



Debates

WEEKLY HANSARD
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Tuesday, 28 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.

Statement by member

MR HARGREAVES (Brindabella), by leave: Mr Speaker, last Thursday evening, after I believe a week of some tension, I made a remark by way of interjection intended to amuse and not to inflict any offence or any hurt. But I did say something to a member and the member took offence to that remark as did her colleagues. I want the Assembly to understand that there was no offence intended, there was no hurt intended, but as an unintended consequence it did have that effect and I unreservedly apologise to the member. I am not going to name the member or restate the remark because that would just keep the thing alive.

MRS DUNNE (Ginninderra), by leave: Mr Speaker, I was the member and I was the member who took offence. I thank Mr Hargreaves for his apology but I think the context needs to be put on the record.

In the course of a debate Mr Hargreaves made a comment which was of a personal nature about my appearance. My understanding from what my colleagues saw, because I was in full flight and was only marginally aware of what he said, was that he lent forward and shared the joke with the Chief Minister and Deputy Chief Minister who both, I understand, laughed at the joke. I thank Mr Hargreaves for his apology but I also ask that the members who shared the joke also apologise.

This is a matter that raises issues about how we behave in this chamber. There has been a long record of personal attacks on members of the opposition of a very personal nature, going back to occasions when the previous Chief Minister called me a suppurating boil and to the “wog boy” attacks against Mr Seselja and Mr Doszpot. It goes back to a number of comments about people’s personal appearance, about their hair colour or their haircuts et cetera.

I think that under the new leadership of a female Chief Minister it is time to stop the personal attacks. As a sign of how this Chief Minister proposes to go on, I expect an apology from her and her deputy because they also joined in the joke.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer), by leave: Mr Speaker, I have offered an apology to Mrs Dunne. I have written to the Leader of the Opposition outlining an apology not only from Mr Hargreaves but also from myself as leader of the government. I agree with the comments Mrs Dunne has made around lifting the standard of debate and interjections in this place. I think the community expects better from us and I think if anyone goes back through the *Hansard* of last week and has a look at some of the tone of the interjections they will agree that the standard could be lifted in this place by all members.

In relation to Mrs Dunne’s comment that I heard the joke and shared in the interjection, that is incorrect. I did not hear it. I went back and had a look at the

Hansard. It does not appear in the written *Hansard*. I do not know what I was doing at the time but I did not hear the comment, nor did I share in any laughter around that. But certainly, as leader of the government, I agree we need to lift the standard of what is said in this place and I certainly apologise to Mrs Dunne for any offence.

MR COE (Ginninderra), by leave: I believe the reason the comment was initially withdrawn was because I had heard the comment from what must be nearly 10 metres away, and at the time of the comment I can explicitly remember the Chief Minister and the Deputy Chief Minister smiling and then cringing and turning to each other and cringing again. I can explicitly remember that and I find it extremely hard to believe that here I am 10 metres away and I heard it extremely clearly yet the Chief Minister and the Deputy Chief Minister, who were one metre away, are claiming they did not hear it.

At the time it was said I then responded, “You right, John? You’d better withdraw it. You know exactly what you said and have the guts to withdraw it.” Mr Hargreaves said, “Madam Deputy Speaker, I withdraw my comments about Mrs Dunne.” I said, “Was that hard?” Mr Hargreaves said, “There you are, are you happy now?” I said “Yeah, I am.” Mr Hargreaves said, “Well, all you’ve got to do, Alistair, all you’ve got to do is ask. You don’t have to go get all upset.” I said, “Better not to say it in the first place, John.” Mr Hargreaves said, “Oh mate, grow up. Past your bedtime I think.” I said, “Good on you, John. Have another drink.” Mr Hargreaves said, “Yeah, okay mate, grow up ... for God’s sake.” That is the incident as I recall it.

MR SESELJA (Molonglo—Leader of the Opposition), by leave: Mr Speaker, this matter should not be treated in the way that it is being treated by the Chief Minister. The actions of Mr Hargreaves and his disgraceful slur on Thursday night should not just be treated in the way that they have been treated by Ms Gallagher both in this chamber and in her correspondence to me.

What Mr Hargreaves said was extraordinarily offensive. It was nothing like any of the other interjections that we hear in this place from time to time. It was in another category of its own. Mr Hargreaves trying to dismiss it just shows that he does not get it. This kind of behaviour is unacceptable. Unfortunately in public life we see a lot of unacceptable words thrown around. In the past when there have been those kinds of words thrown around about the Chief Minister, she has sought to blame me and others who had nothing to do with it. She sought to say that because there was a website somewhere it must be our fault.

Those words were disgraceful and they deserved to be condemned. But these words came from someone who sits on her team. These words came from Mr Hargreaves, who sits on her team, who is indeed her whip. He represents the Labor Party in this place as whip, and we have seen serial offending from Mr Hargreaves over a period of time to the extent that he was stripped of a ministry. Now we see a situation where the Chief Minister looks to say, “Look, this is our problem. We all need to do a little bit better.” I wrote to the Chief Minister because I took offence, because I clearly heard the language, Mr Coe clearly heard the language, and I saw members of the government share in this joke. So Mr Hargreaves made the disgraceful comments and other members of this team decided that that was funny. They decided that that was a

joke they could all share in. Instead of taking action against Mr Hargreaves, the Chief Minister has sought to pretend that this is just one of any number of incidents that occurs in this chamber.

In fact even her apology is not an apology. It says “As leader of the government, I also offer Mrs Dunne my apologies for any offence taken”—not for the disgraceful words themselves, not because she has someone on her team who behaves in this way; she apologises if Mrs Dunne is offended. The apology should go further than that—the apology should actually apologise for the offence itself.

Further to that, Mr Speaker, we have a situation now where the Chief Minister, who was very quick to try and condemn others who had nothing to do with any slurs on her, when there are just as serious slurs in this place, made by members of her team, seeks to do nothing about it. She wants to keep him as whip. I do not believe he should stay as whip. I do not believe that this is behaviour that befits members of this place who are appointed to positions within this place—appointed to positions by the leader of this government, by the leader of the Labor Party.

Mr Speaker, they may well want to sweep this under the carpet. They may well want to offer hollow apologies, apologies for offence taken, but we do not accept that. I do not accept that. It was offensive. We all heard it. We all know he said it. They shared in the joke, and now they want to pretend that it is no different to anything else that goes on in this chamber on any given day. That is not the case. I put to the Assembly, Mr Speaker, how different the response would be if it was someone on this side who had made that comment about one of our colleagues on the other side of the chamber. How different the response would be, and indeed how different the response has been even when there has been nothing at all to suggest that anyone in the Liberal Party has had anything to do with these kinds of slurs.

This is now a test now of character for the Chief Minister. Will she put up with this kind of ongoing behaviour from Mr Hargreaves, who has previous form, and now sits in that whip’s position acting in a most disgraceful behaviour with some of the most disgraceful language we have heard in this place?

Justice and Community Safety—Standing Committee Scrutiny report 38

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 38, dated 27 June 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 38 contains the committee’s comments on one bill, 65 pieces of subordinate legislation and nine government responses. The report was

circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Estimates 2011-2012—Select Committee Report—government response

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (10.13): Mr Speaker, for the information of members, I present the following paper:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012*—Government response, dated June 2011.

I move:

That the Assembly takes note of the paper.

I present the government's response to the report of the Select Committee on Estimates 2011-2012. I wish to thank the committee and its support staff for its report on the Appropriation Bill 2011-2012. The committee's main report has been prepared within a short time frame, and the government appreciates the effort that has been made by the committee and its secretariat. Further, the government would like to extend its appreciation to the chair for his professional leadership.

The government respects and values the crucial role played by the Select Committee on Estimates in scrutinising its proposed expenditure. I would also like to take this opportunity to acknowledge and thank ACIL Tasman for its efforts and time put into providing an independent view of the 2011-12 ACT budget.

Before I make comment on the estimates report itself, I would initially like to comment on the questioning process this year. Despite the valued efforts of the chair to streamline and improve the question on notice process, we had to manage 894 questions on notice—an increase of 40 per cent on two years ago. The government, conscious of its responsibility, endeavours to respond fully to the questions asked of it during the estimates process. However, each year the increasing volume and scope of the questions, which in some cases sought levels of detail which are not routinely collected by government, has again led to the unfortunate situation where we were unable to answer some of the questions within the mandated five-day period.

At times, the number of questions and level of detail required imposed an excessive workload, resulting in resources being diverted from core services. We accept that scrutiny has a crucial and valuable role through the estimates process and we have been responsive where possible within reasonable limitations. We will endeavour to answer all the questions on notice as soon as possible.

The estimates report is much larger this year, presenting 194 recommendations. In conjunction with the independent adviser's report, it effectively canvasses a large range of issues in the budget. I will not take the Assembly's time by working through each of the select committee's recommendations. These are separately discussed in the response document, which I have tabled here today.

The government has generally accepted or noted the majority of the recommendations in the committee's report. In our response, the government has agreed to 68 recommendations, agreed in principle to 18 recommendations, agreed in part to four recommendations, noted 78 recommendations, and not agreed to 26 recommendations.

In respect of the instances where recommendations were not agreed, the government has taken the time to assess what is being asked. In relation to additional disclosures in the budget papers, the government has assessed the objectives, intent and information currently provided in the budget papers and considers the outcome of these recommendations as not being practices for inclusion in the budget papers or that the information is more appropriately released in other publications.

The government has also not agreed to several of the government office building recommendations on the basis that detailed analysis has already been undertaken on many of the issues and the information is available in various reports provided to the committee. Additional work in this regard will not be duplicated. In relation to other recommendations not agreed, it has been generally considered that the recommendations have been resolved through other mechanisms, do not align with legislative practice or reverse previous decisions of government.

The government is also generally pleased with the findings of the ACIL Tasman report. I would like to highlight these findings. It noted that forecast GSP growth appears reasonable. It considered that the approach adopted and the forecast for employment growth in the budget appeared reasonable. It considered that the long-term projections used in the ACT budget all appear reasonable, and it noted that GST revenue forecasts are sound and general rates revenue forecasts seem reasonable. These findings are a testament to our principle of responsible financial management practices.

Mr Speaker, I would also like to express my concern with the level of time, disproportionate to the scrutiny of other important budgetary issues, spent on the government office building. While the government values and embraces the scrutiny process, a disproportionate amount of time has been spent on this project, to the detriment of scrutiny over other equally important projects, programs and community services. The government has been open and transparent with the provision of detailed analysis and findings to support the decision to proceed with the project, but this is not where the majority of taxpayer resources are being invested.

To conclude, the report of the estimates committee and its recommendations do not raise any issues that would prevent the passing of the Appropriation Bill 2011-2012. On behalf of the government, I express thanks to the committee for its consideration of these issues and remind the Assembly of the important and essential investments being made through this budget to support the continued growth and prosperity of the territory. I commend the government response to the Assembly.

MR SMYTH (Brindabella) (10.18): I thank the government for tabling their response to the report of the Select Committee on Estimates 2011-2012 on the Appropriation Bill 2011-2012. I just want to go to the first half dozen recommendations, Mr Speaker.

The Chief Minister has an opportunity to stamp her authority and her leadership on her period as Chief Minister. This report is a key report. It could have been a key platform for her to do so. But I note in regard just to some of the machinery-type recommendations on the first couple of pages, that instead of genuinely being concerned and delivering more openness and more accountability, the Chief Minister just fobs it off.

The first two recommendations—recommendation 1 and recommendation 2—recommend that all questions be answered and, if they are not answered, that they be transferred to the notice paper. The government simply notes them. The Chief Minister could have said: “We are interested in openness. We will answer these questions. We do agree that they go onto the notice paper and will answer them when they go there.” But she says, “It is not our responsibility.”

Mr Corbell: It is not for us to agree. It is a standing order question.

MR SMYTH: But it is about leadership. It is about saying, “Yes, we accept the role of the Assembly in this but we will answer the questions and we will do it quickly.”

The third recommendation says that when additional material is provided to a committee, at least seven copies or sets be provided. This was aimed at the government because of the way they deliver information to the committee and to members. But again, the Chief Minister throws it back to the Assembly. The response states

This is a matter for the Legislative Assembly, and could be incorporated as a requirement within Committee Procedures and Guidelines.

What that response should have said is, “The government accepts this and will comply because we believe in honesty and openness and accountability.” But you will not find that in this report from my brief skim so far, Mr Speaker. Recommendation 4 states:

The Committee recommends that documents prepared for use in a particular hearing be circulated ...

Again, it is noted by the government and we get the pat answer:

This is a matter for the Legislative Assembly, and could be incorporated as a requirement within Committee Procedures and Guidelines.

Again, the Chief Minister had the opportunity to honour her commitment to be more open and more accountable by saying, “Yes, we agree. We will make sure we are prepared and we will give you the information so that you can be prepared as members of the committee and members of the Assembly and we can have a better debate, because both sides are informed.” But, no, the Chief Minister is just going to hide behind the Assembly guidelines. And so it goes on, Mr Speaker.

I notice that the Chief Minister said that they had agreed or not agreed to a certain number of the recommendations about the government office building. I cannot find

too many that have been agreed to. There is one agreed in principle and there is another agreed. But it basically says, “We have already given you this information.” But there are some that are simply not agreed. Recommendation 17, for instance, states:

The Committee recommends that scenario options 2 and 4 be included in the CB Richard Ellis Cost Analysis report.

That is just ruled out. They are just ruling it out. The response states, “We are not going to do that work.” The Assembly, through its committee, has asked that certain things be done and the government says, “No, we do not want that data. We do not want that information and we certainly do not want it public.” Again, for a Chief Minister who says that we are in a new era of openness and accountability, just to say no to these things I think shows that the same old practices are in place. Nothing has really changed. It is quite clear. You can change your leader but that does not change a government. In this case that would appear to be true.

There are some recommendations—for instance, recommendation 21—which was agreed to. I am grateful for that. The recommendation stated:

The Committee recommends that the ACT Treasury Directorate detail how all the claimed efficiency savings will be achieved ...

The government responded:

Closer to the commencement of the project, rent, staffing and running costs will be reassessed and the appropriate amounts will be withdrawn from agency budgets within the relevant Budget year across the forward estimates—this information will be detailed in the Budget Papers.

I would have thought you would have that data now. You have done this work. You claim there are efficiencies and that there are savings. But we now find out that we actually will not find out what the savings are and how much they will be by directorate until much closer to the commencement of the project. That gives me some concern. We were assured that the work had been done, that this was sound. But now we find out that they have not broken it down and that that information will not be forthcoming at this time. The response states:

... this information will be detailed in the Budget Papers.

So clearly we will not have this, at the earliest, until next year and that does give me some concern. There are other recommendations that, in the main, have been noted. Recommendation 24 states:

The Committee recommends that should the Government office block proceed, it not be linked by a skybridge to the Legislative Assembly building.

They respond that that is noted, but they do go on to say:

Linkages to the Assembly will be reconsidered as the design of the building progresses and the cost of such an option is assessed against the alternative final design options.

Mr Speaker, I will have to look through the government's response in much more detail. No doubt, we will be debating it cogently over the coming days. But it does go to the point that this Chief Minister says one thing, but at one of the really good early opportunities to confirm that she actually believes in that principle of openness and accountability, the Chief Minister falters.

These are in the main very simple recommendations. You only need to go to the tabling speech. She states that 78 of the recommendations are noted. That is the easy way out—to say, “We note that you have said something. I will have to go to the detail of that because we have only just received the report. It is very hard to speak quickly to it all.”

In closing, the fact is that there are recommendations that are either noted or not agreed. The majority of the committee—it was not the majority; it was a unanimous report—recommended that the government take these options on board. So here we have that dilemma for the Chief Minister. She will say one thing—that she will be more open and more accountable and here is the new era—but when you come to a great opportunity for the Chief Minister to prove that, what we find is that she is not up to the job in that regard.

We will all read this response no doubt with great interest. I am sure it will be referred to over the coming days. I wish members well in the upcoming budget debate. But again, if you are looking for openness and accountability in the government's response to the report of the Select Committee on Estimates 2011-2012, you will be sorely disappointed.

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) (10.25): I move:

That the debate be adjourned.

Mr Hanson: Oh!

MR CORBELL: It is coming up for cognate debate later today, Jeremy—cognate with the budget debate later.

Question put:

That debate be adjourned.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

Debate adjourned to a later hour.

Community gardens

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), by leave: I am taking the opportunity today to report back to the Assembly on the government's consideration of matters relating to community gardens. On 9 March this year the Assembly passed a motion calling upon the government to consider, through an interagency working group, a number of issues to improve support for the establishment and operation of community gardens. The Assembly further called upon the government to report back to the Assembly on each of the issues listed by the last sitting day of June 2011.

Firstly and most importantly, I would like to confirm the government's support for the establishment and operation of community gardens in the ACT. Community gardens provide an opportunity for many different members of the community to engage in food growing and gardening activities for their personal use and pleasure. Current research findings demonstrate extensive benefits of community gardens. These benefits are for both the wider society as well as for the individual.

Community gardens provide a wide variety of opportunities for growing food locally, connection with nature, supporting active living, physical and mental health and wellbeing, promoting healthy eating, active ageing, social inclusion, creating a sense of community, addressing food security and reducing greenhouse gas emissions. Interest locally in community gardens has been increasing in recent years.

The community's value of community gardens was stressed in the sustainable future workshops held by the ACT Planning and Land Authority in 2009-10 and was raised as one of the highest priority short and medium-term actions. In October last year the government supported, through an environment grant, a conference at the University of Canberra on the subject of community gardens promoting sustainability, health and inclusion in the city.

Food security and community gardens, food miles and the role of Canberra as a distribution centre for regionally produced food was a common theme in the "time to talk" workshops held last year. I note that the "Time to talk: Canberra 2030" outcomes report defines the community's desired future view of Canberra, which forms the basis for the draft planning strategy.

The community's desired future view saw the city's open spaces as having more community gardens and play spaces. These gardens and play spaces would increase the opportunity for people to connect and feel a sense of belonging. It was noted at these workshops that this will be especially important in areas of higher density housing.

Across the ACT there are many community gardens successfully operating. These gardens are used by various groups, ranging from the general community to public housing tenants and schools. There is also ongoing interest in establishing new community gardens. The Canberra Organic Growers Society provide management for 12 gardens in the ACT and one in Queanbeyan. Seven are on unleased territory land, such as at Cook and Holder. The others are located on leased land under agreements such as at the O'Connor Uniting Church, Dickson college and Kaleen high school. There are several other community gardens operating in the ACT, such as the Kingston organic community garden and the ANU sustainable learning community.

The popularity of kitchen gardens and orchards at schools in Canberra has been steadily growing in recent years. Many of the new environment centres at ACT public schools have kitchen gardens. These types of community gardens are usually restricted to the school community, to teach sustainability and environmental principles to students.

An interagency working group comprising officers from the former ACTPLA, TAMS and LAPS was set up in February 2011. The Assembly's motion of 9 March was referred to the interagency group and membership was expanded to include representatives of ACT Health, Treasury, Education and Training, Disability, Housing and Community Services and the Environment, Climate Change, Energy and Water. The expanded working group met on four occasions. It also met with the president and three committee members of the Canberra Organic Growers Society. The working group has undertaken research into government policies and initiatives for community gardens in comparative jurisdictions in Australia and overseas.

Turning now to the specific items mentioned in the Assembly resolution, the first is the establishment of the working group and the setting aside of space for community gardens in all new residential development and identifying appropriate sites to develop community gardens in established suburbs. Setting aside space for community gardens in all new residential developments can be achieved through the existing concept plan and important planning requirement process that specifies matters to be included in estate development plans.

Current examples that demonstrate a commitment to the provision of community gardens in the planning for new areas can be found at Lawson South, Coombs, Wright, Forde and East Lake. Identifying sites for community gardens also forms part of the Molonglo Valley stage 2 work. The co-location of community gardens with government schools may also provide gardening opportunities for both the school and the local community.

There are also situations where developers want to develop, for marketing reasons, a community garden ahead of any community organisation being identified to assume

its management responsibility. The working group is exploring means by which a developer might be able to bond the cost of establishing the garden which could be released to a community group when it has been formed and obtained a licence to operate the garden.

The working group has provided advice for government consideration on an approach to identifying appropriate sites to develop community gardens in established suburbs that responds to specific needs as expressed through proposals for community gardens. Broadly speaking, each proposal would be required to address site selection criteria. The working group considers that this approach is more appropriate than adopting a process of identifying particular sites in established suburbs.

It is also important to raise the practicalities of community gardens being set up within established suburbs in Canberra. Siting gardens locally would support many of the government's objectives. The most likely location for gardens in existing suburbs would be on urban open space land, which is the zone for Canberra's parks and open spaces. A community garden located in such a park is likely to be enclosed by secure fencing, with no access for the wider community except through membership of a group.

The working nature of the garden would be on view to adjoining neighbours. Features such as compost bins, rainwater tanks, tool sheds, shade structures and driveways would all be on view. One of the most important site selection criteria will be the demonstrated support of the local community to establish a community garden on urban open space.

Turning to the issue of defining the term "community garden" in the territory plan, the working group and ACTPLA have spent considerable time reviewing the planning and licensing controls that apply to community gardens. Currently the territory plan does not specifically include provisions for community gardens. They would be considered an outdoor recreation facility, which is a permissible use in most zones. In the urban open space zone, there is a specific condition limiting an outdoor recreation facility to occupying no more than 15 per cent of a parcel.

This is intended to ensure that sufficient urban open space is retained for general public use. In order to provide clarity, ACTPLA has indicated its support to prepare a technical amendment to the territory plan to define a community garden as "an outdoor recreation facility managed by a community group for the production of edible fruit and vegetables for personal use or as agreed by the licensee".

Turning to the issue of the one-stop shop approval process for community gardens on unleased land, currently to establish a community garden on unleased land a proponent must apply to the land custodian for a licence. In order to facilitate the future establishment of community gardens on unleased land, I am proposing that the licence process becomes the one-stop shop approval process for community gardens.

Currently individual elements of a garden, such as a fence, pergola, shed and landscaping, may often be exempt from development approval. However, in order to

provide clarity and introduce the one-stop shop, I will propose that an amendment be made to schedule 1 to the planning and development regulation. The amendment will specifically exempt community gardens on unleased land from development approval, subject to the licence complying with the relevant general and zone development code provisions and other specified conditions.

In relation to community gardens on leased land, in some situations there will be proposals to establish community gardens in these circumstances, for example, on land held by churches. No change to planning controls is proposed in relation to setting up community gardens on land that is already leased. In many cases the leases may be concessional and the operators of the gardens would need to comply with the requirements of section 266 of the Planning and Development Act.

In relation to selecting suitable future sites, the interagency working group has developed a specific set of site selection criteria for community gardens and I take the opportunity to table these draft selection criteria for the information of members today. I present the following paper:

Community gardens—Draft site selection criteria.

The criteria will be used to assess future community garden applications for licences. The site selection criteria address matters such as location, safety, accessibility and other matters.

Turning to the issue of improving the existing standard licence arrangement for the Department of Territory and Municipal Services and developing a model agreement for private leaseholders, the government supports the continued use of the existing TAMS standard licence arrangement. It has been prepared in consultation with the Government Solicitor's Office. This can also be made available for use by private leaseholders. TAMS can provide a licence template modified to remove references to "ACTPLA" and replace references to "the Custodian" with reference to "the Lessee". However, the standard conditions must remain in order to provide both the lessee and the licensee with sufficient protection and clarity.

Turning to the issue of the exemption of an application fee, currently the prescribed licence fee for a community organisation is approximately \$1,500. It is proposed to waive the licence fee for applications for community gardens. This exemption is a practical demonstration of the government's commitment to facilitating the establishment of more gardens.

In relation to item (c), facilitating group insurance provisions for operators of community gardens, the ACT Insurance Authority has advised that it can assist a community garden group in finding a suitable insurance broker but has advised that Volunteering Australia and AON Risk Services have devised an insurance package tailored to volunteer groups and have the ability to broker suitable insurance arrangements. Similarly, Volunteering ACT can provide insurance advice to groups if they are members of Volunteering ACT. Currently, there are no mechanisms or funding programs available that would enable the government to waive or reduce insurance premiums set by an insurance company.

I turn to item (d), providing additional resources to support people to help coordinate the expansion of community gardens, grants to help meet the costs of new community gardens, and gardening/food growing training, open to all members of the community and a support person to help coordinate the expansion of community gardens in the ACT. The government will consider further advice from the working group concerning the provision of resources to help coordinate the expansion of community gardens in the ACT. However, I note at this stage that the advice provided to me is that there are currently insufficient requests for community gardens to warrant the employment of a dedicated community gardens coordinator, even in a part-time position.

I can advise the Assembly that the government will commission a community gardens demand and community benefits study. This study will provide a clearer picture for policy makers of who uses community gardens and why. It will document the current demand, estimate future needs and identify preferred geographic distribution of gardens across Canberra. Of particular interest will be evidence of the relationship, if any, between increased residential densities and community garden usage.

Turning to the issue of grants to help meet the costs of new community gardens, as the government has previously advised, there are several existing grants programs that a community garden group is eligible to apply for, including the ACT health promotion grant program, the ACT community support and infrastructure grants program, the ACT tenant-initiated grants program, the ACT environment grants program and the ACT seniors grants and sponsorship program. Community garden groups that apply to the existing funding programs are required to demonstrate community need in the context of existing supply and to compete with other proposals in demonstrating community benefits.

Turning to the issue of gardening/food growing training open to all members of the community, the Environment and Sustainable Development Directorate administers community partnership funding to key community environmental organisations in the ACT, including the Canberra Sustainability and Environment Resource Centre. The centre offers courses in sustainable organic gardening, providing the skills necessary for plot holders in community gardens or for those gardening on their own land. These are offered at a modest fee. Gardening and food growing training is also provided by COGS, which has convenors able to advise new groups on the methods of establishing gardens, managing gardens and methods of growing.

Turning to the issue of item (e) in the resolution, improving existing assistance available to public and community housing tenants to be involved in community garden projects, the Community Services Directorate continues to administer tenant-initiated grants to fund public tenants either individually or collectively to establish or to assist with maintaining a community garden on public housing properties. Since 2006 Housing ACT has funded 97 tenant-initiated grants, including 20 garden projects that received assistance of \$58,916. The gardens that were funded in the past year were located in public housing complexes in Griffith, Lyneham, Fisher, Dickson and Phillip.

Turning to item (f), developing a policy paper on local food production, including community and household gardens, the interagency working group considered developing a policy paper on local food production and identified that this is a complex matter that is much broader than the provision of community and household gardens. Therefore, the government has decided that it will undertake a scoping study to investigate local food production in the ACT and I propose to refer this matter to the strategic board for advice. Subject to the scoping study's findings, the government will then consider whether a more detailed study should be undertaken, potentially in collaboration with local university researchers such as at the University of Canberra and the Fenner School at the ANU.

In conclusion, the government supports the continued establishment and operation of community gardens in the ACT. I have outlined a number of initiatives to facilitate community gardens in the ACT. These initiatives include one-stop shop approval process, exemption from development approval, waiver of licence fees, preparation of site selection criteria and information about community gardens in a centralised location. This is on the ACT government website.

In order to canvass community interest and support for community gardens, I am proposing that site selection criteria be made available for public comment prior to their adoption. To support the site selection criteria, a background paper on community gardens will also be released to assist in informing public comment.

MS LE COUTEUR (Molonglo), by leave: I thank the minister very much for this statement. It was in response to a motion of mine passed in the Assembly earlier this year. And I am generally pleased at the positive tone of the minister's comments and the information provided. There are a few areas, obviously, that I am possibly slightly less pleased about.

Item (a) refers to setting aside space for community gardens in all new and established developments. The minister's report mentions this can be achieved anyway. Many things can be achieved through the existing territory plan. What we are looking for is something a bit stronger than "can be achieved", something like "will be achieved", although on the same page there is also a very positive comment about developing mechanisms whereby a developer can instigate a community garden before the community has been developed to use that garden.

Something else that is a very positive statement in this is that the minister is saying that the licence process will be streamlined so as to become a one-stop shop. This will be important. I actually have a lot of emails from people about establishing community gardens and it seems to be a very time-consuming and tedious process, which means that many people who otherwise might have been able to be part of one are not able to be part of one.

The most disappointing thing in the minister's statement is deciding that there would be no funding for even a part-time coordinator. I have been talking to a lot of people who would like to see more community gardens in Canberra. I have absolutely no doubt that a part-time coordinator, who, I would suspect, would not be employed by

the ACT government but employed by COGS or some other group, could be employed. Their problem would be how to keep them down to a part-time coordinator. They could definitely do a full-time job. The demand is there. It possibly is not all coming to the government's attention, because people do not even realise where in the government they would go to. But I am confident the demand for more is there.

Obviously I think it is great that the government is going to undertake a scoping study of local food production. Food is important. Air, water and then food are the essentials of life. I have been banging on about peak oil for a while, but peak oil is one of the things which will really impact on food production. We use oil for fertilisers, we use oil for farm machinery, we use oil for getting food to market and then to our plates. Local food production is one of the ways which will make Canberra a resilient city so that we cope with the impacts of peak oil and climate change. This is why I would like to see the government being a bit more positive about community gardens and recognising that yes, the demand is there. There really is work that a part-time or even a full-time coordinator could do on this.

The other thing which could be explored more in this paper is encouraging community gardens on land other than territory-owned land. I am in the unfortunate position of spending a lot of time at an aged care institution at present and I observe that in many other aged care institutions there is a lot of unused land where I am confident that, with a bit of support, it could be a win-win for the community and the residents by developing better use of the land. A community garden could be part of that.

But in summary I thank the minister for this and I look forward to further developments with community gardens in Canberra. It is a movement which is only starting and it is going to get a lot bigger.

Planning—Kambah Village, Tuggeranong and Erindale 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), by leave: On 25 August last year the Assembly resolved that the government should undertake a master plan for the Kambah group centre, noting the run-down state of the centre. In this resolution the Assembly noted the importance of developing “a process for meaningful consultation with the community on planning” for land use policy changes, identifying a list of priority areas for master planning and preparing the master plans for our town, group and local centres. The resolution did identify that the government should report back to the Assembly by the end of June this year with the results of a priority list for master plans and in September 2011 with a finalised Kambah master plan.

I would like to take this opportunity to advise the Assembly of the substantial progress that has been made to fulfil these commitments and to note, however, that to finalise the work to meet these time frames would seriously compromise “meaningful consultation” with the community.

My colleague Mr Barr, as the then Minister for Planning, responded to the Assembly motion on master plans. In his speech he set out the government's priority list of master plans and how the program would be managed over the ensuing years.

Through the process of preparing master plans, the issues and the opportunities for reinvigorating our centres, improving accesses to services and enhancing the intrinsic quality of a place can be canvassed with the community. Master plans are a key planning tool that help us to understand and manage change in our urban environment. Master plans will be an important tool in helping to realise the community's preferred "future scenario"—a vision that was established through broad public engagement in the "Time to talk: Canberra 2030" exercise.

As Minister Barr raised in his speech, the government has evaluated the 2004 Canberra plan and, in response to the community's concerns raised in "time to talk", is revising the planning strategy. Minister Barr has also indicated that this would provide the context for considering the future program of master plans.

It is important that I reiterate this message. The revised planning strategy will provide the community with the overarching direction we must take our city in in order for it to become more sustainable, resilient to climate change and socially inclusive and economically prosperous. This strategy will give the community greater clarity on how we can manage the broader, complex and interrelated issues of population growth, efficient use of land, improving options for more sustainable transport and taking a leading role in the region.

It is critical that this revised strategy provide the context for the community to provide feedback on where the priorities for more detailed planning should be. When the community have this more meaningful opportunity to consider what areas are important to achieve their preferred scenario, the program for rolling out the master plans can be established. As it is important that not all activity is suspended until the program has been established, it is intended that the priority list for 2011-12 include Oaks Estate, Cooleman Court and Athllon Drive.

But I do need to stress that there has been considerable success and progress in the government's master planning program. Dickson and Kingston are now complete. As with all planning exercises, I acknowledge that they do not meet everyone's absolute wish list, but the consultative process achieved consensus and the plans provide a good basis for guiding change.

Through the master planning process we have been seeking to adapt and improve our public engagement. The process has become iterative, seeking to identify the community's issues and their response to early proposals. The process is also trying to actively seek the views of different groups, including young people. The Tuggeranong and Erindale planning processes have really forged this interaction and built on the work for the Gungahlin town centre, the subject of draft variation 300. Early in the process, it was established that these centres need to be considered together. This means that the finalisation of the Erindale master plan has been delayed.

I need to draw this to the attention of the Assembly having regard to the resolution passed in this place on 9 December 2009. Part of that resolution called on the government to:

- (b) commission an additional master plan for the Erindale area, focussing in particular on the views and perspectives of local experts, businesses and residents;
- (c) take into account in developing this master plan:
 - (i) opportunities for business development;
 - (ii) an appropriate policy governing infill proposals;
 - (iii) the existing road structure around Erindale Centre;
 - (iv) transport links to and from Erindale Centre; and
 - (v) the need to redevelop the area around Gartside Street to enhance this as a restaurant precinct ...

Part (d) of the resolution sought a report to the Legislative Assembly with a completed master plan by the first sitting week in June 2011.

As has been the case with Kambah, the Erindale master plan process is well advanced but is subject to a range of complex and sensitive issues that are being worked on through the community engagement process, consistent with the balance of the Assembly's resolution. Draft master plans for both these centres are scheduled to be presented to government later this year before going out for the last round of consultation. When these draft plans come to government there will have been website engagement, youth engagement, interviews with key stakeholders, meetings with business and community groups, and general community engagement at speak-out sessions at the shopping centres.

I believe it is important that the Kambah and Erindale group centre master plans meet broad community expectations and provide a strong vision for their development for the next 30 years. For this reason it is important that we extend the time frame and ensure that there is time for due input and refinement.

Master plans require a range of inputs from advice and analysis on infrastructure, traffic, land valuations and investments. They also require a level of creative problem solving. It is important that master plans are prepared in realistic time frames that also allow some flexibility to respond to possible major community concerns that may arise during the course of the project. Given these circumstances, the government will be in a position to endorse both master plans and bring them to the Assembly later this year.

Master plans are strengthening the community conversations about the development and character of our city. The process in preparing these plans is actively engaging the

community at the outset of deliberations and is seeking their input as proposals develop. This is important. This is giving the community the best opportunity to participate and inform planning policy.

MS LE COUTEUR (Molonglo), by leave: This will be a very brief statement because I was not given the courtesy of a copy of this paper any time in advance. The community gardens one I managed to get about five minutes in advance. I had assumed that the minister was merely going to be reading out the letter he sent last week about delaying the Kambah and Erindale master plans. I think it is unreasonable not to circulate statements in advance so that members can make comments if appropriate.

My general comment is that I am very pleased that the Greens and the Assembly as a whole have managed to push the government to do master plans. A part of our agreement with the Labor Party was to reintroduce neighbourhood plans. The master planning process, while very valuable, is not a 100 per cent substitute for that. There are people out in the suburban areas who are concerned about what is happening to their suburbs, and this is something which we have not managed to really resolve as yet. I suppose I will speak a little bit more about that in a few minutes when we get onto the PABLAB amendments, because I will be talking about consultation in that. I think we have made a step forward with the master plans, but it is only a step forward, not the end.

MR SESELJA (Molonglo—Leader of the Opposition), by leave: Firstly, I would like to commend Mr Smyth for driving the process in relation to the Kambah master plan. He has shown himself to be a very worthy and strong advocate for the people of Tuggeranong, the people of Brindabella and, in this case particularly, the people of northern Tuggeranong, most particularly Kambah.

It is unfortunate that we have seen such a lack of action on the Kambah group centre for so long by this government. Kambah Village presents a significant opportunity for the community. We have a situation there where there is great access to transport corridors and where there is a significant amount of space. And we have a suburb in Kambah which is significantly underserved when it comes to local shops. There is no doubt that a suburb the size of Kambah, which is really the size of three or four ordinary suburbs in Canberra, does not have access to the level of shopping facilities that we would expect for that type of population and for that size of population.

It is important that we get this right. That is why the Canberra Liberals, led by Mr Smyth on this issue, have been so keen to get action for the people of Kambah and for the people of northern Tuggeranong. It is critical that we get this right.

It is unfortunate that the minister again has demonstrated some contempt for the Assembly in not distributing the statement so that we could have the opportunity to absorb it before it is delivered, so I endorse the comments of Ms Le Couteur in that regard.

In relation to the Erindale master plan, the way the government is handling it at the moment is letting the community down. If you go and talk to traders there in Erindale,

it is all well and good to say that there will be a master plan and at the end of a period of about 18 months or so they might get some changes, but there are some serious on-the-ground issues at Erindale centre at the moment, most particularly parking around the restaurant precinct. The parking situation there is a disgrace. The fact that it has been allowed to degenerate to this degree is a poor reflection on this government. It reflects its lack of concern for local communities because it has now been in power for 10 years and it has done nothing about this. In fact all it has done is make it worse with the changes in parking arrangements through the development that has taken place in that area. Things have got much worse in the last couple of years.

These are issues that need to be addressed ahead of any master planning process. The people of Wanniasa, the people of Monash, the people of Fadden and others who use Erindale should not have to wait years and years before these traffic issues are fixed. The traffic issues and the parking issues in that precinct in Erindale are urgent, they are serious, they are affecting trade and they are affecting people's ability to access their group centre at Erindale. The government cannot use the master planning process as an excuse not to get on with that job and fix what is an urgent and significant problem.

Planning and Building Legislation Amendment Bill 2011

Detail stage

Clause 1.

Debate resumed from 5 May 2011.

MS LE COUTEUR (Molonglo) (11.02): When we started debating this bill in May I prepared a number of amendments to the bill in relation to a number of consultation and notification issues. Subsequent to that I have had discussions with the government about the issues in my amendments. I understand that they will be tabling another bill in August which will address a number of my proposals, although I understand it will be through some slightly different mechanisms.

For this reason I will not move my amendments today, but I would like to take the opportunity to share my concerns and proposals with other members; otherwise I had specific amendments which made clearer my concerns and I would have spoken to those.

I think that all members are aware of the considerable community concerns about planning issues, especially in infill. Mr Seselja has just spoken about them. As I have said, it was part of our agreement with the Labor Party to have much better community consultation. Today's *Canberra Times* has three planning-related issues in it—the Jamison Inn, the supermarkets out at the airport and the war memorials by the lake. Two of those, admittedly, are NCA-related issues; nonetheless planning is a major issue, and consultation for Canberra. I think that almost everybody, possibly everyone in this Assembly, would agree that we have not got consultation right yet as far as planning goes.

My amendments, which were fairly modest because I was trying to put them within the scope of a PABLA bill, were seeking to address those concerns. They covered two

key areas: improving the pre-development application consultation process and widening the notification requirements for development applications in the code, merit and impact tracks.

Firstly, talking about the pre-DA consultation process, today's *Canberra Times*, in talking about Jamison Inn, reflected that for at least some people the major issue was simply the consultation process and then the amount of parking. It seems that it is possible that in this instance a lot of angst could have been prevented by a better pre-DA consultation process.

I also note that the fairly new ACT government architect, Alastair Swain, said that the development process should be less adversarial, and that if developers made more effort to meet informally with various community stakeholders then planning outcomes would be greatly improved. I agree with this completely. The more the community are informed about a proposal in the early stages, the longer they have to get used to the idea of it and to formulate their responses. Sometimes people just need some time to realise that their neighbourhood is changing and to get used to the idea of what it is to become. Sometimes residents have very valid concerns, but at the DA stage are not given sufficient time to gather and formulate their thoughts and do the relevant research so that their comments on the DA can be meaningful.

It also often seems far too late at the DA stage for a developer to take on any comments to make significant changes unless they are forced to do so by not complying with relevant codes or legislation. If the community comment is given to a developer in the very early planning stages, before the developer has invested too many resources in the details of the plans, they are far more likely to be able to integrate community comment. In short, pre-DA consultation should be a plus for both the developer and the community—and of course the government.

ACTPLA currently has a pre-DA lodgement community consultation summary form. However, there is nothing in the legislation which binds any developer to needing to undertake any of the actions listed on the form. Actions on the form include a letterbox drop, holding a community meeting and meeting with the local community council. My amendments would have sought to make these actions mandatory for particular instances.

For instance, the pre-DA lodgement community consultation form—I must stress the word “form”, not actually doing it—must only be filled in compulsorily for residential buildings higher than three storeys and more than 50 units, buildings with more than 7,000 square metres buildings and buildings and structures higher than 25 metres. However, of course, it is not mandatory to actually do these things; you have just got to fill the form in.

The Greens think that it should be mandatory for developers to take these three options I have outlined—a neighbourhood letterbox drop to as big an area as appropriate for the scale of the development, to meet with the relevant community council to explain the development, and to host a community meeting which would be promoted in the letterbox drop. I note here that I do commend ACTPLA for recently increasing the notification period by an extra five days for these instances.

For smaller developments—single to multi-unit developments—my proposals would have made it mandatory for the developer to do a letterbox drop to the surrounding area that will be affected by the development, provide email and phone contact details for feedback to be provided on the information which is distributed to the community, and host one community meeting.

I have had a lot of complaints from members of the community that they simply were not notified about changes which were going to happen very close to them. This at least is something we can change. Here, I have to agree with the statement by the previous planning minister, Mr Barr, in April that “it is the role of the proponent to consult with the community on the proposed development and it is the role of the proponent to advocate for the development”.

The government has now committed to introducing its own amendments to the Planning and Development Act to further clarify the role of the proponent in consulting with the community prior to the lodgement of certain development applications.

My amendments, which would also have covered the range of notification arrangements for development applications, essentially notched up the level of notification for each level of track assessment. That is to say, code track and exempt developments would be subject to what are currently minor notification requirements, that is, to notify property owners and give them 10 days for comments. This is not to say that the community in fact needs a huge level of comment on these applications. It is more to avoid what I call the Arthur Dent situation.

You all probably recall Arthur Dent, who is the main character in *The Hitchhiker's Guide to the Galaxy*, who one day wakes up to find that bulldozers are outside, wanting to demolish his house to make room for a highway. Not only was his house being demolished; the whole context of the story was that Earth was being demolished to make way for an intergalactic space highway. And when Arthur asked the aliens why no-one on Earth had been notified, they responded by saying that it had actually been in the galaxy notifications and that it was just a pity that earthlings did not have access to these communication channels. I think a lot of people in Canberra feel the same way.

Thus I believe that even if neighbours have not got a right to comment on a development, they certainly have a right to know if the house next door is about to be demolished and replaced. It is a bit disturbing to come home and find that the house that was there in the morning is not there in the evening. I speak from experience on this one.

Minor public notification would be broadened to having a notice displayed on the site and notifying neighbouring proprietors and residents within the greater of either 200 metres of radius from the proposed development site or two houses down.

As it currently stands, only adjoining neighbours, those who immediately abut or are directly opposite the property for which the development application has been lodged,

are notified of the proposal. This means many close neighbours will not receive a letter of notice. The letters, signs and notices will advise of the location of where to view the development application information.

I understand that these additional letters could add to ACTPLA's DA costs, but I note that ACTPLA can determine the fees for DAs already, and the fees should reflect the costs of managing the DA proposal. Perhaps there could be an option for the proponent to do the letter-boxing themselves, as long as there can be proof that the job has been done.

Major public notification would be broadened to improve the signage for the DAs. I know that since the Latham notification debacle early last year, ACTPLA have made quite an effort to improve their signage. However, again, this is not in the legislation. Thus I proposed amendments to ensure that there is legislative consistency. Key changes which I would have proposed, and still would like to see, include ensuring that the signage is adequate, including text size and description of the proposal. There should be pictures on the sign representing a 3D image of the proposed development, unless of course it is just a lease variation. Signs should be displayed at all publicly visible locations where public land adjoins the property, that is, not just one sign on one side—people just miss it.

As I said earlier, I understand that the government is preparing amendments to cover off some of these issues in its next bill, and I look forward to seeing this bill in August. In conclusion, I would like to thank the government and the previous and current planning ministers for seriously investigating these issues, as I believe there are many people in Canberra who care about these issues and would like to see them better dealt with.

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) (11.13): I would like to thank Ms Le Couteur and other members for their consideration of this bill; in particular Ms Le Couteur and the Greens for withdrawing their proposed amendments to enable more detailed consideration of the pre-DA consultation issues raised in the amendments to be considered later this year.

I will return to the issue of pre-DA consultation shortly. Firstly, I would like to emphasise some of the changes enacted by this bill, the first omnibus Planning and Building Legislation Amendment Bill. This is the first of what is anticipated as semi-annual bills that are intended to ensure that the Planning and Development Act and associated building legislation are responsive to changing regulatory regimes and community requirements. It is not intended that significant policy changes are handled through these omnibus bills.

It is important that this bill passes during this sitting as clause 27 of the bill provides the ability for the contents of a DA exemption notice to be prescribed by regulation. This change will ensure that both consumers and building certifiers can be satisfied as to what must be contained in an exemption notice, and makes the issue of a DA exemption notice consistent with the issue of an exemption notice consistent with a Building Act exemption notice.

The Assembly will recall that these notices enable a lessee to seek an official certification of either exempt DA or BA work, so that a permanent record can exist on appropriate files for future verification. The ability to seek such a certification is voluntary.

A further amendment contained in this bill is the substitution of the word “notification” for “consultation” in respect of certain statutory processes undertaken by ACTPLA. Clause 37 of the bill achieves this change, but it must be stressed again that this does not have any practical effect on people’s rights or statutory processes. This substitution is by way of rectification of an anomaly within the Planning and Development Act.

The statutory process of assessing a merit or impact track DA calls for its notification so that representations can be lodged in respect of the development proposal, which are then considered by ACTPLA as part of its assessment and ultimate decision in respect of that DA.

The Planning and Development Act already uses the word “notification” in respect of DAs, such as in the “minor” and “major” notification provisions of the act, but incongruously uses the word “consultation” in other related sections.

The change in this bill will ensure that the statutory requirement to notify a DA is clear, and that there can be no possible confusion with the role of ACTPLA in receiving and assessing DAs. ACTPLA is required to take into account representations made but does not conduct formal consultation, and it was not intended that this should be the case. This is consistent with statutory processes across other jurisdictions.

This change also makes it clear that there is a difference between those processes that undergo consultation, such as code development and substantive territory plan changes, and the statutory process of notification.

I will now turn to the issue of pre-DA consultation. Mr Barr, in his last speech on this bill, raised the government’s intention to introduce a separate bill that would deal specifically with signage requirements at development sites and enhancements to current pre-DA consultation requirements in respect of certain developments.

It is the intention of the government that such legislation will be introduced in the August sittings this year. It is considered that this bill will form a clearer focus for the Assembly to consider to what extent pre-DA consultation should occur, and I would welcome discussions with both the Greens and the opposition on this bill.

As we move forward with this bill it is important that the context of the DA approval process, lessee rights to develop in accordance with the planning laws and the avoidance of onerous or complex pre-development application processes are kept in mind.

The government has indicated in previous speeches on this bill that while it had sympathy with the intent of Ms Le Couteur’s previous amendments, it had difficulty

in supporting them in the form that was then proposed. However, going forward, I hope that the Assembly can develop a bill that will address the fundamental basis of requiring pre-DA consultation in certain circumstances, without impinging on the integrity of the current development assessment process, which is of course modelled on the Development Assessment Forum's best practice model.

In summary, I believe the passage of these planning and building legislation omnibus bills is a positive development which will provide a sounder and more up-to-date legislative basis to govern planning and development activities in the territory. I thank the Assembly for its support of the bill and I commend it to the Assembly.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Gaming Machine (Club Governance) Amendment Bill 2011

Debate resumed from 5 May 2011, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.19): This bill has been brought on for debate at relatively short notice, and I think it is disappointing to see that the bill contains some proposals which are most significant and most concerning for the club industry in the ACT. I will note at the outset that the opposition does not support all the provisions in this bill, and I will be moving two amendments to remove some provisions in the bill.

I do thank the minister for arranging briefings on the bill at short notice, and we had a robust discussion about a number of the issues which are raised by the bill. I do note that in one respect there is a need to implement the provisions relating to the changed arrangements for the community contribution from 1 July 2001. These relate to the changes to establish the problem gambling assistance fund and the increase in the rate of community contributions to provide funds for this new fund.

The genesis for much of this bill is a report from the ACT Gambling and Racing Commission. Members will recall that the commission was asked to conduct an inquiry into various matters relating to the governance of ACT clubs after the fiasco of the Labor Club, at the behest of the Labor Party, proposing to sell its gaming machine licences to another entity and the questions which were raised about the nature of that proposed transaction.

The bill before us today is in large part, therefore, a response to the commission's report. A number of the proposals in this bill do not present any difficulty to the opposition or indeed, on consultation, to the club industry. There are two provisions, however, which are of significant concern.

The first concern relates to the proposed new section 53B. This section is intended to give the Gambling and Racing Commission the power to direct a club to change its

constitution without the members of the club having any say in the matter. In our briefing, we raised concerns with this section. We were assured that there was no issue with this approach, for a number of reasons. The proposal is defined very narrowly and restricts the ways in which the commission could take action under the section and, as the commission conducts regular reviews of club documentation, it is reasonable for the commission to take this action, if it finds an issue in a club's documentation, before a difficulty arises.

Whilst this may very well be so, the fundamental concern remains. The proposal would permit an outside entity, the commission, to direct a club to alter its constitution without the club's members initially being involved. We do not agree that this is a reasonable position to adopt. This proposition denies the members of a club the right to amend their own constitution as they wish.

Further to this, however, is the legal advice which has been prepared for one ACT club in response to this proposed section. What does this advice say? The advice makes a number of comments. First, in relation to the relationship between the ACT's proposed section 53B and the commonwealth's Corporations Law, section 53B "relies on ... section 5G of the Commonwealth's corporations law to be effective". The clear intent of the Corporations Law, through section 5G and its explanatory memorandum, is to "permit greater protection for members or greater controls but not eroding of their rights as a voting member". We see:

... it is not the intention of the provisions of the [corporations law] to permit blatant overriding of members' rights, well established in both common law and under legislation.

I think the advice is quite clear. Yes, the commonwealth's Corporations Law does deal with the matters which are raised by the proposal for section 53B but, no, the intent of the Corporations Law is the opposite to the actions which would be permitted by section 53B. This means that the Corporations Law needs to be read such that any actions being contemplated by a state or territory can strengthen the position of members of a corporation, in this case read club, in the ACT context.

A state or territory cannot consider, however, any action which erodes the rights of voting members, and yet that is precisely what section 53B does. This section permits the commission to direct that a constitution be amended without the members being involved, and that position is simply not satisfactory.

It also is pertinent to consider the question of precedents in how section 53B might be applied. While any precedents relate to the actions of corporations, the legal advice notes that there are no examples where section 5G has been used to direct a company to amend a constitution without an election of the voting members of a company. It would appear to be mischievous, therefore, for the government to suggest that section 53B is a legitimate approach to reducing the powers of voting members of a club. Based on these very serious and fundamental concerns, I will be moving that section 53B be omitted from the bill.

The second area of concern relates to proposed section 148A. Section 148A is almost taken word for word from the commonwealth's Corporations Law. The only

difference is that “club” has been substituted for “corporation”. I emphasise straightaway that, in principle, this section is probably sound. The problem which we have with this section, however, is the way in which it will be administered by the commission. In particular, the directors of clubs in the ACT need details about what is not acceptable conduct and what processes will be followed by the commission in responding to any unacceptable behaviour.

We were told in our briefing that there should be no concerns with the proposal, as it mirrored the provisions in the Corporations Law, and that, given the arrangements which exist between the commission and ASIC, there should be no particular issue with such matters as a director being subject to action by both the commission and ASIC for the same alleged offence.

The concerns which the opposition have, however, essentially go to the matters of process and the related uncertainty about how this section would be administered. There is no definition of what would comprise a breach of the act. There is no guidance to show directors what the commission will consider to be acceptable behaviour and what might be unacceptable behaviour.

Further, while it is suggested that precedents established by ASIC could apply in this situation, in reality that is unlikely to be the case as clubs operating in the ACT are quite different from corporations. And indeed, there are no precedents, as far as we understand, within ASIC for actions which would be directly relevant to the directors of clubs in the ACT. Further, there is no indication of the process which would be followed by the commission in following through any allegation of a breach of section 148A. I could add to these comments but I think the basis of our opposition to this section is clear.

As I noted a moment ago, this section is probably quite reasonable. Indeed, in my discussions with ClubsACT, their view was that it is also probably a reasonable section. The problem is that this section of and by itself is not sufficient to provide any certainty to ACT clubs and, in particular, to the directors of ACT clubs about how the section could or would be applied.

Indeed, I would go so far as to suggest that the approach to the drafting of section 148A demonstrates that the government has not thought through all the implications which could arise with this section. I think that is disappointing. I am particularly concerned about the way in which this section could affect smaller clubs in the ACT and that is the smaller clubs which may be most at risk of breaching section 148A, with less resources at their disposal compared to the larger clubs.

Not only is there a potential for allegations of breaches but there is then the concomitant need to commit very limited resources in a small club to responding to any allegations, to identifying evidence relating to the breach, to preparing a defence against the allegations, to going through the process of dealing with the allegations and to responding to any actions which may result from the findings on the allegations. Particularly for the smaller clubs, the commitment of scarce resources to dealing with an allegation from the commission has the potential to be a major impost, in terms of both time and funds—and all of this in an environment where there are already severe

pressures on all clubs to perform satisfactorily and to generate some return for their members.

Until the uncertainty about the way in which this section is to be applied is resolved, we believe this section should not proceed. That is not to say that we want to give directors blanket coverage to not behave acceptably, but we would certainly—

Mr Barr: He is quick to add that.

MR SMYTH: Well, we said in theory that it is not an unacceptable clause but I think the concern mainly is with how it will apply and how it will be applied and what the process will be. Perhaps the minister can speak to that when he closes the debate. Madam Deputy Speaker, with those two amendments we believe that this bill can be supported.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.28): The Greens will be supporting this bill. We do have some amendments to ensure the integrity of both the community contribution scheme and the mandatory problem gambling assistance fund that we created last year. The bill deals primarily with administrative matters and clarifies a number of existing provisions to make them easier to implement, and hopefully it provides a better framework to ensure that licensees are meeting their obligations.

As we all know, there have been some difficulties with the governance arrangements and the Greens agree that it is appropriate that we respond to those concerns and clarify what clubs are obliged to do as well as the mechanisms for the commissioner to ensure compliance. Particular mention should be made of the need to ensure that associated organisations are appropriately regulated, to ensure that what we know are often complex relationships can be regulated in the best interests of both club members and the general community.

I would like to make the point that in the ACT we do have the governing party, indeed the party proposing the reform, being an associated entity of a gaming machine licence holder. This necessarily raises a number of concerns. Whether or not the reality reflects the concern is a separate matter. The fact is that there is a legitimate concern about the probity of the current situation and I would make no observation other than that the Labor Party would fail any reasonable apprehension of bias test. This is a matter for another day and for the time being the Greens are satisfied with the proposed clauses.

On the broad issue of compliance provisions within the bill, it must be remembered that the commissioner already has very broad compliance powers and the process for exercising that power is clearly set out in part 4 of the act. The Greens agree that given that this is, and rightly so, a regulated activity that creates significant harms to many in the community it is very appropriate that the commissioner have the broadest reasonable powers to ensure compliance with the act. I would make the point that rather than being a burden this is in fact in the best interests of licensees as it allows the commissioner to act early and ensure that more significant breaches do not happen.

I believe that clubs and club directors want to do the right thing and whilst some of the requirements may appear onerous or cumbersome they are reasonably necessary given the nature of the activity and the community. As I said, the community quite rightly expects that we take all reasonable steps to ensure that there simply is not the opportunity to circumvent the intended operation of the act and that we have in place the required level of oversight.

I understand that there will be amendments proposed to the two sections that appear to have caused some concern for ClubsACT and we will discuss the detail of those clauses shortly. However, I would like to make a couple of general points in the broader context of the scheme. As I understand it, there is a concern about the operation of the proposals in terms of the interaction with the operation of the commonwealth Corporations Law. The Greens are confident that the concerns are not correct and that the passage of the bill will ultimately assist in regulating the operation of gaming machine licensees.

The relevant provisions of the Corporations Law can perhaps be best characterised as a default position or minimum requirements and reflect the manifest contemplation and intention that there will be circumstances where it is appropriate to adopt a different position. Equally, at a general level, there is no problem having an overlap between commonwealth and territory laws, and this includes using the same tests or standards for overlapping purposes. This often occurs in any federal system, particularly one such as ours which expressly provides for concurrent jurisdiction until the commonwealth expressly intends to be the sole regulator.

As I said, we do have an amendment to ensure that appropriate distinction between a mandatory reparation for harms being caused as opposed to a required community benefit that can be said would not otherwise be there if this activity was not undertaken. The simplest analogy that can be made is if problem gambling causes the community \$100 in damage and those responsible for the addiction pay back \$10. The reality is that the proportion is probably much smaller than that but, for the sake of the argument, let us say \$10. Explain to me how that is of benefit to the community.

That is the issue: how is it of benefit to the community? What good comes about when the community is left with a \$90 bill for the citizens, and their families, who are addicted to gambling and who do not choose to stop? When someone commits suicide because of their addiction, tell me how the gambling machine licensee made a contribution to the community when they were forced to give back a small proportion of that person's money so that someone else could hopefully be prevented from the same fate. And we are talking about serious issues and harms here. The reality is that to make that argument you could only be concerned for the clubs. It is not about getting the best outcomes for the community; it is only about what the clubs think makes their actions look a little more palatable.

As I said, clubs do have enormous benefits for our community. They do provide a number of sponsorships to sporting clubs, they provide cheaper meals for families to be able to go and have a meal out on a Friday night or whatever. But we do need to understand that there are real issues with poker machines; there are real issues around

gambling and addiction. Real harms are caused and that is why I will be putting up the amendment that it not be included in the community benefit part.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.34), in reply: I thank the opposition and the Greens party for their broad support of the government's intent with this legislation.

The club industry in the ACT makes a significant contribution to the community by providing funds and facilities to local sporting and not-for-profit organisations. Clubs are themselves not operated for profit but for the benefit of members and the community. This confers upon clubs a responsibility to conduct their activities in a transparent and accountable manner in line with acceptable standards.

In order to ensure clubs were operating within a suitable governance regulatory framework, the Gambling and Racing Commission was tasked with reviewing the governance arrangements applying to clubs. Two periods of industry and community consultation occurred, totalling 10 weeks. The commission first produced an issues paper released in May 2010 to commence the initial stage of public consultation. The paper was forwarded directly to stakeholders and advertised in the *Canberra Times* and was also made available on the commission's website. The commission also participated in an industry seminar which was facilitated by ClubsACT.

This bill has been developed in consultation with the industry in an open and transparent process. The commission's report and recommendations, which I made available to the Assembly on 5 May this year, have been accepted by the government. The Gaming Machine (Club Governance) Amendment Bill was designed to improve the transparency and accountability of clubs. It is also designed to strengthen the powers of the Gambling and Racing Commission as the local regulator.

The key to good governance in an organisation lies with the directors. Put simply, this bill requires that directors act in the best interests of their clubs. Whilst this provision echoes existing commonwealth Corporations Law requirements, it importantly places the monitoring of this provision with the local regulator. It should be noted that this provision does not impose any additional requirements on directors beyond those that already exist in Corporations Law. These provisions are aimed at ensuring major decisions, such as significant expenditure or other commitments, are taken consistent with a club's constitution and in the best interests of members.

The significance of placing the monitoring duties in the hands of the Gambling and Racing Commission was outlined in its review of the governance provisions in the Gaming Machine Act. The review noted that the Australian Securities and Investments Commission—ASIC—has significant national responsibilities and a very large number of organisations to monitor. The report recognised that, as a result, ASIC is not always able to give local corporate issues the attention they may require. However, these issues are important to the proper conduct of the club industry and they should be addressed and rectified.

Unlike Corporations Law, the requirement contained in this bill does not have any civil penalties. Instead, where a director is found to have acted contrary to the club's

best interests, the Gaming Machine Act would provide the Gambling and Racing Commission with the power to seek to have the matter addressed with the licensee. This could include disciplinary action against the licensee. This mechanism ensures that the licensee addresses the issues and takes responsibility to ensure that their directors are compliant with their legal obligations. As with all disciplinary matters, the commission would consider the circumstances of any breach, including providing the licensee with an opportunity to comment and rectify before taking action. If action is taken by the commission, the licensee has the opportunity to seek a review of the decision with the ACT Civil and Administrative Tribunal.

In relation to the potential for two regulators pursuing a licensee for the same issue, ASIC's focus is on the individual director while this bill encourages a licensee to resolve the matter at board level. In any case, I have no doubt that the two regulators would communicate with each other in such circumstances to ensure that any action taken was coordinated.

An important point of the governance arrangements of many clubs is the use of an associated organisation to maintain consistent objects and, therefore, stability in its goals. This bill recognises this fact but proposes some important requirements on the operation of associated organisations. While associated organisations will retain the ability to appoint directors, under this bill they will no longer be able to remove directors from club boards. This is to ensure a director appointed by an associated organisation does not experience pressure—real or perceived—to act in the interests of the associated organisation rather than the interests of the club. As I have emphasised, a director's first responsibility must be to the members and the club. This bill helps to ensure the interests of the members and the club remain foremost in the minds of directors.

The bill recognises that organisations can change over time. This bill requires that associated organisations continually meet the requirements of their initial declaration and, therefore, continue to be a benefit to the club. The bill also requires an associated organisation not to do anything that would, if the commission were considering whether to declare an entity as an associated organisation for a club, cause the commission to refuse to make the declaration. For example, if the entity had a history of regulatory noncompliance, then not only would this be an issue on application, it would also be relevant if it occurred after an initial approval was granted.

The bill provides the commission with the power to suspend or repeal a declaration of an associated organisation. This will protect clubs and their assets from associated organisations having a significant influence when they are no longer a benefit to the club.

This bill has been carefully developed following a comprehensive review and an extensive consultation process with the ACT clubs industry. The implementation of this bill will set the club industry on a better course of governance. It will ensure better outcomes for members and the community. To build on this approach to governance, I will soon request ClubsACT to review their existing voluntary code of governance. This is to ensure that it includes best practice guidelines along with a system to monitor licensee performance in achieving those outcomes. We will

monitor the impact of these changes over time and will review the operation of the changes made by this bill in two years time.

I would also like to foreshadow that the government will be moving three minor amendments to the bill in the detail stage. These are in response to comments from the scrutiny of bills committee and are intended to ensure that the bill is taken to have commenced on 1 July 2011. I again thank members for their broad support of this legislation, and I commend the bill and the government's forthcoming amendments to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.42), by leave: Pursuant to standing order 182A(b) I seek leave to move three amendments that are minor and technical in nature.

Leave granted.

MR BARR: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government's amendments [*see schedule 1 at page 2764*].

Amendment No 1 addresses the comments by the scrutiny of bills committee. In its report on the bill, the committee sought clarification as to why the powers conferred on the ACT Gambling and Racing Commission under section 147C of the act—clause 18 of the bill—did not have the same qualifying condition relating to reasonable grounds as was conferred under section 148B of the act—clause 21 of this bill.

Whilst I am advised there are sufficient requirements in place to ensure that the commission makes reasonable administrative decisions, this amendment, and the one that follows, makes this requirement explicit and puts the matter beyond doubt. Although the scrutiny of bills committee only raised the matter in relation to the proposed new section 147C, the government considered that, if section 147C were to be amended, then, for consistency, section 147B should also be amended.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 8, by leave, taken together and agreed to.

Clause 9.

MR SMYTH (Brindabella) (11.45): I move amendment No 1 circulated in my name [see schedule 2 at page 2764].

The amendment is simply to omit the clause. Whilst we agree that clubs' constitutions should be consistent with the law, we are very concerned about this power. I would just like to refer to a letter that ClubsACT sent to the minister, where they reinforce the sentiment:

While we agree that club constitutions should in no way be inconsistent with the *Gaming Machine Act 2004*, we strongly oppose the right of the Commission to bypass the members of clubs to enact changes to that constitution.

It has not been demonstrated why the Commission should have the power to require such changes without a vote by the members of the club.

Surely a more appropriate course of action would be for the Commission to write to the club and require them to put a constitutional amendment to a vote of members. This would of course be only a formality as such amendments would be passed by the members and the Commission would have no option to apply penalties and seek remedial action should the amendment fail to pass such amendments.

It goes on:

The ACT is the most highly regulated club sector in the nation. The level of intervention that certain provisions in this Bill represent is unjustified and unworkable.

It also goes on to say:

I would be grateful if you could release any legal advice that was provided to you relating to this Bill and could you also indicate whether or not this legislation went through a Regulatory Impact Statement?

I think they are very valid questions, and I look forward to the minister's response. We need to be quite clear here: we believe constitutions should be consistent with the law, but we believe this takes it a step too far. We have a very highly regulated and, indeed, highly respected club sector. I do not think the case has been made as to why we need to take this extra step. The relevant part of the current act simply says that constitutions must be consistent with the law. That is a reasonable statement. I do not think anybody objects to that. It is quite implicit in that, and that is all the power that we believe is required in this case.

Perhaps the minister could explain exactly why they believe it is important to have this power, why they believe it should be in the form that it is, whether or not a regulatory impact statement was done, if so, what was the consequence of that RIS, and whether he will table their legal advice. That would be most helpful as well.

The clubs, of course, have been quite open. They have put out their legal advice, and we will get to that particularly in the coming section. But it is important that we know exactly what is driving the government on this, because this may well be a clause that we have to come back and revisit in the future.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.48): The government will not be supporting Mr Smyth's amendment. We believe in the provisions we have put forward in this legislation that require club constitutions to be consistent with gaming laws, and we believe this will prevent clubs from unknowingly encouraging unlawful activity.

The government is of the view that the operation of this provision will enable the commission to direct a club to change its constitution if it is inconsistent but give the club a specified time frame in which to do so. It is the government's view, picking up on the points that Mr Smyth has just raised, that a club would then use that appropriate time frame to make amendments to their constitution through the usual provisions—that is, to go to their membership to make such amendments. But having this clause provides an opportunity, should a club be recalcitrant in this area, for the commission to take appropriate action. Therefore, the government supports the bill in its original form and will not be supporting the opposition amendment.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.49): The Greens will not be supporting either of the Liberal amendments. Gambling and gaming machines are, quite rightly, heavily regulated activities, and the Greens will not support it being any other way. There are significant risks and harms that come about from poker machines, and to suggest the commissioner should not be able to enforce a requirement that club constitutions must be consistent with gaming laws is not a cogent argument.

I understand the argument that members must have control, as they are, after all, their clubs, but that does not quite make sense in the context that the constitutions are only being amended to ensure they are consistent with gaming laws. There is no option but to require that the laws of this place are respected, and the proposed mechanism is the most prudent way of doing that. Clubs will be advised of the need to remedy a discrepancy, and the power for the commissioner to amend constitutions only kicks in after they fail to do so. To argue that there should be a discretion for club members to agree to follow the law simply does not make sense.

It should be noted that this is a reviewable decision and a club must be given a notice to correct itself before further action is taken by the commissioner. The alternative is, of course, that the commission take disciplinary action and prohibit a club from operating gaming machines. Surely the more logical thing to do is to have the commissioner correct the constitution where a club is unable to do so in a reasonable time.

I understand that an issue has been raised about the legality of this requirement given the requirements of the Corporations Act. The legal advice that was obtained by

ClubsACT is incorrect in this regard. To suggest that a statement can limit the operation of the clause by explicitly stating this intention is simply incorrect. The fact that the provision has only been used to draw the provisions into other jurisdiction is entirely irrelevant. I draw attention to the subject of what exactly the provision is doing—that is, ensuring that club constitutions are consistent with gambling laws and their obligations as licence holders. The legal advice received by ClubsACT does not consider these matters that are very relevant to the issue.

The better construction is that the absence of any express limitation of the scope of section 5G is enough to demonstrate that the commonwealth parliament never intended to limit the operation of the clause to circumstances where greater rights were being granted to members. Rather, the section necessarily defers to state and territory legislatures to augment the regulatory effectiveness of the act in the specific context of the entities concerned.

I make the point that examples in our own Legislation Act cannot limit the scope of a provision, and a similar provision exists in the commonwealth Acts Interpretation Act, which provides that examples are not exhaustive.

The Greens will not support this amendment. Rather than limiting members' rights, I suspect that it probably offers some greater protection from other disciplinary action that will ultimately have a greater impact on a club.

MR SMYTH (Brindabella) (11.52): I am sorry but I did not hear the minister say whether they have done an RIS or whether they have released their legal advice. So I will speak again and then the minister can answer both of those questions.

The legal advice provided by one of the clubs in the ACT goes right to the heart of the clear intent of the Corporations Act, which the government seems to be relying on. They clearly have a contrary view to what it is the government is saying. I will just read a couple of the paragraphs.

The clear intent of the Corps Act provisions are to permit greater protection for members or greater controls but not eroding of their rights as a voting member.

I have reviewed a number of instances where these provisions have been used in other jurisdictions. I have been unable to find any examples where these provisions have been used to direct a company to amend a constitution without an election of the voting members of the company.

It goes on to say:

It is my initial view, based on consideration of the relevant version of the Corps Act, the relevant provisions of the Explanatory Memorandum and use of these provisions in other jurisdictions, that it is not the intention of the provisions of the Corps Act to permit a blatant overriding of members' rights, well established in both common law and under legislation.

I think it is quite clear that there is doubt about this and there is doubt about the way that the government has used the Corporations Act. And I think we need to be very careful amending the act where it is so unclear and where indeed the government will

not release its legal advice. If the government are certain of their case, then, of course, in this new era of openness and accountability that the Chief Minister has heralded, they would have absolutely no trouble in tabling that legal advice. I am sure the minister has got a copy of it in his briefing folder with him there.

If we do not see that legal advice, then I think we are free to ask two questions: how open and accountable is the new regime under Katy Gallagher and how strong are the government in their conviction that they have the legal force to do this? If it was clear in their legal advice I think they would be, as we have seen on numerous occasions before where they know they are on a winner, tabling the legal advice without any worries at all. It is where it is of either uncertain or dubious value that the government withhold their legal advice. Where we are looking to provisions of an act from another jurisdiction to validate what the government do, I think we need to be very clear in the interpretation of the other act.

The legal advice I have before me says there is doubt. Indeed, they are saying that it is contrary to the provisions of the Corporations Act. I think it would be a very dangerous path to build a house of cards on some sand that may well collapse in on the government and indeed on the Assembly. I suspect we will be back, if this amendment fails, to amend this in time to come, simply because when it is tested it is my belief it will fail.

Question put:

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

The Assembly voted—

Ayes 5

Noes 10

Mr Coe
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Amendment negatived.

Clause 9 agreed to.

Clauses 10 to 17, by leave, taken together and agreed to.

Clause 18.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.59), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 1 at page 2764*]. I apologise to the Assembly as I got ahead of myself on the previous one and have already raised these amendments. These

amendments are in fact the ones that are in response to the scrutiny of bills committee and go to insert the “on reasonable grounds” condition that I spoke about earlier.

I should, for the record, advise that the previous amendment that we supported—and I thank members for doing so—was in fact to ensure that the enactment of the bill is taken to be 1 July, to avoid financial implications for the club industry that may arise if the bill did not commence on 1 July. I apologise to members. I just jumped ahead a page in my running sheet. I note no-one interjected to advise me.

Nonetheless I do, again, apologise to members and seek their support for these particular amendments that I note also mirror amendments that Ms Hunter has put forward and that were recommended by the scrutiny of bills committee. I note the chair of the committee is in the chamber as well at this point. I thank the committee for their advice and seek the Assembly’s support for these amendments.

MR SMYTH (Brindabella) (12.01): They are agreed.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.01): The Greens did draft similar amendments, as the minister has said, to ensure the test for the commissioner’s decision making was explicitly clear and consistent throughout the bill. These amendments achieve the same outcome, which reflects the scrutiny of bills committee’s concerns, and ensure we are consistent with other bills passed by this place. You will remember that I moved amendments to a public sector management bill earlier in the year to do the same thing. It is appropriate that we are consistent and ensure that there can never be any doubt as to the standard the parliament intends to achieve for delegated decision-making functions. We will be supporting these amendments.

Amendments agreed to.

Clause 18, as amended, agreed to.

Clause 19 agreed to.

Clause 20.

MR SMYTH (Brindabella) (12.02): I will be opposing this clause. Again, this is creating some angst in the community as to what “club directors acting in good faith” truly means. I think I have made it quite clear from the start that we all believe that directors should act in good faith, but the problem is that there has been nothing cited really to justify the need for this provision. I quote from the ClubsACT letter to the minister:

More importantly, there has been no information provided as to how this bill would work in practice and very fundamental questions remain unanswered.

One of those questions is, according to the letter:

What Actions Would Represent a Breach of Section 148A?

If you go to the bill or the explanatory memorandum, there is actually no indication of what a breach here is. The letter continues:

Section 148A requires a director to discharge his or her duties for “in the best interests of the club and a proper purpose”.

While there is precedent in federal law, it is very unclear how this would apply to a club. I know the clubs had a discussion with the commissioner and indeed they put an example to him. I quote again from the letter:

It has been put to me for example, that a director suggesting funds be directed to purposes other than the core purpose of the club as enshrined in its constitution may represent a potential breach of Section 148(A).

In discussions with Greg Jones, he has not ruled out that possibility.

So the dilemma here is this: what is the purpose of this and what is the need for it? If there is no example cited to justify what the provision is required for, if there is no explanation in either the bill or the EM as to how it would be applied, it certainly is a very broad law with a very broad power. When we make laws like this we certainly should try to work out with a great deal of clarity what it is that we are attempting to address here.

Other questions are then raised. Again, to quote ClubsACT:

In What Circumstances Could the Commission Launch an Investigation
...

No Independent Third-Party Review Prior to Decision

Then it goes on to talk about the lack of direct powers in relation to the directors. There are a significant number of questions here but I do not think people are saying, “Don’t do it.” I think the request from the club sector is that this clause be deleted today and discussed and that it be made entirely clear as to what is the objective of the government in this case. Why does the commission need this power?

Unless we are making laws with great clarity, then I suggest that we should not make them. If we are making a law that addresses something that is vaguely seen as a threat in the future, that is a very dangerous way to start because broad powers like that can clearly be used in a broad number of ways. I think we should all be concerned with that. With that in mind, until we get such clarity, until we get answers to those questions, I think it is appropriate that this clause be rejected.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (12.05): The government will not be supporting Mr Smyth’s amendments, so we will be opposing their opposition—a context of a double negative there, Mr Speaker.

The reason, as I have outlined in my closing comments in the in-principle stage, is that we recognise the significant role the clubs play in the community and recognise also that there is a very strong community expectation that they operate in a transparent and accountable way.

Whilst we acknowledge that the club industry has taken some steps to adapt to the increasing importance of governance practices in the not-for-profit and corporate sectors, the Gambling and Racing Commission's regulatory experience and the review of the existing governance provisions found that there were areas where further improvements could be made. These improvements include, amongst other things, ensuring that club directors act in the best interests of their club by introducing a clear and locally administered requirement that they do so, ensuring that there are full and appropriate levels of disclosure and guaranteeing member representation on club boards, as a number of these clauses go to.

As to the question of whether the bill duplicates corporations law—yes, it does, and it does so to provide a locally administered requirement that, regardless of any other role and responsibilities that a club director may have, when performing their role as a director of a club they must act with the club's best interests foremost in mind. This has been done for two reasons. The first is to ensure that all club directors are required to act in this manner. The Gaming Machine Act does not require all clubs to be incorporated under the Corporations Act, and smaller clubs are generally only incorporated associations. This new section therefore ensures that the key provision in the Corporations Act applies to all club directors. The second reason for its inclusion in the GMA is that it enables the commission, as the local regulatory authority, to educate directors about their responsibilities and take timely action, including encouraging remedial action if a director does not comply with these requirements.

I stress again, as I did in my closing remarks, that the bill's requirement does not share the Corporations Act civil penalty, where directors may be held personally liable. This is around giving the commission the capacity to take disciplinary action against the licensee, which we believe would encourage the club to resolve any particular issue with a particular director or numbers of directors.

In the context of the concern in relation to this particular clause, the commission will work closely with the club sector in relation to its operation. Again, the government has committed to reviewing this legislation after a two-year period. We believe that this provision and this law should be supported today, but we do undertake to review its provision within the two-year period.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.09): The Greens will not support this amendment. At the heart of the amendment lies a significant misunderstanding about our federal structure and the role each level of government should rightly play. Who questions that, where a director is not acting in good faith, in the best interests of the club and for a proper purpose, the commissioner should not be able to do something about it?

The fact that this is the same test used in the corporations law has no material impact on the appropriateness of the ACT law. The reality is that, given the disciplinary

measures available, this would be an effective means of ensuring that clubs respond to concerns about directors and can prevent or limit any impropriety. The personal obligation and offence provisions that may be enlivened by the corporations law are a separate question which ultimately the commonwealth must choose to follow up on.

The Greens will not support this amendment. I believe that many members of clubs across Canberra would support a mechanism that ultimately protects them and their club from the actions of an individual who does not have the club's best interests at heart.

MR SMYTH (Brindabella) (12.10): I will just make a final point on this issue about the inclusion of the directors' obligation. Again I will quote some of the legal advice provided by the clubs:

The new clause 148A of the Bill replicates the provisions of section 181 of the Corps Act. While on the face of it this is not a problem in and of itself, taken together with sections 148B the Bill provides a very broad (and unspecified) scope for the Commission to make a direction to amend a club's constitution without going to members with uncertain consequences.

By prescribing the director duties in the Bill the scope for intervention by the Commission is enormous and uncertain. For example, the provisions of 148B appear to give the Commission the power to, if they believe (on reasonable grounds) that a director is not acting in good faith consistent with section 148A, intervene to direct a club to remove the director without going to members.

It is also unclear how these provisions would sit along side existing provisions of the Corps Act and the role of ASIC.

So again I think it is very important that where something is so uncertain—we have not seen the RIS, and I do not think the minister has spoken about the RIS and whether or not he will table it. And we have not seen the legal advice, and the minister has not spoken about it; it is quite clear that he is not going to table it, even though we have a new era of accountability and openness. And there lies the problem. We do not know what is prompting this. We do not know what is driving this. We do not know why this is required—because, quite simply, the government will not tell us. We should omit the clause until proper discussion has been had and potentially guidelines on how it will be used have been promulgated.

Question put:

That clause 20 be agreed to.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

Clause 20 agreed to.

Clause 21 agreed to.

Clause 22.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.16): I move amendment No 3 circulated in my name [*see schedule 3 at page 2765*].

Mr Speaker, my amendment and a subsequent amendment that I may move this morning are about ensuring the integrity of the scheme created by this place only a matter of months ago. The logic of saying that you can claim that something that you are compelled to do because of the harm you are causing is a community contribution and therefore a positive is, I believe, wrong. Would anyone here suggest that tobacco companies should be able to say that the excise paid on cigarettes is a community contribution? Of course, that would be a ridiculous and farcical situation.

Clubs do make a valid and valuable community contribution, and they should quite rightly be recognised for that. They should not, however, be recognised for making a mandatory contribution to the community—costs for a harm they are causing. The reality is that there is no community benefit from the scenario where more is taken than given. Sure; things might not be as bad as they would be without it, and that is of course a false economy.

Clubs do provide a range of other community benefits, and they should be recognised because they do create an additional benefit for the community. Sports teams turn out on Saturday mornings because of the contribution of clubs, and we should recognise the positives that they provide to many organisations—sporting, charitable and so forth. Any additional problem gambling contributions that are made by clubs beyond what they are mandated to pay to the fund should be recognised as community contributions, as they are going beyond what the community has said should be the minimum. This is where there should be a positive recognition of club initiatives—not for fulfilling the basic minimum requirement. We should not be blurring the line and trying to make out that this is a voluntary situation when it clearly is not about choice; it is a mandatory contribution. And I do not believe it is an onerous mandatory contribution. I think really, at the height of it, it is a basic minimum.

I hope all members can see the logic in leaving things as they are and keeping the two schemes separate. It is important to recognise, as I said, the community contribution that is given by the clubs—as I said, to many organisations: sporting clubs and so forth. But let us face it: this scheme to put aside money to set up supports and programs for people with gambling issues, to look at research around this area, is a mandatory program. Therefore it is the Greens' view that it should not be considered as part of the community contribution.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and

Recreation) (12.19): The government will not be supporting Ms Hunter's amendments. What is contained within the bill is the total package that I announced last year in relation to reform in this area and was integral to the government's agreement in relation to the creation of this fund and the significant expansion of this fund last year. We agreed on the basis that we would seek to increase the community contribution rate from seven to eight per cent. To make this change now would be to breach faith with the commitments that the government has made in relation to reform in this area. It is not something that I am prepared to do, Mr Speaker.

I understand the reasons Ms Hunter is moving the amendment, and I understand the policy rationale and the thinking behind it, but I just do not agree with it. Accordingly, we will be sticking to our position, as we outlined, in support of a total reform package in this area and will not be supporting Ms Hunter's amendment.

MR SMYTH (Brindabella) (12.20): The opposition will not be supporting the amendment.

Question put:

That **Ms Hunter's** amendment be agreed to.

The Assembly voted—

Ayes 4

Ms Bresnan
Ms Hunter
Ms Le Couteur

Mr Rattenbury

Noes 11

Mr Barr
Dr Bourke
Ms Burch
Mr Coe
Mr Corbell
Mrs Dunne

Mr Hanson
Mr Hargreaves
Ms Porter
Mr Seselja
Mr Smyth

Question so resolved in the negative.

Clause 22 agreed to.

Clause 23 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Sitting suspended from 12.23 to 2 pm.

Questions without notice **Government whip—remuneration**

MR SESELJA: My question is to the Chief Minister and relates to her responsibility for the administration of the Remuneration Tribunal Act. Chief Minister, the Remuneration Tribunal awards an extra allowance for those acting in the role of

government whip. Given the actions of Mr Hargreaves last week, has he met the standards required for him continuing to take an extra allowance under this act, should he consider resigning or should you remove him from that position?

MS GALLAGHER: I thank the Leader of the Opposition for the question. I am very satisfied, as I said this morning, that Mr Hargreaves's comment late last week was inappropriate. He has apologised for that and any offence that it caused. I also put it in the context of last week, in that it was a very robust time in this place, where there were a number of interjections from both sides of the chamber. I think my view on this is that we all need to pull our socks up and behave a bit better in this chamber. But I do not see any reason why any further action is required, other than what has been offered to date, which is a most genuine and most sincere apology.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Should there be a code of conduct for those holding the position of government whip, and will you undertake to develop such a code?

MS GALLAGHER: Interestingly enough, that is a discussion I have been having with the Chief Minister and Cabinet Directorate, around whether or not it is appropriate that there be a code of conduct for all members in this place. I think it is a good idea that needs to be pursued, and I welcome the Leader of the Opposition's support for such a code.

MR SMYTH: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, what do you say to the female officers in your public service that a senior government member can make personal sexist attacks and get away with no repercussions? Will you tell them it is just a joke?

MS GALLAGHER: I think there have been repercussions. The repercussions have been that an apology—a most sincere and genuine and public apology—has been given. That is appropriate in the circumstances in the context of which those comments were made, which was also in response to continuous and continual interjection by members of your team, Mr Seselja, about alcohol consumption and use of alcohol in relation to members on this side.

In response to that, my view is that apology has been given. It is most sincere. In my discussions with Mr Hargreaves on the weekend, he was mortified that Mr Dunne had taken the offence she had to that comment and, on immediate understanding of that offence, sought to take action to recover, respond and apologise.

But he also mentioned to me at that time the hurt that he feels every time members of your team, Mr Seselja, interject with comments about the drink-driving incident that occurred over five years ago. That has been ongoing for five years, from members of your side—probably every member of your side. I would say to you and to all of us here that the challenge today is to understand that interjections cause hurt and that we

need to stand up and accept that our behaviour needs to improve—all of our behaviour in this place. I am ready to lead the challenge on that.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, is this Mr Hargreaves's last chance? If not, why not?

MS GALLAGHER: Mr Hargreaves, after causing offence to Mrs Dunne, has apologised. I am not sure that there is anything further to be gained from the continual airing of this. I do not think further action needs to be taken. I think lessons have been learnt and the challenge to us now is to demonstrate—and this goes to members on both sides—that we have understood the lesson that has been learnt and desist from those sorts of personal interjections in the future.

Mr Coe interjecting—

MR SPEAKER: Mr Coe!

Mr Coe interjecting—

MR SPEAKER: Mr Coe, I have just asked you.

MS GALLAGHER: Mr Coe, you are one of the serial offenders.

Schools—Tharwa preschool

MS HUNTER: My question is to the Minister for Education and is about the operation of Tharwa preschool. Minister, can you advise why the residents of Tharwa are again without a local preschool, despite agreement by the government in early 2010 to re-establish the preschool at Tharwa?

MR BARR: The only reason that would be relevant in this case would be a lack of enrolments. I will check information from the Education and Training Directorate in relation to current enrolments. If there is not sufficient interest to operate a preschool, then the government cannot operate one.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, what consultation have you had with Tharwa preschool staff and parents on when they can expect to see a preschool running in Tharwa again?

MR BARR: I understand that it will be an annual process in relation to enrolments. Of course, if sufficient enrolments are there then a preschool can operate. I will seek some further advice in relation to the current level of enrolments at Tharwa and whether there are any expressions of interest. I know that the program was extended to involve three-year-olds and four-year-olds, in an effort to provide sufficient numbers, but this does go to an obvious point. If there simply are not enrolments then there is no point operating a preschool with no students.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, are you aware of, and what is your response to, the current demographics of Tharwa village, with record numbers of children under five and yet no local preschool?

MR BARR: I think the two arguments are somewhat illogical in that if there were record numbers of students under five, then there would be sufficient enrolments for the preschool. I am happy to check on that particular statement as to whether it does constitute record numbers. Regardless of how many students there are under five, if they are not enrolled in the preschool, then it is very difficult for the government to run a program if there are not sufficient enrolments.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Minister, are you aware, and what is your response, that Tharwa preschool curriculum was changed and that it no longer reflects the curriculum of a rural preschool?

MR BARR: The curriculum requirements are there within the ACT curriculum framework that of course is adopted across all schools in the ACT. But we do have a system of school-based autonomy and flexibility within our curriculum framework determined at the school board level. To the extent that there may be a question of a changed curriculum framework and a change to the curriculum at Tharwa preschool, that would be as a result of a decision taken at the local level. But it would have to be consistent with the ACT curriculum framework.

Government—openness and transparency

DR BOURKE: My question is to the Chief Minister. Chief Minister, can you please advise the Assembly what your government is doing to promote a greater sense of openness in the provision of government information, transparency and participation for all Canberrans?

MS GALLAGHER: I thank Dr Bourke for the question. Members will recall that last week I provided to the Assembly a statement about the work that has been begun by the government to build on an open government framework for the people of the ACT. This work does build on the work that was already underway and certainly will progress some of the work that was done by “time to talk: Canberra 2030”.

The aim of promoting this more open government is to ensure greater transparency in our own processes and in information, to provide greater and more meaningful participation by the community so they are at the centre of all of our government processes and to organise better public collaboration in dealing with the solutions we need to address the many issues that are currently before the government and the issues that will be before the government into the future.

There are a number of ways that we will start this work. I notice that on the weekend, in response to my ministerial statement, some of the active blog sites looking at Government 2.0 have been commenting on the statement I made last week and some of the steps they would like to see taken. I would say that the announcements I made last week really are the first steps that we will build on.

I note that some of the commentators believe that providing an open government website within three months will be a very ambitious task. But, again, I would say that if the website that we create is not entirely complete, we will continue to add capacity within that website. I do not want to rush this work. I do want it to be quality and I want to make sure that it delivers on what we actually intend to do, which is to provide better information to the community, information to the community earlier than has perhaps been the case, and provide them with an opportunity to talk further with us.

Obviously, there is the FOI web release policy. There are some protocols to put in place around that and a site created on that website around providing one location for all our reports and government reviews. We will, of course, outline a cabinet summary of key issues discussed and decisions taken. We look to start that following the rise of the Assembly this week. So next week's cabinet meeting would be the first one that would fall within that summary document.

We have had a pretty positive response to holding the first virtual community cabinet via Twitter. We will see how this goes and there are obviously other ways of creating and harnessing the capacity that online mechanisms do provide to support that direct engagement with the cabinet and to provide members of the community with opportunity to talk directly with their cabinet ministers.

MR SPEAKER: Dr Bourke, a supplementary?

DR BOURKE: Thank you, Mr Speaker. Chief Minister, you mentioned opportunities for enhanced e-democracy through the establishment of a new website and a trial of a virtual cabinet. Can you provide more detail around what this means for Canberrans?

MS GALLAGHER: I thank Dr Bourke for the supplementary. We do know that in all the surveys done Canberrans lead the nation with their level of access to internet connections at home and indeed to broadband access. So we do think that this provides a real opportunity for members of our community who are time poor to connect online with their government and to look at ways where we can create a capacity for people to contribute to government work at any time of the day.

The new website will play a role in this. As I said, I want this to be quality work, so whether it is completely ready in three months time—we will just monitor over the next couple of months as it is being constructed. But I think that will provide a key area for the community to log on and interact with government. We know through 2030 time to talk that Canberrans really did use the web for surveys for discussion forums and to provide feedback on the process. We all found that incredibly valuable.

In terms of community cabinet, we have community cabinet in the community now and we obviously have individual meetings with members of the community. We will monitor how the virtual community cabinet goes and whether Twitter is the most effective mechanism. Obviously there will be greater opportunity with different forums to look at this and how we expand this agenda going forward, but the principles are that we would like to share as much information as we can early on with the community and make them aware of the issues that the cabinet is considering even if no final decisions have been taken—and encourage a whole group within our community who may not come to public meetings or community cabinets, or find it confronting to get involved in the work of government, to offer them as many avenues as possible.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Chief Minister, if your government is going to be more open and accountable, why did you vote against an Assembly inquiry last week into the termination of a former superintendent of the AMC, Mr Doug Buchanan?

MS GALLAGHER: Providing an open government agenda does not mean that it is a free-for-all into every area. Looking into HR matters, which are often sensitive, difficult and complex, does not necessarily mean that we are creating an open government framework for engagement. I think it does present the opposition with a bit of a challenge to be mature—

Mr Hanson interjecting—

MS GALLAGHER: about how we deal with the open government message going forward.

Mr Hargreaves: A point of order, Mr Speaker.

MR SPEAKER: Stop the clocks. Yes, Mr Hargreaves.

Mr Hargreaves: I understand that the interjection from Mr Hanson, yet again calling the process of the Chief Minister a cover-up, is unparliamentary, and I would ask you to ask him to withdraw that, please.

MR SPEAKER: There is no point of order. I think this one sits within the bounds of the robust nature of this place.

MS GALLAGHER: Mr Speaker, I think the challenge is for the opposition to be mature about this work as it goes forward and to—

Mr Seselja: It is a cover-up though, isn't it?

MS GALLAGHER: Whenever the opposition are not going to get their way, I can hear it now—it is going to be a cover-up by this government. And that is simply

unacceptable. If you want to genuinely create capacity in the community to get involved with government work, participate in it and collaborate in it with government, you are going to have to be mature about this work. And that does not mean every issue, including HR issues, that need to be dealt with outside this place, outside the parliament; those matters are appropriately dealt with, with multiple avenues for review, and are kept in those areas.

Mr Hargreaves interjecting—

MR SPEAKER: Mr Hargreaves!

MS GALLAGHER: This open government agenda does not mean—

Mrs Dunne: On a point of order, Mr Speaker, Mr Hargreaves called Mr Hanson a bully. I believe that is an imputation. I seek your ruling on this and to ask Mr Hargreaves to withdraw.

Mr Hargreaves: Mr Speaker, I am happy to withdraw the fact that I called Mr Hanson a bully, because it is not the first time he has been called a bully in this place. If he is going to bully his way through, I withdraw it.

Members interjecting—

MR SPEAKER: Order!

Mr Smyth: On a point of order, Mr Speaker—

Members interjecting—

MR SPEAKER: Order! I cannot hear Mr Smyth. Mr Coe, thank you.

Mr Smyth: As to Mr Hargreaves's withdrawal, *House of Representatives Practice* states on page 500 that "people must withdraw the remark immediately, in a respectful manner, unreservedly and without conditions or qualification". He yet again plays the game of putting in a preamble and really not withdrawing in the true spirit of the standing orders. I would ask that you just ask him to withdraw unreservedly.

Mr Hargreaves: Mr Speaker, I will treat those opposite with the same respect that they treat me, and I withdraw it unconditionally.

MR SPEAKER: Thank you.

Mr Hanson: Mr Speaker, during the interjection previously from Mr Hargreaves, he yelled "little hypocrite" at the Leader of the Opposition, and I would ask that he also withdraw that imputation on Mr Seselja's character.

Mr Hargreaves: I withdraw, Mr Speaker.

Mr Smyth: A supplementary, Mr Speaker.

MR SPEAKER: Just one moment, Mr Smyth. Ms Gallagher still has the floor.

MS GALLAGHER: I have completed my answer.

MR SPEAKER: Ms Le Couteur, are you after a supplementary?

Ms Le Couteur: I was after a supplementary but I thought Ms Gallagher had the floor.

MR SPEAKER: Yes, Ms Le Couteur had the call earlier, Mr Smyth.

Mr Smyth: She needs to be on her feet, Mr Speaker. You just can't ask a member if they had a supplementary. The practice in this place is that people get to their feet and say "supplementary". They are your standing orders.

MR SPEAKER: Order! Thank you, Mr Smyth. For what it is worth, Mr Hanson and Ms Le Couteur stood at the same time before and I was going to take it that way, but now that you have the floor, Mr Smyth, it is yours.

MR SMYTH: Thank you, Mr Speaker. Chief Minister, a supplementary: in this spirit of openness and accountability, would you now table the Costello report, the secret report on bullying in obstetrics, and the Enlighten report that you have withheld due to commercial-in-confidence reasons?

MS GALLAGHER: Indeed, in the comments I have made around open government and the release of government information, I have also outlined areas where there would be reason, and could be valid reason, for certain reports or certain parts of reports not being able to be released. Some of those issues go to commercial-in-confidence. As I understand it, that is the reason around some of the withholding of Enlighten information. I also said last week that we would be reviewing government contracts to make sure that when we engage consultants we will make it clear to them that the default position will be that this information will be released to the community unless there is a valid reason for it not to be.

In relation to the Enlighten festival and the reviews that will come post 1 July and when this open government framework is implemented, it will be made very clear to consultants that this is the environment they are working in. That was not the case with the Enlighten review. So I think it is important that we let consultants know the rules of engagement with the ACT government.

Mr Smyth: Your government said you wouldn't hide behind commercial-in-confidence, yet you do all the time.

MS GALLAGHER: Mr Smyth, if you would let me finish. You asked me three elements in that question. The second report you mentioned was into allegations of bullying and harassment in the obstetrics unit at the Canberra Hospital. As Mr Smyth knows, in order to table that report I would have to break the law. And I am not going to do that. I would have to break the law and I am not going to do that. I also know that if the opposition have a problem with the Public Interest Disclosure Act they have

ample resources and ample time in order to bring forward amendments that they think are worthy for this place to consider. They have not done that.

In relation to the functional review, the independent review, Laurence Street has reviewed that document. It is the only document that he has reviewed and he has agreed that it was designed for cabinet purposes only. *(Time expired.)*

Schools—Tharwa preschool

MS BRESNAN: My question is to the Minister for Community Services and is about the operation of Tharwa preschool. Minister, can you advise why the Tharwa preschool is still operating out of a building in Conder rather than at Tharwa, and what is the time frame for the preschool's return?

MR BARR: I have responsibility for preschools, so I am happy to take the question. Tharwa preschool is indeed annexed to Charles Conder Primary School—all preschools were amalgamated into a primary school structure about four or five years ago. The operation of the Tharwa preschool, as I said in response to Ms Hunter's question, will depend entirely on the level of enrolments. If there are not sufficient enrolments, the government cannot run the preschool. We will get into the realm of the *Yes, Minister* episode where there will be a school with no students. I do not think even the Greens would be supporting that.

I am happy to take some further advice from the Education and Training Directorate in relation to enrolments. We have sought in the past to expand the preschool service to allow three-year-olds, as well as four-year-olds, to attend the preschool in order for there to be sufficient numbers to run a program at Tharwa, but I would also remind members that at its absolute peak, when it was operating from preschool to year 6, across seven year levels, Tharwa had 25 enrolments. So it has never been a school with particularly large enrolment, because it is a very small community and there are not a particularly large number of students under the age of five.

MR SPEAKER: A supplementary, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. My question to the relevant minister is: why hasn't the preschool been allowed to occupy the main building on the former Tharwa school site, and is it correct that the reason given was a lack of shelves?

MR BARR: I will have to take some advice in relation to that. I cannot comment on what was said in relation to shelves—I think that is the member's question. I will seek some advice on that. But there are two buildings in the Tharwa precinct. When the facility was operating as a P-6 facility, preschool, kindergarten and year 1 were in one building and years 2, 3, 4 5 and 6 were in the other building. Given the choice of the two, maintaining the early childhood focus where the original preschool was would seem appropriate. But I will take advice in relation to shelving in each of the buildings.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: What steps are being taken to ensure social amenity for Tharwa considering the Tharwa fair was run by the preschool for decades and is not operating, for the first time, this year?

MR BARR: That is a matter outside my portfolio responsibilities.

Territory and Municipal Services Directorate

MR SMYTH: My question is to the Minister for Police and Emergency Services and Territory and Municipal Services. Minister, the ACT government has a fire management unit located within the Territory and Municipal Services Directorate. Minister, what are the role and functions of the fire management unit?

MR CORBELL: I thank Mr Smyth for the question. In broad terms, the fire management unit is responsible for coordinating the directorate's activities in relation to fire management as set out in the bushfire operational plan for Territory and Municipal Services.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Minister, how do the activities of the fire management unit relate to the activities of the Emergency Services Agency?

MR CORBELL: The Emergency Services Agency is the government's primary response agency when it comes to emergencies in the territory. The fire management unit's responsibilities are those that I have outlined.

MR SPEAKER: Supplementary, Mr Seselja?

MR SESELJA: Thank you. Minister, are any changes being proposed to the fire management unit?

MR CORBELL: The title "fire management unit" is being changed, but the functions remain unchanged.

MR SESELJA: Mr Seselja, a supplementary?

MR SESELJA: Minister, are any transfer of positions currently located in this unit or functions performed by this unit being considered and, if so, what will these transfers involve?

MR CORBELL: I understand that one position has changed substantially, and that is the role of the manager of the fire management unit. Discussions are ongoing with that individual in relation to their future engagement with the territory. Apart from that, the functions of the fire management unit remain unchanged.

Planning—Woden Valley

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and relates to planning issues in Woden Valley. Minister, I note that the previous planning minister made a big effort to stay at arm's length from decisions on development applications. In the *Chronicle* last week it was reported that you have directed ACTPLA to refer the development application for the Woden pitch and putt site to you in order for you to make a ruling on whether or not you would be approving the DA personally. How is this approach consistent with keeping politics out of planning, and does this remain the government's policy?

MR CORBELL: The government's policy has remained consistent. There are instances where the responsible minister is able to determine, or decide whether or not to determine, an application should it raise an issue of significant public interest. Those criteria are set out very clearly in the Planning and Development Act, and I am exercising my functions consistent with the provisions in that act in the same way that my predecessor did.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Minister, what is the government's commitment to private green recreational space in Woden?

MR CORBELL: Could you say that again?

MS LE COUTEUR: What is the government's commitment to private green recreational space in Woden—like pitch and putt?

MR CORBELL: Private green recreational space—I presume that Ms Le Couteur is referring to privately leased open space areas like the Woden pitch and putt. It is the case that there has been significant community concern about a proposed change to the lease purpose clause that governs the Woden pitch and putt that may have an impact on the future provision of that facility.

It is for that reason that I have asked the Planning and Land Authority to refer the matter to me so I can decide whether or not it warrants me exercising my powers under the act and determining the application myself. I have not yet reached a decision in relation to those matters but my view is, given the strong public interest in the matter, that it is appropriate that I, as the minister, look at the issue and decide whether or not it is a matter that I should consider further.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what does the government consider are appropriate uses for the Woden pitch and putt site?

MR CORBELL: It is not what the government considers. It is what is set out in the territory plan.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, have you made any commitments to the federal member for Canberra or anyone else regarding the proposed lease variation at Curtin shops?

Mrs Dunne: Mr Speaker, the question does not relate in any way to the previous three questions.

Ms Le Couteur: My question was with regard to planning issues in the Woden Valley. Curtin is in the Woden Valley, so it is hopefully within the scope.

MR SPEAKER: I think the question is out of order. I think there was a clear line around a particular facility in the questioning.

ACT Policing—staffing

MR HANSON: Mr Speaker, my question is to the Chief Minister. In your statement of government priorities for 2011-12, you stated:

A greater policing presence will be a focus for 2011-12 ...

In the 2011-12 budget, the only additional funding for police staffing is to operationalise the Canberra Liberals' random roadside drug testing legislation. How will an increased police presence be achieved when you have not provided any additional funding for increased police officers?

MS GALLAGHER: I think Mr Hanson needs to go back and have a look at the budget—not just this budget but the budget before. There was some more money for liquor licensing reforms that were introduced by this government, but in previous budgets there have been a number of additions to the police line in the budget to create more police, particularly with a focus on community policing measures. They are being implemented as we speak, Mr Hanson.

It is not only about additional resources; it is about negotiating with the Australian Federal Police the contract and what we would like to see delivered through that contract. I believe that the police minister and the Chief Police Officer have very good and clear strategic objectives and performance outcomes that they are already delivering on. I think we are already seeing that in some of the very pleasing results in crime statistics recently.

So yes, there is more work to be done. I think there are some priority areas around property theft, burglary and motor vehicle theft as a particular focus of the year ahead.

I am sure that Mr Hanson will be very interested when we report against these every six months over the next year.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Thank you, Mr Speaker. In estimates hearings, Chief Police Officer Quaedvlieg stated that in reality they would actually decrease the number of staff in 2011-12. How will an increased police presence be achieved with an actual decrease in staffing numbers?

MS GALLAGHER: I was not at the estimates hearing when those comments were made, and I would have to review them in the context in which they were made before I would accept them—or I will accept them as Mr Hanson's interpretation of interaction at an estimates committee. But, again, it is not only about resources; it is around how those resources are allocated and what priority areas across the policing area are identified. I think we are already seeing very pleasing results, in particular from the liquor reforms, around reductions in the numbers of people who have been taken in for drunk and disorderly behaviour and the numbers being arrested for that sort of behaviour. Again, it shows that where we can identify a clear outcome that we would like to see, where those resources are allocated and those priorities are made, we do see improvements in crime reduction across the community.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Are additional police required to achieve a greater police presence?

MS GALLAGHER: Yes, they are and they have been provided.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Will additional resources be provided to the police to allow them to achieve a greater police presence?

MS GALLAGHER: Additional resources have been provided to the police, but again this government does not believe that it is only about additional resources. It is about how those resources are allocated, just like every other area of government business.

Schools—suspensions

MR DOSZPOT: My question is to the Minister for Education. Minister Barr, you said in answer to a recent question in estimates that all ACT public schools and colleges promote and seek to provide a supportive learning environment in which all students can expect to feel safe. Given that two ACT schools alone account for 1,000 days of suspension in 18 months—147 students are reported as being from Wanniasa and another school with a high suspension rate is the new Kingsford Smith school—

minister, what is occurring in these two schools to account for a suspension rate that is considerably higher than any other schools in the ACT?

MR BARR: In the first instance I need, I think, to correct a misinterpretation from Mr Doszpot. That figure related to suspension days, not number of students suspended. A student suspended for five days would count for five of those days, not five students. So I think that distinction does need to be drawn. I think the initial premise of the question needs to be drawn into some relief.

As I have indicated publicly in relation to this information, there are two important points: one, this Assembly agreed to strengthen the capacity for principals to suspend students who are not behaving appropriately in the school environment. We have seen some stern action to instil discipline in these schools, and it is across all ACT schools.

The second point is that suspensions and numbers of days of suspensions have decreased since this action was taken. We have seen from the beginning of the implementation of the new powers to the most recent data a significant drop in the number of suspensions and the number of days of suspensions. So it would appear, Mr Doszpot, that our bipartisan agreement to find an answer here has been effective.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Minister, why will it take until next term for a specialist worker skilled in dealing with troubled children to be appointed to Wanniasa?

MR BARR: That would probably relate to a recruitment matter and the availability of such staff. Of course each ACT government high school has a student welfare coordinator and pastoral care support teams that I think I have gone into in some detail in this place. They are of course augmented by a variety of other supports within the education system, some provided by the federal government. That has been a little topical in recent times in relation to the school chaplaincy program. Also, there are supports provided through partnerships with community and youth organisations and with ACT Policing in relation to a number of schools.

It is a locally based decision in terms of how those resources are deployed. But resources have been provided for pastoral care coordinators for every ACT public high school. Matters of recruitment are dealt with at a school level, largely, although there is a degree of system level recruitment as well.

But we believe that the changes that we are proposing through our reforms to increase autonomy for schools will reduce the amount of time that positions are vacant, because schools will be able to move more quickly themselves to fill vacancies.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, will the suspension support team model be extended to schools where there are a large number of students suspended?

MR BARR: Yes, that is the government's intention.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what is the government doing to improve specialist worker support for troubled children in our schools?

MR BARR: We are undertaking a significant reform of school-based autonomy functions, as I have just outlined, we are seeking to reform industrial arrangements through an updated enterprise bargaining agreement, and we are providing additional support through a number of system wide initiatives. Two that I have outlined in this place in some detail relate to support around cyberbullying and a particularly tough and significant program combating homophobia in our schools.

Community services—volunteers

MR HARGREAVES: I refer to articles in the *Canberra Times* in the past two days relating to the accessing of moneys intended for the disadvantaged. Just for the record, Mr Speaker, I volunteered to ask this question. Mr Speaker, my question is to the Minister for Community Services. Can she please explain the content, intent and administrative process for distributing the support for volunteers 2008-09 grants program.

MS BURCH: I thank Mr Hargreaves for the question. The support for volunteers 2008-09 grants program, funded by the ACT government through the Treasurer's second appropriation bill in December 2008, was tabled in this Assembly at the height of the global financial crisis and at a time when community and welfare organisations were coming to the government with concerns about their ability to cope with an anticipated influx of vulnerable persons and families in need of assistance.

When the Treasurer outlined the intent of the emergency relief fund included in the appropriation bill, she noted, and I quote *Hansard* of 9 December:

First and foremost, the bill provides urgent assistance to the vulnerable in the community who have been severely affected by the deteriorating national and international economy and who are most in need of our help ...

We are providing \$2½ million of emergency relief to acknowledge the significant contribution made by the territory's carers and volunteers. We will ensure that volunteers, carers, foster carers and kinship carers receive assistance in the form of petrol vouchers and bus tickets to alleviate increased transport costs to ensure the continuation of this important community work.

It is worth noting what the opposition leader and the deputy leader said during the debate on that bill that they sought to delay. Mr Smyth's comment on 11 December was:

Why is the need for scrutiny so important?

On the same day, Mr Seselja added:

... we believe it deserves to be carefully considered. It is particularly important in our new Assembly if openness and accountability are to be pursued more rigorously than ever before. As we have said this week on numerous occasions, accountability must be more than mere words.

In this context, the community service directorate drafted a comprehensive deed of agreement outlining eligibility criteria. It was a lengthy document but it said:

These funds will assist volunteers in their important work, including those who use their cars to transport others to activities, deliver food and assist people in need. Volunteers can also be reimbursed for the cost of transport to and from the place of volunteering.

An organisation applying for these grants had to be:

... not-for-profit ... based in the ACT ... a legal entity, engaging volunteers, whose work directly benefits residents of the ACT.

In addition, the application form all applicants were to sign and submit said:

Organisations can apply for ... \$100 per volunteer ... to help their volunteers meet the rising costs associated with volunteering.

It said that funds were to be used to contribute towards the cost of fuel, transport and parking. Each applicant was asked to sign that they had read, understood and agreed to the guidelines. They gave consent for the disability department to contact them for more information.

I have been advised that in their application for \$10,000 under this grant the Canberra Liberals have classified themselves as a community welfare organisation. The \$10,000 compares to the ACT Deafness Resource Centre, \$2,400; the Australian Foster Care Association, \$500; the Alzheimer's Australia association, \$1,800; People with Disability, \$1,500; SIDS and Kids, \$1,700; Karinya House, \$2,000; the Council on the Ageing, \$1,600; the Abbeyfield society, Abbeyfield disAbility, \$1,200; the Canberra Liberals, \$10,000. (*Time expired.*)

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Yes, thanks very much, Mr Speaker. Minister, what steps have you taken to determine whether it was technically and morally appropriate for the Canberra Liberals to receive funding for the support for volunteers grants program and to ensure that in future political parties are not eligible to apply for ACT government funded community grants?

MS BURCH: I do thank Mr Hargreaves for his question.

Mr Coe interjecting—

MR SPEAKER: Thank you!

MS BURCH: I don't hear Mr Coe; I think I was just disturbed by the fact that the Canberra Liberals—and whether it was morally right or not, that is only for them to answer, I believe, Mr Speaker.

In response to the question, the matter of the Canberra Liberals receiving these funds was recently brought to my attention. It came to my attention because the Canberra Liberals falsely claimed in their 2009-10 return to Elections ACT that they received \$10,000 from the ACT government, the Department of Territory and Municipal Services. This sparked some internal questions—I wonder why, Mr Speaker—as to whether TAMS provided these funds.

Last week the Community Services Directorate advised me that \$10,000 had come from the emergency relief fund that I had just outlined. At that point I instructed the directorate to contact Volunteering ACT, requesting additional information to verify whether the grant was awarded on merit and whether the application met the purpose of funding. A letter from the chief executive has gone to Volunteering ACT seeking a list of the recipients of the 100 gift vouchers and details of the services that those volunteers delivered. This may require Volunteering ACT to contact the Canberra Liberals requesting further information about the 100 volunteers who received the \$100 Woolworths voucher. I believe that this is an appropriate course of action, and I have moved quickly on this to ensure that the integrity of Volunteering ACT and these grants have not been undermined.

In the debate in 2008, it is clear that it was never proposed that a political party would be eligible for these funds. I have sought that in all grants from hereon political parties will not be eligible. *(Time expired.)*

MR SPEAKER: Yes, Ms Porter?

MS PORTER: Minister, are you aware of any further action taken by the ACT government to ascertain whether the \$10,000 allocated to the Canberra Liberals through this emergency relief fund was appropriately spent?

MS BURCH: I do thank Ms Porter for her question and recognise the work that she has done in volunteering and for Volunteers ACT here. The government's response to this has extended to what I have outlined. Understandably, the Chief Minister, who delivered the bill that funded this emergency relief, has also sought information about this very concerning use of taxpayer money.

As the Chief Minister outlined on ABC this morning, she has written today to the Leader of the Opposition, expressing her concern. In the letter the Chief Minister invites Mr Seselja, as the leader of the Canberra Liberals parliamentary party, to explain how these \$100 Woolworths gift vouchers have been spent and what direct community benefit “your volunteers” provided under the intent of this grant. The Chief Minister has also asked Mr Seselja if he cannot answer these questions, can he return the \$10,000 so that the funds can be allocated to another community group.

As we wait for a response from the Canberra Liberals and the Leader of the Opposition on these questions, I do remind members of the words Mr Seselja recently used in a media release to unfairly describe the ACT's policy on solar feed-in tariff:

This is a reverse Robin Hood policy—where money is taken from the poor to subsidise the rich.

I find this the height of hypocrisy, the Canberra Liberals' \$10,000, when you compare that to Karinya House getting \$2,000, Abbeyfield society \$1,200, ACT Deafness Resource Centre, \$2,400. It is an absolute shame that those over there know no moral bounds. The fund that was targeted to those most in need—(*Time expired.*)

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, is it morally appropriate for political parties to receive hundreds of thousands of dollars from the proceeds of gambling?

Mr Hargreaves: Mr Speaker, on a point of order: my question was specifically about the support for volunteers grant program—quite specifically.

Mr Hanson: Mr Speaker, on the point of order, Mr Hargreaves's question was specifically in regard to the moral appropriateness of payments to political parties, including grants for projects but particularly in relation to community payments. In her answer, Ms Burch has talked about political parties and the appropriateness of political parties receiving certain payments and its appropriateness in terms of morals. I think it is entirely within order, given the context of the question, for the minister to answer in that way.

MR SPEAKER: There is no point of order.

MS BURCH: I thank Mr Hanson for the opportunity, again, to outline that these funds were targeted to those most in need.

MR SPEAKER: Minister Burch, Mr Hanson's question was specific—he did not ask about the program.

MS BURCH: In the ongoing dialogue on this matter over the last couple of days, those opposite have sought to connect the Canberra Labor Club—

Mr Hanson: Mr Speaker, on a point of order, under standing order 118, the answer to a question without notice shall be concise and directly relevant. The question requires a very simple answer as to whether it is morally appropriate for the Labor Party to receive hundreds of thousands of dollars from the proceeds of gambling. It is a question that can be answered with a simple yes or no.

Mr Corbell: On the point of order, Mr Speaker, Minister Burch was turning her answer directly to the issue of the Canberra Labor Club. The Liberal Party have taken a point of order on that, but the supplementary specifically contained accusations about money received from gambling venues, in other words the Canberra Labor Club.

The minister was speaking in relation to the claims made about the Canberra Labor Club. She is attempting to answer the question, and those opposite have simply refused to let her answer the question.

MR SPEAKER: There is no point of order at this stage. We will hear the minister and give her a chance to come to the point.

MS BURCH: Thank you, Mr Speaker. I was saying that in the dialogue over the last couple of days those opposite have sought to make a link between this government and the Canberra Labor Club. We have had that discussion here many, many a time, but I also remind those opposite of the contribution and support that the Canberra Labor Club, from all of the incomes it receives, across all its businesses, continues to provide to many community organisations, including free rent to Volunteers ACT.

Mr Hanson: Mr Speaker, on a further point of order, the question was not about payments or grants that were provided to the Canberra Labor Club. That was not the point of the question. The point of the question was money received by political parties from the proceeds of gambling. They are entirely different questions. Ms Burch is trying to answer a question that I did not ask. She is trying to pretend that I have asked a question regarding money paid in grants to the Canberra Labor Club. That is not what I asked. I have asked, and I ask it again: is it morally appropriate for political parties to receive hundreds of thousands of dollars from the proceeds of gambling?

MS BURCH: I have been reminded by my colleagues that the Liberal Party has also sourced money possibly from gambling, but I think the issue here is that those opposite have secured \$10,000 out of the pockets of other well-deserving community organisations. That is a disgrace.

Alexander Maconochie Centre—needle and syringe program

MRS DUNNE: My question is to the Minister for Health. Minister, 86 per cent of corrections staff signed a petition against a needle and syringe program at the Alexander Machonochie Centre that was tabled in the Assembly last week. Minister, why are you pursuing a needle and syringe program when corrections staff are so strongly against it?

MS GALLAGHER: Sometimes issues come before government where you have to weigh up all sides of the debate before you make a final decision. Yes, we have heard what corrections staff have had to say. That does not necessarily mean that you just say, “Oh well, that is it then. Corrections staff said this.” They do not actually deal with the very significant public health issue that is alive and well in the Alexander Maconochie Centre. Prisoners with very high rates of hepatitis C—

Mr Seselja: Isn't smoking the biggest health issue?

MS GALLAGHER: Smoking is. Thank you, Mr Seselja, for interjecting. Smoking is, alongside hepatitis C, the most difficult health issue that we have to manage in how we provide health services to that community. So we are looking at tobacco control programs in the AMC as well. But just because one side of the debate says that they

do not want to do something does not necessarily mean that the government has to walk away from it. If we did that, the government would never do anything.

My comments around this have been clear. If this was in any other place, this would be being dealt with as a public health matter. These prisoners leave the Alexander Maconochie Centre and re-integrate into the community. This becomes a community issue and it is one that the government needs to deal with. We need to accept that there are different points of view. It will be difficult to implement a needle and syringe program at the jail if corrections staff refuse to participate with it, but I am not prepared to accept that just because it is hard means that you do not explore it further.

MRS DUNNE: A supplementary question, Mr Speaker.

MRS DUNNE: Minister, why are you pursuing a needle and syringe program when 100 per cent of former prisoners interviewed by Prisoners Aid were against it?

MS GALLAGHER: Again, this goes to my point that governments just cannot accept one view. We have to accept—

Members interjecting—

MR SPEAKER: Order! The minister is answering the question.

MS GALLAGHER: We have to look at all of the different views, all of the different evidence before us, some of the possible solutions and then weigh up what is the best way forward. That does not necessarily mean that we will be able to accept the view of one person who represents Prisoners Aid.

My understanding from dealing and speaking with staff from other services, non-government services in particular, that provide support and assistance at the Alexander Maconochie Centre is that that is not a view shared by the prisoner population out there. Indeed, I am informed by Michael Moore's work that that is not a view shared by all the prisoners he has spoken to as part of the work that he has done. I look forward to receiving his report. That will be tabled in this place and we can have further debate about it after that.

MR SPEAKER: A supplementary, Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. Chief Minister, given that the NSP is about harm minimisation, can you tell me why the government rejected the Liberals' call to reduce the health budget for the AMC at the last election?

MS GALLAGHER: Indeed, the opposition went to the election with a program of budget cuts which included cutting health services out at the Hume medical centre. This is not an area where we believe cuts can be sustained. Indeed, I think some of the reviews that have been done into the health services out there have been calling for additional resources to be allocated to the Hume medical centre to allow for a full complement of health programs to be offered at the Alexander Maconochie Centre. We do not believe it is a place where budget savings can be found. Indeed, in line

with our views around providing the best health services that we can to the prison population, that is exactly why this issue remains a live one for this government to consider. It is hard, it is difficult and it will be very difficult to implement without the support of all stakeholders. But I think that, from a public health point of view, it is an issue that deserves very careful consideration and also in the future it deserves leaving the door open for this. If we are not able to implement it immediately then it needs to be kept open as an option for the future because I believe common sense will prevail at some point and that people will be prepared to accept that this is the way of the future.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, have the CPSU, as representatives of prison guards, engaged in the review that has been undertaken by Michael Moore?

MS GALLAGHER: I thank Ms Bresnan for the question. I will have to check on their level of engagement. It certainly was an issue in the Burnet report where they failed to engage—in fact, they refused to engage—with the reference group that was established to monitor that work over a period of time, over about a year's work. The CPSU refused to engage. Indeed, I ended up meeting with them and asking them to engage so that they could put their views forward.

So I hope that they have taken the opportunity to engage in the work that is being done, which is just focusing on this issue, by Michael Moore. But I will undertake to get back to you about whether they have turned up to some of the meetings.

Hospitals—waiting times

MR COE: My question is to the Minister for Health. Minister, in your media release “Quarterly health report shows demand up: services improving”, issued on 8 April 2009, you stated, “We will continue to work with clinicians at our hospitals to develop additional initiatives to improve emergency department waiting times.” Since 2009, the number of people waiting longer than clinically appropriate time frames has increased. Why are people waiting longer than ever in our emergency departments?

MS GALLAGHER: I thank Mr Coe for the question. I do not have the—is it April 2009?

Mr Hanson: It is 8 April 2009.

MS GALLAGHER: I do not have the report in front of me but I know that in the last year in particular there has been deterioration in categories 3 and 4. Essentially, that is due to more presentations coming to the emergency department. What we are seeing at the moment is a record year. We are seeing that activity is up by 5,000 presentations over the year. I will check that figure, reply and correct the record if I have to. What we have done in the last few months is employ three additional emergency department physicians to assist us to see people and to improve access to care, particularly for categories 3 and 4.

But the short answer is that both emergency departments—Calvary and Canberra—have seen deterioration in their categories 3 and 4. It is something that we are very focused on but it is very difficult when, for example, last Monday, 211 people came to the emergency department at Canberra Hospital and went through the emergency department, which is essentially established for about 30 patients at any one time. So you can imagine the turnover that has to go just to meet those 211 presentations. In addition, the walk-in centre I think has almost exceeded 16,000 presentations in a year. That is the workload we are dealing with.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, in your ministerial statement on government priorities you stated that you would undertake a process redesign to improve flow through emergency departments. Did your initiative in April 2009 fail?

MS GALLAGHER: No, but it is one of continuous improvement, and I think we have set ourselves the target of achieving 70 per cent of all emergency department presentations seen within standard waiting times. We meet the standard waiting times for categories 1 and 2 and category 5. It is categories 3 and 4 that we need to ensure that we are improving against. The work of the hospital and the health system in general is one of continuous improvement. The work to improve will never be finished; whether it is around timeliness, whether it is around quality, whether it is around patient safety, the work is ongoing. But I think we have set ourselves a challenging and ambitious target, and I am very focused on meeting it.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, how can you describe your efforts as continuous improvement when waiting times are actually worsening?

MS GALLAGHER: Again, I think when you put it into the context of the number of people who are coming through the emergency department, you will see the excellent work that is being done by the hospital. But I have to say it is one of the most difficult areas to predict in terms of the workload and meeting your timeliness targets, because you never know what is going to walk through the door.

About three years ago, I would say the average number of people coming to the emergency department would have sat at about 150 presentations a day at Canberra Hospital and probably around 110 or 120 at Calvary. The workload now on any day in any category is closer to 200 at Canberra Hospital and is sitting at about 170 or 180 a day at Calvary. When you add those together, sometimes 400 people are coming through the emergency departments in Canberra in any 24-hour period.

It is a massive workload for the staff in our emergency departments. They do an incredible job. I have discussed this target with them and we believe that we will be able to meet it.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what is the difference between your promises of April 2009 and your promise in your ministerial statement last week? Was it more empty rhetoric?

MS GALLAGHER: No, it is not empty rhetoric. I think if you go back to 2009 you will see that there was improvement that was sustained over about a 12-month period in improving access in the emergency department. That was down to the hard work of staff in redesigning flow within the emergency department at both public hospitals.

What we have seen in the last 12 months is that the emergency departments have been inundated with demand and that the staff have struggled, particularly in categories 3 and 4, to maintain improvements in those categories. But what has happened is that for the most urgent patients, categories 1 and 2, we have maintained timeliness and are meeting national benchmarks there, for the most serious presentations to the emergency department, and there has been considerable growth in category 2 presentations as well. So, yes, there is more work to be done. We need to continue to educate the community that the emergency department is for emergencies and that there are other options for people to seek medical treatment if they need it. Obviously, the emergency departments remain there for anyone who is concerned for their health. But one of the issues we have been dealing with in the past 11 months or so is the incredible workload which, from my discussions with emergency department staff, is unprecedented in this place. I think that overall the staff there do an excellent job.

Justice—Aboriginal and Torres Strait Islander people

MS PORTER: Mr Speaker, my question, through you, is to the Attorney-General. Attorney, what steps have the ACT government taken to reduce overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system as both victims and offenders?

MR CORBELL: I thank Ms Porter for the question. Of course members would know, and it is a well-documented fact, that Aboriginal and Torres Strait Islander people are overrepresented in our criminal justice system, both as offenders and as victims, and that this is a direct consequence of poverty and of disadvantage stemming from their historical social exclusion and alienation since European settlement. The government has been working very hard to build a strong, productive relationship with Indigenous and Aboriginal and Torres Strait Islander people here in the ACT.

In 2006, I was very proud to join in the establishment of the Aboriginal Justice Centre. The Aboriginal Justice Centre provides and coordinates the support services to Aboriginal and Torres Strait Islander people in the territory and provides a really great range of programs, including the interview friend program that supports Indigenous people in their encounters with the police and encourages them to cooperate and work with police; the men's group front-up program, making sure that

Aboriginal and Torres Strait Islander people do not get into further trouble as a result of skipping or missing bail, appointments with parole officers and so on; as well as a very useful partnership with the Northside Community Service, which is providing assistance to Indigenous people in relation to employment and training programs. So combined, the government is providing a very significant level of support to the Aboriginal Justice Centre, in the order of \$1½ million.

In 2008, I launched a report that had been prepared by the ACT Council of Social Service and the centre titled *Circles of support: towards Indigenous justice: prevention, diversion and rehabilitation*. This recommended the development of an Aboriginal justice agreement to address the overrepresentation of Indigenous people in the criminal justice system. The government, I am pleased to say, has established just such an agreement. That agreement was signed last year by me, representing the government, along with the former chair of the Aboriginal and Torres Strait Islander Elected Body.

The agreement is a first for the ACT. It outlines the principles and it outlines the approaches and the shared commitment which we have and which the elected body has with the broader Indigenous community to deliver improvements in the way law and justice services are provided to and engage with Indigenous people. These new approaches see all of our justice agencies working in partnership with other government agencies and the broader Indigenous community to implement reforms and to identify new and better ways of reducing the levels of Indigenous overrepresentation in the criminal justice system.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you. Attorney, can you expand on the development of the Aboriginal and Torres Strait Islander justice agreement and the type of measures outlined in the agreement?

MR CORBELL: I thank Ms Porter for the question. The agreement was developed in partnership with the elected body, with the Aboriginal Justice Centre and with the government as a whole. It was done through a working group. The agreement has a range of very important objectives. It is about improving community safety, improving access to justice for Indigenous people, reducing over-representation and improving collaboration. All too often we see different parts of the non-government sector and the government sector working in isolation and not joining up their efforts to improve the support that we provide overall to Aboriginal and Torres Strait Islander people. It is about supporting Aboriginal and Torres Strait Islander people to support themselves, to provide leadership to their community on justice issues. It is also about reducing inequality.

These objectives are set out in the agreement and they form a very important basis for the partnership approach that we adopt in relation to engaging with Indigenous people who come into contact with the justice system.

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker, Minister, are there any programs associated with the agreement or an implementation plan to make sure that the principles in the agreement actually happen?

MR CORBELL: Yes, there are 105 action items under the agreement, Mr Speaker. I thank Ms Bresnan for the question. The government has put together a framework to respond to and ensure implementation of those action items. A number of these have been funded through the most recent budget process.

For example, in the most recent budget, \$475,000 was provided for the guidance partner program, which I know that Ms Porter has a strong interest in, in relation to assisting Indigenous young people to participate in the restorative justice program, as well as remuneration to our circle sentencing court panel members. These are two small but useful initiatives that underpin our commitment to implementing the action items outlined in the agreement.

MR SPEAKER: Dr Bourke, a supplementary?

DR BOURKE: Attorney, would you be able to further elaborate on any additional actions that you have initiated in this area for the future?

MR CORBELL: I thank Dr Bourke for his interest in the matter as well. The government will be continuing to use the mechanisms to put in place—the whole-of-government working group that was put in place for the development of the agreement has now been transformed into an implementation group, so every element of the ACT government is represented in monitoring implementation. That is chaired by my directorate, and the purpose of it is to ensure that we identify opportunities for further activity in carrying out implementation of the action items under the agreement.

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

Public Accounts—Standing Committee Reports 15 and 14

MS LE COUTEUR: Pursuant to standing order 254A as chair of the Standing Committee on Public Accounts I request an explanation from relevant ministers concerning government responses to two reports of the committee. Firstly, I request an explanation from the Chief Minister concerning the government's response to committee report 15 inquiring into the ACT Auditor-General's Act 1996.

Secondly, I request an explanation from the Minister for Economic Development concerning the government's response to committee report 14, *Interim report, review of Auditor-General's report No 6 of 2009, Government office accommodation*.

MS GALLAGHER: I can answer the first part of that question. Indeed, I wrote to the committee advising them that the government's response would be delayed.

Obviously, with the change in leadership I have taken carriage of that piece of work when it was almost complete.

I have had a briefing and I have been discussing the government's response with appropriate officials. Finalising the response has taken a bit longer simply because of the leadership change and the change in portfolio responsibilities. But my expectation is that it will be able to be finalised imminently and will be tabled out of session if that is appropriate.

MR BARR: We almost wish to photocopy the Chief Minister's statement and make exactly the same point. I understand that this matter is very soon to be responded on. I am sure I have written to the committee acknowledging the lateness of the government response. But, of course, I have just taken the responsibility for this area. I am seeking to finalise that response and provide it as soon as possible.

Paper

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No 3/2011—The North Weston Pond Project—Corrigendum.

Youth justice Paper

MR SPEAKER: For the information of members I also present the following paper:

Bimberi Youth Justice Centre—Human Rights Audit into conditions—Privilege matters, pursuant to the resolution of the Assembly of 23 June 2011—Copy of letter from the Clerk of the Legislative Assembly to the Speaker, dated 28 June 2011.

That advice does note the possibility of passing a subsequent motion in order to deal with the matters that were raised in that debate last Thursday night.

Alexander Maconochie Centre Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (3.14): For the information of members, I present the following paper:

Alexander Maconochie Centre—External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre—Final report, prepared by the Burnet Institute—Final Government response.

I move:

That the Assembly takes note of the paper.

Today I tabled the government's final response to the report *External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre*. As members of the Assembly will know, the ACT government gave a commitment to undertake an evaluation of the drug policies and services provided to prisoners at the AMC in accordance with the Health Directorate's Adult Corrections Health Services Plan 2008-12. The evaluation was conducted as a joint initiative of the Health and JACS directorates with myself as ACT Minister for Health taking the lead on the evaluation within the government.

In April 2011, I tabled the government's interim response to this report. At that time I indicated that the Burnet report was a significant review of the health services we provide for the detainees at the AMC and that it provided detailed analysis that the government needed to consider thoroughly.

The interim response was designed to be used as a platform upon which more detailed consultation could be undertaken before a final government response was settled. In our interim response the government agreed to 10 of the recommendations, agreed in part to one recommendation, agreed in principle to 27 of the recommendations and noted 31 recommendations. I noted at that time that a number of the recommendations needed to be considered in parallel with the recommendations from the Knowledge Consulting review and that further consideration needed to be given to recommendations that had resourcing implications.

In the government's final response tabled today, each recommendation has been addressed individually and anticipated timelines provided for completion of supported recommendations. Since the release of the Burnet report and the tabling of the interim government response, the Health Directorate and the Justice and Community Safety Directorate have invited key stakeholder groups to be involved in further consultation.

These groups include staff of ACT Corrective Services; the Justice and Community Safety Directorate, including workplace, community and public sector union delegates, custodial officers, non-custodial officers and functional managers; key staff of Mental Health, Justice Health and Alcohol and Drug Services in the Health Directorate; the Australian Nursing Federation; the Australian Salaried Medical Officers Federation; the Health Services Union; the CPSU and the AMWU; the AMA; the ACT Division of General Practice; the Alcohol, Tobacco and Other Drugs Association; the Sexual Health, AIDS-HIV, Hepatitis C and Related Diseases Ministerial Advisory Council; the Winnunga Nimmityjah Aboriginal Health Services; the Evaluation Group—ACT Alcohol, Tobacco and Other Drug Strategy; and the chair of the Community Integration Governance Group.

The aims of these consultations were to seek comment on the interim government response to the recommendations outlined in the Burnet report and to inform the final government response. As a result of these consultations and further deliberations within government, a number of key issues were identified and proposed changes have been made to the final government response. The feedback provided will also be taken into account as implementation of the recommendations progresses.

Feedback from the consultation process reiterated the importance of looking at the Burnet report and the outlined recommendations within the context of other reviews and processes occurring simultaneously—for example, the relationship with the Knowledge Consulting report and the resulting advice provided by the AMC task force established to consider its recommendations.

The chair of the AMC task force, Ms Bernadette Mitcherson, Executive Director of ACT Corrective Services, has been closely involved in the preparation of the proposed final response. This should assist in ensuring consistency, where relevant, with the responses to both reports.

The Burnet report made 69 separate recommendations, of which 20 are now either complete or partially complete. There are three recommendations made within the report relating to policy and governance, including recommendations for the Health Directorate and the Justice and Community Safety Directorate to develop a consolidated strategic policy framework to provide clear governance regarding drug-related policy and services. All three recommendations have been agreed.

In the feedback received there was strong support for the establishment of a high level joint Justice and Community Safety Directorate, Health Directorate advisory group that would have an ongoing role to advise the Director-General of the Health Directorate and have responsibility for making recommendations on the implementation of integrated health policies and services in the AMC. The group will also be tasked with advising on the implementation of the actions outlined in the response to the Burnet report.

The intent of this mechanism is to support the independent and ongoing administrative responsibilities of the Health Directorate in relation to the AMC. This is consistent with the spirit of the Corrections Management Act 2007, section 21, which speaks to the role of the doctor appointed by the chief executive responsible for the Public Health Act 1997 in respect to providing health services to detainees.

Further, the Health Directorate will work with the Justice and Community Safety Directorate to ensure the health-related recommendations are implemented in a coordinated manner and to develop a new overarching consolidated strategic and policy framework for drugs and drug services at the AMC that builds on the existing strengths and outcomes and, where feasible, the weaknesses identified in the report. A further seven recommendations were made in relation to supply reduction. Implementation of supported recommendations in this area will all be completed within the next six months.

The government has also commissioned further work in relation to recommendation 69. This recommendation proposes that a process should be commenced to instigate a trial needle and syringe program at the AMC. The government has commissioned Michael Moore from the Public Health Association to progress work on how the government could instigate a trial needle and syringe program at the AMC. Mr Moore will lead work covering potential models for a needle and syringe program, how they could work in a prison setting, barriers to implementation at the AMC and whether these barriers could be overcome. This work is due to be completed in July 2011.

I would like to acknowledge all those people who have participated in the review and assisted in finalising the government's final response to the review. I would also like to thank the Assembly for its interest in this matter, and reiterate that this government is committed to ensuring that safe, high quality care is available to all those detained in the Alexander Maconochie Centre.

MR HANSON (Molonglo) (3.21): I certainly think that the Assembly has had great interest in this matter, the Burnet report. It needs to be noted that it was an exceptionally damning report. I will go to just some of the findings of the report. It contained enormous detail. From recollection, there were 195 pages and 69 recommendations.

What it talked about was a lack of leadership and governance, policy guidance and policy coordination at the jail. It talked about the fact that drug services at the jail were fragmented and poorly coordinated. The drug policies were not developed with front-line staff consultation, leading to ineffective outcomes. In respect of the human rights compliant approach, there was a consideration that that is actually harming rather than aiding the effective management of the prison and drug rehab programs.

It talked about an inadequate blood-borne virus testing regime meaning that any data that was available on hep C or other diseases was unreliable. It noted that the inadequate hep C testing regime and the way it was conducted—this is to do with antibodies only—may actually be encouraging prisoners to take risks because they are getting false positives. That is the way that this testing was being done. It noted that prisoners with hep C experienced poor access to treatment, that illicit drug testing at the jail was ineffective, that strategies to prevent illicit drugs entering the jail are failing, and that searching for drugs and contraband was inconsistent and results were questionable.

It stated that case management of prisoners was totally inadequate, prisoner through care was totally inadequate, the counselling of prisoners was deficient and that the education, employment and recreational programs and facilities were inadequate and compared unfavourably with New South Wales. It noted that the drug rehab programs were limited, poorly attended and in some cases under-resourced. The mixed category of the jail—that is, with male and female remand sentenced prisoners all together—led to some very negative outcomes, particularly for remandees and female prisoners who could not get access to a number of the programs. Prisoners experienced poor access to health care that was not in accordance with the much-touted human rights compliant jail that the government talks about. Prisoners with mental illness were not receiving adequate support. Health staff appear to be pushing methadone on prisoners after they had already detoxed. It also states that there is an apparent conflict between ACT Health and corrections.

I look forward to reading the government's response to the report because there is no doubt that the report was damning. Since the report was tabled, which the government has used despite all the evidence to the contrary to pursue their ideological obsession for a needle syringe program, we have seen the prison staff provide a petition to this Assembly making it abundantly clear that they do not support a needle and syringe program.

Mr Bill Allcroft, who is a very experienced prisoner aid official who had 10 years as the official visitor for detention centres here in the ACT and who has been working for 12 years in prisoner aid, came out with an objective assessment of what prisoners themselves think. He said that he asked a neutral question of the 150 plus prisoners that he had seen. The question was: do you want an NSP or not? In putting it in simple terms with no prejudice on that question, for or against, 100 per cent of those prisoners did not support a needle and syringe program.

Worse, what he said is that in a number of the surveys that have been conducted, a number of the questions put to prisoners have actually been lies. The reason for that is that much of the answer that you receive is in the question that is put. If the question is being put, as it has been, by advocates of a needle and syringe program, it is going to throw up a different answer than if prisoners are asked in a neutral environment by a neutral questioner who is not being subjective but is being entirely objective.

Mr Assistant Speaker, the report was damning. Since we have had the report we see more evidence that says that we should not have a needle and syringe program, evidence that is coming from those who have the most to lose from this, people on the ground, the prisoners themselves and the staff. I will look in detail at the government's report. We will hold them to account. Where they have agreed to implement recommendations, we will make sure that they do. Where they have not agreed to implement recommendations, we will ask the question why.

MS BRESNAN (Brindabella) (3.25): I will be very brief in relation to this. The Greens look forward to seeing the detailed report. One of the key issues and concerns that has been raised with us previously which we are interested in is around the crisis support unit and that, because of some resourcing issues, it probably is not appropriate for them to be in there for a long amount of time.

I will be interested in seeing how issues around that are going to be addressed. I do acknowledge that that is an issue around resourcing and potentially also about having appropriate settings for people with particular needs who need to be in a long-term situation. We are looking forward to seeing the response to that.

We are also obviously looking forward to seeing the results of the work that has been undertaken by Michael Moore. We would just note in relation to the points that have been made around prisoners in particular that CALMS have actually come out and said that the people they speak to in relation to the prison and the need for an NSP are overwhelmingly in favour of that sort of program. I think we need to consider all the views that have been put forward on that particular issue and also look at the evidence that has come from overseas where those programs have operated.

The Greens will be looking forward to seeing this detailed report and hope that some of the issues that were raised in the Burnet report are addressed. Women prisoners are people who also have particular needs in the AMC and those particular needs should be addressed.

Question resolved in the affirmative.

Public Accounts—Standing Committee Report 13—government response

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

Public Accounts—Standing Committee—Report 13—*Inquiry into ACT Government Procurement*—Government response, dated June 2011.

I move:

That the Assembly takes note of the paper.

The government thanks the committee for the report on its inquiry into ACT government procurement and is pleased to note that, overall, the report is supportive of the territory's centralised approach to procurement.

The committee made 25 recommendations in its report. The government has agreed to nine recommendations, agreed in principle to four, agreed in part to three, we have noted seven and we have not agreed to two of the recommendations. I will address the most significant actions in relation to these recommendations.

The government has agreed to the report's recommendation to raise to \$25,000 the threshold at which agencies undertaking a procurement are to use Shared Services Procurement's services. This will align that threshold with the one by which an agency must seek a minimum of three quotations, as set out in the Government Procurement Regulation. The report recommended alignment of the threshold at which agencies are required to seek more than one quotation before proceeding with a purchasing decision, and the threshold at which agencies are required to seek Shared Services Procurement's management services for a purchase.

The government agrees to this recommendation and takes it further in deciding to align these two thresholds with the threshold for notifying contracts on the contracts register. Raising the notifiable contracts threshold was not a recommendation in the report. However, the government considers that aligning these three thresholds—for notifying contracts, for seeking Shared Services Procurement's services and for seeking more than one quotation—will be administratively tidier and simpler than having different thresholds.

The government will establish a mechanism so that in future a change to any of these thresholds will automatically result in a change to all three. The government has agreed in part to the report's recommendation that the quotation and tender thresholds be reviewed and updated regularly. The government will review these thresholds no less than once every three years to ensure that they remain relevant. However, it is unlikely that thresholds will change this frequently. The costs and inconvenience, to both government and the business community, would not be justified by any incremental threshold changes, which would be likely if adjustments are made this

frequently. Instead, the government will keep a watching brief on thresholds and make changes as necessary.

As part of the government's commitment to more transparency in process and information, the government is making improvements to the contracts register. Under the regulation a chief executive may exempt a procurement from the quotation and tender requirements if he or she considers the exemption will deliver a greater value for money outcome than would be achieved by complying with the requirements. To date the reasons for such exemptions for the external sourcing of labour and services with a value of \$200,000 or more have been recorded in agencies annual reports. To build on that transparency the contracts register will be updated to include the reasons for exemptions from quotation and tender thresholds with a value of \$25,000 or more for all procurement types. Accordingly the government has not agreed to the report's recommendation to change the annual report directions to require what would be duplicated reporting of this information through that medium.

Also, where it is feasible to do so, social procurements would be identifiable on the contracts register. The report recommended that annual reports directions be amended to include identification of each agency's contracts ensuing from social procurement. The report noted that government is faced with challenges in capturing or identifying the different forms of social procurement and building capability within its existing systems to support the capture, monitoring and recording of social procurement. The government considers the contracts register to be a suitable medium for reporting on such matters.

Until such time as definitions are developed and systems established, the government will rely on the contracts register to identify social procurements where this is feasible. While information on the contracts register relating to social procurements will not be very detailed, it will become possible to identify some with a value of \$25,000 or more.

These two improvements of the contracts register will make the government's procurement processes and outcomes even more transparent than they are currently.

The government has agreed to the report's recommendation to provide the community sector with information on social procurement, and a very successful information session was recently co-hosted by the Community Services and Treasury directorates to raise the sector's awareness of not just how social procurement may affect this sector as service providers to government but also how the sector could consider using social procurement themselves when purchasing goods and services.

Most of the report's other agreed recommendations relate to current procurement practices. For example the government has for some time engaged with businesses of all sizes to assist in understanding the procurement framework and how to tender for government contracts. This work is ongoing and Shared Services Procurement in the Treasury Directorate works with other agencies such as the Economic Development Directorate to continually improve how government engages with different business groups. For example, the government is improving the capital works call tender schedule to make it easier for the building and construction industry to access

information on forthcoming projects. The new capital works call tender schedule is in development and will be launched in the coming weeks.

Procurement training is, likewise, an ongoing activity. For example currently there are approximately 40 officers participating in training in either Certificate IV in Government (Procurement) or Advanced Diploma in Government (Strategic Procurement). In addition seven senior Shared Services Procurement officers are about to embark on university studies in sustainable procurement. These officers will promulgate their newly acquired knowledge to help build on the government's achievement of sustainability outcomes.

The government is conscious of the strategic role that procurement can play in achieving economic, social and environmental sustainability for the territory and has considered the recommendations of the report carefully. The two recommendations that the government has not agreed to relate to a review of the long service leave and work safety bodies that has already been undertaken and an amendment to the Government Procurement Act 2001 that would add sustainability to the value for money principle.

The government's view is that sustainability is already covered by the requirement to consider whole of life costing as part of the value for money assessment required under the Procurement Act. The actions arising from the government's response to the report will build upon the procurement reforms that the government has implemented in recent years in improving transparency of the procurement process and help to ensure value for money from territory purchasing.

MS LE COUTEUR (Molonglo) (3.34): Mr Speaker, I just want to briefly comment on the government's response. In general I am very pleased that virtually all of these recommendations have been agreed to. I note that Ms Hunter has a motion on the notice paper for tomorrow talking about social procurement so I will not talk about that because there will be plenty of time tomorrow.

What I will talk about is sustainability, which relates to recommendation 18 and associated ones which the government did not agree to and where the government believes that currently enough effort is being put into sustainability. I have to say personally, and I am sure the rest of the Greens would agree with me, that the government is not putting enough effort into sustainability and whole of life considerations in procurement.

The government has presented no evidence to suggest that this statement is true and I simply think that the government should have taken a bit more notice of what the committee said. If the government feels that at present it is currently optimising whole of life, it really should give a lot more evidence to show this. And whole of life from the point of view of who? Certainly it does not appear to be whole of life from the point of view of the whole ACT community. Apart from that, I thank the government for its contribution.

Question resolved in the affirmative.

**Financial Management Act—instrument
Papers and statement by minister**

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

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds within the Health Directorate, including a statement of reasons, dated 22 June 2011.

Pursuant to section 16A—Instrument authorising appropriation for payment of accrued employee entitlements within the Cultural Facilities Corporation, including a statement of reasons, dated 23 June 2011.

Pursuant to section 17—Instruments, including statements of reasons, varying appropriations relating to Commonwealth funding to:

Housing ACT dated 21 June 2011.

Legal Aid Commission (ACT), dated 21 June 2011.

Pursuant to section 19B—Instruments, including statements of reasons, varying appropriations related to:

Health and Hospital Fund—Health Directorate, dated 22 June 2011.

National Quality Agenda for Early Childhood Education and Care NP—Community Services Directorate, dated 21 June 2011.

Standard Business Reporting Program—Treasury Directorate, dated 23 June 2011.

National Disaster Resilience Program, the Natural Disaster Mitigation Program and the Bushfire Mitigation Program, dated 21 June 2011.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act I table a number of instruments issued under sections 14, 16A, 17 and 19B of the act. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given.

Section 14 of the act, "Transfer of funds between appropriations", allows for the transfer of funds between appropriations as endorsed by me and another minister. The instrument transfers \$2.359 million of the Health Directorate's controlled capital injection appropriation to the net cost of outputs appropriation. This transfer relates to the flexible funding pool under the National Health and Hospital Reform National Partnership Agreement, which was originally appropriated as capital injection.

Section 16A of the act enables the provision of additional appropriation for the payment of abnormally high levels of accrued employee entitlements by direction of the Treasurer. This instrument reimburses the Cultural Facilities Corporation for \$65,000 over and above the normal level of appropriation funded long service leave entitlement during the 2010-11 financial year. The appropriation is being on-passed as capital injection.

Section 17 of the act enables variations to appropriations for any increase in existing Commonwealth payments by direction of the Treasurer. This package includes two instruments authorised under section 17 of the act. The first instrument of \$45,000 relates to additional funding from the commonwealth for the Legal Aid National Partnership payment to the Legal Aid Commission. This increase in funding is for the provision of legal assistance services.

The second instrument relates to additional funding of \$1.804 million received by the Treasury Directorate from the commonwealth to be on-passed to Housing ACT for stage 2 of the social housing construction projects under the National Building and Jobs Plan National Partnership Agreement. The funding is being on-passed as capital injection.

Section 19B of the act allows for an appropriation to be authorised for any new commonwealth payment where no appropriation has been made in respect of those funds by my direction. This package includes four instruments authorised under section 19B of the act reflecting advice from the commonwealth on end of year payments.

The first 19B instrument relates to commonwealth funding of \$30,000 received by the territory for the National Quality Agenda for Early Childhood Education and Care National Partnership Agreement. This increase in appropriation will enable the Community Services Directorate to meet grant requirements. The second 19B instrument relates to additional commonwealth funding to various agencies to assist jurisdictions in mitigating the effects of natural disasters, such as bushfires, by undertaking measures such as upgrading fire prevention infrastructure.

The program includes \$222,000 to the Justice and Community Safety Directorate for the national disaster resilience program, \$23,000 to JACS for the natural disaster mitigation program, \$1.138 million to TAMS for the national disaster resilience program, \$265,000 to TAMS for the natural disaster mitigation program, \$152,000 to TAMS for the bushfire mitigation program, \$95,000 to the Education and Training Directorate for the national disaster resilience program, \$200,000 to the Community Services Directorate for the national disaster resilience program and \$150,000 in capital injection to Housing ACT for the national disaster resilience program.

The third 19B instrument relates to commonwealth funding of \$4.513 million received by the territory under the health and hospital fund to be on-passed to the Health Directorate. The funding is being on-passed as a net cost of outputs appropriation.

The fourth 19B instrument relates to commonwealth funding of \$0.318 million received by the territory for the Standard Business Reporting Program National Partnership. The increase in appropriation is required to fund the payments being made by the Treasury Directorate for the program within the Revenue Management Division. Additional detail regarding all those instruments is provided in the statement of reasons accompanying each instrument. I commend the instruments to the Assembly.

Human Rights Act—declaration of incompatibility 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) (3.41): For the information of members I present the following paper:

Human Rights Act, pursuant to subsection 33(3)—Declaration of incompatibility—*Bail Act 1992*, section 9C—Government response.

I move:

That the Assembly takes note of the paper.

As members would be aware, on 19 November last year Justice Penfold of the Supreme Court issued a declaration of incompatibility in the following terms:

Under s 32(2) of the *Human Rights Act 2004* (ACT), the Court is satisfied, for the reasons set out in *In the Matter of an Application for Bail by Isa Islam* [2010] ACTSC 147, that s 9C of the *Bail Act 1992* (ACT) is not consistent with the human right recognised in s 18(5) of the *Human Rights Act*, being that “Anyone who is awaiting trial must not be detained in custody as a general rule”.

In accordance with section 33(2) of the Human Rights Act 2004 I presented a copy of the declaration of incompatibility to the Assembly on 15 February this year. This government response is presented to the Assembly in accordance with my obligations pursuant to section 33(3) of the Human Rights Act.

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

ACT Corrective Services and Alexander Maconochie Centre Reports—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) (3.43): For the information of members I present the following paper:

ACT Corrective Services and Alexander Maconochie Centre—Reviews—Independent Review of Operations at the Alexander Maconochie Centre—ACT Corrective Services, prepared by Knowledge Consulting—Report and Provision

of Specific Consultancy Services to Review ACT Corrective Services Governance including in relation to Drug Testing at the Alexander Maconochie Centre—Government response, dated June 2011.

I move:

That the Assembly takes note of the paper.

Mr Assistant Speaker, today I am tabling in the Assembly the government's response to the two reports on the AMC. As you will be aware, I tabled both of these reports on 5 April this year.

In October 2009 the government committed to undertake a review of the Alexander Maconochie Centre after 12 months of operation. That commitment was endorsed by an Assembly resolution in February 2010 calling on the government to conduct such a review. In April 2010 the government engaged an independent reviewer, Knowledge Consulting, who are specialists in the field of corrections, to conduct the review.

The review was headed by the Managing Director of Knowledge Consulting, Mr Keith Hamburger AM. Mr Hamburger spent nine years as the Director-General of Corrective Services in Queensland. The review team consisted of a host of other specialists who provided expertise in various areas including health, nutrition, security and finance.

In relation to the first report, the government has welcomed this report. We have examined it in detail and indeed we have already set in place actions to address the review of operations at the AMC. The report made 192 findings and 128 recommendations.

After the time of commissioning the first report, I was made aware of a matter about drug testing of detainees on their admission to the AMC, where I was advised that information about urinalysis testing was incorrect. As you may recall, Mr Assistant Speaker, I took immediate action to disclose this matter to the Assembly and I also took immediate action to have the matter investigated, as a proactive and accountable government should do.

I again engaged the services of Knowledge Consulting to investigate the matter. The second report confirms that I was misinformed about drug testing of detainees on admission to the AMC. Testing on admission in line with the stated policy recommenced shortly after the problem was brought to my attention.

Today, I am tabling a combined government response to both of these reports. When combined, there are 132 recommendations contained in both reports. In response, the government agrees to 102 recommendations, including all five in the second report, and agrees in principle to 31 recommendations. In total, the government agrees or agrees in principle to all the recommendations made in both of these reports.

On the same day that I tabled the reports, I commissioned an AMC task force, headed by the new Executive Director of ACT Corrective Services, for the purpose of advising the government on its response to the reports. The task force has met on five

occasions and has carefully considered all 133 recommendations. I am advised that already many of the individual responses to the recommendations are being completed, which reflects the commitment of the AMC task force and the staff that have been charged with giving effect to the actions identified.

I think it is important to remind the Assembly that Knowledge Consulting made many positive findings. The first report acknowledged that establishing a correctional centre presents many challenges. As this report states:

The enormity of this challenge should not be underestimated given the inherent highly complex, problematic and at times dangerous nature of correctional centres ...

This report finds that the AMC has fared favourably when compared to other new prisons being established.

I know that the opposition thinks it is irrelevant to describe the absence of a negative as a positive, but in this context I believe it is well worth recording that no such serious incidents have transpired in the post-commissioning phase of the AMC. The government is proud of this, and it is a pleasing outcome for our community.

Mr Hamburger identified many areas where the AMC is best practice. This continues to be an endorsement of the commitment of ACT Corrective Services staff and the government as a whole. Whilst we remain proud of what we have achieved to date, we know there is more to do and in such a difficult and complex operation this must be expected. Many of the recommendations are not quick fixes, and we will stand up and acknowledge that. That being said, we will not sweep them under the carpet either. As a good government, we will seek to continue to address a number of areas for improvement. Some will be easy to address; others will take more time.

The AMC task force have spent a good amount of time discussing the best way to bring forward solutions and they have discussed at some length the need for collaboration and cooperation.

The Corrective Services area of my directorate will clearly need to collaborate with various other government and non-government bodies. Indeed this is already happening. As an example, there are a number of recommendations that have health-related implications. There are also a number of recommendations with themes in common with recommendations of the Burnet Institute report on drug services at the AMC. The AMC task force have already, via the Executive Director of ACT Corrective Services and other senior staff, instigated communication with the Health Directorate with a view to getting on and addressing these issues. Indeed, as a result of this collaboration, some of the recommendations arising from both reports have already been completed.

Corrective Services will continue to address issues arising from the recommendations in multi-agency fora, including the Joint Government-Community Integration Governance Group. Planning to ensure appropriate consultation with other external stakeholders on specific recommendations is also well underway. It is important to ensure that we include and consider the views of our many stakeholders, whether they

are staff, other government agencies, non-government organisations or the community more generally.

The first Knowledge Consulting report acknowledged that the AMC has a strong basis for a culture that protects the human rights of detainees and delivers best practice rehabilitation programs. This report states that there is a shared commitment among ACT Corrective Services leadership, staff, as represented by the staff unions, independent scrutiny agencies and community agencies to the aims of the AMC and that this is a unique achievement in a corrections organisation. The legislation, policies, procedures and plans for the AMC support and facilitate the delivery of best practice corrections outcomes, aimed at achieving supported reintegration of detainees into the community, better for their correctional centre experience, and with the tools and training to assist them to maintain a law-abiding lifestyle.

The first report also found that there is a strong commitment to achieve a culture that delivers initiatives to create best practice in corrections, and commends the induction processes, the case management approach, the suite of programs available for detainees, therapeutic cottage and transitional release centre models, accommodation, equipment and staff training.

The government response reflects that areas of highest priority focus include governance, record management, arrangements in the crisis support unit, and food provided to detainees. The latter two areas are particularly important. In relation to food, in a human rights focused detention facility, it is important that we acknowledge that incarceration is penalty enough. While in custody, ACT Corrective Services aims to ensure that detainees receive a balanced diet and are provided with life skills to improve their prospects for effective rehabilitation to the community.

A review of dietary issues identified in the report has been undertaken, in consultation with detainee representatives, and changes have already been set in train. As a practical example of the government's action in this regard, in connection with recommendations about the way food is transported to and from custodial facilities, the government's investment as part of the 2011-12 budget will enable the purchase of a refrigerated vehicle to improve the safe transport of food between different corrections facilities.

Turning to crisis support, care for the most vulnerable, even within the custodial setting, is vital. As Knowledge Consulting identified a number of occupational health and safety concerns within the crisis support unit at the AMC, the head of corrections is moving to undertake a broad review of arrangements in that area.

In keeping with recent changes to the structuring of a single ACT public service, arrangements have already begun to ensure my directorate and the Health Directorate work collaboratively together to ensure the best practical outcomes for detainees' health.

Turning to the issue of records management and governance, the areas of governance, record keeping and reporting are important components of the injection of \$7.2 million into ACT Corrective Services that the government has provided over four years as part of the most recent budget. Having effective and efficient data collection

is a crucial part of good corrections administration. The government's funding will ensure improvements in the information gathering processes in accordance with the advice from Mr Hamburger by investing in a significant upgrade of the Corrective Services client database.

The 2011-12 budget also provides \$5.1 million funding over four years to assist in addressing resourcing issues identified in the review. Enhanced security and systems capability have also been supported by this year's budget, including the relocation of the canine unit to the AMC, an upgrade to streamline the KeyWatcher system and installation of a heartbeat detection unit at the AMC to improve searches of vehicles entering and exiting the centre. These initiatives, as part of the government response I am tabling today, set us on a path for a positive and proactive approach to continuing to make the AMC a world-class correctional facility.

A less responsible government would not have a prison and would have gone on shipping our detainees off to New South Wales instead of taking on the responsibility of looking after our own and being accountable for that. What we are is a responsible and accountable government, and we will continue to be responsible, as we move through addressing the recommendations of both of these reports. The government will also be vigilant in considering the various issues that were raised in the Burnet report into the AMC.

The AMC task force will now oversee the implementation of those recommendations accepted by the government. A prioritised implementation program is now well underway which will allow for short, medium and longer term matters to be addressed in a manageable way.

It is my intention to update the Assembly after six months of progress on implementation of the recommendations of both reports. To expect that all 133 recommendations will be fully addressed in the short term is unrealistic. I expect that some of the longer term issues will be addressed in the normal operating cycle of the AMC and will substantially outlive the AMC task force. But in the meantime, the work of the task force is to help to maintain the AMC as a first-rate correctional facility.

The government's willingness to accept all of the recommendations in these reports, and to make a proactive response to them, reflects our commitment to continually improving the way that we look after this difficult area of justice and community safety and some of the most vulnerable in our community.

In closing, I am pleased to repeat the observation of the first Knowledge Consulting report: overall, staff can be proud of their efforts in what has been a very difficult environment.

On behalf of the government I too commend the hardworking staff based at Corrective Services as well as the advice and assistance that I have received from all of the members of the task force. I commend the government's response to the Assembly.

MR HANSON (Molonglo) (3.55): I think the one thing that the minister and I would agree on is to commend the hardworking staff at the Alexander Maconochie Centre and elsewhere throughout ACT Corrective Services. I certainly differ from him on almost every other point, particularly his view that the government that he is a member of is responsible and accountable. I would question either of those statements and would go even further to say that it also lacks competence. You can actually draw that from the report of Mr Hamburger, which I will quote from:

Since commissioning of the AMC there have existed systemic problems with the governance in ACT Corrective Services that have resulted in management and supervision practices not being effective.

So if the minister is not responsible for that, if the minister is not accountable for governance supervision not being effective, who is? At the outset, it is quite clear from this report that the government commissioned that the government has much to answer for.

When they talk about being accountable, let us just remember that the reason that we had this open and accountable process in the first place is because of a motion in the Assembly. The government was simply going to conduct a review of policies and procedures after 12 months. There was no intent that that would be an open or independent process, and it was only by a motion of this Assembly that we had the first report. Then it was because Mr Corbell misled the Assembly by saying that—

MR ASSISTANT SPEAKER (Mr Hargreaves): On a point of order, Mr Hanson, I remind you—

MR HANSON: Could you stop the clocks, please?

MR ASSISTANT SPEAKER: Stop the clocks. I remind you that it is unparliamentary to say that the minister misled the Assembly. I require you to withdraw that remark.

MR HANSON: Well, Mr Assistant Speaker, on your—

MR ASSISTANT SPEAKER: Unqualified, Mr Hanson.

MR HANSON: On the point of order, Mr Assistant Speaker, the minister actually apologised to the Assembly for having misled the Assembly, so I think—

MR ASSISTANT SPEAKER: Mr Hanson, I have asked you to withdraw it.

MR HANSON: Well, Mr Assistant Speaker, I will withdraw it.

MR ASSISTANT SPEAKER: Unqualified, thank you. You can resume your debate.

MR HANSON: I will try and rephrase it then. The second report was commissioned after the minister—what words will I use then?—essentially told us that drug testing was occurring and it turned out that that drug testing was not occurring. He came in

and told us that, indeed, when he had said to the Assembly that drug testing was occurring it was not occurring, so he commissioned that report. I think I have got the thread through the needle there.

Mr Barr interjecting—

MR ASSISTANT SPEAKER: Minister, thank you very much. I do not need your help. I do not need those sorts of snide remarks either, Mr Hanson. You can get on with your speech or sit down and look at the standing orders. You can have a look at standing order 202(a) if you like. Now continue with your speech, Mr Hanson.

MR HANSON: Thank you, Mr Assistant Speaker. That is the genesis of the two reports from Mr Hamburger. I will go further to make a point about some of the findings in the report, and I think the one that is probably of greatest consequence is that the current capacity of 300 beds “leads to challenges in separating or segregating detainees, which places constraints on the delivery of services to detainees and the management of the safety and security of the correctional centre”. It is worth reflecting on that. The reason the capacity is 300 beds is that this minister made a conscious decision to break an election promise to deliver a correctional facility with 374 beds and delivered a facility with 300 beds.

In so doing, the minister said to an estimates committee in 2007 that, in its current bed configuration, it would give capacity in the jail for the next 25 years. In the same period, he was signing an answer to a question on notice that stated quite clearly that the government estimated that the number of prisoners at the jail of all categories would be 247 by 2009. Subsequently they said that, at about 245, the jail is full. When you add those three things together, you find that, if they knew the jail was going to be full when it had 245 people in it, then they knew it was going to be full in 2009. But the minister was saying that it was going to have the capacity for 25 years.

Whichever way they try to argue themselves out of this—they say, “No, you don’t understand; beds are different to capacity” or “No, no, things have changed”—the reality is that the fact that the jail is full and the fact that we have had so many problems in there identified by Mr Hamburger is because Simon Corbell reduced the number of beds in the jail. He said that it would have capacity for 25 years knowing that it would not. If he did not know that then he was incompetent in what he said.

The third point I would like to make is about Mr Doug Buchanan, because this report—

MR ASSISTANT SPEAKER: Mr Hanson, please resume your seat. Stop the clock, please. Mr Hanson, the motion before the Assembly is that the Assembly take note of the paper that the minister has delivered into the so-called Hamburger report. I am minded to refer to the standing orders, and I remind members of standing order 58:

A Member shall not digress from the subject matter of any question under discussion:

provided that:

(a) on a motion to adjourn the Assembly, irrelevant matters may be debated;
and

(b) on the motion for agreement in principle to appropriation bills ...

I believe, Mr Hanson, your referral to incidences or issues unrelated to the Hamburger report is out of order. I remind you that the Buchanan issue is unrelated to the Hamburger report, and I ask you to come to the point and to make sure that you stick to the relevance of the question; otherwise I will have to ask you to sit down.

MR HANSON: Certainly. In order to do so, therefore, I shall quote from the Hamburger report:

... in this critical first year of operation—

Mr Smyth: So this is in the Hamburger report?

MR HANSON: It is directly quoting from page 106 of the report, Mr Smyth:

Therefore, in this critical first year of operation the AMC did not have continuity of leadership in the key role of Superintendent. Instead the position was filled by a series of officers for short terms. The opportunity to drive efficiency and effectiveness through a Superintendent with continuity in the role who would lead by example and would mentor and monitor the performance of the leadership team was lost;

Advice from the Executive Management Team in ACT Corrective Services is that, “with the wisdom of hindsight”, there was also inexperience at the middle management level in the AMC staffing structure. This is not a criticism of these staff as relatively few correctional managers and staff have the opportunity to experience the commissioning of a new correctional centre. However, this situation highlights the necessity to have an experienced Superintendent in place providing continuity of leadership;

The above lack of continuity and experience in the AMC leadership team created a potential risk to the safety, security and efficient operation of the centre given the significant number of new inexperienced staff. On 31st May 2010 ACT Corrective Services arranged with another jurisdiction to second a highly experienced officer to fulfil the role of Superintendent.

I will stop quoting to insert that that was Mr Buchanan. It continued:

Such an arrangement provides the opportunity for continuity of appropriately experienced leadership in the role;

From the relatively limited interaction the audit team members have had with the current AMC Superintendent he demonstrates strong experience in management of secure correctional facilities. There is evidence that he is mentoring the AMC leadership team and leading by example in his interactions with staff and detainees. Feedback from some external stakeholders is that the Superintendent is having a positive impact on AMC operations. ACT Corrective Services say that since his appointment:

Staff morale has improved significantly

Sick leave has reduced

Sick leave management strategies are in place

Regular staff meetings are conducted

Additional staff training programs have been implemented

Drug trafficking into the centre reduced ...

Detainee management strategies have been enhanced.

The findings of the report include that lack of continuity and experience in the leadership team during the first 12 months created a potential risk for safety, security and efficient operation of the centre. Finding 16 is that ACT Corrective Services arranged with another jurisdiction to second a highly experienced officer to secure the role of superintendent. As I quoted earlier, feedback from some external stakeholders was that that superintendent was having a positive impact on AMC operations. Finding 17 is that the AMC is now at a critical point in its history. It says that the AMC has negotiated its first year of operation without disastrous result, however, to date it has not delivered to the standard required by its ambitious vision and objectives. Strong leadership with a clear plan of action from this point is essential for safety, security and effective detainee rehabilitation outcomes.

The recommendation is that ACT Corrective Services satisfy itself that the combined experience and expertise of the AMC leadership team now in place provides the capacity for effective leadership and develops the desired culture within the AMC to deliver services effectively and efficiently.

I note in the government's response that Mr Buchanan was appointed to the task force to review the implementation. It is relevant, then, to make the point that Mr Buchanan is no longer serving on that task force because he has been removed by the government, and Mr Buchanan said that his removal in part was because of his objection to a needle and syringe program and that he was denied due process. It is worth noting that an attempt to inquire into that process was denied by this Assembly through the crossbench Greens and by the government.

MS BRESNAN (Brindabella) (4.06): I will speak very briefly to the government's response to the report. I mentioned the crisis support unit in relation to the Burnet report, and I should have actually mentioned it here, so I apologise for that. Obviously we will go through this in detail, but one of the key issues for me in the report is in relation to separation issues in the crisis support unit and having people who might be more long-term prisoners having to be in that unit. It is good to see that that recommendation has been rated highly, as have been a number of the other recommendations in relation to the crisis support unit.

One of the issues that has been raised in terms of people who might need to be in the crisis support unit for a longer time is about having access to outside programs and

being able to have access to outside areas. It is rated as a medium recommendation, but it is good to see that this is something that will be addressed. It is important to address that if we need to have people in that unit for a longer time period. As I noted earlier, this is obviously a resourcing issue around the numbers; nevertheless it is a particularly important issue.

As I said, the Greens will go through this in more detail, but it is good to see that the recommendations have been agreed to. We will be looking forward to making sure that they are implemented.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following paper:

Territory land—Maintenance—Government response.

Ms Burch presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2010-2011—Third quarter (1 January-31 March 2011).

Towards a Diversionary Framework for the ACT Discussion Paper—Consultations report, prepared for the Department of Disability, Housing and Community Services by Noetic Solutions Pty Ltd, dated April 2011, in substitution for the document tabled on 23 June 2011.

MR ASSISTANT SPEAKER (Mr Hargreaves): Presentation of papers is concluded, and I note that Mrs Dunne was due to resume the roster in the seat as Assistant Speaker and has chosen not to do so.

Bimberi Youth Justice Centre—reviews Ministerial statement

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) (4.09), by leave: Members will recall that on 29 March I made a statement to the Assembly in relation to the findings of the reviews conducted by Keating and Tomas into a critical incident that occurred at Bimberi on 5 February. During this incident two young people broke out of their cabins and assaulted an MSS officer. In that statement I advised that, due to further investigations being conducted by Clayton Utz into the incident, I was unable to provide detail on the actions being undertaken by the directorate to implement the 33 recommendations made across the reviews.

Members will recall that the incident of 5 February was taken very seriously and immediate steps were made to set up reviews by Mr Keating and Mr Tomas. The reviews looked at different aspects of the incident and were comprehensive in their

focus. Mr Keating examined the operational circumstances surrounding the incident and Mr Tomas reviewed the security systems and infrastructure at Bimberi.

As I have previously mentioned, I am pleased to have such a comprehensive set of recommendations for the improvement of operations at Bimberi. I would like to inform the Assembly that the Community Services Directorate has agreed to all 13 recommendations made by Mr Keating and to 18 of the 20 recommendations made by Mr Tomas. The two recommendations made by Mr Tomas that are not agreed suggest rectifications to the centre that are not considered appropriate or consistent within the design philosophy at Bimberi. Particularly, Mr Tomas recommended the fitting of window security grills and the installation of steel clad or corded doors in the residential areas.

The minor security benefits of these recommendations were outweighed by the overall design principles of the centre to maximise the normalised environment of the centre for young people. Although he made these recommendations, Mr Tomas does acknowledge the complexity of designing a youth detention facility to ensure a balance between security and robustness and creating an environment that is aesthetically appropriate in order to assist young people to positively engage in programs and activities.

Substantial progress has been made in response to the agreed recommendations and a number of actions have been completed. A significant number of recommendations were implemented under the change management and implementation strategy which was introduced in November of last year. I would like to advise the Assembly of just some of the key actions to date.

In relation to Mr Keating's recommendation to consider the involvement of MSS officers in residential unit night duties, action was taken to cease the use of MSS officers for night shifts on 14 April of this year and all shifts are now covered by youth detention officers. MSS officers will continue to undertake reception and entry screening duties, as they have done since the opening of the centre.

A number of recruitment rounds have been held to increase the overall staffing levels at Bimberi, allowing for increased availability of staff for rostered duties. This strategy will continue to be important as it provides flexibility for staffing and ensuring the requirements of the roster are met. The position of centre manager at Bimberi has been filled, and the operations and program manager positions have been filled on a temporary basis pending permanent recruitment. Recruitment also is underway for the new position of assistant manager. That will strengthen the leadership and oversight group at Bimberi.

Funding was announced in the 2011-12 budget for capital work initiatives at Bimberi and staffing to support the operation of the fourth residential unit. And the budget measure includes the recruitment of nine additional staff. That would be six youth workers, one unit manager and two team leaders.

The recommendation to appraise staff performance is being addressed. This is part of a commitment to continually invest in staff working with young people in this environment. An assessment of staff strengths across the centre has been completed

and will assist in identifying the ongoing training and development needs. Structural changes are also being made to ensure operational teams are properly supported.

A schedule of mandatory staff training is being implemented for all staff at Bimberi. A training officer has been appointed and based at Bimberi to assist with the delivery of training and to ensure that staff training needs are properly identified and met in a timely manner. Also in line with Mr Keating's recommendation, a project is underway to review policies, procedures and practices to ensure their clarity and usability. New and enhanced documentation is expected to be provided to staff by the end of August.

Similarly, a project has also commenced to review the information, data and electronic case management systems and this project has a high priority as part of a change management and implementation strategy. Compliance mechanisms and processes are also being reviewed.

Decisive action has also been taken on the Tomas review recommendations. Given the technical nature of the Tomas review and the security aspects of many of the recommendations, I am not able to go into great detail here. However, a number of physical infrastructure works recommended by Mr Tomas have been addressed by funding announced in this year's budget. They include measures to limit the ability for residents to gain access to the roof and to undertake some vermin-proofing of the external fence. I think that is for rabbits. New contractual arrangements for the maintenance of electronic security at Bimberi are expected to be in place early in the new financial year, to enhance both preventive and responsive maintenance elements of security.

In considering the reviews and responses to the serious incident that occurred at Bimberi on 5 February, it is important to remember that juvenile custodial facilities are complex environments to manage. The managers and staff at Bimberi have complex risks to manage, and I would like to put on record, again, my thanks to Bimberi staff and managers who do such an exceptionally good job and continue to show their dedication to the centre and to the rehabilitation of the young people in detention.

In addition to the actions being undertaken as a response to the Keating and Tomas reviews, other work is being done to ensure that Bimberi continues to provide a safe and secure environment that maximises rehabilitation approaches. The Bimberi change management and implementation strategy is the key driver in this substantive and positive change. In my statement in March, I provided an overview of significant actions under the change management plan, and I would now like to provide an update on the progress of some of these.

The change management and implementation strategy aims to improve communications mechanisms. Mr Daniel O'Neil, director of youth services at Richmond Fellowship, has continued his work at Bimberi to allow staff an opportunity to provide their views on improving the workplace environment. Mr O'Neil's work at Bimberi will continue to inform the change management initiative.

Establishing a culture of learning continues to be a focus at Bimberi. And by the end of June of this year, 31 of the current staff are expected to have completed their cert IV in youth work and, by December, 13 staff are expected to have completed their diploma in youth work. In addition, three Bimberi managers are currently undertaking an advanced diploma in management. An applied suicide intervention skills training program was conducted at Bimberi during the week ending 13 May. The training was delivered in-house and was very well received by the 16 operational staff who received it.

The commitment to continuous improvement in programming for young people remains a focus. The Construction Industry Training and Education Authority, or CITEA, in collaboration with METC, are currently delivering a transition-to-work program for nine young people who recently completed the certificate II in construction. The course involved the young people in planning, developing and constructing raised garden beds, wooden seating and a built-in BBQ on the site at Bimberi. And can I say, having seen it, they did a very good job indeed.

Associate Professor Kaye Lowe from the University of Canberra's u-can read program is working with METC to develop an enhanced literary program and, as part of this, 18 Kindles have been purchased for use by residents. From June of this year METC is employing two part-time tutors to work individually with young people at Bimberi. And these tutors will primarily focus on the young people who are identified as having difficulty with reading within the classroom setting.

Change management and implementation also aims to improve service delivery standards. The implementation of the cognitive change group began in May of this year and this group is focusing on cognitive behaviour therapy techniques and is being run by the ACT Health forensic mental health services team.

The role of the key worker continues—to assist individual detainees. These staff act as the first point of call to provide information and communication between the young person, the unit manager and case management staff. The key worker is actively involved in the young person's education program and acts as a support person for any conflicts, mediations and complaints. The plan also covers security risk management and safety of young people and staff. Our new security arrangement is being developed and will be trialled in the woodwork and metalwork areas and these arrangements are based on risk assessments that have been undertaken across the workshop activities.

A risk and compliance framework gap analysis has been undertaken by Your Enterprise Solutions. They have completed this work and a report will form the basis of a risk and compliance framework at Bimberi. Two highly experienced staff have been recruited to implement the framework and assist with actions on the priority tasks arising from the change management strategy.

The information that I have presented here today demonstrates the seriousness with which the incident of 5 February was taken by staff and management at Bimberi and the Community Services Directorate. It reflects the commitment by all involved in the management and delivery of services at the centre to ensure that we learn from such

occurrences and that improvements are made to provide a better-practice, safe and secure environment for our young people in detention and for the staff that support them.

It is also important to note that the Keating and Tomas reviews and the change management initiatives at Bimberi are part of a broader suite of related activities that aim to provide improved support and care to children and young people at risk. These activities include the Human Rights Commission's Bimberi reviews and the Community Services Directorate discussion paper *Towards a diversionary framework for the ACT*. I present the following paper:

Bimberi Youth Justice Centre—Reviews into 5 February 2011 incident—
Government response to recommendations—Ministerial statement, 28 June
2011.

I move:

That the Assembly takes note of the paper.

MRS DUNNE (Ginninderra) (4.21): Firstly, Mr Speaker, I want to raise in passing a procedural issue that seems to have slipped into our practice—that ministers make ministerial statements which give them unlimited time and at the end of the ministerial statement move that the Assembly take note of the paper, therefore limiting the time that members may respond in after having sought leave. I will not take up 15 minutes anyhow, but it is a procedural courtesy that probably needs to be addressed by members of the government.

In relation to the government response to recommendations made in the Bimberi review of the 5 February 2011 incident, I welcome and thank the minister for this update, but I consider it only an update. There are some substantial matters which are missing from this. The previous statement, which outlined a range of recommendations from both the Tomas and Keating reports, also flagged that there were some recommendations that were not dealt with because there were outstanding matters in relation to disciplinary matters in relation to some staff. The minister has not reported on that. I presume from that that those matters are outstanding.

I also note that in neither of these statements has the minister made any comment or informed the committee about the fate of the young people who were involved in this vicious attack—whether charges have been laid and what is the outcome, if any. For completeness, at some stage the minister needs to come in and tell the Assembly about those things as well.

What we have here today is a litany of things that have been done as a result of this very disturbing incident on 5 February, which for the most part seemed to me to be about straightforward and obvious things that should be done in a youth detention centre if you have a properly run youth detention centre. On 5 February this year, Bimberi youth detention centre had already been running for two years—had been occupied for two years. Over that time, on a fairly regular basis, the Canberra Liberals had been drawing the attention of successive ministers to concerns about the operation of Bimberi youth detention centre. We were told that we were scaremongering, that

there was nothing wrong, that there was nothing to see here—"Move along." The Canberra Liberals persisted.

As a result of our persistence there are now a range of things that are happening which are being rattled off like a litany by Ms Burch. But we are actually seeing things that should have already happened. She is almost acquiring to herself the initiative: "We are doing a whole lot of things, including having a human rights inquiry." We are having an inquiry into Bimberi because the Canberra Liberals pushed for it on behalf of the young people and the staff.

All of these things are happening because of the persistence of the Canberra Liberals. It does not do anything for Ms Burch's reputation that she will now take on the initiatives of the Canberra Liberals as if they were her own. She was the most reluctant person in this chamber to address these issues. She was reluctant to deal with them in public; she was reluctant to deal with them with the staff when she visited the Bimberi youth detention centre. Her behaviour at that time, which she denies but nobody else does, shows just how reluctant she was to deal with these issues.

This report is welcome, but I do put on the record that there is little in this report that should not already have been happening at a well-run youth detention centre. To tell us, for instance, that as of June this year we have two tutors to help with literacy in the classroom is just astounding. We have seen, time and again, evidence that the young people who are detained at the Bimberi youth detention centre tend to have lower than average IQs. As a result of this, and the research that indicates that young people with lower than average IQs have difficulty processing information, and have inbuilt difficulties with literacy and numeracy—these children, these young people, were essentially children who had a disability and who should have been treated as such in the education system. But they were not being treated as such in the education system until we drew these matters to the attention of the Assembly.

It is only through the persistent and ongoing questioning by Mr Coe, me and other members of the Legislative Assembly that we are here today. Ms Burch sits there and shakes her head in disbelief. She should hang her head in shame that we can now triumphantly report, 2½ years after Bimberi opened as a youth detention centre, that we are finally getting literacy tutors into the classroom.

In the same way, the last time Minister Burch made a statement here, she said, "We have got a new art teacher, a new woodwork teacher and a new metalwork teacher." You had either sacked or driven away the previous woodwork teacher and the previous art teacher, people who were committed to working in the system, who wanted to work with these vulnerable young people. You drove them away.

It is very interesting to see the changes and the approaches. I take great pride, on behalf of my colleagues, that the changes, the approaches and the improvements in Bimberi are as a result of our persistent questioning. Nothing would have happened if Joy Burch and her predecessors had been left to themselves. These matters were raised by the staff. They were ignored by the minister—ignored and ignored successively. It was only through raising these matters in this place and in public arenas, asking the questions in estimates and in annual report hearings, that we have actually got to a stage where there are some changes happening.

There are also changes happening because of this quite disturbing event on 5 February. Ms Burch is now trying to make a virtue out of necessity. She has been forced to up the staffing ratios. She has been forced to do more recruiting. She has been forced to take the absolutely appropriate position of ensuring that no undertrained staff are put in this dangerous situation. We should never have been in the situation where any member of staff was beaten in the way that this unfortunate man was beaten on 5 February.

It is more culpable because he was undertrained. He did not have the appropriate equipment. He was undertrained. He was a contractor who should not have been there. He was in the wrong place at the wrong time. He had nothing going for him. These issues have not been addressed. It is incumbent upon the minister to come out and provide the whole report so that the committee can look at the report and so that we can find out for ourselves conclusively whether the person involved in this had a duress alarm—because the answers to questions are equivocal on this matter—and whether this person had a radio, and get answers on a whole range of other issues to questions that we have persistently asked. These are not answered in the minister's statement today; they were not answered in the minister's statement back in April. The Canberra Liberals will continue to pursue this matter because of the severity of the issue.

In concluding, I put on the record that the Canberra Liberals will require from the minister an answer as to what has happened to the staff who had disciplinary action taken against them and what has happened to the young people who were the perpetrators of this dreadful assault.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.30): It is good to see an update on the terrible incident that happened on 5 February and to see that some action has been taken. I was also pleased to see that there is a training officer who has been appointed out at Bimberi; that officer will assist in the delivery of training and ensuring that all staff training needs are identified and followed through on. It is essential that we have staff who have got these skills and who have got the knowledge necessary in order to do their jobs properly. It is also a way to ensure that we support staff who are working in very complex environments, doing very difficult jobs.

I know that under a previous update from the minister, I did raise my concern when it talked about some suicide awareness training; my concern that that was not already in place and had not been in place with previous workers; and so forth. I am pleased to see that there is an applied suicide intervention skills program that has been conducted—and I hope that is a regular thing because, as we know, staff do turn over in Bimberi—and to see regular training programs, formal training programs and informal training programs.

I note that a lot of this training will get formal accreditation through the CIT, and that is a good thing. It ensures that there is a quality of training. It also ensures that those workers who are undertaking that training do get recognition for the training they have undertaken. And certainly it shows that we will have a skilled workforce in place.

The other thing that I raised previously was my concern around policies, procedures and practices—that if we did not have some usability in the system and some way to ensure that the policies, procedures and practices were quite clear, and that everybody knew what they were and how to respond in certain situations, they really were not worth the paper that they were written on. I am pleased to see that a project is underway to review all of these. Obviously we will need to see what the result of that is and, at the end of the day, see how that is implemented. It is no good just giving a very large volume of policies and procedures over to a worker and saying, “There you go; figure it out.” We do need a system in place where workers are very much kept up to date in some way that is accessible. That means that they can still perform their job and know that they are on safe ground, that they are following proper procedure and that, through their training, they are using the latest practices and using best practice.

The other one was this: Mrs Dunne has made a comment around the literacy tutors in the Murrumbidgee education training centre. I would say that it is great to see those tutors in place, but I would have the same sorts of questions as to why that was not identified previously. Over a number of annual report hearings and estimates hearings, we have heard about the profile of young people who are taken into custody, who are residing at Bimberi. Many of them do have learning difficulties and do have low IQs, as Mrs Dunne has commented on, and other issues. That means that, very much, education has not been at the forefront of their lives and they do need this support. I am pleased to see it, and again we no doubt will follow through to see how that is going into the future.

I very much look forward to hearing further updates on how this all settles down and how it is rolled out. Also, of course, we will be receiving the reports from the two reviews that are being conducted, the human rights audit and, specifically, the Children and Young People Commissioner’s investigation into Bimberi and the whole youth justice system. We will look forward to that and then look forward to hearing from the minister how all these things will fit together.

I do note that you have a change management and implementation plan. I am assuming that that will be the vehicle to put any other recommendations under, but I will very much look forward to an update in the future as to how the minister and the directorate will take on board any recommendations from that report as well—and ensure that they are implemented, and not just in the short term, but how this will be sustainable into the long term.

We need to provide an environment that will, hopefully, set these young people on a different path than the one their life has already taken. That means well-supported staff with great training and also a number of opportunities for those young people to be able to pursue. That is why I was also pleased to see the transition to work program from the construction industry training and education authority. Having spoken to Vince Ball on Friday night, I know that that has been very successful. I do hope that those sorts of programs continue, because we need to not only be giving that opportunity for some literacy and numeracy but also giving the opportunity for some real work skills so that those young people can walk out the door and be able to get a job, which is another part of choosing a new path in their life, and what we would hope would be a very positive path.

Question resolved in the affirmative.

Standing and temporary orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent order of the day No 7, Assembly business—Report of the Select Committee on Estimates 2011-2012 and the Government response to the Select Committee on Estimates, to be called on and debated cognately with order of the day No 3, Executive business—Appropriation Bill 2011-2012.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Appropriation Bill 2011-2012

[Cognate paper:

Estimates 2011-2012—Select Committee report—government response]

Debate resumed from 5 May 2011.

MADAM ASSISTANT SPEAKER (Mrs Dunne): I understand it is the wish of the Assembly to debate this bill cognately with the government's response to the report of the Select Committee on Estimates 2011-2012. That being the case, I remind members that in debating order of the day No 3 under executive business they may also address their remarks to the government response to the estimates report.

Detail stage

MADAM ASSISTANT SPEAKER: Standing order 180 sets down the order in which this bill will be considered. That is, in the detail stage, any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. With the concurrence of the Assembly, I am proposing that the Assembly consider schedule 1 by each part, consisting of net cost of outputs, capital injection and payments on behalf of the territory. Is this the wish of the Assembly? That being so, schedule 1 will be considered by each part, consisting of net cost of outputs, capital injection and payments on behalf of the territory, then the clauses prior to schedule 2, and the title.

Schedule 1—Appropriations.

Proposed expenditure—Part 1.1—Legislative Assembly Secretariat—\$7,163,000 (net cost of outputs), \$233,000 (capital injection) and \$5,713,000 (payments on behalf of the territory), totalling \$13,109,000.

MR SMYTH (Brindabella) (4.40): And so the debate begins in proper for the budget for the 2011-2012 year. The Treasurer has circulated some amendments to the schedule. These have been previously circulated to members, and they outline some amendments that come into line with the new administrative arrangements and make

sure that the words are accurately recorded. If members look at those amendments they will see that it includes the word “directorate” and “Chief Minister’s” and whatever the particular line is. It also transfers money between the various lines.

I have confirmed with the Chief Minister and Treasurer that this is revenue neutral; all it is doing is bringing the actual amount as it pertains to each of the directorates following the amendments in the AA. So first and foremost, given that they are revenue neutral, the opposition will be supporting those amendments. I just want to put that as a general cover to the start of this debate on the budget itself.

In regard to the Legislative Assembly, there was generally little to say as a result of the hearings. There were probably three or four issues that did come out of it this year. The first is the great big new office building, and it was interesting that one of the proposals is that there be a sky bridge that connects the Assembly to the new government office building. I would like to start with just the lack of consultation, and I think probably the insult that has been given to the Assembly and the members therein. We asked the Speaker had he been consulted and he said there was some initial consultation. But this does have great effect on the future of the Assembly. At paragraph 269 on page 20 of the committee’s report, the committee expressed its concern:

The Committee is concerned that the construction of the proposed Government office building and the housing of the Ministerial wing in the building ties the housing of the Legislative Assembly to its current location. This will have occurred without consultation with the Members of the Legislative Assembly.

There is talk of a larger Assembly. I note for instance Terry Snow funded Colin Stewart to do some plans for particularly City Hill but Civic at large as well, and one of the central things that Mr Stewart looked at was moving the Assembly for instance to the head of Northbourne Avenue. That could not occur if the great big office building is built and we are connected, because if you are going to put the ministerial wing into that building it really does tie the Assembly to this location for all time. So again the lack of genuine consultation on this project is highlighted by that fact.

I think members will be amused because those of us that attended the architects awards all heard Mr Barr say that there will not be a sky bridge. Apparently somebody forgot to tell the rest of the government. Recommendation 24 states:

The Committee recommends that, should the Government office block proceed, it not be linked by a skybridge to the Legislative Assembly building.

The response, it is noted, says:

Linkages to the Assembly will be reconsidered as the design of the building progresses and the cost of such an option is assessed against the alternative final design options.

I think it is quite interesting that the government just does not say “Well, we are not going to build a sky bridge”. You have to think about where ministers will go if they come to the Assembly, and they will come here to the chamber. That means just going to the ground floor of their building and coming across here to this one. I think having

a sky bridge across from the first or second floor to the first or second floor here, then we will come down the stairs, really does question the planning that has gone into this building. So, again, there is a recommendation that flies in the face of what one minister has said publicly.

On many occasions there has been a lot of talk about the size of the ministry, and indeed the fact that there are only four ministers at the moment is of concern to a great number of people, as is the quality of some of the ministers. Recommendation 23 says:

The Committee recommends that the Chief Minister provide clarification to the ACT Legislative Assembly on how any growth in the size of the Ministry would be accommodated within the proposed new Government office block.

The problem is the new plans only show five ministers. So if there is any expansion into the future it means the ministerial wing must eat into the public service wing, and if those public servants are displaced to accommodate ministers and the functions of the government you then have to ask the question of where they will go.

This does just bring into the spotlight again the case for this great office building that the government proposes. The government's response is that the recommendation of the committee is:

Noted.

The proposed Government Office Building has been designed to provide a more efficient approach to accommodating additional functions than would otherwise be the case, this includes the provision for ministerial offices.

The final number of ministerial offices will be determined as part of the preparation of the functional design brief. The design will be flexible to meet the changing future needs and requirements.

But, if you look at the plan, there is not the room for this extra minister, or two or three or four, or however many it may get to. I think most people assume seven is a fairly reasonable number for a jurisdiction of this size. So if you are going to put two more ministers in there you are going to displace a significant number of public servants as ministers have a far larger footprint than your average public servant. We have got the ministerial crisis room, of course, which I think we are all quite amazed to see there.

This does go to the planning, and we know the record of this government on the delivery of infrastructure, and we know they diminish the scope, they blow the budget, or they put back the delivery time. This project already has all the hallmarks of that happening again. I think we need to look at the great big new office building with some concern. I think a skyway would be an extraordinary waste of resources. You really do have to question the merits of the proposed building in any event.

Some other issues that were raised by committee members included the replacement of computers and keyboards, and we noted the considerable disquiet when this matter was raised in the hearings—a number of members mentioned that they had concerns

about the way that the new computers were put in place, but also they raised concerns that perfectly functional screens were removed and indeed that the keyboards were changed from an American-style keyboard to a European-style keyboard.

There are some recommendations that have been answered, and the government has agreed to look at this process. But if things are working and they work well then there is no need to replace them. You do have to question the economy. Maybe as part of the leasing deal it is more economic to replace the lot, but I think that needs to be made quite clear. We need to make sure that as far as taxpayers are concerned we really do get the best value for taxpayers' money when we spend it for them.

I also note, perhaps it is the funny side of estimates, that the general manager of Shared Services ICT, henceforth known as SSICT, admitted he was not proficient about keyboard use. That was an interesting admission given that this was the person in charge of delivering ICT services to the Assembly. But it is important that we actually do get it right and if we are going to make the change that people understand why that change has been made rather than just finding out by accident.

The other area that was most interesting, also covered by Shared Services, was to note that the Assembly had opted out of the Shared Services model. They have brought their financial processing back in house. We still receive of course ICT from InTACT—formerly known as InTACT, now known as SSICT—but they have brought a number of relevant functions back in house. They have employed two additional staff, though there was a requirement to purchase new software to ensure that the processing could be carried out in house, and they have saved \$150,000 a year. So to the Secretariat and Mr Speaker, well done. It is good to see somebody is able to streamline something, deliver a better service, deliver it in house, and actually make a saving.

I am not sure what that says about the Shared Services model, but, with an agency as small as the Legislative Assembly, in terms of the size of the government—relatively small budget and relatively small staff numbers—if it can be provided here then you certainly do need to ask the question should it not be applied to all smaller agencies so that they can review their costs very carefully, and get on with the job of delivering better services through better facilities for public servants so that they can also make savings for the people of the ACT.

There are a number of priorities listed in the budget document—budget paper 4, page 1 of all places—and there was some discussion about seeking stand-alone legislation for the Secretariat. We were told that this is apparently the usual practice for other parliaments (*Second speaking period taken.*) There was some questioning over what form that would take and I guess we will look with interest at what will happen. Perhaps it is a sign of the maturity of our parliament that we are now at the stage where perhaps legislation to cover the way we govern ourselves is an appropriate thing.

The only other point I would like to make is that with dot point 2, also on page 1 of budget paper 4, we looked at what was involved with replacing the broadcasting assets and the infrastructure upgrade plan—I am sure we are all quite aware of the rapid changes in TV et cetera and the move to digital—and also the delivery of the

Committees on Demand facility. The committee made a recommendation, and I have to admit I have not found the government's response to it yet, that we do look at Committees on Demand being extended to all committees. It seemed to work very effectively with the estimates committee.

I know a number of people who watched it late at night, obviously insomniacs, and staff and officers who looked at it to see actually what was said and how it was said. So it is a step forward. In terms of openness and accountability, it is allowing the public to see as much of the debate that goes on in this place as possible. I would recommend that when we work out what the costs are, if it is something that we can either get additional appropriation for for the Assembly or if we can live within the limits of the current budget, it is a good thing that people can access what their Assembly does when they want to rather than when we happen to be broadcasting as we might be doing at this stage. With that, we commend the line to the house.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.52): We all know about the very valuable services the Assembly Secretariat provides to us each year. The parliament simply could not function without all those who work here in this building. Perhaps the most interesting project for this year will be the development of stand-alone legislation for the Secretariat. I think it is a good initiative and that there should be a distinction between the Secretariat and the rest of the public service.

This is consistent with the Latimer House principles and we should be exploring opportunities to ensure that we further the distinction between the parliament and the executive. I very much hope that all members can contribute to the development of the bill to ensure that the Assembly Secretariat continues to deliver the same range of quality services to members. We should continue to implement the Latimer House principles and ensure that their adoption is more than simply a gesture. It is a road with no fixed end and there will be many opportunities for us to continually improve the way we do things to better reflect the ideals espoused in these principles.

There were a number of other initiatives mentioned during the estimates hearings, and I would like to briefly reflect on those. There will be significant infrastructure and IT upgrades. One issue in the context of IT upgrades that I would like to mention is the ability to search *Hansard* and committee reports. Currently we have a very limited search function and it would be an enormous benefit if we were able to extend that so that we could use Boolean operators particularly to assist in searching the *Hansard*.

Additionally I understand that many of the sustainability initiatives have been implemented and the subcommittee will continue to work on further initiatives. It appears that much of the low-hanging fruit has now been found and it will be more challenging to achieve further gains in water and energy efficiency in the future. I am very pleased that the subcommittee tasked with this job will continue to work on further improvements and I think we should be very pleased that the Assembly is leading the way across government in responding to the sustainability challenges before us.

I also take note of the change to in-house provision of finance services. As Mr Smyth mentioned, this has been taken back into the Assembly and 1.6 new positions have

been established in the Secretariat. With the recurrent expenses for this function, it should save \$150,000 per year. Previously we were paying Shared Services \$500,000 a year for this same service. Now there is a saving of \$150,000 a year and that is very welcome.

We were talking about the estimates report and the recommendation about increasing Daily on Demand, particularly for committees. I believe that the response from the government was that it is the Speaker's call on that particular issue. I also think there are some people out there who do like to follow through committee inquiries and debates in the chamber who may well like to see that extended and I do hope that the Speaker will look into those issues.

The 2 per cent increase to the Assembly budget is reasonable and, in our view, appropriate to ensure that the Secretariat continues to deliver the excellent quality services that it currently does. The Greens will support the proposed appropriation in this line.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.2—ACT Executive—\$6,394,000 (payments on behalf of the territory), totalling \$6,394,000.

MR SESELJA (Molonglo—Leader of the Opposition) (4.56): Madam Assistant Speaker, when it comes to restraint in government and when it comes to sensible spending, what we expect is that we will see leadership from the top, leadership from the executive. Unfortunately, that is not what we are getting. When we have a Chief Minister who says that public servants have to tighten their belts, who is constantly forcing the community to tighten their belts and pay more, people expect that there will be some leadership from the top. What they are unfortunately instead getting is an ACT executive that wants to spend money on itself, an ACT executive that has decided that plush new offices—spending \$11 million just on ministerial offices and spending \$2 million on a sky bridge—is a good use of taxpayers' money.

That goes to the heart of the government's budgetary problems. There is no leadership from the top. Let us look at the way they prioritised some of their savings. Where did they go first? Where did this government go first when it was looking for savings? It did not go to ministerial offices. It did not go to its own advertising and travel. Where it went to was the disability community. It went to disability support in schools. It thought that might be a good place to make savings.

I put it to you, Madam Assistant Speaker, I put it to the Assembly and I put it to the government that perhaps they should be looking a little closer to home. The new government office block is a prime example of the "do as I say, not as I do" attitude of both Katy Gallagher and ACT Labor. They have been experts at spending other people's money. They have been experts at imposing massive tax increases to pay for all of that spending. They have been experts in hypocrisy when they ask for savings to be found and cuts to be found in the disability sector but propose massive new spending on themselves.

Let us have a look at what this government office provides. We will get into more of the detail in terms of the government's numbers on the government office building as we go through the various lines. But let us just focus on the ACT executive and focus on the unnecessary spend that is involved in this budget—\$11 million just for the executive wing.

This is a rolled gold, lavish ministerial office spend at a time when Canberra families are being asked to pay more, when those people in Tuggeranong are being told, "You are going to have to pay six per cent more just this year for your rates over and above all of your other expenses." This is happening at a time when this government, to pay for these sorts of things, is imposing a new tax on units. It is a massive tax on units that will add potentially \$40,000, \$50,000 and more to the cost of buying a unit and potentially add significant amounts to the cost of renting a unit.

So Katy Gallagher is happy to impose that tax. She is happy to see massive increases for the people of Tuggeranong in their rates. She is happy to pocket all the extra money from the 75 per cent increase in rates over this government's time in office. It is so that this government can spend money on things like an office block for itself and spend \$11 million of that on ministerial offices that are completely unnecessary. It is a waste of taxpayers' money.

They want us to spend \$2 million on a sky bridge. They want us to spend \$11 million on lavish ministerial offices and \$2 million on a sky bridge that is unnecessary. So we ask the question, and we start here at the top: What is the character of this government? The character of this government is such that it says, "No spending for us is too much. Therefore, we will continue to increase everyone else's taxes. Everyone in the community will continue to have to pay more." Why do they have to pay more? It is because the government cannot control its spending. It is because ACT Labor cannot control its spending.

Here we have a prime example of how they cannot control their spending. They should not be spending this money. This is throwing away taxpayers' money. They have ministerial offices. They do not need new ministerial offices. They do not need the new government office building. They do not need to be spending \$430 million of taxpayers' money on a new government office building.

The extravagance of that spend with the sky bridge and the ministerial offices is a significant example, but only one example of many, where this government, because it does not want to control its spending, because it refuses to control its spending, is imposing cost pressures on Canberra families.

The other thing that came out, in terms of the ACT executive is the number of ministers. Mr Smyth touched on it in his earlier speech. Despite planning on spending all of this money on their new ministerial offices, they have not actually accounted for a growth in the ministry. This is a government that continually says that it wants to see a bigger ministry. When Ms Gallagher was asked whether or not she was going to have five, she said yes, but we do not see it. We do not see it accounted for. She obviously has such confidence in her team that despite arguing that five ministers are not enough, apparently now four is enough.

It was not that long ago that five ministers was not enough. They could not do the job with five; they were under too much pressure. Now they are saying, "Actually, our team is not good enough to even fill five positions, let alone six or seven." This is a government that could change the law with the support of either the Greens or the Liberals and actually have more than five ministers, but it is choosing to have less than five ministers.

Madam Deputy Speaker, it says a lot about the confidence that the Chief Minister has in her team. It says a lot about their forward planning that they are building a building costing at least \$430 million of taxpayers' money and they are not even planning for the simplest of changes in arrangements when they are arrangements that they have argued themselves should be in place.

I think it shows just how vacuous this government is in their approach and in their thinking. Firstly if this government were fair dinkum about not wasting taxpayers' money, they would not be pursuing this project. If they are going to pursue this project and they were serious about it, they would be making provision for what it might be. They have not done either, and I think that that gives an insight into the way of doing business from this government.

I finish where I started. It is up to the executive to show leadership. It should show leadership before it asks Canberrans to tighten their belts, before it asks them to pay more tax, before you ask vulnerable Canberrans to cop a hit when it comes to their support and when it comes to support for kids with disabilities. This is what this government wanted to do before the massive backlash. This government wanted to strip money from kids and strip support from kids with disabilities.

Before you do that you should actually look at the far more significant savings that you could make without hurting the vulnerable. Let us start right here. Let us start with the extravagant, over-the-top, ridiculously priced \$11 million that this government wants to spend on its ministerial offices. That is an extraordinary amount of money for not a lot of space, as is the \$430 million for the overall project. It is far too much. It is a project that the territory cannot afford and it is a project that should be scrapped in favour of far more important projects.

As I said, we will get into the detail of this office block, but on this aspect, the government should be showing leadership. They should be showing leadership by exercising restraint. Instead, what they are doing is lavishing themselves with new offices which are over the top, over-priced and completely unnecessary.

MRS DUNNE (Ginninderra) (5.06): I would like to draw members' attention to the appropriation that we just passed in relation to the Legislative Assembly where there are payments on behalf of the territory of \$5,713,000, which is essentially the money set aside for the payment of the non-executive members of the Assembly, their staff, their allowances and the like. I would like to compare it with the money in this appropriation of \$6,394,000 for the four or five ministers.

Just by way of comparison, the \$5,700,000 in the previous appropriation was divided among 12 members at a rate of \$476,000 and some change. If we are being generous

about this appropriation, the \$6 million is divided between five ministers to the tune of \$1.238 million per minister. That says a great deal about the lavishness of the ACT executive budget compared to the budget for the rest of this Assembly. It is interesting to note that requests or suggestions over a long period of time that perhaps the executive should limit their business class travel have been ignored. For instance, on short hauls perhaps they should not use business class travel because most of our constituents do not use business class travel. This is the general approach of committees where we have agreed that on short-haul travel we will not use business class travel.

It is unacceptable, I think, to our electors to fly out of this airport to Sydney, Melbourne or even Brisbane in business class when the people who pay our wages are down the back. I think that most of the non-executive members have taken that to heart. It would be another challenge for the new Chief Minister because when this was last raised, the Chief Minister at the time, Mr Stanhope, said, "It is our entitlement and we will use it." I do not think that that is an appropriate approach. Even if it is our entitlement, and it is our entitlement to travel business class to Sydney if we are on committee duties, it is not appropriate. I think we should see the ACT executive following the lead of the non-executive members of the Assembly in relation to short haul trips, for example, and see some economy here.

It is interesting to see the amount of money that is being spent on behalf of individual ministers for large numbers of staff and access to considerably better IT than our staff are entitled to. If we want to up the IT for our staff, it has to be paid for out of our DOA, usually at quite high costs. For instance, it is axiomatic that ministerial staff will receive a Blackberry with all the bells and whistles. It will be paid for out of the executive budget. But if our senior staff wanted to do that, they would have to do that at their own expense.

Even members, if they want to have a synchronised Blackberry, have to pay through the IT system provided to the ACT government at extraordinary cost. It is a much higher cost than you would get from a commercial arrangement. This is all on the basis that they have to guarantee the security. As a result, non-executive members of the Legislative Assembly cannot easily receive Legislative Assembly emails outside the building through their Blackberries or other approved systems.

I am not talking about iPhones here, which have real problems. In addition, the staff of non-executive members cannot receive the same sorts of entitlements to do their job that executive members' staff do. I think that there is a mismatch between what is provided to executive members and their staff and what is provided to non-executive members. Also, we see that the reporting of this expenditure by the executive is much less rigorous and much less often than is the case for non-executive members. When we are considering that \$1.238 million of ACT taxpayers' money per minister is spent every year these are matters that should be considered quite closely.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.11): As we are all aware, we entrust an enormous range of discretionary and decision-making powers in the executive and we expect that they will implement the intention of parliament and ensure that law is applied consistently with the intention of this place throughout the community. Additionally, there is an enormous range of day-to-day

general functions that we expect the executive to fulfil. There is only a modest increase in the amount to be appropriated from last year and the amount does appear reasonable given the scope of the task that is to be performed.

But I would like to follow on from Mrs Dunne and say that I do believe there can be a look at what sort of savings can be achieved. We are sort of applying an efficiency dividend across the public service and I am sure that there also could be some savings in, for instance, as was just said, the short haul flights—flying economy rather than business class. I am sure there are other areas where those savings could be achieved.

I certainly also take up the issue around what is provided to staff. It is pretty tight for non-executive members. Certainly, there is less that their staff can access to do their job. I would like to see some discussion around how that might be improved and how assistance for non-executive members might be improved in doing their day-to-day tasks, which are also very important.

On the issue of raising the number of ministers, I am sure that Mr Seselja does understand that this parliament cannot make that change. It comes under the self-government act. It has to be done at the federal level. So it would need to be part of a self-government act review, and that is where we do need to take it up. It is this Assembly that does need to take on that issue I believe at some point to be able to change a number of things that are in the self-government act. That also includes the size of the Assembly. Of course, that obviously raises the issue about accommodation into the future—into the long-term—if the numbers in the Assembly are raised. But as I said, there is only a modest increase in the amount to be appropriated under this line item and the Greens will support this appropriation.

MR HARGREAVES (Brindabella) (5.14): I will not speak for very long on this, but I am staggered, flabbergasted, by the comments from those opposite. They are talking about a government office block in the context of the executive. Mr Seselja said, and I can quote one of them, “When those people in Tuggeranong are being asked to pay more,” and then he goes “and when you ask vulnerable people”—kids with disabilities et cetera. This is from a man whose party took \$10,000 away from the disadvantaged people in this town by applying for volunteering funds. That has got to be an inconsistency of monumental proportions. I find his choice of words a bit challenging from here.

I also found it a bit challenging for Mrs Dunne to make comparisons between the executive and non-executive member appropriations. While it is quite reasonable to argue one’s own case, doing those sorts of comparisons is not valid, in my humble opinion. I do not think we can say, “They get more money than us.” That is silly. If people want to argue that they need to have more money so that they can discharge their duties as members, let them put up the proof and make the case. I am sure admin and procedures would be delighted to hear it. Madam Deputy Speaker, I find it really distasteful, on a day that we are talking about the vulnerable people in this town having \$10,000 denied them, to find Mrs Dunne talking about extra money for her own self to do her own job as a backbencher in this place. I find that incredibly distasteful. I think it is quite inappropriate.

I think we should reflect a bit on history here. Those opposite would say, “We do not need the government office building at all; we have got all these wonderful, admittedly sad, buildings around town we are renting.” It is really about protecting, I believe, some of their mates in the property market.

It is not the first time they have objected to the building of a building. I seem to recall, and my colleagues might refresh my memory, that it was in the 2004 election campaign when they were not going to build a prison. This was going to be a \$100 million prison. They said, “No, no.” They were going to spend the money on recurrent services in the hospital. They were going to take \$100 million out of capital and plough it into the recurrent costs of the hospital.

Mr Smyth: That is not true.

MR HARGREAVES: Mr Smyth interjects across the chamber that that is not true. He says that that is not true.

Mr Hanson: Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Could you resume your seat, Mr Hargreaves. Could you stop the clock, please.

Mr Hanson: Madam Deputy Speaker, on a point of order, I am not sure that a dissertation about what may or may not have been Liberal Party policies from a previous election is relevant to the line item in this budget debate that we are having here today.

MADAM DEPUTY SPEAKER: Mr Corbell on the point of order.

Members interjecting—

MADAM DEPUTY SPEAKER: Mr Seselja, could you please be quiet. Mr Corbell has the floor on a point of order.

Mr Corbell: Thank you, Madam Deputy Speaker. I think we need to be clear about the relevant standing order in relation to the debate on appropriation bills. If the Liberal Party is going to take points of order in relation to relevance, perhaps Mr Seselja should reflect on the fact that he did not know that the appropriation for the ACT executive had anything to do with a lease variation charge but it quickly became part of the debate as far as Mr Seselja was concerned. What is good for the goose is good for the gander.

MR HARGREAVES: And further on the point of order—

MADAM DEPUTY SPEAKER: Yes, Mr Hargreaves.

Members interjecting—

MR HARGREAVES: Further on the point of order, if I could speak without having to raise my voice over those opposite. Madam Deputy Speaker, on the point of order, it has been convention in this place and other parliaments that there is a certain degree of further latitude allowed on the issue of relevance in the context of an appropriation bill debate, and only and uniquely in an appropriation bill debate. I seek your ruling that that point of order was out of order.

MADAM DEPUTY SPEAKER: Yes, Mr Hargreaves; what you say is true, but you should try to stay as close to the subject matter as possible.

MR HARGREAVES: Indeed. Thank you very much, Madam Deputy Speaker. I refer to the history of those opposite in opposing the building of public buildings. We see it reflected in their speeches today, and we will see it continuing through the thread of this debate on the appropriation bill.

The embracement, if you like, by the government of an environmentally friendly building of its own is something to be explored, not something to be wiped off the face of the earth from the first go. Those opposite would seek to kill that project off right from the very beginning. What I would do in relation to the appropriation bill—let us see if they have got the courage to move for the removal of those funds from this budget and see how they get on.

MR HANSON (Molonglo) (5.20): It is ironic that Mr Hargreaves will get up and speak in this debate, because he does have some experience with being in the executive but is no longer there because he was deemed unfit to serve by the previous Chief Minister—

Mr Hargreaves: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Mr Hanson, resume your seat. Stop the clock, please.

Mr Hargreaves: That is an imputation and I ask that he withdraw that imputation.

Mr Seselja: It is a fact. It is a fact; it is not an imputation.

Mr Hargreaves: There is no fact.

MADAM DEPUTY SPEAKER: Mr Hanson, I require you to withdraw that imputation.

MR HANSON: I gladly withdraw, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Thank you.

MR HANSON: I must say that I am not entirely sure of the conversations that occurred, but clearly there was a sequence of events where Mr Hargreaves was required to write a letter of apology. He was submitted to an amount of media attention and shortly after—I cannot quite recall whether he was—

MADAM DEPUTY SPEAKER: Mr Hanson, can you withdraw without any—

MR HANSON: I did withdraw, and I am moving on.

MADAM DEPUTY SPEAKER: I do not need the—

Members interjecting—

MR HANSON: I am not. I am just talking about the sequence of events. I am talking about the ACT executive. It gets to my point that the ACT executive, with the amount of funding that it receives, is now running with four ministers. This is an ACT executive in which, as Mr Seselja quite eloquently put it, previous ministers, including Katy Gallagher, have said, “We do not have enough of us,” but when it comes to it they can only run with four as opposed to five.

You have to question why that is. Why is it that this is a Chief Minister who has decided to run with four rather than five? The question is answered when she turns behind her and looks at what those options are. It is quite clear that when she does look at those options, she finds it more palatable to run with four rather than two, three—

Mr Hargreaves: Relevance. At least come close.

MR HANSON: I think it is very relevant to the debate, Madam Deputy Speaker. This government has asked us to appropriate millions of dollars to run the ACT—

Members interjecting—

MADAM DEPUTY SPEAKER: Mr Hargreaves and Mr Seselja, you are not having a conversation across the chamber.

MR HANSON: One would hope that they would run it as efficiently and effectively as possible. In this regard, the Chief Minister has decided that it is going to be more effective and more efficient without a fifth member, without the fifth wheel on the jalopy of the good old ACT Labor government.

Madam Deputy Speaker, I do enjoy Mr Hargreaves’s speeches whenever he gets up to point out to everybody in the community that he sits on the backbench because he is unfit. But he also made some points with regard to what he is calling moral appropriateness at various funding lines. It also relates to a question that he asked in question time about the moral appropriateness of funding and a question that was then asked of the minister, Minister Burch, which was ruled in order, I remind you, Madam Deputy Speaker: is it morally appropriate for political parties to receive hundreds of thousands of dollars from the proceeds of gambling?

That is exactly what this executive does. Whilst Katy Gallagher, Simon Corbell and others stand there with their mock piety, their holier-than-thou attitudes, and try and preach to the community about the shocking Canberra Liberals, in their own nest this is a government that is taking \$552,000 directly from the proceeds of gambling. How

many homes have been lost by problem gamblers? How many lives have been wrecked? How many lives have been wrecked in the course of them getting their hands on the hundreds of thousands of dollars from the proceeds of gambling that go directly not to volunteers, not to the Labor Party that they have working, but directly to funding their own shabby re-election campaign?

When Katy Gallagher gets up to preach at us or when John Hargreaves gets up to lambast us about something, just remind yourself, Madam Deputy Speaker, what funds the moral corruptness of the ACT Labor executive.

Mr Corbell: Point of order.

MADAM DEPUTY SPEAKER: Resume your seat, Mr Hanson.

Mr Corbell: I think that is taking it a step too far, Madam Deputy Speaker—to suggest corruption is a substantive allegation. It is disorderly. It is an improper imputation on me and other Labor members in this place and I ask that Mr Hanson be asked to withdraw it.

Mr Seselja: Can we stop the clock?

Mr Hargreaves: On the point of order, Madam Deputy Speaker, you should have a list in front of you which has that phraseology on it.

MR HANSON: Madam Deputy Speaker, on the point of order, I have not suggested corruption in any impropriety with regard to financial details. What I am saying is that it is a moral corruption. That is a value judgement, and in my view, and I think in the view of many people in the community, taking money from pokies revenue, from gambling revenue, to fund election campaigns constitutes a moral corruption. I think that it is quite appropriate that I make that statement. It is a point of value and I think that it is an appropriate comment.

Indeed, I refer back to my inaugural speech, where I talked about the Labor Party and its inability to speak on issues of social conscience with any moral authority. It goes to this point. It is a theme that we have had in this place and it is a question that has been asked. And they have failed to answer. My view is that it is an appropriate comment to make. It is not about financial corruption; it is about moral corruption.

MADAM DEPUTY SPEAKER: Nevertheless, Mr Hanson, I require you to withdraw the statement.

MR HANSON: I withdraw.

MADAM DEPUTY SPEAKER: Thank you very much, Mr Hanson.

MR SESELJA (Molonglo—Leader of the Opposition) (5.26): I did want to pick up on one issue which Ms Hunter touched on, which is that the Legislative Assembly does not have the power to set the number of ministers. It actually does, very clearly, and that is outlined in the Hawke review. It is outlined, I think, on page 31. And if you go to the self-government act, what it actually says is that it is set at five unless

determined by an Assembly law. Theoretically, if two parties in this place got together or nine members at any time got together, then we could expand the numbers.

So we just need to put on the record that this government could have four, could have five, could have six if it felt that it could do with only one backbencher. There would be nothing to stop it doing that if it wanted to seek a legal change. There would be nothing to stop the Assembly approving that if the Assembly saw fit. At the moment within the law, without changing a law of the Assembly, the government could go to five. But of course they have chosen not to. So I think it is worth getting that on the record.

There has been some confusion on this point over the years. But I think the self-government act is pretty clear. I think the Hawke review is pretty clear. If the Assembly chooses, it could certainly expand the ministry within the capacity of the existing 17 members that we have at the moment.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (5.27): I will speak only briefly to this line. This is an important line in the appropriation bill but I would like to point out to members that the efficiency dividend was not applied to the Legislative Assembly in the previous budget and it was applied to the ACT executive. So on those comments about tightening our own belt, we can say to you that we did tighten our belt. We did not tighten yours; we tightened ours.

Indeed, in the last year I think there has been a 40 per cent reduction in the travel budget for the ACT executive as well. So I think it is important to put that in context. In terms of my own travel, I have taken the decision, despite the Remuneration Tribunal's determination, to travel economy on short-haul flights. I must say that I am terrified of flying; so it does not matter to me whether I am sitting in business or economy. I sit there with my white knuckles anyway. So I have no problem with that.

Mr Seselja: You do not get the glass of champagne to help you through.

MS GALLAGHER: No, I do not find it helps. I do not even get the special meal. I just take the special medication to get through the flight. So I have made my own decision for myself. It is one of the Remuneration Tribunal's decisions. But it is there for other members to consider and I know that other ministers do consider that in terms of their overall allocation for travel.

In regard to Blackberry allocation, it is important to note that not every ministerial staffer has access to a Blackberry. They are provided to media advisers and senior advisers, as I understand. If there are to be further applications for Blackberries—and they all do come out of the individual office budget, they are paid for, and the Blackberries are expensive—it all has to be managed within the executive's own office allocation. I think in this place members, both on the executive floor and on the non-executive floor, do operate within pretty tight budgets.

I do not think “affluent extravagance” are words that can be attributed to the Assembly as a whole. I think the executive works within a reasonable budget and I do not think there is a lot of wriggle room in both the non-executive and the executive in

terms of how many staff we have, what we ask of them, what they are paid and the responsibilities—let us be honest—that fall to members both in their committee responsibilities and, on this side, in their ministerial responsibilities. But I thank other members for their support for this line in the budget.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.3—Auditor-General—\$2,214,000 (net cost of outputs), totalling \$2,214,000.

MR SMYTH (Brindabella) (5.31): The appropriation for the Auditor-General is perhaps one of the most important lines in the entire budget, given the Auditor-General is the independent person who has the resources to conduct the financial and performance audits of a government of the day. So there are a number of matters that I think warrant comment.

The first is the matter of the process to find a replacement for the recently retired Auditor-General, Tu Pham. I have to say I was intrigued but perhaps not surprised that the government was not in a position to name a replacement for Ms Pham when she retired several months ago. Let us face it: you had seven years in which to prepare for this replacement. You knew exactly when it was coming. It is not hard to get organised. But perhaps that is the way of this government. And I think it is extraordinary that this government was so bereft of leadership under the former Chief Minister that the replacement process was not put in place to have the new auditor ready when Ms Pham retired. Surprised? Not at all surprised!

I think there are other areas in which discretion also exists in the activities of the Auditor-General. One of the most important is the number of performance audits which the office can undertake. I am surprised that the office did not request funds to do more than simply keep up with inflation. The committee, I think, came to the opinion that we would like to see a substantial increase in the number of performance audits each year. Currently, they are doing about eight or nine audits a year. In the coming year, they are expecting to do just six. That is a reflection of the cost of doing these audits.

When you look at the outyears for the Auditor-General, it is hard to believe that it is even keeping in touch with CPI. It is unfortunate that it is not getting significantly more funding. Its revenue is increasing, though it is not increasing at a great rate. And there are a number of problems that the office faces because of the fact that the government is constraining the budget. We all understand why they are doing it. They are afraid of the reports that they get from the audit office. The audit office reports are quite stark and have caused the government a great deal of grief.

The committee did make a number of recommendations. Recommendation 194 is:

The Committee recommends that the ACT Government provides a funding path which will allow the number of performance audits to be increased by two per year over the next five years.

That would take it up in the range of 12, 14 or 16 audits, depending on where the funding went to and what the cost of auditing continues to do. It is interesting that the government, I think for the first time, has agreed in principle. The response states:

The Government will consider options for increasing capacity for performance audits in future budget development processes, in line with Government priorities and resource allocation.

It is quite clear, from not just around the country but around the world, that the standard that many audit offices and jurisdictions are seeking to move to is that 50 per cent of the budget be spent on the financial audits which are required under the law, which have statutory time frames, and that 50 per cent go to doing performance audits.

The financial audits have to be done. The books have to be audited. The Assembly has to be informed by 30 September that the books are in order. It is a function you just have to do. And when you do not have that discretion, of course you can only put what is left into doing the performance audits.

You only have to look at their reports on government office accommodation. There was that devastating report on the shift of the ESA to Fairbairn. FireLink was another devastating report for the Emergency Services Authority. The report on the Ambulance Service revealed that only—what was it?—five per cent of suburbs are being reached within the time limits set by the government itself. And that is just in one department. There were three damning reports in the last couple of years, which shows the ineptitude of this government in managing their budgets and managing their departments.

The committee would like to see a substantial increase in the number of performance audits each year. It is essential to ensure that the community is getting value for money. If the government is serious about genuine savings, the rule of thumb around the world is that for every dollar you spend on the audit you get about \$10 back. They show you how to increase your outcomes from your spending. And it is a good investment, as well as keeping the government of the day on its toes.

One of the other problems of course is staff retention. It is a critical issue at the ACT audit office and it is a feature of many small agencies, particularly where those small agencies provide a great environment for the training and bringing up to standard of, for instance, graduates, giving graduates operational experience, and promotion opportunities for senior officers. But the problem for a small agency in a city like this is that you get picked off by the National Audit Office, which is just on the other side of the city, which is ready to pick off our key staff.

It is pleasing to hear that on the basis of the most recent staff survey done at the beginning of 2011, 81 per cent of the staff were satisfied with the job and 89 per cent said they were proud to work in this office. I think it is that second outcome which must be particularly satisfying, particular for the former Auditor-General, Tu Pham. Nine out of 10 staff said they were proud to work in the ACT audit office. It says much about the way in which this office is managed and the way in which the relationships were encouraged.

I would repeat my thanks to Tu Pham for exemplary leadership of the ACT audit office over those last seven years. Again, there was a recommendation, 193:

The Committee recommends that the ACT Government examine options to ensure greater staff retention at the Office of the Auditor-General.

The government's response simply was:

Agreed.

So we look forward to what those strategies might be.

I would commend the acting Auditor-General, Bernie Sheville, for the way in which he has managed the office in the interregnum and commend all of the staff of the ACT office for their dedicated work on behalf of our community.

MS LE COUTEUR (Molonglo) (5.37): I want to talk very briefly on this subject. Firstly, as I am sure everybody here in the Assembly would agree, the Auditor-General is an important and, need I say it, vital part of our democracy in the ACT and in fact everywhere. All Western democracies have auditors-general. Ours does financial auditing and performance auditing. This is particularly useful because we are a very small Assembly. We do not have an upper house. We have limited resources to do our own, in effect, auditing of the government. So I think there has been tripartisan agreement that the Auditor-General is important.

Unfortunately, however, there has not yet been agreement that the Auditor-General is important enough that the position should receive more funding. I note recommendation 194 of the estimates committee, which says:

The Committee recommends that the ACT Government provides a funding path which will allow the number of performance audits to be increased by two per year over the next five years.

The government has said:

Agreed in principle.

The Government will consider options for increasing capacity for performance audits in future budget development processes, in line with Government priorities and resource allocation.

That is all very well but it would be good to actually see the money.

I note this is something that the public accounts committee has been concerned about for a number of years and has recommended in the most recent year a funding increase along the lines of the estimates committee, with the PAC forming in fact the majority of the estimates committee. So the alignment is quite strong.

The other recommendation of the estimates committee concerning the Auditor-General was "examine options to ensure greater staff retention at the Office of the

Auditor-General". We heard that there was a 26 to 30 per cent turnover each year. No doubt there are a number of reasons for this, but certainly one reason for this is salaries. Our understanding is that the salaries paid in the ACT Auditor-General's Office are less than those paid in the private, big-four firms and less than those paid in the National Audit Office. While obviously it is performing a public service to train auditors and performance auditors in the ACT Auditor-General's Office, it would also be nice to not only train them but to keep them.

So I have to say that I heartily agree with the estimates committee's recommendations with respect to the Auditor-General's funding and I very much hope that this is looked at in subsequent budgets because it is important. I would like to see the Auditor-General's Office well funded.

MR HANSON (Molonglo) (5.40): It gives me great pleasure to talk to the Auditor-General's line. It is a very important function of our democracy in the ACT. I would like at the outset to congratulate Tu Pham on her long period of service as Auditor-General which came to a close this year, and also commend Mr Bernie Sheville, who has been working very well in her stead.

I think it was disappointing that a replacement for Tu Pham could not have been identified somewhat sooner. The timing of her retirement should not have been a surprise to the government. It seemed odd that we would have had this lag in the appointment of such a vital position within the ACT, and I echo what Mr Smyth said there. It is disappointing that that appointment could not have been decided on earlier.

I was also surprised at the funding levels for the Auditor-General. I think it is well understood and well established that the number of audits, both financial and performance, that the Auditor-General can conduct will result in great enhancements within the performance of the unit and also make good recommendations as to where money can be better spent. In these days of austerity, any opportunity to do that is welcome.

I note that next year there will be only six audits conducted. I think that is a shame. I think there is a great desire not just from my side of the Assembly but from others, the Greens, that there should be an increase. I quote from the estimates report on this:

The issue of the number of performance audits conducted annually by the Audit Office was raised by the committee. The Committee was told that it is likely that only six performance audits would be undertaken during the coming financial year. This is less than has been the case in previous years, and the Committee is of the opinion that this is entirely unsatisfactory.

That led to recommendation 194 in the report:

The Committee recommends that the ACT Government provides a funding path which will allow the number of performance audits to be increased by two per year over the next five years.

But it is no great surprise to me that Katy Gallagher and her government would not want that to occur because, despite the rhetoric about more open and accountable government, it seems that really all she wants in a substantive way is more Twitter,

more tweeting, more websites, more Facebook, more spin, more putting stuff out there to give the impression of open and accountable government. But when it comes to probably the function that can provide the most balanced, objective view of this government's performance—the office of the Auditor-General—she has decided to squib it. Rather than provide an enhanced amount of money, an increased amount of money, to the Auditor-General's Office, so that the Auditor-General can conduct more financial and performance audits, she has decided not to give them sufficient; essentially it is an amount that is around the CPI measure, which will allow them to conduct a decreased amount of performance audits.

I do not understand—maybe the Chief Minister would like to comment on this; I am sure we would like to hear from her—why it is that she thinks that in an era of openness and accountability, where she wants scrutiny of her government and the way it is performing, she would in essence, through this budget, and reminding members that she is still the Treasurer, provide the amount of funds to the Auditor-General which will mean a decreased number of performance audits.

To me, there is an anomaly there. I think what we are seeing from the Chief Minister's statements is that, on the one hand, there is a lot of talk. When you look at the reality of that, when you look underneath, you see that the opposite effect will be achieved.

One of the reasons that the audit office is struggling is that of staff retention. It is quite clear that the people that work in the audit office are people who are sought after. Because it is a public service town, with the seat of the federal government and with the Australian National Audit Office, many of the staff are poached, or certainly see the National Audit Office as somewhere that they would like to work, and they move. So the separation rate is 26 per cent, which is extraordinarily high. It is something that we need to make sure is addressed, because an audit office, or any organisation, simply cannot sustain that level of staff separation if it is going to be effective, if it is going to do what this Assembly requires of it.

In that regard there was a recommendation in the report. The committee recommended that the ACT government examine options to ensure greater staff retention by the office of the Auditor-General. I think that would be a big step forward. I am sure that the staff there will look forward to hearing how the government could achieve that.

There were also some more technical concerns raised regarding the change with the directorate structure and how that will affect reporting by the audit office and accountability measures. With the new directorate structure, I think with a number of the directorates it took place prior to the commencement of the 2011-12 financial year. It presents some challenges for the audit office with regard to entities which have been discontinued in a number of lines of reporting. I quote what was said by the acting director of financial audits. He said:

That is where it is going to be difficult because you will have—for the new directorates that start off from 17 May, the only thing that will be in their financial statements will be actuals. There will not be any budget figures and there will not be any comparatives. For the entities that end on 16 May, you will be comparing an annual budget with 46 weeks effectively of actuals and a whole

year of comparatives. So there will be a bit of mucking around with variance explanations and management discussion and analysis reports.

It was identified by the committee that, furthermore, there will be similar issues with the auditing of accountability indicators. I think it behoves the government, and indeed the Assembly, to pay particular attention to that issue, and we will take particular note of that in the next estimates process. I am not sure whether I will be involved in that as directly as I have been this time.

In conclusion, I again call on the government to look at ways in which they can enhance the number of performance audits that can be conducted, to call on Katy Gallagher to put actions where her mouth is, essentially. If she is going to start talking about open and accountable government, you have to talk about these sorts of things. Rather than talking about tweeting, which is just fanciful, you have to talk about something that is substantive. She should look at how she can enhance the Auditor-General's Office and, as the committee has recommended, look at ways we can make sure that we hang on to our staff, and make sure that we can provide the audit office with sufficient funds so that she—or whoever the next Auditor-General is—can provide a sufficient number of both financial and performance audits that will keep her government open and accountable, as she insists on.

In closing, I say again to Tu Pham, for her great service to the ACT: well done, and enjoy the next phase of your life.

MR SESELJA (Molonglo—Leader of the Opposition) (5.49): I join with my colleagues in paying tribute to the work of Tu Pham. I think that she acquitted herself in a highly professional manner in exercising the job of Auditor-General. I think that the Assembly and the people of the ACT owe her a great debt of gratitude.

I think it is unfortunate that instead of seeing the Auditor-General as a partner, seeing I think a very effective and at times critical Auditor-General as a partner, the government saw her as an enemy. They very much did see her as an enemy. I think that is where the government actually miss the point. Whilst sometimes what the Auditor-General highlights can be embarrassing, the Auditor-General is a key partner in better governance. The Auditor-General is actually a key partner in improving the way that government delivers services to the community.

I think what needs to happen is that the government need to stop seeing it, firstly, just as a cost and, secondly, as a hindrance to the job they want to do. They are a partner. A robust Auditor-General who will ask hard questions, who will occasionally embarrass the government, is actually an asset, because if you are embarrassed once but you take on the recommendations and you apply them, you are unlikely to be embarrassed a second time in those areas.

Unfortunately, particularly in the delivery of projects, we see that the government has simply ignored the Auditor-General's advice time and time again. At one level I understand why the government does not want to fund the Auditor-General properly, because it does not like the embarrassment, but it would be good for governance of the territory, it would be good for financial management of the territory, if it were to see the Auditor-General as a partner.

I want to reflect on one of those Auditor-General's reports, a recent one, report No 3 of 2011, *The north Weston pond project*. We could almost have just picked out a report from 2005, 2006 or 2007 and we would have seen similar findings and similar conclusions. I think the great tragedy of this government is that they have not learned from their mistakes. They continue to spectacularly waste taxpayers' money by not managing their projects properly.

If there is one thing that characterises this government more than anything, it is incompetence on major projects—absolute rank incompetence. The north Weston ponds project is a clear example of that. You do not need to believe me on that; let us believe the Auditor-General, who looked into this. Let us look at some of the conclusions:

ACT Government agencies did not effectively manage the North Weston Pond project to ensure the project was completed for the budgeted cost within the planned timeframe. The project has required significant redesign to address escalating costs due to risks that were known at the earliest stages of the project. The smaller capacity ponds approved by the Minister for Transport in January 2011 are estimated to cost \$43.4 million. This is \$22.6 million (or 109 percent) more than the originally budgeted amount of \$20.8 million. The original planned completion date of May 2011 has not been met.

The location of the North Weston Pond presented significant risks to the project. These risks stemmed from the former uses of the site and existence of the critical Molonglo Valley Interceptor Sewer at the site. ACT Government agencies were aware of these risks from the beginning of the project. However, the growing knowledge and understanding of these risks, including their impact on the project, was not adequately recognised by ACT Government agencies and reflected in project design and cost estimates

Individual processes associated with the planning, design and construction of the pond were generally appropriate and in accordance with industry practice. However, ACT Government agencies did not effectively combine the information and knowledge generated from each process, to ensure the project was completed for the budgeted cost within the planned timeframe.

Specific shortcomings in the management of the project included a failure by ACT Government agencies to:

- apply a robust risk management framework;
- implement appropriate project governance or oversight arrangements to benefit from the combined knowledge and expertise of the different agencies and consultants involved in the project;
- critically assess the feasibility or otherwise of the pond at key points throughout the project, including cost implications of information that was available; and
- critically review the work and advice provided by consultants engaged in the project.

This is not new. This failure of governance is not new to this government. They have been doing it for years, and the taxpayers have continued to have to foot the bill. We could go back to the prison, we could go to the dam, we could go to Emergency

Services headquarters, we could go to FireLink, we could go to the Gungahlin Drive extension. There are literally hundreds and hundreds of millions of dollars of project blow-outs, years of project delays.

The path to doing it better is there. It has been advised time and time again by the Auditor-General. The Auditor-General has given fantastic advice. The advice is there, yet they keep ignoring it. Why, Mr Speaker? And who pays? Well, the taxpayer. Everyone pays.

I think that it is worth reflecting on the fact that this government has not learnt from its mistakes. Why does the Auditor-General have to continue to find in their reports these scathing findings in relation to project management? If there is one thing that this government could easily do better, it is manage its projects within time frame and within budget. And there are some structural changes that do need to be made. That does mean better coordination across agencies.

If they think that simply putting in place the Hawke review is going to do it then they are sadly mistaken, because simply changing the governance arrangements does not change the culture. It does not, in and of itself, change the culture. It will not change the failures in procurement. The failures in procurement will still be there unless we do something differently. It will not deal with the failure to plan when it comes to infrastructure. It is the short-term thinking of this government that continues to get them into trouble. It is the short-term thinking of this government that continues to cost taxpayers more money.

The north Weston ponds project, I suppose, at one level in the scheme of this government's waste and mismanagement, is relatively small. That is a hard thing to say because we are talking about a blow-out of over \$20 million. That is not a small amount of money. It is only a small amount of money when we compare it to all of the other blow-outs that we have seen in recent years. By comparison, unfortunately, it is a small amount of money. But it is over a 100 per cent blow-out and it is probably one of the worst examples that we have seen from this government in relation to delivering projects. It is worth reflecting on a couple of other aspects of it:

There was no single project owner with responsibility for the project from its inception through to its construction. Project ownership changed between the ACT Planning and Land Authority ... and Roads ACT, leading to decisions by new project participants (mainly representatives from Roads ACT and Procurement Solutions) who did not have a detailed history or understanding of the site. When contamination and geotechnical problems began emerging in the early stages of construction, no ACTPLA representatives with a detailed understanding of the environmental and contamination assessments were involved in the project.

ACTPLA was the project owner for most of the planning and design phase of the project. ACTPLA did not establish effective project management or governance arrangements for the pond project ...

And it goes on. I would just say to the government that it is time they started taking these reports seriously. They should not see the Auditor-General as an enemy. We know that Tu Pham, who was highly qualified and highly capable, did a sensational

job. If the government had actually seen her as a partner then I think we would not be seeing the same reports year after year after year and the same massive cost blow-outs that have become so characteristic of this government. This government will be characterised by a number of things. One of them is the complete inability to deliver projects on time and on budget.

I do commend the Auditor-General for her work over a number of years. I commend the important role that she plays in our democracy and in our governance. I encourage the government to start to take that role far more seriously than they have in the past.

Proposed expenditure agreed to.

At approximately 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Sitting suspended from 5.59 to 7.30 pm.

Proposed expenditure—Part 1.4—Chief Minister's Directorate—\$37,471,000 (net cost of outputs) and \$10,364,000 (capital injection), totalling \$47,835,000.

MS LE COUTEUR (Molonglo) (7.31): I would like to speak about a few whole-of-government issues as well as the arts—which, when it was printed, were part of this appropriation.

It is an interesting budget because the government is now under new administrative arrangements. I am very much looking forward to seeing how the new administrative arrangements change how the government works, and in particular how government departmental silos are broken down. I note that changing the names of departments to directorates will not in itself make cultural change within the ACT government. There are some deep-seated issues with bureaucratic silos, and certainly it has been interesting as an MLA to hear one arm of government say one thing and another arm have a totally different take on something.

You can see this in procurement. On one hand, DHCS has been very proud of its work on social procurement and support for the social enterprise hub. On the other hand, Procurement Solutions does not seem to have clear guidelines for how departments are running procurement processes—or, perhaps more to the point, they have the guidelines but they do not ensure that the departments have the expertise, understanding and will to implement the social procurement part, in particular, of those guidelines properly. My colleague Ms Hunter will be speaking more about this tomorrow.

One directorate in particular which has potential for improved implementation of government priorities and outcomes is the Environment and Sustainable Development Directorate. Ensuring that planning, transport and environmental portfolios align strategically is a very important step for Canberra.

I am very supportive of the idea of breaking down these silos, which are fairly usual in most governments but also the bane of good visionary decision making unless handled well. In a small jurisdiction like the ACT, it should be more possible than with most places to improve the 'silo-isation'.

Moving many ACT government staff to a central building could help this cultural change; however, the problem needs to be addressed now, which I imagine was the idea with the new administrative arrangements. We should not be putting it off for six years until we move key staff into a shared building. I do not have a problem with the co-location of staff, but we need a change in culture sooner, not later. I will talk more about the government office building under the Economic Development Directorate later.

I know I spoke about triple bottom line in last year's budget speech at some length, but I am going to do it again, because unfortunately not much has changed. The Greens ensured that triple bottom line reporting was inserted into the parliamentary agreement, but it has been slow and painful to watch the government grappling with the issue of what to do about it. As we are such a small jurisdiction, it is unreasonable for us to think that we should be able to create all the solutions ourselves, and yet this is what the government is trying to do.

We suggested to the government that they contract an outside expert in this area, someone who has applied triple bottom line in another jurisdiction. I heard last week that the government had committed to applying a triple bottom line to our budgeting processes; however, this round of annual report directions still does not require that for this year. It would improve the government's performance on accountability outcomes if it did.

It has taken too long for the government to develop a suitable framework for triple bottom line analysis as well as for climate change impact analysis and poverty impact analysis. The Greens believe that this should be incorporated in ACT government decision making as soon as possible. And it is important that the annual reporting by each ACT government instrumentality should include a detailed set of targets and measurement of performance towards these targets.

It is interesting to note that the ACIL Tasman report to the estimates committee agrees with my assessment that there is very little evidence of progress on implementing triple bottom line into ACT government processes in this budget. The report also notes how few indicators are being used to pick up the three angles of triple bottom line. So far, the government work seems to show that their idea of triple bottom line is that you sort each expenditure line into social, environmental or economic. I am pleased to find that ACIL Tasman also understands the need not just to choose one outcome but to measure outputs in the three areas.

They also noted that having performance indicators that tell you what you are actually achieving rather than how many boxes you tick is key. They used the example of whether the affordable housing action plan is actually achieving more affordable housing in the ACT. And perhaps this approach needs to be applied across the board. We need to have in each output key indicators as to what we are achieving, not just

how many reports we have written. I am sure this would be useful for all of us. At present there is no detailed written information except the line items in the budget papers. It would be clarified if key indicators were brought across from major government plans and reported against. This would save a lot of time and effort and lead to a lot fewer questions on notice in the estimates process.

In the estimates hearings we heard that the government is still not sure whether the new triple bottom line assessment tool will be ready for next year's budget. This is frustrating, because it means that the government will have spent the whole of this Assembly term developing a framework for triple bottom line reporting and accounting, but it still will not actually be able to use it as a framework for deciding key budget expenditure.

I presume that this is the same for climate change impact analysis and poverty impact analysis—that they will be incorporated into the new framework. Right now, in 2011, we should be making decisions—expenditure decisions and major policy decisions—based on what the climate impacts are going to be and whether these new programs will disadvantage low income people. But we do not have the tools to do it. Again I fear that the government are trying to create their own tools and frameworks to assess these impacts, but other jurisdictions have already been there and done that. We need to look afar for our solutions and then use our local knowledge and expertise to apply these tools locally. I look forward to seeing the draft framework very soon and hope that next year's budget will indeed be something different and worth waiting for.

Last year the government released its next update of “Measuring our progress”, the progress report on *People, Place, Prosperity*. It was disappointing to see that the key indicators from this have not been translated into budget papers. This government is very good at spending money on expensive consultancy reports, but it has not managed to translate this into a real action. Where are the indicators that we are meeting our climate change targets, affordable housing targets or the Canberra plan targets?

But enough on that; I am being a bit of a broken record. I will move on to the infrastructure plan, which I understand will be coming out soon. I am very pleased about that and I hope that there will soon be a greater priority placed on this in terms of giving the plan more teeth in terms of implementing sustainable infrastructure planning, procurement and development. This means not only identifying the needs of Canberrans in the next 10 years but looking to the future and ensuring that our infrastructure will still be able to meet our needs in 50 years. We do not want to be constantly rebuilding as population grows and the impacts of peak oil and climate change start hitting Canberra more directly.

It will be interesting to see how the new government information officer changes how the ACT government deals with information. Certainly improvement is needed. I note Ms Gallagher's recent and welcome statements on open government and I will be looking at the various comments about it. Generally, of course, whilst they are supportive, as we all are, they are all amazed at the idea of holding cabinet by Twitter. We are really getting to a serious reduction of political discourse when we are holding it in 140-character bursts. And taking three months to build a brilliant open government website is either too long, because it will just link to the existing sites, or

not long enough, because it is not long enough to build a whole new site. We live in hope.

Other things we live in hope about include the government's commitment to open-source software. I know that, unfortunately, that seems to be more on principle than actuality, having tried and failed to get Firefox. I will talk more about IT under Shared Services.

I note also, with open government, that Ms Gallagher refrained from referencing either the Government 2.0 motion passed by the Assembly in March this year or the FOI report prepared by the JACS committee and also presented in March this year. Both of these were thoughtful discussions of open government—one more from a Government 2.0 perspective and one more from a freedom of information perspective. I have been surprised at this lack of reference. I certainly hope that at least internally the government is taking the contribution of the Assembly seriously, even if, from the Chief Minister's point of view, she is not acknowledging it.

I would like to comment more generally about community engagement. I do not think that we will ever reach the situation where the whole community is happy with consultation, and we certainly do not have that now. I am particularly concerned with the situation as far as planning is concerned, but I am pleased that the government has foreshadowed that it is introducing legislation to improve this.

I move to the arts. In relation to public liability insurance, it is disappointing to see once more that there is no provision in this budget for any sort of community-minded reassessment of public liability insurance circumstances faced by community groups. (*Second speaking period taken.*) The current situation means that many non-profit arts and community organisations are required to purchase one-off public liability insurance, which is a substantial obstacle for many groups who hold only one event or a very small number of events a year.

In a response to a question on notice through the estimates process, Mr Corbell advised that TAMS was unable to apply insurance concessions or any sort of support to individuals or organisations because the level of insurance is set by the ACT Insurance Authority and premiums are set by private insurance companies. But when groups want to hold events in government-owned and controlled premises, most of the insurance risk factors are clearly under the control of the ACT government. These are factors such as safe electrical wiring, adequate fire-fighting equipment and proper entrance and egress. It therefore seems quite unreasonable that there could not be some well-balanced program of community-focused public liability insurance that can take into effect that decreased level of risk and so delivered a kind of insurance public liability environment in which community arts events can float, particularly small ones which are only held infrequently—a once or twice a year event—and which, if you cannot find some other organisation to auspice you, are impossible to do financially because of insurance. I am talking about that from a music point of view. The Canberra youth musicians club is one of the organisations which do that sort of thing, and many church groups and schools do. But this is also a role that the government could have in its role as a landlord of many of the venues the groups are using.

Talking about the government's role as a landlord, I will move on to the government's plans for the Fitters Workshop, which has certainly been in the news. I am very pleased to see a substantial amount of money set aside for the relocation of Megalo to the kind of facilities that they deserve. Megalo are a vibrant, productive organisation; I am sure they will make a considerable contribution to the creative amenity of the Kingston foreshore. I believe that there must be a win-win solution out there for the Fitters Workshop, Megalo, the music community and in fact the whole ACT community—one that gives Megalo the space it needs and also lets musicians use the unique acoustic space in the Fitters Workshop.

We have so few really used heritage buildings that it would be really great if we could see this one used in effectively its current configuration rather than being extensively adapted to another use. It has been very distressing to see Canberra's small arts community split over this issue when, once the musical issues and the unique acoustic was discovered, the government could have stepped in and addressed the problems instead of waiting for them to come to the head they seem to have come to now.

I note that the government is now reviewing the master plan for the Kingston foreshore cultural precinct, given the decision last year to retain the former transport depot adjacent to the Fitters Workshop. Yet it seems that it has not decided to revise the use of the Fitters Workshop and whether it is being put to its optimal use through this planning. I second the estimates committee recommendation to finish this process before prejudging it by building at the Fitters Workshop.

I remind members present that this possible loss of a prized music venue is hot on the heels of the demolition of McGregor Hall less than 12 months ago. The government has made no move to address the hole that that demolition has left in Canberra's music or dance performance scenes. I will take this opportunity to remind members of the fact that Canberra has a dearth of mid-sized performance venues that are accessible and affordable to a wide variety of organisations and artists. There is a real lack of dedicated and permanent dance rehearsal and performance spaces and venues where organisations are able to supply alcohol and access kitchens.

It was heartening to hear the Chief Minister say on talkback radio last week that the challenge for the government now is to find a venue of substantially equal quality as the Fitters Workshop for parties excluded by the Megalo relocation. But that is a sentiment which is, unfortunately, not reflected in this budget. The previous Chief Minister repeatedly suggested that the Albert Hall would make a good replacement for music groups to use for performance. However, through a question on notice in the estimates process I discovered that the government will be spending \$3.2 million on refurbishing the Albert Hall, which is great, but sadly none of this funding is for the improvement of the acoustics at the hall, rendering it imperfect for many of the music groups who find themselves short of venues. This means that the government is spending \$7.1 million on the two venues, but neither of these is appropriate for choral or classical groups' needs.

While I welcome the funding for the scoping study on arts hubs, it seems like a poor and tardy reflection of the recommendations of the Loxton report, to which the government has not yet responded, unfortunately. It is also a real possibility that the

scoping study will go the way of the Kingston arts precinct consultation process and never see the public light of day. Or it may spoil on the vine like the inquiry into live music events which was tabled almost 12 months ago and is yet to receive a response from the government.

While it is good to see the Street Theatre receiving more funding for expansion, I note that the Canberra Dance Theatre is living in a transportable. I am not trying to create another split here, but I think that it is important, given the limited funding we have, to ensure that more of it goes to spaces that can be shared across different artistic venues, because some groups are doing a lot better than others. Some groups are doing it fairly tough from an accommodation point of view.

I would like to see more considered work going on in the arts community and more considered work on triple bottom line. I sincerely hope that the change in administrative arrangements will mean that in every aspect the government can do more considered works.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (7.48): I move amendment No 2 circulated in my name and table a supplementary explanatory statement to the government amendments and supplementary budget papers [*see schedule 4 at page 2765*]. They were provided to members of the estimates committee and all members out of session.

This amendment goes to the new administrative arrangements that were announced following the introduction of the budget but prior to the budget being passed. There was the publication of the appropriation bill and the budget papers on 3 May. Since that time, new administrative arrangements have come into effect following the resignation of the former Chief Minister, and they represent the next steps in implementing the single ACT public service structure.

The amendment which I have circulated includes the following changes. As I said, I did provide it to members earlier so that they had time to consider them. It is largely technical in nature and reflects the changes. There is no change to the overall appropriation being sought, but it deals with the renaming of the Chief Minister's Directorate to the Chief Minister and Cabinet Directorate; the renaming of the Sustainable Development Directorate to the Environment and Sustainable Development Directorate; and the movement of \$17.753 million in appropriation from the Chief Minister and Cabinet Directorate to the Community Services Directorate for the transfer of artsACT. This line, if amended, will not include discussion on artsACT in this section, but it would go to the Community Services Directorate.

Supplementary budget papers include revised budget paper 4 chapters. They look more complicated than they are. They are just a replication of budget papers with the flow through of these appropriation changes being made to them.

We have also taken the opportunity to incorporate the "Total appropriated to agencies" line omitted from the original bill. Unfortunately, a drafting oversight resulted in the totals not being printed, and this has been rectified in this amendment.

The original appropriation bill provides for the appropriation of funds totalling \$4.231 billion across government in 2011-12, including the Treasurer's advance. This remains unchanged from the original bill under this amendment.

I commend the amendment and the supplementary budget papers to the Assembly. I will speak further about the Chief Minister and Cabinet Directorate after other members have concluded in the debate.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.51): The most significant whole-of-government changes are, of course, those that have come about as a result of the Hawke review. That will obviously have significant flow-on effects on the Chief Minister and Cabinet Directorate. There are a number of changes to the directorate planned with outputs shifting between agencies. However, the most notable point is, of course, that they will retain responsibility for whole-of-government outputs. This appears to have been extended in the sense that more of the coordination-type role will also be played to ensure the public service delivers for Canberra.

We have recently discussed the merits of the Hawke review changes, and I do not think there is any real need to go over that ground again. I would, however, like to take the opportunity in the context of whole-of-government service delivery to again note the importance of cultural change and the need for the new Chief Minister and Cabinet Directorate to be an integral part of that change.

One key new initiative is, of course, the new strategic board, which is designed to better respond to whole-of-government issues and hopefully prevent duplication and better coordinate outputs. The Greens think this is a good initiative that has the potential to overcome some historic problems and better reflect the size and unique nature of the territory.

We all know that there are parts of the public service that have developed some undesirable cultural practices and that there is not always the best interaction between the various parts of the service. The Greens strongly support the initiatives designed to address this and sincerely hope that the directorate can drive cultural change in a number of respects—be that openness and transparency, greater collaboration amongst agencies, or improved responsiveness to community concerns.

I would like to take the opportunity to say that one challenge will be to respond to the particular concerns of the Ombudsman and the reluctance of agencies to respond to concerns from the community and to see the complaints handling process as a real opportunity for improvement rather than an additional task to be dispensed with as quickly as possible.

The performance and accountability framework is another issue that has been identified as a priority from the directorate, and this is, of course, something that the Greens have been talking about for some years now, with unfortunately little result. I think the move to the one public service model offers some real opportunities for improved accountability and reporting on coordinated outcomes as well as individual agency outputs. It is, of course, an ongoing debate as to what is a reasonable scope for

accountability indicators, and the Greens' overall view is that we can improve the current indicators so that we get a more accurate and substantive picture of what directorates are delivering.

I hope that the directorate will be working with other agencies to challenge the existing indicators and constructively work to improve the quality of the indicators, and this issue came up during the estimates hearing. These indicators are currently very limited and often refer to little more than the provision of a quarterly update, for example. This does little to assist the Assembly and community in evaluating the conduct of a department, and I have no doubt that departments could provide much more meaningful feedback on their performance.

The next point to make is that there appears to be progress on the issue of triple bottom line analysis and reporting. Indeed, just last week, the Assembly resolved the TBL analysis—that is, it will be applied much more extensively across government policies and programs. The Greens are, of course, very pleased with this and hope that it will be rolled into a comprehensive assessment and evaluation framework that includes a poverty impact analysis as well as a climate change impact analysis to ensure that the Assembly can properly evaluate what is being implemented and ultimately provide better outcomes for the community.

The next output I would like to address is coordinated communications and community engagement. Again, this is an area where there is significant potential for the new model to improve community participation and ensure that the views of the people are heard and responded to accordingly. One issue I think should be focused upon is to improve what is a very good initiative—the Measuring Our Progress website. Across the world, jurisdictions are looking for better ways to assess wellbeing and prosperity so that we do not rely on fewer economic measures to evaluate the quality of life of those who live in our communities.

Last week I spoke about a very similar OECD initiative called the better life initiative, which measures wellbeing and progress and which covers much of this ground. We should be expanding on this initiative so that it can be integrated with other accountability indicators to build a comprehensive picture of prosperity within the community and how community programs are impacting upon that. Some links will be clear and some will be much more difficult, and it will take many years to see the changes. So the earlier we capitalise on what is being done and encourage people to participate in a project and coordinate their responses and government outputs, the better the results will ultimately be.

A further key role of the Chief Minister and Cabinet Directorate is to lead and coordinate our participation in COAG and other jurisdictional forums. It is a source of constant frustration to us that so often COAG processes are used as the excuse for not acting in the ACT. We readily accept that there are times when it is best to have a coordinated and harmonised approach and, equally, that it is not necessarily the ACT's fault that the process is so slow. Our frustration is that all too often we hide behind COAG processes when there is an option for reform available to us, options that we could easily act upon and where we could be leaders on the particular issue. Equally, we need to ensure that we have the capacity to participate in regional

processes. The importance of the region as we respond particularly to environmental challenges before us cannot be overstated.

Equally, we have a range of overarching plans, some of which will be reviewed this year, and the challenge will be to coordinate them with lower lever plans and ensure that everything sits together. For example, things like the infrastructure plan need to be closely coordinated with our climate change and clean economy strategies. I note again that many of the plans have not been forthcoming, and I hope that the new coordinated approach will lead to these being developed in a more timely and much more coordinated manner. Currently the various plans and strategies seem to be approached and delivered in a relatively stand-alone manner as opposed to an integrated and coordinated effort that reflects how actions on one front can significantly impact on others.

In relation to the estimates committee recommendations and the government response, I would like to make a couple of observations. Firstly, in regard to the evaluation of the success of the one public service model, I think we need to recognise that it will be very difficult to assess the overall impact given the scope of the changes. Nevertheless, there should be measurable and identifiable improvements. Whilst the committee recommendation puts evaluation in the context of staff movements, I think it is broader than this and that it is not unreasonable to expect that we should be able to measure improvements in effectiveness. No doubt, the annual reports process at the end of the year will commence this evaluation. It will, of course, not be until the following annual reports process where we will have the real opportunity to evaluate the success of the changes. I would also like to welcome the undertaking to report back on the full cost of the Hawke changes by December of this year.

I finish off on this area—I know my colleague Ms Bresnan will be picking up on some more issues—by acknowledging that Mr Seselja was right: I did make a mistake in my last speech. I acknowledge that Mr Seselja was right about the Assembly being able to determine its own number of ministers. There were amendments to the self-government act in 1992, and, although it was not clear on the face of them, they provided for the Assembly to decide its own number. Of course, there is discussion about this in the *Companion to the standing orders* at paragraph 6.65 for those who would like to have a look at that discussion. I thought it was important to let Mr Seselja know that he had been right on this occasion.

MR SMYTH (Brindabella) (8.01): There is a lot covered in the Chief Minister's portfolio and I will not attempt to cover it all. There are two areas, though, that are worthy of consideration, some of which relate to the Economic Development portfolio. The first one, of course, is the government office building or, as Mr Hargreaves affectionately refers to it, the GOB. There is an entire chapter on the government office building.

I note that the Chief Minister made the comment that she thought perhaps too much time had been spent on it, but I could actually make a case that not enough time was spent on the entire project. It is the largest single infrastructure project that the territory will have undertaken in the last 20 years. The Chief Minister shakes her head and says—

Ms Gallagher: Health is bigger than that.

MR SMYTH: Single.

Ms Gallagher: It is a single infrastructure project.

MR SMYTH: The children and women's hospital is a \$90 million project. The car park is a \$40 million to \$50 million project. So I think it is fair to say that it is the largest single infrastructure project. If you tabled an appropriation bill or a bill for your \$1 billion health revamp that detailed all the projects, then perhaps you could claim health was bigger, but this is the biggest to date. You can argue at the periphery if you want, but that would be your problem and not mine.

There are 19 recommendations on this. I cannot recall a single issue that the government has ever confronted where you have had 19 recommendations to govern a project. I think the government needs to look very carefully at what the committee is saying. This is a unanimous report. There are a few footnotes where members have dissented or made comments to show that they did not fully agree. I turn to recommendation 6, which states:

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

Clearly, what the committee is simply saying is we do not have enough information. Indeed, most of the information tended to be contradictory or confusing. That is not a reflection on the committee members. That is a reflection on the way that it was presented. I think there is almost an element of "we are the government; we are here to do what we want" in the way that this project has been approached.

The government's response is that the recommendation is "noted". It goes on to state:

The Government has already provided the committee with a wide range of detailed material, and a briefing from the consultants engaged in the development of the project to date. The Government will continue to make information publicly available as the project progresses.

There is the problem: "as the project progresses". This is the "full steam ahead" Katy Gallagher approach. What the Chief Minister needs to do is take a deep breath and actually listen to what the committee is saying. What the committee is saying is that we believe there are options that the government has not canvassed, whether it be the renewal of existing buildings or whether it be recommendations as in, for instance, recommendation 18 where it is recommended that the government should clearly present its analysis of the build, own, operate—BOO—or build, own, operate, transfer—BOOT—options.

One of the recommendations suggests that the government go back and look at some options that were dismissed very early in the piece. The government basically says that it dismissed them earlier in the piece and that they are not going to reconsider them. I think what the committee is saying to you is that you need to reassess that

approach. The government will get its budget if the Assembly agrees to it. I think what the committee is saying is that you need to satisfy us if we are to work with you to deliver a budget that ultimately will build this building.

Recommendation 17, for instance, speaks of options 2 and 4 in the CB Richard Ellis costs analysis report. They were excluded at a very early date, but the committee recommends that they be included in the analysis so that we see what the case there is. The government is not agreeing with us. It states:

Those options were ruled out following an earlier study ...

What the committee is saying is, "Go back and do some more work, Chief Minister, because we think all options should be on the table." The most disturbing part of this is that the public accounts committee, being forward looking and endeavouring to look at ensuring future mistakes on government office accommodation were not repeated following the debacle at the Emergency Services headquarters, came up with an interim report. It did so with a view to making the process work better. The estimates committee recommends that the government should respond to the public accounts committee.

That was due on 17 May. We are now well passed 17 June and there is no sign of that report. The government's response is "noted" and it goes on to state:

The Government's response is currently being considered by the Government and will be provided to the Public Accounts Committee as soon as it is finalised.

You have got a 90-day time limit, a three-month time limit, because these reports are important. It is an important issue and it needs to be responded to. In relation to the re-use of existing accommodation verses new construction, what the public accounts committee said was this:

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

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

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

There are some warnings there for the government. The public accounts committee, with representatives of all three parties on board, have said, "Do the work and come back to us first and foremost on your government office accommodation strategy."

I had this out with the previous Chief Minister who said, “We are going to do this and then we will give you the strategy.” That is putting the cart before the horse.

Mr Stanhope at least had the good grace to accept the argument that perhaps they should have come up with a whole-of-government strategy because this building on its own, and the building proposed for Gungahlin, will virtually remove the need for a whole-of-government office accommodation strategy for a long time to come. That is the sort of poor planning that gets the government into trouble and forces the bail-out of government projects because they cannot deliver on time, on budget and on scope. The people who pay for that are the taxpayers and the government should have far more regard for the taxpayer’s dollar than they currently do.

I will not go through all of the recommendations in regard to the office block, but what they do say is that there is work to be done. The Assembly expects you, first and foremost, to respond to the public accounts committee to the satisfaction of that committee so that we can do this project properly.

You only need to look at the various projects, whether it be the car park at the hospital, Gungahlin Drive extension, the Alexander Maconochie Centre or the new headquarters at Fairbairn for the ESA. This government does not have a record that you would be proud of in regard to the delivery of capital works.

As to the rest of the Chief Minister’s department, it does cover a lot of ground. That is the nature of the department and there are a few recommendations there as well. First and foremost, the committee is saying that there should be a consistent publication timetable for the Canberra infrastructure plan. There is already a commitment to update annually. We want to see that. The government actually agrees. It responded:

The Government has already committed to annually updating the ACT Government Infrastructure Plan, which is a ten year rolling strategy, around the time of the Budget.

It needs to be done and it needs to be done regularly. There was a lot of discussion about Majura parkway. Recommendation 62 goes to that. The government has agreed to it in principle. It is important that we know what is happening with the parkway and how it is being funded. Recommendation 63 was about logos and I think that that may already have been won.

There are some recommendations governing the Hawke review, and particularly recommendation 66, which states:

The Committee recommends that the ACT Government publish and table a full breakdown of the costs of implementing the Hawke Review recommendations by the last sitting day of December 2011.

I am pleased to see that the government has agreed to that. It will be interesting to see the full cost of the Hawke review. Recommendation 67 stated:

The Committee recommends with regard to ACT Public Service Workers’ Compensation and Work Safety Improvement Plans that the ACT Government, by the last sitting day in June 2012, table progress reports ...

I am pleased to see simply a one-word answer, “Agreed”. It is a shame all the others could not have been written so succinctly.

Recommendation 69, I think, is particularly interesting. We had some discussion about the arboretum and how we managed to get a \$20 million gift. We had conflicting evidence as to how much input the government had had. I think that the government tried to leave the committee with the impression that the federal government—*(Second speaking period taken)*

I need to read the relevant paragraph:

The Committee is most concerned about the advice which was provided by the Government on the history of the provision of a \$20 million ‘gift’ to the Arboretum. In response to extensive questioning, the Chief Minister and advisers all denied that there had been any involvement by the ACT in the decision relating to the \$20 million.

In effect, we had a member of the public service saying: “No, we had not provided any advice; we had not done any work. The federal government came up with this decision on their own.” But apparently that is not true. Recommendation 69 states:

The committee recommends that the ACT Government provides a full account of negotiations on the history leading up to the provision of a \$20 million ‘gift’ to the Arboretum to the ACT Legislative Assembly by the last sitting day in August 2011.

The response is: “Noted.” It does go on then to say:

The Department of Land and Property Services provided the former Chief Minister and the Chair of National Arboretum with background information and costings on various components of the master plan for the National Arboretum. This information was provided in the context of ongoing discussions between the Territory and the Commonwealth on possible Commonwealth involvement in the Centenary of Canberra celebrations in 2013. The Prime Minister announced the \$20 million gift to the National Arboretum Canberra at a tree planting ceremony on 19 April 2011, and this was subsequently confirmed in the 2011-12 Commonwealth Budget.

In summary, the government of the day asked for a donation to the arboretum and that is what they got. The people of Canberra were not brought into their confidence; the Assembly certainly was not brought into their confidence. There was no discussion about alternatives. Whether you like the arboretum or not, what the federal government have given us is \$20 million for the arboretum; end of story.

I can think of many more useful things that the federal government could have donated money to—in particular, for instance, let us say the Australia forum. But what we were told is not correct. There should actually be an apology for the committee being misled on the vital issue of this \$20 million. We also asked for the risk assessment on the arboretum. I note that that is also noted.

Recommendation 71 is about the Loxton report, and it states:

The Committee recommends that the ACT Government conduct an audit of arts and cultural facilities in the ACT as suggested in the Loxton Report, and report to the Legislative Assembly on the last sitting day in March 2012.

The government has agreed to this in principle. It responded:

ArtsACT are currently conducting a full audit on facilities owned and managed by artsACT ... This is anticipated to be completed by December 2011.

This, of course, will feed back into whatever it is that the government wants to do. The response goes on to state:

The Government will report back to the ACT Legislative Assembly on this matter during 2012.

Agreement in principle is fine, but the committee has made a very solid recommendation here. I think it is a recommendation based in fact and in reality that we do not know what we have got, not just owned and operated by artsACT but by all the arts community in the ACT. The problems that have arisen with Kingston foreshore arts precinct and the Fitters Workshop will simply continue. If you do not know what is required across the board for this sector, this very important sector, then you are going to end up with conflicts between various arms of the arts community. They do not particularly want to be in conflict, but what they want is a clear direction. That is not what they are getting from this government.

I think that everyone in this place would support Megalo and what it does. It is a world-class institution. It is worthy of support, but you have to question whether or not it should come at the expense of a very unique facility, an acoustic facility. Talking to people who have used it, who have been there, who have heard concerts there, who have performed there, it is unique. Yes, the decision has been made. But what this decision now requires is some leadership and a path forward so that we can actually keep the acoustic qualities of the Fitters Workshop as well as ensuring that Megalo get what it deserves, which is a facility where it can do what it does so well.

Recommendation 74 states:

The Committee recommends that the ACT Government take no further action in regard to the future use of the Fitters' Workshop until the master plan—

that is, a Kingston foreshore arts precinct master plan—

has been completed and presented to the Legislative Assembly.

The government has simply said “not agreed”. It goes on to state:

Government is committed to re-locate Megalo Access Arts Inc. to the Fitters' Workshop as part of the Kingston Cultural Precinct.

If you have not got a cultural precinct master plan, you really have not got a precinct. Just dropping things will get something that is less than desirable and less than

something that is worthy of us. Yes, the funding is there but I am told by a number of people that there are some very simple solutions. It would take maybe a year or two to build them. I think it is very important that the government look at that. I am sure that the Assembly will keep it in mind over the coming months.

It is important we get it right because once the Fitters Workshop is gone, it is gone forever as a great venue. It is not just for music. It could be used for other things such as a meeting place in the centre of an arts precinct. I suspect it would be very useful in the long-term future of the arts community in the ACT.

I want to go back to the great big government building for just one more issue, which I forgot. That is the fact that it will have some sort of shopfront in it. Of course, people need to remember that this government closed the Civic shopfront. We used to have a shopfront just directly opposite this building. It raises the question of how the government gets things wrong and does not think ahead long term.

We on this side of the house have always been committed to making sure that people have access to services. Not everybody is technically literate; not everybody has access to the internet. Some people like to deal face to face with another human being rather than over the phone or on the net. We will watch with interest to see what sort of activity gets carried on in the new government office building in regard to the shopfront.

That is a broad coverage of some of the issues. The last issue also concerns the arts community. Recommendation 75 states:

The Committee recommends that the ACT Government table in the Legislative Assembly a timetable for the development of the Belconnen Arts Centre by the first sitting day in November 2011.

The response is “not agreed”. Apparently, the government are committed to the capital development of the Belconnen Arts Centre but they are not going to tell us, which I think is a shame. Again, it comes back to openness and accountability. We have had the statement from the Chief Minister that she wants to be more open and more accountable. The committee has given her a great opportunity here in regard to the Belconnen Arts Centre to give us some certainty so that we know what is coming and when it is coming. But, no, the government do not agree with that notion that they should tell the Assembly when the Belconnen arts precinct will be completed.

It is interesting that you have the Chief Minister constantly talking about this. We had the dixer today about openness and accountability—how there had been acknowledgement on some websites about what a dramatic step forward this is. But I think, as you pointed out, Madam Assistant Speaker, that a new website and twittering are not necessarily a leading edge commitment to honesty, openness and accountability. Perhaps if the Chief Minister considered some of these recommendations before she had written her pat answers then we might actually have seen and understood that there is a genuine commitment here. But I do not suspect we will see this.

I will finish on a last note relating to the implementation of the Hawke review. It is interesting that we have had to change from departments to directorates to somehow establish a new one ACT public service. I always thought we had one public service. We certainly had it when we were in office. I think it is interesting, given the depth of the malaise that exists in this government, that a review that says there should be a change from departments to directorates and that shuffles some of the arrangements is being seen as some sort of way forward.

You will have one public service if you have leadership and you will have one public service if you have some respect. Many of us know that the genesis of the review was simply to get rid of the head of ACTPLA because he actually stood up to the former Chief Minister. In that regard, he has gained a lot of respect from a lot of people. But let us not sugar-coat this notion of one ACT public service. It used to exist. It existed under previous Liberal governments and it existed under previous Labor governments. The question you have to ask yourself is: why has it not existed under this government for the last 10 years? Fundamentally, it is because of the lack of leadership and a real appreciation of what a gem the ACT public service is and the way that many of the members of the ACT public service have been treated by this government.

The Hawke review is interesting and we will wait anxiously to see how it unfolds. But from what I am hearing from my contacts in the public service, what they are desperately looking for is not pat terms like “open” and “accountable”. They are actually looking for real leadership from the Chief Minister and the challenge is there on this one.

MS BRESNAN (Brindabella) (8.21): Firstly, I want to raise an important issue concerning the role of Chief Minister’s in the context of whole-of-government projects. One of the issues we learned through this budget is that the Chief Minister is very committed to the Majura freeway project and to getting the federal government to pay a share for this project. The government have said they will provide \$144 million for this new freeway, although we have no actual funding allocation in this appropriation. The ACT government will use this money to fund the first two years of road construction. It is hoped that the federal government will pay the third and fourth years. However, as we learned in the estimates hearings, the government is planning for other ways of building this freeway if the federal government is not forthcoming.

I want to make one point about this, and it is a point I have raised in the Assembly before and one that I will discuss in more detail in response to the various portfolios that relate to transport. The point is that there is a marked contrast between the government’s efforts on road projects and on sustainable transport, revealing that the government strongly favours and prioritises road projects over sustainable transport projects. This prioritisation is evident in a variety of ways, but one clear indication is the contrast in lobbying efforts and financial commitments between projects such as the Majura freeway and an ACT light rail system.

Both Majura parkway and light rail have been the subject of bids to Infrastructure Australia, but light rail has now dropped from the government’s priority list completely. When asked in question time why this was the case, Mr Corbell simply

said it was because Infrastructure Australia did not support the bid. So in 2008, when the federal government did not provide any funding to assist a light rail project, the government took no further action.

The Majura freeway also has not received government funding, but, unlike light rail, it is the government's number one priority and has been the subject of constant, ongoing efforts. Far from quitting on this, the government has raised it constantly in the media as well as met with the federal infrastructure minister and with the Prime Minister specifically to lobby for the Majura parkway project, and there are an EIS and also design studies. Perhaps the most obvious sign of commitment is the provision of \$144 million.

The Liberals say the Chief Minister has not done enough, but, compared to the effort put into light rail, the government has made a significant effort for the Majura freeway. None of these things have been done for light rail. Imagine if the government put the kind of effort into light rail as it has put into the Majura parkway. It might have redesigned its bid or it might have bid for a specific section of light rail for Canberra. In fact, if it had a genuine commitment to sustainable transport through light rail, the government would have designated money in the budget for the beginnings of a light rail project, despite there being no federal assistance.

With that money committed back in 2008 or 2009, by now we might have had at least one stage of light rail working or, at the very least, being constructed in Canberra. Just imagine how important that would be for our transport system. We might have had a light rail route running from, say, Gungahlin to Civic and possibly on to Barton and Kingston. That could have been the foundation to a shift in the kind of transport patterns we are experiencing in Canberra. I note again that there is no money in the appropriation bill for this year and that the \$144 million is all listed in the next three outyears.

I will not go into this issue further now, but I want to ask that the government acknowledge the vastly different efforts that it is putting into different transport projects. Some of the comments it has made about having both the Majura parkway and sustainable transport such as light rail seem disingenuous when you put them in this context. In the context of the Chief Minister's directorate, I ask that the Chief Minister recognise the whole-of-government significance of sustainable transport projects and that she genuinely give priority to projects that will make Canberra sustainable.

I will also raise a couple of issues in relation to industrial relations policy, which is covered under the Chief Minister's directorate. The first is in relation to workplace privacy. I introduced, and the Assembly passed, a bill on workplace privacy earlier this year. The bill commences in under two months from now in mid-August. I have some concern that the implementation of this bill is not being adequately progressed. I am unaware of any publicity or education to ensure workplaces know of their new obligations. Preparations need to be made for the proper implementation and subsequent enforcement of this legislation. I hope that, at the implementation level, the government is giving sufficient attention and resourcing to this bill from the Greens. I note, for example, that Ms Le Couteur's legislation on shopping trolleys came into effect in March, and many months later it still is not being implemented.

In this context I have some concerns about the reduction in funding for government IR policy. This reduction is apparently being made because OHS laws will be harmonised with federal legislation next year. As an aside, I note, though, that the reduction is somewhat pre-emptive, as the ACT Assembly has not yet approved this harmonisation and that the bill has only just been introduced. The reduction in IR policy funding is of some concern because, firstly, I do not want it to impact on the government's ability to respond to or to implement industrial relations legislation and initiatives that are proposed by non-government parties; and, secondly, I also expect we will still see at least the same level of IR policy initiatives being generated by government and that there will not be a policy hole. The ACT should be a leader in IR policy and should be generating new ideas for improvement.

Moving on to a different but related issue, I am also keen to hear of any further developments to strengthen ACT legislation and processes around particular problems such as sham contracting. This was a discussion we had during the estimates process and it was also mentioned in the estimates report. I suggest that it is insufficient to defer to weaker national processes when there are identifiable improvements we can make here in the ACT.

There also needs to be responsibility taken particularly for services or work contracted out by government to other suppliers. It is not good enough for government to say, "We haven't supplied the service so therefore it isn't our responsibility." It goes to the issue of responsibility down the line as services are contracted out. If government contract out for a service, they are still responsible for what happens as, in the end, it is a service provided to the ACT government and to the ACT community.

The appropriateness of our laws around workers compensation and entitlements is of interest to the Greens and is an area I continue to look at. I ask that the Chief Minister's policy unit look at this area further and bring forward suitable amendments.

In relation to employment of people with disabilities in regard to overall government employment strategies, this sits within the Chief Minister's department. The Greens are pleased to see new funds appropriated through this budget to assist improved employment of people with disabilities and people from Aboriginal and Torres Strait Islander backgrounds. I moved a motion last year calling on the ACT government to renew the 2004 ACT public service employment framework for people with disabilities and, through that, to include people with chronic illness and mental illness, to collect and analyse disaggregated data and to increase the percentage of people with disabilities in the ACT public service workforce.

People with disabilities represent about 16 per cent of the Australian working age population yet constitute only 1.6 per cent of the ACT public service. I note the government through the 2011-15 employment framework for people with disabilities has adopted a target of 3.4 per cent by 2015, and the government should be held to that over coming years.

The new strategy says that the Commissioner for Public Administration will undertake a census of the public service and will include an analysis for issues such as gender. I hope that, through that process, the government will disaggregate the data,

as my motion requested, as I know this is something groups involved with women with disabilities are keen to see.

The new strategy also says that the government still needs to undertake further research into episodic disability, such as chronic illness and mental illness, to assist the government in developing improved employment practices for people suffering such conditions. Practices that assist people with chronic illness are actually practices that should be incorporated into all workplaces as a matter of course as they benefit all people in the workplace. This includes improved flexibility in employment practices, allowing people to attend appointments, and access to sick rooms. These are all practices which can help keep people with chronic illness in the workplace on a long-term basis.

MRS DUNNE (Ginninderra) (8.31): I will resist the temptation of some of the members of this place and will not talk about arts now, although I am keen to—I will leave it till the Community Services Directorate, which is now where it lives, or when this amendment passes it will be where it lives. I will make my comments really in relation to industrial relations matters.

There are real problems for the people of the ACT in the administration of industrial relations, mainly because, as is usually the case when dealing with a Labor government, their wastefulness and flawed policies have a huge impact on the people of the ACT and they do not care at all about the implications of their decisions on costs of living and on people who are already struggling with the rising costs of water and electricity, increasing taxes through rates and other charges, and reduced housing affordability.

This is particularly the case where you have people in small business who are trying to keep their employees on the books while being confronted with a system of industrial relations of the sort that we have in the ACT where workers compensation, which is the principal issue for those of us in the ACT, is still a problematic issue, although there have been some improvements. I note that there are still other so-called improvements in the pipeline but they have not seen the light of day, although they were promised at the end of last year or early this year.

The estimates committee report noted that the ACT Public Service Workers Compensation and Work Safety Improvement Plan will centralise the management and reporting of injuries sustained by ACT government employees and of strategies to strengthen return to work practices. This is a positive step because for too long now the government has not really known very much about the management of its workers compensation scheme, and this of course is a problem because you do not have an overall picture of how the workers compensation scheme works.

It is working on a day-to-day basis; it is hard to identify problems and fix them up. I am pleased that the government has agreed to the committee's recommendation that progress reports be given to the Assembly in relation to the implementation of the ACT Public Service Workers Compensation and Work Safety Improvement Plan. But I wonder why the estimates committee had to come up with this reporting framework; surely it should be something that the government of its own initiative would understand would profit the Assembly, government employees and the

community in general. I will be interested in particular to see how the whole plan fits together in terms of the underlying policy framework and the priorities and emphases given to service delivery to injured employees versus the administration, the plan.

Also, I am aware that the Long Service Leave Authority is a stand-alone self-funded agency and therefore not part of the government budget, nevertheless it is worth noting that this agency still comes before the estimates committee and it is worth noting the government's agreement to the estimates committee recommendations in relation to the authority. That recommendation from the estimates committee calls on the authority to disclose the contribution rates that form the basis of the calculation of the revenue lines in all operating statement reporting columns for each of the industry sectors.

This information is of vital importance to employers in various sectors. Currently the building and construction, cleaning and community sectors are managed by the authority. It will assist them in their budgeting and give them a little more certainty for the future. It will also add rigour to the authority's budgeting process, making the authority more accountable.

But, again, I wonder why the government, calling itself open and transparent, could not think of this measure by itself. One can only hope, perhaps it will be a vain hope, that this might be a sign of bigger and better things to come from the sensitive new age Gallagher-led government. We saw the sensitive "new-ageness" of the government this morning. Perhaps in future we will see a range of other more basic information to which the community can relate more directly.

In relation to the Long Service Leave Authority I notice that, although the minister has stated on a number of occasions that she would like to see the extension of portable long service leave and that the retail industry and the security industry have been touted as possible targets for future extension of portable long service leave, there is no indication of this in the budget.

We are running up to the election, and there is now one budget left between now and the 2012 election. I think it is incumbent upon the government to put all its plans on the table—I think we have heard that expression before—in relation to portable long service leave. It is an issue of some contention in the community. It is not a secret in this place, but I have considerable concerns about the impact of portable long service leave in the community sector in relation to cash flow for organisations.

I still find organisations who have always made provision for long service leave but are now cash poor because if somebody stayed in the scheme for five or seven or eight years but did not reach their eligibility for long service leave and then left the industry, that money which had gone into an account on behalf of that particular individual would return to the organisation and that money could be used for other purposes. It is not to say, as Ms Burch has tried to say on a number of occasions, that organisations were not making provisions for long service leave; they were but if people were not eligible for it that money returned to the community. The real problem, as I see it with the current scheme, is that for those people who still leave the sector that money now stays in the accounts of the Long Service Leave Authority and does not return to the employer that provided that money.

Given the problems with portable long service leave, if someone permanently leaves the sector, leaves the territory, goes to work for a government organisation and ceases to work for the community sector, the contributions that will have been made over a long period of time by employers will stay not with the employer but with the Long Service Leave Authority. This will drive up the cost of the individual employer. They will not be able to plough that money, which is now no longer needed, back into their organisation. It will stay with the Long Service Leave Authority.

There may be some spin-offs, it may over time reduce the multiplier rate and the rate at which contributions have to be made, but that is a very blunt instrument and it does not address the needs of particular employers within the community sector. That is certainly the case with employers in the other areas as well. I think that this is a very important area where the community does need some certainty and it is incumbent upon the minister to make perfectly clear to the community what her plans are for the security industry and the retail industry as areas that she has speculated about as being the future area for the extension of the portable long service leave scheme.

Turning to other areas in the Chief Minister's Directorate, we cannot go by without commenting on the great big office building—it has another name, the government office building—and reflecting upon the impact that this will have on the city and the impact that this will have on taxpayers.

First and foremost, we must remember that this is a government that has an appalling track record in the administration of capital works projects. (*Second speaking period taken.*) By its own admission, this is a government that says that this is the largest capital works project that we have seen in the ACT. Consider, for instance, that the Gungahlin Drive Extension started off at \$56 million, and it is now \$180 million and counting and it is still an uncompleted road. I recall it was in about August 2004—probably earlier than that—that this Assembly passed enabling legislation to allow the Gungahlin Drive Extension to commence, and we are still waiting for the Gungahlin Drive Extension to be completed. It is a catastrophe.

If you look at all of the other mismanagement of capital works programs, Mr Corbell probably has the best list. There are the North Weston ponds; there are the north Canberra ponds. They have blown out by tens of millions of dollars, and in the case of the north Weston ponds there has been a doubling in cost and they have come in under spec. The north Canberra ponds have increased in cost by over \$10 million and, taking into account the money that came from the Commonwealth, it is a \$31 million project which had to be substantially rescope because the pipes were too small and the storage tanks were too small. Again, it was under spec in the first instance.

The emergency services headquarters are still causing controversy years after the fateful decision to move the ESA headquarters to Fairbairn. I wonder which bright spark originally thought of that, because I think that the ACT government and the people of the ACT have been monumentally badly served by the cost blow-outs there. Even as recently as last night, the unions and the opposition came together to again cast doubt about the appropriateness of the building—whether it is fit for purpose and whether it will ever meet the needs of the Emergency Services Authority.

This is the background of a government who proposes to build a great big office building, without any thought about how it will fit into the future planning of Civic—not just about the planning of office buildings in Civic and office accommodation for the ACT government, but how it will fit into any future plan for Civic. This government does not have such a plan. It is only the Canberra Liberals who have a way forward for a future plan for Civic. This government does not have a future plan for Civic; it is just this random, impetuous “let’s find a place to plonk a great big building”. We have, by any accounts, an extravagant ministerial wing with its panic room, which is in addition to the cabinet room where they go into panic over the budget, but when things get really crook there is still a panic room as well, it would seem. We do not know whether the air bridge between this building and the putative new building is on or off. Mr Barr said at the architects awards—you were there, Mr Hanson—

Mr Hanson: I was indeed.

MRS DUNNE: He said, “No air bridge.” But it is still up in the air when you look at the response to the estimates inquiry.

Mr Hargreaves: Was that a joke, was it? Was that a joke?

MRS DUNNE: The whole problem with this government is that they are the joke. They are the joke when it comes to managing capital works.

Members interjecting—

MADAM DEPUTY SPEAKER: Gentlemen, please be quiet. Listen to Mrs Dunne in silence.

MRS DUNNE: Mr Hargreaves interjects about a joke, but the real joke is the ACT government’s management of capital works. They cannot do it. Mr Corbell was put on the spot the other day and asked could he list any project that came in on time and on budget, and after an embarrassing silence there was eventually an answer to a question on notice. Is it right that the project that was eventually identified was one that was scoped and commenced by the previous Liberal government? So it was that long ago, he had to trawl that far back, and it was a little harder to get it wrong because it was scoped and costed by a previous government and all he had to do was put the finishing touches to it.

We talk about the great big office building, and the great big office building is going to be a problem for the people of the ACT. It is \$432 million now before they have finalised the plans or turned a sod. Given their capacity in relation to the Cotter Dam, and we saw it blow out by 163 per cent, you can be sure that it will be well over half a billion dollars before this government will ever manage to finish this building.

They are not to be trusted with the ACT taxpayers’ funds. They are not to be trusted in any regard in relation to the wise management of funds. The Chief Minister’s Directorate, the department that the Chief Minister presides over, does not have a great record over the past few years of assisting with keeping people on time and on

budget. We also see with a range of issues which should be the responsibility of the Chief Minister's Directorate some fairly regular failings.

I heard Mr Smyth before the dinner break commenting on the slowness of the appointment of a replacement Auditor-General. It is an issue for governments; it has been an issue for governments in and out of season. When I was a staff member I used to scratch my head and think, "How is it that it takes so long for this information to get through to governments? Systems were put in place to improve the information." But you have got seven years' notice that you have to replace an Auditor-General. The processes of executive appointment of these positions somehow fall down and that goes right to the heart of the processes of government which are put in place by organisations like the Chief Minister's Directorate. These are cabinet appointments and the cabinet office should be overseeing these to ensure that there is never an unseemly delay, that there are never unseemly interregnums.

But we see it over and over again. We saw it with the previous Chief Minister and his failure to appoint people to the board of the University of Canberra, to the point that the board of the University of Canberra was almost inquorate for a very long time. They could not get their act together. I suppose to some extent it is unfair to say that it is the responsibility of the cabinet office. To some extent it is the responsibility of the cabinet office but it is actually about leadership. The leaders, the Chief Minister and the ministers, have to say, "Get my statutory appointments done on time, I do not want to be in a situation where there are long lapses". We have seen the statutory appointments coming through, say, the committees that I sit on where there have been vacancies for long periods of time because government agencies cannot get it together.

It is the responsibility of the Chief Minister's Directorate first and foremost, to make sure that statutory appointments are made. But they are not being made in a timely way and the most recent example is one where you had seven years' notice. But this government failed to do anything about it until after the Auditor-General had left office and we have now had quite a lengthy interregnum without a permanent Auditor-General. I do not think that is fair on anybody. It is certainly not fair upon the services that are provided to the people of the ACT, especially in the areas of performance audits, because the Auditor-General in particular does a great job in relation to performance audits.

So, in sum, there is a lot that needs to improve in the Chief Minister's Directorate and it will be interesting to see whether, under this new leadership, we will see the improvements that are necessary for the administration of government in the ACT.

MR HARGREAVES (Brindabella) (8.51): Mrs Dunne went to some length to criticise the capital works history of this government, so I think it is only fair that I put a rebuttal comment on the record, if I may. She talked about the Gungahlin Drive extension having a cost of \$56 million. I remind the departing Mrs Dunne that the amount of money put in the budget by those opposite when in government was \$32 million. It was to get us a four-lane highway between the Barton Highway and Belconnen Way. It did not take it all the way down to Glenloch interchange. So what we are talking about is the Gungahlin Drive extension delivered by the Labor Party compared with a goat track that they provided funding for.

Mr Smyth: No; it is not true. It is just not true. It is just not true.

MR HARGREAVES: Mr Smyth says, “It is not true; it is not true; it is not true.” Me thinketh that he protesteth too much. I can also tell the Assembly that there was a two-year delay whilst litigation was undertaken at the encouragement of those people opposite, using their mates on the hill who were ceremoniously dumped at the election before last. That cost us two years delay in starting the project. It also cost us a significant cost increase. I can recall, for example, that the cost of diesel over that period went up 17 per cent. And the conservative cost of the overall impost to the ACT taxpayer was \$23 million. These are the same people who decide they want to criticise us for the capital works program. Now, what is interesting—

Mr Coe: Why didn’t you hedge that? You should have hedged that.

MR HARGREAVES: Excuse me.

Mr Coe: You should have hedged it.

MR HARGREAVES: Why don’t you just go away and be quiet? Thank you.

Mr Coe: A bit surly today.

MR HARGREAVES: I am surly? Am I surly? Ooh. Through you, Madam Assistant Speaker, the young fellow ain’t seen nothing yet.

Mr Hanson interjecting—

MR HARGREAVES: Mr Hanson, you are such a bore. You really are a bore. You are a bore and a bully, you are, but you do not frighten me. Why don’t you just disappear back into your hole?

Mrs Dunne made an incredible statement just then, and I congratulate her for this because we have not seen it out of the Leader of the Opposition, the Deputy Leader of the Opposition or the assistant Deputy Leader of the Opposition. She said, “The Canberra Liberals are the only party to have a way forward.” I will say that again in case members missed it: “The Canberra Liberals are the only party to have a way forward.”

I would like to know what it is. What I hear is opposition for opposition’s sake. I hear, “This is what the government is doing wrong. This is what they are not doing.” I do not hear, and have not heard for the last 2½ years, anything that they have done except deliver a whole stack of white noise into this particular chamber. I will challenge any one of those people opposite to stand up now and tell us the way forward. Tell us what you would do. Mrs Dunne says that you are the only party that has got it. Well, let us hear it. Let us hear it or back down. Back down if you can’t do it. Admit the fact that you are nothing short of a policy-free zone.

Mr Smyth: Back down?

MR HARGREAVES: Yes, back down. But of course you have to pay credit where it is due. The Liberal Party, according to Mrs Dunne, is a can-do type party. Right? We have heard the can-do thing before. There was a previous Liberal government, and I think Mr Smyth was a member of that ministry—in the can-do ministry. These were the people who—I will tell you some of the things that they could do. They could paint grass green. They could deliver a stadium—not on time and not on budget, but with an illegal overnight loan that cost the Chief Minister her job. That is what they can do. And they had no corporate support for the project either.

Mr Coe interjecting—

MR HARGREAVES: I will just treat your remarks with the contempt that they are due, Mr Coe.

Mr Coe: Oh really?

MR HARGREAVES: Yes. They can destroy the third hospital in this town. And now they are criticising us for what? For building a third hospital. A bit inconsistent. How about the “Feel the power” campaign? Let us stick it on all of our number plates. And how about this one: “We will put it on the side of an ex-World War II aeroplane. We will paint it. We will paint the airplane with ‘Feel the power’ on the side”? And do you know what? It never got off the ground. The whole program did not get off the ground and neither did the airplane. Do they tell us how much that cost? No.

What about all of these capital work gurus over here and all their government and planning ministers? How about their Hall-Kinleyside debacle when they did not know the difference between a block and a lease.

Mr Coe interjecting—

MR HARGREAVES: They would not have a clue what was a block and what was a lease. Go back and read your *Hansard*, sunshine. Have a read of your *Hansard*. If you can do it, read your *Hansard*—and the *Canberra Times* if you like. Do your research. You will find that thing exposed for the rort that it was. It was nothing short of a rort. You came within an insect’s elbow of getting charged over that rort—the Hall-Kinleyside debacle. It just exposed what a ramshackle mob you really were. And now that is a can-do! That is a can-do! I have to tell you that it is scary. It is scary if they can do and they do do—talking about do dos.

Mr Coe interjecting—

MR HARGREAVES: I can get into all sorts of trouble for putting out personal attacks. Mr Coe can sit there like a sanctimonious, pontificating question mark and say—

Mr Coe interjecting—

MR HARGREAVES: Come on, Mr Coe; stop being a gutless wonder. Stop being a gutless wonder. You can’t take it; don’t dish it out.

Mrs Dunne said, “We are the only party that have a way forward.” And guess what? The cavalry has arrived. *F Troop*. Captain—what is his name from *F Troop*? He has turned up. How about you get up now, Mr Seselja, and tell us how the Canberra Liberals have a way forward. Don’t tell us what we did wrong. Don’t tell us what we can’t do. You tell us what you can do. I can tell you now what you can do. What you can do is sit back. You are going to lose the next election; you just watch it. And I will tell you something else for free. I can tell you what you can do. You can do nothing for the people of Canberra.

MR SESELJA (Molonglo—Leader of the Opposition) (8.59): I welcome the opportunity to contribute to the debate, particularly after that enlightened contribution from Mr Hargreaves. It is always good to listen to his rants. I realise that I am without my notes but I am very happy to respond to some of the challenges and to talk about the Chief Minister’s Directorate.

The reality is that we asked for a lot of information from the Chief Minister and the Minister for Economic Development about this government office building, and I have to say the information was very difficult to extract. This government was doing its best not to answer questions. In fact, when we asked questions in Chief Minister’s about the government office building we were told that we would get the answers in LAPS. When we asked LAPS they did not know anything. They said, “What we will have to do is bring in the consultants and maybe they will know something.” Then the consultants came in and, at the end of that process with the consultants, that was when Treasury finally decided to bring together some numbers for us—at the end of that process.

That gives you a reflection on just how secretive the government has been about its government office project. There is no doubt that as we dig more, we will find more issues and more problems with this government office building.

I did want to speak a little about the Hawke review. In regard to the implementation of the Hawke review, I have said on the record—and I have said this to Dr Hawke—that I think there are some good things in what Dr Hawke did. But I have also said on the record that the structure that the government puts in place should not be seen as in any way the panacea that the government believes it will be.

Putting a new structure in place is not going to stop the kind of stuff-up that we saw in regard to the north Weston ponds. It is not going to cause governments to not make dumb decisions like a one-lane GDE. It is not going to stop them building fire sheds that do not fit trucks. It will not do any of those things, the structure. Culture and leadership are what is needed, as is putting the best people in the best positions to ensure those sorts of things do not happen.

When it comes to the Hawke review, yes, Dr Allan Hawke is a man I have personal respect for. I think that he has done some good work there. But the government, I think, is holding on to this Hawke review as if it can fix its problems. It cannot. The one ACT public service will not fix your problems. It may end up being an improved structure to what we have at the moment. Time will tell. But it is about culture, it is

about leadership and it is about putting the right people in the right positions if you are actually going to fix those serious issues.

I did want to take the opportunity to respond a little to Mr Hargreaves.

Mr Smyth: Do you have to?

MR SESELJA: I think it is important because when it comes to infrastructure, we will continue to lead the way. The Canberra Liberals will continue to lead the way. Do we talk about the ACT Labor government's stuff-ups on infrastructure? Yes, we do, and yes we will. Mr Hargreaves will not like it but the message to Mr Hargreaves and the ACT Labor government is: if you do not want to hear those kinds of criticisms, stop stuffing it up. If you start getting the job done, then there will not be the criticisms from the Auditor-General, from the opposition and from the media and others in the community who just cannot believe how much incompetence there is in the delivery of infrastructure.

In terms of a vision for infrastructure, that is where we have a very different approach to this government as well. This is a government that decided its way of doing an infrastructure plan was to go to every department and say, "What have you got in your capital works budget, TAMS?" "What have you got in your capital works budget, Health?" "Education, what have you got in your capital works budget?" "We will put it all together and call it an infrastructure plan."

That is not infrastructure planning. That is just a cut-and-paste job of existing works. That does not ask the fundamental questions. The fundamental questions are: what is the infrastructure we have now? Where do we want to be in five years time, in 10 years time, in 50 years time? What is the infrastructure that will help us get there? How will we improve the standard of living of ordinary Canberrans? How will we ensure that they have access to the best healthcare? How will we ensure that they have access to the best schools? How will we ensure that as the city grows, people have real options when it comes to transport, that they will not be forced to be stuck in ever-increasing traffic delays as they drive from their home in Amaroo, in Dunlop, in Banks, in Macarthur, in Calwell, in Monash, in Phillip or wherever they live in the ACT? They should be able to expect that we will have the best roads.

We talk a lot about what we have going for us and some of the disadvantages we have as a city, but we were left a pretty reasonable legacy when it comes to our road infrastructure. There are challenges in that but it is also a very good starting point. Canberrans have high expectations and I believe we should meet those expectations, not consistently try to lower the expectations.

We have seen it across the board that Labor governments are very good at pointing to or finding another Labor government that does something a little worse than them and saying, "Aren't we lucky that we're not in New South Wales?" When it comes to health and waiting times, you are actually better off in New South Wales. But putting that aside, on any given indicator, except maybe our waiting lists which are the worst in the country, they can always point to other states. I do not want to be like Sydney when it comes to traffic congestion. I do not want to be like Wollongong when it

comes to traffic congestion, a city that is smaller than Canberra but has a far inferior road network.

So when we look at infrastructure planning, we have to ask those fundamental questions. This government has not done it. We have. What we have said is, “Plan for the long term. Take it a little bit away from the four-year political cycle.” And the way you do that is that you appoint an infrastructure commissioner, backed by independent audit experts, and that commissioner gives public advice on the infrastructure plan, on the infrastructure needs of the city and on infrastructure projects. By doing that, by helping to order the priorities properly, you can avoid some of the worst government decision making we have seen in recent years.

Would it have stopped this government choosing to build a one-lane GDE? We do not know. I think blind Freddy could have seen that was a dumb decision. You do not need an infrastructure commissioner to know that when you have got the fastest growing part of Canberra—it is projected to grow beyond 60,000, 70,000, 80,000 people in the years to come—when you are building the main road in, it might be a good idea to actually build it as a two-lane road. You do not need an infrastructure commissioner to know that.

Mr Coe: Cabinet did not know that.

MR SESELJA: It is extraordinary that this Labor government’s decision-making process—it would have included Mr Corbell and Ms Gallagher; they would have been part of that cabinet that made that decision; Mr Hargreaves would have been as well—made that decision that said, “No, that really is a good idea, to build one lane.” When it was finished Mr Hargreaves had the gall to say, “We won’t need to duplicate it for five to 10 years. It will be good for five to ten years,” when all their traffic reports said no, it was going to be full from the day it opened. And so it was.

The people of Gungahlin have been let down by the poor decision making by ACT Labor. ACT Labor thought they could pull a swiftie and save a few dollars in years one, two and three, at the absolute expense of the overall cost of the project, at the expense of the commuters in Gungahlin who have had to suffer through the serious delays that come through poor infrastructure planning, through simply getting it wrong time and again. *(Second speaking period taken.)*

We have got a situation where we can do it better and this government refuses to do it. I was talking about the one-lane GDE. You only have to go to the older parts of Canberra, not even so much the older parts of Canberra, travel down to Tuggeranong, which was built mainly in the 1970s and 1980s, and have a look at some of the road infrastructure that was put into place there. We did not have to wait until Tuggeranong filled up before they put two or three lanes on Drakeford Drive. We did not have to wait until Tuggeranong filled up before we got two lanes on the Tuggeranong Parkway. There was sensible infrastructure planning that said, “We have got a growing area. We need to service it. The best way to service it is to get the infrastructure right the first time.” They did the work. This government has not.

So when we look at our alternative, can it force governments who are intent on making stupid decisions not to make stupid decisions? No, governments are still

elected to make those decisions. But what it can do is give that high-level public advice to government. It does make it harder for them to reject that, because that is public advice that goes to the Legislative Assembly. It does not go just to the government. We can rely on that. The Assembly can use it, the government can use it, and they can work with the infrastructure commission to get that right.

There are all sorts of other ways that we may be able to improve things when it comes to the delivery of infrastructure. Procurement processes are extraordinarily slow. We have heard from members of the business community that when it comes to procurement it is harder with aspects of the ACT government than it is with the Washington defense establishment. That is not a badge of honour. That is actually a pretty damning critique. Why is it that we have a city-state, we have two tiers of government in one, and yet it is harder to deal with the ACT government than it is to deal with the Washington defense establishment? There are serious issues with procurement.

Procurement is not a sexy issue. It is not something that tends to win elections. You do not tend to go to the election and the key promise is you are going to fix procurement. But I tell you what, it is a key economic reform. It is a key reform for the ACT, because when you get it wrong, when you get procurement wrong, a few things happen. You do not build what you are meant to build. You spend too much when you are doing it and we wait too long to actually get there. So it has real-world consequences. It is not just an academic exercise, getting procurement right. So having an infrastructure commission could assist.

There are all sorts of ways that a government that was keen on reform, that was keen on delivering infrastructure, could actually utilise this kind of reform. These are the kinds of reforms we need. We are happy to keep putting them forward and I look forward to the government actually adopting them. The government could adopt that reform. They could agree. I have not got the letter yet but I am looking forward to a letter from the Chief Minister saying, "I have reflected. I think we have been getting it wrong. Jon was particularly pig-headed. He knew it was the right thing to do in his heart of hearts but he chose not to because it came from the opposition. I accept that."

Katy, you have got a chance to fix it. I can see from the look on her face this is an attractive proposition for her, because she is thinking, "I could actually fix it. I could get a policy that is much better than what I have at the moment. I could get an infrastructure plan that is much better. All I have to do is admit that Jon was wrong." That is easy. You can distance yourself from Jon. You have got the opportunity. You did it on executive travel. We heard that today. We heard her distancing herself from her colleagues, from her predecessor. She actually said, "I don't travel business class." She has taken a different approach to Jon.

You can take a different approach to Jon on infrastructure too. Let us face it, the last thing you want to do is take the same approach. Look at the legacy of the last 10 years. Ms Gallagher cannot distance herself from that because she was part of that cabinet that had been making those decisions, and we have seen those stuff-ups. But she can turn over a new leaf. And the new leaf is infrastructure Canberra.

I commend it to the government and I say, “Don’t be pig-headed. Don’t be stubborn. Do what is best for the people of the ACT. Say to the people of Gungahlin, ‘We stuffed up. We know we have really made your lives hard for the last few years as you have been stuck in traffic, and you are still suffering as a result of our decisions. But we are going to turn over a new leaf now and we are actually going to make some reforms.’” So I would commend that to the government.

I would say to the Labor Party that we can give them the briefings. We are very happy to assist. It is good policy, it is robust policy, and these kinds of policies are now being adopted all over the country because they are the right way to go. They are the right way to do infrastructure. They are reflecting the economic importance of good infrastructure delivery. They are reflecting the fiscal importance of good infrastructure delivery. We have had a massive fiscal hole as a result of the cost blow-outs in our infrastructure under ACT Labor.

So the answers are there, and we are happy to put them forward. But this government now needs to answer for its record and why it will not do things differently and why it has not done things differently. It has had 10 years to get this right and it continues to get it wrong, whether it is Gungahlin Drive, whether it is the Cotter Dam, whether it is the prison, whether it is north Weston ponds. You could go through another 20, 30 or 40 examples of where this government has got its infrastructure wrong.

So the challenge is there. Support good policy. Whether you come up with it or not, do it for the good of the people of the ACT. Particularly do it for the people of Gungahlin. Particularly do it for the people in our outer suburbs in Tuggeranong and the like. I think that they deserve better than what they are getting.

But I come back to the government office building. This is infrastructure that we do not need. This is just a building. This is a building that we do not need. We have got lots and lots of office buildings in this town. Many of them are empty. The government has said, “Despite the fact that that is the case, despite the fact that there are infrastructure needs all over town crying out for government investment, all of those are going to be left high and dry.” Their infrastructure needs are going to be put at the bottom of the queue. Go and talk to your local rugby league club, your local football club—that would be soccer for those who are not up with the changed lingo; it would be soccer for some—your local Aussie rules club, your local netball club, your local softball club. In local sport, the need for better infrastructure is apparent. Any number of sports could do with a cash injection.

All of those are going to be left high and dry because their infrastructure needs are going to be put at the bottom of the queue while this government puts a fancy new office for itself at the top of the queue. When we need better roads in parts of Tuggeranong, in west Belconnen, in Gungahlin, in Molonglo as it grows, when we need better roads there, they are going to be put to the bottom. And we will see more of that, will we not? We will see more of the lack of investment in those critical pieces of infrastructure.

The government actually has a choice. It can choose good policy, as we have put forward, real infrastructure reform. Secondly, it can choose not to waste taxpayers’

money on a government office block that is simply unnecessary—\$430 million and counting on a government office block—at a time when we have got too many office blocks in this town.

There it is. There are some choices for this government to make. They can pull out. They still can pull out of this project. They do not have to go down this path. It is the wrong path. It is the path that rejects the community. It rejects the community's needs. It rejects what people need and want for their standard of living, for their communities. And I would commend to the government not just real infrastructure reform but better decision making and abandoning what would be the biggest white elephant built by any government in recent memory.

MR COE (Ginninderra) (9.19): I, too, want to add my voice to the concerns already raised by the opposition and the community as well about the government office building. To have \$430 million of taxpayers' dollars tied up in something such as this speaks volumes about just how arrogant this government is, how out of touch they are and how they simply do not understand the concept of opportunity costs and how to actually evaluate priorities. What you have here is a situation where the government are so obsessed with their own internal workings and their own empire building that they are unable to see that there could be alternative ways of spending this \$430 million or, indeed, considering perhaps not even taking it from the taxpayer in the first place.

It is interesting that, in the last month or so, the new Chief Minister has sought to rebrand herself in part. We are seeing the open and transparent public document come out. We are seeing some critique of the public art of the past. We are seeing some so-called reforms to travel. But if you actually look through her travel report when she was the Treasurer and the health minister alone, you see that there were some pretty expensive air fares to Melbourne and Sydney in the past. I wonder whether those short haul flights that seem to be economy trips do not include Melbourne and Sydney. I wonder where, in fact, those short haul domestic economy flights actually were. Perhaps there is one there somewhere, but I would have thought a \$960 return flight to Melbourne is probably a business class fare.

There is an opportunity here for this government not just to rebrand but to reform how it deals with infrastructure and how it delivers services to the people who pay their wages and give them the funds to invest in their future. It seems to me that this government are far more interested in their grandiose schemes of self-indulgence than they are in returning the money to taxpayers by way of meaningful infrastructure that will add value to our community.

On this attempted rebranding which I just mentioned, it is interesting that she would see the need to put out a document about open and transparent government. We all know that the very poorly encrypted code is that you are not open and you are not transparent at the moment, otherwise, why else would you need to put out a document such as that? Why else would you need to create a bit of a hoo and a bit of a ha, as Mr Pratt might say, about such an issue? Why would you need to, in effect, have a go at the previous Chief Minister about public art if the previous public art policy was right? Why would you need to do that? Why would you need to come out and say

“Well, I’m going to be travelling economy,” if the previous ways were not wrong and were not indulgent? Why would you need to say that?

Why does the Chief Minister just not come out and rebuke the former Chief Minister, rebuke his leadership style and rebuke some of those policy decisions? In doing so, why does she not also come out and fix this city’s infrastructure problems? Why does she not take on the plans for infrastructure Canberra? Why does she not look for the opportunity to distance herself from this political decision making? Why does she not try and ensure that infrastructure becomes more than a cycle-by-cycle approach, something that will last the test of time and invest in our city’s future according to need rather than according to the political need of the government of the day?

The Canberra Liberals are committed to infrastructure Canberra. We are committed to ensuring that taxpayers’ dollars are invested wisely for the future of the citizens who pay for it and not for the future election prospects of the government of the day. If the Chief Minister is going to criticise in a roundabout way the previous Chief Minister on the level of transparency and openness and public art and taking business class fares, why not do it for something really tangible such as infrastructure as well?

Amendment agreed to.

MR SPEAKER: The question now is that the proposed expenditure for the Chief Minister and Cabinet Directorate of \$27,082,000 as the net cost of outputs and \$3,000,000 as capital injection, totalling \$30,082,000 be agreed to.

Proposed expenditure, as amended, agreed to.

Proposed expenditure—Part 1.5—Territory and Municipal Services Directorate—\$270,991,000 (net cost of outputs) and \$235,826,000 (capital injection), totalling \$506,817,000.

MR COE (Ginninderra) (9.24): The Territory and Municipal Services Directorate is to many the public face of government service delivery in this territory. It is TAMS, as it is better known, that has a very strong and tangible impact on the lives of everyone in our city. That is why we need to make sure that we have it funded correctly and that we have the priorities right to ensure that we are getting the best value for money from that directorate so the everyday quality of life for Canberrans is improved through service delivery such that they can see where their taxpayers’ money is being spent.

That is why there is considerable concern amongst many people in my electorate of Ginninderra and across the territory about the priorities of this government and how this government does not seem to understand the concept of core services, the concept of ensuring that the priorities which they are delivering upon are actually the priorities that are wanted by the people of Canberra. A great example of that is the Gungahlin shopfront. This is something which this government has been promising for years and years and years. They went into an agreement with the Greens in 2008 where they said they would deliver a Gungahlin shopfront, yet, as we have seen on so many other

issues, they are not going to deliver it and the Greens are not going to flex their muscles.

Every now and then the Greens might put out a press release; every now and again one of them might make a statement in here asking, “When are we going to get the Gungahlin shopfront? When is it going to happen?” If the Greens were actually fair dinkum about their agreement, if they were worth their salt, they would say, “You have to do this, otherwise we will review our agreement”. Instead, it is not going to be delivered before 2012. There is no way in the world the Gungahlin shopfront is going to be there for October 2012. I will be very surprised if that happens, and yet look at all the money that has been spent on it already. A \$100,000 contract was entered into of which \$59,000 was spent, according to page 165 of the committee’s report, and we are still not going to get it. We are still not going to see anything because they have now rescoped the project, in effect, and will look at putting 500 public servants out into Gungahlin. If they do that, they might consider putting a government shopfront at the bottom of that office building.

There are way too many ifs and mights and buts there. When it comes down to it, the 45,000 people who live out in Gungahlin would like a shopfront and would like to have access to government services. It is as simple as that. Why does this government not want to make itself available to the people of Gungahlin through a government shopfront? Why do they not want to see greater uptake of their services through the provision of a shopfront in Gungahlin? It absolutely amazes me that here you have a government that is so unwilling to make available its services to such an important region of our city, an area of the city which has so many infrastructure needs and so many young families. It is staggering that they would drag the chain on such an important issue.

One of the other extremely important issues within TAMS which I will speak to now is that of ACTION buses. It seems to me that this government, whether it be under the previous ministers—Mr Hargreaves and Mr Stanhope—or Mr Corbell, is totally incapable of delivering the reforms that everybody seems to know need to be made. I find it very hard to believe that ACTION management are not giving the minister of the day ideas about how to reform the service. I have a lot of time and a lot of respect for many people within the ACTION organisation. I think they do a great job, and I am quite confident that they would be providing advice to the minister about things that they could do to make it run better. However, successive ministers have been absolutely unwilling to step up and make the courageous, tough decisions which need to be made about ACTION rather than simply continuing the status quo. It is simply not sustainable.

The ACTION operating statement found on page 113 of the 2011-2012 budget shows that the estimated outcome for the 2010-11 year for ACT government user charges is \$74.6 million and the non-ACT government user charges—that is, in effect, the fare box and charter services—is about \$22.2 million. So there you have a government subsidy to the tune of around \$75 million. That is absolutely amazing. That is a subsidy per voting Canberran to the tune of approximately \$300 per year. If you were to reform that and save 10 per cent of that, suddenly you would have \$7 million a year. I wonder what \$7 million a year would do for Cranleigh in my electorate. I wonder what \$7 million would do for the Shepherd Centre. I wonder what \$7 million would

do for SIDS and Kids. I wonder what \$7 million would do for so many other organisations around town.

This government is unwilling to make the tough decisions when it comes to the ACTION network. Because of that, the costs of ACTION keep going up and up and up. Yet we are not seeing an uptake of their services commensurate with that increase in costs. That is why we are seeing the user charge to the ACT government—that is, in effect, the subsidy—going from \$74.6 million to \$80.9 million next year. That is a subsidy of nearly \$81 million simply for eight per cent of Canberrans to use that service. Only eight per cent of Canberrans are getting on ACTION buses, yet we are spending \$80.9 million.

A real government would ask how they can make that \$80.9 million go further, how they can reduce that so they have more money to put into other areas of government, or how they can return it to taxpayers in the form of tax cuts or cuts to other fees and charges. Instead, this government do not want to make those tough decisions. They are quite content to continue to measure ACTION buses on inputs rather than outputs. They are quite content to simply say, “We’re spending \$100 million on ACTION, therefore, it’s a good network. Let us measure it on outputs; let us measure it on how many new people are actually getting on buses; let us measure it on how effective the operation is rather than on simply how much money you are spending.

There is no greater demonstration of just how inefficient and how ineffective it has been than the debacle of the MyWay ticketing system. For years there has been a need for a new ticketing system on ACTION buses, and for years this government, as I said earlier, has been dragging the chain. For years this government was incapable, it seems, of rolling out a network of new ticketing machines across the ACTION fleet, even though the ticketing system for ACTION would have to be one of the simplest in the world. It is a single modal system and a single zonal system. It should, in effect, be an off-the-shelf ticketing system. Instead, we had delay after delay after delay and the cost of it went up and up and up. Suddenly we had an \$8 million ticketing system that was running years late.

As a result of it running years late, they could do a lot of scenario planning and contingency planning, but, in spite of that, we still have problem after problem. We have this debacle regarding the tag on, tag off system. It seems the government have heard the concerns the Liberal Party have been raising for a long time now and have agreed to delay the tag off for another six months. In actual fact, I would not be surprised if they delay it indefinitely, because it simply does not need to be there.

Whilst tagging off is useful in terms of compiling data, which is very important for route plans, we do not need to have 100 per cent compliance to get a good idea of what the travelling public are doing. *(Second speaking period taken.)* The tagging off regime that was in place drove up the cost of catching a bus for people who absent mindedly or for one reason or another did not tag off. They were fined, in effect. They were penalised because of an antiquated requirement that was not needed for the fare policy or the zonal requirements, given we have a single zone. I am glad the government has listened to the concerns of the community and listened to the concerns of the Canberra Liberals and finally backed down from this.

There are so many areas within ACTION that could be addressed today. It is an incredible drain on the ACT budget and we seem to get very, very little in return for it as it stands at the moment. It could be so much better, and the Liberals will continue to be a constructive opposition in providing alternatives to how to make the ACTION network better.

Within TAMS there are many different areas of business. One which is of concern to many is, of course, the quality of roads. Page 73 of budget paper number 4 shows that the annual percentage of municipal roads to be resurfaced was four per cent but that the estimated outcome was three per cent. That is a 25 per cent failing when it comes to resurfacing our roads. They might say, "It rained a lot last year, therefore, we couldn't resurface as many roads." If that were so, why were more roads not resurfaced in previous years? Why did we not get in previous years one or two per cent above the target levels? I think there are some more fundamental reasons as to why the roads were not resurfaced. It is disappointing that, yet again, we have another policy area where we have a government that is totally unwilling to make the tough decisions.

I find it hard to believe that some of the processes and procedures within TAMS are actually followed. I was told that every three months every road in Canberra is swept by a street sweeper. I do not know about other people in this place, but I am not sure I have seen one out the front of my place four times in the last year. I am not sure many people have seen one out the front of their places in the last year at all let alone four times. I find it a little bit hard to believe that every three months there is a street sweeper going around every single street in Canberra. Yet that is the procedure, that is the policy. It seems pretty absurd to me to have an unrealistic target like that—which is not being met and which is not being readdressed—still on the books as one of the policies. Why do they not simply come clean and say, "It's not happening. Let's work out a strategy to make it happen," rather than pretending.

Mrs Dunne: The problem is they have not come clean.

MR COE: They have not been swept clean; that is right. They certainly have not been. They certainly have not come clean, because they have not been swept. But that is just one example of an area within TAMS where there could be significant reforms that would be of real value to people in Canberra. It is certainly something which a lot of people raise with me when it comes to core services.

There are other things in the last year or so which I have raised with the government. There are probably a couple of hundred things that I have raised. There are many such things—like Thynne Street in Bruce, where I lobbied for pedestrian access to an aged-care facility. There was the lobbying for an intersection from Joy Cummings Place near Aikman Drive. Citizens who live in Joy Cummings Place, who live in Kangara Waters, had contacted me and raised concerns about the intersection. I contacted the then Chief Minister on a number of occasions; finally he did agree that there were serious safety concerns, and that intersection was upgraded. There were also concerns about the bus stop on Joy Cummings Place, and I was very pleased to get a positive response from the government.

These are the sorts of things that are core business. It was a pleasure to help some of these constituents when they contacted me. It is important to note that when constituents contact members of the opposition about concerns they have, it is often as a last resort. People do not want to go to politicians to solve their problems; they would rather they just happened. When it comes down to it, constituents want to be living their life; they want to be doing what they do best, making choices for them and their family. They do not want to have to go and speak to a politician, put it in writing, send emails and follow up like that. That is not something that people want to do. They do it as a last resort. When you get so many emails and so many calls to the opposition, as does happen, it is disappointing that so many people in Ginninderra or across Canberra feel as though this government has let them down and they have to take that step.

There are lots of other issues which I have raised, whether it be graffiti and amenity issues at different shops across Ginninderra or whether it be hazardous trees on nature strips; the lack of shops; the run-down nature of some of the shops; privacy issues within TAMS, within ACTION in particular; or the lack of concession fares for people who live in other jurisdictions.

I was pleased to see that the estimates committee has put in a recommendation that the ACT government does work with other jurisdictions, especially New South Wales, and especially the Queanbeyan City Council, in terms of coming to an arrangement. There is no reason why we have to wait for the New South Wales government to jump on board before we can give concessions to people who live in Queanbeyan. It simply does not have to happen. There is no reason why we cannot say, "We will accept New South Wales concessions on the ACTION network." There is no reason why we cannot say that. Yet this government says, "No, we have got to go into this dialogue with other states and come to a big agreement." It simply does not need to happen. Yes, it would be preferable if it does go to a national agreement, perhaps through COAG or through the transport council. However, there is no reason whatsoever why ACTION or the government cannot say as a policy decision, "We will accept concession card holders from Queanbeyan or from other areas around the territory when travelling on ACTION buses." That is something that this government should be looking at very seriously.

In addition to that, we have raised with the government concerns about bus stop seats and the inclusion of bus stops at different locations around Canberra; about their consideration of different scheduling changes and the provision of disability friendly buses; and about dog exercise areas. I talked about remedial work on the national equestrian trail in Holt to ensure the safety of users of that facility. We have looked at pedestrian crossings across many different parts of Belconnen and other parts of Canberra. And there is the provision of school bus services for Gungahlin residents, who are yet to receive any bus services, let alone school bus services.

We have made many representations on issues such as mowing. When it comes down to it, mowing is very much one of the things which represents the look and feel of the city. It seems to me that the government did drop the bundle in the last summer when it came to maintaining the urban open space in the city—so much so that they had to go and spend an extra \$1 million as an unforeseen cost because they said that with the

current budget they could not keep up with demand and therefore they had to spend more. In previous summers when it did not rain as much, we did not see huge savings being made, when they did not have to cut the lawn six times in a year or six times in a season but only had to cut it four or five times. Did we see the big savings? No, we did not. Yet, this year, when they had to go over, up to seven in a season, suddenly we saw a \$1 million cost blow-out.

That is the story of TAMS, unfortunately—that you have so many areas of core business either being neglected or where the costs are being driven up so much that it puts an unreasonable impost on the territory and taxpayers in the territory through their rates, fees, fares and charges.

MS BRESNAN (Brindabella) (9.45): My colleague Caroline Le Couteur, who is our spokesperson on TAMS, will speak on the majority of the issues, including some that Mr Coe has referred to. I will refer to or discuss two of the key areas which relate to my portfolios, in that TAMS contains both the Office of Transport and ACTION buses.

Along with transport planning, which is in the environment and sustainability directorate, the Office of Transport and ACTION are key to whether Canberra is evolving into a city based on sustainable transport. In these two outputs this year, I would say that we have had both some wins and some losses.

There are a number of positive initiatives which the Greens are very supportive of and we welcome the government's efforts in these areas. The budget progresses a number of public transport network enhancements. One of the most notable is the extension of the blue rapid 300 route from Belconnen to Kippax, along with an expansion of the Kippax park and ride. This is something that the Greens had specifically lobbied for, including through the parliamentary agreement, and I am pleased to see it being implemented. I do wonder, though, if there is a classification issue, as I recently learned, through a response to estimates questions, that the frequency between Belconnen and Kippax will be 15 minutes. It is slightly confusing to call this route the blue rapid line, as this line usually provides a five-minute frequency. Perhaps the extension to Kippax should also have a five-minute frequency.

We are also pleased to see extensions of the red rapid line through to Fyshwick, as well as a 15-minute frequency between Woden interchange and the Canberra Hospital. I hope these hospital routes are coordinated for easy connections, and I would also like to see the development of an easy, signposted walking and cycling route between Woden and the hospital. Many people may wish to walk or ride from Woden interchange to the hospital. The extensions of frequent trunk routes are very important, and more of these are required, in combination with frequent, coordinated services that link into the trunk routes. There is still considerable work to be done in this area.

One project missing from the budget is the extension of a rapid bus service into Calwell. This is an important service that has been lacking. The people of southern and western Tuggeranong need to be properly linked into the trunk public transport routes. Also I note that, in a response we received from a question on notice, the AECOM consultants, who completed the feasibility study on park and rides, have

now recommended a park and ride at Calwell. I hope that the \$1.2 million committed for park and rides in this budget includes the Calwell service.

It is good to see a number of funding initiatives around the draft strategic public transport network plan, prepared for the government by consultants in 2010. These include new bus station design studies for Barton and Dickson and a design for a city lay-over bus facility. It is also positive to see that there will now be investigation into bus stops for Adelaide Avenue and further work to implement transport corridors and transit-oriented development.

I also want to acknowledge that, through the estimates process, the government now appears to be saying that it will start providing bus services to new developments early, rather than leaving these new residents with no public transport options. The Greens have been arguing for this improvement, and we will be monitoring this closely to ensure it occurs.

While these are positive initiatives, and the Greens of course support them, we do have questions about the overall balancing of the budget in terms of sustainable transport. Transport is one of the major recipients of capital works funding. Like other recent budgets, this budget invests heavily in new infrastructure for Canberra. In fact, the expenditure for the 2011-12 financial year for new work and work in progress is estimated to be around \$824 million. That is about 15 per cent higher than the previous year's expenditure, which was also a record.

What is not increasing is the funding being put into capital infrastructure for sustainable transport. The vast majority of the transport money is still spent on business-as-usual transport spending—that is, transport initiatives that support and entrench the current patterns of travel in Canberra. As we know, these are not sustainable patterns and they need to change. The Greens raised the continuing poor results in modal shift in the Assembly just last week.

The ACIL Tasman report comments on the achievability of our 40 per cent greenhouse reduction targets. It reiterates the point that achieving the legislated reduction is a considerable challenge, particularly given the relatively short time frame. It points specifically to the need for behavioural change. What is needed to help meet this significant challenge is a correspondingly significant change in our approach to transport funding and planning. The Greens are concerned that we are not seeing this to the degree required.

What we are seeing with the proposal for a Majura freeway is an entrenching of existing unsustainable transport patterns. I have already pointed out the inaccuracy of the claim that building the Majura freeway has nothing to do with modal shift targets, and to pretend that it will not impact them, a claim that Mr Corbell made in question time last week—this is a project that has not been properly scrutinised in terms of its sustainability impacts on Canberra. Last week I put forward a motion that asked for scrutiny of some very concerning issues around the Majura freeway. The government and the Liberal Party both refused this. This is remiss of the other parties, and unjustifiable, especially considering the gravity of the issues the Greens raised and the amount of ACT taxpayers' money that the government is proposing to spend.

The government have attempted to argue that the Majura freeway is not an either/or proposition. That is, they say that they can build a Majura freeway and also make Canberra a leader in sustainable transport. There are some serious flaws with that argument. Firstly, I am sure the government knows very well that our sustainable transport outcomes depend on the balance of transport options that are provided. Building a new freeway skews our transport balance. This freeway is inextricable from issues around modal shift and greenhouse gas emissions, despite Mr Corbell's claim that they are unrelated. Prioritising sustainable transport options gives people excellent travel while also addressing the need for modal shift.

A second problem with the argument that we can build a Majura freeway and make Canberra the sustainable travel leader is the evidence of the budget itself. Obviously we only have a finite amount of money. Put hundreds of millions of dollars into a freeway, and correspondingly there is less money to use for sustainable transport. In fact, the budget makes this direct relationship quite clear. The budget estimates provide that if the Majura freeway project goes ahead, there will be only very limited funds for other new TAMS capital works initiatives in the later years of the forward estimates. In the final year of the estimates, only \$2.74 million has been allocated to other TAMS capital works projects.

There is a direct relationship between funding for the freeway and funding for potential sustainable transport initiatives. Light rail is one of these alternatives, but it is something that the government always couches in terms of high costs and limited funds. Even the most recent response from the government to my estimates questions said: "even with the possible re-staging of light rapid transit or bus rapid transit to be investigated in the Northbourne Avenue study, a project of this size would still be a considerable investment for a small jurisdiction like the ACT." That is, the government is citing cost issues even for a staged approach to light rail. The same issues exist for the Majura freeway; it is just that the government is comfortable putting money into one at the expense of another.

As I have said before, the bill that we are debating today only appropriates money for the upcoming year. So this year there is actually no money being appropriated for the freeway. We will debate that appropriation starting next year, unless something changes between now and then.

The Greens do believe that work needs to be done on the existing Majura Road, including safety upgrades. However, there are problems with the Majura freeway project as proposed. I repeat the call we made in the motion last week that the government should delay committing any funds to building a new freeway until it has engaged an independent expert in sustainable transport planning to analyse a variety of important issues that have been ignored and overlooked. These include the costs and benefits of building the proposed freeway compared to building new high-quality public transport options such as light rail; the impacts of the road in terms of induced traffic congestion, greenhouse gas emissions, transport modal shift, economic costs and the urban form of Canberra; and alternative options to a new freeway, such as targeted upgrades to the existing Majura Road intersections and choke points.

The government also needs to collect and table actual data about the amount of freight passing through urban Canberra, its origins and destinations, and the expected amount that a Majura freeway would divert. The government has no real data on this. I also point out to the Assembly that the estimates committee specifically recommended that the government provide this freight data. Yet the government and the Liberals have voted against the same request in my motion.

I would also like to make some further remarks in regard to ACTION. These are more specific comments about the operation of the actual buses as opposed to the wider planning and prioritising issues I have just raised.

One of the first issues that concerned me when I read the budget papers was the poor reliability statistics for ACTION buses. (*Second speaking period taken.*) I am sure all members know about the problems posed by poor bus reliability. People are frustrated, inconvenienced and discouraged from using buses. The budget shows that ACTION is only achieving an 83 per cent timeliness rate for its buses. As a comparison, the level of reliability achieved by New South Wales and Victorian bus services are 95 per cent and 96 per cent respectively. This does need urgent improvement.

I asked about reliability through the questions on notice process. The response stated that places such as New South Wales, with its high reliability figures, based its results on manual reporting whereas the ACT was moving to real-time reporting. The problem with this is that it is not an excuse. As Mr Corbell admitted in the actual hearing, the low reliability figures listed in the budget are also the result of manual reporting. It is only now, for the upcoming year, that the ACT is changing to real-time reporting. The ACT's low results are comparable to other jurisdictions which use the same method. These other jurisdictions are achieving considerably better results. I therefore repeat again my call for immediate action to improve public transport reliability in the ACT, which should be a priority. The people in the community deserve it, and a government committed to public transport should prioritise this.

Another reliability issue that is ongoing is the issue of bike racks on buses. We have raised this many times on behalf of the community, but we are not seeing improvements. The first problem is that the government now says that not all buses can be retrofitted to take bike racks and therefore it will not achieve the 100 per cent availability of bike racks on buses. I remind the government that on a number of occasions it promised that all ACTION buses would have bike racks.

The second problem is the lack of reliability of bike racks on buses and the lack of monitoring of this. The former minister for TAMS, Mr Stanhope, promised the Assembly that monitoring would be thorough. However, this is not occurring and the government is now saying that it does not intend to measure it. This means that bike riders using the ACTION network cannot rely on buses arriving with a bike rack even when it is scheduled to have one. That is quite a disincentive when we want to strongly encourage people to utilise bikes and buses. I note that in response to my suggestion, the government has said that it will at least consider including a budget indicator that shows the percentage of buses that have bike racks. That would be a start, and it should be done in the interest of probity.

Given the various issues I have raised, I will conclude by pointing out a particularly interesting figure. Over the four years covered in this budget, the government has allocated \$230 million for new roads, road widening, road extensions and upgrades. This is in addition to the many millions already dedicated to existing new road projects. In comparison, over four years this budget commits \$16 million to sustainable transport initiatives such as new bus stations, bus priority measures and walking and cycling infrastructure. As the Greens have said a number of times before, if we genuinely want our city to evolve as a model of sustainability, the government needs to prioritise its transport capital spending and its approach to transport planning.

MS LE COUTEUR (Molonglo) (9.58): There are a lot of things that I would like to talk to in relation to the TAMS portfolio. It is one of the most interesting and important portfolios because it does all the things that in other parts of Australia a local government does. It is a very important, very close to the people of Canberra portfolio. There are a few issues which the Greens have been pushing for years, and some of them are getting there and some of them are not as much.

Starting with some of the more positives, there is an allocation of \$1.5 million for funding for walking and cycling infrastructure, the Civic cycle loop, and cycle safety issues. I am really pleased to see that the government is finally going some way towards implementing some of the recommendations of the ACT pedestrian network report. I recently went to a meeting at which someone said it was going to cost \$50 million to fund all the walking and cycling priorities listed in the report, and I wonder how long it will take the government to do it. At this rate about 30 years—and that is far, far too long.

I note that the government, and in particular Mr Corbell, has on a number of occasions talked about the importance of building a Civic cycling loop, which has been strongly supported by Pedal Power. Many hundreds of cyclists, myself sometimes included, would benefit from this and it would make a great contribution to sustainable active travel in Canberra. I am really looking forward to the government turning this dream into reality.

Secondly, the ACT Greens welcome the government's announcement that there will finally be street level recycling bins installed in Civic as outlined in the parliamentary agreement. The allocation of \$1.65 million for a one-year street level recycling trial is good but I am very disappointed that this initiative is only a trial given that the benefits of this type of recycling should already be clear. I look forward to recycling bins being made permanent and introduced to other town centres across Canberra over coming years. We also hope that this issue will be better addressed in the government's final waste strategy when it is released, which I gather will be with everything else in the last quarter of this year.

I want to emphasise that street level recycling is a source separation approach to waste, something that the Greens strongly support, and it results in the recovery of materials which can be used for higher uses, are made more valuable, and also better engages the public in the benefits of recycling.

Despite these positives there are some areas which are simply not being addressed. Continuing on my waste and recycling theme, the ACT government in the past has been very proud of its waste recycling rates and it is distressing to see that not only has there been an increase in waste going to landfill, from 0.59 tonnes to 0.67 tonnes per capita annually, but also the proportion of waste being recycled is decreasing. A peak of 75 per cent was achieved in 2005-06, slumping to a projected 70 per cent this year, which is on par with the rate achieved back in 2003-04.

Moreover, the recovery rate was set at 75 per cent this year yet only 69 per cent is the estimated outcome. But we were informed at estimates that the 75 per cent was wrongly reported and in fact it was 69 to 70 per cent. So the trend of decrease is being planned for, with the 2011-12 targets set at only 67 per cent, being a little more than was achieved in 2001-02. We were then informed of a second mistake in this reporting when the figure was, in fact, anticipated to be 73 per cent. So I must admit to being somewhat confused about what on earth it is, except one thing is clear—the figures are not going in the right direction with realised and projected recovery rates and total amount of waste going to landfill. That is clearly, clearly, clearly going up.

We were informed during estimates that this trend was a one-off event caused by waste coming from the development of ponds at Molonglo together with growth in intractable waste such as e-waste. I hope this is the case and it is all down to the ponds in Molonglo, but I really doubt that is the case because our recovery rates have been in a constant slide so the result is not unexpected from that point of view.

On the e-waste issue, as we understand it there are options for the disposal of e-waste in the ACT that the government has simply not taken up. For example a local company, Renewable Processes, which has significantly invested in establishing an e-waste recycling facility to allow local processing and social employment, wrote to the estimates committee and reported they had received differing advice from different agencies about a potential e-waste contract with the ACT government.

Procurement Solutions did not give them any information while NOWaste was assuring Renewable Processes that they would be getting contracts awarded to them. Renewable Processes planned their business around the expected work, however twice significant contracts were instead awarded to companies which do not process locally. So the question is what is going on and what is the government's commitment to social procurement?

In contrast with what is happening in the ACT, other states in Australia continue to rapidly improve their waste recovery results and it looks like they will soon overtake us. South Australia's resource recovery rate is now up to 68 per cent. In the last year alone, while our resource recovery rate declined, Victoria's increased by 3 per cent to 64 per cent. I was dismayed to hear that the sustainable waste strategy is now estimated to be released in the fourth quarter of 2011, along with a whole heap of other sustainability policies and plans. The NOWaste strategy was reviewed in 2008, with the No Waste by 2010 strategy now expired. The yet to be released waste strategy is quite overdue. It is disappointing because for a long time the ACT was a leader in waste recovery.

I urge the government to finalise its waste strategy soon to make it a very strong and sensible strategy. The Greens did put in a lengthy submission on how to do this and start implementation. I would really like to see real action on this before the end of this parliamentary term. In Canberra we could have a third bin to collect organic materials. This was one of the parts of our submission to the government on its draft waste strategy and the Greens suggested a number of ways forward on this.

On this point, I note the proposal to increase the size of our landfill at Mugga Lane. Of course, this is the type of costly unsustainable action that we are trying to avoid by implementing a quality waste and recycling strategy. As we know, 50 per cent of Canberra's residential waste is organic. Not only would a third bin collection system go a long way towards addressing this; it would see valuable organic material reused in the most sustainable way.

One other issue I want to mention in relation to Civic and our town centres is the lack of water fountains. It is something I have pushed for a long time as I think it is essential to give people easy access to clean water when they are out and about in Canberra. It also contributes to solving of our waste problem because we will no longer buy drinks in plastic containers.

Ms Bresnan has already discussed this but I do want to note that public transport has received only limited attention in this budget. Mr Coe's speech on the subject was somewhat alarming in that his basic suggestion seemed to be to significantly and drastically reduce funding for ACTION. But for the government there seems to be a pattern of business as usual. The government talks a lot about sustainability issues but what they do is business as usual. As we have pointed out before, as Ms Bresnan has pointed out, the heroic efforts made on Majura parkway contrast quite starkly with the lack of effort being made on light rail and other sustainability measures.

I would like to point out, as I did last week in the Majura parkway debate, the previous feasibility study conducted on Northbourne Avenue. This was conducted in 2005 by the Snowy Mountains Engineering Corporation. Had it been implemented, some considerable improvements on Northbourne Avenue would in fact have already been made by now. It had a plan for building bus priority lanes and it had a plan for a dedicated space down the middle for light rail in the future. It discussed putting light rail in immediately and it was very positive about this. It also included additional space for cycling.

Now we are doing another feasibility study for basically the same thing on Northbourne Avenue. It is the same government that is doing the same study. I hope we do not have the same result—nothing. What we need is some actions. (*Second speaking period taken.*) What would be more useful than repeating the existing study on Northbourne might be to do a comparative study that compares the long-term usefulness and sustainability of different options such as building a freeway in Majura Valley with building high quality rapid transport. Ms Bresnan's motion last Wednesday pointed out that the government is proceeding with the Majura freeway despite having never done such a comparison and it voted down our motion which asked them to do so.

I remind the government and the Liberal Party that the Greens have put forward various proposals and suggestions around these items. For instance, I released an active transport plan last year. Ms Bresnan released a paper last week concerning Gungahlin and some of the transport options there. I would request both Liberal and Labor to seriously consider the recommendations. They represent some new approaches to sustainable transport which the government and the Liberal Party are currently overlooking.

I note that earlier today the government gave its response to the community gardens motions and I am very pleased that generally the words in that were very positive. But, given that the number of community grants has increased and there is clearly a lot of public interest in this subject, why did the government decline to fund a support person to help coordinate the expansion of community gardens on the basis there were not sufficient requests for community gardens?

I am pleased that the issues I have raised in my motion are being addressed but it is frustrating that the government is commissioning a study on community gardens demand and benefit when clearly there is demand and benefit. It is doubly frustrating when we know that \$40,000 goes a long way in the community sector and funding a part-time community gardens coordinator to work in the community sector would have made a huge difference on the ground. But it will not go very far if it is spent on consultants' reports. Why do we not empower the community rather than empower yet another consultant?

Looking at the IT issues with ACTION buses, because Ms Bresnan has dealt with a lot of the other issues, as an ex IT professional I was fairly concerned that BPAY took five working days to be processed. Concerns were raised about this in estimates and we did have this long and not very convincing technical explanation of the process which basically said every process took 24 hours. Obviously the ACT government has not got past the era of batch processing. I invite it to move up to the 21st century. But I am glad to see that the government's response to the estimates report is that they will start investigating BPAY processing times for payments with the intention of reducing delays. They certainly should.

Turning now to the Gungahlin shopfront, the estimates committee noted that no additional funds were allocated to the Gungahlin shopfront project in this year's budget despite the allocation of \$100,000 for a feasibility study in 2009-10. To date, \$59,000 of this has been spent with no outcome and \$41,000 has been surrendered in savings. I guess at least the \$41,000 surrendered was a positive outcome.

The estimates committee recommended that the ACT government provide a timetable to the Legislative Assembly for the provision of government shopfront services for the Gungahlin region by December 2011. This was, as Mr Coe so rightly pointed out, part of the Labor-Greens parliamentary agreement to establish a government shopfront in Gungahlin by 2009 and to ensure that shopfront services in Civic are adequate to service community needs. It is very disappointing that the government has not done this. These are not hard; they could do it.

I am going to move to a slightly harder issue but one that nonetheless needs work—lighting in the city and other places. I was pleased to see the government's response to the estimates report is examining how much it would cost to bring all of Civic up to current lighting standards in order to meet the government's commitment to action 13 of the ACT Government Climate Change Action Plan. I was quite disturbed to find that the current funding will lead to only 35 per cent of the city's area meeting current safety standards. These standards are aimed at assisting crime prevention and public safety, and this really does not seem a very tenable situation to put Canberra citygoers in.

Again, the small amount of funding for community paths is pleasing but it is disappointing to see how far this funding does not go. There are huge tracts of community paths across Canberra which are either significantly under-lit or not lit at all and particularly for bike riders in the winter, when if you are going home by bike after work you are going home in the dark, it is a significant impediment. The lack of adequate lighting is a significant impediment for people who want to walk home or use public transport.

The next thing I would like to talk about is the RSPCA. Government funding for RSPCA does not appear to be adequate to cope with the demand for their services. The government, I understand, is in some discussion with the RSPCA but the discussion has not reached a positive outcome and the RSPCA is struggling. From the questions that we asked of the RSPCA it seems clear that this is likely to end up with the number of euthanased animals in the ACT increasing. That is very concerning. The other thing that is concerning is that the RSPCA clearly needs new premises. Apart from anything else, north Weston is encroaching and the government has still declined to commit to any site or any money for these and this is becoming more and more urgent.

While we are still on the animal issue, where is our cat containment policy at? I understand the government is doing survey work—and this is surveying people, I should point out; it is not surveying cats or wildlife—to determine what its policy should be, but I think it is a little bit disturbing to find out that the policy is determined by the surveys of people not by an ecological basis. That seems to be how, unfortunately, the Labor Party is doing policy development process. It is a method of policy development which I think most people would agree needs to be improved.

In summary TAMS has good and bad and I look forward to next year. Hopefully there will be more good—more sustainable transport, one of my passions—and less bad.

DR BOURKE (Ginninderra) (10.16): I would like to congratulate the government on an important but small initiative. It is an exciting initiative for small people—I refer to the \$1.2 million that has been allocated for play space renewals. I would like to particularly talk about the Ashburton Circuit playground in Kaleen, in my electorate. After consultation with local residents and schools, Mr Corbell listened to the community on what they would like to see in these play spaces. What they have put in there are some fantastic things, and I just want to share them with the Assembly for a few minutes. The most exciting thing, I think, is the speed gyro—a small wheeled

thing that spins on the ground and I think you can almost imagine the squeals of happy children, squealing as they go around and around.

Mr Hanson: Is this an adjournment speech; have we gone to adjournment?

DR BOURKE: I am congratulating the government on an initiative in the budget—playgrounds, TAMS. But there is not just the speed gyro; there is also a double swing and a diablo play unit.

Mr Hanson: What is that?

DR BOURKE: There is a picture here; it is on the website. You can look it up, it is all there. So, once again, I congratulate the government.

MR HANSON (Molonglo) (10.18): I would like to make comments in this budget item on two issues. One is the planned changes to Streeton Drive, and the other is the new toilets proposed for the Campbell shops. These are two issues that are small, but I think they are important and I am glad that the government is delivering on them—although I will wait to see what they deliver and when before I pass a final judgment; probably not with the same enthusiasm that Dr Bourke has, because both of these issues have taken a significant amount of effort from the community and from the opposition to actually motivate the government to do anything about them.

The first issue is Streeton Drive south of Hindmarsh, where the community in that place, led by Nick Van Den Berg, had been concerned with the speed at which traffic has been moving down that road. It is a residential street and the speed limit is supposed to be 60 kilometres an hour but many vehicles have sped along there at significantly greater speeds, and for several years Nick and other members of the community have been trying to get the government to put some measures in place on that road to prevent traffic from speeding. It has been a hard fought battle and I would like to thank Mr Coe for the support that he has provided my office as well.

We have put that representation to the government, and there is a line item in the budget, “Implementation of road and traffic management improvements on Streeton Drive, Weston.” So I, and the community, eagerly await what the government will be doing there, but I do think that that is a good measure and we will just wait to see what the detail is.

The other issue that I want to speak about is toilets at the Campbell shops. This issue first came to my attention as a candidate in 2008 at the Campbell shops, where I was approached by many people, particularly elderly people, who were concerned that they would like to walk to those shops, which they do to get their daily exercise, and walk home. But the issue of not having a public toilet was a real concern to them because the time that they were away from home for many elderly people meant that they then did not have access to toilet facilities.

The owners of Hello Cafe, Barney and Ruby De Andrade, have also raised their concerns. They very generously allow many people in the community to use the toilet facilities in their cafe, but of course that causes them significant inconvenience and

really is not the purpose of their toilets, which are there principally for people using their cafe. But I would like to commend Barney and Ruby for generously continuing to allow members of the community, particularly the elderly, to use their facilities. I do welcome those initiatives from the government, and I will continue to advocate to make sure that the government now delivers on those promises.

MR RATTENBURY (Molonglo) (10.21): I would like to particularly focus on the land management component of the Directorate of Territory and Municipal Services. Our parks and reserves have had a bit of time in the sun this year in terms of both profile and public discussion. This can only be a good thing, because I sometimes think that these areas of the ACT, which make up some 54 per cent of the territory, are often a bit neglected, including by those in this place. Perhaps that is fair enough, as there are many other issues on the table, but it is pleasing that the state of our nature parks and national parks has seen some of the spotlight in the last 12 months.

Unfortunately, when we do focus on our parks and reserves it is not always a positive conversation. But it is important, in spite of everything, to acknowledge both the good work done by staff at TAMS in managing our reserve areas and the contribution made by the public, including the many park care volunteers who spend hundreds of hours weeding, replanting and generally caring for our reserve areas.

I am always struck by how many Canberra residents appreciate and enjoy the fabulous ambience of this city as it is embedded around our reserves. While nearly all Canberrans, I am sure, would appreciate how lucky we are to share in this beautiful landscape, I know that many Canberrans do not actually spend much time in the reserves close up. I am guessing this because I know that if they did we would be getting even more emails than we already do about how run down our reserves are; how some of them are losing the battle against weeds and feral animals; and how many of them are suffering from misuse by different recreational users. Funnily enough, we often receive this feedback from those who care about our natural landscapes and who understand the difference between a well-managed area and one that is not well-managed.

I believe from everything that I have heard about submissions and discussions that the imminent report from the commissioner for the environment's investigation into Canberra nature parks will address some of these challenges. The Greens are very much looking forward to the release of the report, as hopefully it will provide some thoughtful insights about how we might be able to deal with some of these challenges in a way that is efficient, delivers good outcomes, and maximises the enthusiasm and engagement of the community.

However, I do think we need to be mindful of the challenge that exists for the ACT. The reserve areas, combined with Namadgi, do make up a large proportion of the territory, and we are trying to support those areas with good-quality management off a relatively low population base. Given that reserve management can be a little bit "out of mind, out of sight", it is not surprising that we do not always find the resources that we need. The former Chief Minister, Mr Stanhope, once said that the management of our reserve areas came "at a very, very significant cost". Sometimes it is difficult to calculate exactly what that cost is, particularly given the lack of information in some

of the budget papers. But perhaps more importantly, we need to find out, firstly, if the money allocated needs to be increased and, secondly, whether the resources that we do put towards our parks can be used in a more effective way by changing our management. In many ways I think that is what we are looking to the commissioner for the environment to give us some sense of.

One thing that has happened this year is that the operational plans for both weeds and vertebrate pest management have been made public. For the first time since I have been in this place, I can tell you that the ACT proposed to spend \$177,000 on the management of pest species and \$1.2 million on the management of weeds. It is a shame that we had to repeatedly ask to get this information. Up until this, each year we have had new funding announced, such as the \$190,000 for rabbit management in the 2009 budget, not knowing the backdrop of the current funding against which this sat.

What is most interesting about both the operational management plans is that they both intrinsically acknowledge that there is not enough funding for either weeds or feral animals. I appreciate that there is some argument that funding for weed and feral animal control could be seen as a bottomless pit, but these plans explicitly acknowledge that high-priority management cannot be undertaken due to a lack of funds. Perhaps this is why the former minister was a bit shy about handing information over. I am pleased that we can at last see some of the basic information that tells us what work is being done, how much it costs and what cannot be done and is honest about how much we are underfunding our parks management on these fronts.

I note that the estimates committee report recommends that this happens every year. I think that this would be a welcome addition to the transparency around the management of reserve areas, and I hope that the government responds positively to that recommendation and makes these plans easily accessible on the TAMS website. It is an area of great concern to the community, and I think that they would be reassured to see these plans so that they can check whether their local area will be targeted for work on weeds and feral animals and when this is likely to happen. I think it is also useful for the public to see the large amounts of work that are undertaken by PCL staff, and see that reflected in the reports. It is not inconsiderable, and it is clear that PCL are doing their absolute best with the money that they do have.

Focusing specifically on weeds, what the weeds operational plan told us this year was that there were high-priority projects around the city that were going unfunded to the tune of about \$614,000. This is quite a significant amount, and there were quite a number of projects that were tagged to be held over to the next financial year.

On that note of weed management, it was pleasing to see that there was an extra \$500,000 a year put into weed management over the next four years in this budget. As per usual, it is hard to see if this will actually increase the level of annual weed funding to where it should be to meet all of the shortfalls in the operational plan or whether this will simply keep the funding levels on a par with the year just gone. I guess that when we see this year's operational plan come out, we will be able to judge that more effectively.

Can I just say at this point that it is important, now that we have seen these operational plans made public, that they are not sanitised for public consumption. I would hate to see the departmental staff under pressure to change the wording in the plans to make the plans more politically acceptable. If we are having trouble meeting the demands of pest and weed management, then let us make sure we all understand that fully. The refreshing thing about reading these operational plans was how useful they were in getting a sense of what the actual challenges are that we are facing. I do not think that it is a bad thing for us here in the Assembly to share that knowledge and also to share that responsibility.

Going specifically to pest animals, there was some real honesty in the vertebrate pest operational plan for 2010-11 as well. Concerns that have been raised with us about the rabbit eradication programs were confirmed, with the plan saying that follow-up was urgent to avoid losing the gains that were made with extra funding the year before at places such as Mount Painter. It becomes apparent that funding needed to be shifted away from management of other species so as to fund follow-up programs for rabbits so that pre-breeding levels of rabbits could be contained.

So it is good to see specific ongoing funding for rabbits in this year's budget—half a million dollars over three years. I can only assume that this came out of a realisation that shifting money away from other pest species programs was not such a good idea. I am concerned that, because of the wet season we have just experienced, rabbit problems may be exacerbated this year and the extra funding might be stretched. Again we will look forward to seeing the operational plan for vertebrate pests this year so that we can see the context for that additional funding.

Sadly, there still has not been any specific allocation for funding the management of wasps in Namadgi. I doubt that they count as vertebrate pests, so they would not make it into the pages of that operational plan. But wasp eradication is an issue that has been on the minds of the National Parks Association for some years, and I would be very surprised if the concerns that they are causing are diminishing. In 2008 the former minister, Jon Stanhope, indicated that he was happy to consider a budget request in the next budget. I would be interested to know if the department has done any extra thinking on this since that time, and whether there are any reasons, apart from a lack of money, why this concern has not been addressed.

I would now like to touch on personnel issues in this area. The number of rangers has been quite an issue this year. At last we have received some consistent figures from the department about the base level of rangers. I have to say that, as always, we do wonder why, in responding to questions on notice about these issues, the departments cannot be just a little more forthcoming the first time around. It has taken two years to confirm that the base number of rangers is 37, and that any additional on top of this is due to program spending. Yet in the 2009-10 budget the government proudly announced three additional ranger positions in 2009, one for Tidbinbilla, one for Canberra Nature Park and one for Mulligans Flat. At that time there was no indication that they were not going to be permanent.

Irrespective of that, there have been repeated indicators that morale is low in the parks service. It should not surprise the government that word gets around. Canberra is a

small town and the community works closely with our parks staff and often shares values and ideals with our parks staff inasmuch as they all want the best outcomes for our parks. So it is no surprise that, when morale is low, people get to hear about it. The anecdotal stories we hear are that the parks staff are struggling to support the programs and park care groups.

Mrs Dunne, should I take my second 10 minutes or are we going to stop now?

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Rattenbury, it being 10.30, I think this was the agreed time for adjournment.

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

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Australian Hotels Association awards

MR COE (Ginninderra) (10.33): I rise this evening to put on the record my support for and congratulations to the Australian Hotels Association, ACT branch and the nominees and winners at the awards dinner which was held last night at Rydges Lakeside. I believe that every member of the opposition was there in support of the event, including Mr Seselja, Mr Smyth, Mr Hanson, Mrs Dunne, Mr Doszpot and, of course, myself. Mr Barr and Mr Rattenbury were also in attendance.

I would like to acknowledge the winners of the awards. They include the John Press award, which was sponsored by Lion Nathan. The winner was Nicole Miladinovic from Mooseheads Bar and Nightclub. The member of the year was sponsored by Carlton and United Breweries, and Mark Sproat from the Brassey of Canberra took out that award.

The president's award was won by Steven Fanner, the former general manager of the AHA, ACT branch. Best cafe-restaurant was won by Taze Mediterranean Cuisine. Best family restaurant, sponsored by Schweppes, was won by Belluci's Woden and the best restaurant, sponsored by Carlton and United Breweries, was won by Italian and Sons, with Pistachio Dining in Torrens being highly commended.

The best pub-bistro was sponsored by Lion Nathan, and the winner was Ha Ha Bar in the electorate of Ginninderra. The best wine list was sponsored by Treasury Wine Estates, and the winner was the Flint Dining Room and Bar. Best bar presentation and service was sponsored by Lion Nathan, and the winner was the Kennedy Room.

The best cocktail bar was sponsored by Diago, and the winner was Knightsbridge Penthouse. Best local was sponsored by Carlton and United Breweries, and the winner was Edgars Inn. The best new-redeveloped venue, general division, was sponsored by Coordinate, and the winner was the George Harcourt Inn, also in the electorate of Ginninderra.

The best outdoor entertainment area was sponsored by British American Tobacco, and the winner was the Hotel Realm. The best late night entertainment venue was sponsored by APRA, and the winner was Meche Nightclub. The best live entertainment venue was sponsored by APRA, and the winner was King O'Malley's. The best sporting entertainment area was sponsored by Fox Sports Venues, and the winner was Olims Hotel Canberra. The best deluxe accommodation, an award I had the privilege of presenting, was won by the Hyatt Hotel Canberra. The best superior accommodation was sponsored by Meyer Vandenberg, and the winner was the Diamant Hotel Canberra.

The best mid-range accommodation was sponsored by Capital Linen Service, and the winner was the Hotel Heritage with the Country Comfort Greenway Hotel being highly commended. The best suite or apartment hotel was sponsored by Customer Consultants, and the winner was the Quality Suites Clifton on Northbourne. The best hotel bar was sponsored by Carlton and United Breweries, and the winner was the Hotel Realm. The best hotel restaurant was sponsored by Lion Nathan, and the winner was the Locanda Italian Steakhouse at the Rydges Lakeside Canberra.

The best marketed hotel was sponsored by Australian Capital Tourism, and the winner was the Diamant Hotel Canberra. The best events and meetings hotel was sponsored by the Canberra Institute of Technology, with the winner being the Hyatt Hotel Canberra. The best new-redeveloped venue, accommodation division, was sponsored by Coordinate, and the Brassey of Canberra took out that award. Best environmental practice was sponsored by ActewAGL, and the winner of that award was the Crown Plaza Canberra. The best front-of-house employee was sponsored by HOSTPLUS and the winner was John Sanova from the Hyatt Hotel Canberra.

The best restaurant service employee was sponsored by HOSTPLUS, and that award was taken out by Tyron Zappia from the Artisan Restaurant. The best restaurant cookery employee was sponsored by HOSTPLUS, and the winner was Aaron Cook at the George Harcourt Inn, also in the electorate of Ginninderra. The best apprentice chef was sponsored by HOSTPLUS, and the winner was Hayley Kremmer at the Hotel Realm.

I would like to commend all those involved with putting on last night's show, including the MC for the evening, Ross Solly, all the awards presenters and also the leadership of the AHA, including Michael Capezio, who is the president, Manny Notaras, who is the vice-president, and Mark Sproat, Peter Barclay, Josh Gray, Matthew Young and Alan Lees.

I would also like to put on the record my thanks to Steven Fanner for the great role he played at the AHA over a number of years as the general manager. I congratulate him for the president's award, which he won last night. I also offer my support to Gwyn Rees as he continues on as the new general manager of the ACT branch of the AHA. He is doing a great job, and that was seen in the success of last night's event.

Once again, I congratulate all the winners of the awards at the AHA hospitality awards 2011, and I wish them all the best for the year ahead.

Diamant Hotel Canberra Services Club

MS LE COUTEUR (Molonglo) (10.36): Together with my Green colleagues, I was very saddened to hear about and see the pictures of the significant damage caused by fire last week at the heritage-listed Diamant Hotel. This historical building, originally known as Hotel Acton, was built in 1927 to accommodate some of Canberra's earliest VIPs. It was an important heritage asset amongst the handful of buildings remaining from Canberra's past and although it has changed its name and roles over the years, its original federal capital style had remained unchanged. Its most recent use was as part of the new Acton pavilion complex developed by the Efkarpidis family.

The news of the damage caused to the building was very upsetting. This is an additional blow to Canberra's heritage, following the loss of the Canberra Services Club also by fire only a few months ago. I am very delighted to hear that the owners of the Diamant Hotel have pledged to restore the building as it was and I commend the careful and creative conservation efforts the Efkarpidis family have made in relation to this building as part of their recent development of this precinct. I have no doubt about their capacity and stated commitment to restore this building in the wake of the tragedy.

I do hope the Canberra Services Club and their building receive the same interest and support, because it also is a significant historical building. It was originally built in 1941, to provide a social space for World War II soldiers who were visiting Canberra. The club has lived on in this capacity and continued to provide an important social gathering place for former and current military personnel. It also has provided an important meeting space. I have been to a number of meetings there, including most recently an Inner South Community Council meeting there.

Preservation of Canberra's remaining building heritage is important. We have some lovely old landmark buildings. In a relatively modern and fast growing city like Canberra, their retention or their sympathetic accommodation into an emerging cityscape is important, not just for us but even more so for generations to come.

I should add a third building, the old shed at Tralee in Hume, where about 30 slabs of timber on one wall have been stolen and the building significantly degraded. We do run the risk of losing a lot of our significant heritage. Yes, I am very saddened by the two heritage fires in two months.

Bosom Buddies

MR HANSON (Molonglo) (10.39): I speak tonight about Bosom Buddies ACT and the hat hat hooray competition. The hat hat hooray competition was the brainchild of Marisa Gerussi from Bosom Buddies, as well as Sally Saunders and Kate Darcy, who have been helping her with that, and the other committee members who have been supporting this initiative, which is running in its second year.

The hat hat hooray competition emerged because many women continued, through their breast cancer treatment, with hair loss; and they looked for appropriate headwear

or hair gear. The idea evolved to do four things—firstly, to involve the community in making great headgear that would give comfort, joy and happiness to the wearer; secondly, to give those who participate an opportunity to contribute something tangible; thirdly, to raise the awareness of Bosom Buddies ACT across the community, and what it does and how it helps those undergoing treatment, to extend the Bosom Buddies message to the community; and fourthly, to raise much-needed funds to help Bosom Buddies ACT and its volunteers to continue to work with people with breast cancer and their families and supporters.

In this second year it was agreed that Bosom Buddies would expand the idea, so they came up with the idea of having Bosom Buddies ambassadors who would lend their support to the hat competition and take up the challenge of decorating a hat that would then be auctioned off in September. The ambassadors for this year are Annette Ellis—I would like to recognise her great support of Bosom Buddies—Gai Brodtmann MP, Alex Sloan from 666, John and Pauline Runko of the Independent Property Group, and me.

The competition calls on everybody to create a hat to help local women with breast cancer and invites all Canberrans to make something that is comfortable for people to wear. There are entry levels for students, novices and professionals. I think I would be at the novice end. And there are three categories. There is fun, humorous and whimsical; there is funky, edgy and sporty—that would be your category, I am sure, Minister Barr.

Mr Barr: All of the above.

MR HANSON: All of the above. And, thirdly, there is fashion and stylish, which would certainly befit Mr Coe.

The hat can be decorated, knitted, felted, sewn or woven, but it must be comfortable to wear, in consideration for those who have lost their hair. The entries close on 12 September, and awards will be announced at the handmade market event on 1 and 2 October.

I did not bring down with me the hat that I am required to decorate, because props are not allowed; but those of you who are in receipt of my newsletter will note that it is one of the lead items, and there is a photo of the said hat that I will be decorating. Should any of the members here have any suggestions as to how I could decorate the hat, that would be greatly appreciated. The hats will be judged by a panel of judges and—

Mr Barr interjecting—

MR SPEAKER: Thank you, Mr Barr; that is enough.

MR HANSON: The awards will be for the most imaginative and comfortable headwear in each of the three categories. They will receive a Bosom Buddies ACT award. It is very doubtful that I will be receiving that award, despite my best efforts. The judges will be Penny Boyer, Education Manager, Creative Industries Centre, CIT; Cynthia Bryson, who is an eminent Canberra milliner and a teacher at CIT; and Sue

Owen, who is the president of HeadsUp. HeadsUp at Calvary hospital provides wigs and hats for those who have lost their hair. That is another great organisation.

To all of those in Bosom Buddies and all of the people that are making hats for the hat hat hooray competition, good luck. I look forward to being there in September and looking at all the hats that have been decorated.

Brindabella Christian College
Australian Hotel Association awards
Diamant Hotel

MR DOSZPOT (Brindabella) (10.43): I had the privilege of attending two vastly different functions yesterday. The first one was midmorning when I attended a celebration of the official opening of the Brindabella Christian College early learning centre and leadership and learning centre. I would particularly like to congratulate Brindabella Christian College for the interesting building. The innovative building was superbly managed by the director of the college, Greg Zwajgenberg.

What was very interesting and heartening to note was the fact that the three wings of this new building that was dedicated were named after long-serving teachers. So it was good to see recognition given to people who have dedicated a lot of their life to establishment and the success that Brindabella Christian College has achieved. I will name the three individuals. Miss Ann Ross, Mrs Margaret Sargeant and Mrs Lynn Peatling were the three individuals who were honoured by having the three separate wings of this new building named after them.

The whole official ceremony was very touching, as usual. The opening song was by the junior school choir. The song, composed by Sandy Patti, was *Open for Business*, which was very appropriate. There was a very warm welcome given by student leader Shane Zwajgenberg to all the guests at the opening ceremony. The opening prayer was given by college captain Josephine Mitchell. There was a Bible reading from college captain Amos Findlay and the vocal ensemble sang *Adiemus*, composed by Karl Jenkins.

The principal's address from Mrs Elizabeth Hutton was, as usual, very inspirational and I congratulate Mrs Hutton for the way that the school has progressed under her care. There was also a very motivational effort by all of the staff when they sang the song *How Great is Our God*. Inspirational is the best way I can describe it. It was a very inspirational performance by the staff of the college who certainly showed their enthusiasm and dedication to their task.

The building was opened by Dr Chris Bourke who is a newcomer to our Assembly but seems to be getting some of the major gigs from his party, and it was good to see him perform his first official function there. Then there was the cutting of the cake by Mrs Margaret Sargeant, Miss Ann Ross and Mrs Lynn Peatling, the people whom I mentioned were the officially honoured individuals who had the separate wings of the college named after them. Then there was the closing prayer by college vice captain, Christian Chung, and the whole college sang a number of songs on the way out. It was a very interesting morning and a very good way of spending a couple of hours in a very inspirational college.

In the evening I attended a function that Mr Coe has already covered in great detail but I just want to touch upon two aspects of the presentations that were made at the AHA dinner. Mark Sproat was last night recognised as the Australian Hotels Association's ACT member of the year. Mr Sproat is the general manager of the Brassey of Canberra and the AHA accommodation division president. He is an old friend and I was very proud to see him honoured in such a fine fashion last night.

There was also a recognition of the outgoing general manager of the AHA ACT branch, Steven Fanner. Mr Fanner was the recipient of the president's award, which was presented by the ACT president, Michael Capezio. The award recognises an individual who has made an outstanding contribution to tourism and hospitality in the industry in the ACT. Steven Fanner certainly deserves that.

While it is a competitive environment and obviously people compete for the various prizes, I thought it was very interesting the way that most of the people, while competing, also found time to recognise, I guess, the issues that face the Diamant Hotel of Canberra. Mauritis De Graeff was given a lot of support by all the people present. The Flint Dining Room and Bar at new Acton suffered fire damage in the restaurant. It won an award. Obviously the award was a bittersweet victory for Grant and his team as they worked hard to put their restaurant amongst the best in Canberra. So I congratulate them in particular from last night.

Cranleigh school

MRS DUNNE (Ginninderra) (10.49): I would like to pay tribute to the parents and citizens association of Cranleigh school who put on a quiz night last night. This is the second year in a row that I have attended the Cranleigh quiz night, and I have to say that my team is going to have to do better because we were a long way down the field. It was a great night and it was much better attended than last year when we had about 100 people. This year there were close to 200 people at an extraordinarily well organised quiz night, which was ably emceed by 666's Greg Bayliss. There was a strong musical theme and people were invited to come along dressed as their favourite singer or band. Luckily, no-one told me that, because I then did not have the anxiety of thinking about whether I should go in fancy dress or not.

Mr Coe: Who might you have gone as, Mrs Dunne?

MRS DUNNE: I did not even think about that. But there was a strong preponderance of Wiggles—I think the entire Wiggles team was there. Dorothy the Dinosaur was beautifully decked out. The lady who went as Dorothy won the best dressed on the night. I want to pay tribute to the extraordinary principal of Cranleigh school, Karin Westelaar, who does a fabulous job and is so well regarded by the whole school community.

One of the highlights of the evening was one of those dreadful things that you have to do at a quiz night where they give you a pile of paper and bits and pieces and say, "Make something out of it." You had to turn one of your team members into a rock star of some sort. The winner was the lady who was dressed as the Pointer Sisters, and

I am sure that there will be photos on the Cranleigh webpage at some stage which will make that reference more obvious.

Coming up for Cranleigh, of course, is their annual art show between 21 and 23 October. It is sponsored by Capital Chemist and it is a major fundraiser for Cranleigh. I put on the record that, again, this year I shall be selling raffle tickets for the major art prize which is part of the fundraising. I will be writing to all members telling them about the prizes and how they can get the tickets from my office.

In conclusion, I want to pass on my thanks to Greg Bayliss for a great night emceeing, to Karin Westelaar and to Anne Dunstan, the president of the P&C Association, for a great night which was hugely successful. It was fun to be there, but it also raised a great deal of money for a great cause.

Question resolved in the affirmative.

The Assembly adjourned at 10.53 pm.

Schedules of amendments

Schedule 1

Gaming Machine (Club Governance) Amendment Bill 2011

Amendments moved by the Minister for Economic Development

1

Clause 2 (1)

Page 2, line 6—

after
commences
insert
, or is taken to have commenced,

2

Clause 18

Proposed new section 147B (1)

Page 9, line 2—

after
satisfied
insert
on reasonable grounds

3

Clause 18

Proposed new section 147C (1) (b)

Page 9, line 20—

after
satisfied
insert
on reasonable grounds

Schedule 2

Gaming Machine (Club Governance) Amendment Bill 2011

Amendments moved by Mr Smyth

1

Clause 9

Proposed new section 53B

Page 5, line 7—

omit

Schedule 3**Gaming Machine (Club Governance) Amendment Bill 2011**Amendments moved by Ms Hunter**3****Clause 22****Section 164 (3), definition of contribution, proposed new paragraph (b) (xvi)****Page 11, line 20—***omit*

, other than a payment required under section 163A (1) (Required payment to problem gambling assistance fund)

Schedule 4**Appropriation Bill 2011-2012**Amendments moved by the Treasurer**2****Schedule 1, part 1.4****Page 6—***omit schedule 1, part 1.4, substitute*

Part 1.4				
Chief Minister and Cabinet Directorate	Chief Minister and Cabinet Directorate	27 082 000	3 000 000	30 082 000