for the people of west Belconnen.

Housing—social plan

MS HUNTER: My question is to the Chief Minister and is in regard to the social plan. Chief Minister, in the 2004 social plan the former Chief Minister expressed a commitment of zero rough sleepers by 2013. In the development of your 2011 social plan, are you seeking to maintain that goal and, if not, what is an acceptable level of rough sleepers?

MS GALLAGHER: This is an incredibly complex area for the government and the non-government sectors and the community more broadly to work in. It is difficult, I think, to set targets around no-one will be sleeping rough because we do know that there are some people in our local community who, with whatever support we can provide, will still make their own decisions about where they want to sleep at night.

In terms of the social plan, we are in the process now of updating the plan and the latest information available for that, and we will make that available shortly. But in terms of the next steps for the social plan, that is currently before government at this point in time and I think there is the opportunity, with a new leader, to be able to have a look at what our policy documents are saying, how we are communicating them to the community and whether all of the aspects, strategies and details in those plans are still relevant.

So I am taking the next couple of months to have a look at all of those and refresh those documents. But we will update the social plan, as the former Chief Minister had announced.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: Yes, thank you, Mr Speaker. Chief Minister, is it fair to say that if the government does not keep up with demand for public housing, it will have to assist most of those Canberrans through homelessness services?

MS GALLAGHER: I did miss the first part of your question just because of the excessive little discussions that are going on across the way from me, Ms Hunter. But I think your question is: if we do not keep up with increasing public housing stock,

how will we deal with the increasing homelessness population? For one, the government does not move away from our commitment that we have made with you around increasing public housing in terms of an aspirational target. We remain very focused on that. I think there is discussion about how we do that, how we finance that, when we reach that or how we keep the progress going against that.

I think at the same time, though, that while we are dealing with some social housing reform and investment in public housing and rejuvenation of public housing, we also need to keep focusing on our homelessness service response and innovative ways of dealing with that particular part of the housing and accommodation sector. I think the transitional housing model that we have put in place a few years ago is working well and there are further opportunities to expand that. But I think, again, genuine partnership is required with the non-government sector and the government in looking at innovative ways of supporting the homelessness community.

MS BRESNAN: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, is it more or less expensive, in terms of the whole of government, to provide public housing or assist people through homelessness services and extra costs such as mental health services?

MS GALLAGHER: I think that is a pretty difficult question to answer. I am happy to look at whether we can put a financial figure on a question that is basically very difficult to measure. I am not sure how you would do it.

I think there is acknowledgement that we have to work on new services. I think the common ground feasibility that we have funded in this year's budget is part of the answer. We have to rejuvenate our public housing stock and increase the options available to people who come through the public housing system. And there are new and better ways to deal with our social housing and community housing providers.

When you look at our record over the past 12 months, you will see that enormous effort is going into this. That does not mean that we are going to have all the answers and all the solutions, but I think there is a genuine willingness to look at how we can improve our social housing sector and there is also an understanding about how that has other flow-on effects to other government agencies.

We are doing some work, Ms Bresnan, at your request, around how we quantify mental health service response across government. That has been a really informative piece of work—to look at, particularly, areas like housing that are having specific projects focusing on supporting people with mental health issues.

I am not entirely sure that I can answer your question. I will have a look at it when I see the *Hansard* to see whether there is some way of putting a cost on or whether we have a cost available to provide you with.

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, the minister for housing is reported this morning as saying that at \$1.4 billion this policy of the Greens is too expensive. Do you agree with your minister or will you be supporting the Greens?

MS GALLAGHER: I am surprised, Mr Smyth, because you had not listened to any of my answer before, that you have risen to your feet to ask this question. It is both. Yes, there is an aspirational target—

Mr Smyth interjecting—

MR SPEAKER: Order! You have asked the question.

MS GALLAGHER: If you had listened to me earlier in my answer, I think there is a question about how we deliver it and the timetable for delivery. But do not take that to mean that we are not supportive of improving our public housing service response or our social housing service response or the commitments we have made with the ACT Greens. I support the comments Ms Burch has made. I think there are some financial impacts that we have to look at, and we have been discussing those, as we do, every quarter when we meet with the Greens, and in every budget you will see increases in allocations of funding for social housing responses.

That is part of who the Labor Party is, Mr Smyth. We care about people who are doing it tough. We want to look at innovative ways to provide new social support services to the community, but we do it in a financially responsible way. I think that is the point that Ms Burch is trying to make. But that does not mean that we do not believe that we can continue to deliver increases and innovative responses.

Hospitals—Calvary Public Hospital

MR HANSON: Mr Speaker, my question is to the Minister for Health. In yesterday's *Canberra Times*, you are reported as "pledging a new era of government accountability". Minister, on 7 October 2008, you stated in relation to negotiations with the Little Company of Mary:

Governments must also put their plans on the table. We have put our plans on the table.

At the time, you did not mention your plans to purchase Calvary. At the time, you were in fact in secret negotiations with the Little Company of Mary to purchase Calvary hospital, a fact that only became known after a leak after the election. How can the people of Canberra trust you to adhere to your new pledge of accountability when you failed to be transparent in your dealings with the Little Company of Mary?

MS GALLAGHER: The people of Canberra will judge me and judge me accordingly, just as the Assembly will and has in their promotion of me to this position. And 2012 provides the community with the opportunity to pass their judgement.

Mr Hanson: So you did lie? You admit you lied?

MS GALLAGHER: I intend to work very hard, as I have over a number of years but particularly in this position over the next 16 months—

Mr Hargreaves: On a point of order, Mr Speaker, I would like you to ask Mr Hanson to withdraw the statement he made, “so you did lie”. I would like that withdrawn.

Mr Hanson: It was phrased as a question. I would seek your ruling on whether phrasing it as a question “so you did lie?” is unparliamentary. It was not a statement of fact. It was a question.

MR SPEAKER: Mr Hanson, I would invite you to withdraw, thank you.

Mr Hanson: I withdraw.

MR SPEAKER: Thank you. Ms Gallagher.

MS GALLAGHER: Thank you, Mr Speaker. As members are very aware, the government was in early negotiations with the Little Company of Mary Health Care around future ownership of this hospital.

Mr Seselja: She wasn’t telling the truth.

MR SPEAKER: Order, members!

MS GALLAGHER: Our election commitments to the community put all of our plans on the table in terms of the massive redevelopment work that is required to build the health system for the future. That is irrelevant, the ownership of the buildings.

Mr Hanson: You had written seeking a heads of agreement. A shocker!

MR SPEAKER: Order!

MS GALLAGHER: Thank you, Mr Speaker. As I said, I will be working very hard over the next 16 months to make sure that the judgement that the people of Canberra make in October 2012 will deliver another Labor government for the people of the ACT.

MR SPEAKER: Mr Hanson, before your supplementary, members will recall my views on the fact that I consider constant interjection to be unparliamentary behaviour. Mr Hanson, a supplementary question?

MR HANSON: Thank you, Mr Speaker. In health committee hearings earlier this year, minister, you refused to provide significant information about the costings or research conducted in relation to your decision to build a third hospital, claiming cabinet-in-confidence. Why were you not transparent about your decision making to the health committee?

MS GALLAGHER: I think those costings have been provided to the estimates committee, to my understanding. They were cabinet-in-confidence at that period of time because cabinet was considering them, Mr Hanson. I am more than happy to provide more information and as much information as we can to the people of the ACT to ensure transparency in government decision making, but there are also timing considerations to take into account. That matter was currently before the cabinet in budget deliberations, and that information has now been released.

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, how can the people of Canberra believe anything you or your government say in the lead-up to the 2012 election when you were so dishonest in the lead-up to the 2004 and 2008 elections?

MS GALLAGHER: I have never been dishonest to the Canberra community, and I never will.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, is your promise to let the community know early what you are thinking only applied during non-election years?

MS GALLAGHER: I will have more to say on that during the course of this week and I am sure those opposite are just waiting in anticipation for all that news. But my view—

Opposition members interjecting—

MR SPEAKER: Thank you!

MS GALLAGHER: Mr Speaker, the changes that I will announce later this week will come into effect this calendar year.

Housing—investment

MS LE COUTEUR: My question is to the Treasurer and is in regard to ACT government investment in housing. Treasurer, a recent Land and Property Services paper about the government office building notes that investing in property in Canberra is a sound economic proposition. My question is: given that public housing assets are set to increase in value by about \$1 billion by 2015, doesn't investment in public housing specifically make a very good economic case for the government?

MS GALLAGHER: In terms of your question as to whether we invest more in public housing—I think this goes to the earlier question—certainly, Ms Le Couteur, and I have to say that we do not predicate our decisions on expansion of public housing based on whether or not they are good investments for the territory. That really does

not come into the consideration when we are looking at further expansion. Obviously, they are big assets for the government as well, and we acknowledge that.

What I am saying to you is that, in terms of projecting forward in some of the costs in terms of capital outlays and recurrent costs that Ms Burch has drawn to your attention, they are costs that we have to take into consideration, notwithstanding the positive impact that may have on the balance sheet in the end. Certainly, the recent decisions of cabinet in relation to the intentional community and some of the feasibility work that Ms Burch will lead have not been based on whether or not they are good for the balance sheet in the end. They are around our capacity to deliver and our capacity to afford the recurrent ongoing costs of providing that. It is like every other area of government in that sense, where we are deliberating on what are the right decisions to take, when should the right decisions be taken, how much it is going to cost us and what impact that has on our operating result.

MR SPEAKER: A supplementary, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Could you explain how the \$4½ billion in public housing assets affects the government's balance sheet and net worth and the importance of this in maintaining our credit rating.

MS GALLAGHER: Standard & Poor's look at all aspects of the government's assets and our liabilities when determining our credit rating. There is a very clear acknowledgement in the latest report by Standard & Poor's, which is available for everybody to read, that they think that the ACT has a very strong balance sheet. That certainly provides us with some capacity to do other things, such as borrow and maintain our AAA credit rating. We understand all that. I guess that there are some other deliberations that the government has to take into consideration: what are the other pressures that the government has got facing it; what are the other priorities the government has? Housing is one thing, but there is a whole range of other costs and priorities for the government. In a way, some of the decisions we take are a balancing act of all of those priorities.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Thank you, Mr Speaker. Treasurer, have you undertaken, or do you plan to undertake, any work to investigate methods of investing ACT superannuation funds in public housing?

MS GALLAGHER: There is a live debate going on amongst members of the Assembly around the government's investment, our investment practices, and, I guess, some of the areas that the government has shares and investments in. I think there will be some further discussion, particularly with the new Treasurer, in leading some work around that and the government's response to it.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Treasurer, are you aware of the advice from the federal Auditor-General to the federal government not to divest itself of properties and assets, and do you apply this principle to the ACT government?

MS GALLAGHER: I think the context of those comments was not necessarily against ever selling anything, but I think there is a question, when you are selling assets, about where you make those further investments. The intention here and in the housing area is, as we sell assets, if they ask is some work underway around that, we would re-put that money back into delivering other housing options. Again, there may be a change in our assets, and there will be decisions to sell and acquire new property, but they will be taken with the very firm view that we need to increase our capacity to respond to people who need further support when it comes to their housing and increase the range of options available.

Housing—affordability

MS PORTER: My question is to the minister for housing. Minister, I am aware that yesterday you announced a new Housing ACT product. Can you outline how Housing ACT's new lease-licence program will make homeownership more attainable for low income, older Canberrans?

MS BURCH: I thank Ms Porter for her question. The ACT government is aware of the need to provide a range of affordable housing products for a broad range of Canberrans, including older citizens. I am pleased to inform the Assembly—

Members interjecting—

MR SPEAKER: That is enough; order!

MS BURCH: that the government is introducing a new scheme which is designed to improve the supply of affordable housing for older Canberrans who are on lower incomes.

According to the Affordable Housing Task Force, there are a growing number of older people facing housing affordability issues in their retirement. For older people who are low income renters or those with limited assets and income, there are very limited choices when it comes to appropriate and affordable housing options. These people are reaching that stage of life where they need housing that is secure, suits their needs and somewhere where they can age in place.

This interest in an affordable housing product was reinforced when the public was consulted on the development of older persons accommodation on community facilities land, in areas such as Kambah, Curtin and Chapman. There was strong interest in using some of the sites for affordable housing for older people who were not public housing tenants.

The scheme the government is introducing is based on a lease-licence agreement—an arrangement that is used at many retirement villages in Canberra. Under this scheme, people will effectively “own” the unit that they lease until they leave.

Mr Coe interjecting—

MR SPEAKER: Order, Mr Coe!

MS BURCH: The scheme will be affordable because those eligible will only have to pay 75 per cent of the price of the unit. They will be responsible for any costs of running the units, insurance and for their share of maintaining the common ground areas around their unit. The management fee will be calculated on a cost recovery basis. On exit, 50 per cent of the capital gain will be returned, plus the original purchase price.

The units to be included in the scheme are located on sites in Kambah and Rivett which are currently in the final stages of completion. Thirty-nine units will be allocated for affordable housing.

Mr Coe interjecting—

MR SPEAKER: Mr Coe, you are very close.

MS BURCH: This will add to the social mix of people living on the sites and help to create diverse, sustainable communities. This initiative builds on the success of the ACT government's response to the federal government's stimulus package which brought a significant number of properties online. Providing affordable housing for older people continues this government's commitment to provide equitable and social housing across Canberra.

MR SPEAKER: Order, members! I remind you that we spoke earlier this session about standing order 55, which deals with personal reflections. It states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

I think that continually insulting members across the chamber will breach that standing order and I will remind members of that. Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Could the minister inform the Assembly of any other affordable housing programs that are offered through Housing ACT.

MS BURCH: I again thank Ms Porter for her interest. Indeed, Housing ACT offers a range of affordable housing programs for public housing tenants. Supplementing the loan-licence scheme that I just recently have announced is an affordable rental program that is available for older people who are on low incomes. These properties will be rented at 75 per cent of the market value of the property. The affordable rental and loan-licence programs will have similar eligibility requirements so that concessions are not offered to those who can otherwise afford to purchase or rent across the market.

There is also the sale-to-tenant program which allows public housing tenants the opportunity to purchase the home in which they live. This product is aimed principally at the market renter, as it requires them to purchase their property outright.

Another program is the shared equity scheme under which public housing tenants can purchase 70 per cent of the value of the property. The Commissioner for Social Housing retains ownership of the remaining 30 per cent, which can be paid off over a period of 15 years, although early payouts of the commissioner's share are often preferred.

Mr Speaker, I am pleased to inform the Assembly that since the shared equity scheme commenced in May last year, 14 properties have been purchased by public housing tenants who have successfully made the transition into home ownership.

Another program is the bond loans scheme under which 90 per cent of the value of the bond required to rent privately is provided as an interest free loan. Since the inception of this scheme, 764 bond loans have been approved. The period for repaying the bond loan is two years, although most people will pay it back somewhat earlier.

Programs such as these, which are aimed at helping people on lower incomes access affordable housing, shall continue to be a priority for this government.

MR SPEAKER: Yes, Mr Hargreaves?

MR HARGREAVES: Minister, could you please tell me and the Assembly what impact the federal government's stimulus package has had on the number of social housing properties in the ACT? I have a very deep interest in this.

MS BURCH: I acknowledge your deep interest in housing in the ACT, Mr Hargreaves. The total number of units constructed using the stimulus funding through the federal contribution is 421, which increases to 496 when combined with funding injected by the Community Services Directorate. These numbers are 70 per cent of the units that the federal government expected to see delivered when their funding was made available.

The first stage of the program delivered 57 properties and, under stage 2 to date, 298 properties have been completed, including those at Bonython, Conder, Curtin, Hackett, Harrison, Kambah and Macquarie. Work is still underway on properties at Chapman, Florey, Narrabundah and Rivett, and these will be finished shortly. I expect that the construction of all these works will be completed by October of this year.

I am encouraged by much of the early positive feedback by the tenants moving into their new homes. Just a few weeks ago I spoke to a tenant who had lived in her previous property for 60 years but she was delighted to accept the keys to her new home, which is one of the purpose-built, older persons units. As older public housing tenants move into their new homes, the family dwellings that they vacate will now become available to house those applicants who remain on the waiting list.

I look forward, over the coming weeks, to seeing this roll-on effect of the program coming in as we relocate waiting families, deserving families, into their new family homes.

MS BRESNAN: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, are you aware that families are sleeping in cars and being advised of so-called safe locations to park their cars in overnight?

MS BURCH: I thank Ms Bresnan for her question and the interest that other Greens are showing on public housing. I just want to acknowledge what Mr Seselja and Ms Bresnan shared with 150 other Canberrans at the CEO sleep-out the other night, which was to give us an insight into the plight of homeless individuals. Can I say that, whilst it was an uncomfortable night, it certainly in many ways did not show the depth of what these individuals are facing, whether they are sleeping rough or they are camping out with the assistance of financial and material aid provided by one of our community partners—or, I know, there are some families over the year that will resort to sleeping in their cars, which is why this government continues to invest in supporting and addressing the issues of homelessness.

We have implemented First Point, and I think anyone in the sector—I was speaking to many at the CEOs sleep-out just last Thursday evening on the value of First Point in providing us with real-time, accurate data. For the first time, we will be able to provide adequate response across our program deliveries. The census data and the ROGS data that we have used for our program information have certainly been seen to be wanting with the information that is coming from First Point—

Ms Bresnan: Point of order, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan. Stop the clocks.

Ms Bresnan: My question was about whether the minister was aware that people sleep in cars and, if they have been, whether she was also aware that they were being advised of so-called safe locations to park in overnight.

MR SPEAKER: The question is quite specific, Minister Burch.

MS BURCH: I think I did go some way. I accepted that people sleep rough and I accept that some people are resorting to sleeping in tents and in their cars. I have also replied that First Point is the point of contact for these people to access. I do not sit in First Point's office and listen to what their commentary is and report back. But their advice to each and every call that they provide, and I think it is over 1,000 clients at the moment that they are providing support to—it is about providing advice on financial and material aid; it is about emergency housing; it is about providing long-term and short-term accommodation. That is what First Point was created to do.

Hospitals—elective surgery

MR SMYTH: My question is to the Minister for Health. Minister, on 22 June 2010 you stated to the Assembly in regard to elective surgery waiting lists:

... there has never been any evidence to say that the data collection processes have ever been doctored or tampered with to deliver some unknown benefit.

However, the subsequent Auditor General's report on elective surgery stated:

... 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, given your newly stated focus on accountability, will you be accountable for these reclassifications of elective surgery patients?

MS GALLAGHER: Will I be accountable for the recategorisation of elective surgery patients? I cannot recategorise elective surgery patients, Mr Smyth. It is not a decision that fits within my scope of responsibilities.

Mr Smyth: Are you responsible for what happened? Are you responsible for the process?

MS GALLAGHER: Mr Smyth, I think the Auditor-General identified a number of areas where information and record keeping could improve around management of the elective surgery waiting lists. Some of those are in the Health Directorate's control; some of them are in private surgeons' control; and some of it falls within the control of staff that work in the surgical booking unit, around recording data entry. My job as minister is to make sure that we ensure that there are processes in place that respond to all of those areas where we have agreed with the Auditor-General's report. Indeed, I think I am providing the government's response to that during this sitting period. But I do not think you can say that the Auditor-General found any evidence where doctoring of the lists was happening for some sort of unknown benefit or gain. The Auditor-General did not find that, and the comments I made remain.

Mr Smyth: You are responsible for the process.

MR SPEAKER: Mr Smyth, you can now ask your supplementary.

MR SMYTH: Thank you, Mr Speaker. Minister, how will your new focus on transparency help those elective surgery patients that were reclassified without documented clinical reasons?

MS GALLAGHER: The government has already implemented processes to ensure that there is not recategorisation of patients without documented clinical reasons. This has not made everybody very happy. Indeed, it has put some additional responsibilities on the doctors who are responsible for that. For the surgical booking staff, it has meant that they have had to have some further training around how they record data. Indeed, the application for recategorisation of patients has changed. The

form has changed. There will be no recategorisation of patients without the appropriate sign-off from their treating clinician. All of these have been in place and have been in place for some time.

I am not sure that that will make too much of a difference for individual patients themselves and I think what it will ensure is that the record-keeping processes to ensure that there is clear transparency in decision making will be there to back up that transparency and those decisions. Again, I do not think there has been any evidence provided that those recategorisations should not have occurred. What it has said is that they have occurred and we have not recorded the data, whether it be the doctor has not provided it or the surgical booking unit has not ticked the right boxes. That is what we need to fix. And it is fixed.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, given your previous denials of any problems in the management of the elective surgery waiting lists, how can the people of the ACT have confidence that the current lists are being managed appropriately?

MS GALLAGHER: I do not think that I have ever said that there is not room for improvement in our management of our elective surgery waiting lists. In fact, I have come into this place repeatedly and said that there is. Indeed, I think the latest results that we have had, showing very significant improvement in the management of the lists, are testament to some of the processes that we have put in place.

The Auditor-General had a very good look at this and made a number of recommendations. The government has accepted the majority of them. I will be providing the government's response to that report, I think in the next sitting period, and the government's response to all of those recommendations will be clear. I know that there has been enormous work put in at the Canberra Hospital, and indeed in negotiations with Calvary hospital, about how we can improve the management of the waiting lists. Indeed, I think the only recommendation that we do not agree with—we agree in part, but we cannot necessarily deliver it—is the Auditor-General's recommendation that we have one waiting list for the whole of Canberra and that it be centralised. That simply comes down to the ownership arrangements between the two public hospitals.

Where we can and do have influence to deliver the outcome, I can assure members in this place that those issues that the Auditor-General has identified have been responded to. Processes have been implemented to make sure that, from the record-keeping point of view, which is essentially what this came down to, they are all robust, clear and transparent. I know that through annual reports, estimates and all the rest of it, the opposition will keep their interest in this, and we will provide them with information to show them just how improved our processes are. It is a credit to the Health Directorate staff and the staff of the surgical booking unit that they have been able to deal with this so quickly.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, has there been any progress with private doctors and VMOs in terms of taking ownership of the elective surgery waiting list policy at TCH?

MS GALLAGHER: There has been slow progress, I would say. I have been to a number of meetings where the VMOs have been represented. I think there is general agreement that we need to work together, that it is not just a problem that the Health Directorate can deal with, that we need to look at other areas such as pooling of patients. We have not been able to reach agreement on that, necessarily. We have reached agreement around better record keeping and around doctors understanding that they cannot just ring up and ask for someone to be recategorised because they are not available, they are going on holidays or they have got another list in their private rooms. So that work has been done and they have cooperated with that, which we are very pleased about. But there is still a way to go in terms of how we are able to share patients across a specialty area and how we encourage doctors. Some doctors are open to that; other doctors are not. I think there is still a way to go. But it is underway. It is slow but it is underway.

Hospitals—elective surgery

MR DOSZPOT: My question is to the Minister for Health. Minister, in yesterday's *Canberra Times* you are quoted as saying that one of your priorities is going to be around people waiting too long for access to health care. Minister, on 31 May 2007, you are quoted in an ABC article as stating:

... we are specifically targeting those people who have waited more than one year or more than two years for their surgery.

The most recent published statistics show that currently 15 per cent of people are waiting more than a year, which is five times the national average. Minister, how can anyone believe what you say now when you made the same promises four years ago and have comprehensively failed to deliver?

MS GALLAGHER: The comments I made in the *Canberra Times*—and thank goodness for the *Canberra Times*, otherwise the Liberals would not have any questions at all—

Mr Doszpot: It is in the *Canberra Times*, so it must be true.

MS GALLAGHER: It has been such a long time since the Chief Minister has received the attention—and I am very flattered, I have to say—that I am receiving today from those opposite.

Mr Hanson: Mr Speaker, I ask that the Chief Minister, under standing order 42, address her comments through you rather than through the convenor of the Greens.

MR SPEAKER: Ms Gallagher, you have the floor.

MS GALLAGHER: My apologies, Mr Speaker. My apologies, Ms Hunter, who was not even listening to me, I do not think.

Mr Smyth: That's amazing.

Mr Hanson: Half her luck.

MR SPEAKER: Order, members! The question, thank you, Chief Minister.

MS GALLAGHER: Thank you, Mr Speaker. I was merely commenting that I do not think it has been since 2008 that the Chief Minister has received quite the attention that I am receiving. The Deputy Chief Minister, of course, in previous sittings, was used to this kind of attention.

Mr Hanson: Maybe we guessed you were going to be Chief Minister.

MR SPEAKER: Order, members! Ms Gallagher, the question.

MS GALLAGHER: The opposition have moved from the Deputy Chief Minister to the Chief Minister.

Mr Hanson: And Andrew is feeling let down. But he is right behind you.

MS GALLAGHER: Honestly, I don't know what to do with myself if I don't get all the questions.

MR SPEAKER: Order! Chief Minister, the question.

MS GALLAGHER: Thank you, Mr Speaker. The question was around elective surgery and access to elective surgery. Could I say that this year the government, through the public hospital system and with about 140 procedures delivered through the private hospital system, will deliver 10,700 procedures to the people of the ACT and surrounding New South Wales. That is about 4,000 more operations a year than the Liberal Party delivered when they were last in government. We had the lowest waiting lists.

Mr Hanson: What were the waiting times?

MS GALLAGHER: We do not know what the waiting times were in 2001 because you did not report it. You did not report your long wait patients. You did not report your long wait list. You reported your median wait times.

Mr Seselja: It was 40 days.

Mr Hanson: It went from 40 days to 70 days.

MR SPEAKER: Order, members!

MS GALLAGHER: You reported your median wait time but you did not report your long wait list.

Mr Hanson: It has doubled, hasn't it, Katy?

MS GALLAGHER: In terms of our reporting, the reporting that you get in the health area now, compared to 2001 is much more comprehensive.

Mr Hargreaves: On a point of order, Mr Speaker, isn't there a standing order which requires that members on that side not ignore all the things that you have said, like, "Be quiet"?

MR SPEAKER: Thank you, Mr Hargreaves. We will continue with question time and have less intervention. Thank you. Chief Minister.

MS GALLAGHER: Thank you, Mr Speaker. It is interesting, I think, that in 2001 the then Liberal government delivered about 6,800 operations and their waiting list was, I think, about 3,800—

Mr Smyth: Yours was 488.

MS GALLAGHER: It was 3,800 fewer. You are a man with a love of numbers. We are now delivering 10,700 procedures a year and our waiting list is not much bigger than yours was then, when you were not even delivering the level of activity. In relation to the median wait time, the median time wait time, which those opposite focus on as much as they do, did not include any reports at that point of time around long waits on the list. The median wait time is the measure of people removed from the list. It is not a measure of the people who remain on the list.

In my reporting and the reporting against the priorities that I will outline later to this place—and I know you are all looking forward to that—my target is going to be that we increase the numbers of people who are seen within clinically approved times. Even though our waiting list is going down, the number of people getting access to their surgery on time is increasing. Despite all of that, our median wait time will continue to grow. It will continue to grow. Whilst you have all these other areas where you are improving—*(Time expired.)*

MR SPEAKER: Members, there is too much interjecting. Someone is going to get warned shortly. Mr Doszpot, you have a supplementary question?

MR DOSZPOT: Thank you, Mr Speaker. Minister, do you accept responsibility for the worst elective surgery waiting lists in the nation?

MS GALLAGHER: I do not believe that we do have the worst elective surgery waiting lists in the nation.

Mr Doszpot: Look at the figures. Read your stats.

MS GALLAGHER: Well, there is not a way where you can compare apples with apples on waiting lists. What I am making sure of is that the community has access to a very comprehensive range of information where our waiting list is now the lowest it has been for many years—4,400 on the waiting list. We are delivering 1,000 more procedures this year than we delivered the year before and next year we will increase on that. We are significantly reducing the number of long wait patients off the list in a whole range of areas such as general surgery, urology, neurosurgery and gynaecology.

All of those indicators are going in the right way but there is no way of measuring the ACT against New South Wales, Queensland or Victoria. I think this piece of work is being done under national health reform and it is very clear that there is no standardised way of measuring elective surgery performance.

Whilst all of our indications are going the right way, our median wait time will continue to grow. So the target to focus on for how good your elective surgery system is performing needs to be how many people are having their surgery on time—that is, if you are category 1, what is the percentage of people who are getting access to it within 30 days, category 2 within 90 days and category 3 within 365 days. That is the target we will be measured against.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. In the interest of those opposite, minister, what are the waiting times for gall bladder and bile duct transplants?

MS GALLAGHER: I will have to take that on notice, Mr Speaker. It is a very specialised question. But I understand the link that Mr Hargreaves is making, and I did enjoy it.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why is it that after 10 years of ACT Labor and your claims of removing long-wait patients from the lists, we have five times the national average of people waiting for more than a year for their elective surgery?

MS GALLAGHER: Because while you are dealing with the emergency surgery and other more urgent patients, and demand continues to grow whilst you are removing long-wait patients from the list, you are also generating long-wait patients at the same time. The government has no control over additions to the list. The only thing we control is removals from the list. We have a very good record here, and that record is going to get better. We have seen significant improvements. As much as those opposite do not want to hear that things are improving and people are getting access to their surgery in a timely fashion—

Mr Hanson: You created this problem in the first place.

MS GALLAGHER: Mr Hanson, I did not create the problem. I do not have any control over additions to the list. What I can do is control removals from the list. It is important that we look at areas where we can have and have within our control capacity to improve. That is what we are doing. We are putting more money in—more money; more operations; more people seen on time. In the last year we have seen about a 30 per cent reduction in long-wait patients off the list.

It is always the way when they do not like the answer to the question. Indeed, I think I heard Mr Seselja on the radio the other day dealing with a difficult set of questions, when he said, “I can answer it; you might not like the question, but I am answering it.” That is something that we say in this place all the time. Whenever I am answering a question and you do not like it, Mr Seselja, you all start talking and interjecting. You all start talking and interjecting. That is a measure of our success—the level of chattering going on over there.

Schools—students’ needs

DR BOURKE: My question is to the Minister for Education and Training. Would the minister advise the Assembly about what the government is doing to ensure ACT public schools continue to meet the needs of students into the 21st century?

MR BARR: I thank Dr Bourke for his first question in this place and for his obvious passion in the area of education and training. I note that Dr Bourke is now well on his way to having asked more questions of me than the shadow minister for education.

In 2009, for the first time in a decade, we saw enrolments in ACT public schools grow. This has been in large part because of the successful education reforms of the ACT Labor government, most particularly since 2006, reforms that have delivered more than half a billion dollars worth of investment into our public school system, building new schools where the students are, in growing areas of the city, and of course upgrading every single public school within the territory.

Beyond just a bricks and mortar approach to education reform, the government is committed to reform inside the classroom. The particular focus in recent times has been on secondary schooling within the territory. Last year I released a discussion paper to begin a community dialogue about what the high school years in the ACT ought to look like in the 21st century. We got a very strong response from across the education sectors to these policy discussions. That feedback came in a draft document that was again circulated for public consultation. All of this input led to the *Excellence and enterprise: advancing public schools of distinction* policy framework built by this government in partnership with the ACT community that I launched last month.

The framework is a long-term approach to improving public secondary schooling in the territory. Under our plan, ACT public high schools and colleges will be able to specialise. It should be noted, of course, that within the specialisation framework the education needs of all students will continue to be catered for. Different models of school organisation will be encouraged and an example already in place is the

partnership between the University of Canberra, Lake Ginninderra college and the Kaleen high school. These schools provide students who wish to progress to university with unprecedented access to university staff and courses before they complete year 12.

Our education plan allows schools to explore new ways to challenge gifted and talented students, including through the smarter use of information and communication technology. We will also encourage and resource our secondary schools to better engage those students who are at risk of dropping out.

Not every young person in an ACT high school sees their immediate education future at a university. Luckily for our economy, many choose a path of skills training, to become, amongst other things, chefs, plumbers, electricians, or, as Dr Bourke alluded to this morning, dental technicians. We have already moved to ensure that no student gets left behind. We have done this with our “learn or earn” laws and through our youth commitment, the government’s partnership with industry and the broader community to better support all students in their education pathway. The new framework builds on this by allowing schools the freedom to build better quality vocational learning based on flexibility and partnerships.

We are working closely with school communities to generate new ideas. I want to see them implemented for the benefit of all students. It is why we are establishing a cross-sectoral committee to advise on the formation of a curriculum certification and regulatory body to monitor standards and to ensure curriculum coherence from preschool to year 12.

MR SPEAKER: Dr Bourke, a supplementary question?

DR BOURKE: Minister, given the emphasis you have given to the role of the teachers, can you elaborate on the steps the ACT Labor government is taking to attract and retain the best teachers?

MR BARR: Members would be aware that we went to the last election with a policy to attract and retain the very best teachers in our classrooms. We did this because we know that the most important factor in achieving great education outcomes is great quality teaching. We are working on the delivery of that plan. We have invested \$3.9 million to establish the ACT Teacher Quality Institute—an investment, I note, that the ACT Liberals voted against.

The institute is responsible for pre-service teacher education, accreditation, teacher registration and certification of teachers against nationally recognised standards. The institute will assist the government in reforms to enhance the standards of professional development for ACT teachers. This includes merit-based career paths for teachers which reward effort and excellence in our classrooms, accelerated career progression for our most enthusiastic young teachers and six figure salaries for our best classroom teachers.

I am very pleased to advise the Assembly that the government made an offer to the Australian Education Union last week. That offer includes all of the initiatives that I have just outlined and it is available on the department’s website. We are currently

negotiating the detail of the government offer with the Australian Education Union to deliver these new salaries and these new career paths. We are doing so in good faith.

I am hopeful that the negotiations will be successfully concluded soon and that there will be a way forward to reward our fantastic classroom teachers with fantastic careers. The 2011-12 budget includes funding allocated to deliver this election commitment. I look forward to the support of the Canberra Liberals and, indeed, the ACT Greens for this budget initiative to ensure that we are able to attract and retain the best quality classroom teachers in our public education system.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you. Is the minister aware of community views with regard to these and other actions to deliver better educational outcomes for ACT students?

MR BARR: I am, and the government's drive to improve education in this city has widespread support from the community. The community wants our education system to adapt to the times and to ensure that all young Canberrans get the best possible education. And they want the Assembly to cooperate to ensure that this can occur.

That is why so many community groups have joined us in the development of *Excellence and enterprise*. These include the Council of P&C Associations, the ACT Aboriginal and Torres Strait Islander Education Consultative Group, the Australian Education Union, the Australian National University, the University of Canberra and the Youth Advisory Council, amongst other groups. These groups, and many more, engage with the government in the development of our plan to further improve secondary school education. I would like to take this opportunity to put on the record my thanks for the involvement of all of those organisations.

Of course, I am also aware of the views of those who purport to speak for the community in this place but who are in fact once again out of touch with the Canberra community. In his response to *Excellence and enterprise*, the shadow minister—that is, Mr Doszpot rather than Mr Hanson—trotted out the only policy that is evident on that side of the chamber. That is opposition for opposition's sake. When talking on the ABC on 24 May, Mr Doszpot was given an opportunity to put forward a policy alternative. There was a long silence—a long and awkward silence—as Ross Solly pressed Mr Doszpot for one original idea. The one thing he did say was that we need a teaching profession that is adequately looked after and we need teachers that are totally motivated.

Mr Speaker, I look forward to the support of the Canberra Liberals for the ACT government's reforms to the teacher career structure and the initiatives contained within the 2011-12 budget to enhance the professional development of teachers.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Thank you. Minister, will you commit to addressing the deputy principals' salaries, which are considerably behind those of their New South Wales

counterparts, and how many teachers will be able to access the funding included in the budget in order to retain them in the system because they are the best quality teachers?

MR BARR: The government offer that has been put forward to the Australian Education Union has salary increases in the order of 16 per cent for deputy principals, taking the salary from around \$98,000 to approaching \$115,000. It involves reclassifying deputy principals into the principal pay structure and providing opportunities for professional development and career advancement for the deputy principal class across ACT schools.

In relation to initiatives around six-figure salaries for classroom teachers, we have indicated a desire to do two things in this area. Firstly, to allow accelerated advancement for classroom teachers through the current salary scale, to ensure that the advancement can occur in more than one-year lots. At the moment it is a very long march, Ms Hunter, from a graduate teacher to the top of the classroom teaching scale. Our offer to the Australian Education Union provides for a doubling of the advancement, so that you can move forward two increments each 12 months rather than one.

In relation to six-figure salaries for classroom teachers, we have provided a new category within the classroom teacher structure that is at the same pay rate as the current school leader C salary, so providing two streams—a teacher leader, teacher mentor role in the classroom and a head of faculty role, if you like, taking in a more administrative role, but aligning salaries, increasing them both, so that in light of the agreement, over three years, you will see those leading teachers with six-figure salaries, delivering on the ACT government's commitments in this area.

Housing—demand

MS BRESNAN: My question is to the Minister for Housing and it is about increasing demand for public housing. Minister, a report issued last week by the Australian Institute of Health and Welfare showed that by 2020-21 demand for public housing in the ACT would increase by 30 per cent. Given you have said today that this demand is too expensive to meet, minister, how are you going to respond to this problem? Will you table in the Assembly the costings you have referred to in the media?

MS BURCH: I am quite happy to outline the estimated costs that got to \$1.4 billion.

Ms Burch: No, table them. Table them, thanks.

MS BURCH: I will write them down and then table them. The average cost of a property we have put at \$400,000, which is the same costing that we put to our aspirational target of 10 per cent that we have also made a commitment to do. Just on the Greens' and our target, we have agreed that we have an aspirational target of 10 per cent of the total housing stock in the ACT to be 10 per cent. That line for us is \$1.1 billion.

Recently in regard to the CEO Sleepout, where there was lots of data on homelessness, Ms Bresnan put a media release out asking the government to meet the 30 per cent demand equating to public housing. To do the sums on that at \$400,000

per unit, I calculated—and I am quite happy to have it tested on someone else's calculator—that that is \$1.4 billion over 10 years, which is \$140 million; sorry, I do apologise, Mr Speaker.

I have also said that there are other ways that you could address the issue of homelessness and housing demand. What I have just introduced yesterday, made an announcement about and spoke about today is an affordable housing product to be delivered by Housing ACT where older Canberrans on limited income can purchase into a property at 75 per cent. We also have a product that supports affordable rental. We are also investing in our community housing sector. Community Housing Canberra has a loan facility of \$50 million over a number of years. We have recently increased that by another \$20 million.

There are many things that this government continues to do in this budget. We provided increased support to St Vinnies in their street-to-home program. In talking with many of the workers last Thursday evening that manage that program, they have estimated that there are about 20 chronic rough sleepers. If we add on the transient rough sleepers—transient could be a night a week or a number of months—that can come close to 100.

In any society we should be very mindful of that and as a government do all we can to offer relief and support to those that are seeking affordable housing options or those that are experiencing homelessness. That is why we have brought on additional transitional housing. We have on line at least 39 properties that are supporting—I did have a figure there but it escapes me at the moment—a significant number of single people but also family units in those 39 transitional properties.

Following my experience and the conversations from last Thursday, I am also talking with St Vinnies about how we can bring on some emergency programs in light of that to better support the street-to-home program. Through St Vinnies, if they have someone who is coming to them for shelter for the night, I am more than happy to have a conversation with them to see what properties we can bring on line for their expertise to use as they see fit.

Ms Bresnan, in regard to your question, “How do we meet this demand,” this government has a history of growth in the public housing sector. You can sit there with the twist to your face, Ms Bresnan—

Ms Bresnan: A twist to your face?

MS BURCH: Well, it has that little twist but a 30 per cent increase does have a bill of \$1.4 billion—*(time expired)*

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: I will ask the question without a twist to my face. Minister, why is it that the public housing asset management strategy—

Mr Coe interjecting—

MR SPEAKER: Mr Coe! Ms Bresnan, could you start your question again.

MS BRESNAN: Thank you, Mr Speaker. Minister, why is it that the public housing asset management strategy is now three years overdue and how will the new strategy deal with increases in demand?

MS BURCH: We have made a commitment to bring the public housing asset management strategy online by the end of this year. Whilst there has not been an active strategy in place, certainly the principles of our asset management have remained consistent over the last number of years. That fundamental approach is to better support social housing across Canberra, and that is what we have done. We have increased social housing with our commitment, our contribution of community land, our financial contribution plus that from the federal government, bringing on close to 500 properties over the last couple of years. In this budget there is an investment of \$10 million that will bring on 35 properties. So I do not see how there is anything in this government's actions that says we do not invest in supporting homelessness services, we do not invest in affordable housing and we do not invest in social housing here in the ACT.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do you believe in security of tenure in public housing?

MS BURCH: I believe that those that are vulnerable in our community should be offered all the security they can. I also know that there are about, I think it is, nine or 10 per cent of our renters paying market rent. Their circumstances have changed. They obviously entered the system as disadvantaged and vulnerable individuals and families but their life circumstances have changed and they are able to pay market rent.

The question for governments in these times is always about how we maintain their security of tenure and make sure they do not fall into a vulnerable environment again. But government also has to be very mindful of the 1,500, I think we have got about 1,500, on our waiting list at the moment.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, can you, like the Chief Minister in this question time, without a twist to your face, commit to the goal of 10 per cent public housing in the parliamentary agreement?

MS BURCH: It is my understanding that it is in the parliamentary agreement, Mr Speaker.

Canberra Hospital—obstetrics unit review

MRS DUNNE: My question is to the Minister for Health. Minister, you stated to the Assembly on 24 February 2010, in relation to the obstetrics bullying inquiry:

... reputations were being slurred without any procedural fairness or natural justice ...

Minister, the review in this instance was conducted in secret and is still secret. Given your new pledge on accountability, minister, will you now release the secret report into bullying in the obstetrics unit at the Canberra Hospital?

MS GALLAGHER: My comments about reputations being slurred without access to natural justice remain; that remains my view. In relation to the Public Interest Disclosure Act, Mrs Dunne, I have not seen the report. I am not allowed to see the report. The law, and the legal advice to the government, is very clear. I cannot provide you with that report, even if I wanted to. I have written to the attorney, based on our experience with dealing with that matter under the Public Interest Disclosure Act, with my view as to how that process was undertaken and the fact that in my view it did not allow for as much information to be made public as I think should have. But the law is very clear on that.

My recollection of where this issue got to was that my views were being put through into the Public Interest Disclosure Act review that is underway. But I cannot, Mrs Dunne. I have not even seen the review, and I cannot be briefed on it either. That is the way the law is. So if you are asking me whether I will break the law and provide it to you, the answer is no.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Minister, how can Canberrans believe your new focus on government accountability when you do not attempt to be transparent about the report into bullying in the obstetrics unit?

MS GALLAGHER: I have provided all the information that is within my capacity to provide around the issue of looking into the workplace culture at the Canberra Hospital's obstetrics unit. I have provided all of that information and it is available to every member of this place and all of the community. Whatever information I could make public, I have made public.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Chief Minister and Minister for Health, have you received in recent times much email or queries in your office regarding this matter?

MS GALLAGHER: No; I cannot recall receiving any correspondence, email or letters, in relation to this matter recently. I did receive a couple of emails or communications after the review was handed down, and staff made some decisions to leave the Canberra Hospital, which I still to this day believe is very regrettable.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, is it not true that you deliberately set up the review into bullying under the Public Interest Disclosure Act so that it would not come to light?

MS GALLAGHER: It was not my decision.

Members interjecting—

MR SPEAKER: Order, members! Mr Hanson and Mr Seselja!

MS GALLAGHER: In accordance with the operations of that law, Mr Speaker, it was not my decision to conduct it under the Public Interest Disclosure Act.

Members interjecting—

MS GALLAGHER: Good luck to you and your conspiracy theories, Mr Hanson. Good luck to you. The information that is available to me that could be made public in relation to this matter has been made public and is available for all to see.

Health—services

MR COE: My question is to the Minister for Health. On 30 March this year, the Assembly called for you, as health minister, “to provide a more accurate and honest summation of public health services”. The motion was drafted in response to media statements issued by you that ignored key indicators about the state of the ACT health system, your secret negotiations about Calvary hospital and revelations that patients were being shifted out of category 1 without clinical cause. Minister, how can we trust that the new reporting measures you promised will provide a more accurate picture of the state of the whole health system?

MS GALLAGHER: It is important to note that the government did not agree with or support the motion of this place in relation to a view that other members had that they should direct what information goes into other members’ media statements.

Mr Hanson: It was put in to be honest, Katy.

MS GALLAGHER: It is not something we seek to impose on you, Mr Hanson, or the Greens, for that matter. And there have been some outrageous examples of media releases from both the Liberals and the Greens that the Labor Party has not agreed with.

In terms of the measures that I will announce about improving access to information for members of the community around government decision making and trying to look at new ways of being transparent and open with the community, building on our impressive record, I do not seek to dissuade those opposite that it is the right thing to do. I do not expect to gain your approval, but it is not your approval that I am after. I am keen to make sure that the community understands that, as Chief Minister, I am

genuinely looking at ways to improve the community's access to information earlier around, particularly, cabinet deliberations and discussions.

I am being very clear in the priorities that I am setting out after question time today around targets and measures. It is all there for people to read, and I have no doubt I will be measured against them. But I do not expect the Liberal Party of the ACT to welcome them.

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Minister, have you taken the Assembly's advice and become more accurate and honest? If so, how?

MS GALLAGHER: I have noted the advice of the Assembly, Mr Speaker.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: A supplementary, Mr Speaker. Minister, why did the Assembly have to resort to voting for a motion that directed you to be more honest?

MS GALLAGHER: As I said, we did not support that, and only you can answer—those people that voted in favour of it can answer your question.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Thank you, Mr Speaker. Minister, how will more reports by administrative staff actually deliver more timely health services to the residents of the ACT?

MS GALLAGHER: I am sorry; I missed the beginning of your question.

MR HANSON: This is about your reports that you are publishing. I want to know what the correlation is and whether that will actually result in improved access to health for the residents of the ACT.

MS GALLAGHER: The reports to the community will be on how we are going against the targets that we are setting and the targets are about improving access to health services. My very genuine hope is that we meet those targets, in which case access to health services will be improved.

Infrastructure plan

MR HARGREAVES: My question is to the Chief Minister. Will the Chief Minister please advise the Assembly on the important role that the infrastructure plan is playing to ensure that our community infrastructure priorities continue to be met?

MS GALLAGHER: I thank Mr Hargreaves for the question. We have been doing a number of very important pieces of work, particularly around releasing the next infrastructure plan for the ACT, which will be released in the next few weeks. The government has been working hand in hand with industry around putting together our

infrastructure priorities. You will see that many of them have been included in our budget appropriations, both last year and this year.

The former Chief Minister held a number of roundtables with industry to look at how we better plan and provide advice and information to industry around our infrastructure and the timing of those infrastructure decisions. There is also substantial work going on at the national level around capital city strategic planning systems, which also feeds into our policy documents in this area. I think there is more to be done in terms of identifying our plans and being able to do that in a timely way for industry to have some certainty about what the government is thinking, but obviously it is a balance between that and making those budget decisions year by year. I note that there are some recommendations, I think in the estimates report, in one of the 194 recommendations, around the timing of the infrastructure plan. We will certainly look at that in the context of our response.

The effort that has gone in over the last couple of years in improving our communication with industry but also focusing on delivering the program that we are outlining is already showing positive signs. At the end of April this year, the year-to-date expenditure for the capital works program overall is nearing \$500 million. It certainly will have exceeded \$500 million by this time, because those figures were at the end of April. This is really pleasing—to see that so much of the program is actually being delivered upon. And of course this is just the cash flow of the payments for delivery of that program.

Obviously the projects are continuing as we speak. There are a number of significant infrastructure projects underway and, of course, included in this year's budget. It is a big part of our budget and we know that our infrastructure needs, particularly in roads, public transport and health, are going to be significant, not just for this year but for future years.

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGREAVES: Thank you, Mr Speaker. Minister, how do the two infrastructure roundtables that the government has held in the last year support the infrastructure plan?

MS GALLAGHER: The former Chief Minister held two roundtables with industry and community over the past year to have a look at how we can build on the infrastructure plan that was released last year.

I think the major issues that came up were around the need for increased urban densification and cost-effective maintenance of new and existing infrastructure; the capacity of the private sector to manage infrastructure and government work; opportunity to look at how the one public service model can improve collaboration; the need for integrated land use and public transport—I think certainly the realignment of the ministerial portfolios and some of the restructure of the ACT public service will address that particular area of need—looking at the impact of demographic change on infrastructure development—that is, of course, really important in both schools and education but also in terms of public transport as well—

and also looking at how we work with the commonwealth, industry and the community to better identify and communicate our infrastructure priorities.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: What role does the government's Strategic Board play in the development of the strategic plan?

MS GALLAGHER: The infrastructure plan does work across government and, indeed, across all of the directorates. There is a chief executives strategic planning committee, which was formed in 2001. The new Strategic Board will have a particular role in managing particularly the key priorities I will be identifying after question time today. The Strategic Board's focus—and, I think, the direction from government—is very clear.

We expect our capital program to be delivered within the budget and within the time frames specified. Obviously there are individual projects where timing and costing issues will have to be readdressed during the delivery of those projects but I think the government has made it very clear to the Strategic Board that we expect them to be leading the delivery of our infrastructure program right across the government.

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

Answers to questions on notice

Question No 1610

MR SMYTH: Under standing order 118A, I asked a question of the Treasurer, and the answer to question No 1610 was due on 6 May and is now overdue. I seek an explanation.

MS GALLAGHER: I am sorry, Mr Smyth, can you just say what it is in relation to?

Mr Smyth: Question No 1610 in regard to compulsory third party.

MS GALLAGHER: I am sorry, unless it is in my in-tray, Mr Smyth—which I have not seen today—it has not crossed my desk, so I will chase that up for you. My apologies.

Mr Smyth: And you will find out an explanation as to why it is so late?

MS GALLAGHER: Yes.

Question No 1395

MRS DUNNE: In accordance with standing order 118A, I directed question No 1395 to the Minister for the Arts in relation to the public art database, and the time expired on 17 March. I ask the minister to explain why the question has not been answered.

MS BURCH: I will find out where it is. I apologise for it being late, but I will find out and make sure I have an explanation and get it to the member.

Papers

Mr Speaker presented the following papers:

Standing order 191—Amendments to:

Courts Legislation Amendment Bill 2010, dated 9 May 2011.

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2011, dated 9 May 2011.

Auditor-General Act—Auditor-General's Report No 3/2011—The North Weston Pond Project, dated 26 May 2011.

Public Accounts—Standing Committee—Report 16—*Report on Annual and Financial Reports 2009-2010*—Speaker's response to Recommendation Nos 20, 21 and 22, dated May 2011.

Executive contracts

Papers and statement by minister

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

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

Short-term contracts:

Alyn Doig, dated 11 May 2011.

Andrew Whale, dated 6 May 2011.

Ann Lyons Wright, dated 21 April 2011.

Catherine Hudson, dated 5 June 2011.

Conrad Barr, dated 1 June 2011.

David Collett, dated 16 May 2011.

David Dawes, dated 31 May 2011.

David Grey, dated 3 May 2011.

David Papps, dated 31 May and 2 June 2011.

David Peel, dated 12 May 2011.

Douglas Gillespie, dated 6 and 27 May 2011.

Elizabeth Beattie, dated 5 April 2011.

Glenn Lacey, dated 12 May 2011.

Janet Plater, dated 21 April 2011.

John Lundy, dated 11 May 2011.

Kevin Bell, dated 12 May 2011.

Matthew Smith, dated 27 May 2011.

Paul Peters, dated 21 April 2011.

Phillip Perram, dated 27 and 28 May 2011.

Rowena Glenn Barrell, dated 20 and 24 May 2011.

Sara Burns, dated 26 May 2011.

Shane Kay, dated 24 May 2011.

Sue Morrell, dated 12 May 2011.

Sushila Sharma, dated 5 and 7 May 2011.

William Mudge, dated 12 May 2011.

Contract variations:

Adrian Scott, dated 19 May 2011.

Alan Traves, dated 27 May 2011.

Catriona Vigor, dated 16 May 2011.

Christine Murray, dated 14 March 2011.

David Colussi, dated 16 May 2011.

David Read, dated 16 May 2011.

Heather Tomlinson, dated 26 May 2011.

Howard Bryn Jones, dated 21 February 2011.

Ian Hubbard, dated 16 May 2011.

Ian Thomson.

Mark Huxley (2), dated 16 and 30 May 2011.

Megan Young (2), dated 16 and 30 May 2011.

Peter Garrisson, dated 11 and 21 March 2011.

Peter Maybury, dated 16 May 2011.

Richard Neves, dated 24 May 2011.

Robert Gotts, dated 16 May 2011.

Robert Neil, dated 27 May 2011.

Rosemary Kennedy, dated 19 May 2011.

Shane Kay (2), dated 19 April and 16 May 2011.

Stuart Friend, dated 16 May 2011.

Timothy Grace, dated 30 May 2011.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 3 May 2011. Today I present

25 short-term contracts and 24 contract variations. The details of the contracts will be circulated to members.

Papers

Ms Gallagher presented the following papers:

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

Chief Executives and Executives—Determination 4 of 2011, dated 8 June 2011.

Clerk of the Legislative Assembly—Determination 6 of 2011, dated 8 June 2011.

Full-Time Holders of Public Office—Determination 5 of 2011, dated 8 June 2011.

Members of the ACT Legislative Assembly—Determination 3 of 2011, dated 8 June 2011.

Part-Time Presidential Member—ACT Civil and Administrative Tribunal—Determination 7 of 2011, dated 8 June 2011.

Administrative Arrangements—

Australian Capital Territory (Self-Government) Ministerial Appointment 2011 (No 1)—Notifiable Instrument NI2011-243 (Special Gazette No S2, Tuesday 17 May, 2011).

Administrative Arrangements 2011 (No 1)—Notifiable Instrument NI2011-244, dated 16 May 2011.

Territory-owned Corporations Act, pursuant to subsection 9(2)—Notification of voting shareholders, dated 14 June 2011.

Financial Management Act—

Pursuant to section 15—Instrument directing a transfer of funds between output classes within the Justice and Community Safety Directorate, including a statement of reasons, dated 16 April 2011

Pursuant to section 16—Instruments directing a transfer of appropriations, including statements of reasons—

From the Territory and Municipal Services Directorate to the Chief Minister and Cabinet Directorate, dated 14 June 2011.

Relating to the implementation of a single ACT Public Service Agency structure.

Pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Justice and Community Safety Directorate, including a statement of reasons, dated 17 June 2011.

Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Treasury, including a statement of reasons, dated 18 May 2011.

Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Education and Training Directorate, including a statement of reasons, dated 9 June 2011.

Pursuant to section 19B—Instrument varying appropriations related to National Partnership—Support Local Government and Regional Development—Territory and Municipal Services Directorate, including a statement of reasons, dated 9 June 2011.

Pursuant to section 19B—Instrument varying appropriations related to National Partnership—Water for the Future—National Framework for Compliance and Enforcement—Environment and Sustainable Development Directorate, including a statement of reasons, dated 25 May 2011.

Pursuant to section 19B—Instrument varying appropriations related to Pre-Apprenticeship Training NPP—Education and Training Directorate, including a statement of reasons, dated 16 June 2011.

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

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer): I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2011.

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

Leave granted.

MS GALLAGHER: I present to the Assembly the March quarter 2011 consolidated financial report for the territory. This report is required under section 26 of the Financial Management Act. The March quarter headline net operating balance for the general government sector was a surplus of \$13.4 million, which is a \$21.4 million improvement from the year-to-date budgeted deficit of \$8 million.

The improvement in year-to-date performance in the territory can be largely attributed to stronger revenue performance, including: increases in other revenue due to a number of items, which included higher than anticipated reinsurance recoveries and higher than expected research and other health-related grants; higher than expected interest revenue, mainly due to higher interest rates on larger than anticipated investment balances; increased dividends, mainly due to higher than anticipated private equity distributions to the superannuation provision account; higher grants revenue, mainly due to the timing of payments from the commonwealth; and a small increase in the sales of goods and services. There was also a decrease in total expenses of \$7.1 million. This marginal variance was mainly due to lower than budgeted depreciation expense as a result of revised timing of capital works projects.

On an AAS basis the GGS recorded a surplus of \$160.6 million, which is \$53.1 million higher than the year-to-date budget of \$107.5 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. I commend the March quarterly report to the Assembly.

Papers

Mr Corbell presented the following papers:

Criminal Proceedings Legislation Amendment Bill 2011—Revised explanatory statement.

Financial Management Act, pursuant to section 30E—Half-yearly departmental performance report—December 2010—Department of Justice and Community Safety—Amendment.

Environment—Murray-Darling Basin plan Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): For the information of members, I present the following paper pursuant to a resolution of the Assembly of 27 October 2010:

Murray-Darling Basin Authority—Proposed Basin Plan—ACT Government Six Month Report on Progress with the ACT's Basin Plan Negotiations, dated May 2011.

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

Leave granted.

MR CORBELL: Thank you, Mr Speaker. In line with the Assembly resolution on 27 October last year, I am pleased to table in the Assembly today a six-month progress report on the ACT's negotiations on the proposed Murray-Darling Basin plan.

The Murray-Darling Basin Authority, the MDBA, released its guide to the proposed basin plan in October last year. The guide identified the ACT's sustainable diversion limit, or SDL area, within the broader Murrumbidgee River catchment. The guide estimated current surface water and groundwater use for all SDL areas across the basin. It then proposed a range of reductions from current levels of use to the new SDLs to deliver the quantum of water required to meet the needs of environmental sites across the basin.

The guide estimated current ACT surface water use to be 51 gigalitres per year, consisting of 12 gigalitres per year intercepted by farm dams and forestry plantations and 39 gigalitres per year of watercourse diversions from Actew dams. The watercourse diversions are a net volume. That is the volume of actual diversions minus the volume of treated sewage effluent returned to the river system.

The guide proposed substantial reductions of between 26 and 34 per cent of the ACT's current surface water use, or 34 to 45 per cent if water is only taken from watercourse diversions—that is, water taken from Actew dams only. This would take

the ACT's diversions from the current net 40 gigalitres per year cap under the MDBA agreement cap to net 21 to 26 gigalitres per year under the new SDLs.

Before I go any further, let me make it clear that the ACT supports the overarching goal of the proposed basin plan to return water to the environment as a necessary action to ensure the sustainability of the basin. Notwithstanding this position, the government has expressed a number of serious concerns with the proposals in the guide for the ACT. The guide treats the ACT differently from other basin jurisdictions. This results in the ACT having the highest percentage of proposed water reductions of all basin jurisdictions despite its track record of successful water resource management.

The ACT is a minor water user in the basin context, accounting for less than one per cent of basin water resources. The ACT is also a responsible and environmentally sustainable water manager. About 50 per cent of the ACT's water resources are legislated for the environment. In an average year, the ACT only diverts a net eight per cent, after the return of treated effluent to the river system, of its water resources available for consumptive use.

This has not been recognised in the guide. There is no consideration of the ACT as a distinct water resource management area with a history of prudent water resource management. The guide simply treated the ACT as a sub-unit of the broader Murrumbidgee region, without any analysis, or indeed understanding, of the management of the water resources within the ACT.

The guide designates a net rather than gross SDL for the ACT. This not only treats the ACT differently from other jurisdictions, but also undermines water re-use incentives. The decision to re-use treated waste water on sports fields, for example, becomes more difficult if that water counts towards the ACT SDL.

The guide also sets the ACT surface water SDL on the basis of the ACT cap under the Murray-Darling Basin agreement rather than the ACT water sharing plan, which describes the characteristics of the ACT water resource. This does not make sense, as the ACT cap reflects historical urban water use and bears no relation to the water-sharing arrangements in place between consumptive use and environmental flows. Moreover, this approach once again treats the ACT differently from other jurisdictions whose SDLs are set with reference to state water-sharing plans.

The guide did not consider ACT critical human water needs or future population growth by setting proposed SDLs that can only be met with permanent water restrictions. This is not tenable given recent projections which show that the ACT population is expected to hit the half a million mark by 2043. This figure does not include Queanbeyan, which is supplied from the same water source as the ACT.

The guide provides no analysis of the socioeconomic impacts of the proposed basin plan on the ACT region, despite this being required under the Water Act. In response, the ACT government commissioned its own independent economic analysis. This demonstrates that the costs of imposing water restrictions to manage demand to meet the guide's proposed water cuts are substantial. Costs are estimated to rise from about

\$45 million per year to \$220 million per year as the population grows and higher level restrictions become necessary.

The ACT government has made a number of representations to the commonwealth about its concerns with the guide. Our approach has been robust but constructive, with logical arguments based on fact rather than emotion.

The ACT has made detailed submissions to the Murray-Darling Basin Authority and to the House of Representatives Standing Committee on Regional Australia's inquiry into the impact of the Murray-Darling Basin plan in regional Australia. The submissions set out the ACT's concerns and contain the independent economic analysis which I referred to earlier.

The ACT government has also discussed its concerns directly with the Hon Tony Burke, the commonwealth minister for water; the Hon Simon Crean, the commonwealth minister for regional Australia; and Mr Craig Knowles, the new Chair of the Murray-Darling Basin Authority. The government has also discussed the ACT concerns directly with Mr Tony Windsor and the Standing Committee on Regional Australia.

In April this year, I attended a forum of basin state water ministers in Sydney hosted by Minister Burke, and also attended by Mr Knowles, to discuss the next stage in the development of the basin plan. Ministers agreed on a number of important matters. Foremost was a shared vision for the basin. This vision is a healthy working basin in which a healthy river system underpins strong and viable communities. Ministers also agreed on the need for a new, more balanced, inclusive and broader approach to basin-wide planning. This would look beyond the basin plan and the work of the MDBA and bring together all other relevant programs—commonwealth and state—as well as involving local communities.

I am pleased to report that recent meetings with the MDBA and the commonwealth have been very positive about the way forward. The ACT welcomes the new, more constructive and open approach the MDBA is taking to engage the basin states, including the ACT, on the development of a draft basin plan. I believe that this approach will result in a better basin plan and a fairer outcome for the ACT.

There are to be subsequent basin state ministerial meetings specifically on the development of the draft basin plan in which I, as the ACT representative, will participate. Officials from my directorate have attended a significant number of MDBA public and technical meetings. Directorate officials have also had a number of bilateral meetings with MDBA staff. In tabling this report I would like to acknowledge the hard work of my directorate on this critical matter for the territory.

In conclusion, I can assure the Assembly that the ACT government will continue to vigorously pursue the best interests of the territory in respect of the basin plan. I look forward to providing the Assembly with another basin plan progress update in six months time.

Papers

Mr Corbell, pursuant to the resolution of the Assembly of 4 May 2011, presented the following paper:

Sustainability of the ACT—Government strategies, policies and legislative reforms—Timelines for the delivery of sustainability policies, dated June 2011.

Planning, Public Works and Territory and Municipal Services—Standing Committee Report 9—government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): For the information of members, I present the following paper:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 9—*Inquiry into RZ3 and RZ4 Residential Redevelopment Policies—Inner North Canberra*—Government response.

I move:

That the Assembly takes note of the paper.

On 25 June 2009 the Assembly resolved that the Standing Committee on Planning, Public Works and Territory and Municipal Services be invited to undertake an inquiry into the RZ3 and RZ4 residential redevelopment policies applying in north Canberra.

The committee held a public meeting in August last year and heard from the Minister for Planning as well as a variety of government officers, community representatives, resident groups, industry practitioners and peak industry bodies. The standing committee tabled its findings in the Assembly on 17 February this year.

The report made 15 recommendations in total. These recommendations broadly reflect the input the government tendered to the inquiry, specifically the lifting of certain infill development moratoriums that currently apply to Turner as well as areas north of Macarthur and Wakefield avenues. The government supports all the committee's recommendations in substance, with implementation having already progressed, or being about to progress, on a number of them.

I refer members to the government response and commend the response to members.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

Feasibility study into the commercial disposal of culled kangaroo carcasses in the ACT.

An evaluation of the Nightrider Bus Service three month trial.

Government responses to the following committee reports:

Report 8 of the Standing Committee on Legal Affairs (Fifth Assembly) entitled Victims of Crime (Financial Assistance) Amendment Bill 2003 which was presented to the Assembly on 1 July 2004;

Report 10 of the Standing Committee on Legal Affairs (Fifth Assembly) entitled Long Service Leave (Private Sector) Bill 2003 which was presented to the Assembly on 2 March 2004; and

Report 4 of the Standing Committee on Legal Affairs (Sixth Assembly) entitled Court Procedures (Protection of Public Participation) Amendment Bill 2005 which was presented to the Assembly on 29 May 2007.

Report 34 of the Standing Committee on Planning and Environment (Fifth Assembly) entitled Long term planning for the provision of land for aged care facilities in the ACT which was presented to the Assembly on 24 August 2004.

Pursuant to the Legislation Act 2001, subordinate legislation in accordance with the list circulated.

MR ASSISTANT SPEAKER (Mr Hargreaves): I thank the minister for a marathon effort.

Government—priorities

Ministerial statement

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (3.45), by leave: Today in my first sitting week as Chief Minister I would like to take this opportunity to outline to the community a statement of my government's priorities over the next 12-month period. Through this statement today I will set out the government's top priorities. I will also outline the key projects that we are working on in order to progress and meet the challenges these priorities bring, and I will also set clear goals for which to track our progress and report back to the community on how we are going in doing what we said we would do.

We are a government with a focus on preserving and improving the quality of life that Canberra people enjoy. We ask for and we listen to the aspirations and the concerns of Canberra people, and we respond to their needs. The government's purpose and direction, our foresight and strength and what we stand for are embodied in our priorities. It is important to point out, though, that these priorities link into the deliberations and findings of the time to talk community consultations which occurred last year.

It is also important to state up front that these priorities do not encompass all the work the ACT government currently performs or all the work the government will do. In addition, these are not priorities that go to the mechanics and structure of our public service—significant work is underway here with the one ACT public service reforms

and more efficiently accommodating our public service. This is work that the community expects us to do as a matter of course, and this work is being done.

We live in a time-poor world where we all lead busy lives. As Chief Minister I am very keen to identify the best way to let the community know what their government is working on, how we expect to deliver against these challenges identified and, importantly, how we will measure the progress against these priorities.

The government's priorities in 2011-12 cover eight service delivery areas, with 52 specific projects and 51 measurable targets. The government's priorities are to ensure that Canberra is a liveable, sustainable city, that its people enjoy timely access to health care, that there is help for those most in need, that there are housing options for all Canberrans, that Canberra people have skills for life and for our economy, that we have a robust local economy and a balanced tax system, that there is improved access to and use of public transport, and that there is continued improvement in public safety.

These priorities will be progressed within the continuing work of government—that is, they further our election promises, further the aims of the Canberra plan and they align with the practical measures before the Assembly in the 2011-12 budget. Alongside these priorities, this government will continue to provide a world-class health system, a public education system that continues to deliver outstanding results, support for a strong and dynamic economy, provide ever more reliable and effective municipal services, preserve our precious natural environment, continue to divert more of our waste stream to landfill, and sustain the services and programs that make the ACT such a great place to live, work, study and invest.

This government is committed not only to setting clear and meaningful priorities, but also to delivering on these priorities and reporting back to the people of Canberra on our progress. I will update the community of progress against these priorities in six months.

The ACT government is committed to creating a liveable and sustainable city. To plan for the future of Canberra, the government needs to continue to consult with the community about integrating city planning, housing supply, sustainability and transport issues. The government believes the recent restructure and the bringing together of the sustainability and planning arms of government will assist to achieve this vision. As a result of the extensive consultation process, time to talk, the government has identified priorities which have refocused our efforts on maintaining Canberra's reputation as a capital in the bush and a city known for clean air, open space and convenience.

Nurturing a city to become more liveable and sustainable through a major growth period is a complex task which requires concerted effort and coordination. To support improved urban amenity across Canberra, the government has worked hand in hand with the community on a range of master plans, a number of draft variations to the territory plan, a review of Canberra's commercial zones and an eastern broadacre study.

The government will finalise and release a new planning strategy in March 2012 and is commencing on a new round of area-specific master plans in 2011. Together, this work will further optimise use of the territory's existing infrastructure, create more dynamic urban places while preserving important open space connections at the macro and micro level, provide greater diversity of housing appropriate for all ages, reduce sprawling new growth and balance this with a more compact city, improve public transport, and emphasise and support sustainable, well-designed infill development. Public realm upgrades in our city centre managed by the coordinator of city area improvements will also be an important part of this work.

The government's rolling infrastructure plan will be released this month and will provide information to the community about infrastructure priorities for the 2011 to 2021 period. One important infrastructure project that will relieve congestion on our city roads and provide better freight connectivity is, of course, the Majura parkway, which will progress to shovel-ready stage as we aggressively pursue federal funding support.

Sustaining a growing working population requires that we also work to provide support for more childcare places. I am confident that we will see a sharp rise in the number of childcare places available in the ACT in this period.

We are committed to tackling the challenges of climate change and continuing to lead the nation in reducing our carbon footprint by increasing the uptake of renewable energy and increasing energy efficiency in Canberra homes and businesses. We will focus in this coming 12 months on doing our bit to tackle climate change, including the release of a new action plan for climate change by the end of 2011 and measures to speed the rollout of large-scale solar generation capacity in the ACT. We will also restore sports grounds at Isabella Plains and Charnwood, ensuring they are equipped for greater resilience in the face of our changing climate.

We will maintain our focus on ensuring Canberra remains one of the world's cleanest and most environmentally responsible cities by releasing new, direction-setting waste and energy policies in 2011.

As I indicated earlier, health care is and will always be a major priority for this government. Our focus is on investment to ensure our health services are adequate to provide for an integrated and contemporary health care system for the future. There is, as we are all aware, a growing demand for all health services in the ACT year on year. Significant demand is being experienced for access to elective surgery from both our local community and from residents of surrounding New South Wales. The government is committed to continuing to improve access to elective surgery, and to effectively address this growing demand, the government has developed the elective surgery access plan.

The plan provides for an expansion of elective surgery capacity, improved management of elective surgery, and a redesign of systems to ensure they are more responsive to community needs, providing maximum access to service. This government already has a significant record of achievement in improving access to elective surgery. The target for both public hospitals in 2010-11 totals 10,712

procedures, well above the 2009-10 outcome of 9,778. I am pleased to report that we are on track to meet this ambitious target.

In 2010-11 we provided a 12 per cent increase in investment to support access to elective surgery. This has resulted in a 24 per cent drop in the number of people who are waiting longer than standard waiting times. Additionally, significant improvement in reducing the amount of long-wait patients has been noted in a number of specialities, including urology, general surgery, plastic surgery, gynaecology and neurosurgery.

At the end of April 2011 our public hospitals reported the lowest number of people with waiting times greater than one year since we began reporting against this measure in 2003. In 2011-12 the government will target further resources to reduce elective surgery waiting times in both public and private sectors by 33 per cent. The 2011-12 budget provides an additional \$10.4 million over the next four years to increase access to surgical services to meet the growing demands on the health system. This means that we can undertake 11,000 elective surgery procedures in the 2011-12 financial year, an increase of more than 300 procedures on the current year.

The government will deliver record levels of surgery in 2011-12 and we will reduce waiting times for surgery. We will report against our delivery with the explicit goal of continuing to increase the number of people receiving their surgery within clinically approved time frames.

Additionally, we will undertake a process redesign to improve flow through the emergency department, ensuring that 70 per cent of emergency department presentations are seen within standard waiting times. We will also move ahead on the north side hospital plans, continuing our work with Little Company of Mary Health Care to agree and implement a truly integrated health system for the ACT. Improvements to provide a more integrated health system will be made throughout our health care system, and we will open the next stage of our health infrastructure redevelopment program with Canberra's new adult mental health inpatient unit and stage 1 of the women's and children's hospital.

The ACT government remains committed to achieving an inclusive community where all Canberrans are able to participate in community life and where the people who are most in need receive help and assistance from their government. The ACT does enjoy relatively higher incomes than the national average, and we are generally well equipped to cope with some of the rising cost pressures due to the strength of our local labour market. However, the government is aware that price rises are placing strain on some household budgets and that daily cost pressures are an issue for some ACT households.

The government is cognisant of the fact that price rises on essential goods, services and utilities place a particular strain on the most vulnerable members of our community, including individuals and families who are not employed, people on low incomes and other vulnerable members of the community. To help those who are most in need, the government has taken a proactive stance on the rising cost of energy by providing the most vulnerable Canberrans with an increase in concessions for two years running. Indeed, with the passage of the 2011-12 budget, one of the most

generous concession regimes of any jurisdiction anywhere in the country will be in the ACT.

In 2011-12 the government will continue to focus on providing targeted assistance to help those most in need. In order to better target and inform our policy making and service planning, we need to ensure that our policy decisions are based on the strongest evidence base possible. The ACT government will update the tools to better identify those households most in need. Alongside this work, the government will review its concessions regime to ensure it continues to support those most in need of our support. We anticipate to have 25,000 householders supported under the concessions regime during this period.

The government is currently developing a strategy for a joined up, more coordinated approach to service delivery for vulnerable families. This approach focuses on keeping the client at the centre of government services and includes a no-wrong-door policy for clients with complex needs. Accommodation for people with disability will be enhanced through the commencement in February 2012 of an intentional community accommodation, which will provide tailored accommodation for people with a disability in Phillip.

We also aim to reform our services for people experiencing or at risk of homelessness in the ACT. The common ground feasibility study will be completed in 2011, and we anticipate it will provide a promising pathway to combating homelessness. The government will also move forward to pilot the triple bottom line assessment for selected policy proposals in 2011-12.

The government is committed to providing not only affordable but also appropriate housing for all Canberrans. Housing affordability, both in purchase and rental markets is a major factor influencing the ACT economy and the community. In recognition of this, the ACT government released the affordable housing action plan in early 2007 to address pressures in the purchase, rental and supported accommodation markets. The government is committed to address the housing challenges of the future. The population of Canberra will increase steadily to an expected 550,000 by 2057. Our population will also age significantly with the number of people aged 65-plus expected to make up 22 per cent of the population by 2059 compared to 10 per cent currently.

One way we are seeking to ensure the best housing outcomes for older Canberrans is through a retirement villages bill. The bill has undergone exhaustive consultation as an exposure draft and will be debated in the Assembly in coming months. As the government addresses the housing needs of our changing population, housing affordability will be an enduring focus.

The government's affordable housing action plan is now a model for the rest of Australia. Through it, the government has successfully supported many in our community who may not have otherwise been able to purchase their own homes to find more affordable housing. In 2011-12 the government will seek to ensure there is an adequately diverse range of housing opportunities to meet the changing needs of Canberrans. We will develop adaptive housing options. We will further deliver progressive social housing reform. We will deliver community housing with a

particular focus on older persons housing. We will regenerate our public housing stock with a particular emphasis on Northbourne Avenue. We will deliver a record land release program, which will include five and a half thousand dwelling sites. We will progress further new initiatives to support affordable housing.

We will complete a short-term accommodation strategy by December 2011 and progress the most feasible options identified, which may include hostel-style accommodation. We will complete a public housing asset management strategy by December 2012. We will increase student accommodation places by supporting development of accommodation at the University of Canberra and the ANU. We will move forward to provide more sustainable accommodation arrangements for Canberrans living at the Narrabundah long-stay caravan park.

The ACT government has a vision of Canberra as a lifelong learning capital. We know the education sector is one of the largest elements of our economy, and we need to encourage its growth. Tertiary education is undergoing major transformation Australia wide. This transformation will help to maintain a skilled workforce and will continue to provide for a growing number of students, meeting the changing needs of both students and employers.

Earlier this year, the government responded to the recommendations of the ACT tertiary task force's report, *Learning Capital*. The target of the recommendations of the task force is a fully integrated tertiary education system, and the government fully supports such an approach. In 2011-12 the government will work to implement the ACT tertiary task force recommendations through: supporting a new strategic body, the tertiary education council, to oversee planning, communication and interactions between tertiary education stakeholders; an agreement on a model for the future of the University of Canberra and CIT; the implementation of vocational education and training reforms, such as targeting investment to meet skill needs, and development of a strategic plan for vocational education and training in schools; an expanded tertiary education role in research, innovation and economic development; and the improved identification of skills.

The ACT government will also continue to support the expansion of our tertiary institutions. We have already approved financial support for the University of Canberra towards the provision of accommodation to attract more international students and to assist building critical mass in the tertiary sector in this city. This project will also be rolled out over the next 12 months.

The ACT economy is a unique economy amongst Australian jurisdictions. Our economy is buffered to some degree by our substantial public sector workforce and by the continuity of business provided by the federal government and, indeed, in recent years, from the ACT government's own support. Support is required, however, to sustain our local economy, to ensure it remains robust and its growth continues. For example, ensuring that we have the skilled workers that our economy needs is a continuing focus for government. We are also working to strengthen the capacity of our tourism sector in the face of ongoing strong demand for tourist accommodation.

Targeted and considered taxation reform is one of the key tasks currently before the government. Taxation reform is required, both in order to support a strong ACT

economy and to ensure that our tax system remains fair. Reform is necessary in the face of our changing population and demographics, our recovery from the global financial crisis and the underlying budget deficit. The need for a fair, efficient and sustainable tax system is particularly relevant in light of the recommendations contained in *Australia's future tax system: report to the Treasurer*, also known as the Henry review.

It is timely that the ACT government considers where and how it collects revenue to assist in providing essential services and infrastructure to our community. The Quinlan review already underway is assessing the efficiency and effectiveness of the territory's taxation system. It is necessary to review and assess how we can improve the current ACT tax system, to ensure a fair and even tax contribution is paid by all members of our community, to ensure revenue certainty, sustainability of the tax base and that Canberrans continue to receive value for money as taxpayers.

The government has already implemented significant reforms to fees and charges, to the change of use charge, or the lease variation system, in order to ensure appropriate returns to the community for the granting of additional development rights. If we gain the support of the Assembly this week to support codification, further changes will come into effect in 2011-12 with a 75 per cent remission in place for the first stage of the implementation plan, is outlined in the 2011-12 budget.

In 2011-12—in August—the government will receive the report of the Quinlan tax review panel, which will provide recommendations and findings on whether ACT taxes are appropriate, equitably and effectively distributed and provide the stability and certainty required to continue to deliver important community services to Canberrans. The government will consider the panel's recommendations. Social impact assessments will be completed for any reforms proposed and a staged plan for tax reform developed.

A strong presence at the federal government's 2011 tax summit will see the ACT appropriately placed in Australia's modernised national tax system. We will work with business to develop a contemporary industry development strategy to support private sector growth in the ACT.

As I have acknowledged, the supply of skilled workers is an important area where the government is providing support for industry, and we will provide additional support for the government's skilled migration program this year. We will also finalise an educational export sector strategy, which will support further growth in ACT education exports by raising the profile of Canberra as an education destination of choice in overseas markets.

Incorporating input we have received from public exposure of the clean economy discussion paper, we will complete a clean economy strategy by April 2012. Our business sector will also benefit in the next twelve months through the government's priority work to release land for the development of low cost tourist accommodation. We will also make a further investment to attract more skilled workers to live in the ACT.

The government is committed to an efficient, safe, integrated and sustainable transport system for Canberra; a system that is easy to use and increasingly used by Canberrans. Canberra's citizens identified transport as a key priority during the time to talk Canberra 2030 engagement process. An efficient and integrated transport system supports liveable, sustainable and prosperous communities. It connects Canberra people to services and to the community. It supports a fair and inclusive community, and it supports economic and employment participation.

This government has made significant progress in enhancing our transport system. The introduction of MyWay is making bus transport cheaper and easier for the majority of patrons and provides important data as a basis for planning transport in the future.

In the current year's budget the government provides \$97 million for transport for Canberra. This has funded major bus stations, bus priority measures and park-and-ride facilities, bus network improvements, the basics for real-time passenger information, a new ticketing system and new buses. The government is also proactively examining the transport needs and opportunities of Canberra's disadvantaged and will use the evidence to develop appropriate coverage for network services.

In 2011-12 the government's commitment to building a better transport system moves into a new phase with the second delivery year of the four-year \$97 million transport for Canberra investment program. The government will release its transport for Canberra strategy in 2011, which will provide a joined-up plan for better transport options and better integrated transport for Canberra.

To complement this work, MyWay data analysis will be used to inform both the scheduling and routing of ACTION services as we develop the new ACTION network 2013. We will also commission real-time bus information to be in operation in 2012. A range of measures to improve our bus service will support the government to meet its modal target for bus patronage in 2011-12. The government will construct new park-and-ride facilities at EPIC and Erindale, new bus stations at Gungahlin and the ANU exchange, and provide new bus services in growth areas of Gungahlin.

The government will focus in 2011-12 on integrated transport corridor development, particularly along Northbourne Avenue. We will commission a feasibility study and proposal for the Northbourne Avenue rapid public transit corridor, which will include a light rail proposal. We aim to have these proposals substantially complete in 2011. Rapid public transport connecting the major centres of the city, EPIC and Gungahlin will be a significant step towards providing better rapid public transport connections throughout the ACT.

Looking to the future, we will also identify integrated transport corridor development opportunities and link these in with our master planning program. These projects highlight the government's commitment to providing transport options that are accessible, efficient and sustainable and to making public transport a more attractive option for all Canberrans.

The government is committed to ensuring that ACT residents can enjoy living in a fair and safe community and that we all have the confidence to participate fully in community life. Crime has a fundamentally detrimental effect on our quality of life by undermining our confidence and sense of personal safety. It also impacts on cohesion and productivity of the community as a whole.

As we look towards 2011-12 the government will prioritise a range of strategies to promote physical safety, respect for human rights, social cohesion, social inclusion, equity of opportunity and access to justice. Specifically, the government will focus on continued improvement in public safety through targeting a reduction in property crime and increased public perception of safety.

Offences against property account for nearly three-quarters of all offences reported or made known to the police in the ACT. To address this challenge in 2011-12 the government will deliver a new property crime strategy. In 2009-10 ACT Policing implemented a major crime prevention strategy aimed at increasing proactive engagement and intervention with people identified as vulnerable, or recidivist offenders. In 2011-12 the government will implement the next important phase of this crime prevention strategy.

We recognise that policing has a pivotal role to play in reducing the fear of crime in the community. Research on fear of crime consistently shows that a higher physical police presence has positive effects upon the perception of crime, as well as reducing fear of crime. A greater policing presence will be a focus for 2011-12 and will see the further enforcement of new liquor licensing laws. We will also complete the construction and commissioning of the new Belconnen police station in 2011-12.

The government will continue to work through the recommendations of reviews of its corrections facilities, including the Knowledge Consulting report on the Alexander Maconochie Centre. Immediate actions in 2011-12 will be to improve resourcing in the centre and increase security measures. For example, the K9 unit will be relocated to the AMC, the Keywatcher system will be upgraded and streamlined, and a “heartbeat” detection unit at the AMC will be installed to improve searches of vehicles entering and exiting the centre.

The government will continue to strengthen the ACT Ambulance Service’s capability, including provision of additional front-line ambulance officers and enhancements in the ambulance support structure. We will improve waiting times in the ACT courts and provide more options for youth in our justice system, including the development of an after-hours bail support service for young people.

Implementing the Aboriginal and Torres Strait Islander justice agreement will also be a focus for us in the coming 12 months, including support for the circle sentencing for Indigenous people and an “Indigenous friend” to advocate for and assist young Indigenous people as they navigate the youth justice system.

Progress on the relocation of emergency services stations will be achieved to improve coverage of our emergency services, particularly fire and ambulance station locations,

to meet current and projected demands as the city grows. These priorities and actions reflect the government's commitment to achieving a safe community for all.

Our success in delivering these priority projects and initiatives for the people of Canberra will rely in no small measure on the capabilities and the capacity of the ACT public service. We are very fortunate to have highly skilled and dedicated public servants in our hospitals, our schools, in our parks and gardens and, of course, providing advice and support to ministers as we discharge our responsibilities.

In May I made new administrative arrangements that see our public service unified under a single head of service and organised into nine directorates. Later this week the Assembly will debate legislation that will reinforce this single ACT public service agency structure. I am confident that the new structures we have established will assist in delivering the levels of coordination and alignment of effort behind identified priorities that the government, and the people of Canberra, rightly expect.

But structural change is only the beginning. For the government to deliver its promises to the community, we need a public service that is committed to a genuinely citizen-centred design and delivery of services. We need a public service that is open to scrutiny, open to diversity of experience and opinion, and open to innovative and new ways of thinking.

We need a public service that works in genuine partnership with groups in the community with whom, and to whom, it provides services. I will outline to the community, through the Assembly, later this week additional measures to promote and increase the information available to the community about the issues the government is considering and deliberating on.

We are embarking on a strategy that puts the community at the centre of everything we do, that makes services more easily known and accessible, that embeds feedback mechanisms to improve services, and allows service delivery to be tailored so far as it is possible. My decision to announce the government's priorities for the next 12 months is one small part of this process.

Releasing these government priorities today is a simple and practical act of transparency that will enable our government to work more effectively with the Canberra community over the next 12 months. The government priorities come from what we have heard from our community, they focus on the decisions the government needs to make and they set measureable targets on which I, as Chief Minister, and my government as a whole, will be measured against. Thank you, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER (Mrs Dunne): The question is that the Assembly take note of the paper.

Mr Seselja: I do not think that is the question.

MADAM ASSISTANT SPEAKER: Sorry, did you not move, Chief Minister, that the Assembly notes the paper?

MS GALLAGHER: Actually, I have to do this now. I have got it in the wrong order. Thank you, Madam Assistant Speaker. I present the following paper:

Government priorities 2011-2012—Ministerial statement, 21 June 2011.

I move:

That the Assembly takes note of the paper.

MR SESELJA (Molonglo—Leader of the Opposition) (4.15): I think the question that obviously the Chief Minister was asking herself was this: what do you do when you have got a government that for the last 10 years has simply failed to deliver? What do you do when you have got a government that has pushed up the cost of living, a government that simply cannot deliver infrastructure projects, a government that has failed to deliver the most basic of services to the community? What do you do? You declare the next year to be a year of decision and delivery.

I think, Madam Assistant Speaker, that we may have heard this before. We may have seen this approach somewhere before. We saw Julia Gillard, trying to wipe the slate clean for the past three years, say: “Now trust us. It is going to be a year of decision and delivery.” That is what Katy Gallagher is now asking us to do. She is asking us to ignore the last 10 years. She is asking us to ignore the last five years of her delivery in health, for instance, the last 10 years of this government’s delivery in housing affordability, in cost of living, in infrastructure delivery, in health care and in any range of other areas.

The way that they come up with this year of delivery and decision is to come up with, in many cases, a bunch of vague measures of achievement. She says here with a straight face, “These will be clearly identifiable measures of achievement.”

Members interjecting—

MADAM ASSISTANT SPEAKER: Order, members! Ms Gallagher was heard in silence.

MR SESELJA: Let us have a look at some of these clear measures of achievement. “Deliver service strategies for those with complex needs” is one. It is relatively vague. One of the measures of achievement is “participation in the federal 2011 tax summit”. There is the achievement. If they turn up to the summit, they will have achieved and ticked this box when it comes to taxation. “Completing the remission framework for lease variation charge by December 2011” is another. This is the legislation we are about to pass, and there will be a framework for it in six months. In six months time that will be an achievement.

There are other vague measures such as “increase in public perception of safety”, “improved governance of corrections services, including Alexander Maconochie Centre and Bimberi”. And of course there is the re-badge of things that were announced years ago like new real-time and bus facilities in operation in 2012. Where

have I heard that before? I think that Mr Corbell may have announced that some years ago. We are now being told that they are going to deliver.

The only one I was surprised not to see here is, and it does not tell us, that they are going to deliver the GDE. The GDE is actually not in here. Perhaps they know something we do not, that, after a decade of waiting, the people of the ACT, particularly the people of Gungahlin and Belconnen, will have to wait even longer for the GDE to finally be delivered.

We need to not listen to what they say. We need to look at what they do. And let us look at what this minister and this government have achieved over the last 10 years. One of the measures that the Chief Minister talks about is timely access to health care. This time she says: “Trust me. This time I am serious. When I say that there is going to be timely access to health care, this time I mean it. When I said it five years ago and did not deliver it, forget that. Forget all that. This time I am serious.”

Let us have a look at the record. Under this government, elective surgery waiting times have gone from 40 days to 73 days, on average. And now the minister is saying: “No, but now we will turn it around. We have not turned it around for the last 10 years. In fact, we have created this problem. We have turned what was a health system that was performing at the national average to one that is the worst performing in the country.” That is the record.

Ms Gallagher would like us to just focus on these particular targets, these vague days, when she says: “We are going to deliver them this time. We are going to deliver them this year. Forget about what we have just done. Forget about our record over the last 10 years.” Forget about Katy Gallagher’s record as health minister for the last five years where we have seen those indicators get worse and worse. We have seen some of the longest waiting times in emergency rooms in the nation, the lowest numbers of GPs and of bulk-billing. Look at what she does, not at what she says.

There is a focus in the minister’s statement on infrastructure. One of the interesting things about it, I think, is that she has now attached herself to the infrastructure plan of her predecessor. This is the infrastructure plan that was so roundly condemned, that was so shoddy in its approach, that they spelt “infrastructure” three or four different ways in the first three or four pages.

If only the mountains of spelling mistakes were the biggest problem with that infrastructure plan. If only that shoddiness were limited just to the delivery of the plan itself rather than the delivery of infrastructure and the detail of that plan. Unfortunately, when you talk to industry groups about what they did—and it is clear what they did—they did not have an infrastructure plan. They went to agencies and said, “What are you doing for infrastructure?” “What are you doing, TAMS?” “What are you doing, Health?” “Let us put them all together and there is our infrastructure plan.”

That is not an infrastructure plan. That is not asking the questions: “What is the infrastructure that the territory needs for the next year, for the next five years, for the next 10 years, for the next 50 years?” “How will we deliver that infrastructure?” “How can we better deliver that infrastructure?” “How can we deliver it effectively,

on time and on budget?” They have not asked those questions, and this minister is now tied to that flawed plan.

But let us look again at the delivery. You can say: “This time, trust us. We will deliver infrastructure this time.” Let us look at the last 10 years. Nothing epitomises this government’s performance more than the Gungahlin Drive extension. The Gungahlin Drive extension is the bane of the existence of so many Canberrans who have been forced to suffer through a decade of bumbling and ineptitude, the likes of which has never, ever been seen in self-government. To deliver this project—of course it is not yet delivered—eventually, maybe, sometime in the future, after more than a decade, to have delivered one lane and no sooner have to turn around and put the people of Gungahlin and the people of Belconnen through it all again as they decided, “Yes, perhaps it would have been a better idea to duplicate it in the first place, to have had two lanes immediately,” is emblematic of this government and their delivery in infrastructure. The GDE epitomises ACT Labor.

But we do not have to just look at the GDE. There are other aspects. We have seen the GDE bridge collapse. We have seen the Cotter Dam blowing out from \$140 million to \$363 million. We have seen the ESA headquarters blowing out from \$13 million to \$76 million and we have seen what happened when the first storm hit the headquarters—\$13 million to \$76 million. These are not small numbers. Canberrans pay for these large numbers. We have seen the emergency services sheds, the fire sheds, the \$800,000 shed where the fire trucks cannot fit. They cannot open their doors. We have seen the \$5 million on FireLink, the \$5 million on the busway, things that were not delivered at all—\$10 million just thrown away on those two projects alone.

There is also the hospital car park. There are the Molonglo ponds and the north Canberra ponds, which is now blowing out to \$43 million. The Googong pipeline is blowing out from \$96 million to \$156 million. Something different needs to be done here. I think that after a decade perhaps it is time to do something different on infrastructure delivery. And we have not seen any evidence of it yet.

We do need a real infrastructure plan. We do need an independent infrastructure commissioner. We do need to actually take it out of this cycle that has been handled so badly by ACT Labor where infrastructure is never delivered on time and on budget. It is virtually non-existent. Simon Corbell had to spend days trawling through the records in his department to find something that had been delivered on time and on budget.

Something needs to change here. That is why we say we do need to do things differently, that is why we have got to plan, through Infrastructure Canberra, to do things differently. It is critically important. I am told that in relation to the north Canberra ponds the blow-out was to \$31 million. I correct the record. It is difficult to keep up with all of their blow-outs. It is difficult to keep up.

Housing affordability is spoken about. Let us look at the record on housing affordability. Rents are now almost the highest in the country. They have gone up by around 70 per cent. House prices have got out of the reach of young Canberra families. And what is this Chief Minister doing about it? She is going to put in charge the guy

who stuffed it up the last time. She is going to put Simon Corbell in charge, after his policies and his structures were responsible for housing getting out of the reach of young Canberra families.

We have just seen the Hawke review, which was all about dismantling what Simon Corbell had done when he was planning minister. And now he is back. What is that going to do for housing affordability? On top of that, if that was not enough, what indeed this government will do is add another \$50,000 to the cost of a unit. We have got unaffordable housing and their plan to fix it is to levy the largest tax increase on property in the history of self-government—a \$50,000 per unit tax. What is that going to do for housing affordability? It will make it less affordable.

I will give you the tip. It will make renting a unit more expensive. It will make buying a unit more expensive. There will be fewer units. It will undermine the government's planning policies, which is to see at least some infill happening. It will work against that.

We see, finally, the reluctant reference of this government to cost of living. This is a government, this is a minister, who has criticised us for bringing forward debates in this place about the serious cost-of-living pressures that Canberra families are under. The focus groups have clearly come in and have said to the Labor Party: "Actually, yes, cost of living is a problem in Canberra. We thought it was not, because Canberrans have good incomes. But it turns out, when rents are higher than ever in the country—it costs more to buy than in most places in the country—when you raise rates by 75 per cent, when you see the price of water go up by 200 per cent, when you see the price of electricity go up by 75 per cent and parking by 57 per cent, there will be cost-of-living implications for Canberra families."

What are they doing about it? They are putting a large new tax on units, \$50,000 per unit. They have got a feed-in tariff that is going to add another \$200 per year to the cost of everyone's electricity bill, over and above the rises we have already seen. They consistently blow their budget in water projects, which then gets passed on in higher water costs for Canberrans.

All of their policies seem to be aimed at actually making things more expensive rather than less expensive. If you are serious about cost of living, you have to restrain your expenditure. You have to stop the blow-outs. You have to occasionally deliver infrastructure on time and on budget. You have to have tax policy that encourages investment, encourages growth, and does not just seek to squeeze properties, squeeze the industry until it bleeds, which is now what they have got because they have put in to do their tax review the fellow who wanted to squeeze until they bleed but not until they die.

This government will be judged on what it does, not what it says. And putting out a bunch of vague measures, and now pretending that the last 10 years have not happened, will not cut it. The people of the ACT will look at whether or not this government has improved their cost of living, whether they have delivered services, whether they have delivered infrastructure and whether they have delivered the basic services of government rather than what Katy Gallagher says in her statements in this place. *(Time expired.)*

MR SMYTH (Brindabella) (4.30): Your first speech as the Chief Minister, your first speech in a ministerial statement, should be an opportunity to inspire the community about what you hold dear to yourself and what it is you would like to achieve in your time as the leader of the ACT. If you look at the document that we have just had tabled in front of us, you will see nothing that you could really say we would hold dear, nothing that would inspire, simply because most of it is already underway.

I only need to look at “a robust local economy and a balanced tax system”. In her speech, the Chief Minister says:

This government is committed not only to setting clear and meaningful priorities, but also to delivering on these priorities and reporting back to the people of Canberra on our progress.

Let us look at some of the clear and meaningful priorities that the Chief Minister has under “a robust local economy and a balanced tax system”. One of the priorities, Madam Assistant Speaker, I am sure you will be pleased to know, is that the ACT government is going to be a full participant in a modernised federal tax system developed through the 2011 tax summit. So we are going to go to the tax summit and we are actually going to turn up. The measure of achievement against this new zeal for tax reform is participation in the federal 2011 tax summit. We are going to a summit. That is the measure of the level of the inspiration and the zeal of this Chief Minister. We are actually going to go to a summit.

If you look at the other initiatives in “a robust local economy and a balanced tax system”, it is quite interesting. We are going to complete the ACT tax review. That has already started. That is not a new direction; that is just the same old course. That is just business as usual.

And what is the measure against “complete the ACT tax review”? We are going to commence staged ACT tax reform. Either the Chief Minister knows what is in the report already so that she thinks she can stage it in or it is that poor, that weak, that it will take staging for it to occur.

And I go to another one: the clean economy strategy incorporating input from the 2010 discussion paper—2010, 2011, 2012. The measure of achievement against the clean economy strategy is that in April 2012 they are going to release the clean economy strategy. Two years to take a discussion paper and turn it into a strategy! You have to ask what opportunities will have gone begging in those two years. Indeed, how relevant will the discussion paper be in 2012?

One of my particular favourites here is “support growth in the tourism industry through the facilitation of low-cost tourist accommodation”. How will we measure that? We are going to release sites for low-cost tourism accommodation. A number of those sites have already been released. Wow! That is outstanding! We are going to tell you that we have already done something.

This is what is wrong with the vision of this Chief Minister. You can sigh all you want, Chief Minister. That is what is wrong with this document. You are looking for

inspiration here; there is no inspiration. It is indicative of a system where the path to the top is predetermined by the factions. It is not unlike Julia Gillard's rise to the top and her performance since then. You spend all your time getting to the top or floating to the top, but when you get there you have got absolutely no idea about what to do. This is a document that says, "I've got no idea of what to do now that I'm the Chief Minister."

It is interesting that Mr Seselja pointed out the last of the measures of achievement against "a robust local economy and a balanced tax system"—complete remission framework for lease variation charge December 2011. I thought we were debating that this week. I thought we were going to debate this bill, but we do not know what is in it because we are not going to get the framework until December 2011. How can anyone come into this place and ask this Assembly to pass something when we do not even know what the framework will be and we will not get that framework for remission until December 2011? That is just appalling.

Let me go to another area in my portfolios, "continued improvement in public safety". We have the emergency services station relocation project as a priority. They have had a report on that since 2008; we are now in 2011. And what is the measure of achievement? "We will have a plan for improved coverage around emergency services station locations. We will have a plan." So we are going to take another year to get a plan. No action, but we will have a plan. They had the final report in August 2008, and sometime in 2012 we will get the plan. That is appalling. This is not a vision for a city. This is at best—at absolute best—business as usual.

What do we see taken out of these priorities? You have got to give Jon Stanhope his due: whether you agree with him or not, Jon Stanhope at least had zeal for issues, things like human rights and things that he liked to push. We just do not see any zeal in this document at all. It is unfortunate, because people are depending on this Chief Minister to lead her government, to make decisions for this city over the next 70 weeks until the election. They are not going to get much joy out of this.

There are some interesting admissions in this document. Again, I go to "continued improvement in public safety". One of the measures of achievement to improve public safety is improved governance of corrections services, including at Alexander Maconochie Centre and at Bimberi. What we have here now is a clear admission that this government has not administered these facilities to the standard that the public expect. Indeed, if they are going to improve public safety by improving governance, perhaps public safety has been put at risk by the maladministration of both the Alexander Maconochie Centre and Bimberi. This is a document that does not inspire.

One of the priorities is the Majura parkway, including federal government support. The measure of achievement will not be that we got the federal government support, not that we have started construction, not that we are delivering infrastructure for the people of the ACT—it will be Majura parkway, shovel-ready status. Shovel-ready status? We are being asked by this government to look at Majura parkway. They have got plans. There is a website. You can go to the website and view the plans. You can see the pictures; you can see the documents. But we are now going to try and get it shovel ready. This is just a business-as-usual document from a government that is out of touch and, I suspect, out of time.

It is important that we look at the sort of leadership that we are getting. The parallels with Julia Gillard are getting clearer and clearer all the time, particularly the “year of decision” comment: “Here is my vision. Here are my decisions. These are the things that I am going to do.” This will not be hard to deliver, because most of it is already underway.

Let me go to “timely access to health care”. There is the north side hospital plan. That is something that has already started. They have already been working on that. If we had not had the misleading information before the 2008 election, when again the current Chief Minister lied to the people of the ACT by saying, “I have all my plans on the table,” when clearly they were not on the table—

Ms Gallagher: Point of order. I do not think—

MR SMYTH: Can we stop the clock?

MADAM ASSISTANT SPEAKER (Mrs Dunne): Can you stop the clock, please, Clerk.

Ms Gallagher: I am not sure that the claim that I lied to the community is parliamentary, and I ask that you consider whether or not Mr Smyth should withdraw that comment.

MADAM ASSISTANT SPEAKER: Mr Smyth, you have to withdraw the comment.

MR SMYTH: I withdraw, Madam Assistant Speaker, but you have to ask the question. The person who is currently the Chief Minister said before the 2008 election, “All our plans are on the table.” Yet we have a document from the Chief Minister and Calvary asking for a heads of agreement before we got to caretaker so it could proceed whether they won or lost. Clearly, it is not a major plan on the table. And it is a plan that, had it gone ahead, which it would have but for the work of Mr Hanson, would have cost the taxpayer \$77 million—\$77 million that, on the Chief Minister’s own admission, would not have changed health outcomes one iota. \$77 million for nothing. That is the sort of Chief Minister that we have, and that is why, when you look at these lists of achievements and priorities, you have to say, “Most of this is already on the table.”

There is one here under outcomes for “a liveable, sustainable city”—large-scale solar projects. I thought we had an election commitment to a large-scale solar project that got canned. Is the large-scale solar project on or off?

There is the line that “we will have new waste and energy policies” and that “we will release waste and energy policies in 2011”. It is ironic that, a year after the no waste by 2010 target has passed, we are finally going to get a waste and energy policy from a government that is not interested in the whole concept. The ACT used to show the world leadership on the management of waste. We set the target. We set the benchmark, and it has gone around the world.

Ms Gallagher: And you knew you would never be responsible for achieving it.

MR SMYTH: We were responsible for achieving it; we were well on our way except that under your government the amount of waste going to landfill has increased. There is an achievement! There is an absolute achievement! We will wait and see what these targets are.

If you are looking for inspiration, you will not find it in this document.

MR HANSON (Molonglo) (4.41 pm): I want to follow on the points made by the Leader of the Opposition and the Deputy Leader of the Opposition.

Ms Gallagher: What don't they want to get to? The MPI? Change of use? That's what they're scared about. Right. Sorry; it's taken me a while.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, members! Chief Minister, you were heard in silence.

MR HANSON: The babbling from the Chief Minister; she is catching John Hargreaves's disease. It is interesting to note who is setting the direction for this government. This is a Chief Minister who used to say: "Waiting times aren't the issue. It's not about how long people are waiting. That's not the important measure of our health system. There are more important measures of our health system." She would say that it was about the emergency surgery or other areas of the health system. I do not see any reference to that in this document, in the measures. She said in 2009 that it is important to recognise that elective surgery is just one measure of the public health system. That was her rhetoric a year ago or two years ago. It was all about "Don't you worry about emergency department waiting times. Don't you worry about elective surgery waiting times. That's not important. It's the other stuff that's important."

Now I look at Katy Gallagher's priorities, and they have changed. They have changed to the priorities that have been set by the Canberra Liberals, by the opposition. Our focus has been on the disgraceful waiting times in emergency departments and the disgraceful waiting times for elective surgery, the crisis in elective surgery that has been made and manufactured by this ACT Labor government. Now we see that Katy Gallagher has abandoned her previous rhetoric about what was important as a measure of our health system and has adopted exactly what the Canberra Liberals have been saying in this place for the last 2½ years of this term of the Assembly.

Katy Gallagher thinks that these are her priorities, but she is copying and pasting from our priorities and has abandoned her previous rhetoric about what were important measures of the health system. It is about implementing the next phase of the emergency elective surgery access plan—review and enhance emergency department patients and so on; provision of elective surgery procedures; reduce the number of people waiting longer than recommended time frames; have 70 per cent of department presentations seen within standard wait times. It is all about waiting times in elective surgery and emergency departments—the very stuff she said was not the main game and criticised us for having raised as an issue.

What she is finding out is that this is rubbing with the ACT population. Health consumers out there are waiting inordinately long times for elective surgery—twice as long as the rest of the nation, with five times more people waiting over a year than anywhere else in Australia. And people in our emergency departments are now going to have volunteers come and bring them cups of tea and look after them in the emergency department because they are waiting so long that we have got to basically run it as an aid system with volunteers providing support to the emergency department. She has switched her focus; she has adopted our priorities.

This is meant to be some strategic vision document. This is meant to be saying, “This is my plan for the future.” What it is basically saying is: “Yep, I know I’ve been getting a lot of criticism from the Canberra Liberals and from the community about the way the health system is going. I’m going to create a bunch of spin and a bunch of reporting procedures. And yes”—and I do think that this is a positive—“I’m going to allocate the appropriate resources towards those areas.” Let us hope so—after two years of basically saying that this was not the important issue and was not the main game.

Let me look at some of her other claims. She is going to open the adult mental health in-patient unit and stage 1 of the women’s and children’s hospital—the women’s and children’s hospital that is now over budget and that is delayed, like every other project that this government delivers. But there is no mention of the secure adult mental health facility that was an election promise. There is no mention that “I’m going to break an election promise. I’m going to let down the mental health community.” ACT Labor and Katy Gallagher have been promising since 2005; there is no mention of that broken promise and how they are going to make good on that broken promise to the mental health community. No; it is only about delivering something that is already over time.

There is mention of the north-side hospital plan. The north-side hospital plan is yet to be revealed in detail but, my goodness, what a fiasco. And what an example of the ineptitude of Katy Gallagher. If she thinks she is going to run this territory the same way she ran the development for the north-side hospital plan, the whole Calvary hospital fiasco, then God help us. It is just frightening.

That example shows us that she cannot conduct negotiations in good faith, that she does not tell the truth to the community, that she was withholding information, that she came up with a plan behind closed doors before the electorate and then told us something entirely different. And then, when she did roll out her plan, the consultation at the end of that process was a sham. It was a PR exercise. It was “This is what we’ve stitched up behind closed doors. This is what we want to do.” Even the Greens, along with the rest of the community, were quite outraged by the way she used Clare Holland House as her little sweetener for the deal. And that is why it all fell apart—because she could not get the deal done, just like so many other things that she cannot get across the line.

Let me go to another one. I do not see any mention of a needle and syringe program in here. Maybe there is; maybe she can point to it. But yet again we are seeing that falling into another heap today with revelations that, based on information coming

from someone who has extensive experience dealing with prisoners, 100 per cent of prisoners do not support her ideological plan for a needle and syringe program. If ever you wanted an example of how out of touch Katy Gallagher is—she is driving this needle and syringe program. It is not on this agenda, and if I were her I would be embarrassed to put it on here as well. If it is meant to be such a flagship, she seems to have gone very quiet about it.

But where is the grounding in reality? There is not any. If you talk to the prisoners and you talk to the corrections officers, they do not want it. What you see is Katy Gallagher being ideologically driven to do it. But she will not get it done, because she cannot get things done—just as she could not get Calvary done, just as she could not close the schools and Andrew Barr had to come in and do it for her. She will not get the NSP done because she has not got what it takes. We know that, based on the evidence we have seen of this minister, this Chief Minister.

If this was a document that was meant to inspire the ACT community, it has failed. This is a bureaucratic statement of motherhood statements, of things that she loosely wants to achieve. It shows that, where there is direction—and, sadly, there is much—

Mr Smyth: Missing.

MR HANSON: missing from this document—

Mr Smyth: Sorry.

MR HANSON: I was going to say “lacking”, but “missing” will do; there is much missing. It has been set by others, and she is simply following, not leading.

Question agreed to.

Government—openness and transparency

Discussion of matter of public importance

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

The importance of openness and transparency in government.

MR DOSZPOT (Brindabella) (4.49): Thank you, Madam Assistant Speaker. I welcome the opportunity to speak to this matter of public importance—the importance of openness and transparency in government. It is particularly fitting as we start the first real week of sitting for the new Gallagher ministry that we take time to consider the importance of openness and transparency in government.

I note that in the *Canberra Times* yesterday the Chief Minister pledged a new era in accountability. We are to learn of her agenda for the first 12 months, and we have

learned part of that this afternoon, about the targets and the benchmarks she is to set for this government's reform schedule. It is quite interesting to note the unity of this government behind the Chief Minister. She was here all by herself when her visionary paper was introduced. But it is quite incredible to see the support that you have received on this, Ms Gallagher.

The Chief Minister is quoted as saying in yesterday's paper, "The public would welcome the greater accountability from the government in achieving its aims." Hear, hear! But I frankly doubt, and I suggest that most sensible-thinking Canberrans would also doubt, the ability or sincerity of this government in being able to deliver openness or accountability. It is quite clear that there is a pressing need for greater accountability. It is ironic that the Chief Minister is now recognising and admitting that it is needed, because openness and accountability have been sadly absent in the entire decade of the Stanhope government.

During this decade the current Chief Minister played senior ministerial roles and for over five years had in fact been the Deputy Chief Minister. One must wonder why, as Deputy Chief Minister, she was not able to introduce this nirvana she has recently embraced. If we examine the Chief Minister's openness and accountability in the discharge of her ministerial responsibilities across her portfolios, we can see a consistent pattern of lack of consultation, lack of transparency and lack of accountability.

Let us take the Chief Minister's favourite area of claimed expertise and one of major significance for the territory: the Health portfolio. A cursory glance at media headlines tells the story. "Obstetricians quit amid bullying claims," on 17 February 2010. "No complaints to investigate," a quote attributed to Gallagher, 17 February 2010. "Damning review of maternity services," August 2010. "Maternity staff in crisis," 6 August 2010.

While not wishing to take the Assembly through the whole sorry saga again, it is important to note that even though nine obstetricians resigned in a period of 13 months, even though the Royal Australian and New Zealand College of Obstetricians and Gynaecologists called on the government to conduct an external and transparent review, the health minister denied the claims, only to be later forced to establish two reviews which went on to be highly critical of hospital management in respect of workload. I note that for a period of some six years the Chief Minister was industrial relations minister; so apparently not much was learned in managing that portfolio.

Openness and transparency—where was the openness and transparency in dealing with staffing issues? The Chief Minister first denied anything awry. Then, when forced to act and having ordered a review, she sat behind a finding that suggested the hospital management was to blame. When asked in the Assembly if she would release the findings of the staff surveyed at Canberra Hospital around the issues of bullying, she refused. Openness and transparency!

A number of months earlier health minister Gallagher was challenged by the Catholic Church following an agreement that the ACT government would purchase Calvary hospital from the Little Company of Mary Health Care for \$77 million. Even the

Catholic Archbishop of Sydney, Cardinal George Pell, was moved to enter the debate, claiming that the government's motives were ideological and driven by anti-Christian elements. A dispute subsequently arose between the Little Company of Mary Health Care and the government over an accounting concession. This again resulted in endless column inches in newspapers and claims of lack of dialogue, obfuscation, prevarication, avoiding the issues. Openness and transparency!

The no-confidence motion brought by the opposition in August last year highlighted a litany of flaws and cover-ups. It raised issues of competence, diligence and judgement—a flawed sale process, secret negotiations that the minister denied until the deal was leaked to the media, serious allegations of bullying that the health minister dismissed as no more than “mudslinging” and “doctor politics”.

But did the minister learn or admit to anything? Her response at the time was to say, yes, she does take time to reflect on her own performance but that the opposition had got it wrong. The minister suggested that in any event, her actions and comments in respect of staff issues at Canberra Hospital were based on advice she had received from ACT Health. So there you have it. It was not her fault. It was the department. The media dubbed her the “Minister for Not Responsible”.

There is a pattern of behaviour here. If we go back to the Chief Minister's time as education minister, this was the minister who, on the eve of the 2004 election, stated that during the term of the next government, “The government will not be closing schools.” Sound familiar? Well, it does and in fact it does sound like, “There will be no carbon tax under any government I lead.” Obviously, the PM has been quite a role model for our new Chief Minister.

This government has form. We all know the history. Only weeks after the 2004 election 39 schools were targeted for closure and 23 did close. The consequence of that tragic fiasco was that whole school communities were split apart. Teachers were involuntarily reassigned to new schools. Families were drastically affected and inconvenienced. Such understanding and openness from the minister who, at the time, was not only minister for Education but had also been Minister for Industrial Relations!

Of course, we on this side of the chamber were not at all surprised to see that public school enrolments started to drop. Is it any wonder? What parent could be certain that the school they planned to send their child to would still be there when the time came? This year the latest school census tells us that we now have 41 per cent of students in Canberra enrolled in non-government schools and even more significantly, and unlike anywhere else in Australia, more high school students are enrolled in the non-government sector than in the government schools sector. Parents have voted with their feet and moved their children.

Openness and accountability! No accountability and no openness in that whole process. No consultation, just process and appearance of consultation but no real dialogue, no listening and definitely no lessons learned from previous high-handed decisions. Of course, there were the usual assurances from government at the time—the government in which she was Deputy Chief Minister—to parents that schools would not close if the proposal did not have the support of the local community.

Ginninderra high closed six months after that promise was given and we all know the ongoing angst in the community over the closure of the Flynn primary school.

Regrettably, her style and approach have been well replicated in the new Deputy Chief Minister as well. He too is a denier. He too blames his department for his lack of courage and leadership. He too, in the absence of fact, resorts to personal slanging. His tabling in the Assembly in 2009 of a document he had circulated widely, entirely misrepresenting myself and the Liberal Party, brought no apology and no revised or improved ways in looking to lessons from history.

For this open approach the Chief Minister plans to take there can be no better guide to the likely tenor of this new-age philosophy than that of her predecessor and mentor, Jon Stanhope. He published a wonderful work of literature, a code of good government, in 2001. Chief Minister, good government also requires a strong ministerial code of conduct. Ministerial responsibility is paramount to open government. Jon Stanhope's code for good conduct or code for good government made a lot of us think about the excuse for thinking that the document that Jon Stanhope originally put forward got lost or left on a dusty shelf somewhere. But it does contain some great gems of advice and direction. However, it is advice or direction that have not been followed.

Jon Stanhope delivered this code of good government in an address to a Labor leaders breakfast in Canberra in March 2001. At the breakfast, he spoke of the malaise in the Australian political and social landscape. He suggested that words like "disenchantment", "distrust", "anger" and "frustration" were commonplace descriptions of the political process.

One could be excused for thinking that he was foreshadowing what the ACT electorate would be feeling after a decade of Labor mismanagement. The document talks of Labor's core values of fairness, openness, responsibility, and I quote: "And they are qualities that will characterise a Stanhope Labor government. We will ensure question time is treated with respect. Under Labor there will be no avoidance of questions, no diatribes in response to questions."

Really? He went on to say, "Labor believes that responsible governments are open and accountable." And further: "But we also understand that it is impossible to rebuild and maintain the community's confidence in government and public institutions unless the business of those institutions is conducted in the most open manner possible. Labor will not hide behind a cloak of confidentiality. Labor does not have core and non-core promises. What we say is carefully considered and realistically judged. We will stand by what we say."

That was in 2001 and by any account we have not had good government. We have not had sound economic management. We certainly have not had open process. We have not had direct and open answers, free of diatribe or personal attack, when we dare to hold the government accountable on issues that Labor is saying should be the case.

Like our Prime Minister, you, Chief Minister, cannot just blame your predecessor for these omissions of open government. You were part of the team as Deputy Chief Minister. So we have a pattern of conflict and confusion and incredible public waste.

We have a consistent pattern of avoidance of truth, of censure and an absolute lack of confidence by the electorate in government. People have stopped listening and no-one really believes the government any more. Is it any wonder?

On any front we have a lack of transparency and trust and openness. Minister Barr is offside with the AEU on a number of fronts. Minister Corbell is offside with planners and prison warders, and I bet the hospital system is just delighted that their minister is still Katy Gallagher.

And let us not forget the GDE, the ongoing hospital saga, bullying issues, school closures, planning debacles, poor accounting management, the blame games, the GFC, of course, and the GST as the cause of poor financial performance—not the refusal to take and listen to advice, not the refusal to engage honestly and openly in real consultation.

In August last year, my colleague Mr Hanson described health minister Gallagher as a failure. He suggested she had failed the patients, failed the doctors, failed the nurses, failed the people she had refused to support through the whole obstetrics review and she had failed the health system.

Eight months later she was rewarded with the chief ministership. On past performances, the Chief Minister and the ACT government are going to need more than tough talking words to the public service and a rosy philosophy with buzzword phrases like “openness and accountability”. The territory needs leadership. Under the new regime, and sadly for Canberra, it is likely to be as lacking as the last 10 years have been.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (5.04): I thank Mr Doszpot for bringing this matter of public importance to the Assembly today. I will not extend that thanks to the content of his speech, which was very negative and did not really include any ideas or genuine points of debate about how to improve openness and transparency in government. I am very pleased that we have got the opportunity to talk about this. Indeed it is a subject that I will talk further on during the week.

The government are very keen to look at what we are doing to improve and increase accessibility of government information. We are very keen to look at the opportunities that changing technology provides us in improving and increasing openness and transparency in government decision-making processes. I think all of us understand the benefits of openly engaging Canberrans early in debates around policy and program design and the importance of performance reporting to support accountability in government. Indeed, the ministerial statement which I outlined today, despite the criticism of those opposite, clearly communicates to the community what the government's priorities are and what actions will be taken to achieve the priorities and includes some very clear targets around measures of achievement and whether in fact we do say what we are going to do.

I have today through that statement committed to regular and transparent reporting against these government priorities. The government is committed to a system of government that is transparent, open and in which decision makers are held

accountable for the impact of their decisions. We recognise the important contribution that making information held by government available to the public makes to improving our decision making and service delivery.

I welcome the opportunity to outline the extent to which the government has already taken steps to improve access to government information, and one recent example is the release in full of Dr Allan Hawke's report on the capability, capacity and effectiveness of the ACT public service. And there are many other examples of reviews and reports released in full. If people go to the ACT government directory and to individual directorate websites, they will find hundreds of thousands of pages covering reviews of government service delivery. Those reports and recommendations and government responses to those reports are also provided there for the community.

The release of these documents follows other clear examples of our preparedness to remove restrictions on access to government information, including through proposing amendments to the Freedom of Information Act which I intend to discuss further in a ministerial statement later this week.

It is also worth noting that we have the most open legislative framework for access to cabinet documents in the nation. The Territory Records Act makes cabinet papers of ACT government available to the public after just 10 years. This was a change that we brought to the Assembly and had passed here. This means that, due to the success of this government and our repeated return after three elections, in an unprecedented set of circumstances, the cabinet papers of our first year in government will be made available in March next year. For the first time, in 2011, the Territory Records Office hosted an embargoed lockup for journalists ahead of the release of records on Canberra Day this year. This deliberate facilitation of access to the ACT archives had not occurred before this year.

In addition, we are exploring how to use changes in information technology, particularly social networking technology, to improve the ways we communicate with the community. We are very supportive of looking at the potential that is provided here to improve not only our own decision making but also access to information for the people of Canberra. Web 2.0 of the government's suite of tools facilitates more open and transparent engagement and facilitates greater innovation to deliver better services to the community. Indeed, there is a budget initiative specifically around Web 2.0 that will progress through this year.

We are looking in terms of our own systems of streamlining access to services through Canberra Connect, of building a public service network through InTACT that is common across all government agencies, enhancing flexibility and opportunities for collaboration, and also being a foundation member of the ICT research lab at NICTA.

The government is also committed to engaging with the community in meaningful, transparent, accountable, responsive and equitable ways. Given our size and our vocal and educated citizenship, the scope of our responsibilities and the space for opportunity to involve oneself as a citizen in government decision making, there must be ways to improve that collaborative process. Indeed, I am very keen to examine those ideas closely.

We would like to promote a participatory approach in order for the community to understand the potential implications and impacts of government decisions but also to understand all the information and the difficult decisions that are before cabinet and the government in terms of how we respond to them. We understand that community engagement has real benefits for the ACT government and, indeed, for the community, through accessing new ideas, sharing skills, knowledge and experiences and also developing a clearer understanding of each other's priorities, needs, expectations and capacity to deliver.

This will enable the government to inform the community about proposed policies and actions, respond to issues raised by the community, provide the opportunity for the community to voice an opinion on government proposals, invite the community to submit proposals for consideration and also work more closely with the community to shape policy options and priorities.

Genuine engagement is measured on a qualitative, not a quantitative, scale and the number of participants and the volume of their contributions do not of themselves measure the degree of engagement or indicate the extent to which the process is adding to open and transparent government decision making.

First and foremost, a demonstration of the way this government engages with the community is the extensive work towards planning a vision for ACT's future. In 2008 we released *The Canberra plan: towards our second century*. This document built on the 2004 release of the Canberra plan, outlining for all Canberrans the areas of focus for the government in working to keep Canberra a great place to live. In preparing the Canberra plan, the government spoke extensively with Canberrans and with interest groups within the community about their vision for the ACT's future.

However, there can be no clearer example of our commitment to open and transparent planning and decision-making processes than the Canberra 2030 time to talk process. The entirety of that process was conducted in the public domain. We utilised different engagement tools and methodologies, ranging from seminars and surveys to workshops and community forums, shopping centre displays, random surveys, online forums, blogs and other forms of social media to ensure that we were reaching all population groups within the community. We also released the report's finding in full, along with all the supporting data in electronic form. We involved as many Canberrans as possible in this discussion about what people valued about Canberra and what they would like to see Canberra become by the year 2030. The government now intends to ensure the views expressed through time to talk are fed into policy development.

These time to talk consultations were a great success and a great credit to the openness and transparency that this government seeks to promote. What better way than to involve the people in the decisions about their future and then to have them able to see direct action being taken as a result of their feedback.

Another example of longer term strategic planning that involves active discussion with stakeholders is the ACT government's infrastructure plan, the second iteration of which will be released shortly. In this plan we have worked with industry, business

and community stakeholders to develop the plan, and the plan itself includes quite detailed information about the drivers of infrastructure demand and the kind of long-term vision and future directions for infrastructure.

The government places great importance on the need to be open and transparent through regular reporting to support accountability in government. As it should be, we consider ourselves to be accountable to the people of the ACT. There are a range of practical manifestations of this government's commitment to openness and transparency to support accountability. For example, the government's commitment is clearly evident in its annual reporting. In the coming weeks, I will make the government's third report on progress in implementing the Canberra plan, towards our second century, and I am pleased to foreshadow to you today that the news is good.

Another example of our commitment to accountability to the community is the ACT government agencies' annual reports. These are made public and provided to the Assembly. Annual reports are a great mechanism to support accountability in government. Indeed, the annual reports process that the Assembly goes through ensures that those reports are thoroughly investigated, and the government fully participates in that process.

As foreshadowed in the notice paper on Thursday, I will have further discussions around the government's reform agenda and approach to openness and accountability. I am certainly open to any ideas that other members may have—if they have any, other than just criticising the government—to look at and examine areas where we can improve the community's access to government information and improve our openness and accountability processes.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.15): I think it would be fair to say that if you were listening to the Assembly this afternoon, you would be aware that we have a new Chief Minister, and the Canberra Liberals cannot quite get enough of her. Anyway, going to the matter of public importance, the importance of openness and transparency in government is a vital issue for the good governance of any jurisdiction the world over. That, of course, includes the ACT. Secretive governments do not serve their citizens well.

Given the importance of the issue, it is somewhat unfortunate that the opposition seem to trot this out when they cannot think of anything better. This is the third time we have discussed this matter in the last two years.

Mr Hanson: Is this a bid for a minister's job?

MS HUNTER: What I would like to say, Mr Hanson, is that it is really good to see that the Canberra Liberals are committed to recycling, but I think you are going a tad too far on this one. Let us go back and have a look at this.

Mr Doszpot interjecting—

MADAM DEPUTY SPEAKER: Mr Doszpot, you have had your say.

MS HUNTER: In June 2009 it was Mrs Dunne. Mrs Dunne brought forward a matter of public importance, and it was “the importance of the ACT government being open, honest and accountable in its negotiations”. Then, in March 2010, it was Mr Coe, and for Mr Coe the title was “the importance of honest, open and accountable government”. And today, in June 2011, we have Mr Doszpot, and the title of his matter of public importance is “the importance of openness and transparency in government”.

Mr Doszpot interjecting—

MADAM DEPUTY SPEAKER: Mr Doszpot!

MS HUNTER: As I said, this is a vital issue, but it does interest me that it is on some sort of speed dial or some sort of regular play.

Anyway, somehow I doubt that the Canberra Liberals have been spurred into action by Wikileaks’ Mr Assange and have been reinvigorated in their belief in the public right to know. I would be very pleased to hear that that was, in fact, the case, and I would like to hear Mr Seselja stand up and support the Wikileaks cause. It would certainly be a far cry from the John Howard era reliance on conclusive certificates that I think lingers in many Canberrans’ memories of Liberal-style government.

Mr Doszpot interjecting—

MADAM DEPUTY SPEAKER: Mr Doszpot! Come to order, please.

MS HUNTER: I have obviously got them going this afternoon.

Madam Deputy Speaker, I was tempted to table my previous speeches or simply draw members’ attention to the relevant pages of *Hansard*, because the Greens’ position on this issue is crystal clear. It is our party policy—and I have made many statements in this place that not only reflect abstract principles on the issue but practical measures, some ideas, some ways forward that will improve openness and accountability.

I think we need to go back, reflect and have a look at the Greens’ track record on this issue. It really goes right back to the parliamentary agreement.

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson! Come to order, please.

MS HUNTER: Just to refresh memories, the appendix, the first part of the parliamentary agreement, is all about parliamentary reforms. It is almost entirely concerned with improving parliamentary processes to improve openness and transparency. Particular mention should also be made of the adoption of the Latimer House principles, as they offer a significant amount and contain a range of ideals and goals for more open and transparent government.

If I go to my speech on openness and transparency back in June 2009, I was speaking about the importance of that part of the parliamentary agreement and what was included, apart from those Latimer House principles. I will read that again:

As a result, several changes were made to standing orders, and inquiries were initiated into the feasibility of a parliamentary budget officer ...

As you know, that inquiry was held by admin and procedures and, as a result of that, the availability of funding has meant that for the past two years the Select Committee on Estimates has been able to engage outside, independent advice on the budget, which I know has been very much welcomed by all of those members of the last two estimates committees, and by other members who have been able to read that report. So that is one of the ways in which the Greens very clearly have put in place a system so that we can have that outside, expert, independent advice.

I also go to the fact that there were a number of changes to other standing orders and processes around committees and so forth, to ensure that everybody did get a fair go and that there was greater transparency and accountability from the executive. I would like to go to another area in my speech from June 2009, where I said:

The ACT Greens MLAs believe that their first responsibility as members of the Legislative Assembly for the ACT is to the people of Canberra. We gave a commitment before the election to a stable and accountable government. Our accountability reform agenda expands on the principles and guidelines of the Assembly, with specific proposals relevant to the committee system—

as I said—

parliamentary procedures, parliamentary resources and enhanced integrity, including through improved access to information, supportive structures for oversight institutions and improved electoral law. As a result, our capacity in the Assembly to progress reform, to pass legislation, to draw in community and expert evidence, and to hold the government to account from the crossbench has been enhanced by this reform agenda.

That was put into the agreement. If we come to the present, I think the most notable progress on this issue since we last discussed the matter is the recent justice and community safety report into the freedom of information laws. Mrs Dunne, who chairs that committee, would know that we did undertake quite an extensive inquiry, and it is a very comprehensive report into perhaps the most visible or readily identifiable basis of government accountability. Certainly, the recommendations in that report go beyond the traditional request and they pick up on innovations that have been adopted in other Australian jurisdictions and recommended in a range of reports—most notably, the Solomon report into freedom of information in Queensland.

These initiatives include measures such as the proactive disclosure of material and a clear presumption that material will be made available unless there is a clear and demonstrable reason that it is not in the public interest to do so. This is also known as the push model. The Greens, of course, support this initiative and I very much

encourage everyone to read the committee's report. I look forward to the government's response to the issues raised in that important committee report.

The government can do more to be more open and transparent. There is no question about that. I think what this discussion has shown is that there are a range of issues that need to be addressed to this end. This covers a range of legislation. With the Public Interest Disclosure Act, I understand the government is working on some reforms to this, and I would be very interested to hear if in fact that is the case and, if it is being looked at, where that work is up to and when that work is expected to be completed.

Of course, this issue goes far beyond public interest disclosure and FOI, and I think it is something that we should be mindful of when we approach all legislative proposals. But, as I say, I am very proud of the Greens' track record here in the Assembly on ensuring that there is greater openness and transparency in government. We agree that it is very important. We do want to see those recommendations, for instance, from the FOI inquiry, from that report, taken up.

There should be a push model in this day and age. It should be that information is made available to the public unless, as I said, there is a very clear and compelling reason why it should remain secret. It is not like the old days. These days we do have the technology. We can put reports quite easily and quickly up onto websites.

It is always important that governments continue to look at their practice and the way they do business. I know, for instance, that in the Welsh parliament the cabinet papers are put up onto a website not long after those meetings are held. I raised this issue with the former Chief Minister—whether greater transparency with cabinet processes could be looked at—and I look forward to the current Chief Minister responding to that issue.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (5.25): As the Chief Minister has indicated, the government welcomes discussion on this issue today. The Chief Minister has indicated a very important direction for her administration with the development of a new, responsive approach to issues around the provision of government information and engaging the community in decision making. Today I would like to discuss some of the current policies and practices which demonstrate the ACT government's commitment to openness, transparency and continual improvement, as well as highlight the openness and transparency of the government and its commitment to well-informed decision making.

The government believes that access to information is a fundamental element of democracy. Individual participation in the community, community participation in government and government accountability to the community all depend on an informed public. In the ACT, the Human Rights Act acknowledges the importance of information. Section 16 of the act recognises that all members of the community enjoy "the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art, or in another way chosen by him or her".

The territory's Freedom of Information Act enshrines this fundamental human right by creating a framework for public access to information about government. It is through the FOI Act that members of the community can expect to receive information in a timely and efficient manner. The government consistently works to improve both the operation of the legislation and the administration procedures that underpin it to ensure that the act achieves its objectives.

In July last year, a new fee determination was created to simplify the charges applicable to FOI requests. As a result, the ACT's fees and charges regime leads the nation in promoting access to information at minimal cost. For example, no fees are payable in relation to requests for personal information. Neither are fees payable for requests that seek information about Aboriginal and Torres Strait Islander family links. All applicants for information receive a generous 10 hours of processing time and 200 pages of copy free of charge. The government's efforts to minimise expenses contribute to a responsive and effective FOI regime and display our commitment to open and transparent government.

To ensure timely access to information, internal procedures for processing requests have also been strengthened. In the last year, the Justice and Community Safety Directorate has offered assistance to other directorates in the form of general advice on the processing of requests. These efforts include creating guidelines to assist decision makers in deciding whether to waive fees on public interest grounds. These guidelines are publicly available.

A key feature of the government's FOI program is the continuous improvement of the legislation. In support of this, and as Ms Hunter has acknowledged, the Standing Committee on Justice and Community Safety has completed its inquiry on the operation of the act. Its report makes a number of important recommendations for reforming the act. The government is currently considering its response to the standing committee's inquiry report.

The government is committed to adopting best practice. The government will continue to examine all of the available options to identify reforms that improve the public's right to access information. The government's commitment to improving the process of the FOI function is a central component of an open and transparent administration.

Of course, our commitment to open, honest and accountable government does not simply extend to the FOI Act. The government operates in a range of areas to provide information and improve Assembly and broader public understanding of issues under government consideration. For example, this year's budget process resulted in approximately 894 questions on notice, which have included in many instances many subparts. Just in the current term of this government, the government has answered a total of 1,639 questions on notice in the Assembly.

The government already has a strong performance and accountability framework. This framework was originally developed to assist in the delivery of government priorities and contribute to genuine and sustainable improvements to the wellbeing of Canberrans.

This government do not rest on its laurels in this regard. We have demonstrated our commitment to continuous improvement by releasing a revised performance and accountability framework in February this year. This framework identifies measures and opportunities to strengthen and build on existing practice, improve the transparency and openness of government operations. Critical amongst these reforms is a commitment to improving the clarity, focus and visibility of government priorities.

The government's revised performance and accountability framework also focuses on improving the clarity, accessibility, efficiency and usefulness of reports produced for the Assembly and the broader public. This focus is demonstrated by the development and release of the measuring our progress website. This website measures our progress towards an ACT that is healthier, fairer and safer, smarter, more prosperous, vibrant, sustainable and one which delivers high-quality services. The framework emphasises the need for the government to ensure its reports are accessible, efficient and timely. In particular, to improve accessibility of reporting, the government is committed to clear and concise presentation, more timely performance reporting, use of a range of different and emerging media to communicate effectively and developing more user-friendly information, for example, by providing full datasets and interactive interfaces online.

Under this revised framework, the government is also committed to strengthening evaluation practices across government. This is exemplified by the public release of the ACT government evaluation policy and guidelines in December last year. Evaluation refers to the process of measuring and assessing the impacts and merits of government policies, strategies and programs. It is a means of strengthening government accountability, driving continuous improvement and enhancing government reporting.

I would like to turn to another important initiative of the government: the government information office. The government's commitment to openness will be further highlighted by the creation of a government information office in the Chief Minister and Cabinet Directorate. The government has provided \$1.216 million over four years for this initiative. The funding includes a director role to lead this initiative across government. The office will, among other things, coordinate and focus our efforts in open government and strengthen government accessibility and transparency. The initiative responds to a central recommendation of the recently conducted Hawke review of the ACT public service to harness the opportunities offered to government by information and communication technology and will develop our approach to knowledge management and open-government approaches.

The key responsibility of the new government information office will be the development of an ACT government knowledge management framework addressing information governance, knowledge management, data management, record keeping, information access and information security. The successful and proactive management of knowledge in government will assist in more informed government decisions, collaborative practice across government as well as supporting the government and community in co-production. The framework will set out the key knowledge management principles for a collaborative, responsive, open, transparent and innovative ACT public sector.

In conclusion, what this demonstrates is that this is a government responsive to transparency, to openness and to accountability because they are fundamental tenets of democracy. And in contrast to the sloganeering we hear from those opposite, these are objectives backed up by clear and practical programs and resourcing to make them happen. Through the tangible examples I have just outlined, including an overview of the function of the Freedom of Information Act, the ACT government performance and accountability framework, its evaluation policies, guidelines and the establishment of the government information office, it is clear that the government is committed to an open and transparent framework in its decision making and provision of information.

In addition, of course, to this, and as the Chief Minister has noted, there will continue to be the need to develop a forward reform program to further embed and continue to enhance openness and transparency. As the Chief Minister has indicated, she will be making further announcements in this regard later this week. I am sure all members genuinely interested in this area of reform will be paying those announcements close attention.

MRS DUNNE (Ginninderra) (5.34): I am glad to follow the Attorney-General on this matter of public importance, because I wanted to dwell on his record in part. “Openness and transparency” has been the catchcry for this government since its election in 2001 and in the run-up to the 2001 election. Indeed, ACT Labor’s platform makes something of a headline of the fact, saying, “Governments must also ensure the full participation of all members of the community to achieve equitable outcomes.” A principal objective of ACT Labor is to “create openness so that all members of the community can participate in and understand government programs and policies”.

If you read ACT Labor’s webpage you will find a lot of fine words and a lot of cliches, very much like the ones that we have just heard from the Attorney-General. But, as Mr Seselja said in relation to earlier comments today, it is a matter of dwelling not so much on the words but on the deeds of this government. Ms Gallagher said that we were really just a bit negative and we are just opposition for opposition’s sake and that she was really looking for some ideas. So, stay tuned, Ms Gallagher—at the end you will get five suggestions from me about what you can do.

Ms Hunter says that this is a preoccupation of the Canberra Liberals and that we often bring forward MPIs in relation to openness, accountability and honesty in government. I was concerned that she was concerned about honesty in government. Does she have a problem with honesty in government, or is this something that the Greens should be striving for?

When we look at those opposite, we see that they are pretty good at the cliches, they are pretty good at the mush and the measly words, but they are not very good at actions. I would like to turn first to the actions of the Attorney-General. The Attorney-General has a habit of taking it upon himself to develop legislation that has considerable impact on the systems and processes of justice in the ACT. And in doing so, he fails to consult with the community, with stakeholders and much less with the wider community in general.

We saw this happen with the Liquor Act. We have seen it with various half-baked attempts at reform of the ACT courts system. We have seen it with the social reform with the security industry, which was a backdoor approach to no ticket, no staff, and we have seen it in the design of the Lyneham west wetlands. We saw it with the fake opening of the Alexander Maconochie Centre, which was a blatant election stunt. It was not ready; it did not take prisoners for months after the fake opening; and even after it was open and ready, there were significant failures in the security system, with released prisoners walking out the door with RFID bracelets still attached to them. We have seen only this week the refusal to consult with the legal fraternity over the courts legislation that we will be dealing with later today. We have seen the refusal of the minister to table the opinion about the efficacy of the commonwealth Water Act. He says: "I know what it says. We believe that we're on safe ground." But he will not provide that for the information of members in this place.

We have seen this Attorney-General conduct an outrageous, full-blown attack upon the justice and community safety committee because the justice and community safety committee had the audacity to bring down a report which was critical of him. In doing so, he conducted a most appalling attack on his own colleague, accusing her of being dishonest and disreputable. We have seen the minister again talking today about freedom of information and all the things that he has done in favour of freedom of information. The thing that he overlooked was to reveal to the Assembly here today that one of the things that he is most responsible for is a vast increase in the charging regime. Now people are being faced with huge charges for FOI when that previously was not the case, which is another means of limiting people's access to documents under the Freedom of Information Act.

I would like to turn now briefly to the efforts of the new Chief Minister. Mr Hanson and Mr Doszpot and other members today have dwelt upon the issues in relation to the Health Directorate and the Calvary debacle, but there are a couple of things that I want to dwell on. We need to put on the record again what the minister said in 2004 when it was reported in the *Canberra Times* on 11 August that the ACT minister Katy Gallagher ruled out any immediate school closures but said that small schools will have to be discussed. The next day it was reported that a spokesman for education minister Katy Gallagher categorically—categorically, Mr Speaker—ruled out Labor closing schools during the next term of government. "The government will not be closing schools," the spokesman said. With the school-age population in Canberra decreasing in coming decades, closures would need to be looked at, but that was not during Ms Gallagher's life in politics. That is what the spokesman said. Ms Gallagher did not in any way before the election correct that record. It is still on the record.

Ms Gallagher: My conscience is very clear.

MRS DUNNE: Your conscience might be very clear because you sent somebody out to lie for you.

MR SPEAKER: One moment Mrs Dunne. Mr Corbell, a point of order?

Mr Hanson: Stop the clocks, please.

MR SPEAKER: Yes, stop the clocks.

Mr Corbell: Yes, thank you, Mr Speaker. Mrs Dunne said that the Chief Minister sent somebody out to lie for her. That is an imputation. It is improper.

Mr Hanson: You'd know, Simon.

MR SPEAKER: Order, Mr Hanson!

Mr Corbell: And Mr Hanson has repeated the sin. They should both be asked to withdraw the comments. They are disorderly. They are an improper imputation on members, and they are out of order.

Mr Hanson: On the point of order, my interjection, "You'd know," was in regard to the comments about lying and being out of order, given that Mr Corbell called me a liar earlier and was asked to withdraw. That was the reference that I made, not directly to necessarily support what Mrs Dunne said.

MR SPEAKER: Thank you, Mr Hanson.

Mr Hanson: However, I do not anticipate—

MR SPEAKER: Mr Hanson, I will accept your explanation. Mrs Dunne, I invite you to withdraw.

MRS DUNNE: I withdraw, Mr Speaker.

MR SPEAKER: Thank you. You are free to continue, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. We also need to turn to the greatest disaster in public works that we have seen with this government—the debacle over the water security projects. We have seen the cost of the Cotter Dam and the Murrumbidgee to Googong pipeline—two significant infrastructure projects—blow out considerably. Cotter started at \$120 million but is now \$363 million, and the Murrumbidgee to Googong pipeline, which was estimated at about \$45 million in 2005, had blown out by 2009 to \$150 million. In just four years we have seen a 220 per cent increase in the cost of these projects.

Where was the Treasurer, one of the shareholders of Actew, during all of this? This Chief Minister as Treasurer and shareholder of Actew Corporation has told us that she regularly gets the minutes of meetings of the board of Actew. We know that the minutes of a number of those meetings record reports and decisions in relation to those infamous cost blow-outs. But what did the Treasurer do when she saw the cost blow-outs being considered by the Actew board? She did nothing. This has been and is an ongoing issue for the Canberra Liberals. The Treasurer knew of these things by her own admission. She said that she read the reports, she read the minutes.

Ms Gallagher: Five ideas?

MRS DUNNE: You wait. You will get your five ideas. But you have to sit through this first. The Treasurer knew of these cost blow-outs, and she did nothing about it, by her own admission in answers to questions in estimates over two successive years, and answers to questions on notice. We have seen that she did nothing about these things. The result of this and other things is that we have now seen a 200 per cent increase in the cost of water since ACT Labor came to power, and that cost is continuing to increase. When the full cost implications of the borrowings that Actew will have to make to build this dam come through the system, we will see at least another \$100.

The Chief Minister asked for some advice, things that she should do to show that she is open and accountable. First, Chief Minister, you need to apologise to the people of Canberra for the outrageous statements that were made on your behalf in August 2008. When you find that you have done something wrong, the first thing you need to do is admit that you are wrong. A lie was told to the people of the ACT. The minister said: "I never said it, somebody else said it."

Mr Corbell: Mr Speaker, a point of order.

Mr Hanson: Stop the clocks, please.

MR SPEAKER: Yes. On a point of order, Mr Corbell.

Mr Corbell: Talk about working out a way to get around the standing orders, Mr Speaker. It was a very clear accusation. The suggestion is either the Chief Minister lied or was complicit in somebody lying. That is an improper imputation on the part of Mrs Dunne. She knows it is out of order. She should again be asked to withdraw her disorderly comment.

MR SPEAKER: Mrs Dunne, do you have any comment?

MRS DUNNE: On the point of order, I said that a lie was told to the community. If the Attorney-General wants to draw an imputation from that, that is up to him, but there is no imputation. It is a clear fact, Mr Speaker, that things were told to the community that were untrue.

Mr Corbell: On the point of order, Mr Speaker, it is in reference to the accusation Mrs Dunne has raised earlier in her speech about a statement made she claims either by the Chief Minister when she was the relevant minister or by her office. It is quite clear what the imputation is. She knows it. That is why she is saying it. It is out of order. She should be asked to withdraw it.

MR SPEAKER: Thank you, Mr Corbell. Whilst I think, Mrs Dunne, that you have sought to frame it in a clever way, given the earlier debate, I ask you to withdraw and perhaps find a different way to frame it.

MRS DUNNE: I withdraw, Mr Speaker. The other things this minister needs to do to set the slate clean are to table the Costello report; ensure that ministers provide vital advice to the Assembly, such as the advice in relation to the commonwealth Water

Act; table regulations for important bills before those important bills are passed, especially the bill coming before the Assembly here today; and institute comprehensive freedom of information reform, as outlined by the justice and community safety committee. Then she might have some chance of starting on a path of openness and accountability.

MR HANSON (Molonglo) (5.47): I thank Mr Doszpot for bringing this matter of public importance forward. I know that I have only got about three minutes, so I will have to be quick, but—

MR SPEAKER: One and a half, Mr Hanson.

MR HANSON: All right, I will be very quick. The issues I would like to cover would be Katy Gallagher's cover-up of the bullying allegations at the Canberra Hospital; her statements that all her plans were on the table when they were not for Calvary hospital; her saying that it was the Little Company of Mary that wanted the heads of agreement signed when I have written evidence that she requested that signing; the fact that the Greens and the Liberals have called for her to be more honest in her health reporting—the Assembly has actually called on her to be more honest; and Katy Gallagher's denial that there was a concern about the accuracy of elective surgery waiting lists and saying that I was besmirching the health staff when it was proved quite categorically that there were significant problems with those waiting lists.

We saw problems with the bush healing farm and the cover-up of documents and Katy Gallagher allowing her chief executive to write me what could only be construed as threatening letters. When I criticised her initially or made comment about the performance of the health system, Katy Gallagher put out a press release stating in public that I was sexist and she attempted cover up any criticism or accountability of her own performance.

Do not shake your head, Katy. That is exactly what you did. There is the secure adult mental health facility that she has promised. I did not get through the jail, the schools, or the bilateral with the Greens. In the 10 seconds or less I have left, it is quite clear that the government are not open, they are not accountable, and there are numerous examples of that. And Meredith Hunter—(*Time expired.*)

MR SPEAKER: The time for discussion on the matter of public importance has now expired.

Administrative (One ACT Public Service Miscellaneous Amendments) Bill 2011

Ms Gallagher, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (5.49): I move:

That this bill be agreed to in principle.

The former Chief Minister, Mr Jon Stanhope, noted in his presentation speech for the introduction of the Public Sector Management (One ACT Public Service) Amendment Bill 2011 that the move from chief executives to directors-general would require widespread consequential changes across the ACT statute book. The bill I introduce today—namely, the Administrative (One Public Service Miscellaneous Amendments) Bill 2011—contains the consequential amendments that Mr Stanhope foreshadowed.

Although this bill amends 178 pieces of legislation and is a weighty piece in its own right, the vast majority of its provisions relate to consequential changes in terminology to reflect the new structures the government has established for the ACT public service.

It does, however, contain transitional amendments to enable a smoother implementation of the single ACT public service agency structure. For example, the bill will enable directors-general to continue a matter or action commenced by a chief executive following commencement of the Public Sector Management (One ACT Public Service) Amendment Bill 2011. It also contains transitional provisions to facilitate the appointment of the first head of service consistent with the former Chief Minister's announcement of the new arrangements on 24 March 2001. I commend the bill to the Assembly.

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

Select Committee on Estimates 2011-2012

Report 1

Debate resumed.

MS LE COUTEUR (Molonglo) (5.52): First, as well as thanking Mr Speaker, I must thank the many people who were involved with this report. First and foremost, I guess, Ms Grace Concannon, otherwise just known as Grace, who did a sterling job in turning a lot of things into what has become a pretty coherent report. I would like to thank also the other assistant secretaries, who did a great job. Lydia Chung also did a major job in putting it all together. Our committee chair, Mr Smyth, did a sterling and, at times, very witty job in terms of chairing the committee, and I thank also my other committee members, Ms Hunter, Mr Hanson and Mr Hargreaves.

Obviously, I will not go through all the recommendations, there being 194 of them. I do not think I have enough time, but I will go through some of what I see as the more important issues. I guess, firstly, in general this budget is very much a business as usual budget. It is very much the budget of a government that is continuing to go in the same direction. I have concerns about that. I have concerns that the future is not going to be the same as the past. We are coming to a situation with peak oil. Planning Canberra, developing Canberra in exactly the same way as we have been doing is not going to be sustainable in the long term.

As well as peak oil, we have got the other big issue, of course, which is climate change. If we did not think these were issues, there are many other issues—food security, refugees et cetera. I could go on for a long time, but my point is simple: the future is not going to be the same as the past. This budget is very much preparing for business as usual. We need to be more innovative. We need to look at the likelihood.

I will now go on to a few specific issues. We have all spoken about the one building to rule them all, otherwise known as the government office building. I will read out again what is obviously the most salient recommendation here:

The Committee recommends that the ACT Government provide the ACT Legislative Assembly with additional information to support a decision on the Government office building.

Basically, there was a lot of information given to the committee, but we ended up feeling—me in particular, I suppose, given my past—somewhat confused. I was involved in an office project where we very seriously did look at building a new building but we in fact decided to buy the building and renovate it, which was better environmentally and better financially.

One of the things that I have been asking about this building is whether the government has looked at the option of refurbishing existing buildings. I have been saying this for a few years, because the government has been thinking about it for a few years. I have been asking Mr Stanhope about this every time and he said no. Has the government in fact looked at the options of refurbishing existing buildings? It seems that the answer is no. So one of the recommendations of the committee's report is recommendation 7:

The Committee recommends that the ACT Government commission a study into the options for refurbishment of existing building(s) for a government office building. This study should include lifecycle analysis ...

I have been requested to be very quick in my discussion so we can get on to a scrutiny report. I will very briefly mention the fitters. This was obviously a very topical issue. I would like to read out recommendation 72:

The Committee recommends that the ACT Government revisit the plans with the aim to preserve the acoustic quality of the Fitter's workshop and co-locate Megalo, so that no group is disadvantaged.

I would talk more, but I recognise the needs of the scrutiny committee. Coming back to my earlier theme about peak oil, I am somewhat amused about the situation that we are trying to get additional tourism from places like China and India. I would like us to look ahead: is this viable long term? I would speak at length about the Majura parkway but I recognise that tomorrow we have three motions on the subject; so I will speak at length about the Majura parkway tomorrow, you will all be pleased to hear.

I will end up with waste and recycling. It is really disappointing that we have not progressed with waste. From the point of view of recycling and from the point of view

of the total amount of waste, both of these indicators are going backwards. The committee has recommended some changes.

The other very sad thing is that the committee recommends that NOWaste ensures it complies with the ACT government's social procurement policy. The committee had some quite detailed discussions about a local company, Renewable Processes. We are concerned about the situation. I will wrap up here in the interests of the scrutiny committee this afternoon. I commend the report to the Assembly.

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

Justice and Community Safety—Standing Committee Scrutiny report 37

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 37, dated 16 June 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 37 contains the committee's comments on eight bills, eight pieces of subordinate legislation, four government responses and two private members' responses.

The report was circulated to members when the Assembly was not sitting. But I draw members' attention to aspects of the Education and Care Services National Law (ACT) Bill 2011, namely, the incorporation by reference of a Victorian act. The effect is that the law in the ACT will be the law applying, from time to time, in Victoria.

What concerns the committee is how ACT residents, and this Assembly, will be apprised of any changes to the law should it ever be amended in Victoria, or associated regulations be promulgated.

Accordingly, I will be writing to the Chief Minister and the Attorney-General seeking their views on this and what mechanisms will be available to the Assembly to scrutinise any such changes and subordinate law in this and other national law legislation which is referenced to laws in force in other jurisdictions.

I commend the report to the Assembly.

At 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Sitting suspended from 6 to 7.30 pm.

Financial Management (One ACT Public Service) Amendment Bill 2011

Debate resumed from 3 May 2011, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Smyth, are you going to be Mr Seselja for a little while?

MR SMYTH (Brindabella) (7.30): Why not, Mr Assistant Speaker? I can do that. I do note that we have just jumped two matters, the first relating to the standing committee on planning and the second relating to committee membership. I suspect that is due to lack of courtesy in this place. I say to the new Chief Minister that it would be nice to know when these things have been changed. We are not unreasonable when we are asked if we can amend arrangements, but to have a domineering member swagger over to tell us he is changing things because he is the government is unacceptable. I think to do it this way—

MR ASSISTANT SPEAKER: Mr Smyth, could I beg your indulgence, please. If you want to have those conversations around those sorts of processes, could you have them outside the debate, please. I do not want to have to ask you to sit down, I really do not. But I might.

MR SMYTH: You can ask me.

MR ASSISTANT SPEAKER: I can actually demand it, as you know. We can have a debate on that but I would ask you to come please to the question—

MR SMYTH: I am coming to the order of the day

MR ASSISTANT SPEAKER: With some alacrity would be nice, please.

MR SMYTH: I am coming to the order of the day No 1, which unfortunately has skipped a committee statement from Ms Porter and a motion on committee membership by Mr Corbell. But they do not see that as—

Mr Corbell: Point of order.

MR ASSISTANT SPEAKER: Excuse me, Mr Smyth, would you resume your seat, please?

MR SMYTH: Certainly, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Thank you. Mr Corbell?

Mr Corbell: You have already drawn Mr Smyth's attention to the fact that he needs to be relevant to the debate, Mr Deputy Speaker—I beg your pardon, Mr Assistant Speaker. He is ignoring your ruling. You should draw his attention to that and ask him

to remain relevant and if he is not prepared to debate the bill before us then he should sit down.

MR ASSISTANT SPEAKER: Thank you very much, Mr Corbell.

MR SMYTH: On the point of order, Mr Speaker.

MR ASSISTANT SPEAKER: I have been promoted again. Thank you very much, Mr Smyth. Yes, you have the floor.

MR SMYTH: You have got your training wheels there with your book. It is well and good for Mr Corbell, as the manager of government business, to make the points that he makes. We know that Mr Corbell always jumps when he is stunned by statements that are true. The point is that if some courtesy was offered we would not be doing this now.

MR ASSISTANT SPEAKER: Sorry, Mr Smyth, so far there is no point of order. I would ask you, please—you have the floor—to now bring your speech to the matter in hand. Thank you.

Mr Hanson: Simon is twitchy because you—

MR ASSISTANT SPEAKER: Mr Hanson, I would ask you also, please, if you wish to interject, do it in mime, because I do not want to hear it and if you persist I will rule.

Mr Hanson: Mime?

MR ASSISTANT SPEAKER: Do you want to challenge my ruling?

Mr Hanson: No. I am just wondering whether, if I assist with the mime, that was going to be—

MR ASSISTANT SPEAKER: I am just inviting you to be silent while Mr Smyth has the floor.

Mr Hanson: Certainly. I always listen attentively to what he has to say.

MR ASSISTANT SPEAKER: I know. You are a real performer. Mr Smyth, you have the floor.

MR SMYTH: Thank you, Mr Assistant Speaker. The opposition will be supporting the Financial Management (One ACT Public Service) Amendment Bill. The purpose of the bill is quite straightforward, following on the implementation of the proposal to reform the ACT public service into a single agency following the Hawke review.

This bill proposes a number of amendments to the Financial Management Act. Basically, it will replace the word “department” with the word “directorate” and it will replace the words “chief executive” as you see the position in the former department with “director-general”. These proposed amendments do not cause the opposition any difficulty but this is not all that the bill does.

The bill also proposes an administrative change to the Financial Management Act. At present the FMA contains a list of all territory authorities which operate within the ACT government. The issue which this approach creates is that whenever there is an amendment to the list an amendment is required to the Financial Management Act. As we are all aware, amending an act is often an awkward and expensive process.

This bill proposes to remove the listing of territory authorities from the act and place the list in a financial management guideline. This is a much more simple approach when any amendments are required to the list of territory authorities. At the same time there will be no loss of transparency as any financial management guideline is a disallowable instrument which can of course be debated in the Assembly as might be necessary.

There is one amendment which is proposed as a consequence of the amendment to section 54 of the Financial Management Act to remove the list of authorities. Section 76(2) of the Financial Management Act lists those territory authorities which have governing boards. As the Treasurer noted, this listing is not a legal requirement, hence the FMA will be amended by removing section 76(2).

The opposition supports each of the amendments in the bill, particularly as they relate to enhancing the comprehension of the territory's legislation.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.35): The Financial Management (One ACT Public Service) Amendment Bill is of course the first of a series of bills this week that will give effect to the Hawke review recommendations and, rather than any detailed discussion about the merit of those changes more generally which will no doubt be had on Thursday, it is sufficient to say that the Greens support the changes within this bill. The text does little more than define a directorate and a director-general and replace the existing terminology of department and chief executive with directorate and director-general.

As the Treasurer observed in her speech, the budget papers and the appropriation bill itself have already adopted the proposed terminology and anticipate the passage of this bill. As the minister noted, the changes have no impact on the operation and directorates will continue to have the same financial obligations as were in place for the previous departments. So the Greens will be supporting this bill.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (7.36), in reply: The Financial Management (One ACT Public Service) Amendment Bill amends the Financial Management Act 1996. It amends the FMA to facilitate the new public service model which establishes a single agency with nine directorates as the administrative basis of the ACT public service from 1 July 2001. The FMA is the principal financial management legislation in the territory, and the objective of this legislation is to promote the high standards of financial accountability to the Assembly and the community and to provide appropriate transparency in resource allocation and management.

With the granting of self-government to the ACT 21 years ago, the time is now right to take stock of where the ACT public service has come from, where it is now and

how it needs to be positioned in the future. In 2010, the government engaged Dr Allan Hawke to evaluate the structure and capacity of the ACT public sector. The Hawke review identified that the ACT government needed to work together as one to present one public service and one public service face so that we can serve our customers, our citizens, in the best way possible and meet their demands.

The bill takes the first step to becoming one public service by amending the FMA to a single agency model by implementing the directorate structure. This amendment simply replaces references to departments with directorate, and chief executive with director-general.

These changes will provide the Legislative Assembly with the same level of detail with which to scrutinise the government's financial management of the territory, including budgets and financial reports. As financial accountability essentially remains unchanged, the directors-general will be responsible for the efficient and effective operation of their respective directorates, the same as chief executives were for departments.

Part VIII of the FMA relates to financial provisions for territory authorities to provide a more efficient process for changes to territory authorities. The bill removes the list of the ACT territory authorities from part VIII and instead requires them to be specified in the financial management guidelines. The Legislative Assembly will continue to have the ability to question and debate proposed changes to these financial management guidelines as they are a disallowable instrument.

For similar reasons, the bill amends section 76(2) by removing a list of the territory authorities with governing boards. The list is not legally required as section 76(1) specifies that a territory authority has a governing board if the establishing act for the authority establishes a governing board for the authority.

The bill allows the ACT public service to work as one, while ensuring that the highest standards of financial accountability continue to be provided to the Legislative Assembly and the community. I thank other members for their contributions to the debate and 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.

Payroll Tax Bill 2011

Debate resumed from 5 May 2011, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (7.40): The opposition will be supporting the Payroll Tax Bill, and I thank the Treasurer for arranging a briefing on the bill. In principle, this bill is a very sound move. It supports actions being taken by all jurisdictions across Australia to achieve greater uniformity on payroll tax regimes. Essentially, the bill is very straightforward. As I was told in the briefing, the bill will “align the form and structure” of payroll tax regimes in place across Australia. That, I would have to say, would be a very good policy move.

Even though the opposition will support the bill, there are still some concerns about what Australia in general and the states and territories in particular are doing to enhance Australia’s competitive position on the world stage.

A closer look at this bill sees two broad themes. Firstly, there are proposals to standardise the ACT’s payroll tax regime with those in other jurisdictions. Secondly, however, there are the exceptions to the standard approach which the ACT will maintain, and it is this second set of matters which will continue to create concerns.

I think it is important to put that concern into context. Consider Australia’s productivity performance over the last 50 years. Between 1960 and 2000, apart from a sharp decline in the mid-1960s and a blip in the 1980s, we recorded steady improvement in productivity until about 10 years ago.

There were many reasons for this improved performance. It reflects policy decisions taken by both coalition and Labor governments at the federal, state and territory levels. Two of these decisions that were particularly important were the introduction of the GST by the Howard government and the floating of the Australian currency back in 1983 by the Hawke Labor government.

The question is: what has happened since 2000? Australia’s productivity performance appears to have slumped and, if you look at the trend, it does not appear to be very positive. That brings me back to the bill. We commend the steps being taken to align the various payroll tax regimes. Our concerns, however, lie with the exceptions which exist in the ACT’s payroll tax policy. These exceptions, in addition to the variation to the rates of payroll tax and payroll tax threshold, include primary carer leave, exemptions for charities and employment companies.

The argument, presumably, will be mounted that the ACT’s differences from the national approach are not all that great, and that these differences will be relatively minor in the broad scheme of payroll tax policy. But I think that response ignores the very real and serious implications created by these differences in practice.

It is easy to imagine the following scenario. Consider any company which operates across Australia—any of the major banks, for instance, or a major retail chain—and consider what has to happen if the ACT changes its policy, even in the smallest way, relating to primary carer leave, such that there are payroll tax implications. The national employer has to become aware of this change—a change in one of the smallest jurisdictions and in which their employment base is probably one of the smallest for the company. A company has to have people on staff who monitor these matters continually, with the resultant additional cost to the company, or it has to buy

in the research from a professional services firm—again, with additional cost to the company.

So while the ACT makes a small change to a policy and says that it will not have a major effect in the ACT, all the employers who are affected by the change have to become aware of it, analyse its implications and put any required changes to their payroll system in place.

It is about time that all Australian jurisdictions faced up to the harsh reality of their individualistic decision making and the consequences of this approach to Australia's economic performance and, as I noted earlier, to the competitive position of our companies in comparison to those operating in other countries.

I would also like briefly to comment on one other matter. I raised in the briefing through my office the matter of proposed sections 83(1) and 83(2). Section 83(1) says that, if an employer is entitled to a refund of payroll tax, the employer must make an application for the refund. Section 83(2), on the other hand, says that if the ACT is owed additional payroll tax, the employer must pay this amount and no application is required.

I am assured by the government that in fact an employer who could be entitled to a refund would not have to apply for the refund; rather, the employer's last return for a financial year would be "deemed" to be an application. I fail to see why the reality of this approach in practice cannot be reflected in the legislation, rather than having the fairly draconian approach of the employer having to apply—by implication with a separate application—to receive the refund to which they are entitled.

As the bill presently stands, employers are treated differently to the territory in this matter. It is something that the Treasurer might like to address in her closing remarks. Indeed, it is something that we will keep an eye on over time to see whether or not it does pose the problem that I fear.

With those comments, I reaffirm that the opposition will be supporting the Payroll Tax Bill.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.45): The Greens will be supporting this bill and certainly welcome the move to harmonise the payroll tax regime with other states, and particularly New South Wales. A significant majority of businesses who pay payroll tax in the ACT also have operations in a number of Australian jurisdictions and it makes sense to ensure that, to the greatest extent possible, the rules apply consistently and in harmony with one another, both to mitigate the risk of tax avoidance and for administrative simplicity both for private companies and for the commissioner.

Payroll tax is the single biggest own-source revenue item, so it is obviously particularly important that we have a robust scheme that is relatively straightforward and easy to apply. By and large, the provisions of the bill are exactly the same as those in New South Wales, with a couple of ACT-specific improvements. Particular reference should be made to the improved parental provisions as well as the broader

educational exemption provided for employers taking on apprentices or providing other staff training. The Greens, of course, very much support these measures.

The minister in her speech said this was a good example of a national process achieving a commonsense outcome and it should be noted that we are replicating an act that has been in place in New South Wales and Victoria for around four years. Apart from the obvious advantage of having seen how these acts have worked in a general sense, harmonising the scheme with other Australian jurisdictions also means we can incorporate rulings and lessons from the application of the provisions in other jurisdictions and maximise the effectiveness of the scheme.

One minor issue that should be noted is that there is what is perhaps best described as a style difference in the drafting of the model act and what we would do here in the ACT. This relates to the express inclusion of the standard to which decision makers must be satisfied of or believe that particular facts exist. I think it is worth noting that the Assembly does not intend to create a distinction between these provisions; rather, we have decided to leave the model provisions to ensure the application of rulings that have been made on those provisions in other jurisdictions is also applicable here in the ACT. The Greens will support this bill.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (7.48), in reply: The Payroll Tax Bill is a complete rewrite of the ACT's Payroll Tax Act. The new act harmonises as far as possible the structure, definitions and provisions of the act with the equivalent payroll legislation in New South Wales, Victoria, Tasmania, South Australia and the Northern Territory.

This government is committed to achieving greater legislative and administrative harmony wherever possible, to help reduce the compliance burden on business. Previous amendments in 2007 harmonised areas such as motor vehicle and accommodation allowance exemptions, fringe benefits, grouping provisions and exemptions for work performed in another country.

Consistency in payroll tax legislation and administration is particularly important to employers operating across a number of jurisdictions. The new harmonised structure, definitions and administration will assist employers and their advisers to understand and comply with their payroll tax obligations in the ACT.

The ACT, like other jurisdictions, has retained control over rates, thresholds and policy differences where they relate to the specific needs of the territory and its business. Where there are ACT policy differences, these are retained and provided for in the schedules to the new payroll tax legislation. The ACT's payroll tax rate and generous tax-free threshold—currently the highest in Australia at \$1.5 million—are not altered under the new payroll tax legislation.

As part of the harmonisation of payroll tax provisions across Australia, all jurisdictions are aligned in exempting, for payroll tax purposes, maternity leave wages of 14 weeks. The ACT government has taken this further to exempt not only wages paid to an employee for maternity or adoption leave but also wages paid to primary carers such as a domestic partner or grandparent of the child.

The work to reduce the administrative burden and assist businesses operating in the territory does not stop at new legislation. Further work to provide employers with consistency in administration is continuing. This will include improving the consistency of business practices, taxpayer information and administrative and compliance requirements across jurisdictions.

A practical example of this will be the reissuing of payroll tax information circulars by the Commissioner for ACT Revenue where there are common topics and themes with other jurisdictions. The information and guidance provided to employers in these circulars will align as much as possible with other jurisdictions.

To simplify the introduction of the new provisions for business, the bill provides for a 1 July 2011 commencement date to align with the normal annual payroll tax liability and financial year.

I thank members for their support for this bill and I commend the Payroll Tax 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.

Bimberi Youth Justice Centre Suspension of standing and temporary orders

MRS DUNNE (Ginninderra) (7.51): Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would enable the Attorney-General to move a motion relating to the extension of time for the human rights audit of Bimberi Youth Justice Centre.

The government have skipped over a number of important matters on the program to get to what they see are the important issues of the day. However, from the point of view of people in the community there seems to be a proposal from the government to extend the reporting period in relation to the Bimberi Youth Justice Centre. This is an important issue which has occupied the minds of the Legislative Assembly for some time, and I think it would be timely for the minister to give an explanation for why the government are proposing to extend the date of this and to provide a more complete explanation to the community by so doing. This is an important issue. The government need to be able to manage their time a little better and bring on these important issues in a timely way.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister

for Police and Emergency Services) (7.52): The government will not be supporting the motion. The matter in relation to Bimberi will be brought to the Assembly and there will be an opportunity for the Assembly to consider the issue before the current scheduled reporting date of the Human Rights Commission, which is the end of this month. It is 21 June, well before the end of the month. There is a full sitting fortnight in which the Assembly can consider that matter.

The government has indicated that the bills on the notice paper this evening are the priority for the government. They need to be debated; they need to be considered by this place. They are the highest priority. Other matters will be put to the Assembly either in this sitting week or the next sitting week, including the matter that Mrs Dunne raises. They are not the priority for tonight and the Liberal Party should cease wasting the Assembly's time and allow these bills to progress for debate and vote by the Assembly.

MR SMYTH (Brindabella) (7.53): There is a contradiction. It is the government's program. The government presumably put these three pieces of work before the Assembly.

Mr Corbell: We are entitled to change our minds.

Mr Seselja: Not arbitrarily.

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! Mr Seselja and Mr Corbell! Mr Smyth has the floor.

MR SMYTH: Presumably the government put them on the program for today because they thought they were important. I am not sure whether the committees have been consulted about this change; the Liberal Party certainly were not. It does go to courtesy, as I was discussing earlier. Mr Corbell came over to this side of the chamber just before the tea break and told the Liberal Party that the government were doing such and such. I mentioned to him that a little courtesy in a request would probably see his request acceded to, but Mr Corbell, in his own way, could not deliver that courtesy. He simply said, "We are just doing it"—to which I said, "I am quite happy to take up as much time as possible to teach the manager of government business some basic courtesy."

These items are important items. I know that a number of people today have been discussing, for instance, the Bimberi Youth Justice Centre and the need to amend the reporting date. I suspect that none of the three items would have taken particularly long. I cannot imagine that Ms Porter was going to take much time. I cannot imagine that the alteration to the standing committees would have taken much time, and it would have accommodated the new member. And I would not have thought that the move to change the reporting date was that difficult.

There is generally, and it often happens from Mr Corbell, a lack of communication. The whip and the manager of opposition business were not informed of this. We were not informed before dinner. The Chief Minister has just given a speech about new levels of accountability. How about accountability and courtesy to the Assembly?

How about accountability and courtesy to members so that we actually know what is happening?

Members get prepared to debate issues. If Mr Corbell had these as the government's priority for the day, they would have known, surely, by lunchtime that they were going to do that. Perhaps if they had informed us over the luncheon break people could have been better prepared for this evening but it is the same old lack of courtesy. It is the same old disrespect to the Assembly. It is the same old disrespect to members that you often get from a government like the one we have got. It does fly in the face of the pronouncements this week from the Chief Minister. I do not know if she is embarrassed by the manager of government business's manner.

Ms Gallagher: No, not at all.

MR SMYTH: "Not at all," she mutters. That is interesting. How can you talk about new standards of accountability and new standards of openness when you behave in such a way?

MR ASSISTANT SPEAKER: Order! Members will direct their remarks through the chair, please.

MR SMYTH: As always, Mr Assistant Speaker. I say it again: we had this statement that this was the new-look government; it was going to be more open, more accountable, more responsive and held to account by the community. In a way, that starts with us. We are representatives of various communities. We have all been elected by our communities out there. We are all responsible for answering back to them. When we see things on the notice paper, we go and ask people for their opinion. We make the effort to be prepared. A little bit of courtesy would go a very long way in making that work a lot more smoothly in this place.

I ask the manager of government business to work out (1) what he wants to do on a given day and put it in the right order and (2) actually extend some courtesy to people. If he cannot, I would ask the Chief Minister to perhaps have a chat to your manager of government business and ask why we are having motions to suspend standing orders. It could have been easily avoided. In the 10 minutes or so that it has probably taken, we could have knocked off two or three of these and all gone on to the next bill, which probably could have been done by 9 o'clock.

If you want to behave in this way, we will stand up for ourselves.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.57): There has been a change to the order of business today; we all know that. The Greens do understand that it is important to get to the bill around the lease variation change tonight—to get that in principle before we move to a debate on Thursday.

I make the point that, yes, the Bimberi inquiry is incredibly important, and many in this place have been watching that very closely. But it was not due to report until the end of June. There is still time. We can move this to Thursday; I do not think it will make too much difference. We can then have that discussion around the proposed extension to that inquiry.

Members interjecting—

MR ASSISTANT SPEAKER: Order, members! Ms Hunter has the floor. No conversations across the chamber.

MS HUNTER: Thank you, Mr Assistant Speaker. I think that we can accommodate that within the sitting week and therefore we will not be supporting Mrs Dunne's motion.

MRS DUNNE (Ginninderra) (7.58) in reply: This again shows the lack of command that the manager of government business has over the business of this place.

Members interjecting—

MRS DUNNE: He is the person responsible, charged by the government—

MR ASSISTANT SPEAKER: Order! Mr Seselja and Mr Corbell! Please do not duel across the chamber. Mrs Dunne has the floor.

MRS DUNNE: The manager of government business is charged by the government of the day with getting the business through in a businesslike way. We are now hearing from Ms Hunter, who is always much more privy to the thinking of the government than the members of the opposition are, that the main game today is to get to the Planning and Development (Lease Variation Charges) Amendment Bill. If that was the case, if that was the main game, why didn't the manager of government business list it first? And why do all of these things, which to other members of the Assembly may be equally important, have to be put aside because Mr Corbell again cannot manage the business of the day?

Mr Corbell has put too much on the program. He cannot manage it. The opposition made offers to extend government business after the conclusion of private members' business tomorrow. That was declined.

Mr Hanson: Before government business.

MRS DUNNE: Sorry, before government business. I misunderstood.

Members interjecting—

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

MRS DUNNE: We are now in a situation where the minister, again Mr Corbell, cannot get the business through and then behaves in a churlish fashion, coming across the chamber and not saying, "Would you mind if we did this?" but saying, "We are going to do it and you can suck it in or get on with business."

Mr Corbell: That is right, Mrs Dunne.

MRS DUNNE: Yes, that is right. He has admitted that that is the way he behaves.

Mr Corbell: It is executive business day.

MR ASSISTANT SPEAKER: Mr Corbell, please!

MRS DUNNE: The issue in relation to the Bimberi Youth Justice Centre and the two human rights inquiries that are going on in relation to the Bimberi Youth Justice Centre are extraordinarily important. The Chief Minister, in her set of priorities today, said that this was a high—

Mr Hanson: Point of order, Mr Assistant Speaker.

Members interjecting—

MR ASSISTANT SPEAKER: Chief Minister, please! Mr Hanson has a point of order. Mr Seselja, let your colleague have his point of order.

Mr Seselja: I am asking you to stop the clock, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Stop the clock, please, Clerk.

Mr Hanson: Mr Corbell has been interjecting repeatedly throughout this process and is ignoring your rulings. I just ask that you apply the same consistency to Mr Corbell as you would to a member of the opposition. It seems extraordinary that in his performance throughout the course of the day, including in previous debates and being forced to withdraw unparliamentary comments, he seems to be continually ignoring the ruling. I ask that you bring Mr Corbell to order.

MR ASSISTANT SPEAKER: Thank you very much, Mr Hanson. I think I have got the gist of your point of order. Mr Hanson, I uphold your point of order. Members of the government will come to order. Please do not push me. Mr Berry set a standard in this place, and I am quite happy to follow it.

MRS DUNNE: Thank you, Mr Assistant Speaker. Today, in presenting her priorities for the government, Ms Gallagher said that improved governance and corrections services at Alexander Maconochie Centre and Bimberi were one of her priorities. On the same day, we are having to extend the reporting date for two human rights inquiries into Bimberi Youth Justice Centre, but the government cannot get their business together to deal with this important matter. The blue was published in a certain way; members prepared to deal with things in a particular way. It is discourteous of Mr Corbell to behave in this way. In many ways the issues in relation to the welfare and safety of the young people of Bimberi and the people who work there are more important than a tax grab by the Chief Minister.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Planning and Development (Lease Variation Charges) Amendment Bill 2011

Debate resumed from 5 May 2011, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (8.06): The Canberra Liberals will be opposing this bill. There are a number of reasons for that but in summary this is a bill that tries to implement bad policy. It has been through a very poor process and this has resulted in, I think, a very poor piece of legislation. In fact whether you actually agree—

Ms Gallagher: Come on, you have had two years to come up with another idea.

MR SESELJA: You are very tetchy on this. You have had two years and you come up with this rubbish. Whether or not you agree with the principle of massive tax increases on housing, this is still a bad piece of legislation. It is poorly thought through. It will not provide the certainty that has been promised—in fact, far from it. It will actually provide the opposite. It will provide less certainty for more tax.

I will go through some of the key reasons why we believe this is a bad piece of legislation, both in the substance of the legislation and in the detail of the policy which will be implemented through various measures, many of which have not been seen yet, such as the regulations and the guidelines. It is a tax on housing and therefore an attack on housing affordability. Canberra is in the midst of the worst housing affordability crisis in the history of the territory. Never before, since the first sods were turned to make Burley Griffin's plan a reality, has the simple dream of homeownership been beyond the reach of so many Canberrans.

Canberra is now the second most expensive city in the entire country, and we hold that dubious honour by a negligible margin. We are only around \$10,000 cheaper than buying a home in Sydney, which itself recognises it is one of the most expensive cities in the world. The government may deny that there is a housing affordability crisis, but then why did Jon Stanhope introduce so many measures apparently to deal with the problem? Why was he so upset at the *Canberra Times* reporting on housing affordability that he ordered public servants to place an advertisement to refute the claims?

There is a housing affordability crisis in Canberra and the government should be doing everything it can to address that problem. But what is this government's response? A tax on houses. You have got a housing affordability crisis and the best the government can come up with is a massive increase in tax on housing. Blind Freddy could see what kind of impact that will have on affordability and on supply, particularly in the unit market, in the ACT.

This is not a small tax. This is a massive tax. Let us look at the numbers as they will be from 1 July and then as they will be just a couple of years later. And we only have to look at a snapshot. Of course we have now got the codification schedule of values, and I might go through some of the suburbs and how they are affected.

If you just look at a summary of suburbs and take a small snapshot, in Braddon, for five to 10 units, it is \$17½ thousand from 1 July and \$52½ thousand once the scheme is fully implemented. For 21 to 40 units, it goes from \$15,000 to \$45,000. In Bruce, it is \$13,750 from 1 July for five to 10 units, going up to \$41,250 per unit. In Mawson, likewise, it goes from \$13,750 per unit from 1 July to \$41,250. And even when we head out into the suburbs, in Belconnen, Hawker, it is \$10,000 per unit for five to 10 units from 1 July, moving up to \$30,000 per unit once the scheme is fully implemented.

Together with stamp duty, the ACT government will have its hand in new buyers' pockets to the tune of over \$80,000. To claim this does not have an effect on the final price is breathtaking denial. To state that the market will adjust is to take the responsibility from the government and place the burden on families. I cannot think of anyone who thinks the best way to make housing more affordable is to increase taxes by 10 or 20 or 30 times. There is no doubt that this tax will put up rents.

Renting is another area where Canberra holds a dubious national honour of being one of the hardest towns in which to rent in the country. We have some of the lowest rental vacancies in the nation and we have seen rents increase by around 70 per cent since this government came to office. If you speak to anyone who is seeking to rent in Canberra and they have seen that for one and two-bedroom units close to town or in and around Woden, they are paying upwards of \$400 and \$500 per week.

To suggest that putting another \$17,000 or \$30,000 or \$50,000 in tax on each of those units will not lead to significant hardship for Canberra families, particularly young people looking to get ahead—let us remember that it is young people who are often renting apartments during their time at university, during their time early in the workforce, often saving their money in order to buy a home—is a double whammy, is it not? We have seen house prices get out of control. Unit prices will go up. Those people who are looking to get into the market to buy will be paying much more for their rent. That will of course make it more difficult for them to pay those very high prices because of the amount of money out of their weekly budget which is going to service their rent.

This is a piece of legislation, as framed, that will discourage infill developments. I believe that we need a really good mix of greenfields development and infill in order to see the city grow in the way we would like it to. That is both from the perspective

of a vibrant growing city and from the perspective of having options for young people and often people who, as the kids move out, are looking for different options. They are looking for the townhouse or the unit in town.

So in terms of affordability, in terms of diversity, in terms of housing choice, in terms of underpinning a sustainable transport system, I think we can agree that encouraging unit development in the right places, along our transport corridors, at our major centres, particularly at our town centres, is the way to go. Putting a significant tax on one part of the housing market—that is, units—is not the way to achieve those outcomes. This will in fact discourage those kinds of outcomes.

It will therefore have flow-on effects. It will have flow-on effects because not only will there be fewer units coming on the market, affecting rentals, affecting cost, there will also be flow-on effects for the government as there is less turnover. Other areas of taxation, such as stamp duty, are affected through less turnover. Of course, infrastructure costs are greater if a greater proportion of your development occurs on the outskirts of town.

Of course, perversely, we know that in some areas, that is, residential infill areas, it may well devalue some properties. There is no doubt about it. This will hit at both ends, so that—

Mr Barr: So it will mean it will be cheaper?

MR SESELJA: Mr Barr interjects with his economics 101 analysis. But a tax cannot actually have more than one impact. If you have a \$50,000 tax, it is going to play out in a number of ways. The government is on the record as saying that it could be any one of three areas where it would hit or a combination of the three. The three areas are margins for builders and developers, land values and, indeed, the cost of the final product. And any reasonable observer would suggest that it is likely to hit at all three.

So we will see less product. We will see rents going up. We will see the cost of units going up. We will see in some areas the value of people's properties going down. All round, that is a bad outcome. And so what we will have is a policy that actually discourages the very thing that every party in this Assembly claims to support.

The obvious impediment included in this as a policy lever is obvious. Unfortunately, I think that that is one of the reasons, one of the rationales, behind this legislation. But of course, we also have a very poor process to get through this place.

Ms Gallagher: Yes, two years of consultation.

MR SESELJA: Yes, it was two years. But what we see is, firstly, you are trying to pretend it is not a tax. Then you sit there and have drafts of legislation, which are wildly altered late in the process to hide the details until the last moment. Indeed, most of the detail is actually not in this piece of legislation that we are debating. It was the Chief Minister across the chamber who claimed to me today that in fact the regulations have been provided. They have not. Again, you give us incorrect information. We are here debating a piece of legislation where the key elements would be through regulation and through guidelines and—

Mr Smyth: And we have not seen them.

MR SESELJA: We have not seen the regulations. And we are told today by the Chief Minister that some of the framework in terms of the process, they hope, will be completed at the end of this year. So we have had a terrible process, which has led to a terrible piece of legislation.

Let us have a look at some of the other areas of concern. One is off-site works, which was removed after consultation. One of the areas on which we have received the most consistent feedback is that off-site works that are required by the government should have some ability to be offset against the new tax. And I think that that is reasonable. I think that that has been the way that it has been to date. If it is convenient, if it works when developments for various off-site works are occurring, that should be taken into account and there should be some certainty that those off-site works will be offset against any taxes that are left, particularly in this case the change of use. The consultation draft included this recognition, at least as far as the public benefit was concerned.

Of course, after receiving all these representations, after going through this process about off-site works, what did the government do? They removed off-site works from the legislation.

Then we see the issue of commercial improvements. Another area is the real-world issue of commercial improvements. In the consultation draft, the V1 and V2 formulation for commercial projects did not include commercial improvements. Again, industry groups and professionals have said that existing commercial improvements form part of the consideration for the final formulation.

Let us have a think about that and let us use a real-world example. What the government is saying with this legislation is that if someone has a commercial office which is worth several million dollars and they are seeking to redevelop that into housing, in many cases that is going to be a good policy outcome for the community. We have an oversupply of office. We do not, in my opinion, have anywhere near enough housing in the city in particular. Encouraging that kind of development not only helps us deal with our very high office vacancies, it actually leads to better outcomes and having more people live in the city, which I think is a good outcome. Not everyone in the community might think that but we, the Canberra Liberals, believe seeing more people live in the city is a good thing for our city, a good thing for the growth of our city.

This legislation pretends that that asset does not exist. It pretends that that land has been cleared. It pretends that, in levying the change of use charge, that commercial office is irrelevant. So the V1 and V2 are not V1 and V2, because the value of the building that they have, which has the ability to earn income, is disregarded. So they are saying: "No. Go ahead and develop. We want you to. But we are not going to actually consider that you actually have an asset now, apart from the dirt. You have dirt. The building, we are going to ignore."

This is another serious issue with this legislation. It undermines any efforts to see the redevelopment of some of these buildings. It undermines efforts to see a diversification of housing choice in the city. It does it through a complete lack of regard for commercial realities, because it pretends that a situation exists that does not exist. It says: “We will give you V1 and V2, except for the fact that we are not going to give you V2. We are not going to give you the original value. We are going to pretend that it is something else.”

That goes, I think, to the heart of the poorly thought out nature of this legislation. It is not just bad legislation because it is a massive tax increase, it is bad legislation because it will lead to less certainty, when we were told that it was designed to give us more certainty. That was the big selling point. You have got to take your hat off to the Chief Minister because she has managed to take a principle that most people in industry supported, that of certainty through codification, and stuffed it up so badly that all we get is a large tax increase and no certainty.

The one selling point where industry was actually on board, that it would provide some level of certainty, has actually gone and in fact much of the response—

Mr Barr: This is where the Liberal Party is at now. Industry should write its own tax rates.

MR SPEAKER: Thank you, Mr Barr.

MR SESELJA: When we put this to officials—

Ms Gallagher: Yes, \$10,000. That is what they said they would pay.

MR SPEAKER: Order, members!

MR SESELJA: When we put this to officials and we talked about these particular examples, we kept hearing about the levers, how the government will be able to pull the levers. In that case, with the offers, maybe they would not make that decision to redevelop. So we will just reduce the charge. That is easy. That is simple. So the government—

Mrs Dunne: That is putting the politics back into planning, isn't it, minister?

MR SESELJA: That is right. So the government can just choose which developments are worthy of going ahead, which developments are worthy of paying tax. This is the definition. It is extraordinary that we have a piece of legislation here—

Ms Gallagher: As opposed to the property industry?

Mrs Dunne: And you are so good at picking winners, aren't you?

MR SPEAKER: Members!

Ms Gallagher: I am just trying to follow the law, Mrs Dunne.

MR SPEAKER: Ms Gallagher!

MR SESELJA: We have a piece of legislation being put forward here by the Chief Minister—

Mr Barr: It is better than following the trail of brown paper bags, Mrs Dunne.

MR SPEAKER: Mr Barr!

MR SESELJA: This is exactly it. Mr Barr refers to brown paper bags. That is what this is a recipe for—brown paper bags. He said it. Mr Barr said it.

Ms Gallagher: Except it comes to the Assembly.

MR SPEAKER: Order, members!

MR SESELJA: “Follow the trail of brown paper bags.” Mr Speaker, it is very difficult to hear myself; so I will have to speak louder to get over them. The brown paper bags—Mr Barr has touched on it. We heard about how he is going to take the politics out of planning. This is politics in planning, Wollongong style. That is what this is about. If you lobby well enough, you will not have to pay the tax. It is a recognition that the scheme is flawed. Why is it that the Chief Minister—

Ms Gallagher: That is absolute rubbish, Zed, absolute rubbish, and you know it.

MR SPEAKER: Ms Gallagher, please!

MR SESELJA: Why is it that the Chief Minister today, in referring to this tax, straight away referred to the remission? She barely referred to the tax. She pointed to the remissions. If you need to lead with the remissions, perhaps it suggests that the taxes are all wrong. If you need to focus on how many people are not going to pay the tax or how they are not going to pay it for a couple of years, maybe you have got it wrong. But when it comes to these issues—and this is the other part of the legislation touched on by the scrutiny of bills committee—the scrutiny of bills committee talks about this power to give the Treasurer this absolute right to determine a tax. It gives the Treasurer that ability. And this is a recipe for “he who screams the loudest won’t pay the tax” or “he who lobbies the best won’t pay the tax”. Everyone else will pay the tax.

Ms Gallagher: What a load of rubbish. Yeah, right!

MR SESELJA: That is exactly what this legislation does. She interjects “Yeah, right.” I look forward to her getting up and giving us a substantial reason why it cannot happen. And when we put it, we saw the sensitivity in the briefing from her office. Her office tried to rewrite history in that briefing. When the public servants told us that this is what happened, her office tried to say, “That’s not the case.” And when we pushed the public servants again, they could not deny the fact that it gives the Treasurer this power. It is an absolute recipe for corruption, because it is

suggesting that you do not have to pay this tax if you can make the arguments to government.

Mr Smyth: If you can make the case.

MR SESELJA: If you can make the case to government, you can say, “We support this development; that seems like a good development.” What we should be seeking is certainty. What we should be seeking is a regime which does not need constant remission, which does not need constant levers being pulled by government, where they decide which developments are worthy, where they are constantly determining which mates they will look after.

This is a bad piece of legislation. We will not be supporting it. It is poorly thought through and it is a massive tax on housing in the ACT.

Ms Gallagher: You’re in the pocket of the property developers.

MR SPEAKER: Ms Gallagher, thank you; that is enough.

Mr Smyth interjecting—

MR SPEAKER: Order, members! I do not want to have to eject anybody at this late stage of the evening.

Mr Smyth: On a point of order, Mr Speaker, under the standing order concerning imputations, Ms Gallagher has just said that the Leader of the Opposition is in the pocket of the Property Council. If she knows something then she should reveal it; otherwise she should withdraw the implication.

MR SPEAKER: Chief Minister?

Ms Gallagher: I am happy to withdraw it, Mr Speaker.

MR SPEAKER: Thank you. Ms Hunter, you have the floor.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (8.27): The change of use, now the lease variation, charge has been the subject of much debate over the last two years. There is no doubt that everyone involved has had the opportunity to put their views and that the implications of the scheme have been robustly debated within the broader community. It should also be noted that, in debating the bill, we have the benefit of very substantive, independent analysis of the proposed scheme that canvasses everything from the theoretical basis for imposing the scheme to the possible implications of the charges.

I think that in debating this bill and determining whether we should create a scheme like this, we should first focus our minds on the question of whether or not the proposed scheme is the most appropriate way of administering and regulating land uses in the territory.

The next, but very separate, question is the amount of the charge. This, of course, has been the subject of what could probably best be described as less than completely accurate claims. That is not to suggest, of course, that it is not a significant issue, but that we should address it as a separate and essentially standalone question.

On the first question, the scheme itself rather than the rates, I think we all agree that codification is a good idea and that we need a simpler and more transparent scheme that is both easier to administer and easier for the community to understand and plan around. It is no secret that there have been significant problems with the charge. We all know about the flat fee arrangement that came into being, contrary to the explicit requirements of the existing legislation. We also know that somehow things like demolition costs managed to creep into the equation despite there being no legislative capacity for this.

It should be a significant concern to all here that this happened, and I think that the proposed bill goes a long way to addressing these concerns. The Greens will have a number of amendments which are designed to even further improve the scheme, making it more transparent and, hopefully, easier to administer.

We all agree, including the ACT Property Council, that we need a better scheme, and a codified scheme that better reflects the value of the right that is being assigned to the lessee is the most appropriate way to go.

The scheme is premised on the idea that property developers should not receive a windfall gain because of the rights assigned to the lease by the community. This is a gain that does not come about because of their enterprise or ingenuity; rather, it is a recognised value that accrues because of new development rights granted by the lease. That value, of course, belongs to the community. The gain that belongs to the developers is the one they accrue from building a product that people want to buy—reading the market and people's tastes and preferences for housing.

There will, of course, be an argument about the practical reality in trying to fully articulate the extent of the right and the commercial reality of the returns that can be achieved from redeveloping Canberra properties. Everyone has recognised this reality, and the bill caters for this concern. That said, the Greens do have an amendment that more clearly articulates and responds to these issues.

It has been said that because there has to be a remission or some remissions, it is a bad tax. That, of course, is not the case and there is an intellectually honest way of addressing this issue. Without venturing into the numbers, I think that the proposition that the value of the right being assigned should be paid for is one that I certainly hope we all agree to, and to do anything other than that would not be good public policy. The public has a right to know how the system works and the amount of money by which the community is effectively subsidising development.

I have no doubt that the proposed mechanisms, within both the bill and the Greens' amendments, will overcome any risks to ACT redevelopment, and will be effective levers to ensure appropriate development and efficiently respond to the prevailing market circumstances.

It is a real strength of the new scheme that it properly recognises the value of the right being assigned and requires proponents to pay for those rights. In doing this we then have a really valuable ability to create the policy settings for truly sustainable development. Again, the Greens have amendments in this area that ensure that these mechanisms are better articulated and that the bill will comprehensively address the capacity that is being created.

Residential development, as well as the simpler commercial developments throughout Canberra, will now be very easily assessed and hopefully this will make the administrative process quicker and save both the government and proponents significant expense. No longer will individual valuations be required for every redevelopment. Instead, proponents will simply be able to look up the code and see clearly what they have to pay. This certainly is a very important positive that everyone has agreed is a major strength of the proposal.

There will, of course, remain the need for individual valuations, and the bill provides for this in all circumstances where developments are not covered by the codes. There is no doubt that the process will continue to be refined and improved upon, and the Greens understand the need to balance the capacity for refinement and evolution with the need to ensure that it is the parliament that is prescribing the tax and the bounds of that tax. The important question is, of course, how much should be set out in the act and how much can be delegated through a regulation or legislative instrument making power. This is another area where the Greens have amendments to clarify the scope of the task that the Assembly is delegating to the Treasurer and the minister.

I note that these very concerns are expressed by the scrutiny of bills committee and I also note the Treasurer's response. Whilst the response does address some of the concerns and attempts to explain the need for a level of flexibility in the scheme, which the committee recognised in its comments, it does not address the key issue of providing a framework around the decision-making process if it is appropriate to delegate the power. The Greens' amendments seek to do just that and ensure that the scope of the task being required by the parliament is set out clearly within the legislation we enact. The committee did not suggest that the charge be the exclusive domain of the parliament and recognised that it may be appropriate at times for the executive to be delegated with the task of keeping the scheme current and ensuring it can be applied as intended.

I must say that I disagree with the Treasurer's comments that changing the commencement provisions for disallowable instruments and regulations should be considered in the context of the Legislation Act rather than the bill itself. This response shows a significant misunderstanding about the nature and operation of the Legislation Act. Without delving into a long history about evolution of the way we apply legislative instruments and the way these provisions have been interpreted by the courts, I think it is sufficient to remind the minister that the Legislation Act creates a default position for regulations and instruments and explicitly contemplates that there will be occasions when it is appropriate to deviate from this position.

Section 6 of the Legislation Act 2001 provides:

- (1) A provision of this Act must be applied to an Act or statutory instrument, in accordance with the terms of the provision, except so far as it is displaced.

It is manifestly recognised in the Legislation Act that there will be times when the default position is not appropriate, and it is entirely appropriate that we debate whether or not this bill is one such occasion.

I would also quickly draw the Treasurer's attention to section 330 of the Planning and Development Act, which is, of course, the very act that we are amending. Subsection (2) provides:

- (2) Subject to any disallowance under the Legislation Act, chapter 7, the plan of management commences—
 - (a) on the day after the 6th sitting day after the day the plan is presented to the Legislative Assembly under that chapter; or
 - (b) if the plan provides for a later date or time of commencement—on the later date or time.

Clearly, the far-reaching implication of this, as the minister asserts in her response to the scrutiny report, simply does not exist.

As the scrutiny committee observed, we are effectively levying a tax, and there is a significant concern and it should be respected that parliaments levy taxes. Proposed section 279 is probably the most offensive provision in this regard as it gives an almost unfettered power to increase a tax with no provisions governing its use. Whilst we recognise that it already exists in the Planning and Development Act, that is, of course, no reason not to improve it. The Greens will be moving an amendment to displace the provisions of the Legislation Act and provide that the disallowance provision must expire before any regulation commences.

On the broader question about the impact of the scheme, the proof will, of course, be in the pudding and, as the independent analysis observes, we cannot tell exactly what the implications of the charge will be. It is simply wrong and quite unreasonable to say that any one party will pay the cost of the charge. I would have thought anyone would instinctively suspect that it would be distributed. The portions, of course, remain to be seen across all three participants—that is, the owner, developer and new purchaser. This theory was confirmed by the independent reports.

In any case, I am confident that the proposal provides sufficient flexibility to respond to changes in the market and will not have the negative effects that the opposition has been claiming.

The point should be made that we do have a relatively unique land tenure scheme in the ACT and we are trying something that does not exist in other Australian jurisdictions. As I understand it, it is relatively unique across the world. There will be issues that need to be resolved and creases to iron out. I think we should all come to it with an open mind and just accept that changes will be required at some point in time.

Given the complexity of the scheme, it is appropriate that we adjourn the debate today and debate the detail of the bill and the amendments to it on Thursday. I particularly want to thank members for their patience with my amendments, and I would also like to take the opportunity to formally thank all the officials from ACTPLA and Treasury who have been most helpful and very constructive in addressing my proposed amendments.

The process has been a terrific example of constructive engagement from both sides, and I do thank the minister's office, the Commissioner for Revenue and all of the Treasury and ACTPLA officials who have met with my office and provided very constructive feedback on our concerns about the bill and assisted in finding solutions to those concerns.

As I said, we will be putting those amendments forward. I believe that they address many of the issues that have been raised by the industry. I look forward to debating those on Thursday. Finally, I would very much like to thank my senior adviser, Tom Warne-Smith, for the significant effort he has put into this bill and for the hours of negotiations that he has undertaken.

MS LE COUTEUR (Molonglo) (8.39): I would like to echo some of Ms Hunter's comments on the bill and also elaborate on a number of the issues, especially those addressed by our amendments. First, I would like to make a brief comment on Mr Seselja's speech, which basically I think had one theme: if there is a tax, if there is a change, things will be different, and change is bad.

A good example of this would be his financial analysis. He basically said, "Yes, the tax will affect things and it might in fact affect three different entities—the developer, the owner of the land at present and the potential new owner of the development." He did forget the fourth entity that would be affected, which is the government, who presumably will get some revenue from this.

Basically, it could really only be said that he said things will change. Therefore, it is bad. But I think it is actually not quite that simple. Things will change, but not every change is bad. Some changes could be positive and some aspects of this could be very positive, in fact.

I think there is actually great universal agreement that codification is the way to go with lease variation charge. My understanding is that a couple of years ago we actually had the Property Council arguing in favour of the concept of codification because it gave certainty. Actually, I think that Mr Seselja has argued quite eloquently in favour of certainty. Certainly, codification is a way to get a degree of certainty as to what is going to happen.

I think the issues that have arisen are around the amounts of money. As Ms Hunter mentioned, about a year or so ago we discovered as part of this process that it seemed the charge before had actually absolutely no relationship to the increase in value of the lease. It was a totally arbitrary figure. But no-one is admitting that they had any idea how it happened. So I guess if people had known this at the beginning, the whole

debate might have been a little bit quicker, but at least we are coming to an end at this point in time.

The Greens have been particularly concerned that these figures are set at levels which are fair to the ACT government, noting that it is important that the ACT does get a fair tax break, because as we will debate in the budget debate, there are lots of things which we actually would like the ACT government to spend money on.

But as well as this, as Mr Seselja said, the charges have to be fair and reasonable to the development industry, the potential purchasers of any development and the current owners of property. There are a number of parties, all of which we need to be fair to. In regard to the ACT government revenue, we are all aware of how much the ACT relies on land release and land sales as an income stream.

One of the implications of shifting the ACT government focus away from greenfields development and towards increasing urban density, especially as we, firstly, start running out of outer urban land release and, secondly, make planning and development decisions that reflect our sustainability, climate and transport targets, is that this land sales revenue will start to decline. Thus it will be important, as we make the transition into an increase in other revenue streams in our near future, that this lease variation charge is one of these income streams.

Of course there are many other areas into which we will need to diversify our economy as we cannot be reliant only on development. One area is to focus on the green economy or the clean economy as the government prefers to describe it, which means encouraging and supporting through appropriate government policies other industries which can bring revenue to the ACT, such as waste management, the IT sector and sustainability innovation.

Certainly I can imagine that having a strong solar industry in the ACT could bring in a certain level of income—much more than having a small and declining solar industry, that is for sure. We also think that not only is it important that there be appropriate remissions for developers to transition to the new fee structure, but that there are incentives built into the scheme which help the ACT meet its strategic objectives such as our legislative climate change targets. This means building a well-serviced, compact and sustainable city rather than continuing the existing greenfield urban sprawl.

Ms Hunter will shortly be tabling a set of Greens' amendments when we get to the detail stage of this debate on Thursday; so it is not quite so shortly. The amendments will cover issues such as clarifying the process for the government to detail exemptions from the charge through criteria for sustainability, certain zones such as transport corridors and town centres, community facilities, heritage significance, environmental contamination, making the administration of the scheme more accountable by ensuring that all decisions and assessed values are published on the internet, and ensuring that the parliament has a better oversight of the scheme.

It is important to ensure that charges on development do not diminish the incentives for development close to the city. As Mr Seselja has said in his speech, as our city grows it is becoming more and more important that we develop more housing,

commercial uses and services close not only to the city but also to town centres, key group centres, and along transport corridors. In this year's budget we have seen some key relevant expenditures such as \$1.5 million for sustainability studies for infill development opportunities, \$1.2 million for master planning for group centres and rural villages, as well as transport corridors, and significant funding for transit ways.

It is pleasing to see that the government is moving towards a better understanding generally of how infill development needs to evolve around transport corridors and a shift in the way we build new areas. It is important that while the government does this kind of investigation and investment, the government's drivers and incentives—their financial drivers and incentives in particular—reflect these priorities.

Accordingly, Ms Hunter will be moving amendments to allow for the creation of exemptions and reductions for the charges to encourage development in strategic locations in certain zones such as transport corridors and town centres. We have left room for the government to stipulate which areas are high priorities for redevelopment through the creation of disallowable instruments.

It would be important to update these areas listed in the regulation on a regular basis to reflect changing priorities or perhaps indicate that an area has already been well developed. It is also critical that the government give the industry enough advance notice of which areas will and will not be eligible for remissions. On that point, I think there is some agreement between us and the Liberal Party.

The Greens think that there should be a range of incentives for developers to build as sustainably as possible. We have been proposing for a number of years that a sustainable development program should be established within ACTPLA which sets out sustainability criteria of new buildings and allows for a waiver of development application fees and change of use charges for eligible developments.

This legislation gives the government exactly the opportunity to align such sustainable planning objectives with financial levers; so I think this is very positive from that point of view—getting the financial part of the world and the planning part of the world talking to each other.

Around 73 per cent of greenhouse gas emissions in the ACT can be attributed to stationary energy use, which is largely due to building use and construction. For the ACT to meet its legislative target of reducing its energy use by 40 per cent by 2020 it is imperative that energy use of building construction is urgently and dramatically reduced.

Providing incentives for developers of both commercial and residential properties to develop buildings sustainably is an important step towards achieving this target. Again, like the proposed remissions on certain areas, we think it is better that the eligibility for waivers not be in the legislation itself but in subordinate legislation. I am getting organised for a motion I have on the notice paper for tomorrow about EER ratings. It provides a very cautionary tale on this.

People may remember—possibly Mr Barr is the only other person here who would remember—that the sale of premises legislation actually legislates what software can

be used under that act to determine energy efficiency ratings. Thus we have been forced to use out-of-date software in sale of premises evaluations for the past four or five years.

We are suggesting that the Treasurer be able to prescribe criteria which outline the energy efficiency requirements for a building which would be eligible for a remission of fees. Ideally, the criteria set out under this instrument would set a standard of sustainability and of sustainable development far higher than the minimum requirements—for example, for residential housing possibly requiring eight stars and for a commercial building requiring six green stars.

However, it could also be quite useful if the government were to indicate a sliding scale of remissions in its regulations—for instance, if a house is nine stars EER or more, it gets 100 per cent remission; if it gets eight stars, a 75 per cent remission; or seven stars, a 50 per cent remission. I note that the Urban Development Institute of Australia does support this type of proposal. In their view:

Incentives are a particularly important part of encouraging more sustainable urban development and include:

Providing financial incentives and grants to encourage innovative sustainability initiatives in new urban developments and housing;

Providing tax incentives and rebates to home purchasers who choose more sustainable homes and home products; and

Fast-tracking the approvals process for more sustainable communities and housing products.

Another area where we are proposing a remissions category is for community purpose uses. The government has suggested that childcare centres could be eligible for remission of fees. However, the Greens do not think this is practical to enshrine this in legislation. Rather, again, it would be better to list the eligible developments in regulation. For example, it could be that community not-for-profit childcare centres receive a greater remission than a for-profit childcare centre is eligible for. Other community purposes which could be relevant for waivers could include aged-care facilities—especially if the government found that there was urgent need for more to be built—health centres et cetera.

There are a couple of other areas that the Greens suggest could be appropriate to allow waivers for. One of these is for heritage significance. The reason this could be eligible for a waiver would be that the developer needs to spend additional funds on retrofitting a building in order to maintain its heritage qualities whilst ensuring that the building is able to have a continued use. This seems like a better outcome than allowing old heritage listed buildings to remain unused and possibly become derelict just because it is too expensive to both update them and pay the lease variation charge.

We also suggest that environmental contamination could possibly be a reason for remission. This has, in fact, been done through the past few years through waivers of change of use charge for the disused petrol station sites. Although this could have been listed on the “certain areas” regulation, allowing for a waiver when a developer

needs to pay excessive cost to remediate sites with particularly bad soil contamination is a sound policy proposal. Obviously, it would need to be clarified through this regulation whether the government or another entity should be responsible for the mediation costs and in which circumstances.

There is also a clause in our amendment which allows the Treasurer to outline other circumstances in which a lease change variation charge may be remitted. That could potentially include offsite works, which Mr Seselja has touched upon. Something else that he has touched upon—possibly it was Mr Smyth or both members—was transparency and accountability. This is something the Greens feel quite strongly about. We believe it is extremely important that remissions of charges are made public and we propose for this reason that all remissions and their reasons are published on the ACTPLA website.

The Greens, in presenting the amendments that Ms Hunter will be presenting on Thursday, are seeking to improve this legislation and to add incentives which will promote developments in line with our environmental and social goals. We hope that other parties will be open to supporting these goals and will support our amendments.

MRS DUNNE (Ginninderra) (8.53): As Mr Seselja has said, the Canberra Liberals will be opposing this legislation, and I would like to dwell on some of the reasons why this is such a terrible piece of legislation and why it probably offends the constitutionality of the ACT. This is an important issue and of course—

Mr Barr: The constitutionality?

Ms Gallagher: Not picked up by scrutiny, I don't think, that issue.

MRS DUNNE: Well, let us get to the issue of the scrutiny of bills committee report. The commentary of the scrutiny of bills committee treads into the constitutionality of the minister in this place being able to set a tax by regulation. It is unprecedented and, for the most part, wrong in law and wrong in terms of the constitutional powers that legislatures have.

Before I get on to that, I will deal with some of the other matters that have been touched on by the scrutiny of bills committee, because they touch on important issues in relation to this legislation. The advisers to the scrutiny of bills committee have drawn to our attention—and it has been drawn to the attention of the Assembly—that there are provisions within this legislation that impact upon the human rights legislation and some which are an inappropriate delegation of legislative power.

The advisers to the scrutiny of bills committee make considerable mention of the fact that there are impacts on the rights of property owners and compensation for the loss of property which need to be addressed in considering this legislation. The committee identified the effect of the operation of this scheme. Because it is a scheme that is done by reference to a code or matrix, it has an effect which, on the surface of it, seems to be an effect where everyone is treated evenly, but it has unintended consequences.

For instance, if you take two blocks side by side in the one suburb, it may seem reasonable that both of them should have the lease variation charge determined by a reference to the code or the matrix. But this code does not take into account the impact on those blocks of other pieces of legislation. For instance, a block may have a tree on it which is subject to the Tree Protection Act, which means that, if you wanted to redevelop the block, you could not cut down the tree. That would constrain the development on the block compared to the development on a block next door, but both blocks would be charged the lease variation fee at the same rate.

Similarly, if one block were the subject of the Heritage Act, you might have to maintain the setback on that block or the facade on that block or maintain a hedge on that block, and you would be constrained in the way that you could redevelop that block for residential purposes. But because it was in a particular suburb, you would have to pay the same fee as a block that was not in the same way affected by the heritage legislation.

The minister has been asked to address these issues by the committee. I noticed that the minister wrote to the committee in response to this but basically dismissed without much commentary the points raised by the scrutiny of bills committee. But these questions remain unanswered. Why, if a block of land is not the same as the one next door because it is constrained by legislation or by legislative fiat, should the owners pay the same fee? It means that some people will be advantaged and other people will be disadvantaged under this legislation which, on the surface of it, appears to treat all landowners the same. That is clearly not the case, as has been demonstrated by the scrutiny of bills committee.

More important from the point of view of this legislature is the issue raised by the scrutiny of bills committee regarding the wide nature of matters that are prescribed by regulation in relation to this piece of legislation. Mr Seselja in the debate so far and in comments on other matters earlier today and Mr Smyth also have drawn the Assembly's attention to the fact that the guts of the legislation is not in this bill but will appear later—as late as December this year—in the form of determinations and regulated matters.

These are significantly important, because what we are proposing to do today is impose a tax upon the people of the ACT, and this legislature as it stands now has almost no control over the level of that tax. The most important issue as far as I am concerned of those raised by the scrutiny of bills committee is the issue of the minister delegating to regulation the power to fix the rate of a tax.

I know the government calls this a lease variation charge. You may call it a charge, but in no way is this a charge in the conventional sense. A charge can reasonably be set by regulation. But this is clearly a tax. Although the government calls it a lease variation charge, even in its explanatory statements, it does call this a tax. The scrutiny of bills committee—

Mr Smyth: My apologies, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth?

Mr Smyth: It would appear that it is 9 o'clock. Is the minister about to move the adjournment?

Members interjecting—

MR SPEAKER: Order, members. Stop the clocks, thank you.

Ms Gallagher interjecting—

MR SPEAKER: Order! This is not a subject for debate on the floor of the chamber, I am afraid. There is no standing order that says anything about a 9 o'clock stop, and certainly the Speaker has no means to do that. It must be done by the minister. Mrs Dunne has the floor to continue, Mr Smyth.

Mr Smyth: If I may raise a point of order on the timings of debate and the adjournment debate, which is covered by the standing orders—

MR SPEAKER: Yes.

Mr Smyth: we were informed that we would debate until 9 o'clock and then go to the adjournment and then the house would finish at 9.30. If that has been changed, I have certainly not been told.

MR SPEAKER: I am sorry, Mr Smyth, there is no point of order, because the 9 o'clock finish is not covered by the standing orders at all. It is obviously an informal arrangement.

Mr Smyth: No, but that there be an adjournment debate is a standing order.

MR SPEAKER: Yes, but there is nothing in the standing orders beyond a 6 pm adjournment debate.

Members interjecting—

MR SPEAKER: Order! Thank you, Mrs Dunne has the floor to continue.

MRS DUNNE: Thank you, Mr Speaker. I notice that the Chief Minister, on her first day here, talking about openness and accountability in this place, has reneged on the agreement made by the government whip with the Greens whip and the opposition whip, which I witnessed in the lobby. I did say at the time, "I wonder whether the government will renege on this." And here we are: the Chief Minister, by her own act, has reneged on the agreement made by the whips.

Mr Coe: Pretty precious.

MRS DUNNE: They are pretty hopeless. They are really pretty hopeless.

MR SPEAKER: Order. Let us stick to the topic of the legislation, thank you.

Ms Gallagher interjecting—

Mr Coe interjecting—

MR SPEAKER: Mr Coe, Ms Gallagher, Mrs Dunne has the floor, unless you want to leave.

MRS DUNNE: Getting back to the substantive issue, the scrutiny of bills committee made a very important point which goes to the heart of what is wrong with this legislation. Section 276D of the act would empower the Treasurer to determine the rate of the charge. As I have said before, the committee went out of their way to have a small exposition in the report about what the difference is between a tax and a charge, and it says:

A tax is generally defined as a “compulsory exaction of money by a public authority for public purposes, enforceable by law, and not a payment for services rendered”.⁵ The LVC would not be characterised as a charge or a fee because there is no discernable relationship with the value of what is acquired upon payment of the LVC.

So the scrutiny of bills committee has said that section 276D delegates to the Treasurer a power which is customarily the responsibility of the legislature. This is a very important issue. The Treasurer, by this clause, has the power to determine the value of the lease variation charge almost without reference to the legislature.

If this legislature passes this today, they give up the right, which is a constitutional right. Mr Barr and Ms Gallagher may think that is amusing, but it is a constitutional right entrusted to us in this place to set the taxes for the people of the ACT. By agreeing to pass this legislation today, the Greens and the Labor Party say that it is all right to take that power away from the legislature, where it should rest, and give it to one person. This is entirely inappropriate, and it should be a matter of considerable concern.

Ms Hunter: Except we have got amendments.

MRS DUNNE: Ms Hunter says that she has an amendment to this, but her amendment, as she described it in her comments, is probably the least desirable solution to this matter. Section 276D derogates our rights and our responsibilities to the Treasurer, which is an unfortunate constitutional conundrum for us.

The Standing Committee on Justice and Community Safety raises these issues and also suggests some remedies for them. The most appropriate remedy, of course, would be to put the fees and charges in a schedule to the act where they are up front and clear for everyone to see. But of course, the government are not ready to do that. They have not got to the stage where they could create a schedule for the act. So they expect us in this place, on behalf of the people of the ACT, to pass a piece of legislation and then say: “Don’t worry; you can trust Katy Gallagher. She will impose the tax upon you at a time of her choosing.”

Not only is it initially set by the Treasurer at a time of her choosing, but, because it is set by regulation, the Treasurer can change that fee, that tax, without notice. For instance, the Treasurer could choose to change the fee on the last sitting day of the Legislative Assembly in a particular year. It would be impossible for this Legislative Assembly to disallow that charge, that tax, until late February or early March, meaning that there could be four months whereby a fee, a tax, could be levied and the people of the ACT would have no recourse. We could eventually disallow that fee or tax, but the people who had already paid it would have no recompense. They would have no recourse to a refund.

This is an entirely inappropriate process. It is unconscionable, for members of the Legislative Assembly to vote away their responsibilities in setting taxes on behalf of the people of the ACT and to derogate that responsibility to the Treasurer. This is the worst part of the legislation as far as I am concerned. It has real constitutional implications for the ACT Legislative Assembly. This provision alone should be sufficient for us to oppose this legislation.

This is bad legislation from whoa to go. The handling of it by this government has been appalling. The fact that we are here today debating this significant change in legislation without seeing all of the regulations which underpin it, without seeing the fee schedules which underpin it, is a repetition of what we have seen constantly from this government over the last few years. We saw it with the liquor licensing regime that came in: "Trust us. Pass the legislation and then you'll see the fee schedule and the regulations." It should not be done like this.

With major pieces of legislation which impact so significantly on the people of the ACT, it should be all on the table together. Like the government's health promises before the last election, it should all be on the table so that the people of the ACT can see it as a whole, so they can see all that it does and the whole impact before we agree to pass it in this place.

That the Labor Party and the Greens will collude together to pass this legislation today shows that they have no regard for the people of the ACT. They have no understanding of their powers and responsibilities as legislators. That they are prepared to derogate this important responsibility from this place to the office of the Treasurer is entirely inappropriate.

MR SMYTH (Brindabella) (9.09): Any time your explanatory memorandum is longer than the act that you are attempting to explain, you are probably in trouble. The problem with this bill is that the explanatory memorandum is longer than the bill. If you looked for a more convoluted, clunky, dishonest piece of legislation that has ever come before the Assembly, I would be very surprised if you could find such an act.

There is a famous judicial quote relating to statutory drafting that claimed that the legislation was so unclear that it would defy the oracles of Delphi to interpret it. I do not think that judge has seen this particular piece of proposed legislation. For a law that is supposed to bring certainty to the industry, you could not find a better way to hide the true intent than in the language and structure of this bill.

I would like to read members one section. For those that have not read it, read this, digest it and tell me in plain English what this means. Perhaps you could, Mr Speaker. I quote 276B:

Lease variation charges—amount payable

- (1) The lease variation charge for a chargeable variation of a nominal rent lease is—
 - (a) for a prescribed chargeable variation for which a charge is determined in an LVC determination—the determined charge for the variation ...

I defy anybody to tell me what that means. This government, pushing through this evening, wants all of us to make that law. I am going to read that again. This is a corker. I have been here for a long time and I do not think I have ever seen a clause like this. Clause 276B says:

Lease variation charges—amount payable ...

Perhaps the would-be Treasurer can stand up and explain it, because he is going to get to administer this after 1 July. Or perhaps the outgoing Treasurer, when she finishes yawning, can jump up and, with erudite sureness and swiftness, tell us what this means. It says:

- (1) The lease variation charge for a chargeable variation of a nominal rent lease is—
 - (a) for a prescribed chargeable variation for which a charge is determined in an LVC determination—the determined charge for the variation ...

I take it from the stunned silence opposite that nor can you explain that. When this gets to court, the judge is going to reach for the explanatory memorandum, which, as I pointed out, is longer than the actual act. When you look for section 276B, it goes for about a page, but it is no clearer. It is absolutely no clearer. It says:

New s276B sets out what the LVC is for prescribed chargeable variations and also for s277 lease variations. New s276B points to the relevant provisions and instruments that set out how the LVC amount for these chargeable variations is to be worked out.

Clear, hey, guys?

I will read it again. They are explaining that “the lease variation charge for a chargeable variation of a nominal rent lease is ... for a prescribed chargeable variation for which a charge is determined in an LVC determination—the determined charge for the variation”. What it actually means is that the new 276 sets out what the LVC is for a prescribed chargeable variation and also for 277 lease variations. That sentence does not even make sense. It is an explanatory memorandum but it actually does not make sense.

Mr Barr: It is probably operator error in this instance.

MR SMYTH: The smug answer from the would-be Treasurer is “operator error”. You are the operator, sport. You are the guy that is going to have to operate this come 1 July. I defy you to stand up and tell me what this section means and what the explanation means. The explanation goes on to say:

New s276B points to the relevant provisions—

I cannot see too many provisions—

and instruments that set out how the LVC amount for these chargeable variations is to be worked out.

Mr Speaker, we are being asked to pass something that does not make sense. Law is meant to be simpler. The whole new format of principles in law with schedules and then determinations and schedules underneath is defined by this. If ever there was legislation drafted to make it difficult to understand, let alone comply with, this legislation is it. I ask both the Treasurer and the would-be Treasurer to stand up and explain section 276B(1) when they get their turn to talk. I will be very surprised if they can.

And we have got the scrutiny report criticism as well as all the problems outlined above through having an EM that is longer than the act. The scrutiny committee raised even more problems—for instance, in one area, the right to property and compensation for loss. Its report said:

The reference here to “residential property” is to such property considered in the aggregate. Some individual owners of residential leases will of course suffer a loss under this scheme when compared to earlier schemes. Moreover, an owner will pay the same LVC as a neighbour would pay for an identical site notwithstanding that the value of the former property is less than the neighbour; for example where the former lease is affected by the operation of the *Tree Protection Act 2005*, or the *Heritage Protection Act 2004*. These examples are mentioned because they illustrate that the value of a lease may, subsequent to its purchase by the lease-holder seeking to vary the lease, be adversely affected by legislative change.

That is on page 5. I ask the Treasurer again, when she closes this debate, to explain how that will not happen—or if indeed that was what the intent of the law was.

I go to the wide nature of the matters that may be prescribed by regulation. This goes to page 6 of the report, which says:

A number of significant topics may or must be prescribed by regulation. The Committee notes the powers:

. to prescribe a variation as a chargeable variation (proposed section 276)—

which I have just been speaking to—

. to determine a lease variation charge (proposed subsection 276D(1));

- . to approve guidelines in relation to lease variation charges (proposed section 276E);
- . to prescribe matters in relation to the application of proposed section 277A; and
- . to prescribe the amount by which the commissioner for revenue must increase a lease variation charge for a chargeable variation of a nominal rent lease (proposed section 279).

That language is creeping into 279. I will read that again:

... to prescribe the amount by which the commissioner for revenue must increase a lease variation charge for a chargeable variation of a nominal rent lease ...

The committee draws these matters to the attention of the Assembly and recommends that the minister explain why it is desirable to delegate legislated powers in these ways. I look forward to the explanation from the minister. I hope she can do it.

It goes on on page 7, where it refers to “the minister and the power to fix the rate of a tax”. Other members have spoken on this. It says:

By proposed section 276D of the Act, the Treasurer would be empowered to determine the rate of a “charge”:

276D Lease variation charges—LVC determination

- (1) The Treasurer may determine a lease variation charge for a prescribed chargeable variation.
- ...
- (2) A determination must be made in accordance with any guidelines approved under section 276E.
- ...
- (4) A determination is a disallowable instrument.

It goes on to say

It is also the Treasurer who approves the guidelines referred to in proposed subsection 276D(2), and it is to be noted that any guidelines are disallowable.

These are big powers. As Mrs Dunne pointed out, there may be no constitutional objection to a law of the Assembly, whether expressly or by implication, and whether directly or indirectly, conferring a taxing power on the Treasurer. But these are the roles and rights of this place—to confer those rights. What we need is the clarity that is not given by the legislation. What we need, as the scrutiny of bills report says, is to get the minister to stand up and actually tell us what it does mean.

At the end of the day we can talk about the poor drafting; we can talk about the legibility; we can talk about the need for the oracle to try and solve it. Call me silly, but perhaps this will end up in court, because it is unclear. We will be back, I suspect, to make rectification on this.

At the end of the day, what this government is proposing is simply a great big new tax. We can call it a charge—we hear the mirth from those opposite—but it is simply a great big new tax imposed on change of use or on lease variations. It is important to emphasise that it is a tax. You can have obfuscation—you can call it a change of use charge; you can call it a lease variation charge—but at the end of the day a tax is a tax. The current Treasurer knows that. She actually noted it in her presentation speech. She said, “The charge is being classified and treated as a tax in our accounts.”

Ms Gallagher: That is right.

MR SMYTH: It has been classified—

Ms Gallagher: Yes, for compliance purposes it has been.

MR SMYTH: So to comply, it is being treated and classified as a tax.

Ms Gallagher: For compliance.

MR SMYTH: If you are complying and you look at it as a tax, then clearly it is a tax. The Treasurer also said that the charge had been brought within the purview of the Taxation Administration Act. What we are dealing with is a new or expanded great big tax on the ACT community. It is disingenuous not to call it a tax.

The argument is that there is some sort of return to the community. The community deserves the return. There is a spurious argument in there that the community somehow misses out on reaping the benefits of properties which increase in value. The government never misses out. The government, through its rates, picks up the increases in those property values.

Consider how the rating system works. Rates are imposed on the value of the property. The value of a property reflects its position in the market. If a property has undergone a change of use or a lease variation and has increased its value, there will be an increased return for the community—and not as a one-off; there is an ongoing increase.

We have the case where we are being told by people in the industry and by people in the community that this will mean that fewer properties, fewer units, will go onto a given block. We all talk about increased density and we all talk about the high cost of increased infrastructure and avoiding urban sprawl, but we actually have here a tax that will contribute to that. Nobody has debunked that. This will lead to fewer units going onto blocks in the inner city, and that is not desirable.

This is a tax on young people trying to get into the market; this will ultimately be a tax and a disincentive for older people trying to move out of the market; and this will

be a tax where, in relation to what you might make in the tax, what you make on the swings you will more than certainly lose on the merry-go-round of providing infrastructure. And given the way that this government provides infrastructure and, for instance, the inability of Mr Corbell when he was in ACTPLA to deliver infrastructure on time, on budget and on scope—and we have now put him back in charge—one can only expect that the amount of money that you will make from this change of use charge tax will be more than offset by the need and the urgency to bring on infrastructure further afield, with new greenfield sites and the size of the city as it sprawls across the Monaro.

We also have a claim that the government is about to provide a substantial subsidy to the development community. In a speech on 16 May, Ms Gallagher said that the ACT government is providing a substantial subsidy to the property sector through the remissions to the imposition of the lease variation tax. Ms Gallagher's statement is complete nonsense and again demonstrates her complete lack of understanding of economic and financial concepts. A subsidy is a payment, typically by government, to enable an industry or a company to continue operating through using the subsidy to make its prices more competitive.

Therein is the expose of this tax. The minister is saying that for the next five years, if she sticks to her subsidy line, she is subsidising the development industry because this tax will make that industry uncompetitive: it will skew the industry in such a way as to damage the industry. It is not a subsidy. A remission is never a subsidy. I know that is good language, and you want to salve those who are afraid of the effects of this tax. But a remission as some sort of generosity from the government is not a subsidy; it is simply a remission of the tax. It should be called what it is: a remission of the tax.

Ms Gallagher told the estimates committee on 16 May 2011 that it was important to place the quantum of the lease variation tax in perspective. She said that, in an overall revenue take of \$1.2 billion, the lease variation tax of \$20 million is relatively minor. Again, Ms Gallagher displays a sad ignorance of taxation theory. Mr Barr gets this, because Mr Barr has spoken to committees in the past about the effects of taxes. All taxes have an effect, don't they, Mr Barr?

Mr Barr: Indeed.

MR SMYTH: Yes. Mr Barr knows that; Mr Seselja knows that; I know that. Apparently the Treasurer does not know that all taxes have some sort of effect. And there again we have Ms Gallagher displaying a sad ignorance of taxation theory. A new or expanded tax will inevitably cause people to change their behaviour. That is what taxes do. This is one of the givens of taxation theory. Some taxes are intended to change behaviour explicitly, such as an excise tax on cigarettes and tobacco. Other taxes do not have an explicit intention to change behaviour, but in their application they cause people to consider how transactions can be changed to avoid or minimise the tax.

I will give you a great example. Federal Treasurer Keating said in 1985 that the capital gains tax would only raise \$25 million in its fifth year. It now raises about \$8 billion a year. It has created a new advisory industry and caused people to change the way they deal in assets. Even a minor amount—if \$20 million is minor; I do not

think many in the community would say \$20 million was minor—of \$20 million will result in changes in behaviour. That is why this tax should be defeated this evening.

MR COE (Ginninderra) (9.24): I, too, would like to briefly put on the record my objection to this unfair change of use charge cum tax. As has been said already, whilst there is fairly broad agreement that codification is welcome, the devil is very much in the detail. The devil is in the rates.

At a time when the ACT Labor government claims to be seeking to address housing affordability issues, this cash grab will hurt Canberrans in many ways. Whether it be in slowing down construction, this creating fewer jobs, whether it be in driving up the cost of redevelopments in areas where this government supposedly wants urban infill to take place, whether it be in further restricting the market to be able to keep up with housing demand or whether it be simply in driving up the price of housing, this is vintage Labor tax policy at its worst. It is a policy motivated by the short term, because Labor cannot manage our budget. It is a tragedy that Canberra families and the property sector should have to plug the holes in ALP deficits.

When it comes down to it, the problems are simple: the level of the rates is unreasonable and the uncertainty it creates will paralyse the sector. The Canberra Liberals are rightly opposing this unreasonable cash grab.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (9.25), in reply: I was not sure that other members had finished.

MR SPEAKER: No, the floor is yours.

MS GALLAGHER: Thank you, Mr Speaker, and I thank other members for their contribution to the debate this evening. There are obviously a number of speakers who have spoken tonight whom I do not agree with. I do not think that will be any secret, considering we have been discussing this and disagreeing with this over the last two years.

The thing that no member has touched on tonight is that the significant change in what people are paying for lease variation charges has occurred already. It occurred in May last year, when the government responded to an audit report where it was clear that a fixed-fee arrangement, contrary to the legislation, had been put in place, and the government moved to respond. Independent valuations have been required since May.

What we have seen since that time is that there has been no change to activity levels and, indeed, the average price per unit being paid has gone up, I think, to the end of April this year, to \$10,000 per unit. So that is the significant hike that has happened. It has gone from \$1,750 per unit to \$10,000. And that is the difference. In regard to rectification, nobody in this place in the past 12 months has sought to come in and change it.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, please!

Ms Gallagher: The Liberals over there oppose this change, but in 12 months, since we fixed a system, a situation that was broken, since we changed the system, the Liberals have not come in here and said that that was the incorrect thing to do. The move from rectification to codification will not be as great. Indeed, with the remissions that we have put in place to allow transition arrangements to the new scheme will ensure that any increase will be, at best, minimal over the next few years.

Mr Seselja interjecting—

MR SPEAKER: Please, Mr Seselja!

MS GALLAGHER: The legislation before the Assembly amends the Planning and Development Act 2007, the Planning and Development Regulations 2008, the Taxation Administration Act 1999 and the Unit Titles Act 2001 to codify the lease variation charge, previously known as the change of use charge. This project commenced following the 2009 budget, and over the past two years the government has undertaken a significant amount of work, an extraordinary amount of work compared to the relative amount of revenue, to make sure that we get this system right.

There has been considerable discussion in public, at committee hearings and in this chamber. There are very different perspectives on this matter and those perspectives have also been drawn out quite clearly. The government has provided ample opportunity and time for that to occur. I will not take members' time going through all the details of the work and all of the arguments, but I will cover off some of the main points and address the issues raised in the scrutiny of bills report.

The important point to remember is that this legislation that we are discussing today is about codifying the charge. The government undertook to codify the system in response to industry concerns. Codification will provide certainty and clarity to the industry and increase efficiency in the system. It will provide certainty to developers, who will know up front any charges that they will be required to pay for undertaking their redevelopment.

This is not a debate about whether there should be a lease variation charge or not. The charge is integral to the territory's leasehold land system. It is unique to the territory, and comparisons with other jurisdictions are irrelevant. There have been arguments that the charge has adverse impacts. A range of potential adverse impacts have been mentioned at various times, for example, on housing affordability, supply of dwellings, land prices et cetera. Some of these arguments are in fact contradictory, depending on who is putting them and on what disagreement they are having with the legislation.

The government understands the development industry's perspective. It will obviously seek to pay as low a charge as possible, and that is obviously a position that the Liberal Party supports. The arguments from the Leader of the Opposition are difficult to sustain. The government has commissioned a number of independent reports from eminent academics with high credentials. Both Professor Nicholls and Professor Piggott consulted with the industry, sought its input and any evidence to support the claims that were being made. Their reports do not substantiate the

arguments put forward by the Property Council or indeed the fact that the opposition has adopted the Property Council's position in its entirety.

The charge has a sound economic base. It has been a part of the territory's revenue system since 1971. It is all about payment for granting additional development rights to a lease. In essence, it is no different from the payments for a greenfield land site. It is correct and it is important to charge the market value for the additional development rights. If this is not something the Liberal Party supports, then they should be clear on how they would impose a lease variation charge. If it is not going to be based on the market value, what is it going to be based on or don't you think it is a fair and reasonable charge to impose at all?

As an analogy, a soft drink company should in principle be expected to pay properly for the water it uses. That is an input to its product. If it is not charged the full price of water, it will have an unfair benefit and an unfair advantage over a company that pays the proper price of water. And of course there is no guarantee that the company will pass on the benefit to the consumer, especially if there is strong demand for the product. Likewise, there is no evidence that the benefits of low, fixed fees were passed on to home buyers—no evidence at all.

This leads to the next point, the apparent increase in charges. Indeed, there are significant increases compared to what was being paid before rectification. In one sense, that highlights the extent to which the community did not receive its due share of the additional development rights. But as I have previously drawn to members' attention, the increase should not be attributed to codification.

Mr Coe: Bring up the communist manifesto while you are there.

MR SPEAKER: Mr Coe, really!

MS GALLAGHER: The charges in the schedules are based on market value. In fact, the three-year averaging will have smoothed the effect of increasing land values in the most recent year. The schedules have been developed by the Australian Valuation Office. They have been reviewed by an independently chaired panel. The panel had experts from AVO and the Australian Property Institute, the body accrediting professional valuers. This process will be repeated every year.

The government has recognised that the industry needs time to transition to market land values, as envisaged under the current legislation. The government has provided generous remissions for the transition period. The subsidy to industry, based on past activity, is estimated at around \$45 million over four years, compared to implementing the charge at the 100 per cent rate. Last week, I also announced—

Mr Smyth: It is not a subsidy.

MS GALLAGHER: That was just for you, Mr Smyth. Last week I also announced that the government had decided to implement the schedules contained in the Macroeconomics/Nicholls report when codification commences on 1 July 2001. These figures were released in November 2010 and have provided industry with sufficient time to consider these values and make decisions regarding future

redevelopments in the territory. This decision will give industry sufficient time to examine the schedules and plan ahead for next financial year.

Turning to the scrutiny of bills report, the committee raised three main issues surrounding the Planning and Development Amendment Bill. I have provided a written response to the committee and I will only briefly address the issues raised in the report and respond to the committee's concern.

Firstly, the committee appears to draw a conclusion that individual owners of residential leases will suffer a loss under this scheme as compared to earlier schemes. The committee has asked for an explanation of what consideration was given to compensation under the scheme in respect of leaseholders who will suffer loss arising out of the operation of the scheme proposed. The government does not agree with the conclusion and the premise underpinning the recommendation. The committee has not specified what earlier scheme is being referred to. Codification of the lease variation charge cannot be compared in general to earlier schemes.

Prior to 31 May 2010, there was a fixed-fee arrangement in place for some types of residential development, with developers paying a lease variation charge well below the market value for the site. I note—and this is something I have pointed out in my response to the committee—that it has referred to text in section 6 of the Macroeconomics/Nicholls report, which states:

Use of land market indices under residential codification, rather than the valuation specific to a specific property used under the current CUC system means some property holders may be disadvantaged, while others will be advantaged.

The disadvantage relative to specific valuation is not tantamount to loss which would require compensation, an important point that needs to be recognised. Also, the committee is drawing on the cost-benefit analysis section which goes on to assess the impact as being negligible or nil. And I hope that responds to the committee's concern.

It is useful, however, to clarify some matters of fact. The committee's report says that many, probably the vast majority of, residential leaseholders will be affected by this code. The lease variation charge is a voluntary charge for the purchase of additional land rights. It becomes applicable if a variation to the right attached to a specific parcel of land is sought. For example, in 2009-10, the lease variation charge was paid for development on 113 blocks. The committee appears to conclude that the examples that it provided illustrate that the value of a lease may, subsequent to its purchase by the leaseholder seeking to vary the lease, be adversely affected by legislative change. The government disagrees.

The market value of a lease depends on the rights and limitations attached to the lease, apart from the supply and demand conditions in the market and the site characteristics. The proposed legislation does not seek to change the existing development rights for leaseholders.

The committee appears to raise concerns with the wide nature of issues that will be subject to regulation. It is worth while pointing out that in this part of the report the

committee does not appear to have examined the nature of those matters and whether they should be subject to regulation or not, and it has not provided a rationale for its suggestion that the regulations take effect at the end of the disallowance period or as approved by the Assembly.

I understand that there are some very active discussions going on between the government and the Greens on some amendments being drafted by them. These have been discussed, I think since Monday afternoon, and that is the reason why we are only going to the in-principle stage today, to allow those discussions to continue. I would suggest if the Liberals wanted to be relevant in this debate they could actually engage in that process as well.

Mr Seselja: We have not seen the amendments.

MS GALLAGHER: That is not my problem.

Mr Seselja: What a cosy coalition.

MS GALLAGHER: There they all go, even at 9.30. This bill is not the appropriate vehicle for discussing such an approach. They are feeling left out and irrelevant, I think.

Mr Smyth: Explain 277.

MR SPEAKER: Thank you, Mr Smyth!

MS GALLAGHER: I will get to 277, if I have enough time, or 276A(1), or whatever it was you were talking about. I will get to it because it is actually quite—

Members interjecting—

MR SPEAKER: Members, enough interjecting!

MS GALLAGHER: When one reads it, without a particular point to make, it is actually extremely understandable.

Regulations are used in a number of respects. They allow the government to respond quickly to unforeseen issues and changing circumstances in an efficient manner without the need for lengthy legislative amendments.

The matters proposed to be subject to subordinate legislation are the specification of what is chargeable and non-chargeable lease variations, schedules of charges, guidelines for setting the charges and treatment of off-site works. These matters are better suited to subordinate legislation. Property valuations can change quickly, depending on market factors, and it is crucial that legislation retain the ability to adapt to these changes as required. As I said, I understand there are some discussions going on around some potential amendments to this particular part of the bill.

The last issue raised by the committee relates to section 276D. The committee has noted that the explanatory statement does not seek to make a case for the rate to be set

by delegated legislation and that the bill does not prescribe either a maximum figure above which the minister cannot determine a rate or, alternatively, a formula by which the rate can be calculated.

I note the committee has accepted the general approach that where the rate of a levy or tax needs to be changed frequently and expeditiously this may be better done through regulation than by enabling statute. We believe the lease variation charge falls into that category. It is to be based on market values and, as such, would need to change regularly. The same approach is taken to general rates and land tax.

A comparison will be with the price of greenfields land. That is not set out in the legislation. The codification schedules will be included in a disallowable instrument giving the Assembly power to overturn if it so wished. Putting a cap or other restriction on the charge in the act itself would be inappropriate. It would be inappropriate because it would not prevent the lease variation charge being determined in accordance with market values as envisaged. It would also prevent adjustments being made to take account of developments in valuation methodologies and related policies and, likewise, a formula cannot be prescribed.

In conclusion, this bill is a practical step to undertaking important microeconomic reform in the territory. I am disappointed that the opposition is not supporting these changes and not coming up with an alternative of how they believe the community should receive return from the additional granting of redevelopment rights for an asset the community owns.

In relation to that particular subsection that Mr Smyth has referred to, subsection 276B(1)(a), that is essentially saying that a lease variation charge is chargeable for a particular variation. If you are getting extra redevelopment rights granted and the lease variation charge payable is dealt with via the lease variation charge determination, that, to me—and maybe it is because I have been studying it for two years—is very clear.

Question put:

That the bill be agreed to in principle.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

Debate (on motion by **Ms Gallagher**) adjourned.

Adjournment

Dr Mick Mickelburgh—death

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (9.45): I move:

That the Assembly do now adjourn.

It is with some sadness tonight that I express my condolences following the death of Dr Mick Mickelburgh, a valued member of the ACT Civil and Administrative Tribunal and a former psychiatrist member of the Mental Health Tribunal of the ACT. Dr Mickelburgh died on 13 May this year at the age of 88. I think it is appropriate tonight that we briefly mention and pay our respects to a man who tirelessly gave of himself to others as a highly respected psychiatrist.

Dr Mickelburgh was appointed as a psychiatrist member of the ACT Mental Health Tribunal in 1995 and had been a member since. He was appointed as senior member of the ACT Civil and Administrative Tribunal when it commenced in February 2009. Dr Mickelburgh continued to work in the ACT Civil and Administrative Tribunal until a couple of weeks before his passing on 13 May. This is a testament to his tenacity and commitment to the highest standards of patient care and to providing support and guidance for those who came before the tribunal because of mental illness or impediment.

I know that I can speak on behalf of all tribunal members in that they valued greatly Dr Mick Mickelburgh for his expertise, professionalism and the compassion he lent to all mental health hearings. On behalf of the government I would like to extend my deepest sympathies to his family at this time.

Republic of Croatia—independence

MR SESELJA (Molonglo—Leader of the Opposition) (9.46): This week marks the 20th anniversary of the independence of the Republic of Croatia, and I just wanted to mark that. It was last night that I had the opportunity to attend an event at Parliament House hosted by the Australia-Croatia parliamentary friendship group and the Ambassador of the Republic of Croatia, Vicencije Biuk, and I thank them for hosting that.

At that function Mr Josip Zivko delivered a speech which was extraordinarily eloquent. I want to quote from that speech tonight, because I think it sums up really well the story of Croatian Australians and how they have come to Canberra. It reads:

Australia is truly the best country in the world in which to live, and I wish the rest of the world was so fortunate. It is the best characteristics of Australia that I wish for Croatia to have as well: freedom, opportunity and security.

Many Croatians came to Australia after World War II to escape the oppressive regime in Yugoslavia. Croats were very much treated like second class citizens. Many present tonight were persecuted by the State because of their nationality, intimidated, orphaned, deprived of education and fled seeking freedom and a better life. They made their way to Australia, following friends or relatives into the unknown, and leaving loved ones behind in poor conditions, often terribly oppressed by a regime that wanted them to flee as well. They started new lives, and helped those they left behind. There would be setbacks, but they would try again. They embraced Australia, took opportunities to work and learn, build and grow, recognising their good fortune in coming to this great land. Once settled they redirected their energy towards making a better life using their minds, and not just their hands. They made many sacrifices so that future generations could have an unobstructed path before them, and on behalf of so many I thank them for that.

I cannot begin to understand how difficult it must have been to leave your homes and your families, knowing you may never return, and, carrying the heavy burden of responsibility, knowing that the very act of leaving may lead to further persecution of those left behind.

I have heard many stories sad and courageous, fortunate and tragic. This gave me only a peek into the window of the hearts of Croats at home and abroad, and what independence for Croatia could possibly mean for them. Living their lives in a heightened state of anxiety, independence could finally provide relief, knowing that all Croats could enjoy the liberties we take for granted in Australia.

I first travelled to Croatia as a 9-year old with my mother and sisters in 1982. My father was not allowed to go to Yugoslavia as he had not done military service and would have been locked up. I remember going with my mother to report to the police in her home town and be questioned about my father and other family members in Australia. My mother implored that I take nothing to eat or drink from the police, people I had been taught in Australia to trust and go to if in need of help. Such was the fear that people lived under every day.

It was such a relief for Croatia to be independent, free of the oppression that had become normal. A country with such natural beauty, cultural wealth and tradition could finally determine its own future. That its people could vote and choose their destiny for themselves.

For many Croatians who made Australia their home this battle for the independence of Croatia was hard fought and seemed to last forever, but they never gave up. Time has made many realise that despite their love for their homeland, which they can visit freely now, Australia is their home. Many have enabled my generation to have opportunities they only could have wished for and now their grandchildren have the good fortune to live and grow in Australia with their grandparents free of the burden they carried for much of their lives because Croatia is free.

I thank Mr Zivko for that speech, because it eloquently sums up from this generation of Croatian Australians just what that journey means and the sacrifices of so many who came from Croatia to make a better life here in Australia. He also eloquently sums up just how grateful we are to live in a wonderful nation such as Australia. As a product of that Croatian-Australian community I would like to pay tribute to all those who came, all of those who have made sacrifices, all of those who still contribute to the Croatian community here in Canberra. I thank the Croatian community for the contribution they continue to make to the ACT, like so many other migrant communities, which is a significant one. We are a richer city for it. We are a better nation for it. On this 20th anniversary of independence for the Republic of Croatia, it is a great time to reflect on that and on just how far we have come.

Carrotmob

MS LE COUTEUR (Molonglo) (9.51): I would like to talk briefly about Canberra's first Carrotmob, which happened on the June long weekend for those of us who were not away then. Some of us went to the Ainslie IGA. Mr Speaker, I saw you there as well. Some people here may not know what a Carrotmob is. A Carrotmob is the idea behind there being sticks and carrots. Carrotmob is a bunch of people getting together to be the carrot, to encourage businesses to do the right thing, to do something more sustainable.

In this case, the Carrotmob was organised by the bunch of people who put together the love40percent campaign. They went around businesses and said that they could get a bunch of people together that would go to the business that offered the best deal from a sustainability point of view. So they went to Ainslie IGA because Ainslie IGA said that they would spend 100 per cent of the additional profits they got on that Saturday for sustainability things. Actually, it was not 100 per cent of the profits. It was 100 per cent of the extra sales above their normal ones. That is a seriously large amount of money. In fact, it turned out to be \$12,000.

As I said, I was there. It was a really nice event. Ainslie IGA was full of people. It was full of people who said that they had never been there before. They asked themselves, "What would I like to buy here?" I was one of those. I bought some things I would not otherwise probably have bought. There was music, there were carrots to eat, there was carrot juice. It was all in all a really nice day and a really good, positive way of encouraging the positive change which is happening in many places in Canberra. I hope we see many more Carrotmobs in Canberra.

World Refugee Day

DR BOURKE (Ginninderra) (9.55): Mr Speaker, yesterday was World Refugee Day. This year also marks the 60th anniversary of the 1951 Refugee Convention, giving us yet another reason to celebrate. This week has also been designated National Refugee Week.

Last Saturday I was proud to represent the Chief Minister, Katy Gallagher, at the seventh annual World Refugee Day soccer tournament at Cook oval. I presented trophies to the winners and runners-up at this brand new tournament, which celebrated

the refugees' new lives as well as their cultures. Refugee communities from around Asia and Africa shared their common passion for sport at the Cook oval, a few streets away from my home.

The ACT is home to several active emerging humanitarian and refugee communities. There are about 800 Sudanese, 500 Burmese and 100 from Sierra Leone as well as smaller groups from Liberia and Rwanda. Canberrans come from over 200 different countries. Approximately 22 per cent of people in the ACT were born overseas and 14 per cent speak a language other than English.

Race is a major feature of Australian politics. In the 2001 and 2004 federal elections, and still today, the hot issue is that of refugees arriving by sea. We hear the rhetoric about turning back the boats. We know that 55,000 illegal immigrants get here by plane and then overstay their visas. Yet we hear nothing about turning back the planes. Have Australians developed a phobia about sea travellers despite the fact that the majority of our ancestors got here by boat?

The answer is simple. Many of the people on planes are from North America and Europe. The ones in the boats are from Sri Lanka and Afghanistan. It is as obvious as black and white. This is not an issue about how people travel to Australia. It is an issue about their race. We are all prejudiced about people who are different from ourselves. Prejudice is a simple unthinking judgement about another's race, religion, sexual preferences, gender or other difference.

In the case of race, it is what we do about our prejudice that makes us racist or not. Revered and loved Australians like Cathy Freeman, Kamahl and Victor Chang show that we are able to embrace and respect those whose ancestors did not solely come from Europe. As well as this, our shared sense of appropriate behaviour demands that we are not racist, that we do not oppress or belittle people because of their race. The power of an implied racial message rests with the inability of most Australians to recognise it. The slogan of border protection pops directly into their subconscious and they react without thinking.

For the 10 per cent of Australians with ancestors from outside Europe, the racial message is as obvious as the nose on your face. Refugees have been a part of Canberra's communities since its founding. The most obvious examples are the families who fled here after the Second World War building the Snowy Mountains hydro scheme and then settling in Canberra. Now we have people from Afghanistan and Africa.

The soccer tournament was organised by Companion House, which works with people who have sought refuge in Australia from persecution, torture and war-related trauma. It receives ACT and commonwealth government funding. I am aware that my colleague Minister Burch organised an event just a few months ago called the Global Cricket Challenge. From all accounts, it was an enormously successful day with dozens of young people from Canberra's emerging communities taking part.

It was very clear to me from attending the World Refugee Day soccer celebrations on the weekend that sport can provide wonderful opportunities to engage with young people from refugee and multicultural backgrounds. This is why I have already had

discussions with Minister Burch about organising additional sporting challenges for young people in my electorate. The first one we will be organising will be a special soccer tournament for young Aboriginal and Torres Strait Islander people and their families; so stay tuned for more details.

The ACT has always provided a home to people from all backgrounds and countries and we must continue to work to ensure that everyone feels welcome.

Downer Community Association

MR HANSON (Molonglo) (9.58): I rise tonight to talk about the Downer Community Association, which I visited on 6 June. I note that Ms Le Couteur sparks up and pays attention as a proud Downer resident. We did discuss you on that evening, with compliments.

I was invited to attend that meeting on 6 June at the Downer Community Centre at Frencham Place in Downer. The first point I would like to make is what a friendly bunch of people the Downer Community Association are. They have a very good way of conducting their meetings; it is around a square table, which we eventually found. It was actually hidden in the wall, but that is a whole different story. There were nibbles and wine, and I was really impressed with the way they conduct their meetings—professionally, but also making sure that they enjoyed the evening well.

I was also taken by the practical perspective that the Downer Community Association had on matters. I think there is a tendency that community organisations can be somewhat one eyed, and I found that the Downer Community Association, in discussing a number of issues, in particular planning issues, took a very reasonable and level-headed approach to the issues that they were discussing. I was very impressed.

A particular highlight was that I was presented with a book called *Downer at 50*, that has been compiled by Jennifer Garden, Miles Boak and Denys Garden. I was lucky enough that Denys and Miles were there that evening and signed the copy for me.

To the members of the Downer Community Association, to Miles Boak, the convenor; to Di Fielding, the secretary, to Denys Garden, the treasurer, to Steve Sedgwick, the public officer, to Robyn Unger, the centre liaison officer, to Amit Barkay, the centre maintenance, and to Patti Kendall, Maurice and Margot Lynch, Meg Boyd, Brian Callahan and Barbara Burns, congratulations on the efforts you make towards the Downer community. Well done on what you are doing, and thank you for the evening that we spent together on 6 June.

Cystic fibrosis

MRS DUNNE (Ginninderra) (10.00): On 28 May I had the pleasure of attending the 65 roses for Cystic Fibrosis ACT gala night. The night was emceed by Sky News Canberra team member David Speers and the entertainment was provided by Annie and the Armadillos, Tony Haley and the Eden Dance Academy.

The Cystic Fibrosis Association is, as members would know, an organisation which is close to my heart. I want to pay tribute to David Jessup, the vice president of the association, who gave a heart-warming presentation on his experience in raising a family where one member has cystic fibrosis. David revealed that their daughter was born in Thailand and was diagnosed with cystic fibrosis. When he said his daughter was born in Thailand, my heart sank because cystic fibrosis is unknown in the Asian community. It was a confounding disease for the medical authorities in Bangkok to deal with.

On the night there were probably about 200 people at the National Press Club, and there was an extraordinarily generous outpouring through the buying of raffle tickets, silent auctions and live auctions as well. The association raised many thousands of dollars, which goes directly into the ACT community providing financial aid and assistance to members of the community.

It is also very heart warming to attend events like this and to see the increasing number of people who are getting on in years. For instance, when my eldest daughter was diagnosed with cystic fibrosis 30 years ago, we were told that she had a life expectancy of perhaps 15 years. It is now not the case that families are told these things, because the improved treatment over the years has extended the life expectancy of these sufferers in many cases well into adult years, and that is increasing every year. But it also gives one cause for pause, because every time there is an event like this, we have to mark that another one of the association has left us and left behind a bereaved family.

I would like to pay tribute to the 2011 committee of the ACT Cystic Fibrosis Association: Steve Williams; David Jessup, the vice president; the stalwart of the association, Barb Mills, who has been on the board for as long as I can remember; her deputy secretary, Jenny Sait; the treasurer, Ruth Riach; Tania Minogue, who was the chief organiser of the event; Katie Down and the Down family, who have been associated with the Cystic Fibrosis Association for as long as I can remember; and Katrina Hughes.

The association does great work for the hundreds of families in the ACT who have members who suffer from cystic fibrosis and for the increasing number of adults, ensuring that there are improved facilities and improved ways of treating and advocating on behalf of cystic fibrosis sufferers, both child and adult, across the community.

There is much that we can do to support organisations like this, and I encourage members to find the time to attend and support the medical charity of your choice. I suppose that CF is mine. I know that Mr Hanson does a great deal for Diabetes Australia and the Heart Foundation. I think it is very important that we in leadership positions here show support for these organisations that do great work in the community.

Red Nose Day

MR COE (Ginninderra) (10.05): Today I rise to talk about Red Nose Day. Red Nose Day began back in 1988 and its instant success has ensured it has remained a fixture

on the Australian calendar ever since. In their first year alone, Red Nose Day organisers were successful in raising in excess of \$1.3 million for the SIDS Foundation. This event encourages us all to get a little silly to raise money for a worthy cause and is held on the last Friday of June each year. This year it takes place on 24 June, this Friday. The Sudden Infant Death Association of the ACT and Southern Districts, what we know as SIDS and Kids, was formed in 1978 by a small group of parents who had lost their children to SIDS. Since 1999, SIDS and Kids has offered support to families who have lost children unexpectedly from SIDS or any other cause.

Losing a child is surely one of the most devastating experiences someone could ever endure. Often that pain can be magnified when the cause of the death remains uncertain. This is where SIDS and Kids can be so helpful. Whilst almost every Australian instantly recognises Red Nose Day, they may not realise how their contribution goes to help those in need. The funds raised from this great day do not solely go to research. Indeed, much of the funds raised on the day go directly to assisting families with such loss.

Among the many services SIDS and Kids offer is a 24-hour crisis support line so that the help is there whenever it is needed. Further, other professional counselling and support groups for parents, grandparents and friends are also provided. They are able to assist families when death first occurs and can even support in making funeral arrangements. Of course, all these services are offered free of charge. One of the most successful campaigns in the SIDS foundation has been the safe sleeping program and to date it is estimated that the lives of 6,500 children have been saved as a direct result of this effort.

It is for all these reasons and many more that I am proud to offer some support to this commendable organisation. Late last year I was fortunate enough to be invited to the opening of the SIDS and Kids facility at the old Chifley primary school site. Jeremy Hanson, Brendan Smyth and Steve Doszpot also attended. I am pleased to see the organisation continue to go from strength to strength.

Earlier this month I had the privilege of attending the launch of the 2011 Red Nose Day and I will be sure to don my red nose this coming Friday. Members and staff who are interested in supporting this great cause can get merchandise from the office of Zed Seselja.

I would like to thank all those in our community here in the ACT who helped make this happen. In particular, I acknowledge the staff at SIDS and Kids ACT. I include the chief executive officer, Karen Faichney, the fund development coordinators, Marnie Barton and Trudy Taylor, the grief counsellors, Mandy Cox and Fiona Vanderhook, and the safe sleeping educators, Maggie Salmon-Room and Catherine Cotter. I would also like to acknowledge the current board of SIDS and Kids ACT: the chair, Richard Asher, the treasurer, Steve Merenda, members, Alison Kent, Denise Lamb and Heather Ross, and family group representatives, Peta Martin and Trish Brody.

I would also like to mention the businesses who assist the organisation to perform their roles and duties, including Tobin Brothers, AutoCo and Pedders Suspension,

Bradley Allen Lawyers, Union Offset printing, Watson Blinds and the G-Gungahlin. I wish them all the best for the 2011 Red Nose Day.

Scouts movement

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (10.08): Can I congratulate Chris Bourke on his first day in the Assembly. I would also like to thank Mr Coe and Mrs Dunne for bringing forward their thoughts around those two associations. They are very good associations.

Last night I attended the Scouts Australia function at the Southern Cross Club. The Scouts is the largest and most successful youth movement. It was started by Lord Robert Baden-Powell in 1907. Since then it has grown to 30 million members—boys and girls across 161 countries. In the ACT there are around 2,000 boys and girls aged between six and 25 who are members of the Scouts movement. They share fellowship and develop life skills, including innovation and self-reliance. Many of today's community leaders, both in Australia and overseas, are former members of Scouts.

Also last night I spoke with representatives of the Arthur Shakespeare Foundation for Scouting. That was established to provide ongoing support to the Scouts movement. It is a commendable organisation. The movement has been celebrating in Australia the company of the Secretary-General of World Scouting. He spoke quite comprehensively of the benefits of the Scouts movement.

I would also like to refer to a connection between the ACT government and the Scouts community. Scouts Australia has taken on the task of re-establishing scouting in Timor-Leste as part of the wider community effort to assist young people, male and female, to gain a basic education, including life skills and enhancing their self-esteem.

Scouting in Australia is very pleased to have the support and partnership of the ACT government through the Centenary of Canberra Dollars for Dili program, as well as Rotary International. So an organisation that spans 161 countries has the support of this government in providing support to our very close neighbours of Timor-Leste.

Filipino community

MR DOSZPOT (Brindabella) (10.10): Last Saturday night it was my pleasure to be guest of honour at the Filipino Community Council's Independence Day Gala Ball at the Southern Cross Club. The President of the Council, Mrs Perlita Swinbank, welcomed the 400 guests on the night, including Liberal Assembly colleague Alistair Coe and myself. It is always a great pleasure to attend the Philippines Independence Day Gala Ball as it is one of the key events on the ACT multicultural calendar.

My congratulations to Mrs Perlita Swinbank and her ACT colleagues in the Filipino Community Council, who year after year put on a world-class function that has everything: fine food, excellent company, dancing, wonderful music and, above all, a spirit of fun and friendship, which remains with all of us as a marvellous afterglow.

The ball, of course, was held to commemorate the independence of the Philippines. It was on 12 June 1898 that the first Filipino President, Emilio Aguinaldo, declared the Philippines free of Spain. But it was not until 4 July 1946 that the Philippines won the independence it enjoys today when the United States finally relinquished control. I have always been deeply impressed by the great love of the Canberra Filipino community for their mother country and the very strong bonds of affection which exist between those Filipinos who have made their way in other parts of the world and their families who remain back home.

In the 2006 census, 160,000 Australians claim Filipino ancestry. Indeed, they are one of the fastest growing immigrant communities in Australia. For many years, the major connection between Australia and the Philippines has in fact been the very strong family and historical links between the two countries. As shadow minister for multicultural affairs, I welcome in the strongest possible terms the contribution of the Filipino community to the diversity and vitality of our capital city. The festivities which we witnessed on the night provided ample evidence of this.

I am also pleased that in terms of the broader relationships between Australia and the Philippines the relationship between our two countries is growing at a rapid rate. Whether measured by magnitude of trade, defence links, tourism, educational links and so on, it has been obvious for some time that there was huge scope for a much closer and deeper relationship between us.

One of the important roles of organisations like the Filipino Community Council of the ACT is to promote the continued fostering of relations between Australia and the Philippines. This relationship is important, both in economic and in human terms, but it is also vitally important in promoting our region, our shared commitment to democracy and common values.

The independence of the Philippines brought into being a strong and vibrant democracy which, despite some setbacks over the years, continues to lead the way in a troubled region. On Saturday night, we celebrated the 113th anniversary of Philippines' independence. I would like to extend our best wishes to the Philippines and its people for their hard fought independence and the continuation and prosperity of their democratic system.

Question resolved in the affirmative.

The Assembly adjourned at 10.14 pm.