



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

17 AUGUST 2011

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Wednesday, 17 August 2011

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**Legislative Assembly—unparliamentary language
Statement by Speaker**

MR SPEAKER: Members, yesterday afternoon Mrs Dunne took a point of order concerning remarks made by the Assistant Speaker whilst in the chair towards Mr Smyth. The Assistant Speaker asked me to review *Hansard* in relation to his comments.

In a series of comments between Mr Smyth and the Assistant Speaker, the Assistant Speaker stated, “I do not believe you, Mr Smyth, but you can continue anyway.” Standing orders, of course, require that members should not use offensive words against any member or the judiciary. Standing orders also stipulate that imputations of improper motives and all personal reflections on members should be considered highly disorderly.

Having considered the matter and taking into account the context and tone of the remarks, I do not believe that the comments made contain imputation or offensive words. From time to time there is an element of what can be termed banter that occurs in the chamber and I consider that the remarks made between both Mr Smyth and the Assistant Speaker fall into that category. Nonetheless, the incident is a reminder to all occupants of the chair to be careful in what comments they make from the chair.

Mrs Dunne: Mr Speaker, can I speak on your ruling?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE (Ginninderra): I wrote to you also about this incident and I did make the point that there had been light-hearted exchanges but the trouble is that *Hansard* does not record the levity or whatever; it only records the words. It does not record the emotion at the time. I think on that, I would ask you to reflect on the impact that that has on the record, which is a written record.

MR SPEAKER: Thank you, Mrs Dunne. We will now move to petitions.

Petitions

The following petition was lodged for presentation, by Mr Doszpot, from 3,744 residents:

Planning—Erindale—petition No 125

**TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE
ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY**

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

Residents and others using the Erindale shopping precinct, particularly the businesses and facilities on both sides of Gartside Street, have over the past 12 months lost 52 car spaces due to recent and current developments. This and the associated traffic flow issues are having a significant impact on these businesses and their customers.

Current developments in Gartside Street will only exacerbate the situation, as will many proposals in the ACT Land and Planning Authority Masterplan for the precinct.

The business owners and their customers are becoming increasingly concerned about the safety risks with drivers competing for limited parking spots and people forced to cross Gartside Street at peak periods.

Your petitions therefore request the Assembly to:

Urgently request the Government to consult with the residents and business owners in the Erindale shopping precinct with the view to reassessing its current planning arrangements for the precinct and further, to opening up more parking spaces on available vacant land adjacent to the current businesses.

Ministerial responses

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

By **Ms Burch**, Minister for the Arts, dated 28 July 2011, in response to a petition lodged by Ms Le Couteur on 30 June 2011 concerning the future use of the Fitters Workshop in Kingston.

By **Ms Burch**, Acting Minister for Territory and Municipal Services, in response to a petition lodged by Ms Bresnan on 21 June 2011 concerning the establishment of a library in the Lanyon Valley.

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

Fitters Workshop—petition No 124

The response read as follows:

The ACT Government notes the petition by the petitioners, tabled by Ms Caroline Le Couteur MLA on 30 June 2011, and makes the following comments:

The ACT Government notes the concerns of some members of the music sector.

However, the ACT Government made a decision in 2009 that the Fitters' Workshop would be the new home for Megalo Print Studio and Gallery. Use of the Fitters' Workshop for this purpose is in keeping with the ACT Government's *Arts Facilities Strategy*, developed in 2003, which identifies Kingston Foreshore

as “leading visual arts production and activity”. The recently released *Kingston Arts Precinct Strategy* by Susan Conroy supports the use of the heritage workshop on a daily basis.

Canberra already has a variety of high quality music venues including the Albert Hall and Llewellyn Hall. The Government has recently made considerable investment in refurbishing the Albert Hall and the Australian National University has also upgraded the Llewellyn Hall rehearsal room as an intimate performance space.

In that context, the ACT Government has no intention to reverse the decision to relocate Megalo Print Studio and Gallery to the Fitters’ Workshop.

Lanyon Valley—library—petition No 118

The response read as follows:

The ACT Government notes the petition submitted by the petitioners, tabled by Ms Amanda Bresnan MLA on 21 June 2011 and makes the following comments:

- The people of the Tuggeranong and Lanyon Valleys have access to two public libraries, the Tuggeranong and Erindale Libraries.
- These libraries offer a full range of services including story time, giggle and wiggle for early language development, community learning programs, internet computers and wifi.
- These libraries have collections of approximately 70,000 items each, providing the people of this region with a total of 140,000 items as well as the online request system for items in other libraries across Canberra. These libraries hold materials in all formats such as books, magazines, DVDs and talking books.
- Both Tuggeranong and Erindale Libraries are close to retail and service areas and residents are able to make multipurpose trips to maximise convenience and reduce environmental pollution.
- The Mobile Library currently visits the Lanyon Shops, Tharwa and the Tuggeranong Homestead adjacent to Calwell, further extending access to library services in the region.

Planning—Erindale—petition No 125

MR DOSZPOT (Brindabella), by leave: Mr Speaker, this petition, signed by 3,744 residents from Erindale and the wider Australian Capital Territory, raises some urgent issues by residents and others who use the Erindale shopping precinct, in particular Gartside and Comrie Streets in Erindale and Wanniassa. Businesses in these areas have been trying to get attention for years to the drastic shortage of car parking space available to their customers. The final straw for these traders and the community was the fact that due to current developments the area lost in excess of 52 car parking spaces and the new business development will also add to the traffic congestion and car parking problems that already exist.

These issues and the proposed park and ride plans and the associated traffic flow issues and parking issues are all having a significant impact on these businesses and their customers. These issues are further complicated as the overflow parking has also impacted on the Erindale shopping centre where I understand recent studies indicated that one-third of all customers are going on to nearby shopping centres because of congestion and scarcity of parking.

The business owners and their customers are also concerned about the safety risks with drivers competing for limited parking spots. This has led to many minor incidents that many fear may eventually lead to a physical altercation. There is also a growing concern for the safety of families as they try to cross the, at times, severely congested Gartside Street, especially during peak periods.

The petition requests the ACT government to consult with the residents and the business owners in the Erindale shopping precinct with the view to reassessing its current planning arrangements to provide more parking spaces on available vacant land adjacent to the current businesses and to look at this happening in the shortest period of time.

I would like to pay tribute to the energy and planning by the concerned traders and business community of the Erindale precinct and the residents of Tuggeranong and the surrounding ACT community that has given such strong support to these urgent issues—in particular Mr Bob Weight, Sukru Kocak, Mr Phil Price, Mr Chris Maley, Ms Megan Ryre, Ms Ann-Marie Tine, Jayde Murphy, Yvonne Hutchinson, Daniel Munk, Ben Stockridge and Anton Lumbaca, as well as community representative and Wanniasa resident Bill Heins, who volunteered his services to assist the traders.

I commend this petition to the Assembly and congratulate the community on their enterprise. A legacy spin-off from this petition is the development of a very strong community group to emerge from amongst Erindale traders, whether it is the staff at Goodberrys, the owners of Lucky Price Asian Grocery, the Turkish Grill, the Southern Canberra Gymnastics Club, McDonald's, the Vikings Car Wash, the local hairdressing salons and the Vikings Erindale Club. All have come together for a community purpose and that is very encouraging for future growth and community and retail promotion of Tuggeranong. I commend the petition to the Assembly.

Justice and Community Safety—Standing Committee Scrutiny report 40

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 40, dated 11 August 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 40 contains the committee's comments on 13 bills, 20 pieces of subordinate legislation, eight government responses and one private member's response. The report was circulated to members when the Assembly was not sitting and I commend the report to the Assembly.

Public Accounts—Standing Committee Report 17

MS LE COUTEUR (Molonglo) (10.10): I present the following report:

Public Accounts—Standing Committee—Report 17—*Review of Auditor-General's Report No 7 of 2010: Management of Feedback and Complaints*, dated 9 August 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Complaints and feedback is obviously a very relevant topic and I note that standing on the notice paper today, item No 5, Ms Hunter has a motion basically on this subject. First-off, I would like, as usual, to thank the committee secretary, Dr Andrea Cullen, ably assisted, as always, by Lydia Chung. I thank my fellow committee members, Mr Hargreaves and Mr Smyth, who may both be talking on this because it is an important subject. Given that we are going to be talking more substantively about complaints and feedback when we discuss Ms Hunter's motion, I will go briefly to recommendation 1:

The Committee recommends that the ACT Government develop and publish a whole-of-government policy for the management of feedback and complaints.

This is because feedback and complaints are important. Everyone has the right to expect decent service from the public service. Everyone has the right to expect that if things go wrong or are not what they expected or in some way the interaction was not successful from their point of view, something will happen and customers' complaints will be dealt with appropriately.

Sitting here, we all know this because quite a few of the complaints end up in our inboxes, but they should not have to end up in our inboxes. The government should handle complaints properly. Apart from anything else, it is incredibly valuable feedback on what a government agency is doing right and what it is doing wrong and where the problems are with the public. It is one of the best methods of feedback that any business, government or non-government organisation can get. I think the fact that both the Auditor-General and now the public accounts committee—and shortly the Assembly and also, I must not forget, the Ombudsman—are talking about the same issue points out how important the issue is to the good running of government.

Having looked through Ms Hunter's motion, I note that our recommendation 2 is basically identical to paragraph (2)(c) of her motion, except that we, of course, want

the government to respond to the public accounts committee. Basically, what both things are saying is that the Ombudsman has done a substantive body of work on complaint handling and we would like to see the government respond to it. There are things in there which I think would definitely lead to improvements in the government's complaint handling.

The next issue that we looked at was the implementation of the Auditor-General's recommendations. Being PAC, this is something we always look at. We have asked the government to report back to the Assembly on how it is actually implementing the Auditor-General's recommendations.

Our last recommendation dealt with the new directorate structure, which of course occurred after the audit report. We are concerned that the new directorate structure could at the very least in the short run make the handling of complaints and feedback harder because now it is not always obvious where things live. Certainly, as a member, I have been finding that sometimes and I am sure that members of the public will be finding that even more so. I commend the report to the Assembly.

MR SMYTH (Brindabella) (10.14): I will just say a few words as well and again thank the chair, Mr Hargreaves, and Dr Cullen for their efforts in putting this report together. I might start with the appendix to the report. For members who have not seen it, the Australian Capital Territory Ombudsman, coincidentally, has been putting his own report together. In his document, entitled *Room for improvement*, he makes 10 recommendations. He then outlines why he thinks they are applicable and how they will benefit the public of the ACT in making sure that we have across the whole of the ACT government a consistent delivery of the way in which complaints are handled.

The committee has, at paragraph 3.23, listed each of those. It has just taken the 10 recommendations out and put them in the text of the report and suggests that the government should provide the public accounts committee with a written response to each of the 10 recommendations and how they intend to improve the process. It is interesting that this has come at a time when the committee had some concerns about the process. As Ms Le Couteur said, we all receive representations from constituents when they do not get the satisfaction that they would like from the process which we then make on their behalf to ministers.

It is interesting that somebody as senior as the ACT Ombudsman considered this at the same time, given how he had been approached. He says that in 2010-11 complaints to the ACT Ombudsman's office were up about 19 per cent on the previous financial year—from more than 500 to more than 600 complaints. That should be of concern to all of us. I think we all know that for all those who feel able to and know how to navigate the system and can complain, there are a lot of people out there who feel excluded from the system or simply do not have the ability to make a complaint on their behalf. It should be easier. The Ombudsman presents a way forward.

In the four recommendations the committee says that there should be a whole-of-government policy for the management of feedback and complaints. It seems passing

strange that there is not. Part of the reason the previous Liberal government set up Canberra Connect was to make it easier for people to approach the government either to get assistance or to find satisfaction. More than a decade after the setting up of Canberra Connect it is a shame that we do not have an across-government policy of this nature.

In recommendation 2 we have asked the government to respond to PAC on the 10-point plan. We have also said in recommendation 3 that, by the last sitting day in October 2010, the Assembly get an update on the progress and effectiveness of the Territory and Municipal Services Directorate's implementation of the Auditor-General's recommendations that have been accepted either in whole or in part. It is timely that when we get recommendations from the auditor the directorates report back through their ministers to this place so that we know that they are actually being carried out by the government.

The final recommendation is what has become almost standard operating procedure. We recommend that the government ensure that all directorates and ACT agencies make sure that the recommendations of the Auditor-General are appropriately monitored and addressed under the new structure so that they do not slip through the cracks, so it is not simply a case of "yes, we agree to that" but then we never do anything about it. That said, it was an interesting review. I commend the report to members.

Question resolved in the affirmative.

Public Accounts—Standing Committee

Statement by chair

MS LE COUTEUR (Molonglo) (10.18): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to the election of a new deputy chair of the committee. I wish to inform the Assembly that Mr Brendan Smyth MLA wrote to me as chair of the Standing Committee on Public Accounts tendering his resignation as deputy chair of the committee. In accordance with the standing orders, Mr Smyth's resignation would take effect when a replacement deputy chair had been elected at the next full meeting of the committee. I seek leave to table Mr Smyth's resignation letter, dated 5 July 2011, as received by the public accounts committee.

Leave granted.

MS LE COUTEUR: I table the following paper:

Public Accounts—Standing Committee—Resignation of Deputy Chair—Letter from Mr Smyth, dated 5 July 2011.

An election for a new deputy chair was held on 5 August 2011. Mr John Hargreaves MLA was nominated, accepted the nomination and was elected unopposed as deputy chair of the committee.

The committee has resolved, for the purposes of progressing its inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010, that, notwithstanding standing order 226, Mr Brendan Smyth shall chair the inquiry. I seek leave to move a motion on this matter.

Leave granted.

MS LE COUTEUR: I move:

That the Assembly approves the action taken by the Standing Committee on Public Accounts in relation to the chairing arrangements for the Committee's inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010.

MR SMYTH (Brindabella) (10.20): I will obviously be agreeing to the motion, as will the opposition. But I think I need to explain the basis for my decision to resign as deputy chair of the public accounts committee. It is certainly not a decision I take lightly. Initially I would like to thank the members, Mr Hargreaves and the chair, Ms Le Couteur, for their support in this process. They both tried to talk me out of doing it. I do feel very strongly on this issue and I think where you feel strongly on a matter of principle you should take appropriate action.

In effect, the referral of the position of Auditor-General to the public accounts committee could be seen as an inquiry and the letter that we sent to the Chief Minister at the end of that could be considered to be a report. In that regard, please consider this as my dissenting report. This is a difficult decision but I believe it is warranted in view of the circumstances surrounding the appointment of the new Auditor-General.

The public accounts committee has a formal role in the appointment process for the Auditor-General and I have very serious concerns about the veracity of the government's processes which were followed and which led to this appointment, in particular the way in which the role of the PAC was viewed by various of the players and the undue pressure that was placed on the PAC by the actions taken particularly by the Chief Minister.

I first became aware that the government had a preferred candidate for this important position from reports in the media on the morning of 31 May 2011. Indeed, some of these media reports included interviews with the preferred candidate. I then learned that the Chief Minister, Ms Katy Gallagher, had put out a press release. It was headed "New Auditor-General for the ACT" and said in line 1:

Chief Minister, Katy Gallagher, today announced the proposed appointment of ...

the preferred candidate. Three days later, I think it is important to record, on 3 June 2011, the *Canberra Times* published an article headed "Gallagher's push for new auditor 'miffs' MLA". It set out some concerns about the process which had been followed. I was certainly miffed and I think there was an enormous amount of concern within the committee about how the process had unfolded. Indeed, on the day in

which the proposed appointment was announced, it would appear that a letter from the Chief Minister was hand-delivered to the office of the chair of the public accounts committee, rather than being given to the Committee Office. This hand-delivery was done apparently just before the Chief Minister's media release was disseminated to the local media.

That in itself is, in my understanding, a major break with process. Statutory appointments are normally dealt with confidentially. In effect, what the government did was to out the candidate. The committee wrote and said that we had some concerns about this. Indeed, in one of the letters the committee said, in the lovely polished tones that committees do in their writing:

Furthermore, the Committee notes there is also a discourtesy to the proposed nominee, as it is yet to consider and provide its views in accordance with the Auditor-General Act 1996.

The problem becomes this: if we are going to put the names of statutory appointments out into the public realm before they are agreed to, what if that person does not get the position? Particularly in the case of the Auditor-General, the public accounts committee has a veto. So by outing any preferred nominee you put them at grave risk and you put the process at grave risk. It does then put undue pressure on the committee to comply with the wishes of the government. As was actually recorded, statements were made that the PAC is not a rubber stamp for the government. So it is a major break with tradition. I have asked some of the old hands here, and nobody else can think of a case where the name of the nominee has been put out in this way.

As a consequence of that, there were further developments. They included the nominee actually doing interviews. It is probably not unreasonable that, if your name is out in the public, somebody will ring you. So there was an amount of undue pressure, and that could all have been avoided if this had been done in the normal way.

Unfortunately, on the night on which the name of the preferred nominee had become public, the individual concerned actually approached the chair of the public accounts committee at a function. The chair was most concerned at this approach and immediately informed all committee members by email of the conversation. Indeed, shortly afterwards, I am told, the Chief Minister herself approached the chair of the public accounts committee to discuss the progress of the consideration of the nomination, which again was unfortunate. Subsequently the Chair of the PAC also told the committee that the preferred candidate had approached the Auditor-General's office. And this is what comes about when you put the name of the candidate out in the public, against the strong tradition of this place.

I believe the committee was extremely concerned about the process which had been followed to this point. And in view of those concerns, the committee took a combination of an unprecedented three actions. Firstly, it got legal advice through the Clerk to confirm what our powers were. Secondly, we had to then request an extension of the time frame within which to consider the nomination. Thirdly, we actually sought information from and ultimately had a private briefing from the Chief Minister and the head of the ACT public service.

We knew from the initial correspondence that the head of the public service was the chair of the selection committee. So the information we sought related to further information about the composition of the selection committee, the selection criteria used, the understanding of what qualifications were appropriate for a person who is to be the Auditor-General and the appropriate qualifications that the government considered.

Throughout the entire history of this appointment process, I have been concerned about various matters—and they have been recorded—and I just want to go through a few of those matters. One of the issues raised was the actual independence of the office. And when this issue was raised I thought, “That is a very interesting point.” Normal practice outside the public service was not to appoint an external auditor from within your ranks, and that is a question, I think, that has to be answered. Indeed, stemming from this inquiry, I think there will be legislation. I certainly have a few things that I am putting drafting instructions together for about how we make this a smoother process.

There was an issue also about the qualifications. The advert, of course, is public. The advert says you need appropriate qualifications, and part of the discussion was: what were appropriate qualifications? As I have noted, my concern in the minutes is the requirement in the advertisement for appropriate qualifications without stipulating what “appropriate” means in this instance. One could reasonably assume that for an auditor-general these would include qualifications in auditing or financial skills. This is clearly an area that needs to be rectified in legislation. I have concerns about the suitability of the selection criteria.

I had some concerns about the composition of the selection panel. It is normal practice, when you have a selection panel, that you have three people on it and one of those people has some sort of experience or qualifications in the field for which you are seeking a candidate. The three people who were on the selection panel, all senior ACT bureaucrats, to the best of my knowledge, do not have that experience.

If you go back to the 2004 process for the appointment of the previous Auditor-General, the outsider who was on that committee was from the federal Department of Finance, I believe, at the time and had skills. Indeed, that person is today the commonwealth Auditor-General. So he knew, he understood, he had skills, he could ask the relevant questions and form an opinion based on experience. But you did not have that experience on the selection panel. Indeed, you had three people who would all be very good at their jobs, but three people inside the team—

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members, please be quiet.

Members interjecting—

MADAM ASSISTANT SPEAKER: Mr Seselja, Ms Gallagher, please! We need to hear.

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER: Mr Seselja, please be quiet.

Ms Gallagher interjecting—

MADAM ASSISTANT SPEAKER: Ms Gallagher, please be quiet. Mr Smyth, you do have the floor.

MR SMYTH: So we had a process in 2004 where the man who is currently the commonwealth Auditor-General participated and brought to that process an immense amount of experience. We did not have, in my belief, similar experience on this panel at this time. I will not talk about what may or may not have been discussed, but anybody approaching any chair of a committee that is making a decision leads to all of us being put in the position where it can be contended that something was awry.

This process did take much longer than I think most people would have expected. I have to say the fundamental concern that I have is that all of this led to extraordinary pressure being put on members of the public accounts committee. I feel very strongly about this.

I have a good record in this place over the last 10 years in support of the Auditor-General. When you have a unicameral house, as we do, positions like the Auditor-General take on even more importance and over the last 10 years I have argued very strongly for additional resources for the Auditor-General. They are in various reports. They are in various debates. They are here in recommendations in estimates reports. Most of it has fallen on deaf ears. We see that, as costs rise, the number of reports that the audit office is able to do diminishes.

You have all heard me say previously that the desirable outcome is to get to a balance where 50 per cent of the work is financial and 50 per cent is the performance audits. Currently it is 70 per cent financial and 30 per cent performance audits. In a time of budget difficulty, it is quite clear from around the country and from around the world that there is a standard that says for every dollar you invest in the audit office you get about a tenfold return either through improved services or savings. This is why the Auditor-General's office is so important and this is why it is important that we get this right. It is why I feel very strongly about this. I will be bringing forward legislation, as I have said. I have defended the audit office for a very long time and will continue to do so. But what I cannot defend is the government's process.

The Standing Committee on Public Accounts has a formal role in the appointment process of the ACT's Auditor-General and the Chief Minister cannot independently appoint a candidate. Despite this, I first became aware that the government had a preferred candidate for this position through a media report on 31 May, generated by a media release from the Chief Minister, Katy Gallagher, announcing the proposed appointment of the candidate. The night the proposed appointment became public, the nominee approached the committee chair at a public function. The chair was most concerned about this approach and immediately informed, as was right, all the

committee members of the conversation. I am told a conversation was held with the Chief Minister. The chair also told the committee the preferred candidate had directly approached the ACT Auditor-General's Office.

The committee was extremely concerned about the process which had been followed to this point and in light of these concerns we sought legal advice through the Clerk about what our powers were. We requested the extension of time to consider the nomination and sought further information from the Chief Minister and head of the ACT public service and indeed met with them—all, to my understanding, in that combination totally unprecedented in the 22 years of the Assembly.

My fundamental concern, however, is the extraordinary and undue pressure placed on the committee by the Chief Minister going public while it considered the appointment of the new ACT Auditor-General. I cannot recall another single occasion in the time that this Chief Minister has been in the Assembly as a minister or Chief Minister where she put out a nominee. And you have to ask the question: why would she do it in this case?

The appointment process involves one of the most important statutory roles in our form of democratic government. I considered these flaws to be of such magnitude that I could not remain as the deputy chair of the committee and I will be moving legislative amendments to address some of the issues that arose during this process.

Fundamentally, this was a very poor process by the government. The committee decision to confirm that poor process was something that I did not agree to and cannot support and, given the importance to the ACT of the position of the Auditor-General, I felt that I could not remain in a position of authority on the committee and felt that the appropriate thing to do was to resign as the deputy chair of the committee.

Question resolved in the affirmative.

Planning—Throsby

MR RATTENBURY (Molonglo) (10.34): I move:

That this Assembly:

(1) notes:

- (a) that planning for the proposed suburb of Throsby has not been finalised;
- (b) that the area for the proposed development of Throsby contains areas of high biodiversity value, including critically endangered Yellow Box / Red Gum Grassy Woodland, and sits between Goorooyarroo and Mulligans Flat Nature Reserves, which contain the largest and most intact example of this ecosystem type in the ACT;
- (c) that bird surveys undertaken by the Canberra Ornithological Group indicate that the area is an important breeding ground for vulnerable Superb Parrot populations;

- (d) that the proposed development area is also a habitat for the critically endangered Golden Sun Moth;
 - (e) that under current government practice, asset protection zones for the proposed suburb of Throsby will have a significant detrimental impact on the surrounding Mulligans Flat and Goorooyarroo Nature Reserves;
 - (f) that a recent report commissioned by the ACT Government on ecological connectivity and climate change indicates that the area of the proposed development at Throsby falls within a designated high priority habitat connectivity corridor, linking Mulligans Flat and Goorooyarroo Nature Reserves; and
 - (g) that the ACT Government has committed to review the overall planning for the development of Throsby and to take account of important environmental issues; and
- (2) calls on the ACT Government to:
- (a) ensure that a full assessment of the environmental values of Throsby is undertaken;
 - (b) refer the development of Throsby for assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
 - (c) incorporate existing biodiversity and connectivity data into ACTMapi to assist all stakeholders from the outset of the planning process to identify and protect threatened and endangered species and their habitats; and
 - (d) ensure that all asset protection zones are included within the urban development footprint for all new developments.

I am pleased to be able to speak to this motion today on the future of Throsby, a proposed new suburban development in Gungahlin. I am mostly pleased to bring this motion forward today because it is in response to an issue that has been raised by a community of people in the ACT who care passionately about the future of the ACT's biodiversity—our birds and animals and ecosystems that are special to this area. It is refreshing because the people who work hard to protect our biodiversity have no other agenda bar the protection of that biodiversity. They have no financial interests in the outcome; they get little recognition for their efforts. They are simply speaking on behalf of the natural environment, which we consider to be such an important part of the character of our city and which is under increasing pressure from our expanding urban footprint.

It is worth while to step back a little and acknowledge the pressures that are on our natural environment due to the expansion of our urban footprint. The current government objective is to achieve 50 per cent of this development in greenfield sites and 50 per cent as urban infill. The government is not meeting this objective currently—70 per cent of new developments still occur in greenfield sites, so the pressure on the fringes of our city remains.

The ACT government has a number of plans in place that operate at different levels to guide the nature of the development. They are, in theory, supportive of ensuring that environmental values of areas are preserved.

The Canberra spatial plan launched in 2004 was meant to be the foundation upon which the city would make strategic decisions about how we develop the city so as to build in, amongst other things, environmental sustainability. The spatial plan was never intended to be a comprehensive or detailed planning document, but, rather, a framework document that would guide other planning decisions. The Canberra spatial plan states:

The location of future residential development will ensure that areas identified as having significant biodiversity values, such as threatened species and ecological communities and habitat for threatened species, are protected from development.

But when we talk about environmental sustainability, whilst it is useful to have the broad concepts laid out in a macro-planning document, often we find that we get down to the specifics of any one development and developers are put in the position of not being able to move forward with a development because of problems that have seemingly emerged late in the day, such as an issue about the location of habitat for a particular species of a small reptile or an endangered grasshopper. And yet, we really do have very good information already about why not only these species are important but also the habitats they live in, the priority of those habitats in both a regional and national context and what we should be doing to protect those habitats.

There is no reason why we cannot integrate this information into our planning at a more detailed level so that site-by-site debates are less frequent and so developers are clear about environmental obstacles before pursuing a development application. Not only would this provide developers with certainty, but it would also provide certainty to those groups who work very hard in our community to protect the environmental values of areas around the fringes of our cities.

As such, one of the objectives that would be useful for the ACT government would be that of putting aside areas now that we are going to commit to protecting or managing in a different way and taking those areas off the board as potential future urban areas. There are a number of reasons why an area may be unsuitable for urban development, and the subject of today's motion—the proposed development of Throsby—actually demonstrates many of these reasons perfectly.

Throsby is the perfect case in point of the kind of area for which we should perhaps just put aside all notion of development. Whilst our motion today does not call for this specifically to happen as the work has not been finished that will determine this final decision, the Greens' view is that Throsby may well be a complete no-go zone. There are so many issues with this particular site that we think that, had there been detailed biodiversity mapping and had we already had recommendations in regard to ecological connectivity translated to planning documentation, such an area would not ever have been mooted for development. Even the physical location between two important nature reserves and the size and shape of the spit of the land that bifurcates those reserves ring warning bells for us.

Let us look at the issues at hand specifically with Throsby. Firstly, let us look at the impact on surrounding nature reserves. As I have just said, even Throsby's location between Mulligans Flat and Goorooyarroo nature reserves raises concerns. Urban development will have an impact on those reserves, and even if there were no further concerns, there would need to be measures put in place to reduce the impacts.

Urban development brings with it not just human noise and impact but also cars, concrete and pest species of birds, such as currawongs and Indian myna which are predator species for the native species that are present on the site currently. Humans also bring cats, and while we would imagine that a suburb such as Throsby would be subject to a cat containment policy, such a policy does not mean that there would be no impact.

Interestingly, there is not yet a management plan for Mulligans Flat, and this would seem an important requirement irrespective of any development but absolutely crucial should development east of Horse Park Drive go ahead.

The next issue I want to address is connectivity, because this certainly raises its head in Throsby. The Canberra spatial plan makes some reference to connectivity, but it is probably fair to say our understanding of ecological connectivity in the ACT to date has been somewhat limited and the implementation of policy that addresses ecological connectivity even more so.

However, the government has recently commissioned a study of ecological connectivity issues as part of its climate change action plan No 1. This comprehensive report, which unfortunately was not released publicly and, rather, had to be FOI'd, highlights the importance of connectivity corridors for biodiversity conservation and discusses how early planning is important, as is taking a whole-of-landscape approach. It advocates thinking about connectivity as a long-term process, and that all three types of connectivity—habitat, ecological and landscape connectivity—should be considered in the planning and delivery of projects.

The report says this will require changes to the Planning and Development Act 2007 insofar as the EIS process is concerned. The major drivers of biodiversity loss are habitat loss and habitat fragmentation, with climate change working to exacerbate impacts. These are threats that are live in the ACT with currently proposed urban development, so this report has given the government some timely insights as to how to prepare to improve biodiversity outcomes.

It is important to recognise that animals move across the whole landscape. This is distinct from earlier thinking about species conservation where islands of habitat were located within a sea of hostile areas, such as urban or agricultural land. Connectivity is also very important in terms of long-term conservation of biodiversity to allow for interplay between otherwise remote populations of animals which would otherwise inbreed over time. The ACT government could better plan and manage land use in the ACT in a manner that provides for wildlife movement. This is not just simply providing animal corridors—and I am quoting here from the report—but where an “ecological network of reserves and biodiversity corridors are embedded within a

wider landscape matrix which is highly connected but which may have integrated uses”.

Considerations of connectivity corridors are recommended to be included at the onset of the planning process, and this report has identified some key issues for planning and land management in the ACT which are particularly relevant to Throsby. Firstly, existing corridors should be maintained and enhanced, not taken away from, and that connectivity should be maximised in surrounding landscapes with supporting buffer areas.

The report also calls for the strategic establishment of nature reserves and biodiversity corridors in key locations as well as identification of areas that might be degraded but be capable of restoration. In the face of climate change, which is mooted to exacerbate habitat loss and fragmentation impacts, these imperatives become even more important.

It is interesting to note that an ecological assessment of a small portion of Throsby undertaken for the sports complex noted some of the area was degraded or significantly modified and gave this as a reason not to protect the area. But what we are learning now is that there are habitats that can be restored. We should not dismiss this idea that degraded habitats are written off for urban development. With proper management, we value add to our biodiversity and restore connectivity to the landscape.

The report also notes that the links between Mulligans Flat and Goorooyarroo nature reserves with the Majura Hills and adjacent New South Wales land should be strengthened before woodland area becomes more fragmented. Indeed, it highlights this area as a high priority for action. Yet building Throsby does nothing to improve the connectivity of that region. If we look at a map of the high connectivity areas on the final map in the report, which shows both the value of links between key habitat areas and the neighbourhood habitat areas, we can see that this area of east Gungahlin is one of the higher value areas on the immediate urban fringe.

Connectivity issues need to be dealt with properly. Many of the broad recommendations in this report make me wonder why the government is even considering developing Throsby at all. The recommendations in this report should be considered carefully and implemented. We do not want this report to disappear into some black hole just because the recommendations have big implications for future development plans.

The next key issue is that of biodiversity values of Throsby itself. Firstly, it contains areas of high biodiversity value, including patches of critically endangered yellow box/red gum grassy woodland and it is also a breeding area for the golden sun moths and superb parrots. The combined area of Mulligans Flat and Goorooyarroo nature reserves contains the largest example of yellow box Blakely's red gum grassy woodland in the ACT, an ecological community that is protected under the federal Environment Protection and Biodiversity Conservation Act. It has been put to us by the save Throsby group that the area which intrudes in between these nature reserves contains patches of woodland that would qualify for referral under the EPBC, though

such a referral has not yet been made by the ACT government. While the government may not have final plans ready for Throsby, given that it is in an area that has high biodiversity value, making a referral sooner rather than later would be worth while.

The Canberra Ornithologists Group were highly critical of this development proposal going ahead at all when the issue came before the planning and environment committee back in 2005. They were also highly critical of the bird studies that were often undertaken by the government in preparation for making development decisions, so it was pleasing to hear that COG had undertaken some assessments on Throsby for the ACT government recently, and though we have not seen those reports, they are expected to tell us that superb parrots, a vulnerable species, breed within the development zone, another trigger for an EPBC referral.

Finally, I would like to touch on the implementation of asset protection zones. It seems to me that putting in place asset protection zones for Throsby means one of two things: either the asset protection zones impact on Mulligans Flat and Goorooyarroo or asset protection zones within the planned urban footprint leave little room for the development to proceed. On the first option, it is important that the nature reserves are actually managed in a way that is consistent with their biodiversity values, and this is not necessarily going to be consistent with fire management protection. Natural regeneration and preservation of tree habitats are important for biodiversity.

It is unclear how the implementation of asset protection zones will be managed, but the Greens are calling on the government to include the asset protection zones inside the proposed urban development footprint rather than in the neighbouring nature reserves. We appreciate that this significantly reduces the available footprint for development, but it seems necessary in the circumstances, particularly in light of the way that the nature reserves might be impacted by protection regimes that are put in place in the asset protection zones where measures such as slashing and fuel reduction will take place and that it is not necessarily compatible with the protection of the biodiversity values of the nature reserve.

Of course, the premise of this motion is twofold. Firstly, the Greens think that, given everything that has been said about Throsby over the years, it is highly likely that the suburb should not be developed at all. Secondly, we think it is crucial, as the pressure to expand outwards increases, that we must ensure that we have the planning mechanisms in place to protect our biodiversity. My colleague Ms Le Couteur has spoken many times about the need for good planning processes, and the Greens have also discussed the need for there to be more detailed planning instruments that provide information about biodiversity to developers. This is not a new idea, and there was some talk about government undertaking biodiversity mapping that was compatible with ACTMAPi. We would be interested to hear more about how this is progressing and how it will be used in a meaningful way.

In summary, this is a motion that seeks to put on the table the range of concerns about developing the proposed site at Throsby and some suggested solutions to move us forward both specifically for Throsby and also for other proposed development sites around the ACT. Those people in the ACT who speak for and support strongly our local biodiversity have expressed deep concern about this development but also about

the general lack of certainty about the status of some of our nature reserves and high conservation areas.

This motion seeks to provide some further certainty and some clarity to both developers and conservationists about which areas should be protected on our urban fringe and which areas can be developed. The Greens contest that Throsby is likely to be one that we should protect.

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) (10.50): I seek leave to move the amendments circulated in my name together.

Leave granted.

MR CORBELL: I move the amendments circulated in my name:

(1) In paragraph (2), omit the words “calls on the ACT Government to”, substitute: “notes the ACT Government will”.

(2) Omit paragraph (2)(c), substitute:

“(c) commit to investigating the feasibility of incorporating existing biodiversity and ‘connectivity’ data into ACTMAPi when the new version is commissioned by the end of the year and, subject to that assessment, will program the incorporation of the biodiversity data as appropriate. This is in the context that ACTMapi is currently being rebuilt on a new software platform that will greatly enhance its capabilities, including the incorporation of a wide range of layered information that could be made available to the public;”.

(3) Omit paragraph (2)(d), substitute:

“(d) ensure that all inner asset protection zones are included within the urban development footprint of Throsby and the location of outer asset protection zones are determined on a case-by-case or location-by-location basis, taking into consideration bushfire risk and fuel reduction regime to ensure that there is no adverse impact on environmental values.”.

In the broad, I welcome Mr Rattenbury’s motion today relating to environmental assessment and planning issues for the proposed suburb of Throsby. The government is pleased to note, and is in general agreement with, the information that is outlined in the first part of Mr Rattenbury’s motion.

Mr Assistant Speaker, much of the 400 hectare Throsby area has high conservation value. The government has recognised the importance of the Throsby area due to its connectivity with the Mulligans Flat and Goorooyarroo woodland nature reserves and was concerned about the environmental impact that may eventuate from the development of Throsby, both on the values within the Throsby area and those within the reserves.

As a consequence, the government commenced a review of the conservation values of Throsby, particularly the northern half known as the Throsby Neck, which is bounded on three sides by existing nature reserve. As part of this review, surveys of the golden sun moth, vegetation and the superb parrot have been undertaken. The vegetation survey mapped 185 hectares of critically endangered yellow box red gum grassy woodland. This woodland is a continuous part of one of the largest patches of this vegetation type in Australia.

The ACT government has also commissioned two complementary studies to identify areas of importance to ecological connectivity across the ACT. The initial study was undertaken by the Fenner School at the Australian National University. The second study was undertaken by the landscape modelling and decision support section within the New South Wales environment department.

This latter study subjects the data collected in the first study to high-powered computations, required to provide information down to a 15 metre grid scale, about the size of an individual paddock tree. The studies have mapped tree canopy and habitat value across the ACT. In relation to connectivity value, connectivity value is determined by two key factors. The first is how habitat is arranged in the landscape and takes into account the size, condition and spatial configuration of the habitat. The second is how important a patch of habitat may be to linking other areas of habitat.

The connectivity work has identified the northern part of Throsby as important for maintaining woodland connectivity. Across the ACT, the vulnerable superb parrot has been observed displaying breeding behaviour at 39 woodland trees. Thirty-four of these nest trees or 87 per cent of the total trees are in the larger Throsby-Goorooyarroo area and 22, or 56 per cent, are within the proposed Throsby development area. Breeding within Throsby has been increasing in recent years and this trend may continue. The superb parrot tends to breed in groups and it is likely that increased breeding would occur within the vicinity of the existing breeding trees.

Paddock trees along Gungaharra Creek have been observed as an important link for foraging parrots moving from the nest sites to feeding sites in Gungahlin and Belconnen. Habitat for several other threatened woodland birds such as the white-winged triller and varied sittella have been recorded within Throsby, while the surrounding woodlands are an ACT stronghold for threatened woodland birds.

The natural regeneration of the understorey that is currently occurring in Throsby will favour these birds. In respect of breeding habitat for the banded lapwing, a bird not recorded as breeding in the ACT since 1982, it was recently twice observed breeding within the Throsby development area. The critically endangered golden sun moth has been recorded at 67 different locations within Throsby and potential habitat extends for about 350 hectares, though most of the moths were observed at a few locations.

Mr Assistant Speaker, as part of the review of Throsby advice is being sought from the Mulligans Flat Woodland Sanctuary Board, the Flora and Fauna Committee and the Natural Resource Management Advisory Committee about whether they feel that land at Throsby should be added to the reserve network. The boards and committees

advised the former Chief Minister, Mr Stanhope, that the ecological values of Throsby justified a significant proportion of the land being set aside for conservation.

These expert groups presented pragmatic options that advised that the high conservation values of the area could be maintained if only the lower half of Throsby, that adjoining Horsepark Drive, was developed. ACT government officers are now continuing to gather further information to inform the government's planning decision. A survey for the striped legless lizard is planned for the lower parts of Throsby this spring.

As I am sure you will agree, Mr Assistant Speaker, the government has already undertaken the initial steps towards a comprehensive environmental assessment and is committed to a full and thorough assessment as is called for in part 2(a) of this motion.

In relation to part 2(b), it is the government's intention to refer development at Throsby to the commonwealth under the Environment Protection and Biodiversity Conservation Act. This will occur after all reasonable measures have first been taken to avoid and minimise impacts on the nationally significant environmental features. This will also place Throsby in the strategic context of other development and conservation actions occurring within Gungahlin. Referral under the EPBC act will demonstrate that the viability of features of national environment significance, such as the superb parrot and golden sun moth, are being maintained and enhanced across Gungahlin.

In my amendment, I am proposing two changes to Mr Rattenbury's motion. The first clarifies the fact that there is work to be done to the ACTMAPi software to enhance its capabilities, including the ability to incorporate a wide range of layered information that could be made available to the public and the fact that this work is underway.

My second amendment recognises that the location of outer asset protection zones should be determined on a case-by-case or location-by-location basis, taking into consideration bushfire risk and fuel reduction regime to ensure that there is no adverse impact on environmental values.

Mr Assistant Speaker, in general terms it is worth reaffirming the government's intentions. It is already well underway in its further assessment of the environment values of Throsby. It will be making a decision about what future development should occur in Throsby following these detailed assessments. A range of referrals under the EPBC act and the other work outlined in my amendments are already well underway. I commend the amendment to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (10.57): The Canberra Liberals will not be supporting the amendments or the motion. I think for the people of Gungahlin, it is "here we go again". It is a case of here we go again. Those who remember Save the Ridge will see the beginnings of what is happening here in relation to Gungahlin. We heard it from Shane Rattenbury. He does not believe Throsby should be developed at all; not at all. This is the beginning of that process. This is the beginning of the process that would stop Throsby from being developed at all. Of course, it will be used to prevent any future duplication of Horsepark Drive.

We have seen it before, but this time we have got the Greens having the control of this government here in the ACT and control of the Federal Labor government. We know what their attitude was when it came to Gungahlin Drive. They were against it here and they wanted to intervene at a federal level, using environment legislation. Now they want to intervene to prevent a whole suburb from going ahead. Those are Shane Rattenbury's words. He does not believe that this suburb should be developed at all and if this suburb should not be developed at all, according to the Greens, then no doubt the future expansion of Horsepark Drive will be stopped on similar grounds.

So for the people of Gungahlin, it is here we go again. The Labor Party and the Greens will frustrate the people of Gungahlin. They have just had to deal with nearly a decade of waiting for Gungahlin Drive to be extended. It has been the best part of a decade and the Greens did their bit, did they not? In league with Save the Ridge, they did their bit.

Ms Gallagher: As did you, Zed. As did you.

MR SESELJA: They did their bit. No, the Labor Party did their bit as well. The Labor Party did their bit. They were not prepared to stand up to them. They were not prepared to stand up to them and we are having it here again. The people of Gungahlin are going to suffer. Mark my words, Madam Deputy Speaker; mark my words. We have the beginnings here of another fight for the people of Gungahlin to get what they deserve, to get the kind of roads they deserve, to be allowed to develop in the way that they should. Let us be clear: this affects not just the people of Gungahlin who will be prevented from developing, prevented from having the kind of road network they deserve, because the Greens are going to stop it again.

The Greens are going to do their best and this time they have got the support of the Labor Party to do so. They have got the support of the Labor Party now. They have invited the commonwealth in. They have invited the commonwealth department in. It is interesting that the Greens are so against the commonwealth coming in on ACT laws except if it is environmental legislation. We see the beginnings here of what is going on. Shane Rattenbury has put it out there. He does not want Throsby to go ahead at all.

That is the other aspect of this kind of attitude that we are seeing. It is the effect on housing affordability. We hear the government saying, "We are releasing all this land." Now they are going to put an entire suburb at risk because the Greens do not want it. They do not want this suburb to go ahead.

People waiting for the Catholic school to be built in Throsby would be very concerned about the statements from Mr Rattenbury in his speech today where he said he does not want to see Throsby go ahead at all. He believes it should be a development no-go zone, and this is the start of that process.

If it is a development no-go zone, if the Greens get their way on this, then the Catholic high school will not go ahead and there will be even less affordable housing for families in the ACT. Of course, the people of Gungahlin will be the biggest losers as

they see again their ability to have infrastructure development prevented as a result of environmental concerns.

It does take me back, I think, to the last Assembly when the Standing Committee on Planning and Environment, which I was a part of, delivered a report entitled *Wildlife Corridors and DV231—East Gungahlin Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve*. Many of the issues mentioned in Mr Rattenbury's motion today can find their context in that committee report of six years ago.

However, the impetus for today's motion was instigated by a campaign posted on the web on 1 June 2011 by the Canberra Ornithologists Group in collaboration with the save Throsby group. They called on the public to write letters to Minister Corbell and Mr Rattenbury and the federal Minister for Sustainability, Environment, Water, Population and Communities, Mr Tony Burke, regarding their concerns in relation to developments at Throsby. The end result of where they would like that to be has been articulated by Mr Rattenbury and that is that Throsby does not go ahead at all.

But we did look at some similar issues in the environment committee report in 2005 which I spoke of earlier. Recommendation 2, which I disagreed with, stated:

The Committee recommends that the ACT Planning and Land Authority review the boundaries of the suburb of Throsby and re-draw them back towards Horse Park Drive so as to reduce the impact of residential development on Goorooyarroo and Mulligans Flat Nature Reserves.

The ACT Labor government at the time, despite the fact that the Labor members of the committee supported that recommendation, did not agree with this recommendation, citing that the boundaries of the reserve reflect the ecological values of the area based on the recommendations of the ACT lowland conservation woodland strategy, the land management requirements of the nature park and the addition thereto. The government did make provisions, however, for a future study to be conducted prior to land release.

Madam Deputy Speaker, as you would be aware, because you were part of that committee, this area has been studied to death. One of the reasons that we now have the Greens saying Throsby should not be developed at all, that there should not be a suburb of Throsby at all, is because it was actually reserved for future residential development some time ago. Much of the environmental value is there because it was reserved for future residential development. Because it is reserved for future residential development, it was not given long-term leases, long-term pastoral leases, and so the environmental values are greater.

This puts us in quite a quandary from a planning perspective. If we are going to engage in good planning and actually allow for the growth of our city, that involves reserving areas of land for future residential development. If then we are going to have a situation where the Labor Party and the Greens say, "Because we reserved it there is greater environmental value. Therefore, we will not develop on it." It is quite a vicious cycle that we put ourselves in because we end up with a situation where we reserve land for future development and it becomes undevelopable because it has greater environmental value.

That is a poor outcome and that kind of logic takes us to a dangerous place, Madam Deputy Speaker. This has long been reserved for development. It has been studied very closely. There are reserves within these areas in order to recognise the environmental value. But to take such a wide view of that and now to say that we should not even be developing this suburb at all, I think, is completely the wrong way to go.

We have recognised the environmental values. There have been ample studies which have looked at it. As we always do in the ACT, we find a good balance between the needs of the community for more housing, the needs of the community for affordable housing, with the desire of the community to have open space and the need to protect important environmental values. We do that, we have done that and it has been studied to death.

Now the Greens are seeking to take us down a path that would eventually mean that we would not develop this suburb at all. That is their end goal as stated by Mr Rattenbury today and that is a goal we do not agree with. These are moves we will not support. We believe that the planning studies and the environmental studies have been done and will be done. Further studies will be done without this motion. We do not need to move down a path where we seek to prevent any and all development from happening in Throsby with all of the negative consequences for the people of Gungahlin, with all of the negative consequences for housing affordability. That is something we will not support.

The Canberra Liberals will not support these moves by the Labor Party and the Greens to again make it more difficult to develop in Gungahlin. We will not support this as a precursor to preventing the future expansion of road networks for the people of Gungahlin. The people of Gungahlin have copped it for too long from this kind of delay and what we are seeing here is again an attempt to delay which will affect Gungahlin residents for years to come. Mark my words: this is the beginning of a fight where the people of Gungahlin are going to cop it again from the Greens and, it seems, from the Labor Party. We will not stand for it and we will not support this motion.

MS LE COUTEUR (Molonglo) (11.08): I thank my colleague Mr Rattenbury for bringing forward this motion. I would suggest to Mr Seselja that he actually read the motion. The motion does not talk about roads in Gungahlin. It does not talk about development in Gungahlin. This motion is about protecting the environmental value of the parts surrounding the built-up areas of Canberra that have not been built up. That is what it is about. It is about protecting our local environment.

Members interjecting—

MADAM DEPUTY SPEAKER: Members, we are not having a conversation across the chamber. Ms Le Couteur has the floor.

MS LE COUTEUR: Thank you, Madam Deputy Speaker. It is not in any way intended to be negative towards the appropriate development of Gungahlin or the

residents of Gungahlin. It is about ensuring that any development in Gungahlin, particularly in Throsby, is appropriate development, taking into account all the issues, and the issues include the environment. That is what we are saying. We are saying that very clearly. The environment has value and we should take it into account in our planning decisions, as in other decisions. Moving more to the motion as distinct from the Leader of the Opposition's—

Mr Corbell: Rant.

MS LE COUTEUR: Thank you, Mr Corbell. I would have to agree with your statement in this case. I am seriously concerned, as has been demonstrated here, that ecological considerations are often an afterthought, or not even a thought in the planning and development process, rather an up-front consideration. I am indebted to the Leader of the Opposition for his exposition of why I am concerned that ecological issues are an afterthought—so I thank you, Mr Seselja.

The Greens are supportive of appropriate development, but we are concerned that it is in the right places. We recognise as a matter of fact that the ACT population is growing and we recognise there are potential impacts on this growth on valuable bushland around the ACT. That, of course, is why the Greens have ensured that there is an inquiry into the carrying capacity of the ACT and region. We are concerned about the impact of population growth on the ACT.

This is a major planning issue. It is a major issue for this Assembly in making sure that we do not have negative impacts on our immediate environment and on our wider environment. It is a major issue for the government and the Assembly as a whole, because we are talking about long-term planning here and we can assume that the make-up of the government is going to change over the sorts of time frames that we are talking about. We have a choice about how Canberra is going to grow. We can continue to grow Canberra ever outwards, which will impact more and more on the environment around us, or we can choose to change business as usual. We can choose, instead of entirely going outwards, to do some going upwards and to do some more intelligent design and some appropriate sizing.

Household sizes are decreasing in Canberra and house sizes are increasing. There is an obvious issue here. We can choose to have high quality sustainable infill and put a bit more effort into design or we can choose business as usual. It is clear to me, at any rate, and the Greens—and hopefully the Labor Party and hopefully even many members of the Liberal Party—that we need to stop clearing our precious biodiverse areas and instead protect them and develop more sustainability. While I am talking about sustainability, if we manage to develop more intensely we will be able to improve our transport system, rather than exacerbating this with urban sprawl.

As Mr Seselja mentioned, the issues that we are talking about today are not new. I thank him for his reference to the 2005 planning committee. This committee, as Mr Seselja noted, recommended drawing the edges of Throsby back towards Horse Park Drive away from the nature reserves. This was partly done, but again, as Mr Seselja noted, the government has not done what the planning committee—which, as Mr Seselja noted, did have government members on it—recommended. It leads

along a sort of peninsula or neck between the two nature reserves—Mulligans Flat and Goorooyarroo, which host the key yellow box red gum grassy woodland. It is a vital link between the Brindabellas to the west and the area around to Majura and Ainslie to the east.

I would point out that it is also, from a sheer planning point of view, an urban planning point of view—because all of it is planning—inappropriate for fire management purposes. We are going to end up with a long skinny narrow bit which is going to be a potential fire trap because it will be surrounded on three sides by dry grassy woodland. As Mr Rattenbury has noted, we are in disagreement with the government about fire management issues here. We believe it is totally inappropriate for fire management zones to go into the nature reserves. Asset protection zones should be within the urban footprint.

This area of nature reserve has also been part of Australia's first nationally funded large-scale ecological management study, jointly funded by the Australian Research Council and the ACT government over many years. This research is progressing well and scientists are now starting to introduce species back into the area which have been locally extinct for many decades. Why, I ask you, would we want to jeopardise this area, this research and this progress by increasing urban pressures on the nature reserves, rather than supporting the research work of these ecologists by protecting a buffer zone around it? We have put a lot of work into these nature reserves. Why do we not finish the job properly and make the asset protection zone outside rather than inside?

The government commented in its response to the planning committee's report on Throsby that research on Goorooyarroo would enable revision of the land use policy for adjacent areas. You could say that that is really what Mr Rattenbury is asking for today in his motion. The 2005 planning committee report also recommended that Throsby, and the limited amount of Throsby that would exist, be made a cat containment suburb. Unfortunately, has not been carried through to subsequent Gungahlin suburbs, apart from Forde and Bonner, and appears to be failure of government policy. I look forward to further announcements from the government on cat containment policy in the next few months.

When I hear that planning processes for areas such as Throsby are run concurrently rather than sequentially, I know it is because of the pressure to release land. We are letting down biodiversity or letting down other species. We are letting down future generations of Canberrans and future generations, if they exist, of all the endangered species there. Good planning process and due planning process should not be rushed, even for land release processes. Once we have built things on these areas we cannot go backwards. It is a one-way trip. We have got to make sure that we do the studies up-front. That is what Mr Rattenbury's motion is all about—doing the studies, doing the work up-front. The precautionary principle dictates that we have to make these studies before we make unfixable mistakes.

Again getting back to 2005, one of the recommendations was that all future draft variations should include ecological connectivity and species protection targets. The government has agreed to this, but we have yet to see this carried through into other

planning documentation where it will be of use. This is why Mr Rattenbury's motion talks about incorporating information into ACTMAPi. I have to say, as an ex-IT professional, that the government has got to be able to do this and I think Mr Corbell's amendment is very weak. I think Mr Corbell needs to tell his department to get on with it and actually incorporate this data into ACTMAPi. I think that an Assembly motion would be a very appropriate way of telling the department that this is important to the people of Canberra, it is important to the Assembly, and they need to prioritise it and do it.

I should mention that in 2006 the Conservation Council also mentioned these issues around planning. They said that the draft spatial plan suggested a biodiversity overlay could be incorporated into the territory plan to protect and conserve significant biodiversity values—so it is not just the Greens. I should also briefly mention that the EIS should have a new item in it, a trigger of planning, which will address ecological, habitat and landscape connectivity. This should be one of the EIS triggers for the Planning and Development Act. (*Time expired.*)

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.18): Firstly, I thank Mr Rattenbury for the opportunity to debate the future suburb of Throsby in east Gungahlin and to indicate I note and support the comments that have been made by my colleague Mr Corbell, the Minister for the Environment and Sustainable Development.

There is no doubt that Throsby is a complex area to plan for and there are a range of environmental and heritage matters that need to be considered. These considerations need to be balanced against the needs of the Gungahlin community and the Canberra community at large in terms of, particularly, affordable housing and the provision of schooling and sport and recreation facilities. It is, therefore, important that all work undertaken in relation to Throsby is comprehensive, thorough and balanced. It is my view that the government has adopted such an approach for Throsby and is taking all of the critical considerations into account.

In the context of this debate we have heard a little of the historical context, but it is worth just putting on the record again that planning for Throsby was most recently reviewed between 2004 and 2006 in territory plan variation 231, the east Gungahlin structure plan. The variation, amongst other things, created the Goorooyarroo Nature Reserve. This reserve formally protected over 750 hectares of high conservation value yellow box and red gum grassy woodlands and other ecological communities. The variation also reduced the amount of available land for residential development in east Gungahlin by approximately 300 hectares.

Variation 231 was also supported by a preliminary environmental assessment. That variation was subject to a public inquiry by the then planning and environment committee and the committee recommended to ACTPLA to review the boundaries and re-draw them back towards Horse Park Drive. In the context of raising Horse Park Drive, I think it is important, given what the Leader of the Opposition has thrown in today, to again be clear on the public record that Horse Park Drive will be built as a loop arterial road to serve the northern suburbs of Gungahlin such as Moncrieff and ultimately Casey.

It is important to note in the context of that work that was undertaken a few years back that there was an emphasis on reducing the impact of the residential development on the neighbouring reserves and that the final variation was amended and strengthened to include a requirement for a specific policy for additional studies to be undertaken closer to land release to confirm the suburb's northern boundaries and that the variation now forms part of the territory plan's east Gungahlin structure plan.

Throsby is proposed to accommodate approximately 4,100 dwellings and have a population of around 10,000. The suburb is proposed to contain local shops, a government primary school and a Catholic secondary school. District playing fields are proposed to be located adjacent to these facilities. Due consideration of environmental values within the proposed urban area will be given in determining whether the area is developed or preserved for biodiversity conservation.

There are a range of flora and fauna considerations in east Gungahlin, many of which my colleague Mr Corbell has already outlined this morning. Parts of Throsby contain endangered box gum woodland and significant habitats for the golden sun moth and the superb parrot. Throsby's neighbouring reserves also have considerable research and conservation importance. The northern section of Throsby has very high connectivity values and is an important part of the Mulligans Flat and Goorooyarroo woodland complex. The importance of these habitats and their connectivity to neighbouring reserves will be taken into account when determining the final boundary for the suburb.

Later this year the full environmental assessment will have been completed for the suburb. A detailed cultural heritage survey is also being undertaken. From a heritage perspective, Throsby is also culturally rich. The Mulligans Flat ploughlands, located in west Throsby, received provisional heritage registration in July this year. These areas remain a reminder of the 19th century rural activities that occurred. There are several Aboriginal artefact scatters known to be present in the area. The information from the environmental assessment and cultural heritage survey will, of course, inform future decisions.

It is important that the government consider these matters as it undertakes its review of the planning for Throsby. That, Madam Deputy Speaker, is exactly what is occurring. As part of this review, the issues of bushfire risk will also need to be assessed to ensure that there are no adverse impacts on the environmental values of the land or within the adjacent nature reserves.

The government has not proposed timing for residential land release at Throsby. However, there are two government priority proposals that are receiving top priority within Throsby at this point. The first is the proposed Throsby district playing fields, which is currently subject to the bilateral agreement between the commonwealth and the ACT under section 45 of the Environment Protection and Biodiversity Conservation Act. As such, the proponent is required to develop an EIS under the ACT's Planning and Development Act, which will address both commonwealth and ACT legislation. This is a formal statutory process which includes public notification.

I am advised that the EIS referral package is on track for formal submission in the next couple of weeks. Once a decision is made by the Minister for the Environment and Sustainable Development relevant reports will be referred to the commonwealth environment minister for a decision.

The second proposal that has been discussed already this morning relates to the provision of a Catholic secondary school. The Archdiocese of Canberra and Goulburn has gained significant community support and made public its intention to open the new school for the 2013 school year. I might add, Madam Deputy Speaker, that, as Minister for Education and Training, I have supported the registration of a new Catholic secondary school in Gungahlin and that that process is going smoothly. We do note, though, that in the context of the land commonwealth and ACT environmental approvals will need to be obtained.

In conclusion, Madam Deputy Speaker, there are significant environmental values within Throsby that will be taken into consideration in determining the future of the suburb. These must also be weighed against the need to provide affordable housing for Canberrans. They must be weighed against the need to develop new housing that is more environmentally sustainable. They must be weighed against providing important social infrastructure like schools and a district sport and recreation precinct. This is the challenge for the entire community—to get the balance between development and the environment right. These aims are not necessarily competitive. On behalf of the community, the government will continue to examine all of the issues thoroughly to get the balance right.

MR RATTENBURY (Molonglo) (11.27): I move the amendment circulated in my name which is an amendment to Mr Corbell's amendments:

Omit paragraph (2)(c), substitute:

“(c) commit to investigating the feasibility of incorporating existing biodiversity and ‘connectivity’ data into ACTMapi when the new version is commissioned by the end of the year and, subject to that assessment, will program the incorporation of the biodiversity data, as appropriate, and report back to the Assembly on progress in December 2011;”.

This is a very simple amendment. It simply seeks to substitute paragraph (2)(c) and add a request that the government report back to the Assembly on progress on the ACTMAPi framework and what the implementation is. The government have said at this stage that they can only commit to investigating the feasibility of incorporating existing biodiversity connectivity data into ACTMAPi. On that basis I think it would be useful for the government to give a report back to the Assembly on progress on that in December, by the end of this year. My amendment simply removes Mr Corbell's paragraph (2)(c), which is probably a bit unnecessary for the purposes of the motion.

Mr Rattenbury's amendment to **Mr Corbell's** proposed amendments agreed to.

Question put:

That **Mr Corbell's** amendments, as amended, be agreed to.

A call of the Assembly having commenced—

MADAM DEPUTY SPEAKER: There is an issue with the bells not working in some areas of the building. We are going to send attendants around to make sure everybody knows that a division has been called.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr	Mr Hargreaves	Mr Coe	Mr Seselja
Ms Bresnan	Ms Hunter	Mr Doszpot	
Ms Burch	Ms Le Couteur	Mrs Dunne	
Mr Corbell	Ms Porter	Mr Hanson	
Ms Gallagher	Mr Rattenbury		

Question so resolved in the affirmative.

MADAM DEPUTY SPEAKER: The question now is that the motion, as amended, be agreed to.

MR RATTENBURY (Molonglo) (11.33): I thank those members who supported the motion today for their comments. The prospective development of Throsby is an example of the great challenges that Canberra faces as a place where we have a number of ecologically threatened communities of national significance. As the current custodians of this space, of this land, we have the responsibility to ensure the protection of those great natural assets whilst enabling this city to expand as it seems to be so rapidly doing. It is a constant tension. As I talked about in my speech, the Greens recognise the intent of the Canberra spatial plan, which was that 50 per cent of our future development should be in the urban areas that already exist—that is, forms of brownfield and greyfield development that enable us to make more effective use of the land that we have already cleared so that we may preserve those spaces of natural significance that still exist for both this and future generations. That is what the Greens believe is possible for the future of this city, and that is what makes Mr Seselja's rant so extraordinary. He took what was, I think, a considered and thoughtful approach to these difficult development issues—

Mr Coe: You were not so considered on ABC radio.

MADAM DEPUTY SPEAKER: Mr Coe!

MR RATTENBURY: It only took you a couple of minutes, and it highlights the extraordinary hypocrisy. We sat here yesterday and were given a 2½ hour lecture on respect for the institutions of parliament, and yet Mr Seselja and his team come in here, they were heard in absolute silence during their speeches—

Mrs Dunne: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Could you resume your chair, Mr Rattenbury. Stop the clock, please. Mrs Dunne, a point of order?

Mrs Dunne: Two issues: I ask you to consider whether Mr Rattenbury's comments are a reflection on yesterday's vote and, secondly, relevance of his comments to the debate.

MADAM DEPUTY SPEAKER: Mr Rattenbury, if you could remain relevant and please not reflect on the debate of yesterday.

MR RATTENBURY: Thank you, Madam Deputy Speaker. The development of Throsby is one of those difficult issues that we as the leaders of Canberra face, and I think that what I sought to articulate today—and which Mr Seselja then picked up and twisted in the way that he so regularly does—was the idea that the Greens were asking for the full environmental assessment. I did not say that it was a no-go zone. What I said was that there is a real possibility that, coming out of those studies and the ecological evidence that has been put forward by experts across this city, it may be the case that Throsby is one of those areas we should be seeking to protect. Because of the fact that the area has been able to recover—

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe!

MR RATTENBURY: that it has been able to re-establish and is providing tremendous connectivity potentially between the Mulligans Flat nature reserve and the Goorooyarroo nature reserves, it may well be worth protecting.

Opposition members interjecting—

Ms Bresnan: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Resume your seat; stop the clock, please. Point of order, Ms Bresnan?

Ms Bresnan: You have just asked Mr Rattenbury to remain relevant to the debate. I also ask that you ask members of the opposition to allow Mr Rattenbury to be heard in silence and to keep their comments also relevant to the debate, if they are going to take any points of order.

MADAM DEPUTY SPEAKER: Would members please allow Mr Rattenbury to continue in silence. Mr Rattenbury.

MR RATTENBURY: Thank you, Madam Deputy Speaker. I note that Mr Seselja was heard in silence, but it is not okay for members of the opposition to allow me to speak in silence. It is an extraordinary double standard. Nonetheless, the most disappointing part—

Members interjecting—

MADAM DEPUTY SPEAKER: Resume your seat, Mr Rattenbury. Stop the clock. Members, I am going to start warning you if you do not remain silent while

Mr Rattenbury is speaking. You have got two choices: either remain silent or you will be warned. Mr Rattenbury.

MR RATTENBURY: Thank you. There were several disappointing parts of Mr Seselja's comments, and one was the notion of development at any cost. And I think that is why the Liberal Party do not win any elections in the ACT—they are actually so out of touch with the community values in this city—

Opposition members interjecting—

MADAM DEPUTY SPEAKER: Mr Coe, you are warned. Mr Hanson, you are warned.

MR RATTENBURY: They are out of touch with the community values in this city, because the people of Canberra actually value these natural spaces. They value the threatened species that live in them. And that is why we have difficult decisions to make. That is why we need to undertake the studies, and that is what this motion is about. It is about saying that before we start developing Throsby, what are the environmental values, how can we best protect them and do we need to consider a different development option than the one that is currently on the table? That is actually a sophisticated conversation, and I realise that some in this chamber struggle to come to terms with that level of sophistication, but it is one that we are prepared to take on. I was also disappointed at the sheer disrespect to the expert—

Mr Seselja interjecting—

MADAM DEPUTY SPEAKER: Mr Seselja, you are warned.

MR RATTENBURY: opinion of ecologists and scientists, people who wrote the connectivity report—

Mr Seselja: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Yes, Mr Seselja.

Mr Seselja: Sorry, exactly why am I warned?

MADAM DEPUTY SPEAKER: I asked everyone to remain silent while Mr Rattenbury spoke. Could you stop the clock, please? And I said that if members interrupted any more, I would warn them.

Mr Seselja: So is it now true that any comments will result in a warning?

MADAM DEPUTY SPEAKER: I asked members to remain silent. Do you understand what that means? Remain silent. I asked that you remain silent, and if you interject across the floor, which you just did, then I said that you would be warned, and I have done that. I do not care which member it is. Thank you. Mr Rattenbury, you may continue.

MR RATTENBURY: Thank you. I think that, with respect to the expert opinion of ecologists, the scientists and the people who have worked on the connectivity report and who study biodiversity in cities, as I referred to at the beginning of my speech, these people do not have a personal interest in these issues. These are people who are working hard to protect the values that many Canberrans really appreciate.

When it comes to providing the people of Gungahlin with assets and infrastructure, which Mr Seselja referred to, that is an important point. It was one of the valuable points he actually made in his speech. We do need to ensure the people of Gungahlin have the services they need. I would argue that the protection of natural spaces is an important infrastructure asset for the people of Gungahlin. To have the ability to walk, mountain bike or bird watch in areas such as Mulligans Flat and Goorooyarroo and undertake those activities which are consistent with the ecological values of those areas is an absolute asset for the people of Gungahlin. They value, I suspect, those areas very highly. I have not surveyed them, but I imagine that there are a lot of people taking advantage of those areas. That is actually what we are talking about here.

The people of Gungahlin do not just want roads; they do not just want shopping centres; they also want natural spaces where they can go and enjoy the wildlife that people in other parts of Canberra are also able to access in reserves such as Mount Ainslie, Black Mountain and all the other spaces that we have across this city, which we should be fighting so hard to protect.

I thank the government for their support of this motion. I acknowledge their understanding of the importance of these areas, the importance of the ecological values. I welcome the fact that there is going to be a referral under the commonwealth Environment Protection and Biodiversity Act because, again, despite the myopic views that may have been put on the table during the debate, the ACT actually is part of the national responsibility for protecting some of these areas. The figures are there of how little lowland native grasslands are left and how much the ACT has. We have a national responsibility there, and it is entirely appropriate that that assessment be done in a national context.

I look forward to seeing the results of those assessments. I welcome the fact that the government is already preparing that referral and understands the necessity of going through that process. And as we move forward and that data comes in, I think we will need to all think carefully about how Throsby might be developed, whether some areas may be further cut from the development plan because of that which the minister described as the neck area and whether that might be protected and other areas still developed or whether the whole area needs protection to ensure the ecological values of the areas are maintained in a comprehensive way that reflects the necessity and the improved understanding of wildlife movements and what it takes to create those protections. I commend the amended motion to the Assembly.

Mr Hanson: I seek leave to speak, Madam Deputy Speaker.

Leave not granted.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Ms Porter	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher			

Question so resolved in the affirmative.

ACT public service—staffing

MR SESELJA (Molonglo—Leader of the Opposition) (11.48): I move:

That this Assembly:

(1) notes:

- (a) that whistleblowers are individuals who have the courage to bring attention to wrongdoings and, as such, deserve to be adequately protected;
- (b) that there has become a culture of bullying and intimidation towards whistleblowers which developed under this ACT Labor Government;
- (c) the systematic discrimination towards ACT public servant, Ms Debbie Scattergood, by the Government for revealing inefficiencies in the management of a \$15 million contract for mowing and garden maintenance work in the Woden-Weston area;
- (d) the Government's corruption of process during the independent Bimberi inquiry, which included documented evidence suggesting staff collude with department managers and reprisals on staff who gave evidence;
- (e) the pushing aside of Mr Neil Savery, ACT Chief Planner by the Government after repeated attempts by him to ensure the integrity of the planning process in Canberra;
- (f) the Minister for Health's continued suppression of the findings of an inquiry into bullying at The Canberra Hospital; and
- (g) the termination in May 2011 of Mr Doug Buchanan as Superintendant of the Alexander Maconochie Centre, who has publicly stated that he was denied due process and sacked for political reasons, including his opposition to a needle exchange at the gaol; and

(2) calls on the Chief Minister to:

- (a) develop a strategy to protect and provide due recourse for compensation to whistleblowers who suffered reprisals in the ACT Public Service and to present this by the last sitting day in September 2011;
- (b) implement this strategy by the last sitting day in November 2011; and
- (c) make a formal apology in the Chamber to the affected whistleblowers, acknowledging the harms suffered.

I rise to talk about this very important issue today because we are seeing from so many different quarters and so many different areas of this government just how rotten to the core this government is and how it treats those who dare speak out against it. These are no longer isolated examples but a pattern of behaviour, overseen by this government, of retribution towards those who dare speak out against it, towards those who dare criticise what this government does.

The examples are many; today I am going to focus on a few of them to show just how widespread this attitude is within the government and that, because this attitude is so widespread in the government, it can only be as a result of the lead that is shown by the leaders of this government, namely, the Chief Minister and her ministers. This comes from the top down. We see it flow through agencies and departments in the way that they treat people who dare speak out, who dare question, who dare say the government is getting it wrong or who dare highlight waste in government, wrong priorities in government or interference in statutory processes.

I would like to go through a few of those. We have seen in recent days the case of Debbie Scattergood. The case of Debbie Scattergood is just another case of how this government treats whistleblowers and how this government treats people who speak out against them.

Debbie Scattergood revealed that TAMS had wasted taxpayers' money on a \$15 million contract for unforeseen expenditures. In return for highlighting this discrepancy, she suffered discrimination at her workplace for four years, with the added insult of having her department try to restructure her out of a job, not to mention findings of a biased report against her and allegations of a cover-up.

This is shameful behaviour. The result of her ill-treatment by her employers at TAMS left her with reactive depression, and the strain on her finances forced her to sell her home. This is how the ACT Labor government treats a 30-year veteran of the ACT public service for, as the Price report states, having legitimately raised a genuine concern. All in all, it took Ms Scattergood one year to get reports of investigations of her own mistreatment, costing her \$22,000 in legal fees. At a time when the Chief Minister promised to make the ACT government the most transparent government in Australia, TAMS failed to issue 17 of 21 key possible findings in the reports sent to her. The first challenge for the Chief Minister is: is she going to release all the documents in relation to Ms Scattergood? Mr Hanson will be moving an amendment to my motion to that effect. Will they release all of the documents?

We see the double standard in the way they treat the Public Interest Disclosure Act. When there are widespread concerns of bullying that merit an inquiry, the government uses the Public Interest Disclosure Act to shut down an open inquiry—to shut down scrutiny, to hide documents. When there is a legitimate whistleblower, the government says that the Public Interest Disclosure Act does not apply and that retribution towards her cannot be punished because it is not under the act. What a disgraceful contradiction. What a disgraceful misuse of a piece of legislation.

Ms Gallagher has used it to hide bullying at Canberra Hospital; she has hidden behind the act when it was completely inappropriate to use that legislation. Yet when it was appropriate to use that legislation, when we have the case of a whistleblower, they claim it does not apply. There is retribution towards her and no punishment for the people who meted out the retribution. What a disgrace. What an absolute disgrace.

We see the issue of Doug Buchanan. Doug Buchanan was cleared of the claim against him as a result of a lack of evidence. He has been cleared of the claims against him, but he was sacked. The Hamburger review, issued in March, found that Mr Buchanan was “mentoring the AMC leadership team and leading by example in his interactions with staff and detainees”. It said:

Feedback from some external stakeholders is that the Superintendent is having a positive impact on AMC operations ...

The review also noted that staff morale improved significantly after Mr Buchanan took over. Yet he was sacked. We have got an independent review saying that he has done a great job—he has done a sterling job; he has helped morale; the prison is running better. We should be thanking Doug Buchanan. The government should be welcoming him back with open arms. They should have kept him there to do the job that he was doing, and apparently doing very well.

Mr Buchanan did not agree with their needle exchange. Like most people who work in the prison, Mr Buchanan did not agree with the needle exchange—and rightly so. He was sacked as a result. This is how the government treat those who speak out against them. This is how the government treat those who disagree with them. They are rotten to the core.

Here is an individual, Doug Buchanan, with 30 years experience in corrections, who was denied due process, sacked on the basis of allegations which were found to have no foundation. The Canberra Liberals have called for a committee to investigate Mr Buchanan’s departure, but Mr Corbell and the Greens, the Labor Party and the Greens in this place, rejected it.

I will come to the Bimberi issues, though I am sure Mrs Dunne will touch on those in some detail. But I did want to talk about another person who is not formally a whistleblower but who has blown the whistle on the government’s interference in statutory planning processes. That is the former chief planner, Neil Savery. His treatment, again, has been a disgrace.

Let us look at the issues Mr Savery raised. Mr Savery first raised some of these issues back in 2008. We see documents that show that in March 2008 he was corresponding, saying, “I want to use this as evidence”—use this as evidence with the head of the Chief Minister’s Department about the ongoing interference in the statutory planning process by officials, by this government. We have set up a statutory planning process, and then the government does not respect that process and interferes.

Let us look at what he had to say in his minute to the then planning minister, Andrew Barr. His cabinet-in-confidence minute was to convey his concerns as a statutory office bearer with respect to interference in the planning process and raise the prospect that the matter of the Giralang development application for a supermarket be determined by government. He believed that the process had been so compromised by the government that it now needed to be called in—because of interference by the Labor government.

In his minute, he goes on—and this is an interesting part of this minute, given what this former planning minister, Andrew Barr, had to say on this subject. Andrew Barr used to come into this place and say, “We are going to take the politics out of planning.” That is what he said. That was his stated position—take the politics out of planning. We always pointed him to Wollongong and the Labor Party’s way of taking politics out of planning. It turns out that Andrew Barr was very good at saying that he wanted to take the politics out of planning, but when that very issue was raised with him by the chief planner he sold him down the river. He sold him out. Let us look at what the chief planner said:

You will understand that I find this level of interference, which in the case of DLAPS is occurring on an ever more frequent basis, although not always as obviously as in this case, has the potential to make the role of ACTPLA as a statutory authority for a range of tasks increasingly difficult and puts the Government at risk. It also means that one part of your 2010 Statement of Planning Intent is difficult to deliver, namely, keeping the politics out of planning.

The chief planner knew what a hypocrite the planning minister was. Every time he got in the Assembly and said that he wanted to take the politics out of planning he was not telling the truth. He was not telling the truth.

The chief planner is blowing the whistle. He said, “You have put the politics back into planning.” And when he asked him for help, he came to his planning minister and said, “This needs to stop.” He wrote him a letter—a draft letter for Andrew Barr to write to the Chief Minister saying, “Stop this interference. There is interference from you; there is interference from officials.” What did Andrew Barr do? Did he sign the letter? He sent the draft letter to the Chief Minister. He asked the Chief Minister to redraft a letter from him to the Chief Minister. How gutless. How absolutely spineless.

This chief planner, who we know that the current planning minister respects—he said so yesterday—and who is well respected, comes to his planning minister and says, “There is ongoing interference. I want you to do something about it. I want you to write to the Chief Minister and tell him to back off.” What does the planning minister

do? What does Andrew Barr do? He sells him down the river. He actually gives the Chief Minister the draft so that the Chief Minister can redraft the letter.

It makes a mockery not just of the independence of the planning process but of this guy as a minister. He was so weak that he could not stand up to the Chief Minister. And when his chief planner asked him to, he actually sought the permission of the Chief Minister to criticise him. He sought Jon Stanhope's permission. So Neil Savery gets sold down the river. Andrew Barr goes running off to Jon Stanhope, and then we see Neil Savery moved aside. He gets moved aside because he dared to speak out against government interference in the planning process.

On that issue, I believe that there is much more to come out and much more to be said about the treatment of Neil Savery and about the ongoing interference in the statutory planning process, the inappropriate interference of this government in a statutory planning process. A former minister was constantly misleading the community by on the one hand saying that he wanted to keep the politics out of planning while his chief planner was telling him that politics had well and truly been put back into planning.

I will just touch on the Bimberi issue; Mrs Dunne will touch on that in some more detail. At Bimberi we have again seen the dodgiest of processes when it comes to the establishment of this inquiry and the alleged interference in that inquiry. We have got whistleblower after whistleblower saying that they were coached. They were coached and steered away from the inquiry. And to the extent that they were speaking to the inquiry, they were coached. They were directed as to how they should give evidence. It makes an absolute mockery of that process. We know that it was therefore impossible for the commissioners to get to the bottom of issues at Bimberi because we know that there was coaching of witnesses going on. We know that there was an attempt to pervert that process.

We now have this long-established pattern from the Labor Party in this place, from the ACT Labor government: they treat anyone who speaks out against them with contempt; they engage in retribution towards them. They get sacked; they get moved aside.

Ms Gallagher herself engaged in this when she publicly attacked the doctors who dared speak out about bullying at Canberra Hospital. She as health minister set the tone as to how they should be treated. She set the tone, and some of her officials, unfortunately, are now following her lead and going after those who dare to speak out against this government.

This motion should be supported. It highlights just how rotten this government are. It highlights how they treat people who disagree with them. Canberrans who expect that their government would have some sense of decency, that they would treat whistleblowers with some sense of decency, would be disappointed by these examples. I commend the motion to the Assembly. It is an extraordinarily important motion.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.03): The government will oppose the motion from Mr Seselja. I think the Liberals have drafted this motion in a particular way so that the

government would be unable to support it and did that knowingly just so that they could grandstand some more on what is a very important issue. I did try to look at amendments to this motion that would make it acceptable, possibly, so that all parties in this place could support it. But in a sense it was going to be deleting the entire section from 1(b) down and elements of section 2.

The fact that Ms Hunter has another motion that is similarly canvassing the issues that are outlined in Mr Seselja's motion—and the government will foreshadow some amendments to add some content to Ms Hunter's motion—I think, gives us the opportunity today to deal with this subject in a mature and responsible way, a way in which the Liberal's motion does not allow us to deal with. Indeed, if one listened to Mr Seselja one could be mistaken for believing that I sign off and approve or disapprove every single action taken across the public service in dealing with individual staffing matters. And that, as Mr Seselja knows, is simply not the case.

I do, however, come to this position as Chief Minister with a very firm and clear view that we need to look at all of the ways that we deal with our staff, with the way that their conduct is managed within their individual workplaces. And that goes for each staff member, their immediate manager, the manager's manager, the senior executive service, the chief executives or directors-general and of course the ministers that sit above those directorates.

I think there are some areas where we need to improve, and I think we will have that debate under Ms Hunter's motion. Certainly from my own point of view, from the work that I have put in during the last six weeks in looking at this matter, particularly around complaints handling and issues of public interest disclosure and how best review and reform of that piece of legislation is to be managed, there is much to work on across the ACT government.

As I said, one of the responsibilities that I have as Chief Minister is to ensure that we do not abuse our position of power and privilege. We should think long and hard before we, in an attempt to score cheap political points, name in this place individuals who are often in difficult circumstances. And we see that very clearly in Mr Seselja's motion today. Of course that should not mean that we do not discuss systemic issues in public administration in the ACT but we should do so with the facts in front of us and in a genuine desire to improve the systems as they exist. Ministers and officials should be held to account for their actions and decisions but I do not know that individually naming particular individuals in the way that Mr Seselja's motion has allows us the ability to deal with those systemic issues or have an honest discussion around them in this place.

In the ACT the Public Interest Disclosure Act is the governing legislation for whistleblowers. It establishes a process by which a person can make an allegation to an appropriate authority about conduct that calls into question the honesty or impartiality of the public official or government agency or constitutes a breach of public trust or a misuse of information or material in the exercise of public functions. In addition, the conduct being disclosed must be of such seriousness to possibly constitute a criminal or disciplinary offence or grounds for termination of a public official. The ACT public interest disclosure legislation clearly and appropriately

allows for no action to be taken in relation to frivolous or trivial matters or if the allegation is more appropriately dealt with through other avenues of redress.

The legislation is not intended to address individual grievances. In part to encourage disclosures to be made and to protect those brave individuals who do step forward, the act contains very significant penalties for people who seek to victimise a person who has made a disclosure. It also establishes a strict regime of confidentiality. Compliance with those provisions is critical to maintaining confidence in that legislative framework.

Indeed, it is entirely counterproductive to the intent of the law for allegations of concealment or cover-up to be levelled in this place against ministers who are simply complying with the law and protecting the enormous public interest in the effective operation of that regime. To do so continues, I think, to peddle and undermine confidence in this crucial accountability mechanism.

If we go to subsection 1(f) of Mr Seselja's motion, "the Minister for Health's continued suppression of the findings of an inquiry into bullying at the Canberra Hospital", it is a clear example where the opposition for some time, and I am sure they are going to continue it for the next year, continue to peddle the public belief that I have the findings of the public interest disclosure process, that they have been given to me and that I am suppressing them from being provided to the public when the Leader of the Opposition and the shadow health spokesman know, or I think they know, unless they do not actually believe what they are being told, that I did not choose for the public interest disclosure process to be used in that instance. It is not a decision for a minister.

I have not received the report on the public interest disclosure as I am prevented from being able to do so under the law. To actually put in the motion "the continued suppression of the findings of an inquiry" as though I have them is simply incorrect and misleading. I would urge the opposition to stop this very clear mislead of the ACT community by actually putting that in a motion for consideration by this Assembly. It makes a mockery of my belief that they are genuinely wanting to do anything in this area, in this space, because they are writing things in a way that they know other parties in this place, particularly the government, are unable to support. I think that is what they want. They want to look like they are trying to do something but they genuinely do not want to do anything, because it may involve some work.

I have dealt with subsection 1(f) there, but subsection 1(e) is another clearly incorrect allegation that the Liberals are going to continue to peddle, it would seem.

The government does believe and certainly I do, as Chief Minister—and I have been taking a lot of briefings around our complaints handling, around legislation like public interest disclosure, around information legislation like freedom of information legislation in the ACT, in line with my open government agenda—that there are great opportunities before us about how we can open up the systems and mysteries of government, how we can improve our legislation and, importantly, how we can look at how matters are being dealt with at the coalface. That was one of the issues raised in the discussions that I had with the Worksafe commissioner and the Ombudsman

during the winter recess, where both of them said, “Your legislation may be okay in many ways, as are some of the policies and procedures that underpin it.”

The real issue we need to address very strongly is training and staff development so that managers in workplaces, those people at that level, when problems do arise, whether be it a complaint or a public interest disclosure, actually understand how to deal with those matters in a way that is supportive of the person making the complaint, of the rest of the workplace whom the complaint may be made against, of the managers who oversee that workplace, that there are very clear understandings about what the process, the guidelines and the law actually say. That is more of a challenge, because that means you are trying to get to thousands and thousands of staff who work in our very dispersed ACT public service, often in very stressful conditions, for example, in schools and hospitals and other workplaces where we know there are high stress jobs. I think that is an area that we will have to work on.

We have got the RED framework, the respect, equity and diversity framework, being rolled out. A lot of work has been done over the past 18 months, and that in a way sets the standard. The challenge is to then get that to be fully understood across all our workplaces.

But I would say that I am taking a very active interest in this space. I am looking at current complaints that have been raised with the government, particularly long, ongoing and complex ones. And I would like the government as an employer in this city to set the standard that complaints, when they are made, will be listened to, that complainants will be respected and protected after making a complaint or raising a concern and that all of our staff across the public service are well trained and equipped with all the skills and capacities that they need to respond to those complaints. That is the message I am sending.

I do not think we are up to scratch across the service. I think there is enormous room for improvement, and I look forward to being part of the solution and part of the work going forward to improve our complaints handling and improving our legislative framework to support whistleblowers and those making complaints, to have those complaints fully investigated and adequately responded to.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.14): There are a range of issues in this motion. I have to say at the outset that I am concerned at the new trend to bring motions about particular individuals into this place. Certainly on some occasions it may be appropriate. However, we have to be very mindful of the impacts that debates in this place can have on particular individuals.

I think the better approach is for us to consider the root cause of the issues and comprehensive responses that respond to the concerns of anyone who found themselves in those circumstances. That is a far better approach for us as members of parliament to take. We can respond to any impropriety that may have occurred but also ensure that it does not happen again, or at least that we have a proper system in place to deal with it.

There is, of course, considerable overlap between this motion, which deals with a number of specific incidents, and my motion this afternoon, which will address the

need for a comprehensive review of the Public Interest Disclosure Act so that we have a more robust mechanism to deal with complaints within the public service. Mr Speaker, the Greens will not be supporting this motion as we believe the salient issues will be covered in my motion this afternoon and we simply cannot agree with many of the statements that are made in the motion.

Before turning to the broader issue of whistleblowing, I would like to go through the specific issues and allegations that have been made. A number of these issues have been raised many times before in this place. We have discussed at great length the issues within obstetrics at the Canberra Hospital. The process that was set up to investigate the allegations of bullying and harassment at the Canberra Hospital obstetrics unit was broadly supported by everyone involved, except the Canberra Liberals.

Everyone, except for the Liberals, agreed at the time when the matter first came before the chamber that it was more appropriate to have an independent expert undertake investigations and a conciliation process. This recognised the sensitivity needed to handle allegations of workplace harassment. It recognised that it would not be in the best interest of anyone involved nor in the broader public interest to have this matter publicly litigated, and witnesses subpoenaed, through either an inquiries act or Assembly inquiry process. It now appears that some relevant bodies have changed their public position. That is unfortunate, but does not change the reality of the situation we are now faced with.

No-one has ever argued that the Public Interest Disclosure Act is perfect or that it would give us the best possible outcome. The reality is that it is what was available and it was the best mechanism available at the time to deal with the problem. At all times throughout the debate on this matter the Greens have emphasised the need for that workplace to be able to rebuild its morale and relationships first and foremost.

A hostile inquiry would not have assisted this process. I cannot understand why the Canberra Liberals continue to say that the minister is suppressing the findings. Section 33 of the Public Interest Disclosure Act explicitly prevents disclosure of the information gained through the inquiry. It would be an offence, punishable by 50 penalty units, for the minister to disclose the information or, indeed, for any official in the investigation to disclose it to her.

You might reasonably argue that this is a deficiency in the Public Interest Disclosure Act and something that needs to be looked at in the review process, and I agree that it should be looked at. It is something that has been considered by the whistling while they work project, which found that several other jurisdictions do have better models for how this might be dealt with. Again, this will be covered by my motion later this afternoon.

When it comes to the case of the former superintendent of the AMC, the Greens did not support a committee inquiry because we were concerned about the consequences for the individual involved. It was not evident to us that he readily understood exactly what an inquiry would involve and there are a range of other mechanisms that could be used to resolve any impropriety. This was certainly not an issue that needed to be

played out in public for all to see. The Greens do not to date have reason to believe that the former superintendent was sacked for his opposition to a needle and syringe program trial at the prison.

However, it does appear that there remain a number of issues that should be further looked into and we are interested to hear that the Justice and Community Safety Directorate will go ahead now with some form of independent review into the matter. We would welcome an assurance from the minister that the review will be a robust and respectful process for all involved. There are some concerns about the process of the superintendent's moving on and we would reiterate our concern that due process be followed.

In relation to the Bimberi inquiry, again we have debated a whole motion on this point. There were some very poorly worded minutes of a meeting that could have given the impression to staff who were not at that meeting that they should talk to a supervisor before talking to the inquiry.

Whilst I do accept that there was no intention on the part of the ATSIIS unit manager to do anything untoward, the staff involved should have understood that it was vital the minutes of the meeting properly reflect the intent of the discussion. I am sure that with the benefit of hindsight they would not have expressed it that way and I have no reason to suspect that that was ever the intention. I do not think that there can be any doubt that what we got out of the inquiry into the youth justice system was an exceptionally high quality report and we should be focusing on implementing the findings.

There are some cultural problems that exist around the Bimberi Youth Justice Centre and how it is run. Some of these are long-standing problems that I suspect came about because of the outdated ideas about how a youth justice centre should work and some have come about because of the politicisation of the issue. As the commissioner pointed out, this has led to perhaps an overly risk-adverse environment that means the young people are missing out on some of the programs or other opportunities that are available at Bimberi or that could be provided for them.

In relation to Mr Savery, that matter is very complicated and involves a range of different issues, both legal in relation to the scope and nature of obligations placed on the authority by the Planning and Development Act, and operational in relation to public sector management and the appointment of officeholders within the public service. These issues have not been resolved and for the Assembly to essentially make a finding on the issue at this stage would certainly be premature to say the least.

We then come to Ms Scattergood. Indeed, it appears that this is a case that highlights the need for not only legislative reform of the processes but also that significant cultural reforms are needed in parts of the public service. This case is a good example of a conscientious public servant who has done the right thing and highlighted poor practice and who was not well served by the mechanism that is supposed to protect her. It serves as a very important reminder to us all of the need for real change to ensure that it does not happen again.

Whether or not this is evidence of a broader approach to whistleblowers, I do not know. I certainly hope it is not. I do have concerns about a range of cultural issues within the public service. I do not think it is a reasonable response to tar the whole public service as bullies or assert that it is the prevailing culture when I am confident that the majority would do the right thing and it is the few bad apples who behave inappropriately.

Irrespective of the exact prevalence of the problem, we need to respond urgently. There is no excuse for us not having a world class disclosure scheme. This is no excuse for ministers and senior executives within the public service not doing their utmost to ensure that every ACT public servant can feel comfortable about making a complaint and be supported and protected in doing so.

We now have a strategic board of directors-general. I do think that this is a matter that they should consider and develop a service-wide strategy on. This should then be rolled out across the respective directorates so that no-one can be in any doubt of the service-wide commitment. It is important that we recognise that education, particularly of senior staff about the operation of the Public Interest Disclosure Act, and any changes that I hope the Assembly will soon make will be vital in its effective operation.

I think that we all here agree that it takes courage to speak out and be critical or to highlight a concern about maladministration, knowing that the criticism is about colleagues and therefore carries the risk of reprisals and other difficulties in the workplace. The Greens certainly agree—

MR SPEAKER: Ms Hunter, one moment. I think you have a point of order, Mr Hanson?

Mr Hanson: Yes, thank you, Mr Speaker. Thank you for finally recognising that I was on my feet.

MR SPEAKER: The standing orders and the—

Mr Hanson: And I ask for your—

MR SPEAKER: Mr Hanson, one moment. The standing orders and the practice of the place would normally suggest you would actually call “point of order” to draw the Speaker’s attention.

Mr Hanson: Mr Speaker, may I seek your guidance on the appropriateness of the Speaker, rather than paying attention to the debate, reading the *Canberra Cyclist Magazine*? Could you provide a reference perhaps to a standing order? I am not sure, but could you provide me some advice on that issue?

MS HUNTER: Could you stop the clock?

Mr Corbell: Point of order.

MR SPEAKER: Yes, stop the clocks, thank you. Mr Corbell.

Mr Corbell: Thank you, Mr Speaker. I understand that those on the other side of this place have their concerns about your performance, Mr Speaker. We have seen that outlined in the debate yesterday. But I think it is incumbent on all members to show due reference to the chair. If they espouse the types of things we heard from them yesterday about the importance and the authority of the chair and so on, they know the proper form in this place to deal with any concerns they have. They have exercised that. They have been unsuccessful in it. But the sort of snide, disrespectful comments that we have seen towards you, Mr Speaker, from Mr Hanson just then cannot be tolerated in this place. The chair deserves respect. It does not matter who is in the chair. The chair deserves—

Mr Seselja: Point of order, Mr Speaker.

MR SPEAKER: Mr Seselja, Mr Corbell has the floor.

Mr Corbell: Mr Speaker, Mr Hanson is failing to show that respect. It is a breach of the standing orders. He knows what the forms of this place are. I simply take the opportunity, Mr Speaker, to draw to your attention my concern and the government's concern about that behaviour and ask you to remind members about the importance of showing respect for the chair. That is the obligation on members in this place. It is not about who sits in the chair.

MR SPEAKER: Order! Thank you, Mr Corbell. There is no point of order. Ms Hunter, you have the floor.

MS HUNTER: Thank you, Mr Speaker. I think we all in this place can agree that it does take some courage to speak out and be critical or highlight a concern about maladministration, knowing that the criticism is about colleagues and therefore carries the risks of reprisals and difficulties in the workplace. The Greens certainly agree that we need to minimise the risk of this occurring and that the Public Interest Disclosure Act should offer better protections so there can be no doubt that any action taken in response to someone raising a concern is unlawful.

The prevailing culture should be one that says it is not okay to respond with discrimination or reprisal and that complaints and criticism are an essential part of the continual improvement that the public service should be striving for. In the event that a public servant does feel uneasy about the response of their supervisor or colleagues, they should be able to be confident to approach more senior management or the director-general directly to voice their concern, knowing that the rest of the directorate would respect the good intentions and positively value the opportunity to correct any error.

On the question of what should be done now to improve the public interest disclosure process, we certainly need to do more than provide compensation to those for whom the system does not work. The obvious aim is to prevent the loss in the first place. The Greens' view is that there should be a statutory framework for compensation where a

whistleblower has suffered a loss because of their disclosure, rather than just an executive policy or strategy.

The issue of compensation is extensively considered in the range of reports on public interest disclosure laws and there is consensus that there should be a statutory mechanism so that whistleblowers do not have to depend on the common law for compensation. I have not come across any commentary to support the idea of what would essentially be ex gratia payments based on an executive policy.

Equally, it is well accepted that the common law is not sufficient. To my knowledge there has been only one successful case litigated, and that was in New South Wales. It was *Wheadon v State of New South Wales*. Whistleblowers are vulnerable, and protections should be put in place that do not involve victims having to litigate to be compensated for their loss.

We also need to be aware of the appropriate interaction with the industrial relations system, as in many cases these are probably the most relevant remedies and the ones most sought by victims would be through that system. The House of Representatives legal and constitutional affairs committee has also considered this issue. At page 103 of their 2009 report they found:

Where reprisal occurs, mechanisms should be available to protect an individual and to compensate for detriment suffered by a person making the disclosure.

I think we all agree in principle that compensation should be available. The exact details of how it should be determined still need to be finalised and should form part of the broader review in the exposure draft proposal. Rather than just a strategy for compensation, we need legislative change and a statutory mechanism that binds the government to awards of compensation through a mechanism that operates in a more flexible tribunal-style manner, that also considers industrial relations remedies and that can work with the public service and individuals and deliver the best outcomes for the individual case. Of course, if that process fails to resolve the matter or the action is taken against a particular individual, recourse to the courts will be required.

There are of course a whole host of other issues with whistleblower laws and I will discuss these further in the debate on my motion later today. A comprehensive review and new legislation are a better way forward than what is proposed in this motion. I hope that today's motions will send a very clear message to the government that the parliament expects action and that the status quo is unacceptable. Changes need to happen. Public servants need to be empowered to do the right thing and to act in accordance with their code of conduct. Ultimately, it is in the territory's interest and in the best interests of all public servants to do this.

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

Sitting suspended from 12.30 to 2 pm.

Questions without notice

Government office building

MR SESELJA: My question is to the Deputy Chief Minister. Minister, how much has the government spent to date on research, consultants, planning and any other aspect of the whole-of-government office building project?

MR BARR: I understand the work totals to date more than a million dollars. I will get the exact figure. Obviously there is a further appropriation this financial year that was contained in the last budget. It certainly is north of a million dollars, and I will get the exact figure. I have a feeling it may actually be closer to \$2 million or \$3 million, but I am happy to get that figure for the Leader of the Opposition.

MR SPEAKER: Supplementary, Mr Seselja?

MR SESELJA: Thank you. Of the total spent to date, how much was spent on market testing this project?

MR BARR: I think that would depend a little on how one defines market testing, but perhaps we will give it its most broad and generous definition and get that information for the Leader of the Opposition.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, what consultation occurred with the private sector during the expenditure of this project to date?

MR BARR: An extensive amount, as I understand all of the consultants engaged in the project were from the private sector.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, what community consultation occurred with the ACT taxpayers during the expenditure of this project to date?

MR BARR: There has been robust community discussion in relation to the project I think from the time it was first announced, Mr Speaker.

ACT Policing—tasers

MS HUNTER: My question is to the Minister for Police and Emergency Services and relates to tasers. Minister, last year this Assembly passed a motion which stated that “the government will report to the ACT Assembly on the outcome of the ACT policing review” and “any expansion in the use of tasers shall only occur on the grounds of improved public and/or police safety and will be supported by evidence.” That review was completed in February of this year. Minister, given that the report was completed six months ago, why have you not reported back to the Assembly, and will you table a copy of the report in the Assembly today?

MR CORBELL: I thank Ms Hunter for the question. The question does not understand what has occurred in relation to either the decision making in relation to this matter or, indeed, what the resolution of the Assembly actually said. The fact is that this was a process that involved a final decision being taken only in the last week in relation to whether or not tasers should be rolled out to sergeants, operational front-line sergeants, in ACT Policing.

It is the case that the AFP Commissioner and the Chief Police Officer determined that it would be desirable to expand the provision of tasers to front-line sergeants in February this year, and that was the trigger point for them to start discussions and consultations with the ACT government and me as the ACT Minister for Police and Emergency Services about their proposal. They made it clear to me that they would not make a final decision on the rollout of tasers—

Ms Le Couteur: On a point of order, Mr Speaker, Ms Hunter's question was about a report. Mr Corbell has not mentioned any report.

MR CORBELL: No, it was not just about the report; it was about the process.

MR SPEAKER: Thank you, Mr Corbell. There is no point of order at this stage. You have the floor.

MR CORBELL: Thank you, Mr Speaker. The AFP Commissioner and the ACT Chief Police Officer made it clear that they would not introduce a rollout of tasers without the agreement of the ACT government and, in particular, without the agreement of me as the Minister for Police and Emergency Services. That process was completed within the last week. Today after question time, as members would be aware, I will be making a statement to the Assembly fulfilling my obligations under that resolution to advise the Assembly of the outcome of that process. So what I have done is entirely consistent with the resolution of the Assembly.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Minister, could you please table a copy of all the evidence of improved public and police safety you relied on to make your decision, as the motion passed by this place says you would?

MR CORBELL: I am very happy to provide all the material that has been provided to me, subject to any issues of confidentiality that the police may raise with me, noting that this is a matter that has been referred to me by ACT Policing. But the suggestion from the Greens that there has been some failure of process on the part of the government is false. It is completely false because the decision about the rollout of tasers was contingent upon my agreement as minister. The Chief Police Officer and the AFP Commissioner have made clear that they are not going to roll out the deployment of additional tasers without getting the concurrence and the agreement of the ACT government. That agreement was forthcoming within the last seven days.

So to suggest that in some way there has been a decision taken months and months ago that has not been reported is false. It is completely false, and I am fulfilling my

obligations in relation to this resolution by reporting to the Assembly this afternoon on the decision and the reasons for it.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, in making the decision to expand the use of tasers, what specific concerns did you raise with the AFP and what evidence was provided to you to overcome those concerns?

MR CORBELL: I will be outlining all of these issues in my statement this afternoon, as I am obliged to do as a result of the resolution of the Assembly last year. But I need to make a couple of points very clear. The first is that the decision to implement this technology as a use of force option for ACT Policing sergeants is an operational decision of the Chief Police Officer and the AFP Commissioner. But in the spirit and in recognition of the particular arrangements that occur here in the ACT, in that we have a contract for the delivery of policing services, I, the AFP Commissioner and the Chief Police Officer have agreed, in advance of any decision being taken, that there would be consultation with me, as the responsible ACT minister, and that my agreement would be sought before any final rollout occurred. And that is exactly what has occurred in this case.

In relation to the types of issues that I have sought clarity on and further advice on, I will invite members to listen to my statement after question time today.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: How did the review consider the Western Australian evidence that tasers cause increased harm, and what other evidence is there within the report that suggests that there is an increased risk to public safety from the expanded use of tasers?

MR CORBELL: ACT Policing have looked very closely at the experience of all jurisdictions in terms of the rollout of tasers. I note that the Western Australian example is being used by the Greens, but of course what the Greens should also understand is that in Western Australia tasers are deployed to every front-line officer. That is not what is being proposed here in the ACT. The rollout is being deployed to front-line operational sergeants—that is, approximately 15 additional devices being made available to ACT Policing. To compare that with a statewide rollout of thousands and thousands of front-line police officers, where every police officer from constable upwards gets a taser, is simply a misleading and incorrect comparison. That suggestion has no basis in fact.

Further, I would put to the Assembly very strongly that, if there is an alternative use of force option available to police that does not involve the use of a firearm, that surely is a positive development for community safety. That is certainly the view that the government takes.

Government office building

MR SMYTH: My question is to the Deputy Chief Minister. Minister, on 31 May this year you said:

The government office block is the best value for money for the ACT taxpayers ...

Further, you said on the same day that the project was:

...the best way to provide ACT public servants with appropriate and safe workplaces.

Minister, on 15 August, this week, you said the proposed model—that the government construct and own the building—may not be the best option and you would ask the private sector. Minister, why did you say the government constructed and owned model was the “best value” and the “best way” when you had not even market tested the project with the private sector before saying it?

MR BARR: I think I may have been verballed a little there by the shadow treasurer. It certainly is not the first and nor will it be the last time whilst I am a member in this place. My comments were in fact related to the concept of the co-location of the ACT public service, or certainly those functions that have a direct relationship with this place and are involved in the policy development areas in particular. Being co-located, moving out of a large number of buildings into one, would certainly have benefits for the territory in relation to our annual rental bills, for example.

My comments of more recent times this week go to respond to some particular concerns and some suggestions that were put to the government as to the advice of our consultants that the best way forward would be for the government to be owning and building the piece of infrastructure. There were some within the membership of the Property Council who believed they could do it in a more cost-effective way.

I have accepted that advice and I have put the challenge out to the property sector to better the outcomes that those from within the same sector, amusingly, who have been advising us in relation to these projects have put forward. If there are those other members of the Property Council who can deliver the project in a more cost-effective manner then I look forward to hearing from them through this process. I note that the spokesperson for the Property Council, Ms Carter, believed that my approach was both sensible and pragmatic.

MR SPEAKER: Mr Smyth has a supplementary.

MR SMYTH: Thank you, Mr Speaker. Minister, are you now laying the groundwork to abandon this project?

MR BARR: I outlined yesterday to members the government’s commitments in relation to new office accommodation. As I have indicated on a number of occasions,

the government's first priority is, of course, the development of office accommodation in Gungahlin, and we will be focusing on that priority. But we also recognise the need for longer-term solutions to accommodation issues and we will be working through those. But I have given, as I have indicated, the property sector the opportunity to deliver the project for the people of the ACT at a price better than what our consultants have advised is possible through government delivery.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much. My question to the minister is: given the Liberal Party's dependence upon rental income from commercial properties, does their opposition to this project smack of conflict of interest?

Mrs Dunne: On a point of order, Mr Speaker, it is entirely irrelevant to the question about the government office block, and I draw again to your attention Mr Hargreaves's propensity to ask questions which are clearly out of order to soak up the supplementaries.

MR SPEAKER: The question is out of order. The minister is not responsible for the rental situation of the Liberal Party headquarters. Mr Seselja, a supplementary question.

MR SESELJA: Thank you, Mr Speaker. Minister, if the government office block project as outlined is the best value for taxpayers, as you have already claimed, then why is there a need to test the market?

MR BARR: Again, I think the Leader of the Opposition is verballing me. What I would indicate is that—

Mr Seselja: It is a quote.

MR BARR: Yes.

Mr Smyth: You are being verballled by a quote!

MR BARR: No. In the context of the desire to co-locate—

Mr Doszpot interjecting—

MR SPEAKER: Order!

MR BARR: Thank you, Mr Speaker. In the context of the decision and the need to have new accommodation for the ACT public service, the decision to co-locate is a sensible one and is one that is broadly supported by all those who have the long-term interests of the ACT government at heart. In the context of having taken that decision, it was in that context that I made those remarks in May. In relation to the delivery of the project, as the Leader of the Opposition would be aware, there are a variety of

different delivery models for such a project. What we are doing is simply seeking to explore those opportunities.

We have advice from a team of consultants who have made a series of recommendations—consultants who are all from the private sector. We have an alternative set of views coming from another element of the Property Council, and all the government is doing is taking the sensible and pragmatic approach of seeing whether—(*Time expired.*)

Mrs Dunne: On a point of order, Mr Speaker, can I ask you—I think I have asked this before and can I reinforce this—to review the record of question time and consider the number of times Mr Hargreaves has asked a question which is clearly out of order, which you have ruled out of order, and consider what might be done as a remedy to this, because it soaks up supplementary questions for members who have legitimate questions.

MR SPEAKER: Thank you, Mrs Dunne. I will reflect on that and come back to the Assembly.

Computer games—classification

DR BOURKE: One of the things after my election that young Canberrans first—

Members interjecting—

MR SPEAKER: Order, members! I can't hear Dr Bourke's question, and probably the minister can't either. Dr Bourke, if you would you start again, thank you.

DR BOURKE: I will speak louder. One of the things that young Canberrans first brought to my attention when I was elected—

MR SPEAKER: Dr Bourke, who is the question to?

DR BOURKE: was the classification of computer games. My question to the Attorney-General is: can you tell me about the classification system for computer games in the ACT?

MR CORBELL: I thank Dr Bourke for the question. The classification of computer games in the ACT is, of course, subject to a national classification regime, which is established collaboratively between the states, territories and the commonwealth. Here in the ACT, we rely directly on commonwealth legislation when it comes to the classification of those types of media. In the ACT, we currently recognise a range of classification types, such as G, PG, M and MA classifications. We do not currently have a classification for R-rated material, even when it comes to computer games, and for that reason R-rated material is currently prohibited from sale in the territory.

This, of course, has been a concern for the ACT government for a period of time. We know that the average age of gamers in Australia is over the age of 30. So there is a whole generation of young people who have grown up with computer games as an

entertainment choice and who now wish to access material that is available in other jurisdictions around the world but not currently available in Australia for sale.

Of course, the challenge with this is that a large amount of this material can be accessed through other means. For example, it can be accessed through online gaming platforms, it can be accessed over the internet—it can be accessed in a range of other ways. So the challenge for the ACT, as it has been for all jurisdictions, is to recognise that this material is already available, although it is not available with a classification rating to guide decision making by parents and young people about—

Mr Hargreaves: A point of order, Mr Speaker; could you stop the clock, please?

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: Could I ask you to remind those opposite of those people who are on a warning, because there is a cacophony of sound that I can't get over.

MR SPEAKER: Thank you. We will continue with the answer to Dr Bourke's question. I will continue to monitor the chamber.

MR CORBELL: For this reason, the ACT government has been a strong supporter of introducing an R18+ classification for computer games. We have supported this approach because we recognise that it is important, in a democratic society, for people to be able to view this material, but also because a classification regime will ensure that those young people who should not be viewing the material cannot be viewing the material and, equally importantly, that their parents are given information and education about what material should and should not be made available to them. That, of course, cannot occur in the current situation where an R18 classification does not exist, and in an environment where that material is being made available through other means, such as online gaming platforms.

For that reason, the government continue to support the introduction of an R18+ classification for computer games, and we have, of course, seen positive developments on that in recent months.

MR SPEAKER: Dr Bourke, a supplementary question?

DR BOURKE: Attorney, what has been the ACT government's position in relation to the proposed R18+ classification category for computer games?

MR CORBELL: At the most recent meeting of attorneys-general in Adelaide in the last month or so, agreement was reached amongst all jurisdictions to establish an R18+ classification for computer games. All jurisdictions, including conservative jurisdictions such as Western Australia, New South Wales and Victoria, have agreed to introduce an R18+ classification for computer games.

The ACT, as I have already stated, has always supported the introduction of an R18+ classification because it would ensure that games with adult content are sold only to adults and that purchasers are fully aware of the content and the impact of the games.

The next steps, Mr Speaker, are for relevant state governments to amend their legislation, and the ACT will also need to amend some legislation, to allow for the regulation and introduction of an R18+ classification. This will come about following the introduction into the federal parliament later this year of amending legislation to the relevant commonwealth legislation to establish an R18+ classification for use by the Australian Classification Board.

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: A supplementary, Mrs Dunne.

MRS DUNNE: Minister, are you aware of correspondence from your New South Wales colleague Mr Donnelly MLC and have you viewed the video clips that he compiled with that correspondence? And what is your view of those video clips, particularly, for instance, the one that encourages—

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: Let me hear the question, Mr Hargreaves.

Mr Hargreaves: Mrs Dunne is asking for an expression of opinion. She has asked the minister for his view.

MR SPEAKER: I will hear the rest of the question and then I will rule on the point of order.

MRS DUNNE: I will rephrase it. Is the government comfortable with the sort of material that encourages the killing of prostitutes with baseball bats and petrol bombs as appropriate for access to anyone, adult or not?

MR CORBELL: I am not familiar with the correspondence Mrs Dunne refers to. It may have been received in my office but I certainly have not viewed it at this time.

In relation to the types of depictions that Mrs Dunne refers to, it is important to remember that the establishment of an R18+ classification does not mean the carte blanche introduction of a range of graphic images or scenarios that would be refused classification under the current scheme. Any material that is refused classification under the current scheme, particularly depictions with that type of linking of violence with sexual gratification and so on, will still, in many instances, be considered to be material that should be refused classification and is prohibited in Australia.

Obviously it will depend on the exact material that Mrs Dunne is referring to. Without seeing that material, I cannot tell her whether that material will fall in or outside the classification regime. But what I can say very clearly is that extremely graphic depictions of violence, particularly violence that is associated with either drug use or sexual gratification, are viewed very seriously by the classification process, and in a very large number of instances are refused classification under the classification processes.

I have viewed a range of material that certainly I would consider to be confronting and disturbing, as part of my deliberations and as part of the deliberations of attorneys-general around the country in relation to the establishment of the R18+ classification. But it is important to note that some of the most graphic and some of the most disturbing material I have seen is material that is already classified as R18+ for the purpose of film. The question before us is: if we permit some of that material to be classified—(*Time expired.*)

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Attorney, can you update the Assembly on the deliberations on this issue at the most recent meeting of the Standing Council on Law and Justice?

MR CORBELL: As I have already indicated—and I thank Ms Porter for the question—attorneys-general have agreed at our most recent meeting in Adelaide in July to establish this R18+ classification. The classification scheme will be broadly uniform across Australia. The exception will be the approach adopted by South Australia, where South Australia will not continue with an MA15+ classification. They have decided that any material that is either classified as MA15+ or R18+ will be classified as R18+ according to their scheme. So the material will still be available, but they have taken the view that that material should be available only to people who are over the age of 18.

With that exception, all other states and territories, including Western Australia, New South Wales and Victoria, have agreed to establish an R18+ classification consistent with the guidelines that have been proposed by the commonwealth government. Those changes will now be implemented through passage of legislation in the federal parliament and in the state and territory parliaments to allow for the introduction of an R18+ classification.

I look forward to receiving further details about the detailed amendments to the national classification code which will back up this in-principle decision from the federal government later this year.

Government office building

MS LE COUTEUR: My question is to the Minister for Economic Development and it concerns the government office building. Minister, on the weekend you announced that the government will now be market testing interest in the design and construction of a new office building for both Civic and Gungahlin. Given that the government had already decided, or said it had decided, the most cost-effective financing and ownership option is for the government to own and build the city office block, will this market testing include examining other options of design, build and own options? Are you aware of other options, such as co-ownership, leasing or management options, which are not yet in the government mix?

MR BARR: Yes, I can advise the member that, particularly in relation to the Gungahlin development proposal, we have engaged Cox Architects to undertake some

further work in relation to the government office building in Gungahlin. They have been tasked with finding a suitable site for a 7,000 square metre office building and associated parking, for it to be either government or privately owned, to investigate the most appropriate procurement process to ensure the best outcome for the territory—but also ensuring that those who have purchased commercial land in Gungahlin are not disadvantaged—to identify which government staff would be the most appropriate tenants for the building and to identify the requirements for the building in terms of the base fit-out for those appropriate tenants. That work is underway.

In relation to the CBD proposals, they are the secondary focus for the government. We have got a priority on Gungahlin first, as I have indicated, and I want to see that work proceed quickly. There are opportunities to look at a variety of different procurement models. We have indicated throughout the process that we are certainly open to having those models tested. However, ultimately there will be a need to make decisions and those decisions will be based on the criteria that I outlined to the Assembly yesterday.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Do the specifications being put to market test for the city office building vary at all from the requirements stipulated in the reports to date? How have carbon neutrality and the life cycle impacts been factored into the specification?

MR BARR: Those sustainability measures are certainly a part of the government's consideration in relation to both projects and will factor very highly in our ultimate decision-making processes. I do note that in response to the announcement that I made over the weekend the Property Council have asked for a greater degree of flexibility in relation to the CBD project.

I am happy certainly to consider ideas that are put forward but, again, the specifications that the government has outlined are there for all to see and have been discussed at some length. I do not believe that what we are looking at here is a dramatic move away from the fundamental principles that the government has outlined. But there are a number of different procurement models, as we have discussed extensively through the estimates process. I would like to see those examined. I am conscious, Mr Speaker, that there are very strongly put arguments from some within the property sector that the project can be delivered by them more effectively, more cost effectively. I am interested in seeing those claims put to the test.

MS HUNTER: Mr Speaker, a supplementary?

MR SPEAKER: Yes, Ms Hunter, a supplementary.

MS HUNTER: Minister, will the government's commitment to a minimum of 10 per cent of project workers being apprentices, trainees and Indigenous people be stipulated in the building contract requirements and will it be integrated into the final contract?

MR BARR: Yes.

Government office building

MR HANSON: My question is to the Chief Minister. Chief Minister, on 31 May this year, in relation to the big, new government office block, you said:

There has been enormous effort to scope this project, to analyse this project from every angle, whether it be from how we deliver it to the financial analysis to the needs analysis.

I think it is the most scrutinised infrastructure project that I've had anything to do with.

Chief Minister, this week your deputy announced a new review involving the private sector, stating that “we need to ensure that we've got the best delivery model”. Chief Minister, why is it necessary for Mr Barr to review this project when you had definitively stated that the delivery models had already been scoped?

MS GALLAGHER: I welcome the question from Mr Hanson. The answer to the question is: because governments need to continue to respond to their communities when they are rolling out significant policy or projects. In announcing our intention to build government office accommodation in both Gungahlin and Civic, we have had representations from the community and, indeed, from the opposition, around concerns with the cost of this building.

Now we remain confident that the analysis provided to us by our consultants is accurate, but there are plenty of people out there who have approached both me and the Deputy Chief Minister—at this point with no details yet to support their claims—and the indication given by the government is that issues have been raised with us around capacity to deliver the project and capacity to deliver it in a cheaper and more effective way, whether that is just around cost or other measures, including sustainability measures and things such as ownership and management of a building. We are prepared, because we have time, to consider and thoroughly explore those concerns. Certainly, the Deputy Chief Minister's announcement around the decision he has taken was taken with my full support.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Chief Minister, why did you make the statement then that the delivery models had been scoped from every angle when obvious, basic market testing had not even been undertaken?

MS GALLAGHER: The analysis before the government—indeed, as you would know, Mr Hanson, because you have access to the reports as well—did look at a variety of delivery mechanisms. At the end of the day, that analysis to government, which you have been provided with, indicated that the design, construct, own, maintain model was the one that was most cost effective in the long run, considering all of the different variables for the ACT taxpayers.

Since that information has been provided to yourselves and a broader community, particularly those with interests in the property sector, they have responded to that, that they have other ways where they could demonstrate the viability of another delivery model, which we are prepared to examine. That is the point—

Mr Smyth: You didn't do the work up front and you've been caught out.

MS GALLAGHER: No. The work has been done, Mr Smyth. I know it is not appropriate to respond to interjections. Mr Smyth has the opportunity to ask a supplementary and I am sure he will. Extensive work has been done but governments need to respond when concerns are raised. And concerns have been raised. We have got time. This is not a project that we intend to start in the Civic area for some years now. There is time to examine the concerns, the issues that are being raised, to go through another process.

The government's willingness to engage with the property sector and the community on this is clear. We want to work with them and we want this project to be supported by all sides. If we can achieve that, I think it will be a good thing for the ACT.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Yes. Minister, how can the most scrutinised infrastructure project ever, in your own words, have such an obvious flaw in its due diligence?

MS GALLAGHER: I do not accept that there is a flaw, but I accept that more scrutiny is warranted. It has been sought and we are providing the opportunity for that to occur.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Chief Minister, how can you possibly reconcile the definitive statements made by you with the decision by Mr Barr to review this project?

MS GALLAGHER: The decision made to review the project was made in consultation between the Deputy Chief Minister and me when reviewing the priorities for the government—the decisions we have taken around Gungahlin, the way we are going to go forward with that—and representation we have had from local members of our community. This is a very genuine sign of the government wanting to engage and work together with stakeholders to deliver the best outcome. At the moment, there is a group of people who do not believe that the advice and evidence before government is the right way forward. We remain to be convinced on that but we are prepared to examine it further.

Bimberi Youth Justice Centre—inquiry

MRS DUNNE: My question is to the minister for children and young people. I refer the minister to *The ACT youth justice system 2011: a report to the ACT Legislative*

Assembly by the ACT Human Rights Commission. The report mentions that in 2009 the Community Services Directorate, then DHCS, commissioned Oakton consultants to conduct an audit of Bimberi operations and financial performance. The Human Rights Commission report noted:

From early 2010 the sudden surge in resident numbers forewarned in the Oakton report became a reality, with numbers of remands and committals climbing steadily and peaking at a total of 31 residents in January 2011.

That is from page 115, if you have read that far in the report, minister. Yesterday, in answer to questions, you said:

It is not possible for Oakton or anyone to predict, as I have said, increases in numbers ... Well, I do not know on what methodology they based that.

The Human Rights Commission report, on page 114, also says, if you have read that far, minister:

A report was provided by Oakton consultants in December 2009 ... which predicted that the level of staffing presented a high risk of exposure if the number ... increased.

Minister, do you consider that the Oakton report identified and highlighted a high risk situation and, if so, what did you do to mitigate that risk? If you did nothing, why did you do nothing?

MS BURCH: I thank Mrs Dunne for her question. The Oakton report made comment on budgeting of Bimberi. I made the comment that if it was full to capacity, there would be a different budget required. I would suggest, Mrs Dunne, that you go to the CSD website. The Oakton report has been on there. I requested that to go on there today. So you can review both reports and make your own considerations.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, because you have presumably read it and I have not had the opportunity to do so yet, what recommendations—

Mr Hargreaves: On a point of order, Mr Speaker, I would ask you to draw Mrs Dunne's attention to standing order 117(b)(iv) and (vi) which talk about imputations and ironical expressions. Mrs Dunne is in fact a pedant when it comes to the standing orders and I would ask you to bring her to order in terms of putting forward ironical expressions and imputations.

MR SPEAKER: Thank you. Mrs Dunne, if you could keep the questions direct to the minister without the commentary.

MRS DUNNE: Thank you, Mr Speaker. Minister, what other recommendations were made in the Oakton report and what actions have you taken in relation to those recommendations?

MS BURCH: The Oakton report recommended increased funding. That occurred in a budget bid in the 2010-11 budget where we secured \$1.7 million. We also secured an additional \$1.8 million in the most recent budget. The other recommendations were around funding and there were a number of recommendations that we have implemented. There is not one recommendation in that report that has not been actioned.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, have you now read the Oakton report in full?

MS BURCH: Clearly.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, of the 220 recommendations, how many of them raised issues that you already knew existed?

MS BURCH: There were a number of recommendations that were issues that I was aware of, which is why before the report was tabled I implemented a discussion with the community around a diversion framework, which is why we implemented a single case management model, which was why we implemented an after-hours bail service.

This is not a static environment. Back in late 2010 I implemented a change management process at Bimberi and that has been reaping benefits. It is noted in the report. It is an ongoing piece of work to ensure that we have good contemporary practice across youth justice.

Housing—public waiting list

MS BRESNAN: My question is to the Minister for Community Services and is in regard to the public housing waiting list. Minister, the *Canberra Times* reported on 1 August this year that the ACT government had assessed about 150 people as having a high priority need for public housing accommodation. However, the Ombudsman had said some weeks earlier that he was concerned that this was an arbitrary number determined by Housing ACT and was not based on the number of people who met set criteria. Minister, why does Housing ACT cap the number of people on the high priority waiting list at 150 rather than basing it on whoever meets a certain level of criteria?

MS BURCH: I thank Ms Bresnan for her question. There is no capping on the high needs. There is no capping on any of the three categories, whether it is high need, priority or standard housing. They are assessed. A multidisciplinary team makes an assessment whether they meet the criteria to go onto the priority list or whether they remain on the standard list. But there is no capping.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, why did you disagree with the Ombudsman's recommendation to have clear policies and guidelines about which applicants should be referred to the multidisciplinary panel and then to the priority waiting list?

MS BURCH: There are clear guidelines and policies that embrace all our assessment processes about who is eligible for Housing ACT and the different criteria across those three streams for the waiting list.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do you believe the multi-disciplinary panel should be meeting more than once a month?

MS BURCH: That is an internal question for management. These are other panel providers. They are not Housing ACT staff. We have an average of over 100. I note that over the last couple of weeks the priority housing list has decreased and I think in some large part that has been due to the fact that we have been able to transfer people off that list as a result of the older persons units where we have moved the older person into smaller accommodation, releasing nearly 300—

Mr Coe: Do you believe it should meet more than once a month?

MR SPEAKER: Mr Coe, you have asked your question. Ms Hunter, a supplementary?

MS HUNTER: Minister, will you please table, by the end of the sitting today, policies and guidelines that provide instructions on whether a housing applicant should be categorised as being on the priority waiting list, the high-needs waiting list or the standard housing waiting list?

MS BURCH: I will come back with whatever I can as soon as I can, Ms Hunter.

Schools—therapy assistance program

MS PORTER: My question is to Minister Burch. Minister, you recently launched a therapy assistance in schools pilot project. Can you please outline for the Assembly the main details of the scheme?

MS BURCH: I thank Ms Porter for her question. The therapy assistant pilot program was funded in the 2011-12 budget to examine the effectiveness of placing therapy assistants in seven ACT schools. Following a plan developed by Therapy ACT, eight experienced staff have been recruited to the project, which commenced in July.

The program will focus on children with disabilities from kindergarten to year 2 in mainstream classes, learning support units and specialist schools. The schools selected to be part of the pilot program are Gowrie primary school, Caroline Chisholm school, Florey primary school, Harrison school, Malkara, Cranleigh and Mother Teresa Catholic school. The project team comprises a team leader; three part-time health professionals, being an occupational therapist, a physiotherapist and a speech pathologist; and four full-time trained therapy assistants.

This program reflects the ACT government's commitment to children with a disability. Soon I will be announcing another ACT budget initiative, which is the after-school care program for students with a disability. Together, these two programs will make a difference to the lives of the children with a disability and their families. The therapy assistant model will enable children with disabilities to access therapy support through the school day in order to improve functional outcomes for individual children.

The scheme will provide a level of intense intervention required to sustain changes in functioning and engage relevant teaching staff and families in maintaining and obtaining gains for children. The four objectives of the project are to improve the functional outcomes for individual children based on therapy goals identified by a primary therapist; increase the number of children accessing services and enhance skill development in the school setting through therapy assistant work in group and individual sessions; increase the number of opportunities for children to practise and embed therapy goals by therapy assistants working with children one to three times per week; and, finally, to educate and provide support to teachers on the best way to incorporate therapeutic interventions within the classroom setting.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, what early feedback about this initiative have you received from key stakeholders such as teachers?

MS BURCH: So far the feedback from parents and schools and the community sector since I announced this initiative of \$647,000 in the budget to fund the pilot program has been overwhelmingly positive. This is something that families have welcomed, and this week I had the pleasure of seeing first hand a therapist interacting with students at the Gowrie primary school.

Therapy programs enable these students needing therapy to have regular sessions from staff, who are able to concentrate on enabling that child to attain their individual goals. The Therapy ACT pilot has built on this experience but has extended the model for different settings. Since the commencement of the pilot, all initial responses from the school principals, teachers and families have been very positive.

I refer Ms Porter to an article in the *Canberra Times* yesterday where an executive teacher said that 30 of his pupils would receive support, and he said that this is a great opportunity for them. He said they have students who might not be able to access

other services and that this provides them with services in a learning environment and provides learning achievements for pupils.

Through this program, therapy assistants will be able to sit with small groups of children and do skills. At the same time, teachers are able to see these activities working within the context of their classrooms and get ideas how they might be able to incorporate them into their normal day.

DR BOURKE: A supplementary.

MR SPEAKER: Dr Bourke, a supplementary question.

DR BOURKE: Minister, how will this project be evaluated?

MS BURCH: I thank Dr Bourke for his interest in therapy assistance. It is quite an exciting program, and I am very pleased that it is being implemented over the next 12 months. The project has a number of methods that will be used to evaluate its effectiveness. The throughput of children receiving therapy will be recorded, as well as any variations in numbers throughout the year. Each therapy assistant will support 20 children at any time. The number of hours of therapy provided will be recorded, with the aim of ensuring that 70 per cent of the therapy assistant's hours is involved in direct face-to-face service delivery. The remaining time will be used to complete necessary documentation of casework and to develop resources.

Each individual student will be assessed prior to the commencement of therapy, using a standardised measure to create a detailed individual therapy program. The therapy assistants will then implement the program. At the end of the intervention each child's progress will be assessed using a standardised tool. This will be used to provide an objective measure of the gains made.

In mainstream classes, the health professionals will work with teachers to implement whole-class programs using a checklist to identify students that would benefit from individual and group programs. This will include such areas as handwriting, gross motor skills and language skills. Teachers will also be given a pre-implementation and post-implementation survey to assess the effectiveness of the strategies incorporated into their curriculum.

The families of the children receiving therapy and the teachers of those children will also be surveyed to assess their satisfaction with the program. A reference group comprising parents, school principals, senior professionals, the Catholic Education Office and the ACT government has been formed to provide advice on and input into the project.

Finally, this is an exciting program. At Gowrie school yesterday, the students and the teachers were very involved and very positive about the project.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, given that you have already announced this pilot and given that the pilot school is in the electorate of Brindabella, have you received any communication at all from the shadow minister for disability and the shadow minister for education on this matter?

MS BURCH: I can say that I have not received any correspondence or sign of interest from the shadow minister for education or the shadow minister for disability.

Bimberi Youth Justice Centre—use of restraints

MR DOSZPOT: My question is to the minister for children and young people. Minister, I refer to the recent report on Bimberi by the Human Rights Commission. From page 326, I quote a young person:

It's like if there is a young boy who hasn't had many visits or phone calls, then gets locked down a lot and doesn't get any exercise, he might just snap and hit a worker, then he is just punished more and led around in chains ... He's going to think the system is just there to hurt him more, not help him.

Minster, in addressing this type of issue, recommendation 14.15, which described it as urgent, states:

The ACT Government urgently amend the Children and Young People Act 2008 to authorise the use of 'time out' in a controlled way where the de-escalation techniques and voluntary time out are used first where possible and the period of time out is strictly limited. A policy and procedure for the use of time out should also be developed as soon as possible.

Minister, what have you done as a matter of urgency to address this urgent recommendation? If nothing, why not?

MS BURCH: The report holds a number of recommendations. As I have said here before, we have implemented a task force which comprises experts across youth justice policy and practice. We have implemented, in house, a team that will implement each and all of these recommendations over time. We are moving on these recommendations, and I remind those opposite that I have said here that we will report in full on each and every recommendation in this report.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, how long have you been aware of this type of treatment of the young people at Bimberi? Why did it take an inquiry for you to be reminded that this is urgent? Seeing as how this is urgent, why have you not prioritised the urgency of this issue?

MS BURCH: I consider the safety and wellbeing of every child and resident in Bimberi and staff member at Bimberi to be a matter of priority, which is why I have begun implementing change from the latter part of late last year. The government will provide a comprehensive response to the report by the end of September or early October.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, in your visits to Bimberi and your meetings with staff and residents, have you heard of any other incidents of this kind?

MS BURCH: The matter of segregation, strip-searching and use of restraints is an ongoing topic of interest and discussion across a detention centre, whether it is Bimberi or elsewhere. It is something that I believe is part and parcel, but it is something that should be done under contemporary practice and as a last resort. There are good reasons why we have restraints and segregation and it is around the safety of children, the safety of other residents and the safety of staff.

DR BOURKE: A supplementary.

MR SPEAKER: Dr Bourke, a supplementary.

DR BOURKE: Minister, as Mr Doszpot referred to a young person being led around in chains, is this normal policy at Bimberi?

MS BURCH: There are no chains. Let us be very clear about the emotional commentary over there: there are no chains at Bimberi.

Transport—carbon tax

MR COE: My question is to the minister for transport and it is regarding ACTION buses. Minister, the New South Wales Treasury has estimated that a carbon tax would increase the cost of providing public transport in the state by an average of 3.4 per cent. What impact will the introduction of a carbon tax have on the costs of running ACTION buses?

MR CORBELL: That analysis is still being undertaken by the government at this time. The final details of the carbon pricing arrangements in relation to fuel for heavy vehicles are still being finalised, I understand, by the commonwealth. I am happy to provide further information to the Assembly in due course.

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Yes, Mr Speaker. Minister, how much will ACTION raise their bus fares by on 30 July 2012, if not before, as a result of the carbon tax?

MR CORBELL: It is a hypothetical question, Mr Speaker.

MR SPEAKER: A supplementary, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Minister, have you done any analysis of what the federal Liberals' uncosted policy of direct action would have on the cost of running ACTION?

MR SPEAKER: Minister, I think the question is—

Mr Smyth: Point of order, Mr Speaker. The minister is not responsible for Liberal Party policy.

Mr Hargreaves: On the point of order, Mr Speaker. Ms Bresnan's question was: has the minister done an analysis on a particular subject? It matters not what the subject is.

MR SPEAKER: Whilst, Mr Smyth, your point did seem logical, again I think it is for the minister to have analysed for ACTION whether there will be any consequences.

Mr Hanson: Mr Speaker, on the point of order, I think that this is about a Liberal Party policy. The Liberal Party is not in government. Responding to a question about the Liberal Party and its policies—you have already ruled out of order today another question with regard to Liberal Party policies. I cannot see how this question is any different from the one you have already ruled out of order.

MR SPEAKER: On your point, Mr Hanson, the earlier question was actually about the Liberal Party headquarters and it was about what impact that might have on the rental market. Ms Bresnan, if you could just restate the question, I think I am going to allow it. Could you just give it to me again, please?

MS BRESNAN: My question was actually about whether any analysis has been done of the proposed direct action that has been put forward by the Liberal Party.

Ms Hunter: On ACTION buses.

MS BRESNAN: On ACTION buses.

MR SPEAKER: Right. The question is in order. Mr Corbell.

MR CORBELL: I thank Ms Bresnan for the question. It is the case, Mr Speaker, that the different approaches being proposed at a national level do present challenges for the delivery of public transport services in this city. In particular, of course, is the interesting contrast that we are faced with where we have a Liberal Party that on the one hand says it is of the generation that does not need to be convinced about the need for reform on environmental issues.

We had Mr Seselja say, "I am of a generation that does not need convincing on environmental issues. I am of that great generation."

MR SPEAKER: Mr Corbell, thank you, one moment. Mr Corbell, Ms Bresnan's question was very specific about whether there was analysis done by the government on the possible impact on ACTION services. Could you stick to the question? Mr Corbell, the question.

MR CORBELL: Thank you, Mr Speaker. I must advise the Assembly that the government finds it very difficult to get a coherent analysis on these issues because of

the contradictory signals sent by the Liberal Party on this matter. Mr Speaker, it is very difficult to do the detailed analysis required—

Mrs Dunne: Point of order, Mr Speaker. My recollection is that Ms Bresnan asked whether there had been any analysis. That is a simple yes/no question. I do not recall whether she asked what that analysis was but if he has done an analysis, the answer is yes; if not, the answer is no, and the minister should sit down if the answer is no.

Mr Hargreaves: On the point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, please.

Mr Hargreaves: The minister is quite entitled to give a reason why he has done something or why he has not done something in the context of responding to Ms Bresnan.

MR SPEAKER: There is no point of order at this stage. Minister, if you could continue answering the specific question from Ms Bresnan.

MR CORBELL: Thank you, Mr Speaker. The government will continue to try to get to the bottom of what the alternative policy positions mean in relation to the provision of ACTION buses. Of course, Mr Speaker, we had Mr Seselja say, “I am of the generation that does not need convincing on environmental issues.” Apparently, it is the same Liberal Party that then says that measures such as the carbon tax—(*Time expired.*)

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Mr Speaker, my question to the minister is: what cost analysis have you conducted of the ACT Greens’ public transport policy?

MR CORBELL: The implications—

Members interjecting—

MR SPEAKER: Order, members!

MR CORBELL: I have to say that in the government’s view it is much easier to understand the cost implications of the Greens’ policies than it is the Liberal Party’s, because at least there is no contradiction and hypocrisy on the part of the Greens when it comes to public transport policy. Of course, in contrast to the challenges that we face in relation to a detailed analysis of the implications of the Liberal Party’s climate change policies, the fact that on the one hand we have the leader of the Liberal Party saying he is a committed climate change advocate—

Mr Smyth: A point of order, Mr Speaker.

MR SPEAKER: Order, Mr Corbell.

MR CORBELL: and on the other hand—

MR SPEAKER: Mr Corbell, resume your seat, thank you.

MR CORBELL: his party promotes a cocktail party to stop the Labor-Greens carbon tax—

Mr Smyth: He can't ignore you.

MR SPEAKER: Just one moment, Mr Smyth. Mr Corbell, I do not expect to have to ask you five or six times to sit down when I am trying to take a point of order.

MR CORBELL: I could not hear you, Mr Speaker.

MR SPEAKER: Mr Smyth, a point of order?

Mr Smyth: Standing order 118 says the answer must be directly relevant. You might try to keep him directly relevant.

Members interjecting—

MR SPEAKER: Order! Members, this is ridiculous. Let us just hear the answer by Mr Corbell. Let us keep the noise down and let us keep focused on the question at hand.

Mr Smyth: What about the point of order?

MR CORBELL: Yes, I have essentially taken your point of order, and I am asking Mr Corbell to come to the question at hand. I am sorry I was not clear on that.

MR CORBELL: Thank you, Mr Speaker. The government finds it relatively straightforward to understand the implications of the Greens' public transport policies. Of course, the challenge for the Greens is that they do not have a coherent pricing framework when it comes to the delivery of their policies. They talk about increasing frequency. An increase in frequency is an objective that we support—(*Time expired.*)

Economy—exports

MR HARGREAVES: My question is to the Minister for Economic Development, the best Minister for Economic Development since the Labor Party has taken office, let me tell you. My question is: would the minister please advise what the ACT government is doing to help grow the export sector?

MR BARR: I thank Mr Hargreaves for the question and for his ongoing interest in exports and the economic development of the territory, most particularly the economic development of the southern part of the territory, which I know Mr Hargreaves has a great passion for. I need to say from the outset that the government are committed to a vibrant and dynamic economy and to supporting a vibrant and dynamic business sector. We are supporting businesses who export their knowledge and expertise to the world.

Members interjecting—

MR SPEAKER: Members, please! I cannot hear Mr Barr. As witty as your interjections are, I cannot hear Mr Barr.

MR BARR: Thank you, Mr Speaker.

Mr Smyth interjecting—

MR BARR: The shadow minister is not interested in exports and business development. That is news today. As I was attempting to say, the government will assist the ACT exporting community to grow their business and to remain internationally competitive, and we will do so by supporting entrepreneurial spirit and the skills of Canberra business people.

We will not, however, be in the business of providing a myriad of government handouts. The government provide information and capability-building services for local businesses but we do not—I need to be very clear—believe there should be a government-led plan for every industry sector. It is better to let business get on with the job rather than have individual sectoral plans that require significant resources to develop and, presumably, monitor.

Services account for 99.6 per cent of the territory's exports. We are working in areas of our comparative advantage—our skilled workforce, with world-class educational facilities and our talents in and knowledge of government services. So in conjunction with a range of initiatives aimed at growing the ACT's education sector, the 2011-12 budget included funding to implement education in export services strategies.

The government recognises the expertise of ACT businesses in delivering solutions to government, both local and federal. Australian public administration is widely considered amongst the best in the world. There is no doubt that the Canberra community and the work of many in the private sector are at the heart of that comparative advantage. Government services do present export opportunities, particularly to large government markets such as in the United States.

As a result, the ACT government, in partnership with Austrade, is delivering an exporting government services pilot program. This program will assist ACT companies looking to export to governments in the US to develop skills and networks. It is interesting to note that the government services sector in the US is in fact larger than the entire Australian economy and clearly represents a significant opportunity for our city. We will be conducting a trade mission to Washington later this year to ensure that we have the opportunity to exploit this important market.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. As I was here during the period 1998 to 2001 and saw the parlous state the place was in, could the minister advise how the export sector has performed since 2001?

MR BARR: I am pleased to say that we celebrated the 10th birthday of the ACT Exporters Network only a few weeks ago and that the ACT export sector reached \$1.1 billion in the 2009-10 financial year. That is an eight per cent increase over the previous period. Clearly, as I have indicated before, that is off the back of significant strength in services exports.

This strong performance by our business sector in the face of what we would all acknowledge were significant global economic challenges in the last few years has been a fantastic achievement by the Exporters Network. I think the efforts of that network over the last 10 years are worthy of some acknowledgment in this place.

Since 2003-04 ACT goods and services exports have grown from \$840 million to that figure of more than \$1.1 billion, an annual growth rate of just shy of five per cent. It reflects the fact that ACT companies utilise our comparative advantages, particularly knowledge and skills, and improved information and communication technology to do business on the global stage.

In recent years we have seen strong growth in the export of technical and research and development services, which grew over 30 per cent in 2009-10 and are now bringing tens of millions of dollars into our local economy. Importantly, these services are supporting high income jobs and providing a considerable return to the ACT region.

DR BOURKE: A supplementary, Mr Speaker?

MR SPEAKER: Supplementary, Dr Bourke.

DR BOURKE: Thank you, Speaker. Can the minister advise what community views he is aware of in relation to the government programs outlined in his earlier answer?

MR BARR: I thank Dr Bourke for his interest in the matter. There is clearly very strong support across the ACT business community for this export focus. I think there is a desire from the business community to see tripartisan support for this export push and I have no reason to be concerned that that support will not be forthcoming as we continue our expansion into the export services sector.

Our work with the ACT Exporters Network in recent times has delivered the export symposium "Towards 2020". That was the first of its kind held in the territory and it provided an opportunity for exporters to share their experiences and to develop strategies to assist industry to continue to develop. Through the budget, of course, we provide funding for trade missions and a range of programs such as the exporting government services pilot program that I mentioned earlier.

I would also like to draw members' attention to the business in focus month that I launched earlier this week, which takes place in September. The program was made available via the major sponsor, the *Canberra Times*, in Monday's paper. I have copies available and it is certainly available online. I would encourage members to participate and to encourage those they know in the Canberra business community to participate in the business in focus month. It is an important opportunity to continue to develop the private economy in the territory.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, what red tape will you remove to assist Canberra businesses to export?

MR BARR: As the shadow treasurer would be aware, I am currently examining a number of tax and regulatory measures. The previous Treasurer put in place an important review of ACT government taxes and charges and I am looking forward to receiving some preliminary advice from that group. I am also very pleased to be able to advise the shadow treasurer that I will be representing the territory at the federal tax summit that will be held in early October.

Members interjecting—

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

MR BARR: I am surprised that those opposite have such derision, given that a number of their state colleagues who happen to be in government in other jurisdictions will also be attending the summit. So it is not as if the Liberal Party at a state and territory level elsewhere in the country are seeking to diminish the importance of this particular tax summit.

We look forward to the engagement of a number of key stakeholders. There is a particular section in relation to the reform of state and territory taxation, and we will certainly look forward to engaging with the commonwealth and other jurisdictions on those particular issues.

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

Answer to question on notice Question No 1683

MS LE COUTEUR: Mr Speaker, understanding order 118A, I would like an explanation from the Minister for the Environment and Sustainable Development about question No 1683, which I put on notice on 30 June in respect of Couranga homestead. I have as yet not received an answer.

MR CORBELL: I apologise to Ms Le Couteur for the delay. Compilation of the answers she was seeking has taken longer than anticipated as it involved coordination across a number of government directorates. I have now, however, signed that answer for Ms Le Couteur. I think it is in the process of being delivered to her.

Supplementary answers to questions without notice Planning—alleged interference

MR BARR: Yesterday in question time the Leader of the Opposition sought some information on meetings I had held with Giralang residents in relation to the local

shops and with the proponents. I was able to advise of four meetings with the Giralang Residents Action Group. I have had one meeting with the proponents, on 15 February 2011.

Bimberi Youth Justice Centre—inquiry

MS BURCH: There were a number of questions I took on notice through yesterday's question time. One was from Ms Hunter in regard to supervision. I would like to inform the Assembly that all Bimberi employees participate in routine supervision sessions with their immediate supervisor. Between July 2010 and June 2011, 249 hours of supervision were completed at Bimberi and involved 197 staff.

Further, it is standard practice following any critical event to hold an incident debrief, and this is facilitated by the unit manager and includes all employees involved in the incident. The directorate employee assistance program—PPC Worldwide—is offered to all employees following a critical incident. Senior operational staff were recently asked to ensure that they actively promote the directorate's employee assistance program with staff.

I cannot advise on how many Bimberi staff have taken up the offer to accept the services of the employee assistance program as these services are free and confidential. The directorate receives an annual report from PCC Worldwide. However, data is only broken down into data for the whole of the Office for Children, Youth and Family Support.

Bimberi Youth Justice Centre—staff

MS BURCH: Also yesterday I took a question from Mr Doszpot in regard to the number of staff employed in November last year that are still employed. I would like to inform the Assembly that 40 of the 56 staff employed at Bimberi in November 2010 are part of the current establishment of Bimberi. So that is 40 of the 56. Staff movement has been a result of a variety reasons, including temporary transfers, long-term leave, resignations, a dismissal and contracts not being extended. The staff are in a range of positions, including detention officers, administrative support, team leaders, ground managers, maintenance officers and cooks. Three senior managers who were working at Bimberi in November last year no longer work at the centre, and these are included in these numbers.

Bimberi Youth Justice Centre—inquiry

MS BURCH: Also, Mr Hargreaves asked a question on how many times the members of the opposition actually visited Bimberi—a pure request for facts and numbers of the visits. I would like to inform the Assembly that, according to the Bimberi visitors log, the only visit by the opposition to Bimberi since its commissioning in December 2008 was by Mr Seselja and Mrs Dunne on 14 June 2011. In addition, Ms Hunter from the ACT Greens visited Bimberi on 18 September 2009. That is what my records are showing. So since it has been operational Mrs Dunne and Mr Seselja have visited Bimberi once, and that was in June this year. No other members of the opposition have visited Bimberi.

Mr Hanson: Not even the shadow minister?

MS BURCH: Not even the shadow minister. The shadow for youth and young people has no interest, it would seem. I also undertake to go through my records and seek advice from the department on the number of letters that have been sent to my office from any member of the opposition with regard to youth justice and, in particular, Bimberi. The director has advised me that formal correspondence was received on, I think, six matters relating to Bimberi from opposition members to the Minister for Children and Young People, including my predecessor, since May 2009. I have these letters here. One is from July 2009 from Mrs Dunne to Mr Barr asking for a copy of a draft paper to make comment on. There is a letter here from Alistair Coe in March 2009 asking for copies of the Bimberi handbook and other documentation. There is a letter also from Mr Coe in March 2009 on a matter regarding one of the residents.

In November 2010—so 18 months later—a co-signed letter, which I referred to in my answer yesterday, was received from Mr Coe and Mrs Dunne around the staffing matters at Bimberi. I also have a letter from Mrs Dunne dated 4 February that raised matters, and she copied that to the Attorney-General. That matter was dealt with. Then on 15 February, following my letter to Mr Coe, Ms Hunter and Mrs Dunne regarding a visit to Bimberi, Mrs Dunne provided a reply saying that she would not be accompanying me because she was concerned that such a visit may attract a media presence and that this would be inappropriate for the time. That is the only correspondence that I have from any member of the opposition in regard to Bimberi, and I thank Mr Hargreaves for his question.

ACT Policing—tasers

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 27 October last year the Assembly passed a motion noting that the government will report to the ACT Assembly on the outcome of the ACT Policing review into the use of tasers, that any expansion in the use of tasers shall only occur on the grounds of improved public and/or police safety and be supported by evidence, and that the Minister for Police and Emergency Services will report that decision to the Legislative Assembly should such a decision be made.

Madam Assistant Speaker, today I am reporting to the Assembly in accordance with the motion. In accordance with a process agreed by me, the Chief Police Officer and the Australian Federal Police Commissioner, it has been determined that the use of tasers should be expanded by ACT Policing for policing in the territory. This expansion is occurring on the grounds of improved public and police safety and is supported by statistical operational evidence provided to me by ACT Policing.

I would like to note that the history of taser use by the Australian Federal Police dates back to 2004 when the AFP undertook an extensive assessment into the viability of the use of tasers, examining national and international practices in law enforcement.

As a consequence of this assessment, the AFP subsequently deployed tasers, also referred to as conducted energy weapons. This deployment was to the tactical policing arm in ACT Policing—its specialist response and security team, or SRS. This was followed a short time later by deployments of taser units to other AFP tactical teams operating at a national level. At the time, it was deemed appropriate to limit the use of tasers in the AFP to tactical teams.

In October last year the AFP commenced a review into the potential expansion of the use of tasers to front-line or general duties police in the ACT. A major reason for the review was an increasing number of front-line incidents where ACT police were required to use force to resolve situations. As agreed with me, a formal review was undertaken by the AFP Operational Safety Committee, the AFP body which considers changes in policies relating to the use of force by AFP members. The review considered a number of factors including: the risks associated with the use of tasers; community perceptions, including the current social environment; the operational safety of officers, particularly those working on the front line; and two incidents occurring during the course of the review involving a discharge of a firearm by ACT police officers in operational circumstances.

The AFP review was completed in February this year and resulted in a recommendation to the AFP Commissioner, Tony Negus, to expand the taser model in the ACT Policing environment to include the issue of taser units to front-line sergeants for operational purposes. The AFP Commissioner accepted and endorsed this recommendation.

The expanded model will involve the rollout of an additional 15 taser units to trained front-line or general duties sergeants. In practical terms, this equals three taser units for each operational police station. These will be drawn from the armoury by on-duty patrol sergeants at the commencement of their shift and returned to the armoury at the conclusion of their shift. With the 46 tasers currently on issue to the SRS, this brings the total number of taser units in use in ACT Policing to 61.

Since February this year ACT Policing has been undertaking consultation and designing a formal implementation strategy for the expanded taser model, which includes establishing robust governance processes, accountability processes and appropriate training and procurement activities. The training package is designed to incorporate national and international best practice. Importantly, ACT Policing has established a high-level review committee, which will examine the circumstances of each taser use in the ACT, including occasions where a taser is drawn but not fired. This review committee will ensure appropriate accountability is applied to each individual taser use as well as to provide for the monitoring of usage trends.

I should note that paragraph (2)(c) of the Assembly resolution requires that any expansion in the use of tasers shall only occur on the grounds of improved public and/or police safety and be supported by evidence. As part of the AFP's comprehensive review, it has collated statistics which have been provided to me. On the basis of these statistics, I am satisfied that there is more than sufficient evidence to justify this operational policy change.

It is important to stress to the Assembly again that decisions to employ operational police tactics and capabilities and any amendment to operational policies are fundamentally decisions that lie within the purview and the discretion of the AFP Commissioner. But, again, it is also important to stress that, given the potentially contentious nature of such a decision, the AFP Commissioner and the ACT Chief Police Officer have been very forthright with me in indicating that any such decision will occur with the concurrence of the ACT government and me as the ACT minister responsible.

The evidence provided to me indicates that in 2010-11 ACT Policing recorded an increase in incidents involving use of force by police officers, underlining an upward trend over the last few years. A majority of these incidents involved alcohol, drugs, mental illness or a combination of these factors. Increasingly, police are also observing a propensity for aggressive behaviour towards police, particularly from alcohol-fuelled patrons in concentrated entertainment precincts. While assaults on police are trending steadily from year to year in terms of actual numbers, the Chief Police Officer has advised me of his concerns that the level of violence used towards police officers is increasing, leading to the potential for front-line police officers to sustain serious injuries in the course of their duties.

Consequently, there is real potential for these incidents to escalate to a point where there is significant risk to the safety of the public and the police officers involved. Some recent examples of serious incidents occurred in February this year when two people were shot by police in two separate and unrelated situations. One of them was fatally injured. In one of these incidents, a 27-year-old man, allegedly armed with a knife and meat cleaver, was shot by a police officer after police attended a report of a disturbance in Wanniasa. This incident is under investigation by ACT Policing criminal investigations on behalf of the coroner. I have no doubt that the incorporation of tasers into the suite of tools available to front-line police provides an additional use-of-force option to assist police when facing such situations as these.

Evidence obtained by ACT Policing during the course of its consultation with other jurisdictions nationally and internationally demonstrates that there is a direct correlation between the employment of tasers and the de-escalation of volatile operational situations as well as a reduction in the number of assaults on police. Experience demonstrates that in 70 per cent of cases, the simple drawing of a taser from a holster has de-escalated a volatile situation and that assaults on police have reduced by 30 per cent as a result of the introduction of tasers to front-line operations.

As a general rule, the AFP taser policy allows for tasers to be used by police to defend themselves or others from physical injury likely to result in serious harm. They may also be used to make an arrest where police believe on reasonable grounds that there is a threat of physical violence likely to result in harm. ACT Policing has instituted sound governance protocols to ensure that taser use remains within these tight parameters.

The Chief Police Officer has advised me that the use of tasers under the expanded model will commence next Monday, 22 August. I have every reason to believe that

the processes, protocols and procedures that ACT Policing have put in place will ensure that this deployment is effective and that it is also a proportionate and modest response to the issues being faced by our police. I commend the report to the Assembly.

ACT public service—staffing

Debate resumed.

MR HANSON (Molonglo) (3.30): I commend Mr Seselja for bringing this important motion before the Assembly. The two elements of it that I particularly want to focus on are the extraordinary circumstances we saw with bullying at the Canberra Hospital and the attempts, indeed the successful attempts, by the Chief Minister and Minister for Health to bury that bullying case as deep as she could; and, secondly, the terrible behaviour in relation to Mr Doug Buchanan, who was the superintendent of the Alexander Maconochie Centre.

I will turn to that case first. Doug Buchanan was brought to the ACT to resolve some problems at the jail. He is an experienced corrections officer of 34 years and he was brought here to fix up problems. These problems were highlighted in the Hamburger report, which spoke about the problems that existed. It said:

That the lack of continuity and experience in the AMC leadership team during the first 12 months of operation ... created a potential risk to the safety, security and efficient operation of the centre given the significant number of new inexperienced staff ...

And it said:

That on 31st May 2010 ACT Corrective Services arranged with another jurisdiction to second a highly experienced officer ...

The Hamburger report makes the point:

Strong leadership with a clear plan of action from this point on is essential for safety, security and effective detainee rehabilitation outcomes ...

Hamburger, in his review, found that Mr Buchanan was doing exactly that. The report notes:

ACT Corrective Services say that since this 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.

It is quite clear from Hamburger that he had been brought in to do a job and he was doing that job well.

What changed? What changed, it appears, is that Mr Hamburger made it very clear that he did not support the government's push for a needle and syringe program in the jail. He was opposed to it, as are 99 per cent of the corrections staff at the Alexander Maconochie Centre. He made that very clear in the media. The *Canberra Times* said:

Yesterday he broke his silence about his departure, saying he believed one reason for his axing was his opposition to the Government's proposed needle-syringe program.

"I opposed a needle exchange in a correctional environment due to the safety of staff ...

What sort of message are we giving prisoners here that it's okay to bring drugs into a prison?

My position was well known. I would have opposed it morally and that wasn't on the Government's agenda.

"I support the union's position on this, and I'm a union member myself. It's dangerous enough without throwing syringes into the mix."

What seems to have happened is that Doug Buchanan was brought in and was praised by everyone—as I understand it, by the minister himself. He then made it clear that he did not support the push for a needle and syringe program. And then, at the first opportunity, given an opportunity, when an allegation by a prisoner was made about Mr Buchanan, before investigation was even commenced by the police, they gave him the sack. They got rid of him. That is just extraordinary. It really raises questions about due process.

The minister still sits there and says that this was all done by agreement, but Mr Buchanan has made it very clear in the media and to me personally in conversation that that was not the case, that this was not done by agreement. He was given the flick. He was sacked. His position was terminated against his will. His contract was finished; he was sent back to New South Wales. The minister is pretending that it was all by agreement. He has said on the *Hansard* in the estimates hearings that this was all by agreement, when quite clearly it was not.

He was sacked before that investigation commenced. Now what we know, based on information provided to Mr Buchanan by the Australian Federal Police, is that that investigation is not going anywhere; there is no case to answer by the police for Mr Buchanan. This is a fellow who has been brought in, who is doing a good job, but who raises objections to the needle and syringe program and is given the flick because a prisoner makes an allegation.

What sort of a system are we running here where the due process, the rights of the superintendent, are ignored? If this was a prisoner and due process was denied, you can just imagine the squealing from the Greens, from the government and from those who call for natural justice. This is bullying behaviour. It is quite simply bullying behaviour.

Mr Buchanan's reputation, as a result of the government's actions, has been trashed. He has not had his day in court; he has not been able to put his case forward. He has tried to through the media, but when we called for an inquiry in this place that would have given him his day in court—which he wanted; he wants it to come forth—it was denied.

I can understand why the government would do that. The government do not want this coming out because this is pretty embarrassing stuff for them. But why is it that the Greens are denying Mr Buchanan the ability to come forward and put forward his case? I simply cannot comprehend that. The reason that was given by Ms Bresnan when I previously called for this was that she was concerned about his mental state at the time—whether this was going to be damaging for Mr Buchanan. I can assure you, based on the conversations I have had with Mr Buchanan, that he is very eager to, and there is no concern with his wellbeing at all. He is keen to do it. I move the amendment circulated in my name.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Hanson, it has been suggested to me that there may be some issues with your amendment, because on 23 June this year a very similar matter was debated. Has anything changed since then?

MR HANSON: Yes. Since then, the AFP—can we stop the clocks while we debate that?

MADAM ASSISTANT SPEAKER: Certainly. Stop the clocks.

MR HANSON: Since that matter was debated, the Australian Federal Police have written to Mr Buchanan and said that no investigation will be continuing and there is no case against him. That is a very significant change in the circumstances.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson. Your amendment may proceed.

MR HANSON: Thank you. I move:

Add new subparagraph (2)(d) and paragraph (3):

“(d) table in the Assembly, by close of business on 18 August 2011, all documents relating to Debbie Scattergood and her mistreatment by the ACT Government; and

(3) refer the termination of Mr Buchanan to the Justice and Community Safety Committee for inquiry.”.

What that amendment says is essentially twofold. One is that—

Mr Corbell: Point of order.

MR HANSON: Can you stop the clock, please?

MADAM ASSISTANT SPEAKER: Stop the clock. Mr Corbell, a point of order.

Mr Corbell: I ask you to review your decision in relation to accepting Mr Hanson's amendment? Part 3 of Mr Hanson's amendment asks for the Assembly to refer the termination of Mr Buchanan to the justice and community safety committee for inquiry. This question has already been considered by the Assembly in a debate earlier this year and was negated.

MR HANSON: We have just had this debate.

Mr Corbell: Therefore I raise with you, Madam Assistant Speaker, the fact that this part of Mr Hanson's amendment offends the same question rule and should not be allowed.

MADAM ASSISTANT SPEAKER: Mr Corbell, I did consider this a moment ago. It is very much on the balance but, as Mr Hanson said, there were some new facts. I have one suggestion: maybe when the voting comes we can split so that you can vote on one and not the other. I think it is very much a lineball decision.

Mr Corbell: Whether or not the circumstances have changed is not a relevant consideration. The fact is that the question has been put to the Assembly—

Mrs Dunne: Point of order.

Mr Corbell: I am on the point of order on Madam Assistant Speaker's ruling.

MADAM ASSISTANT SPEAKER: Let Mr Corbell finish his point.

MR HANSON: You have ruled, Madam Assistant Speaker.

Mr Corbell: Well—

Mrs Dunne: This is highly disorderly. The Speaker has made a ruling. We had a lecture this morning about—

MR HANSON: Move dissent if you do not agree with it; otherwise sit down.

MADAM ASSISTANT SPEAKER: Have you any more to add, Mr Corbell?

Mr Corbell: Yes, thank you, Madam Assistant Speaker. On your ruling, Madam Assistant Speaker, respectfully, the question as to whether or not there are new facts or circumstances as asserted by Mr Hanson is not the point. The standing orders of the Assembly say that the same question, once dealt with by this place, cannot be considered again in the same calendar year. It does not matter what the circumstances

are. It does not matter whether Mr Hanson alludes to new and compelling reasons. That is not a consideration for your ruling. The consideration for your ruling is whether or not the question has previously been considered by the Assembly. I assert to you that it has been, and I would ask you to consider again your ruling.

MADAM ASSISTANT SPEAKER: Mr Corbell, the standing order does say “may disallow any motion” rather than “shall”. I have had pointed out to me the *House of Representatives Practice* section, and I stick with my ruling. I suggest that we consider this matter. I am happy if, when the vote comes, we separate it so that you vote for the two parts separately.

Mrs Dunne: Madam Assistant Speaker, I seek leave to make a statement in relation to the minister’s response to your ruling.

Leave not granted.

Standing and temporary orders—suspension

MRS DUNNE (Ginninderra) (3.42): I move:

That so much of the standing and temporary orders be suspended as would prevent Mrs Dunne from making a statement.

Madam Assistant Speaker, I am moving to suspend standing orders because it is necessary that the Assembly pause and pay attention to the lack of respect that the attorney showed you by, after you had already made a ruling, tearing into this place and then—look, he can throw it all he likes; he just cannot take it.

The attorney did not like your ruling. He came tearing into this place and challenged your ruling. You made that ruling again and he challenged it again. We had a pious speech in the form of a point of order this morning from Mr Corbell telling us how we needed to respect the chair and the chair’s rulings and how we needed to speak respectfully to the chair and all of these sorts of things. The thing is that it goes to show that the respect only lasts as long as it goes his way.

MADAM ASSISTANT SPEAKER: Mrs Dunne, you need to address why we should suspend standing orders rather than the substantive issue.

MRS DUNNE: These are points that need to be made on the record for the Assembly, because the actions of the attorney today were threatening to you.

Mr Hanson: Excuse me; could you stop the clock, please?

MRS DUNNE: Why are we stopping the clock?

MADAM ASSISTANT SPEAKER: Mr Hanson, have you got a point of order?

Mr Hanson: Sorry; my apologies.

MRS DUNNE: I am speaking to the motion. This matter needs to be brought to the attention of the Assembly, and the Assembly needs to be cognisant of the appropriate forms of behaviour. Mr Corbell says that I live in glass houses, but he is the person who in this place this morning gave everyone a lecture about how we should behave towards the Speaker. Then he comes down, not three or four hours later, and behaves in exactly the same way that he admonished people about this morning.

Because he prefaces what he says with “respectfully” does not mean that he actually shows you respect. The fact that he came in here after you had made a ruling and Mr Hanson had proceeded and then took another point of order and then took another point of order, and I think a third point of order, shows that he does not respect your ruling. It really needs to be brought to the attention of the Assembly.

It is quite clear that I could have made a point of order and behaved in the same way that the attorney did this morning, but that would be wrong. That would be wrong, but it is an important matter. The only way available to me is to seek leave to make a statement. That is why standing orders need to be suspended, to allow me to make that statement.

Question put:

That standing orders and temporary orders be suspended.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe Mr Smyth
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Barr Mr Hargreaves
Dr Bourke Ms Hunter
Ms Bresnan Ms Le Couteur
Ms Burch Ms Porter
Mr Corbell Mr Rattenbury
Ms Gallagher

Question so resolved in the negative.

MR HANSON (Molonglo) (3.50): It does raise the question of what has changed. This is the letter from ACT Policing to Mr Buchanan to make it very clear that there will be no investigations under any matter that was referred to the AFP by the human rights commissioner.

The Greens, when they previously had concerns, raised a number of issues. One was, as I said, about the health of Mr Buchanan; I think that has been covered. But in an extraordinary admission that the government bullies and about the way it behaves, one of Ms Bresnan’s concerns about a public hearing was this:

I am concerned about what the government would do in a committee inquiry, in terms of what information would be provided on this person’s case.

Basically the Greens were saying that they are really worried that if Mr Buchanan was to appear before a committee the government would really go after him and give him a hard time.

What an extraordinary admission—that this government behaves in such a way, is so bullying, that we do not want to have an open inquiry because we do not want the government to bully someone. That is no reason not to have an inquiry to get to the bottom of this matter, to understand the truth. It is quite clear that something very wrong has gone on in this circumstance. We do not fully understand what it is, but we have got Mr Buchanan, superintendent of the jail, on one hand saying that he had been denied due process. We have got no case to answer against him in terms of any criminal proceedings. We have got a person who is saying that in part he was sacked because he disagreed with the government policy. And we have got a minister saying that, no, he was not sacked; it was all by agreement.

In the circumstances of the Alexander Maconochie Centre, which has been plagued by problems—problems that Mr Buchanan was called in to resolve, and, according to Mr Hamburger in his report, was resolving—we need to get to the bottom of this. The only way we can do this in an open fashion is through a review and inquiry in the Assembly. If you look at what Ms Hunter will say in her motion later on today—it talks about the principle of a public right to know. In this case, with all of the smear that has gone on against Mr Buchanan, he has the right to know what has happened. We have the right to know what has happened and he has the right to clear his name.

I call on members to support my amendment.

The second part of my amendment relates to the tabling of documents relating to Debbie Scattergood and her mistreatment by the ACT government. We need to have those documents. I have no doubt that others will talk to that issue as it moves forward.

In relation to the bullying at Canberra Hospital, it was a well made out case. Let me make it very clear that, when it came to that bullying, Katy Gallagher buried that as deep as she could. She said one thing in here about the way that process was involved and the fact that we would get information. She said, in this place:

... at the end of it, there will be an outcome. It is at that point that further information will be made public.

We said: “That won’t be the case. You’re doing this so you can bury it deep and have an excuse that you never had to say that you saw the information.” That is exactly what happened. She came into this place and said the information would be released. We knew it never would, and it was not.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (3.53): Mr Hanson, yet again, seeks to rewrite history on the obstetrics review at the Canberra Hospital. Indeed, Mr Hanson is well aware that the clinical review of the obstetric services, which should be of most interest to people in this place, was released in its entirety. There was information released, albeit in a

contained manner, at the end of the public interest disclosure matter. Mr Hanson knows full well that the situation did change as a result of that inquiry. Some may say changes were made for the better. I think there is also an argument that people could say that changes were made that have been negative in terms of some of the staff changes that have happened at the Canberra Hospital since that time.

The government will not be supporting what you could only say is an extraordinary amendment by Mr Hanson, who suddenly believes that the Assembly should be the investigator and decision maker in matters that really rest with responsibilities of the employer. The Assembly is not the employer. The Assembly does not necessarily have the skills or the expertise to investigate HR matters of complaint. Yet Mr Hanson would have us believe that by tabling all the documents relating to an individual and her alleged mistreatment by the ACT government, or indeed the issues surrounding Mr Buchanan's employment with the territory, that information should come to this place.

To ask the Assembly to approve a process which is contrary to legislation that governs these matters is really extraordinary. Mr Hanson is asking us to ignore the requirements of several pieces of legislation around privacy and confidentiality and also in relation to public interest disclosure. So the laws that this place passes are only good until there is some political opportunity for the Liberals. Then we should just ignore them all and provide the Liberals with information regardless of the laws that this place has established. It is extraordinary and the government will not be supporting it.

MRS DUNNE (Ginninderra) (3.56): I am very pleased to stand in support of Mr Seselja's motion and Mr Hanson's amendment to the motion. The debate here today highlights yet again that it is only the Canberra Liberals in this place who actually care about people.

Ms Gallagher: Get over yourself.

MRS DUNNE: Get over it? What about the people who have been bullied out of their jobs? What about all the people who have been bullied out of their jobs under your watch, minister, people who have been bullied out of their jobs in the health department? You suddenly say that now you are the Chief Minister everything is going to be fine and dandy. What about Ms Scattergood? Somebody has to spend tens of thousands of dollars of their own money to get access to their own documentation under an open and accountable government that this Labor government has always claimed it would be. People lose their jobs and have their reputations sullied in the public media because they disagree with the policy positions of this government. So much for free and frank advice. People do lose their jobs. Little people and big people lose their jobs, they are shunted sideways and they are pilloried. It is made impossible for them to continue to do their work.

Turning to some of the examples, as Mr Seselja did, I will look at the cases that arose in the context of the inquiry into Bimberi. It was interesting that Ms Burch came down after question time and tried to create some impression that somehow the Canberra Liberals had come late to looking after the people in Bimberi. She said,

“They didn’t write me enough letters to show how much they were interested.” We did not write to Ms Burch because Ms Burch is part of the problem. Remember, she was the one who went out there and talked about the naughty little buggers and told the staff that she was out there to cover her backside. She stuffed her fingers in her ears and said, “I don’t want to hear. La, la, la, la, la.” She is part of the problem, so why would we write to her? We brought the matters of our concern into the estimates process, into the annual reports process and into this place. Any reflection on the *Hansard* since 2009 in relation to Bimberi will show just how on the ball Mr Coe and I in particular, but my colleagues in general, have been in relation to Bimberi. Mr Coe led the charge.

Ms Burch: He’s never been out there.

MRS DUNNE: Mr Coe has been out there.

Ms Burch: Not since it has been operating.

MRS DUNNE: He has not been out there since it has been operating. We are reluctant to go out there while it is operational because it is impinging on the rights of the young people to go out there and be a voyeur into their living environment—in the same way that if you came into my home and looked into the state of my children’s bedrooms it would be an impingement upon their rights. Those children out there have the same rights as my children do. That is why I do not go out there at the drop of a hat with a media crew in tow because I do not want to exploit them the way this minister does. This minister has exploited people and she has overseen the exploitation of people out there.

Let us look at the case of Dave Cavill. Dave Cavill went to the minister, went to Minister Barr. He came to me and said, “I can’t understand it. I just want to do something for the kids out there, but when I raise issues of concern—almost immediately after I went to the Human Rights Commission and took my concerns to the Human Rights Commission, I lost my job.” When the Canberra Liberals raised this in this place Minister Burch said that she would guarantee that that would be dealt with in the inquiry and we did not have to worry about it.

When the inquiry was completed, I asked Dr Watchirs and Mr Roy what they did to look into the case of Mr Cavill. Mr Seselja and some of our staff were there at the time. We were told that they did not look into it, that there was another element of the human rights legislation that had been activated in that case and no-one could tell me anything about it. There had been an outcome, or there may have been an outcome, but I could not possibly know what it was. So much for openness and accountability and so much for standing up for people when all they wanted to do was stand up for the kids that they were trying to teach.

We have the case of the teacher who was outed and pilloried at the Murrumbidgee education centre because she raised concerns. What was her principal concern, Madam Assistant Speaker? Her principal concern was the high turnover of staff and that the kids were not getting the teaching they deserved because the staff were not there long enough to get to know the kids. I have spoken to a number of people, past

and present staff at Bimberi, who speak highly of that teacher, saying what a great teacher she was and how well she got on with the kids et cetera, but that teacher was driven out of Bimberi.

Let us look at the other cases—the cases where Bimberi staff said to us, and it is reported in here, that they were got at. They were directed away and told, “You don’t need to go and talk to the inquiry.” When the inquiry briefed Mr Seselja and me, they said that, yes, those things did happen. Those things did happen and they did not investigate it, beyond recognising that it did happen, because the perpetrators of that pushing aside had moved on. “We did not actually look to see what the culture was that enabled people in management to say, ‘You don’t need to talk to this inquiry. No, you don’t need to do that’.” What was the enabling factor of that? What was it in the culture of the directorate that this minister oversees that is so toxic that we had people coming to us in droves to complain about how they were prevented from going to talk to the inquiry?

I tabled in here the minutes of the ATSI group—and Ms Hunter referred to it this morning—which said, “If you are approached by the inquiry, go and see (insert the name of an officer here) and we will tell you what to say,” essentially. When I received that email, the heading in the email was, “I didn’t think I could be surprised anymore”. The person who sent me that, who has longstanding experience in government administration, was appalled. When I raised this with the human rights commissioner and the young people’s commissioner they said, “If you look at the circulars that were sent out, there was no evidence. You know, they sent out all our circulars when we asked them to and they did notify staff about our inquiry and they did send out our circulars.” They said there was no real tangible evidence “except the fact that people said to us that they had been got at”.

There was a culture of getting at people, of bullying people, of driving people out. We have a litany here. We have Mr Buchanan, we have the lady from urban services, we have the teacher from the Murrumbidgee education centre, we have the woodwork teacher from the Murrumbidgee education centre, we have all the staff at Bimberi and the Murrumbidgee education centre who were told, “Don’t go near the inquiry.” The thing is that there were people who did go to the inquiry and did make anonymous submissions because they were afraid to put their name to things. I had a number of phone calls. I can remember phone calls on the weekend from staff who were saying to me, “Vicki, what will happen to me if I go to the inquiry? If I say to the inquiry the things that I have said to you, will they take it seriously? Will I lose my job or will my prospects for advancement in the ACT public service be badly affected?”

That did not just happen once; it happened on a number of occasions. Many people came to me with concerns about whether they should go to the inquiry because of the culture of bullying—all of the things that Mr Seselja and Mr Hanson have spoken about: the corrupt and odious culture of putting people down when they disagree with you or that they have the audacity to show where there has been maladministration. At Bimberi there has been maladministration and it has been brought to light because the staff put their neck on the line and because the Canberra Liberals stood up for them.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.06): The Greens will not be supporting the amendment today. I have gone through in my

speech quite clearly why we will not be supporting the first part of the amendment, which is in relation to Ms Scattergood. I have said that this case was not handled at all well and, I believe, had very poor outcomes. It does not reflect well on the public service. I have indicated that we will be covering this in my motion later on today. Part of that is about reviewing and changing the Public Interest Disclosure Act—not just taking up one case, but reviewing the whole act.

Mr Seselja interjecting—

MS HUNTER: We need to be very clear here, Mr Seselja, and you need to actually understand what is going on here. There was an inquiry that went through that act. What you are asking is for legislation to be breached by tabling those documents. You need to understand that legislation. We need to ensure that overall we have a culture right across the public service that we are not just going to pick up individual cases but that we are, in fact, going to do a proper and thorough review of the Public Interest Disclosure Act—and not just that, that we are going to send a very clear message to the directors-general that it is not good enough at the moment.

We need to have an improvement in culture, a change in culture from the top to the bottom of the public service around their attitude towards those who blow the whistle and also towards people who bring complaints, whether they are employees within the public service or members of the public. There needs to be a change. It is going to have to involve a cultural change and it is going to have to involve education and ongoing training and support so that everybody understands what their rights, responsibilities and roles are under the Public Interest Disclosure Act—the current act and a future act. It is also going to mean training and support, education and ongoing monitoring in the change of culture around complaints and complaint handling within the public service.

My colleague Ms Bresnan will speak to the case of Mr Buchanan. Again, I spoke on that in my earlier speech around the fact that we should not be taking individual cases and prosecuting them in the Assembly. We need to be very careful. My colleague Ms Bresnan outlined earlier, when a similar motion in this regard came up in the Assembly, a concern about the individuals at the other end of this. We would not want to see a case where members of this place saw a bit of a political opportunity in prosecuting cases within the Assembly when, at the end of the day, all that did was to have very negative impacts on the individuals involved. There are other avenues for people to take up their cases, which should be supported. Those options and opportunities should be provided for them. Those other avenues have more protection and ensure that people are not put into circumstances and processes that they do not fully understand, where they have no real understanding of the impact that could occur if their case and their life were laid out in an Assembly inquiry.

That is why we will not be supporting the amendment today. As I said, we are very concerned about public interest disclosure legislation. We are concerned about complaints handling. We are concerned about freedom of information and making sure we have a response to the thorough report that was presented by the justice and community safety committee. These are all part of that agenda around ensuring that we have openness in government, that there is accountability and that we have robust mechanisms to ensure that. That is what we will be pursuing through my motion this

afternoon. I will stop there. I know that my colleague Ms Bresnan will be speaking on part of Mr Hanson's amendment.

MR SESELJA (Molonglo—Leader of the Opposition) (4.11): Rarely have so many words been used by one person to say so little as we just heard from Ms Hunter. She could have summed it up very easily by saying, "I'm going to sell these people out." That is exactly what she does and she does it so often. She always tries to use some words to justify why she is selling people out. We know why she is selling them out. It is because she wants to protect the government. It is all well and good to say: "We should never focus on the specific. We should always focus on the broad, because if we do not focus on the specific then people will not see just how crook this government is. They will not see just how rotten this government is."

These individual cases go to that. Ms Hunter, instead of seeking justice for these people, sells them out and says: "We need to have a broad conversation. Let's not focus on their issues. Let's not focus on the way that Ms Scattergood has been treated. Let's not try and get to the bottom of that and get her some justice and get her some compensation." Ms Hunter sells her out. That is what she does. We see it time and time again. She sold the people of Flynn out. She sold the workers in Bimberi out. We see it over and over again. Today's excuse is, "Well, you can't focus on individuals." Sometimes you have to focus on individuals, because the way these various individuals are treated indicates a systemic culture. You cannot just focus on the broad without focusing on those individuals who are damaged by that culture and are damaged by the actions of this government.

Ms Hunter, in seeking to justify that sell-out, does not understand what we are talking about in relation to Ms Scattergood. The very point in relation to the Public Interest Disclosure Act is that it was deemed not to apply in this case. I am not sure if she missed that part. It was deemed not to apply, which is why those people who retaliated against her could not be charged under the provisions of that act. So if you do not understand what we are debating then you would be better off not getting up at all. It did not apply in this case, and that is the point. This government uses it to defend—

Ms Gallagher: It did apply.

MR SESELJA: If it applied then people would have been subject to prosecution. They would have been subject to prosecution in response. That is the problem we have. The government hides behind it. It hides behind it when there should be a broad-ranging inquiry in Health, and when there is a genuine whistleblower she is told that it does not apply. No-one could be fined, no-one could be taken to task for the retaliations, so it did not apply. How could it apply if they could not be taken to task?

That is the problem we face. Ms Hunter is again selling these people out in saying, "Well, we can't focus on these individuals. We can't focus on them." Why not? Why shouldn't we be standing up for the individuals who showed some of the most egregious cases of this government engaging in retribution towards individuals? That is what has happened in so many of these cases. It is retribution against individuals. There is now a culture of it, developed from the top, from the ministers. The ministers have set this tone. The Chief Minister herself, as health minister, set that tone in her

department. She gave the riding instructions. She went out there and, with no evidence, dismissed claims made about bullying. She was then forced to do an inquiry. But, of course, she made sure that that inquiry could never come to light, and that is the problem with the way this government treats people.

In relation to Ms Hunter's arguments, the Greens, it seems, and particularly Ms Hunter, never want to focus on the individual damage; they only want to focus on the broad. It is another way of protecting their mates. It is another way of protecting their cosy coalition with the Labor Party. We believe that individuals should get justice. There is a case where individuals have been treated so badly and are prepared to speak out, and they have the courage to speak out. They should be supported, not sold down the river. That is what the Greens are doing again today. I think that Mr Hanson's amendment should be supported.

MS BRESNAN (Brindabella) (4.16): I simply support everything Ms Hunter said. I think she said it quite eloquently when outlining the reasons why we cannot support this amendment to Mr Seselja's motion.

I will just talk briefly to Mr Buchanan's case. I understand Mr Hanson said something about my having mentioned it in my speech to the original motion he put. Yes, I did say I was concerned about what the government would say, but I was actually concerned about what all parties would come out and say in this sort of very public forum where someone's possible personal details and a situation that has happened to them in the workplace would get played out publicly and everything goes on the public record. I think that was my concern when I initially spoke to Mr Buchanan about this.

Yes, I noted in my speech also that the primary concern I had was for his welfare. I reiterate that. And I know Mr Hanson and probably Mr Seselja will get up and say that it is some fake concern that I have, but I am actually extremely concerned about that. When I had my initial conversation with Mr Buchanan, the concern I also had was that it seemed that no-one at any stage had offered him assistance, had actually talked about what his options were. He does have options to him when it comes to this sort of situation.

I recall Mr Hanson, in his original speech as well, playing out how the conversation happened when I spoke to him, saying that I said, "No, do not worry about that; you do it this way." That is absolutely not what happened. I had a very frank conversation with him about this. We talked about what the options were and there were a number of things which we spoke about, some things which I am not going to make public here in the Assembly because I do not think it is appropriate. I do not actually do that.

But this is something where we should be concerned about the individual. I reiterate that when we have a committee inquiry it is a very political process. Things do get played out, different questions get asked that can be quite damaging. I am very concerned about that and I do find this a very difficult one because I do know that Mr Buchanan is saying he wants to do this. But I do have concerns for him that this is something that could actually very much damage him, the fact that it goes on the public record.

I know Ms Hunter mentioned cases in the past where people have been damaged. There was one particular case—and this is in no way suggesting that this would happen in any of the instances that have been outlined here—the Penny Eastman case a number of years ago. That, for me, is a perfect example of why we do not want to go down this track of having a committee inquiry.

The suggestion has been made by Mr Hanson and by the Liberals—and Mr Buchanan has made this suggestion—that Mr Buchanan has had his contract terminated and been returned to his substantive position because he opposed the NSP. There is absolutely no evidence that that is the case. As we know, there is opposition to the NSP amongst other staff in the prison, plus from the union representatives. I think to suggest that that is a reason why this has happened is not correct. That is not the case at all.

I am also very concerned about the motivations behind Mr Hanson doing this. Our motivations have been questioned. I am going to question Mr Hanson's motivations about this too. This, for me, is very much a situation about willingness to use individuals to serve their own ends. And if we are talking about selling out, if we are talking about hanging someone out to dry, this is an example of that, of being willing to use someone's personal case to actually make a political point. And that is what is happening here in this situation.

I think that needs to be acknowledged. I know I will get pilloried for saying that, but that is absolutely what is happening here. If we are going to be verballed about what we are trying to achieve here and about somehow wanting to do something broadly and not look at individual's personal cases, then this is what needs to be looked at with this situation. And that is absolutely what is happening here.

We need to look at what are the proper processes for involving personal cases of people. They need to be given proper protections and, frankly, having the committee process just does not offer that. Yes, they have privilege, but everything goes on the public record. They do not have any legal protections once that happens. What is going to happen to them after that has been in the media or anything else is played out? That is what we should be considering here and that is why we cannot support this today.

I say again that we do very much expect that people should get justice, but it should be done in a way that offers people protection, does not hang them out to dry, does not have to be played out in the public record and absolutely is not for someone else's benefit. I reiterate: I do find this a very difficult one. I have spoken to Mr Buchanan and I know he feels aggrieved. But he needs to be told what are the proper processes that he can go through. I do hope that someone is actually giving him that assistance because it does not seem like that has happened as yet. I hope it has happened now and that he has a proper process to follow and that he is offered the proper protections that he should have, which a public committee inquiry would not.

Question put:

That **Mr Hanson'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

Ms Gallagher
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Amendment negatived.

MR SESELJA (Molonglo—Leader of the Opposition) (4.26): Before I get into some closing comments, I do need to briefly respond to what Ms Bresnan just had to say in that extraordinary contribution where she said there is no evidence that Doug Buchanan was sacked because of his opposition to the needle exchange—none, aside from his word, of course; none, aside from the word of Doug Buchanan whom clearly Ms Bresnan does not believe—and no counter evidence in fact.

We have not heard why he was sacked. There has been no alternative put publicly. The only claim we have heard publicly is that he was sacked because of his opposition to the needle exchange. Clearly Ms Bresnan does not believe him. Clearly Ms Bresnan is now doubting his word, this man who was praised for his efforts before being unceremoniously sacked, for no apparent reason. He believes it was because of his opposition to the needle exchange program.

If there is an alternative story from the government, we should hear it. We should hear what was his grievous sin, because nothing has been put out there as to why he was sacked. So I, for one, believe him. I, for one, believe he has no reason to lie. If the government have an alternative, they should put it out there.

Secondly, we have Ms Bresnan saying that, effectively, he does not know what is good for him. Mr Buchanan wants an inquiry, and the Greens are saying to him: “You do not know what you are talking about. You need to be saved from yourself. There is a better way, a quiet way.” That does not work. That has not worked for Mr Buchanan. It does not work for others. So I think that we see again the Greens just treating people with contempt. They meet them and pretend they care, pretend they are listening, and then sell them out, as they have to Doug Buchanan today.

I think that this motion goes to the character of this government, and I think that after 10 long years of this government we have seen its true character. It has started to come out. Its character is reflected in its treatment of people like Doug Buchanan. Its character is reflected in its treatment of people like Debbie Scattergood. Its character is reflected in its treatment of staff at Bimberi. Its character is reflected in its treatment of the chief planner, Neil Savery.

The Greens do not like talking about these individual cases because they demonstrate the character of this government. They are just the ones we know about. They are just

some of the ones we know about as to how this government treats people. Each of them is a disgraceful case. Each of them reflects poorly on this government. Each of them suggests that this government treats with contempt dissenters, people with a contrary view. It subjects them to retribution, and they are subjected to arbitrary dismissal, in some cases, if they happen to disagree with the government or question the government.

This is about character, and what we are asking for is that the government recognise the wrong that has been done to some of these people, that the government apologise, that the Chief Minister apologise or that the Chief Minister show some leadership, the opposite type of leadership to what she showed in relation to the bullying. Instead of encouraging this kind of behaviour, as she did in relation to bullying at Canberra Hospital, she should actually show leadership and say that this is unacceptable. And the government should apologise and rectify where they have damaged people as a result of this culture of retribution and bullying.

That is the character test that they have failed today. The Labor Party and the Greens have again squibbed it. They have chosen not to be open. They have chosen not to make amends. These things will continue. They will continue because the message has again been sent to agencies that this kind of behaviour will go unpunished and this kind of behaviour will continue. We do not believe that is appropriate and we will stand up for those individuals, whether the Greens or the Labor Party do or not. Whether they want to sell Doug Buchanan, Debbie Scattergood or any of these people down the river, we will stand up for them because these cases highlight the broader problem. They highlight the culture of intimidation and bullying, and we will not stand for it.

So I do commend the motion to the Assembly. I believe that we, as legislators and representatives, have not just the right but the duty take up the case of these people. If we do not, the Assembly, in voting today to reject this, is rejecting justice for these people who have been wronged, who have been seriously wronged in some cases by this government and by the culture that has been created by these ministers.

Question put:

That **Mr Seselja's** motion 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

Ms Gallagher
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Motion negatived.

Private members' business—postponement

Ordered that notice No 3 private members' business be postponed until a later hour.

Parking—strategy

MR COE (Ginninderra) (4.35), by leave: I move the revised motion standing in my name:

That this Assembly:

(1) notes:

- (a) the lack of adequate car parking in the ACT;
- (b) the dramatic increase in the cost of parking;
- (c) the draft ACT Parking Strategy proposes a limited net increase of parking spaces; and
- (d) the ACT Government's Canberra Spatial Plan states a strategy of increasing the price of parking to deter Canberrans from driving; and

(2) calls upon the Government to:

- (a) recognise that cars are the principal means of transport for most Canberrans, especially those in outer suburbs;
- (b) ensure that masterplans include adequate parking;
- (c) consider the construction of multi-storey parking stations in town centres by working with private providers; and
- (d) update and finalise the ACT Parking Strategy.

Whether the ALP and Greens admit it or not, the lack of parking in Canberra is a very real issue for the residents of our city, and we must address the problem immediately. I think there would be very few motorists in Canberra that do not think that the lack of parking is a serious issue facing their quality of life. The fact is that Canberra is a city planned with motorists in mind, and until we have a viable public transport system the vast majority of Canberrans will be heavily reliant upon their cars.

Mr Speaker, the supply of parking has not kept pace with demand in the city in addition to our town and group centres. In 2007 the ACT government released the draft ACT parking strategy. Much work went into that document and it was released for public comment on 1 March 2007. Canberrans had just 10 weeks to comment. In fact, on 30 April 2007 Mr Hargreaves said in a release, "Due to the level of public interest in the issues surrounding parking, the government has decided to extend the period to lodge submissions to comment on the draft parking strategy until close of business Monday, 7 May 2007."

Time was obviously pressing. They had to get cracking on the final version right away. Here we are four years, three months and 10 days later and we still have not got the final version. Not only is it an insult to Canberrans that are desperate for a genuine approach to the parking needs of Canberrans but it is a direct insult to the Canberrans that went to the effort of contributing to the draft in the hope that their contribution would actually have an impact on the final version of the strategy.

In 2010 the Chief Minister at the time said in an answer to a question on notice:

The Transport for Canberra policies—including the Parking Strategy—are expected to be released following *Time to Talk* and alongside the Government's new climate change and spatial planning policies in 2011.

We are now heading into the latter part of 2011 and there is still no sign of any updates or any policies. We must also now question the relevance of the data used to form the basis of the draft strategy over four years ago—that is, without making the assumption that the data was already a little out of date by the time it got to the point of being used in the draft paper.

The Property Council submission to the strategy dated April 2007 also made the observation that the figures used to identify the modal split as per the sustainable transport plan and used in the draft strategy was highly optimistic. For example the plan states that the proportion of people driving to work would have dropped from 74 per cent down to 70 per cent in the years between 2007 and 2012. Anyone who has driven along the gridlocked GDE or tried in vain to find a car park in the city at 8.30 am will know that this is not the case.

As MLAs, we are often out campaigning and canvassing the views of constituents and often this involves going to shopping centres. One need only spend a few minutes at Jamison, Kippax, Charnwood, Nicholls, Dickson, Cooleman Court, Calwell, Erindale or Tuggeranong, in addition to many other places, to realise that there is a parking shortage and that the government is failing to address these issues.

In fact, the government even admitted that they had failed to address parking concerns in Erindale in a recent mail-out to surrounding residents. The problem was repeated from a series of events in Hawker where the government had no grasp of the parking needs of shoppers and business operators.

At a public meeting that was convened by me and Mrs Dunne in July last year to address parking concerns in Hawker, one resident expressed the following view:

Car parking is an issue across Canberra. There needs to be a plan for the whole city to ensure that flow and convenience enable business to prosper. We cannot collapse into gridlock and expect businesses to survive.

The fact is that the government's lack of strategy is having a real impact on businesses. It is having a real impact on the quality of life for many Canberrans. As shadow transport and urban services minister, I regularly get feedback from constituents about the problems they are having parking. One such email I received last month is as follows:

The Callam Offices (Easty St) carpark is consistently full, to the point where people are forced to park illegally because there is no other option ... There are absolutely 0 available car parks at the moment except for the 2 hour paid parks. Given people are often in meetings all day, this isn't really acceptable.

The parking has recently gone up to \$6.50, as I am sure you're aware, which adds salt to the wound.

This is another email about a suburban parking problem:

There are parking restrictions on Blamey, Getting, Jacka and Creswell—

these are streets in Campbell—

so workers are now parking and blocking up Butler Place, Jacka Place and Garsia Street (and probably others). I am not sure why this is happening but can suggest that workers at the ASIO monolith have taken spaces at the dirt car park in Borella Street and at Anzac Park East, reducing spaces available to Defence late comers. I am aware that the car parks at Russell Offices fill up each day. There has also been a dirt car park lost to construction along Constitution Avenue.

Things are only going to get worse in the suburb as workers at the ASIO building take up more spots at Anzac Park East, given that someone has erected blockades to keep people off the grassed areas (a little too late by the way as the grass is dead ... The blockades should be built after construction is complete. And where are all the ASIO staff going to park? Where are the thousands of extra spaces for them?

And this one:

Because of the need to use private transport, parking availability in the various centres in Canberra is essential to enable timely, cost effective conduct of business, be it private or otherwise. Unfortunately it has been the apparent general philosophy of past, and more significantly present, governments to eliminate as much parking space as possible without attracting unwanted electoral backlash. I believe it was publicly stated some time back that the general philosophy was to discourage the use of private vehicles to encourage people to use public transport ... It seems that the penny has not yet dropped for those in government, that the private vehicle use in the ACT will not go away just because they want it to. Future technology will ensure that private vehicles will remain in use for at least the long term foreseeable future.

Mr Speaker, of course, the government's mismanagement of parking also extends to the two hospitals, where not only was the parking provision inadequate, but they sought to capitalise on their own lack of supply by charging patients, visitors, doctors and nurses. The community revolted. The fact is that this government cannot manage our budget and must drive up the cost of parking to make up for their inability to manage our finances. Or perhaps a more sinister view is that elements of the government really do have a vendetta against the car and what it represents.

As I said in April this year, when it comes down to it, it is all about fear mongering and their entrenched ideological hatred of the car and of what it represents, the industry it represents, or the freedom it represents, of people's choice to be able to live their life as they want. What the car represents is a family. It is a family that lives in the outer suburbs of Tuggeranong or Belconnen and it opens up their opportunities to live their life as they wish.

The Greens here, and I believe the Labor Party as well, in their hatred of oil and their dislike of families, use things such as peak oil to limit the opportunities and freedoms that so many people in Canberra and around Australia do enjoy. This government, made up of the cosy Labor-Greens coalition, are about forcing Canberrans out of their cars, forcing families out of the suburbs. As I have said, this would be fine perhaps if we had a viable and efficient public transport system. However, we do not.

If this government is serious about prioritising a shift away from cars, it should be improving the bus network and other modes of transport rather than simply making it harder to park or harder to drive. As we know, ACTION is subsidised by millions of dollars each year by the ACT taxpayer, yet only eight per cent of the population are actually using the service. The government talk about improving the efficiency of the ACTION network, but the reality is that the network does not suit the needs of the remaining majority and there are no plans or definitive strategies to improve this situation. I wonder how many of the eight per cent that do use ACTION are actually happy with the service and how many are doing so simply because they have to.

As someone who believes in small government, I believe that the private sector are good managers and solve problems well. When it comes to parking, I would think there would be interest from the private sector in the construction and management of parking spaces, perhaps even structured or multi-storey parking. However, the private sector needs certainty, and that goes for the car parking industry as well. The fact is that it is very hard for certainty to exist when the parking strategy is in draft form and has not been updated for four years. For four years, three months and 10 days we have been waiting for a strategy.

Last year, at a well attended public meeting in Hawker, the following points were raised by concerned residents when the government proposed to remove their car parks, amongst other changes. Some of these points included:

Hawker is a good site for 'Park and Ride' facilities, but if the car park is removed, this will no longer be an option.

Increased activity and development on the car park sites may make the roads around the centre more dangerous.

Car parking is an issue across Canberra. There needs to be a plan for the whole city to ensure that flow and convenience enable businesses to prosper. We cannot collapse into gridlock and expect businesses to survive.

Age care workers take elderly people to Hawker because of the convenience of the parking and the range of shops. We need to be able to park near the services. Public transport will not provide for the needs for an ageing population.

Elderly people struggle to park at Jamison, Belconnen Mall and Kippax due to the size and crowds at these centres, so Hawker is an attractive centre to visit.

Finally, this is another point from an attendee:

The current situation is due to dysfunctional land release and dysfunctional planning—there may be a hidden agenda. Jamison is under pressure from the loss of space and car parking. The LDA did not like the HOTA (Hawker Owners and Traders Association) group because of the strength of its opposition and the fact that it was representing all interest groups. If car parks are taken away, the heart of the shopping centre will go too.

At a meeting attended by more than 225 people that I organised in March this year, the following points were recorded about parking issues in Jamison and Macquarie:

Traffic and parking demands have increased due to refurbishment of Jamison Plaza.

Car parks at Jamison are being used by public servants heading to Belconnen Town centre.

Some new developments (such as in Collicott Circuit) have already had more cars than available car spaces, resulting in cars parking on the street.

The new unit development at the AIS precinct has seen a massive increase in cars without adequate parking—we do not need this at Jamison.

Parking is already inadequate as shoppers are avoiding Belconnen Mall due to shortage of car spaces there.

Disabled parking is grossly inadequate. The dimensions of the car spaces mean that it is hard for disabled people to get out of their vehicle. People with a disability were not consulted at all.

Belconnen workers are parking in Blackman Crescent and beyond, clogging up residential streets.

Lived here since 1968 and we are not anti-development, but this proposal is totally inappropriate for the area. No impact study or traffic study was undertaken. Lots of questions remain. No consultation occurred.

Resident of 30 years—Jamison has always been a family-friendly place. Increased traffic will make it hard for young families and older residents. Parking further away from centre and walking is not an option.

No lessons have been learnt from the Hawker car park issue.

How many car parks will be provided with the new building?

Where will builders park during the construction? ‘Park and Ride’ spaces were unavailable during the renovation of the child care centre when builders took up all the spaces.

What all these points lead to is a lack of strategy. It is a community that do not feel empowered. It is a community that does not know where this government is heading. There is a sinister view that they are simply trying to drive motorists off the road. One way or another, the fact is that motorists and the vast majority of Canberrans feel left behind.

The government must recognise that cars are an integral part of life in Canberra and this is not going to change any time soon. Indeed, the government's support of electric cars further complicates their position on cars and whether they support motorists or not.

I do not think it is unreasonable for the ACT government to have a plan for the future parking needs of our city. There is nothing strategic about the government's approach to forcing people out of cars and off roads whilst we have such a substandard bus service. In the master planning processes currently underway at a number of centres in the ACT, I urge the government, through TAMS, ACTPLA and other agencies, to consider the desperate parking situation faced by Canberrans. This government must not neglect the users of these centres and must address the parking issues throughout Canberra.

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) (4.48): I move:

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

"notes that the Government is finalising its *Transport for Canberra* policy, which will include:

- (1) the annual release and implementation of parking plans for the City and each town centre to manage parking demand in conjunction with the land release program;
- (2) implementation of a parking pricing and management regime to encourage greater use of sustainable transport modes;
- (3) consideration of a parking offset fund for the City area; and
- (4) continuing to maintain a level of Territory ownership and management of public parking."

Mr Speaker, the Labor government is committed to managing the ACT's transport system in a holistic, integrated way where parking management is just one part of a much bigger transport picture. The government has a strong commitment to facilitating the economic development and vitality of our city and town centres, so managing parking is part of planning for and delivering a sustainable and integrated transport system for our city—a transport system that is integrated with land use planning, that helps reduce transport emissions in line with the territory's legislated emissions reduction targets, that is equitable and accessible for everyone and that supports the ACT's strong economic performance.

The Canberra community has indicated its support for this integrated approach to transport planning and policy. In the recent time to talk community conversation, Canberrans talked about a future where we are a less car-dependent city, a compact city where people can live closer to work and have more options to choose their travel needs. I quote:

Canberrans recognise the relationship between Canberra evolving as a more compact city and its development as a more accessible city.

People value that Canberra is easy to get around and want to keep this in 2030. They understand the convenience of having a car and that a challenge is for Canberrans to reduce their reliance on private vehicles.

How to achieve this more compact city and provide more sustainable, accessible transport options will be integral to the government's new planning strategy and transport for Canberra policy, which will build on the strong foundations of the spatial plan and sustainable transport plan that were released in 2004.

In May 2009 the government announced a goal of zero net greenhouse gas emissions for the ACT by 2060 and enacted the Climate Change and Greenhouse Gas Reduction Act, which sets ambitious targets of 40 per cent less than 1990 emissions at 2020 and 80 per cent at 2050.

The government acknowledges that a carbon-neutral Canberra by 2060 will be a formidable task but considers it vital that we have a clear goal and vision of the city we want to live in and pass on to future generations—a city that is willing to accept responsibility and take action to minimise its impact on the climate system and our local environment.

The actions we take to mitigate greenhouse gases and adapt to climate change will see a change in the way we do many things, in fact most things. Weathering the change action plan 2 is in the process of being finalised and will provide the road map to achieving these goals.

The government takes an integrated approach to transport planning and infrastructure development, which is known as travel demand management. This approach means that we determine the total transport demand; examine options and opportunities to create alternatives to driving, such as public transport, walking and cycling; price transport efficiently to encourage those alternative modes, including parking pricing; encourage multi-occupancy trips through the three-for-free scheme; and identify the transport infrastructure needs that make the integrated transport system work safely and efficiently.

Managing parking as part of an integrated systems approach has two main components derived from this travel demand management approach. The first is achieved through regular parking surveys to monitor use, encouraging alternative transport patterns such as public transport, walking and cycling or, indeed, car-pooling, and providing parking supply at a level sufficient to encourage economic growth.

The second component, pricing parking efficiently, aims to encourage alternatives to private passenger vehicle travel and to encourage the private market to invest in new parking infrastructure.

Mr Speaker, as we know, ACT residents have a high rate of private vehicle ownership and, consequently, demand for parking is high. In the past, most of us have been able to park close to our destinations without much difficulty. As the city and our town, group and local centres have grown and changed, so too does the ease with which we are able to park. This does not mean we automatically assume there is a problem with parking supply. It means instead that we should assess whether the problem of lack of adequate parking is real or perceived through parking surveys and monitoring, planning for a range of future parking supply options, and establishing appropriate parking demand management.

If there is a capacity issue estimated at certain times or in certain locations, we can manage demand through introducing time limits, pay parking, other demand management measures like encouraging car-pooling through three-for-free, and improving access to sustainable transport alternatives. We can also implement short or long-term supply options.

If our surveys and management information indicates the need for additional capacity, we can determine whether the private sector can assist with additional supply or whether we should be providing information to the public about alternative locations to park. Parking surveys indicate that parking availability in the city and our four town centres is between three to 40 per cent, depending on the location. Surveys of city car parks during the busiest week day lunch times shows that 85 per cent of capacity of ACT government and privately operated surface car parks is occupied.

In Woden demand has been very high since early in 2011 owing to the closure of access surface parking spaces at Canberra college and gradual employment growth in commonwealth agencies. Demand is now about 97 per cent of supply in public surface car parks. The government is working with developers to progress some short-term options in the recent developments.

In other town centres there is sufficient pay parking in both government and private sector operated car parks to meet current and projected demand. This means that for most people a parking space will be available; even if they have to walk a little further or park in a slightly different location than they have in the past.

The government is also working to encourage people to choose more sustainable means of transport, which is a critical way to manage parking in Canberra. Small percentage changes in travel behaviour can, at the population level, make a significant difference at individual locations.

Our sustainable transport goal articulated in the sustainable transport plan is to increase the percentage of people walking, cycling and using public transport to work from 13 per cent in 2001 to 20 per cent in 2011 and to 30 per cent in 2026. Data from the Australian Bureau of Statistics indicates we are on the way to achieving these targets. Canberra currently leads the nation in cycling use and is second only to

Hobart in walking. Canberra has also recorded the highest growth rate in public transport modal share between the ABS census periods of 2001 and 2006. The ACT government is committed to moving even further ahead in these positions.

The government is investing to deliver a program of improvements across the transport network. We have committed more than \$120 million to public transport projects, promotion, systems, infrastructure and services in the most recent and the 2010-11 budgets. In combination, these projects will help create more viable, sustainable transport options and reduce parking demand across the city.

Major transport investments include a \$21.4 million investment over four years to improve ACTION bus services, including the Blue Rapid trial extension to Kippax and service improvements in Fyshwick, Gungahlin, the inner north and the Canberra Hospital; nearly \$3 million for a corridor study for the Gungahlin to city corridor, including investigation of a possible light rail option for Northbourne Avenue and the establishment of a new Dickson public transport station; and \$12.5 million over three years for a real-time passenger information system on buses.

The park and ride network—free parking for cars and bikes on rapid transport corridors—will also be an important way to help more Canberrans connect to the mass transit network. There is just over \$4 million for a network of park and ride and bike and ride facilities at locations including Exhibition Park, Erindale, Phillip, Cohen Street in Belconnen, Gungahlin, and Tuggeranong, and new park and ride facilities will open at Purdue Street in Belconnen and Exhibition Park in Canberra and the expanded Mawson site by the end of 2011.

The construction program for next year will include new facilities near College Street at the University of Canberra, near Cotter Road at the new Molonglo Valley suburbs, an expansion of park and ride at Kippax to support the extension of the Blue Rapid service and an expansion of the commuter park and ride at Calwell.

Over \$1 million, including \$255,000 in support from the commonwealth, has been allocated to construct a network of bike and ride cages, with the first of these now open at Belconnen community bus station and Flemington Road, and two additional cages at Phillip pool and Mawson due to be completed by September 2011.

Over \$3.5 million over four years has been allocated to construct and upgrade bus shelters across the bus network, and \$7 million will be used to construct stage 1 of the Belconnen to city transit way, including bus priority measures on Barry Drive and College Street and a new ANU bus/transit station integrated with the ANU exchange development. Just over \$8 million will provide a bus lane on Canberra Avenue by 2013 to support the Red Rapid corridor. There will be nearly \$5 million for new bus stations at Gungahlin and Erindale and \$2 million for bus stop and station improvements at the Civic bus interchange and, finally, \$2 million over four years to improve the ways in which we communicate with Canberrans about public and sustainable transport options.

These transport for Canberra investments will encourage greater take-up of sustainable and active transport modes, such as public transport, walking and cycling, and will help reduce the demand for parking in the city and town centres. Parking fees

in territory-owned car parks have increased each July over the past two years, and they were raised again in July this year. This has been with a view to both encouraging drivers to consider alternative means to the private car and to encourage the private sector to invest in parking infrastructure.

A key purpose of increasing the price of parking is to encourage the entry of private sector parking providers and operators into the market. The current price of ACT government-owned parking is well below the level at which private sector parking providers would be attracted into the market. Parking fees in Civic, at \$12 for all-day parking, are also significantly lower than parking fees in other major Australian cities. For example, council-run parking in Newcastle and Wollongong starts from \$15 all day. In Melbourne it is from \$30 all day; in Hobart, \$21 all day; and in Sydney, \$30 all day.

As I have said earlier, the government is committed to facilitating the economic development and vitality of our city and town centres. We will manage parking to meet the economic needs associated with Canberra's growth and maximise the efficiency and usage of existing car parking. An increase in parking fees will help encourage greater use of sustainable transport modes and improve the health of the community through the use of these modes.

The government's new parking policy, which is part of the upcoming transport for Canberra policy, will include the annual release and implementation of parking plans for the city in each town centre to manage parking demand in conjunction with the land release program. It will include implementation of a parking pricing and management regime to encourage greater use of sustainable transport modes. It will include consideration of the parking off-set fund for the city area, and it will continue to maintain a level of territory ownership and management of public parking. The government will also over time slowly be able to provide parking in major work destinations like Canberra city, as government policies and actions in transport for Canberra provide viable alternatives.

Mr Speaker, the government's demand management approach to parking and its sensible measured approach to parking pricing will help us to manage parking demand over time and create a more sustainable Canberra. We will not respond in a knee-jerk manner, and we will not examine the issue of parking in isolation of the broader issues associated with planning for sustainable transport. I commend my amendment to the Assembly.

MS LE COUTEUR (Molonglo) (5.01): I thank Mr Coe very much for bringing forward this motion. We have previously debated in this house the issues of cars, peak oil and transport, and I enjoy our continuing discussion, particularly because every time we go through it, it gets clearer and clearer that this is in fact an ideological discussion.

As Mr Coe repeated today—I was not sure whether I was going to quote from his speech of 29 March but I do not have to because he repeated it today—what the car represents is a family. I actually think that is an incredibly sad statement. When I think of my family, I do not think of a car. I think maybe of the house. I think of the

people, actually, and I think maybe of where they live or their photos. But to say that the car represents a family, for most people I think cars represent transportation services. That is actually why we have them—so that we can get to places.

Mr Coe interjecting—

MR SPEAKER: Thank you, Mr Coe; you were heard in silence.

MS LE COUTEUR: I agree that many people have a positive relationship with their car. I have a positive relationship with my car. I am very happy with my cute little Smart, I must say.

Mr Coe interjecting—

MR SPEAKER: One moment, Ms Le Couteur. Mr Coe, you are already on a warning for interjecting. I have just spoken to you and you have interjected again within 15 seconds. It is not acceptable. You will go out next time.

MS LE COUTEUR: Mr Coe then went on to say—he was talking about Hawker—that car parks are the heart of a shopping centre. Again, I actually do not think there are many people who would regard a car park as the heart of a shopping centre. Any shopping centre that the car park is the heart of I think is doomed to fail. People go to shopping centres for shops and for community facilities. They may use the parking facilities there. They might have come by bus, they might have walked, they might have ridden their bike. But the car park is not the heart of the shopping centre.

Mr Coe, in his speech of the 29th, which I am quoting from because it is easier than taking notes on his speech today, said:

The Greens here, in their hatred of oil and their dislike of families, use things such as peak oil to limit the opportunities and freedoms that so many people in Canberra and around Australia do enjoy.

In fact, I contend that it is the exact opposite. What the Greens are saying is that the world is changing. We are in a situation where at least two things are happening. Peak oil has probably already happened. I will not go through all the reasoning behind that statement because we did have an MPI discussion on it in March; suffice to say that we live in a finite world and every resource is finite. The evidence from the International Energy Agency is that peak production of crude oil has already been reached a few years ago. So we have reached, or are reaching, peak oil.

We also have a significant problem of climate change. Oil use produces carbon dioxide, CO₂. It is a significant issue with climate change. So the Greens are trying to say that we do not want to limit the freedom of people. In particular, I agree with Mr Coe that people out in Tuggeranong and Belconnen are not well served by public transport. Something better needs to be done for them. But the something better is not more car parks. I guess that is where we disagree. The something better is decent public transport. The something better is footpaths that are not broken, so that people can use them without falling over. The something better is cycle facilities where

people can feel that it is safe to ride, instead of having the possibility or the likelihood that they will have an accident on their way to wherever.

I guess that is the ideological issue. The Greens are looking forward to the future, whereas it seems to me that the Liberal Party is stuck in the resources of the past, when we were not concerned about climate change and we were not concerned about peak oil. The Greens are concerned about the future. We are trying to build a Canberra which works for the future, not for the past; which works for the families in Tuggeranong and Belconnen; which means that families everywhere do not have to have two, three or four cars, because we have a decent public transport system, and so that one car or no cars will suffice.

I should possibly stop talking about the ideology and talk a little bit more about the various motions. We now have Mr Coe's motion and Mr Corbell's amendment, and I foreshadow that I am about to move an amendment. Mr Coe's motion actually does not say a huge amount. People disagree on the amount of car parking. I think that "adequate" is a loaded word in the motion, and it also refers to the dramatic increase in the cost of parking. As Mr Corbell pointed out, the cost of parking in Canberra is still cheap compared to most places in Australia or the world.

He called on the government to recognise that cars are the principal means of transport for most Canberrans. As I said, they are currently a principal means but this is something which we need to change. So Mr Coe's motion actually did not have a lot in it.

I now move to Mr Corbell's amendment, which is similarly fairly light-weight, but I am glad to hear that the government is finalising its transport for Canberra policy. We did already know this, as a result of a motion from Mr Rattenbury, after which Mr Corbell committed that this would be done, I believe, by the end of this year. I am glad to hear there will be the annual release of parking plans for the city to manage parking demand. I hope that it will be managing parking demand not just in conjunction with the land release program but in conjunction with improvements in public transport, improvements in cycleways and improvements in footpath provision.

One thing that I meant to say earlier was that, in terms of the principal mode of transport for most Canberrans, I would actually contend that the principal mode of transport for most Canberrans actually is our two legs. Even people who use cars get out of them and walk to their final destination. I agree that there are a few people who are unfortunate enough not to be able to do that, but for most of us our legs are our principal means of transportation.

Getting back to Mr Corbell's amendment, paragraph (2) refers to the implementation of a parking strategy and management regime to encourage a greater use of sustainable transport modes. Great, fine. A parking offset—yes, I would like to see it happen. And maintaining territory ownership and management—yes, that is probably a good idea. But Mr Corbell's amendment is very much about business as usual, and what the Greens would like to see, as I said, is a change from business as usual.

So you will find a revised amendment from me. You will find that it is exactly the same as what was circulated a few hours ago. The revision is that, instead of

amending Mr Coe's motion, because Mr Corbell is attempting to amend it, I am now attempting to amend Mr Corbell's amendment. Nonetheless, for those who read it in advance, it is exactly the same.

What I am doing here is having a bit more contemporary information in the notes. Population growth, peak oil and climate change—as I said earlier, all of these things dictate a shift away from the private car, which, I am quite happy to agree, does currently represent the principal, in terms of kilometres, method of transport in Canberra. That certainly is true now. It is just something that we need to change and address.

I would contend that present and future parking provision and pricing do need to be well planned and undertaken in conjunction with other investments in sustainable transport to facilitate a smooth transition away from the current dependence on the private car. We need to plan so that we can move smoothly without disadvantaging people, particularly people who will find it very difficult to move to other forms of transportation. I think that is one of the things we really must remember in this debate. There are people who, because of various disabilities or age, are not going to be easily using public transport, walking or cycling. My mother is one of those. We need to make sure that we have a system so that people who can use other forms of transport are encouraged to do that but so that there is still provision for people who need to use a private car, a disabled taxi or ambulance. But I will not go there. That is the subject of a whole other debate because that is a part of transport which is really not well looked after.

I will talk a bit more quickly about the things that I would like to see the government do. What we would like the government to do first of all is to finalise a parking strategy in a way that is consistent with the legislated 40 per cent greenhouse gas reduction commitment, and release that strategy by December 2011. I am fairly confident that the strategy will come out at around that time because Mr Corbell already said that. What I am not confident about is that it will be consistent with the 40 per cent greenhouse gas reduction commitment. Mr Corbell did not make that commitment in his speech, so I call upon him, as part of this debate, to make that commitment.

Mr Coe made some good points around master plans. I think we should try and ensure that all ACT master plans address car parking in a way that is consistent with the abovementioned new parking strategy, which I hope will come out this year and will be consistent with the 40 per cent greenhouse gas reduction commitment. I agree with Mr Coe that there is widespread public concern about parking, so I think it would be useful for the government to report to the Assembly on areas where the government feels there is a need for parking reform and what changes it might make.

I then have a number of specific reforms that we would like to see happen. These have all in fact been taken from our submission last year to draft territory plan variation 303, which dealt with a lot of parking matters. I would draw the attention of Mr Coe and Mr Corbell to this. I will quickly go through it. We would like to see the replacement of the mandatory minimum car parking requirements with maximums for new development and the prioritising of areas close to good transport links.

Melbourne and Sydney have areas where there are maximum requirements rather than minimum requirements.

From the point of view of the market determining what is wanted, I can tell members that I have been approached by a number of developers saying that they would like to have fewer minimum requirements and that the idea of allowing the market to decide what parking provision they want is very attractive. It costs about \$40,000 for each underground car park. Housing affordability is an issue in Canberra. Why should people have to buy car parking spaces that they do not want? And that is what happens with our current parking policy.

Paragraph (d)(ii) refers to encouraging car sharing spaces. Sydney and Melbourne both have car share organisations. We would like to see something like that happen in Canberra. One way is for the government to stand ready to encourage these. The provision of additional secure bike parking spaces for each “missing” car parking space is an issue. Even in the Assembly, the provision of secure bike parking spaces is an issue. If you try to park under the stairwells, which is the only place there is, there is simply not enough space for all the bikes there. If anyone has ever looked there, you will find half a dozen bikes all squashed on top of each other, which is why I always park mine outside. I am very pleased to note that the assistant clerk can watch it from his window, so I feel quite reassured by this security service. But not everybody is lucky enough to have this.

With respect to paragraph (d)(iv), the Greens feel that where offices are converted into residences the existing car parking should be deemed to be an adequate amount of car parking. We all know that there is an oversupply of offices in Canberra. We could utilise some of that as residential, but if they are forced to comply with the current car parking requirements, it cannot and will not happen. In the interest of housing affordability, we should do this.

Paragraph (d)(v) is very similar to one of the points in Mr Corbell’s amendment. I have said that a sustainable transport contributions fund would allow developers to limit the provision of car parking spaces in city and town centres. The provision of a sustainable transport contributions fund would go towards providing transport infrastructure which would mean that we do not need all of these car parking spaces.

My final point in the amendment is the provision of power points for electric vehicles in a proportion of parking spaces in all new developments. I think that electric cars are one of the more positive developments as far as private cars are concerned. I do not think they are the whole solution; far from it. But I think they are something that we should continue to look at.

I have to agree with Mr Coe that the car parking problem is not something that is going to go away just by looking at it—by saying that it should go away. But it will go away by having good planning for sustainable transport. Parking is part of that but it is only a part of it. Public transport, buses, hopefully light rail in the future—

MADAM DEPUTY SPEAKER: Ms Le Couteur, your time has expired. Have you moved your amendment?

MS LE COUTEUR: Madam Deputy Speaker, you are quite right. I only foreshadowed it. I move:

Omit all words after “notes”, substitute:

- “(a) that population growth, peak oil and climate change dictate a shift away from the private car which currently represents the principle means of transport for Canberrans;
- (b) that present and future parking provision and pricing needs to be well planned, and undertaken in conjunction with other investments in sustainable transport, to facilitate a smooth transition away from the current dependence on the private car; and
- (c) that car parking provision and pricing is linked to other issues that impact on Canberrans, such as the city’s urban form, the local economy, and housing affordability; and

(2) calls on the Government to:

- (a) finalise an ACT parking strategy that is consistent with the legislated 40% greenhouse gas reduction commitment, and release the strategy by the December 2011 sitting week;
- (b) ensure that all ACT master plans address car parking in a way which is consistent with the abovementioned parking strategy;
- (c) report to the Assembly by the December 2011 sitting week on the areas in Canberra which the Government has identified as being in need of parking reform, and what the proposed changes would be; and
- (d) implement parking reforms for Canberra developments, including:
 - (i) replacing the mandatory minimum car parking requirements with maximums for new developments, prioritising areas close to good transport links;
 - (ii) encouraging ‘car sharing’ spaces;
 - (iii) provision of additional secure bike parking spaces for each ‘missing’ car parking space;
 - (iv) where offices are converted into residences, then existing car parking can be deemed to satisfy car parking requirements;
 - (v) introducing a ‘sustainable transport contributions fund’ to allow developers to limit parking spaces in city and town centres; and
 - (vi) providing powerpoints for electric vehicles in a proportion of parking spaces in all new developments.”.

MR SESELJA (Molonglo—Leader of the Opposition) (5.17): I think the first news flash for Ms Le Couteur and the Greens is that, whatever technological changes take

place, people will still be using cars in the future and, whether they are running on oil, whether they are running on electricity, whether they are running on water or anything else, people are going to be driving cars. In fact, Canberrans will continue to rely on cars well into the future because cars are a means of getting around which does not rely on a government to continue to deliver services directly to people. Cars are individual families making decisions, and the Canberra population will continue to rely on cars. Even if the most heroic assumptions under the sustainable transport plan are met in 2026, the vast majority, the overwhelming majority, of Canberra families will rely on the car to get around.

I think that is the reality at the heart of Mr Coe's motion. It is saying, yes, we should be developing a better public transport system. Yes, we should be giving people options. Yes, we should be doing all we can to improve those options. But even if you do that, even if you do it very well, the vast bulk of people will still use their cars. Therefore simply squeezing car parks, simply taking the approach of having fewer car parks in the ACT, is not the way to go, because all that that does is inconvenience people. They will still drive their cars. It is far less convenient to do so. It means that Canberrans end up paying more money for the privilege of parking and end up having to walk further to get to their place of work once they have parked their car. But for the vast bulk of those people, it will not actually get them out of their cars, because they will do the numbers and they will look at the options and their car will still stack up better.

This is particularly true of families in the outer suburbs whom the Greens and Labor look to punish with their policies. We need to go over some of those policies, such as the spatial plan which talks about the changes to parking policies to minimise the use of private motor vehicles for commuting. So that is about squeezing car parks. That is about deliberately making it harder for Canberrans to park. That is the stated policy of this government, and the problem that they face is that the families in the outer suburbs are going to continue to rely on their cars.

The mother who needs to drop one child at day care and one child at school before going off to work is going to use the car. No bus service will be able to deliver what that mother needs to take a child to day care and to go to a separate location to take a child to school, to drop by the shops and to then go to work. No bus service is going to provide enough variety and enough breadth in order to allow that mother, whether she lives in Tuggeranong or Gungahlin or west Belconnen or Weston Creek, to be able, conveniently and in a timely manner, to do all of the things that need to be done on a given day.

These are the realities, and those families need to be backed up rather than punished. This stick approach that the government seeks to take, I think, is quite hypocritical, because I do not see many members of the Labor Party or the Greens who advocate giving up their car space in the Assembly. We are privileged here to have car spaces right in the heart of the city. Getting a park in Civic is a difficult thing these days. It is an inconvenient thing often and, depending on which part of the city you work in, it is certainly an expensive thing. But it can actually be a very inconvenient thing, trying to find a car park in the city. That is why many businesses, law firms and other professional firms, are moving out of the city. It has just been so difficult. I have had lots of feedback from organisations who have done that.

We are privileged. Yet we have people like Simon Corbell and the Greens saying, “We should be limiting the number of car parks.” I suppose they could start with their own. It is indicative, is it not, that the people who tell everyone else they should be getting out of their cars are the very people who drive their car to work, to their car spot in the city? It is easy for us to try to dictate that to other people, when we have that opportunity. So I think that a strong dose of hypocrisy exists in this “do as I say, not as I do” approach.

It goes back to the reality that members of this Assembly, like other people with families, find that the car is still the most convenient mode of transport. Even those who live in the inner suburbs appear to find that the car is still the most convenient mode of transport and is far more convenient than using public transport. I am not seeing a flood of Labor ministers using public transport to get to work, even those who live only a stone’s throw from the Assembly.

So I think we need to be fair dinkum about this. We need to say, “We will improve the public transport system.” We do that through planning the city better, we do that through running it in an efficient manner and we will improve it over time. But even if patronage on buses grows, we need to continue to provide car parks and we should not be deliberately stripping them away. That is what this is about.

In the time I have left, I would like to touch on some of the hotspots at the moment. Certainly, the Erindale centre is one. I think Steve Doszpot has done a great job of highlighting, both in the Assembly and in the media, the issues around Gartside Street in particular and the traders down that end. The parking issues there are getting beyond a joke, it must be said. It is very difficult to get a park there when you want to go there, on a Friday or a Saturday night in particular. There have been a number of car spaces taken away. There is extra development now going on, and the government cannot wait for the outcome of the master plan to fix some of those parking issues and those traffic management issues around the Erindale centre. This is a centre that has a lot of potential to grow but it will not do so at the moment, and those traders are suffering.

Likewise, in Tuggeranong Square—and I have highlighted this issue about Tuggeranong Square—businesses are suffering as a result of the parking issues there. There is not enough short to medium-term space, and that is making it very difficult for traders. Some traders have reported losing 10 per cent of their business because of just one government department coming nearby and there being no response in terms of adequate car parking to deal with that increased demand. So we have got people parking all day, and that affects the ability of people to come and stay for short stays, one-hour, two-hour and three-hour stays, to use those facilities at Tuggeranong Square.

We can point to any number of issues. We know the parking issues here in the city. We know that there are a number of issues in a number of our group centres. Even in places like the Chisholm group centre, there is more and more of a shortage. Even though it is one of the better centres for getting a car park, it is becoming increasingly difficult at certain times.

So the government needs to be clear about what its objectives are. At the moment, its draft parking strategy appears to be all about squeezing Canberrans out of their cars. It will not work. All it will do is inconvenience families in the outer suburbs.

So we say: "Let us stand up for those families in the outer suburbs. Let us stand up for the mums and dads in Tuggeranong, the mums and dads in Gungahlin and Belconnen and Weston Creek, those families who have very few options when it comes to public transport. Let us stand up for them. Let us be sure there is adequate car parking. Let us recognise the fact that they will continue to rely on their cars." Regardless of the scaremongering from the Greens about peak oil, people will use cars. Whether they are running on oil, whether they are running on electricity, people are going to continue to use cars. We need to recognise that fact. We need to support families in their choices and we need to not deliberately inconvenience them. We need to—(*Time expired.*)

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (5.27): The government will not be supporting Ms Le Couteur's amendment. The reason for that, as is often the case with amendments from Ms Le Couteur and her colleagues, is that the amendment seeks to basically determine government policy on the floor of the Assembly and to do a range of things which basically require the government to ignore all the work it has done on policy development over the last couple of months and take a different tack. So for that reason, the government will not be supporting Ms Le Couteur's amendment. However, there are elements of Ms Le Couteur's amendment that the government is comfortable with.

I think it is also worth taking issue with this false dichotomy that the Liberal Party bring to this debate, and that is, of course, the argument that cars are good, cars are about freedom and anyone who is opposed to even a moderating of our reliance on the private motor vehicle is opposed to freedom and is opposed to the family and is fundamentally an evil person. I will tell you what is the problem. The problem is locking low income families into circumstances where not only do they have to own one car but they have to own two or three or more cars to ensure their mobility needs are met. That is what is really unjust: locking low income families into circumstances where not only do they have to own one car but where they have to own two or three or more and pay the rego, pay the parking costs and pay the fuel costs that will come from that.

I will tell you what is inequitable. What is inequitable is to lock low income families and low income households into a circumstance where because they are, more often than not, located on the urban edge, they have to travel further, they have to pay higher fuel costs. They are the families who are most vulnerable to the impacts of adverse price movements in fuel. That is what is inequitable and that is why governments must invest in improvements to alternatives that allow those families to break out of that inequity.

Mr Seselja: It is all about stick for you.

MR CORBELL: It is not all about stick. It is not all about that. It is about providing alternatives, and alternatives that work, for those low income households. I have never for one moment professed that the provision of public transport, walking or cycling, will meet all of the transport needs of our community. Individual mobility provided by the private motor vehicle will always play a very considerable part of the transport task in our city.

That is why the government are supportive of moves to ensure that individual mobility through the motor vehicle can be achieved through more sustainable mechanisms such as electric vehicles. And that is why we are investing considerable effort in encouraging the deployment of electric vehicles and why we are investing in and supporting measures that will see Canberra become the first city in the country with an electric vehicle network.

But equally, it is essential that the government invest in making sure that some of those journeys that are currently reliant on the car can be undertaken by other transport modes. It should not be the case that children, for example, of high school age have to be dropped off at their school. They should be able to catch a bus, walk or cycle. They should be able to get on a transit for that journey. And all members of this place would notice what happens to the traffic when the school holidays are happening. There is a reduction in traffic and there is a reduction in demand for car parking.

So that surely tells us that there are a number of journeys that can and should be able to be accommodated by alternative transport modes. Not only is this good in terms of utilising our existing infrastructure more efficiently and making sure there are car parking spaces available when they are needed for people who are driving to the shops, who are driving to the hospital, who are driving to the medical appointment and so on, who are driving to work, but it is also good for the health of our population. If people are catching transit, public transport, however that is delivered, and if they have the reliability and the frequency that allow them to make that choice, then the health benefits are significant. It means people are walking more. It means people might be biking and riding as well as catching transit. It means that we are helping to tackle issues around obesity in our community. And the obesity epidemic is one of the most significant public health challenges of our time.

So I reject absolutely the assertion that if you are opposed to the car, you are opposed to the family and you are not interested in helping low income households. Quite the contrary, if you are an advocate for public transport, if you are an advocate for walking and cycling, you are an advocate for helping low income households, to give them a choice and to make sure they can break out of the expensive dependency that can exist where it is not one car but where it is two or three or more cars in the household.

There will always be some journeys that will be undertaken by the private vehicle. They will be those complex, multi-destination journeys that might involve an infant or might involve an elderly person or might involve a family in certain circumstances. But if you can get more people commuting to work without needing to use their car, if

you can get more young people cycling or commuting by public transport to their school, their university or their TAFE, if you can encourage more younger primary school-aged children to cycle or walk to school wherever that is feasible, then that is a good and healthy thing for our community, economically and physically, in terms of people's health. That is why these policies are important. It is about time in this place we had a more nuanced debate about these issues rather than the simplistic sloganeering we hear from those opposite.

DR BOURKE (Ginninderra) (5.35): I am not supporting Ms Le Couteur's amendment. Access and parking in our local, group and town centres is an important part of planning for a sustainable and prosperous city. Canberra's local and group centres are vital community meeting places, providing important social services and amenities.

Our town centres are our key employment centres, and are increasingly areas of mixed use development, residential, retail and office facilities co-located in vibrant shared places. Providing convenient short to medium stay parking with a clear demand management strategy is necessary to allow people to visit a health centre, exchange a library book or do their shopping.

Parking is vital to support the businesses and services in our centres that support the ACT's strong economy. I spent nearly two decades managing a small business in Canberra. There are some 25,000 small businesses operating in this city and the provision of adequate and well-situated short-term parking is essential to the viability of this economy.

But parking should not be considered in isolation, either from the remainder of the transport system—an integrated approach which Minister Corbell has outlined—or from a sensible, considered land use planning approach to address parking demand at the lowest cost to the Canberra community.

To date, much of the demand for parking generated by the mix of land uses, other than large retail developments, has been met in ACT government surface car parks in all major centres. Some blocks in the city and the town centres which were surface pay parking areas have been sold for development. However, the developments on ACT government-owned surface car parks have been required to replace the existing publicly available spaces.

Options available to increase parking supply include releasing sites specifically for car parks to be developed privately and then either operated privately as private-for-public pay car parks or handed back to government for it to operate. Alternatively, the government may develop multilevel car parks and lease them to companies to operate the parking business or it may continue to operate its own car parks.

Selling car park sites to private developers has the advantage that it produces a capital inflow which returns the capitalised value of future parking revenue streams to government in one lump sum.

The leasing and government owner-operator alternatives have the advantages that government retains more control over parking pricing in centres, can implement

sustainable transport measures like “three for free” parking, retain control over land use and retain a revenue stream from the site. Where sites are released for car parking, there will generally be a requirement that the parking forms part of an integrated development, providing attractive, active frontages for land use settings that optimise the development potential of the sites.

Over time, a growing proportion of pay parking in the major centres will be provided by the private sector, with a proportion being for tenant parking, on site and generally unavailable to the public at large. There will also be a diminishing proportion of parking provided by the ACT government in the form of surface car parks, as they could return better value for the community as alternative developments, with parking replaced as part of the development or in an alternative location.

Work undertaken for the Territory and Municipal Services Directorate in 2006 and 2009 points to government ownership of parking in the major centres at around 30 per cent to remain and act as a price influencer of parking fees. Currently, the territory maintains about 30 per cent of publicly available parking in Tuggeranong, 40 per cent in Belconnen, about 50 per cent in the city and more than 60 per cent in Woden. Data from other jurisdictions supports 25 to 35 per cent as being enough to significantly influence market pricing and keep rates competitive for consumers.

There is therefore scope in the ACT market for sales of car parks for development and the provision of parking by the private sector without compromising the territory’s potential to influence parking pricing as well as to maintain sustainable transport schemes like “three for free”.

For private providers to come to the business of providing multistorey parking stations, the price of alternative car parking areas is a key factor. The availability of cheaper surface car parks will not encourage private providers to build multistorey parking stations. Also, the government encourages multilevel car parks as part of the integrated development in or near the city and town centres rather than stand-alone car parks.

Minister Corbell has already provided the rationale behind the government’s approach to parking pricing. Since 2001, the car, as drivers share travel to the city and town centres, has been declining in proportion. As the city grows to 2016, parking demand will increase. This, however, is expected to be offset by the number of people travelling by bicycle, bus, car as a passenger and walking, as government policies and investment in infrastructure and planning encourage people to consider alternative travel modes to the private car for some or all of their travel needs to the city.

While parking demand in Civic is high, it will plateau as the government’s sustainable transport investments change the way we travel to the city. Even now, there is still about 10 to 15 per cent spare capacity in public and privately operated car parks across the city in busy periods.

There are a number of options available to meet parking requirements to serve the city in the future. These include opportunities to provide sites for release to the private sector for commercial parking as part of integrated mixed-use developments.

If supply shortfalls develop, an option is to require developers to provide more than the minimum replacement parking to ensure a reasonable degree of accessibility to the city. Additionally, the price at which parking fees will be set will continue to rise to reflect the resource costs to the community of maintaining surface car parks and to encourage the private sector to incorporate publicly available multilevel car parks in integrated developments. If the price of parking at government sites is lower than the financially viable limit, the private sector will not build multilevel car parks. Another option is to provide temporary on-site car parks. Around 600 temporary parking spaces have already been provided in the area south of the Acton ferry terminal, incorporating the futsal slab.

Encouraging lessees with spare car parking capacity on existing sites in the city environs may also offer possibilities for provision of pay parking areas to support city parking demand. Parking demand in Woden town centre is at a very high level. There are a number of options available to meet parking requirements to serve Woden town centre. Belconnen, Tuggeranong and Gungahlin town centres have sufficient parking capacity to meet current and projected parking demand.

Parking is a major consideration when the government prepares master plans in consultation with local communities. The key planning objectives for transport in the master planning process include managing parking demand, addressing local traffic areas and improving all forms of access to and from each master plan location, including public transport, cycling and walking.

The master plan process also includes analysis of traffic and transport requirements to determine how much parking is appropriate to support local and group centres, where it should be located and how it should be managed, both now and as the centre develops or redevelops in line with this new master plan. For example, the current Erindale master plan process has responded to community input highlighting parking demand issues with the current parking structures.

In the main, redevelopments identified through master planning processes provide the best opportunities to improve any parking demand issues in our centres. Through the master planning processes, sites for structured car parks or basement parking can be identified and, if there is scope, improved parking arrangements can be included in the development conditions for new land releases.

In this way, the master planning process allows for a more integrated and consistent approach to managing parking demand in centres and obtaining the best value for the territory's money to support local centres. Improved parking can be delivered quickly and cost effectively for the community. Master plans also identify the opportunities for car parks to provide other amenities for cyclists and for public transport, like park and ride facilities.

Parking should not be considered in isolation from the remainder of the transport system or from a sensible, considered land use planning approach to address parking demand at the lowest cost to the Canberra community.

The government will continue to manage parking demand in the city and town centres and, through a thorough master planning process, we will develop and implement an evidence-based approach to manage parking demand in local and group centres.

MS BRESNAN (Brindabella) (5.44): I acknowledge that residents in the ACT sometimes experience frustrations in finding parking. I also acknowledge that sometimes residents feel disgruntled at the amount that they have to pay for parking. There are also some areas of Canberra where there may be particular black spots when it comes to parking.

The Greens certainly agree that policymakers should be looking at the issue of parking. What we need is a sensible, considered approach to parking that takes into account all the ways that parking can impact on our city and citizens. These include impacts that are not always obvious and are far reaching, such as the long-term transport patterns of our city and the inclusion of people with disability or older people, or other people who cannot drive.

That is why our amendments moved by Ms Le Couteur ask for the finalisation of the ACT parking strategy and its release in conjunction with the transport strategy. We have also amended some of Mr Coe's suggestions to take a more considered approach to the issues. ACT master planning needs to address car parking in a way that is consistent with the parking strategy, considers all modes of transport, including people who walk, and also considers overall impacts on the community.

Parking policy is, like most issues, a complex one. It is not a given that providing more parking, or lowering the cost of parking, will benefit Canberra or Canberrans. On the issue of free parking, this is something that is ever present in many American cities in particular, and in many ways it has had a negative impact on cities. Professor Donald Shoup, from the University of California's Transportation Centre, has very clearly argued why the provision of free parking is actually very costly to communities. These issues are outlined in his book *The High Cost of Free Parking*. He is now helping to reform entrenched parking problems in cities such as Los Angeles.

Shoup's analyses show how reducing the market price of parking and implementing minimum parking requirements provide subsidies that actually inflate parking demand. The minimum parking requirements act as an impact fee, which increases development costs by 10 times the impact fees for all other public purposes combined. He shows that eliminating minimum parking requirements will reduce the cost of urban development, improve urban design, reduce automobile dependency, improve the local economy and address urban sprawl.

The Greens cannot agree, and no thoughtful policymaker should agree, that it is good for the community if we just increase the amount of parking or decrease the cost of parking. These actually have to be very considered decisions and we have to be very mindful that parking policies do impact greatly on our city and its future.

What this Assembly actually needs to focus on—and this has obviously been a central tenet of the Greens' agenda—is making our city more sustainable, making our

transport more sustainable and creating a city and a transport environment that will serve us now and into the future. We cannot continue to have a short-term view and approach.

I recently released a document on transport priorities. In that document I presented some analysis of the costs that a city and its residents face when a city is planned solely around car travel. These are costs to the community both in monetary terms and in social wellbeing. There are ongoing costs such as wasted land, urban sprawl, social exclusion and pollution.

By planning a city that expects and relies on car travel, the ACT government locks Canberrans into car ownership and into paying the ongoing high costs of owning a car. The approximate average time that a resident of Canberra has to work in order to pay for their cars is 550 hours a year, or 1½ hours every day of the year. These figures are based on average Canberra incomes, meaning that many Canberrans must work even longer than this just to pay for cars.

Recently Mr Coe has made clear his beliefs on how transport should work in the ACT. He has attacked the provision of bus services in the ACT, apparently making the argument that ACTION services should be slashed because not enough people are using them. He has been loudly disagreeing with the fact that the community subsidises our bus network. To quote Mr Coe:

... 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. ... 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.

This sounds to me like a call to take the tough decision and cut the provision of bus services. If that is the Liberals' position, they should be very clear about that. But they should also acknowledge the impact that this would have on the community, on people who cannot drive, on elderly and disabled people who rely on buses, as well as the future transport patterns of our city.

Ms Le Couteur gave some very personal examples of people relying on other modes of transport. I have had many constituents tell me about their cases. One in particular is a person who relies on a motorised wheelchair, does not have access to a car and has found wheelchair accessible taxis unreliable. They live in Tuggeranong and rely on public transport but have to organise their days around accessible buses when they are available. This still means, however, that they and their carer typically still have to travel a reasonable distance, not on a bus, home from the Tuggeranong town centre.

The Greens do not agree that we should slash our bus services in order to provide tax cuts or fee reductions. Communities subsidise public transport services because they provide a service for the whole community. They give transport options to older

people, people with a disability, people without cars. The costs are repaid in manifold ways to the community as a whole. Our approach is to dramatically improve these services to make them a priority. Other cities around the world have done this successfully, and we can too. The ACT community deserves a high quality public transport system—something other cities already have.

The Greens are interested in creating opportunities to reconfigure our transport patterns, such as giving developers more flexibility to reduce car parking provision, providing more and better public transport routes and using demand management techniques to tailor and improve the provision of car parking.

One of the interesting ways this is now being used in Los Angeles is with flexible parking prices. Special adjustable parking meters can change the price of parking spaces based on demand. This allows street pricing to be set for a target of their being one space always free on each block face. Flexible real-time parking price adjustments appear to be a very good tool, and I would ask the government to investigate this.

When we make these kinds of suggestions, others in the Assembly portray the Greens as hating cars—today we have been portrayed as hating families—or of wanting to eliminate every parking space, or some other invented exaggeration. But the truth is that we want a sensible, considered approach to issues like city planning and car parking management—one that takes into account the long-term picture and that will serve our community best now and in the future.

We all recognise cars will be a part of transport in the future. It is about providing people with alternatives and not just focusing on one mode of transport. I commend Ms Le Couteur's amendment to the Assembly.

MR SMYTH (Brindabella) (5.52): The sort of rhetoric that we are hearing from the Greens worries me in that it does not acknowledge the very nature and the very essence of the city that is Canberra. I think at the heart of what Canberra is is that we are engaged and that we are involved in our community across so many different aspects that it is the envy of the country. We do have the highest participation in organised sport. We have the highest participation in volunteering. We have the highest participation in cultural and artistic events. Part of the reason that we do have that is because of the easy access and ease of movement around Canberra.

Part of that—probably in the main—is the ability to use our cars and to use them wisely. I think this sort of blanket “cars are evil” approach that we hear so often from the Greens decries the fact that in many ways the way Canberra was designed, particularly in the 1960s, was with the car in mind. It has a large number of rapid transport corridors that allow cars to move at their optimal speed and optimal efficiency with minimal pollution—although it could always be better. Much of what we have heard today decries the fact that Canberra is very special in that regard. I know that people that move here and visitors here are just amazed at how easy it is to get around.

We can either protect that or we can destroy that. It is not to say that we cannot do things better, and it is not to say that we cannot do things that reflect the technology,

reflect the technique, reflect the planning that has accumulated over the years. But to destroy the essence of the city is something that concerns me greatly.

Ms Bresnan said, “The ACT deserves a high quality public transport system.” I do not think anybody disagrees with that. But who pays for it? And who will use it? How will you make it economically sustainable without significantly increasing the subsidy that already goes to the public through ACTION buses?

The Greens had a policy that could be costed from anywhere between \$25 million and \$50 million to improve the number of bus services, but you have to ask the question: will the people use it? If you lock off the parking, yes, they probably will. They probably will have to. But it comes not just at a reduction in the number of car kilometres travelled per year. It will come at a reduction of involvement in the community. Let us face it: most households in the ACT have dual incomes. You have an arrangement where one spouse will go early, one spouse will go late and you shuffle the kids. We have all done it. I assume most of us here have done it.

My wife leaves early. I take David either to before-school care or to primary school. If Robyn wanted to catch a bus to get to work to start at 8 o’clock from our place, she would have to leave significantly earlier than David—my five-year-old—actually got up in the morning. Is that the sort of society that we want? I do not think it is. Think this through logically. That is what you are talking about. You are talking about getting families to spend more time on the bus and less time with each other. That is the implication.

We think education is important and we think after-school activities are important. Currently, we are very lucky. We have an income into the house and the flexibility of working arrangements so that we can do this. My five-year-old does gymnastics because it helps with growth, fine motor skills and education as well as general fitness. He does swimming once a week because we believe everybody should learn to swim. You all know my father is a bit older in age. You have seen him wandering around the Assembly collecting the stamps. He is 85. Robyn takes David over to see dad once a week.

These are things that we do with ease because we use our cars. For us to do those sorts of activities every week—week in, week out—without a car but on a bus would be nigh on impossible. One afternoon Robyn wants to go to Jerrabomberra, one afternoon Erindale, one afternoon Tuggeranong. We live in Chisholm. It would be nigh on impossible to do. So what do you do? What do you start giving up and how do you give it up? It is easy to say, “We will increase the frequency of the ACTION buses,” but it will never cope with the variety of things that people do in this city.

I think that in a way people use their cars wisely. There will always be the person who will make what we might call selfish trips in cars where you can either walk or maybe get a bus with some ease. But if you want to be involved with Meals on Wheels or some sort of volunteering, you are probably going to a place somewhere and then going to another place to deliver a service. It is much easier in your car, particularly if you are getting on. You can spend all your time travelling to volunteering or you can spend more time volunteering. If you want to be involved at lunchtime or after work

with some type of organised sport, it is considerably easier to do it if you have access to a car.

Of course, some days you will be able to get a bus somewhere, depending on where the activity is. If you want to be involved in cultural activity, whether it is anything from taekwondo to playing the bagpipes, most of those locations are not at a central place on a bus route. If you want to provide a bus service that gets people to all of those activities in a reasonable time at reasonable expense, you will beggar the city. It will send the city broke.

So it is about a balance. But I do not hear anything in what the Greens are saying about a balance. I refer members by way of example to page 92 of the Select Committee on Estimates 2011-2012 report. Recommendation 91 says:

The Committee recommends that the ACT Government develop a comprehensive transport plan to ensure that the additional seating capacity within the Manuka Oval can be accommodated.

I started this discussion because I said: “If we are going to upgrade Manuka Oval and there is greater seating capacity, it is already a bit of a dog’s breakfast there for parking when there are big events. You need a parking strategy.” If you look at the recommendation, it does not mention “parking strategy”. Why? It is because the Greens did not want the word “parking” there. There is no parking consideration at all. Their answer, their total answer to it is, “Let’s have a public transport strategy.” We had to put that in a footnote because we were not allowed to have it in the recommendation. The footnote states:

... Mr Smyth and Mr Hanson considered that the transport plan should incorporate parking as well as public transport issues.

Why would you not have a recommendation that said, “Let’s have a public transport plan as well as a parking strategy for Manuka”? We all know that it is a very busy centre. But no, the Greens, assisted by the Labor Party, voted against that notion that you should have adequate parking—

At 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.

MR SMYTH: That is why Mr Coe’s motion here today is very reasonable and that is why it should be left exactly as it is. There is a lack of adequate parking in the ACT. I have had complaints. I heard Dr Bourke talking about a small business person. I have numerous small business people around the city who complain about the gradual reduction of parking in their area, the fact that they do not get passing trade any more, they do not have the ability for their customers to stop at the front door in a five, 10, 15-minute or half-hour park, duck in and do their business and duck out. It is changing retail in this city. If you want to keep the diversity of retail, particularly in the city centre, you need a diversity of car parking to meet the needs of the various sectors—not just gobble it up. We have seen the government’s policy: “We have got a block of land. We need some more money in the budget. We will sell the block of land.”

There is no real parking plan and that is why Mr Coe rightly calls for the updating and finalisation of the ACT parking strategy. I do not think that if every car in the ACT fleet were electric the Greens would be happy. It does beg the question. I think there will be a transition to alternatives to petrol internal combustion engine-powered cars.

I think the electric car will take off. Perhaps Henry Ford did get it wrong in 1912 when he chose petrol over battery and the clock will come round as it so often does. But I would suspect that even if the entire fleet was electric, the Greens would still be unhappy with the notion. There is the fundamental difference in the philosophy.

I want a community that is engaged. I want a community that is not isolated. It is very easy to live in the inner north and to say that everybody should get out of their cars. But you go and tell that to people in Amaroo and go and tell that to the people in Banks. You go and tell that to the people who have one car or two cars because of the nature of their jobs. Often young families starting out have a second job. It might be at night. It will be at various locations or there will be two, three, four jobs. To do that properly, they need a car. They deserve for us to make their lives when they are starting out much easier than some of the suggestions in these two sets of amendments would make it for them.

I think we need to be considerate of the very nature of this city that is as wide and as long as Sydney and has probably got one-twentieth of the population. In that regard, the viability of public transport is a long-term goal because—(*Time expired.*)

MRS DUNNE (Ginninderra) (6.03): It is interesting to listen to the Greens with their attempt to justify the unjustifiable. Ms Bresnan in particular spent a whole lot of time saying how the Greens were not opposed to parking and were not opposed to cars and then went on to speak at length about the importance of public transport. No-one in this place disputes the importance of public transport. However, there is nothing in Mr Coe's motion about public transport. It does not diss public transport; it is silent on the subject of public transport, because Mr Coe's motion is about parking. It is unashamedly about parking. Parking is a very important issue for people in the ACT.

If you work in the Woden Valley, in particular in the Woden town centre, it is an extraordinarily difficult problem. People get to work in Woden at 7.30 in the morning because, if you do not get there before then, you have to park miles away and walk long distances to get into the office. Of course, most of those people are public servants who are ground down by the Rudd and now the Gillard government and they work long hours. Even though they get to work at 7.30 in the morning they are still there quite late at night as well, so the commonwealth government is getting fairly good value out of it. But the reason they are there so early in the morning is because that is what they have to do to get a place to park near work.

For instance, there is a new health building in Woden. There were some parking spaces available under that, but they had to be auctioned off. There was a ballot for staff because there is such demand for parking. These are people who are not indulgent people who just drive to work for the sake of it. These are, for the most part, people who drive to work because there is no other convenient and accessible way to get to work.

Mr Smyth and Mr Seselja have talked about the complex journeys that people make in the course of going about their business. That is particularly the case with parents of children in school, after-school care and other care. While I was listening to the earlier part of this debate, Mr Seselja was talking about complex journeys, and one of my staff was on the phone to her husband who was stuck in traffic and could not get to the childcare centre in time to pick up the children from childcare and he was talking about what that meant for him, her, the children and the childcare providers. It is not just women; men also take on these responsibilities. Families have complex journeys. Whether we like it or not and whether we would prefer it to be otherwise, most families in the ACT are condemned to two cars because of the chaotic public transport arrangements.

If we had better public transport arrangements, some people would willingly give up their cars. My husband, for instance, would prefer not to drive to work. He would prefer not to run his car, not to pay for parking and he would prefer to have the three-quarters of an hour or so to read, do the crossword or whatever. I think there are a lot of people like that, but not everybody has the convenience of being able to catch one bus from the end of the street to their work in a reasonable time. Most people make complex journeys. There are many times when my husband has to drive to work because he also makes complex journeys to keep our family running.

This is repeated over and over again, and that is why Mr Coe has put forward a motion about the importance of having a strategic approach to parking and that we ensure that there is appropriate parking. When this government provides appropriate public transport that gives people an option, that is when you start cutting back on parking.

Simon Corbell has been a minister in this place for a long time, and one of his principal aims has been to cut back on parking. He is an unashamed cutter-back of parking as a means of forcing people onto public transport. You do not force people onto public transport; you create a public transport system that people will want to use.

When you have a public transport system that people want to use, parking will be less of an issue. Until we reach that time, we have to do the work that Mr Coe has called for in his motion. That is why I support Mr Coe's motion. I congratulate him on behalf of the families of the ACT for standing up for those families and for constituents across this town who approach us on a regular basis with their frustrations about parking. Thank you, Mr Coe. I commend Mr Coe's motion to the Assembly.

MR DOSZPOT (Brindabella) (6.09): I also commend Mr Coe for his motion. A lot has been said about various issues with parking in various areas. I would like to bring a couple of matters to the Assembly's attention in supporting Mr Coe's motion as to why this is such an urgent issue.

Calwell, which is my home suburb, has a very busy shopping centre where parking has been an issue for quite a number of years. In fact, I recall taking a petition to Mr Hargreaves when he was the minister responsible in 2004 before I was elected to

the Assembly. We collected about 600 signatures at the time asking for urgent attention to the parking problem that existed then as well as associated issues, such as the safety of the individuals who needed to cross very busy parking areas and the fact that there were no bollards to slow cars down. There was a lot of speeding and no marked pedestrian crossings. I recall Mr Hargreaves saying to me that even if I had 6,000 signatures it would not rate highly on his level of concern. I found that quite interesting. It was in an election year when 600 residents were very angry. It probably had a little bit of impact on the number of constituents who supported Mr Hargreaves at that point. But the point is that this is an ongoing issue that has existed for quite a while.

Calwell has roughly 100 fewer parking spaces than similar sized group centres and only five disability parking spaces. The problem of lack of parking has been exacerbated also by a very successful medical centre, which the Chief Minister, in fact, came down to Tuggeranong to open. I think I remember seeing the previous Chief Minister, Jon Stanhope, in Tuggeranong on one, maybe two, occasions in 10 years.

Ms Gallagher: Grow up, Doszy.

MR DOSZPOT: I am actually complimenting you, Chief Minister, that you have come down to Tuggeranong in the very first—

Ms Gallagher: It's just nasty. It's not about me.

MR DOSZPOT: Well, you visited Tuggeranong, so I am trying to compliment you. What I was going to say is that that medical centre that the Chief Minister so kindly opened up now puts additional burden on the lack of parking we have in Calwell and it will further disadvantage people who are looking for parking spaces, and that is not to mention the ones who are looking for disabled parking spaces, which are at a premium.

Nearby Erindale has been in the news a fair bit lately. We presented a petition this morning with 3,770 signatures. Mr Hargreaves, that is a bit more than the 600 I had last time, but obviously still not as many as the 6,000 you mentioned. I am not sure if that will impact negatively on our constituency, but I certainly hope that people will listen to the views of 3,700-odd people. The lack of car parking in Erindale is of major concern. Of course, it is exacerbated when it is linked to the proposed bus interchange and additional housing that is planned without any sensible solution to the current car parking problem, let alone the longer term car parking problem that will occur should a park and ride go in.

I am actually quite in favour of a park and ride and I think that it will be good for the community, but not if it is not planned correctly. I have to say that the planning and the consultation that were carried out were absolutely abysmal. The headmaster of a local school, Trinity Christian school, came to one of the consultation meetings that we had, but it was not really a consultation meeting; it was just telling the community what was planned by the minister and ACTPLA. The headmaster, much to his consternation, found that his school was the site of a number of medium-density houses to be built, which was quite interesting. Furthermore, when the school tried to

buy a tract of land towards the end of their block of land, they were told they could not buy that because that is a 100-year floodplain and, of course, nothing could be built there. Obviously nothing by mere mortals or institutions, but apparently the government can build on that because, according to ACTPLA's plans, the floodplains suddenly became an area where medium-density housing was going to be put.

You can understand the concern of people when they see these mistakes occurring without consultation. To give a little credit where credit is due, ACTPLA is now talking to the constituency, but it took an awful lot of concentrated effort to get the organisation to listen and to understand the problems that are currently there, let alone the problems that will be created if these plans are allowed to come to fruition.

I have mentioned the bus interchange and the wider Erindale car parking issues being of serious concern. It is even more serious when we consider that there does not seem to be any published documentation or a single authority for the fundamental basis for the master plan or the related studies—no terms of reference, no similar detail—on which the current plans have been based. There is no available information as to why certain options have been discounted and why the two—mainly the bus interchange option—have been identified.

The bus interchange in McBryde Crescent will turn an already busy street into a far busier and more dangerous place, with significant increases in bus traffic, not counting the school buses that service three schools in the vicinity. Erindale college is a very busy institution that is almost directly beside the Erindale shopping centre, so the congestion there is just incredible. Apart from Erindale college, we also have Trinity Christian school, and MacKillop college has a school site there as well.

The McBryde Crescent and Gartside Street intersection at the Ashley Drive end is extremely dangerous, especially for cars trying to exit Gartside Street to get to Ashley Drive. The plan that was shown to the constituents in Erindale obviously would have a very big impact on making that situation even more dangerous. Similarly, at peak time, the intersection of Ashley Drive and Sternberg Crescent is also very dangerous and demanding, so it all needs to be taken into account.

But the most incredible situation that has existed, again for quite a while, is the lack of concern for the Gartside Street traders. I will not overstate the point, because we already have spoken about it this morning, but there are about 40 to 50 businesses that have been directly affected for the last six-odd years, and their issues have not been listened to. When new plans were put forward that galvanised this community to action, obviously that has paid some dividends as ACTPLA are finally listening—or I hope they are, because I will be paying attention to the sorts of consultation and what the results of that consultation will bring to the community.

The Vikings Group, the club that is located in Erindale, I believe has also had some discussions with ACTPLA and have put forward some options they believe would assist with the congestion that currently exists. I am not quite sure where that discussion has led to at this point. But parking is an issue for all of those businesses—small ones, large ones. We have got businesses from restaurants to grocery outlets to McDonald's to the Tuggeranong Vikings Group that are all affected. And I have not even mentioned the major shopping complex there—the Erindale shopping complex.

It is a huge problem, and I applaud Mr Coe for bringing this issue of parking to the attention of the Assembly and trying to get some remedy for all of our areas which have been crying out for this issue to be addressed for some time. In closing, I commend Mr Coe's motion and trust the Assembly will support Mr Coe's motion in this regard.

MR HANSON (Molonglo) (6.18): I certainly thank Mr Coe for bringing this motion before the Assembly today. I think this is an important issue for the citizens of Canberra. For the average Canberran, Mr and Mrs Average, this is a real issue of significance to them, and I will tell an anecdote to explain why that is. When we had the 20th anniversary of this Assembly in May 2009, MLAs conducted tours around this place, and I had the opportunity to take a group around and show them the Assembly. I was very excited; I had only been a member for about five months. I showed them the chamber, and we talked about the democratic processes of this place and the great privilege it was to be an MLA.

But at one stage of the tour someone asked me, "What's the highlight of being an MLA, Jeremy?" And, tongue in cheek, I said, "Having a car park in Civic." There was a great nod of approval that you would probably not get anywhere else other than Canberra. Probably more of a highlight than making some great speech in the Assembly was having a car park. That was certainly a tongue-in-cheek comment, but I think that from one Canberran to another group of Canberrans, the concerns were universal. Whether you are an MLA or whether you are a doctor, dentist, lawyer, plumber, teacher, mum, whoever you are, parking is a real issue.

We have seen that in a number of areas, and one in particular has been Cooleman Court which has been a particular issue I have been driving here in the chamber. The problems there have been going on for a number of years. The government has largely been ignoring them, and we had to drag the government over the line kicking and screaming to get a master plan on that place. That was something I rate as one of my proudest achievements in this place because, if the master plan is done well, that will have a tangible benefit for the people that use that centre and who try and get a car park there. It is not that it is an optional thing; it is not that they can catch the bus or walk down or cycle down. If you are going to a shopping centre to do your weekly grocery shopping, you cannot ride a bike, you cannot walk; you have to take a form of transport that allows you to pick up your shopping and go home, and that is a motor vehicle.

As much as the Greens rail against cars and do not like parking, the reality is that whilst our society is structured as it is and remains as it is, it is an essential component of our way of life that we cherish. This dispute, this sort of ideological hatred that the Greens have of car parks, came up in the estimates review. I think Mr Smyth commented earlier on the dissenting comment in the report. We talked about the problems that we have at Manuka whenever there is a big event and where people are trying to find a car park there. It is just intolerable, so we thought a good idea would be to have a review of both the parking and the public transport options to come up with a solution to problems caused by a big event there, be it an Aussie Rules game or so on. The Greens refused to allow the word "parking" to appear. They are simply anti-parking and, by extrapolation, they are anti car.

The reality is that in a town of our size that is as long and as wide as it is with a relatively low population, the motor vehicle is going to remain an essential part of our way of life. Families cannot just say: “Well, we’re going to pare down to one car. We’re going to have everybody piling into the”—I can’t remember the name of the car that Ms Le Couteur drives—

Mrs Dunne: A Smart car.

MR HANSON: A Smart car, thank you. For many families, both parents, or a couple if they do not have kids, have to work. If they are going to pay their rent or their mortgage, they both need to work. Trying to pay rent or the mortgage without both of you working is nigh on impossible. If you have kids, if you have got to drop them at school, pick them up from school, you need a car.

The reality is that the public transport system in this town is never going to be able to cope so that people will relinquish their cars. Although there is significant room for improvement—only eight per cent of people use public transport—the idea that you can get a sufficient number of people to stop using their cars to free up all of the car parking spaces is fanciful. It is just not going to happen. So the motor vehicle is a long-term part of Canberra’s future.

Motion (by **Mr Hargreaves**) proposed:

That the question be now put.

MR SPEAKER: Under standing order 70 the Speaker is required to consider whether such a motion is an abuse of the rules. I understand that the practice in this place is that the Speaker has taken into consideration how much debate has taken place on a matter. I consider that, given the number of members who have spoken, there has been adequate debate on this topic and the motion can now be put.

Mrs Dunne: On the question of whether the motion can be put, is it usual practice that the mover can conclude? I honestly do not know.

MR SPEAKER: No.

Mr Hargreaves: Read the standing orders.

Mrs Dunne: I am asking guidance of the Speaker, not you.

MR HARGREAVES: Just read the standing orders; you are the expert.

MR SPEAKER: My advice and my understanding are that we move immediately to the vote.

Mr Hanson: I have got some good bits on electric cars to come, if you want to—

MR SPEAKER: We have to put the question that the motion be now put. There will be a vote on that and then we will put the motion.

Question put:

That the question be now put.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Ms Porter	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher			

Question so resolved in the affirmative.

Question put:

That **Ms Le Couteur's** amendment to **Mr Corbell's** proposed amendment be agreed to.

The Assembly voted—

Ayes 4

Noes 13

Ms Bresnan	Mr Rattenbury	Mr Barr	Ms Gallagher
Ms Hunter		Dr Bourke	Mr Hanson
Ms Le Couteur		Ms Burch	Mr Hargreaves
		Mr Coe	Ms Porter
		Mr Corbell	Mr Seselja
		Mr Doszpot	Mr Smyth
		Mrs Dunne	

Question so resolved in the negative.

Question put:

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

The Assembly voted—

Ayes 7

Noes 10

Mr Barr	Mr Hargreaves	Ms Bresnan	Ms Hunter
Dr Bourke	Ms Porter	Mr Coe	Ms Le Couteur
Ms Burch		Mr Doszpot	Mr Rattenbury
Mr Corbell		Mrs Dunne	Mr Seselja
Ms Gallagher		Mr Hanson	Mr Smyth

Question so resolved in the negative.

Mr Smyth: Mr Speaker, I seek leave to suspend so much of standing orders as would prevent Mr Coe from making his closing address.

MR SPEAKER: Mr Smyth, there is no closure motion on this vote, so Mr Coe is free to speak without the suspension of standing orders if he so wishes.

MR COE (Ginninderra) (6.32): Mr Speaker, I will be conscious that the guillotine may fall over me at any moment now; I will keep my eyes peeled for a member who is quick to stand up to shoot me down.

If you look at this motion, you wonder what part they disagree with. I really do challenge each member here to look at what I note and to look at what I call upon the government to do. Is anyone actually doubting the lack of adequate car parking? Is anyone actually doubting the dramatic increase in the cost of parking? Is anyone doubting that the draft ACT parking strategy proposes a limited net increase of parking spaces? Is anyone doubting that the ACT government's spatial planning states a strategy of increasing the price of parking to deter Canberrans from driving? Does anybody doubt that?

And does anyone not agree with calling on the government to recognise that cars are the principal means of transport for most Canberrans, especially those in outer suburbs? Does anyone not want to call upon the government to ensure that master plans include adequate parking? Does anyone not want the government to consider the construction of multistorey parking stations in town centres by working with private providers? And does anyone here not want the government to update and finalise the ACT parking strategy?

To vote no to this motion will be in effect to say that you disagree with each of those statements.

Parking is probably the number one issue which I get as a member of this place. If I go to shopping centres, by far and away the most common thing that people raise when they come up to me to speak to me as a local member is parking.

It is interesting that the Greens never miss an opportunity to talk about peak oil and climate change. It is a chestnut which is just so manoeuvrable for them. Peak oil can be applied to anything—absolutely anything. It is a little gem. It is a little blank cheque. It is a blank cheque that they can use whenever they want on anything at all and bring it back to their core socialist ideology. It can always come back to that. Peak oil to them is a blank cheque for them to talk about their ideology and just how much they hate the free market—just how much they hate what we actually stand for as a community.

It is interesting that they should talk about modal shift and how people should be catching a bus. But how many of the five MLAs that live in the inner north catch a bus on a daily basis? If people in the inner north who work in the city—with one bus to get from their home to their workplace—are not getting a bus, what hope is there for the people in the outer suburbs of Canberra? There are five MLAs that live in the inner north, one short bus journey away, and they do not get a bus to work and back.

Therefore what hope is there of genuine modal shift? It seems to me like more hypocrisy from the Greens.

We also heard from Mr Corbell and Dr Bourke. They had the old good cop, bad cop regime. You had Mr Corbell sprouting the true left wing ideology and then you had Dr Bourke come in and talk about car parks, trying to appeal to his electorate. I am afraid it does not work like that. The fact is that Dr Bourke has signed up to the Labor ideology. He has signed up to a parking strategy which wants to see parking stations and parking places removed from the ACT.

Let us look at Mr Corbell's amendment about managing parking demand, with a parking pricing and management regime to encourage greater use of sustainable transit modes and a parking offset fund. These things are all about control. They are all about the government imposing their will on the lives of Canberrans. This is good old classic Labor stuff—all about restricting the freedoms that Canberrans enjoy.

Let us also look at what the Greens are proposing. Instead of having minimum car parking requirements, they want maximums—maximums for developments. They want a sustainable transport contributions fund—yet another tax. That is what they want—yet another tax. They will not deviate from their ideology that governments are better at spending money than individuals are. It is to that end that they want to take more and more money from Canberra households so they can divvy it up as they see fit, as they so wish—so they can divvy it up according to their own ideology.

Members interjecting—

MR SPEAKER: Members, order! One moment, Mr Coe, please. Stop the clocks, thank you. There is a lot of noise in the chamber. Mr Hargreaves and Mr Smyth, could you perhaps continue the conversation outside. I am having trouble hearing Mr Coe. Mr Coe, you have the floor.

MR COE: I do call upon the government to address the chronic shortages that we have in car parking in so many parts of the city. As I said earlier, in my electorate there are shortages in Belconnen, Jamison, Kippax, Charnwood and Nicholls. And across the ACT there are many other places, including in Ginninderra. This government needs to address it.

The plan is now four years, three months and 10 days old in draft form. It is time for a strategic approach to the car parking needs of our community. I urge the Assembly to vote in favour of providing adequate car parking for the people of Canberra.

Question put:

That **Mr Coe's** motion be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

ACT public service—governance

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (6.41): I move:

That this Assembly:

(1) notes:

- (a) that well resourced oversight and integrity agencies and robust integrity mechanisms are vital for good governance and a healthy democracy;
- (b) the importance of a culture of openness and accountability within all government agencies;
- (c) the principle of a public “right to know”;
- (d) the 2006 Australian Research Council Linkage Project “Whistling While They Work” issues paper *Public Interest Disclosure Legislation in Australia: Towards the Next Generation*;
- (e) that community complaints provide invaluable information and learning opportunities for the improvement of agency service delivery; and
- (f) the ACT Ombudsman’s recently expressed concerns about complaint handling by the ACT Public Service and ten-point plan to improve ACT Government service delivery issued on 3 August 2011; and

(2) calls on the Government to:

- (a) respond to the Standing Committee on Justice and Community Safety report into the *Freedom of Information Act 1989* by the next sitting period;
- (b) undertake a comprehensive review of the *Public Interest Disclosure Act 1994*;
- (c) respond to the ACT Ombudsman’s proposed ten-point plan to improve ACT Government service delivery, issued on 3 August 2011;

- (d) ensure that all agencies within the public service value complaints consistent with the Commonwealth Ombudsman's *Better Practice Guide to Complaint Handling 2009*; and
- (e) report back to the Assembly by February 2012.

This motion addresses a range of issues that together all form part of the necessary framework for government accountability and the safeguarding of the good administration of government. This motion draws out three separate parts of government accountability and responsiveness that are essential for the good governance of the territory. At the outset, it is important to note that even the best legislative framework will require a positive culture towards transparency and responsiveness. The motion recognises this and proposes that the Assembly and the government recommit to some of the important underpinnings of a modern democracy.

The first particular element that I would like to address is the need for reform of freedom of information legislation. This should be premised on the public right to know and a presumption that the community will be entitled to government information, unless there is a clear public interest in preventing that disclosure in the particular circumstances of the particular document concerned. It is not because of the government's good graces that the community should be informed about what is happening, what is being done with public money and why the government is making the decisions that it is. Again, I emphasise that all the independent reports into this issue, particularly the Solomon review, found that there should be a single public interest test and there should not be any exemptions on the basis of the class that a document may fall into.

Recently the Chief Minister has indicated that the government will become—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! Stop the clocks. Chief Minister, Mr Smyth, would you have your conversation out of the chamber, please? Mr Smyth, your voice is too loud. Those members of the opposition who are having a conversation, please move outside. I am waiting, guys. We will not resume debate until you have either concluded or you move. Thank you. Ms Hunter, you have the floor.

MS HUNTER: Thank you. Recently the Chief Minister has indicated that the government will become more transparent and open and adopt many of the reforms adopted as part of other freedom of information reforms in other jurisdictions and recommended by the JACS committee. Whilst we of course very much welcome this commitment by the government, it should be underpinned by legislative reform and the government should respond to the JACS committee report before the next sitting so we can then proceed with the necessary legislative reform. I was very pleased to see that reforms to the FOI laws are listed on the spring sitting program.

Of course, there is more to openness than FOI and in addition to the two points about complaints handling, both from within the public service and from the community, I would make the point that other secrecy laws and Gov 2.0 also provide significant options for reform that would improve open government. This issue was considered extensively by the Australian Law Reform Commission in 2009 and their report,

Secrecy Laws and Open Government in Australia, comprehensively considers all these issues.

The next point raised in the motion is public interest disclosure. I would like to start with a quote from the book *Whistleblowing in the Australian Public Sector*, edited by AJ Brown. The first line of the introduction says: “Of the many challenges in modern public sector management, few are as complex as the encouragement and management of whistleblowing.”

This morning we considered some elements of this issue and my motion seeks to more comprehensively cover the range of reforms that are necessary for the Public Interest Disclosure Act. In that debate we considered the issue of compensation extensively and briefly touched on the need for improvements in the broader public disclosure of maladministration or other wrongdoing. The fact that the act prevents the minister from being told about the problems and therefore involved in formulating a specific response does not make sense and certainly is one issue that should be looked at to see if we can find a more effective mechanism to ensure that disclosures are comprehensively responded to.

The scope of broader disclosure has been addressed by the whistling while they work project and I draw members’ attention particularly to the 2009 report into reforms of the public interest disclosure legislation in Queensland. They found that reform was imperative for disclosures outside the agency and this was a key test for this type of legislation. Subsequent to the report, the Queensland parliament passed a new Public Interest Disclosure Act that responded to these concerns and addressed things such as disclosure to journalists.

There are a range of other issues set out in the whistling while they work project reports and issue papers and I particularly draw members’ attention to the tables set out on page 2 of the issues paper I have referred to in the motion. That table ranks all jurisdictions’ laws on 10 broad categories with a range of subcategories within them. These include who should be eligible for protection, what types of disclosures should be covered, how do we deal with anonymous disclosures, how do we guard against misuse, what legal protection should be provided and how are other integrity agencies involved in the disclosure process. The ACT act does very poorly in this analysis. Unfortunately, we are often the lowest ranked jurisdiction. In fact, the author of that paper has since observed that the ACT has perhaps the worst disclosure law in the country.

One point that I touched on earlier and I would like to add to is the need for service-wide education. One study—again from the book *Whistleblowing in the Australian Public Sector*—found that 54 per cent of public servants were not sure about the nature of any protections provided by disclosure acts applicable to them. The study also found that agencies that had a higher awareness of public interest disclosure laws also had staff who believed that management’s response to whistleblowing would be positive. This highlights the importance of education in ensuring the probity of agency activity as, of course, those who feel the system will protect them are more likely to report problems.

The corollary of that is that we need a mechanism that does actually protect them. It appears that there can be some concern about that given the current laws, which is one of the reasons why the motion should be supported and a comprehensive review of the legislation undertaken. I would also like to reiterate the point that there is a wealth of information on this issue, including an inquiry by the House of Representatives Standing Committee on Legal and Constitutional Affairs, which made a range of findings and recommendations largely consistent with the whistling while they work project. All this is why the Greens included the public interest disclosure reform in the parliamentary agreement in 2008. As I said earlier, recent public cases have only further highlighted the need for reform.

The third part of the motion deals with complaint handling. Again, this is a very important part of effective government service delivery. The Greens are particularly concerned at the range of issues that the Ombudsman has raised in relation to complaints handling throughout the ACT public service. Earlier today we had the PAC committee table their report into the Auditor-General's report about complaint handling within Canberra Connect and TAMS. The Auditor-General's report made a number of critical findings that have been reinforced by the Ombudsman. What the Ombudsman has done—and something that I think we should be very grateful for—is to take the initiative and develop a 10-point plan of how to fix the problems that have arisen. My motion calls for the government to respond to that plan. I hope that they will implement it in the near future.

There are a range of initiatives in the plan and I will quickly go through a few of them. The first is to clarify the new government structure, which has caused significant public and, it appears, departmental confusion at times. Further improvements recommended by the Ombudsman are to introduce a consistent complaint handling structure across the whole of government, adopt an agreed definition of what constitutes a complaint, commit to ongoing training and career development for ACT government employees, introduce consistent case management systems servicing agencies, use plain language in communication, improve the approach to decision making, including by providing clearer statements of reasons—(*Quorum formed.*)

MS HUNTER: and improve contract management by giving powers to the Ombudsman's office to oversee third-party service providers. This is a power that most other state and territory ombudsmen have. We also need to ensure that officers and agencies responsible for maintaining carriage of service requests and applications are clearly identified, introduce a program of regular inspections covering the broad range of conditions and services available at and via ACT Corrective Services and, finally, move away from a culture of denial and defensiveness to one that welcomes complaints and Ombudsman reports as a means of improving service delivery.

I would particularly like to focus on the last point for a minute and take the opportunity to emphasise the importance of a positive culture towards complaints. In the motion I have referred to the importance of valuing complaints consistent with the Commonwealth Ombudsman's "Better practice guide to complaint handling" of 2009. The guide says:

An agency must value complaints and recognise that effective complaint handling will benefit its reputation and administration.

No agency will ever be perfect and there can always be improvements. We should have a public service that is continually trying to improve, and I think that is the case for the vast majority of public servants. I acknowledge that at times public complaints can be difficult. Complaints may often be incorrect or misguided, but that does not mean that the prevailing expectation for complaints should be that they are just an inconvenient waste of time. Taking them seriously and responding to the root cause will almost always lead to some improvement in the way services are delivered, even if all that does is to prevent future complaints arising. Citizens have a right to the services provided by the government and that includes knowing the reasons why decisions are and are not made and to understand why things have happened. Even if the department was entirely in the right in the action that it took, that is not the end of the matter.

In addition to cultural change, a consistent framework for complaints that keeps people in the loop with what is happening in plain language, provides them with clear statements of reasons as to why decisions were taken and what their options are if they disagree. All these changes are vital and I very much hope that the government will adopt the recommendations made by the Ombudsman, the Auditor-General and the public accounts committee.

As the executive expand in size and the complexity of the decisions that they make increases, the need for strong oversight agencies and robust accountability mechanisms cannot be overstated. No one part of the framework will be sufficient—all will be required to work side by side and in a coordinated manner to ensure there are no gaps. No matter what the circumstances are, there is always a mechanism that covers the problems experienced within the service or by the people it serves.

Technological changes make it much easier for government openness and their provision of information to citizens. We have debated many of these issues before in this place. This motion is designed to consolidate much of that work so that there is no doubt of the parliament's clear commitment in this area. I should acknowledge the admin and procedures committee inquiry into the concept of officers of parliament to improve the oversight and budgetary control that the Assembly has over statutory authorities that have been created to ensure probity in government action.

The three elements that my motion addresses cover much of the framework to achieve that goal. I hope that all members can see the merit in improving both the statutory framework and the cultural practices that exist. Ultimately it is in the government's, the public service's and the community's best interests. I also understand that there will be some amendments made by the government. I welcome those amendments. We will be supporting the amendments that will be put forward by Ms Gallagher.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (6.55): I thank Ms Hunter very much for bringing this motion to the Assembly and for giving us the opportunity today to reflect on the importance of

openness, accountability and integrity through the ACT public service. The government will be supporting Ms Hunter's motion today. However, I seek leave to formally move the amendment that has been circulated in my name:

Leave granted.

MS GALLAGHER: I move:

Omit paragraph (2), substitute:

“(2) calls on the Government to:

- (a) respond to the Standing Committee on Justice and Community Safety's report into the *Freedom of Information Act 1989* by the next sitting period;
- (b) undertake a comprehensive review of the *Public Interest Disclosure Act 1994* that includes consideration of appropriate protection and support for complainants and appropriate avenues for compensation and other industrial remedies;
- (c) undertake further work on improvements to current complaints handling processes within the ACT Public Service and respond to the ACT Ombudsman's proposed ten-point plan to improve ACT Government service delivery, issued on 3 August 2011;
- (d) ensure that all agencies within the public service value complaints consistent with the Commonwealth Ombudsman's *Better Practice Guide to Complaint Handling 2009*; and
- (e) report back to the Assembly by the last sitting day in 2011.”.

I think the amendment, in a sense, expands on Ms Hunter's theme but brings forward bringing the report back to the Assembly instead of in February next year to the last sitting day in this calendar year.

Mr Speaker, debates about standards in public life are never far from the front pages of our newspapers and are certainly not a new subject of discussion in this place. Nevertheless, the recent events in the UK have drawn into sharp focus the value citizens the world over place on the integrity of institutions of government and the media. People and institutions of influence are, rightly, held to high standards of accountability, probity and integrity in their interactions with citizen and with other institutions. Those of us in public life are properly subjected to scrutiny of our own behaviour, our own actions and our own statements.

We are very fortunate in Australia, and in the ACT that we have robust institutions to safeguard standards in public life. Through the parliament, the media and the judicial system, public figures are held accountable for what they do and say. We are fortunate to live in a robust democracy where our police, our judiciary, our public servants and our elected leaders are free to discharge their functions without influence from bribery and corruption. We are fortunate to have a public service that is apolitical, where decisions are made based on merit and sound arguments.

But that is not to say that we should simply rest on our laurels. Too often governments and parliaments turn their minds to probity and integrity in public life only in response to a clear failing outlined in things such as a royal commission or a judicial inquiry. The government believe that the fundamental issues of integrity and probity are of sufficient importance that we should return to them and reinvigorate them before there is an event that forces us to. The government are prepared to look beyond the short term to reassure ourselves and reassure the community that the foundations of our system of government are sound and are appropriately adapted to the needs and demands of governing the city-state.

Mr Speaker, the government remains committed to ensuring that the highest standards of openness, accountability, probity and integrity are the foundation of all that we do. It was, for example, at our initiative that the fundamental rights enshrined in the Universal Declaration of Human Rights became the foundation stone of all law in the ACT through the Human Rights Act 2004. Further, the adoption of the Latimer House principles by the Assembly as a continuing resolution flowed from the agreement set out in our parliamentary agreement with the Greens.

Mr Speaker, the government is committed to enhancing openness, transparency and accountability in the ACT's system of government. One of my first statements in this place as Chief Minister was to outline a program founded on the principle of open government. I said at the time that open government rests on three principles: transparency in processing information, participation by citizens in the governing process and public collaboration in finding solutions to problems and participation in the improved wellbeing of the community.

Open government refers to a way of working. It is a way of managing information and of participation and collaboration that enhances democracy as it places the community at the centre of governance. We have already demonstrated our commitment to open government through recent innovations such as the publishing of weekly cabinet outcomes.

That started off well, I think, with over 700 hits on the cabinet outcomes report in the first week. I think it declined to about 250 in the second week. By the third week it was struggling at about 76. Once you take all the journalists and perhaps all of us out of the place, I am not sure how many people at the moment are reading them but we are going to keep going in the hope that people will see the importance of having that information out there and trying to involve them in that work earlier.

Work is continuing on the open government website and it will be available in accordance with the timetable that I outlined in June. The government are well advanced in progressing much of the body of work referred to in Ms Hunter's motion. The government response to the Standing Committee on Justice and Community Safety's report into the FOI act is proposed to be tabled in the Assembly next week. We have said much about public interest disclosure already and I do not propose to revisit that debate except to remind members that I have asked the Head of Service to expedite work on a new bill to update the current laws in light of recent commentary and reform in this area.

We will be among a number of jurisdictions implementing these changes, with Queensland having introduced its new public interest disclosure legislation last year and the federal Special Minister of State indicating last June that the commonwealth is currently working on a bill for introduction this year.

We have also had a number of discussions with the ACT Ombudsman in relation to the development of our public interest disclosure legislation and, indeed, more broadly, complaints handling. The government welcomes and values the role played by Mr Asher and his office in assisting members of the public who have a complaint about the ACT public service and the contribution he makes to improving the standard of service delivery in the ACT.

I am very happy to report that I had a very productive meeting with the Ombudsman last week, and he also met with the Head of Service, during which it was agreed to institute a regular quarterly meeting of that group. I would also like to thank Mr Asher for his preparedness to work in partnership with the ACT public service to improve the quality of its service delivery and decision making. We look forward to working with him, including on improving our complaints handling, in coming months.

The Ombudsman has been critical of inconsistency and lack of clarity for the public in ACT government complaints handling measures. It is not that we do not have the procedures. The issue is that they are not necessarily standardised, easily understood or necessarily easy to navigate. The Head of Service and the strategic board are taking advice on how to make sure that complaints handling processes are standardised and accessible in a way that is easily understandable as soon as possible.

Also, in relation to the 10-point plan for improving complaints handling in the public service, we believe that much of that 10-point plan is sensible and aligns with the work that is already underway in relation to standardisation of common procedures and cultural change in the APS ACT. I welcome his suggestion in relation to embracing genuine complaints as an avenue to improving service delivery, improving training for officials in complaints handling, enhancing clarity of communication and providing plain language statements for reasons for decisions.

We will, of course, ensure that as we develop procedures we pay regard to relevant guidelines, advice from the Ombudsman and processes in place in other jurisdictions. We will, however, also seek to ensure that the final approach meets the needs of our city state and makes sense in a jurisdiction of our scale. I also note that proposals to extend the Ombudsman's jurisdiction to third-party service providers will take careful consideration, but it is not inconsistent with other jurisdictions and could move to enhance accountability for service delivery already underway.

Mr Asher also suggested that a lack of clear guidance on responsibilities of directorates is an obstacle to members of the public making complaints. While there may be an element of transitional uncertainty following the changes to the administrative arrangements in May 2011, guidance and explanatory material will be reviewed in this regard as part of the work to improve complaints handling procedures.

Mr Speaker, I said at the outset that the government will be supporting this motion along with these amendments. It reflects a program of work that is already in train. It is very important work. It is work that I have been focusing on in my short time as Chief Minister. I will be very happy to report progress on this resolution, if passed by the Assembly, in accordance with the specified time frames.

MRS DUNNE (Ginninderra) (7.04): I will start my comments by quoting from today's editorial from the *Australian*:

When it comes to the business of government, too much information is barely enough.

They talk about a commonwealth department and their concerns with someone who is making requests to that department under the Freedom of Information Act—under the new, open and transparent Freedom of Information Act that was much touted by the commonwealth and which has been reflected upon at some length by the Standing Committee on Justice and Community Safety. We have advocated a similar approach here in the ACT.

The more that I am involved in the process of legislation and observing the operations of government, the more I see that it does not matter how good the piece of legislation is, how schmick the new building is, how fantastic the new piece of machinery is; the thing that is really important is the quality of the intent of the leadership, the real leadership that you have. For instance, the Rudd-Gillard government introduced a range of changes to FOI which were much vaunted and had been praised by the Standing Committee on Justice and Community Safety in their inquiry.

But we come to the point here where we have a commonwealth department which has labelled a member of the public a vexatious seeker of information under the Freedom of Information Act. Quite frankly—and the point that goes on to be made by the *Australian*—if the government was actually open and accountable, people would not have to make those requests. When the Standing Committee on Justice and Community Safety talked about a push model of access to information, that is what we were talking about. The commonwealth government talked about it, and since there has been a change of Chief Minister there has been a renewed interest in these things here in the ACT. But we have to remember that Mr Stanhope, when he was the Leader of the Opposition, was very keen on openness and accountability in government.

I think it is time that we actually looked back, just over the last few years, at the lack of openness and accountability. Of course, there is the biggie. Since 2006 there has been a constant call for access to the Costello report. The Costello report resulted in seismic changes in the school system in the ACT, huge changes to the tax system in the ACT and significant other changes to the budget in 2006, but the government hides behind cabinet-in-confidence.

By contrast, I think that I must have been quite persuasive yesterday when I asked for, again, a copy of the Oakton report in relation to the operation of Bimberi. Minister

Burch said: “No, you can’t possibly have that. It’s cabinet-in-confidence.” I stood here yesterday afternoon and made an argument why, even if it was used in a cabinet process three years ago, the need for that confidentiality may have passed. It seems that somebody had a rush of openness and accountability, and the Oakton report was made available. It was made with such rapidity that I wonder whether the Chief Minister approved it and whether it was actually released in accordance with the cabinet handbook.

Ms Gallagher: Yes, it was.

MRS DUNNE: Good. I am glad that it was released in accordance with the cabinet handbook. But we also have to look at the litany of this Labor government getting at people. There were the efforts to sack the bushfire coroner and there were votes in this place against a judicial inquiry into the bushfires. It is interesting that all of the major natural disasters since 2003 have resulted in substantial inquiries so that we could get to the bottom of the bushfires in Victoria and the floods and cyclones in Queensland. All of these have been inquired into quite extensively, but it could not happen here under the openness and accountability of this Labor government.

There were attacks by Mr Corbell and Mr Stanhope on the former Auditor-General. Every time the Auditor-General said something that was inconvenient for them, they attacked her quite personally and in quite vociferous terms. We have spoken today about the fact that Mr Buchanan from the AMC was unceremoniously frogmarched out of his position and has not received any real justification for that, and nor has the community. There is the bullying inquiry at TCH, which has not been made available, and was deliberately, I and my colleagues contend, dealt with under the Public Interest Disclosure Act so that it would not be released. There is a constant refusal to release the health workforce culture survey.

Let us turn now to my favourite topic, which is the lack of openness and accountability when this government deals with freedom of information. The Liberal Opposition does use the Freedom of Information Act quite frequently to obtain information which should actually be, generally speaking, available. I will leave the most obvious example, but for instance Mr Seselja has asked for freedom of information documents in relation to the solar feed-in tariff, the carbon tax and the implementation of the plastic bag ban, from the Environment and Sustainable Development Directorate.

In all of those cases there has been a process going backwards and forwards, where the directorate has refused to process the application until fees are paid. On each of these occasions Mr Seselja has had to go through the process of demonstrating that there was a public interest in the issues, as a means of getting the fees waived. So Mr Seselja had to point out and demonstrate the public interest in relation to the changes in the solar feed-in tariff, in relation to the carbon tax, in relation to plastic bags.

In the TAMS directorate the same thing arose when Mr Seselja sought access to FOI documents in relation to the Majura parkway. Mr Smyth, I understand, has been confronted with similar problems, in that he has been required to establish the public interest grounds by which he should have fees waived.

There was a time not very long ago in this place—it actually went until about a year ago—when it was a matter of course and convention that members of this place were not charged for FOI requests. Mr Corbell marched into a hearing of the Standing Committee on Justice and Community Safety on the Freedom of Information Act about a year ago—I cannot remember exactly when but it was some time in the last calendar year—and said there had never been such a convention and the word had gone out that members of this place were not exempt from fees under the Freedom of Information Act.

All members of this place who have used the Freedom of Information Act since then have been confronted time and again with requests for fees, which is essentially a delaying tactic. You get something that says, “We propose to charge you X hundred or X thousand dollars for access to these documents, unless you can demonstrate why these fees should be waived.” You then write a letter and they write back and say, “No, you have to demonstrate why that is in the public interest.” You then write back and they go, “Oh, very well.” Of course, that means that has delayed the release of documents for some two or three months beyond the time. But this has become standard practice with this open and accountable government.

Mr Smyth has had a couple of experiences but I think the big award needs to go to Mr Coe with his experiences. He has been pursuing particular departments for internal audit reports. He has asked the TAMS directorate for internal audit reports in relation to some of their services and made a similar request to DHCS, the Community Services Directorate as it now is. It is interesting to see the contrast in performance. TAMS has provided these documents but the Community Services Directorate refuses to provide the same class of documents. Mr Coe has made two separate requests to the Community Services Directorate for internal audit reports but that material has been exempted from release under section 40 of the Freedom of Information Act.

It is very interesting to look at what the minister says about these things because the minister justified this in question time, I understand, by saying, “Mr Coe couldn’t have these documents because they must be exempt under section 40.” This shows a fundamental lack of understanding by ministers in the government about how the Freedom of Information Act works. There are exemptions in the Freedom of Information Act and, generally speaking but not exclusively, those exemptions work like this: “Here is a document. Is it likely to fall under one of these exemptions?” If the answer is yes, you have to answer the question: “Would its release be contrary to the public interest?” It does not mean that because a document could be classified as something that could be exempt under section 40 it must be refused.

If something could be classified as exempt—and the minister should actually be listening and getting a few lessons about how her department is operating—under section 40 of the Freedom of information Act, you have to ask the question: “If I release this document, will the release of that document be contrary to the public interest?” And if you cannot answer yes to that then officials are obliged to release the document under the Freedom of Information Act.

The fact is that we have this constantly. It has been my experience with the department of education at various times. I have been told, “You can’t have that

because it's exempt." They have not applied the public interest test. This shows, first and foremost, a lack of understanding about how this legislation works and, secondly, a lack of will to apply it properly.

Ms Hunter said she has brought forward this motion in this way to consolidate and make it perfectly clear what the Assembly's intention is about openness and accountability, about integrity mechanisms and integrity agencies, in the ACT Legislative Assembly. I do not think that anyone can particularly quibble with any of this. But the test is not how schmick your legislation is, how often you pass motions in this place, how often you stand up and say, "No government that I lead will ever hide behind cabinet-in-confidence or commercial-in-confidence." It is not about what you say or what you legislate; it is about how you act. And this government does not have a very good record when it comes to how it acts.

There has been a litany today regarding the way they have allowed the abuse of staff to go on. We have seen it in Bimberi, we have seen it with Mr Buchanan, we have seen it in TAMS, we have seen it in Health, we have seen it in ACTPLA. The list goes on and on. And when will it stop? It will stop when there is a change of culture at the top. The Chief Minister says, "It's all going to be wonderful and we're going to do all of these things," and as a demonstration of how keen she is, she wants to bring forward reporting dates to show how keen she is. The people of the ACT will know exactly how keen Katy Gallagher is on openness and accountability when she starts to show some.

Motion (by **Ms Bresnan**) proposed:

That the question be now put:

Members interjecting—

MR SPEAKER: The question is that the question be now put. As I indicated before when I took advice earlier, I am advised that, as each of the parties or groupings has spoken, this has been the accepted practice in this house when this question has been put under this standing order. So the question is that the question be now put.

Question put:

That the question be now put:

The Assembly voted—

Ayes 11

Noes 6

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

MR SPEAKER: The question now is that Ms Gallagher's amendment to Ms Hunter's motion be agreed to.

Question resolved in the affirmative.

MR SPEAKER: The question now is that Ms Hunter's motion, as amended, be agreed to.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.22): I thank those people who have contributed to the debate this evening. It is a very important issue. It is very unfortunate that we have had to shorten that debate. I understand there was an agreement around what would be debated this afternoon between the whips. Unfortunately, that broke down. I think it is most unfortunate that these things do happen. But it is an important issue. I say thank you for the contributions and I welcome support from members.

Motion, as amended, agreed to.

Adjournment

Motion by (**Mr Corbell**): proposed:

That the Assembly do now adjourn.

Mr Alan Tongue

MR COE (Ginninderra) (7.22): This evening, in the light of the announcement today of his retirement, I would like to speak a little of the contribution made by Alan Tongue to the Canberra Raiders football club. "Tonguey", as he is affectionately known by many Canberrans, will finish his 13-year career as a one-team man at the end of this season, five of those years having been spent as captain of the side.

Alan is well known in this town and amongst his NRL peers for being a strong role model for other players and for his commitment to his family. He reiterated this in his media statement today, confirming that his family has always been his number one priority and the support base for his successful football career. In fact, I believe that tonight he is speaking at a community forum about families and sport.

I note that the Canberra Raiders website today has a tribute page to Alan, with hundreds of supporters wishing him well. Alan Tongue uses his local celebrity well and for good causes, and has attended countless events, fundraising for many different organisations here in the capital. He and his family have made countless gestures of goodwill to many charities and individuals that many in Canberra simply would not know about.

I would like to put on the record my thanks for the contribution Alan has made to the Canberra Raiders and to Canberra in general. I wish him well and all the best for his life post football at the end of the season.

Ms Carol Nag
Master Builders Association—function

MRS DUNNE (Ginninderra) (7.24): I would like to pause this evening to mark the passing of Carol Nag, the vice-president of 1RPH radio for the print handicapped. Carol died on 1 August this year at the age of 87. The extended 1RPH family were saddened by her death and will miss her. Carol made a long contribution and had a long association with radio for the print handicapped—over more than 20 years. I have been asked, and I am glad, to speak on behalf of radio 1RPH in marking Carol's passing.

Carol was a regular morning supervisor and had many friends among the people who attended the station during the mornings. She trained others in their role and there was not one administrative task that she was not prepared to do. Carol was an excellent reader, and many readers have said that they benefited from reading with Carol and from being encouraged to become better readers by her example.

Carol was a member of the radio 1RPH board for more than 20 years, serving first as secretary and then as vice-president. She was an efficient and meticulous keeper of records and minutes, which are often complex. I have also been on the board there. Her record keeping was considered exceptional. The current president, Robert Altamore, has said to me that he was always confident in asking her when he needed to know what the board was doing on a particular matter, and that had been the case for many years. As vice-president, Carol provided wonderful support to Jean Bennett and other members of the board.

Carol had a deep commitment to and understanding of the purpose of radio 1RPH, which is to help people who are print handicapped by giving them access to printed information. Carol brought to the board her qualities of graciousness, compassion and wisdom. Carol was the person on the board who took the lead to ensure that everyone was looked after. Whenever there was an occasion when a card was needed or flowers needed to be sent when people were ill or were in hospital, Carol was always the one on the phone making sure that this was done. Often the flowers came from Carol's own garden, as she was a passionate and gifted gardener. She was also a leader in the social activities of radio 1RPH.

Carol was a committed Christian and a dedicated member of the National Seventh-day Adventist Church in Canberra. Her contribution to the life of that church included being a member of the choir, a reader, a member of the Sunday school team and a friend to many church members.

Carol was also a close personal friend of many at radio 1RPH. The board and the membership of radio 1RPH want to pass on their deep sadness at Carol's passing. I want to add to that my sure hope that Carol is in a better place right now.

In addition to that, Mr Speaker, it is not possible to let something go past. I will share a little snippet from today's *CityNews* in the "Confidential" page, under the headline "No Joy for builders". It says:

MLA Joy Burch was MIA at a recent event in Canberra.

Comedian and host of the Master Builders Association Awards Night, Anh Do, was apparently forced to “pad out” with a skit in which he pretended to be Ms Burch.

It appears the Minister for Community Services neglected to tell organisers of her last-minute decision to back out.

Concerned for her well-being, “Confidential” contacted Ms Burch’s media adviser, Victor Violante, and was told there was a miscommunication.

“Our office manager had notified the association well in advance that the Minister was unable to attend, however they did not properly record this,” he says.

The article said, “Happily, the Minister is present for the latest parliamentary sitting,” but I did note that once again the minister was quite late for an event this morning, an event that was supposed to run for half an hour from 8 o’clock this morning, where there were a large number of school children in attendance who were to perform. Unfortunately, Ms Le Couteur and I, who were there on time, had to leave before we could see all of the performances, and other members had to leave as well, because of other commitments—because Ms Burch was a quarter of an hour late. It is becoming a bit of a habit; someone in a position of such responsibility should keep her appointments on time.

**Federation of Indian Associations of the ACT
Assembly business**

MR SESELJA (Molonglo—Leader of the Opposition) (7.29): I recently had the opportunity and pleasure to attend the launch of FINACT, which is the Federation of Indian Associations of the ACT. I had the opportunity with some of my Assembly colleagues, including Ms Burch, Dr Bourke and my Liberal colleague Steve Doszpot. It was a wonderful event and, I think, a very important event because the Indian community in Canberra plays a really important role. It is clearly a growing community which has played a very important role for a long time.

The point I made at the event was that I do not think we as a city or we as a nation yet value our relationship with India anywhere near as much as we should. India is a growing power. I believe it will be right up there with the United States and China as a pre-eminent world power in the decades to come. So our relationship with India is a very important one, economically and culturally. Whilst we are different cultures, we also have some wonderful things in common—a similar legal system, a love of cricket and a whole range of other things which mean that Indians have been able to very easily fit into the Australian community and contribute to the ACT community.

I congratulate Jacob Vadakkedathu on his leadership of FINACT. Bringing together around 22 organisations as a peak body for the Indian community is no mean feat. He deals with all of the politics that go on internally and obviously to do that is quite an

achievement. So to Jacob: well done—and also to Her Excellency Mrs Sujatha Singh, the High Commissioner of India, who was also there. I was very impressed with the way she spoke. I was very impressed with not just her knowledge but also her good humour, how personable she was in the way she spoke and how she had the ability to speak afterwards. So well done to the Indian community; well done to FINACT; well done to all of those who contributed to that launch and to that organisation being established.

We cannot let it go by, Mr Speaker, without mentioning the disgraceful way that today's business has been handled by the Labor Party and the Greens. We have a situation where the Liberal Party has been denied a slot in private members' day—the ability to even debate our slot—simply because the Labor Party and the Greens are not ready, despite the fact that we have had the prerequisite time. In fact, there have been many weeks since Mrs Dunne's legislation was introduced. There has been ample time for members to consider it—more than the usual time that is allowed. We have been very accommodating with other pieces of legislation, including Greens legislation just recently which we allowed to be debated within a couple of days of its being introduced.

For Labor and the Greens to arbitrarily take away our ability to debate important sentencing legislation which has been put forward by Mrs Dunne I think is disgraceful. It is our right to have those slots. For that legislation not to be debated today is very disappointing. We have also seen debates gagged. We have seen two debates gagged tonight. We have seen the Labor Party giving different messages, saying that we are going to finish at 7 o'clock and then we will go on and that we will gag debate. There has to be some certainty in how we do things. We should go until we finish. We should not be gagging debate and we should not be denying parties slots.

We can disagree on all the motions we like. We can vote however we like in the end, but we should be able to have the debates and we should be able to have the debates in their entirety without them being gagged arbitrarily because the Labor Party and the Greens happen to be in a hurry at any given time. We should be able to have those debates fully. The way in which a couple of things have been handled today is very disappointing. If that sort of thing continues then this place can degenerate very quickly. (*Time expired.*)

Assembly business

MS BRESNAN (Brindabella) (7.34): I am just going to have to respond to what Mr Seselja said. I am not quite sure what he is talking about when he says that the Greens and Labor denied Mrs Dunne a slot. I am not sure if he is referring to the proceedings of the administration and procedures committee. In fact, the Greens supported Mrs Dunne and the Liberals to have that legislation listed on the notice paper, which is why it was listed today. I have no idea what you are talking about, Mr Seselja. If that is the case then—

Mr Seselja: We're shutting down the Assembly. We have not had a chance—

MR SPEAKER: Order! Ms Bresnan has the floor. You have had your say, Mr Seselja, thank you.

MS BRESNAN: In relation to the way today has been conducted—

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja, you are on a warning.

MS BRESNAN: It is absolutely outrageous for Mr Seselja to get up and talk about the behaviour of members of the Assembly and the way business is being conducted today. The whips have a discussion every Wednesday about how the Wednesday is to proceed. We typically have a discussion at around 4.30 as to whether or not we are going to sit late. In fact, it was Mr Hanson, the Liberal Party whip, who proposed that we finish at seven. He proposed that. He came to me and I said to him, “Are you going to go and talk to the Labor Party about that?” and he said, “Yes, I will go and do that.” I believe there was a discussion then with Ms Gallagher about that. We are always prepared to sit late on Wednesday, which is why we actually proposed that Wednesday be a late sitting.

It was Mr Hanson that put forward the proposal. In terms of how today’s debate has been conducted and how we got to this point, we spent nearly two hours speaking on Mr Coe’s motion. Every member of the Liberal Party got up and spoke about that. Two of the Greens got up and spoke, but we did not use our full time. We also had the episode yesterday, obviously, with the vote of no confidence, which took up two hours. We did not get to debate any bills. When we are talking about the way this Assembly is conducted, it is absolutely outrageous for Mr Seselja to get up and cast aspersions on other members when the situation we have got ourselves into today is a direct result of the behaviour of the Liberal Party. You need to consider that.

We have had a very good working relationship with the whips. There has been agreement when we have finished at seven where, I think, the Liberals have had the last item of business. So we have wrapped up for the day so you could get through your items of business. There has been a general agreement that we would conduct it in that way. Unfortunately, it has broken down severely today. I think it is a great shame because it has been working very well for the most part in this Assembly. It is a shame that that has happened. It is very disappointing. Also, it is very disappointing that Mr Seselja has got up and made these claims about the slot because that is not what happened in administration and procedures.

Housing—waiting list Master Builders Association awards

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) (7.37): I want to take the opportunity to correct the record in respect of an answer I provided to Ms Bresnan on the priority waiting list this morning. There is a cap of 150 and I do apologise for that. I was referring to verbal advice that officers from the department had provided to me.

There is a nominal cap. It has been exceeded twice since it has been in place. It was 153 in April and 152 in June. Traditionally, it has certainly been under 150 and

currently there are 104. But given that this is based on need and priority housing, I have spoken to the department today to remove that cap because need is need regardless of the number. So that change will come into place.

Also, Ms Hunter asked for the criteria. I am happy to provide that and table it there. It is available online but it is there for your information. I do apologise for that mistake. Also, the multidisciplinary panel meets fortnightly not monthly.

I wish to refer to some other comments Mrs Dunne made in the adjournment debate. She has a little bit of a hit and dashes off. I was not at the Master Builders Association event. I provided ample time to notify them. I point out for those opposite that I have had two officers, two senior managers, from the MBA make contact with my office and apologise to me for their mistake. They are clearly taking their own responsibility for their mistake. They are embarrassed for my embarrassment. I just wanted to make that clear and I will certainly be making that known to whatever publication Mrs Dunne is referring to.

She does go on a bit about no shows. A no show that I am aware of Mrs Dunne not turning up to is actually the Barnados ACT mother of the year function where they called her name as being in attendance but she was not there. Of course, there was Mr Coe who left an empty chair next to Brendan Smyth at a Scouts function.

These things do happen, Mr Speaker. I also want to offer congratulations to the FINACT group, for the event that Mr Seselja spoke about. But I must admit that one of the lasting memories I will have from that function was when Mr Doszpot introduced Mr Seselja as the deputy opposition leader, but I think I will leave it there.

Spinal Muscular Atrophy Association

MR DOSZPOT (Brindabella) (7.39): I recently received a phone call from a constituent and friend, Steven Hayes, who wanted to make me aware of August being designated by the Spinal Muscular Atrophy Association as SMA Awareness Month.

Steve's family only learned about SMA about 12 months ago. Spinal muscular atrophy is a motor neurone disease with one in 35 people in the population carrying the gene. Most parents experience the disease for the first time with the birth of their child. Most are unaware of any previous family history, as the gene is recessive. Each pregnancy to a carrier couple has a one in four chance of producing a child with SMA. The Spinal Muscular Atrophy Association was founded in 2005 by Julie Cini, who lost two infant daughters to SMA, and is supported by parents like Tamara Hayes, daughter of Steve and Carol Hayes, who lost her baby daughter to SMA in April this year.

There was a recent article in the *Canberra Times*, on Tuesday 2 August, on Tamara Hayes and SMA:

Gordon woman Tamara Hayes has channelled her love for her late daughter into fighting the disease that killed baby Summer.

Tamara wants everyone to know more about spinal muscular atrophy, often shortened to SMA, and wants to spread the message that one in 35 people carry the gene for the disease that is the No 1 genetic killer of infants under two.

This month is SMA Awareness Month and there are fund-raising and awareness campaigns running at the Canberra Hospital and through Brindabella Airlines.

Cafe Hoz at the hospital is giving away SMA-branded coffee cups with takeaway orders and has two donation boxes; the airline is promoting and fund-raising for the cause.

Tamara's own story starts with the birth of her daughter Summer Hayes at Canberra Hospital on June 27 last year.

The apparently normal and healthy baby was thought to be a slow developer.

Mum and daughter moved to Narooma. On March 25, life changed for Tamara. She thought she was being a neurotic new mother when she called a doctor about her wheezing baby. The child went to Moruya's hospital by ambulance with a high temperature and was soon rushed to Canberra Hospital.

"Thirteen days later, she died in my arms," Tamara said.

"Her ashes are in a teddy bear and I still cuddle her to sleep every night."

She is full of praise for Canberra Hospital staff. Some even grieved at the child's funeral.

"They made an awful time a lot better."

Tamara met Julie Cini, a woman at the helm of the non-profit support organisation Spinal Muscular Atrophy Association of Australia, founded with her husband Ross Brownlaw. Cini lost two children to the disease.

Tamara is a volunteer for the association that offers emotional support, free medical equipment, a toy library, information, links to other affected families and more. She and her parents now run a Canberra branch of the organisation.

"SMA Australia won't stop until there's a cure because this cannot keep happening. It's so traumatic. It took Summer 30 hours to finally pass away once life support was turned off. I want people to be aware of this disease. I want the Government to fund research.

"My message [to families] is don't worry, help is out there.

"I couldn't let Summer's death be the end, because that would not respect her life."

And that is the story of Tamara Hayes about her daughter, Summer Hayes.

Management liability insurance

DR BOURKE (Ginninderra) (7.43): Recently I had the pleasure of launching, alongside Dr Chris Peters of the ACT Chamber of Commerce and Industry, a new

management liability insurance product for Canberra businesses. Before entering the Assembly, I owned and managed a small business in Canberra for 17 years. I understand just how important it is for business to acquire and maintain appropriate insurance cover. As such, I welcome the broader choice of insurance products now available to Canberra business people.

Business operators in Canberra will already be familiar with a number of insurance products. Key product lines from many businesses include product liability insurance and director and officer insurance, or D&O. The former protects businesses from the potential costs of legal claims arising out of defective products, costs which can be very significant. The latter protects company directors and officers from legal costs and damages incurred where legal action alleges error or omissions in the management of a business, though not where the wrongdoing is intentional or criminal.

Both of these types of products have been of use to Canberra businesses, but they certainly do not provide coverage for the entire spectrum of potential liability. D&O insurance, for example, cannot extend to the acts or omissions of those staff who are not, technically speaking, directors or officers. Legal claims arising out of management failures, which can be cast in other terms, say in product liability or negligence, may not be covered by a D&O package.

The chamber of commerce has been concerned for some time that its members receive a broader and more appropriate level of coverage. In partnership with a number of industry partners, it has now been able to bring this new management liability insurance product onto the Canberra market. The product represents a hybrid class of insurance, combining the benefits hitherto offered by product liability and D&O products. Though certainly no panacea, that ought to go some way towards plugging the gaps in the present offerings of business insurance in the territory.

Some of the issues that employers and business owners seek advice on, both from peak business organisations and from government, include issues relating to dismissal of staff, injuries in the workplace and harassment. I understand these concerns. It is to be hoped that improved insurance provision will see early and appropriate involvement of expert advice in these matters, rather than employers trying to go it alone. Crucially, this would be a boon for the workers.

It is by no means the business of the ACT government to suggest to local business that one insurer or one insurance product ought to be chosen over another. Nonetheless, we can rightly applaud the availabilities of new choices in the marketplace. I commend the ACT and Region Chamber of Commerce and Industry and the relevant brokers and underwriters involved in this venture. Resilience and self-reliance are important strengths in any community and the development of products such as this is a good indicator of both and of a healthy community.

Assembly business

MR HANSON (Molonglo) (7.46): I will respond briefly to the comments made by Ms Bresnan and outline the facts in terms of the slight debacle we had this evening. I spoke with Ms Bresnan—that is correct—this afternoon, to say, as is the normal form,

“Looking at the program, are we going to finish early or are we going to need the whole time?” I indicated to her that the last motion on the table was a Labor motion and it is the normal form that whoever has the last motion really makes the call, because they are the ones likely to miss out.

I said, “Do you have any comment or do you have any opinion before I speak to Mr Hargreaves?” Essentially, she did not. She indicated that she was supportive, although she was, I would say, reasonably ambivalent about whether or not we sat late. I said, “That’s fine.” I then rang Mr Hargreaves’s office and was unable to get through to him. I spoke to one of his staff members and said, “Look, this is where we’re at; it looks like we won’t need to sit late,” as at that stage we did not, and I indicated to that staff member that he should speak with Mr Hargreaves to find out whether he wanted the Assembly to sit late or not.

Shortly afterwards, Ms Bresnan and Ms Gallagher engaged in a conversation over there and called me over. I came over. I explained that to Ms Gallagher; I explained that I had spoken to that staff member and I was waiting to hear back on whether the Labor Party wanted to sit late or not, at which time she said, “I’ll go away and sort it out.” She then sent me an email about five or 10 minutes later saying, “It’s 7 o’clock,” or “7 o’clock it is.” I then responded, “That’s fine,” or something. “6.30 adjournment, 7 o’clock Assembly rise.” I cc’d that to Ms Bresnan and then went away.

The reality is that sometimes these things are a little bit difficult to predict. It looked at that stage, because Mrs Dunne’s motion looked like it was not going to be a long one and Mr Hargreaves was going off, that we were going to get through all the business. That is not the way it eventuated. But I would like to make the point that there was no machiavellian plot or anything else in terms of the way that unfolded. It is just the reality of what occurred. Perhaps some confusion was caused, and it was unfortunate, because Mr Hargreaves had to leave the chamber to go to a medical appointment. That is how it rolled out. I think that any sort of aspersions cast by Ms Bresnan on what occurred are erroneous.

Assembly business

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (7.48): All innocence and light from the opposition on this matter today. Unfortunately, events show otherwise.

I found it extraordinary to hear the Leader of the Opposition stand up in this place and complain that one of their bills did not get debated today. I draw Mr Seselja’s attention to what happened yesterday, a day allocated substantially for the purposes of executive business. The first 2½ hours were consumed by Mr Seselja’s wanton attempt at trashing the reputation of the Speaker in this place. That was for starters in the morning. So that took us to question time.

Yesterday afternoon, was there any bringing on of executive business in terms of bills for debate? There were a number of important bills listed for debate yesterday. Were any of those debated yesterday? No, they were not. Instead, under the incredibly

generous provisions of the standing orders in this place, we had an hour's worth of debate on an MPI, we had papers, and that was the end of the day.

From the government's perspective, this is not an unusual occurrence. We frequently see time allocated for executive business consumed by the wanton desire of Mr Seselja and his colleagues to wreck the proceedings of this place. And we saw it again this afternoon. This afternoon, rather than cooperating in the debate and allowing a reasonable modicum of speakers from each side on important matters, as is the sensible way to manage business in this place—maybe one or two speakers from each side to address the key issues, given the length of the program on private members' business—we saw the indulgence of every single member of the opposition stand up, repeatedly in some instances, to speak on the issue of Mr Coe's motion.

I am sure that their views over on that side of the chamber are strongly held, but if they are going to adopt that sort of indulgent and childish approach that we see all too often in this place, other parties in this place are going to have to take steps to make sure that the other business listed on the notice paper actually gets done, because that is what we have to try and achieve in this place.

Mr Seselja really does not care about what gets done as long as his stuff gets done. Well, it is not just about his stuff; it is about the business of the Assembly overall. That is the obligation that he has as Leader of the Opposition to focus on in this place, and he just does not care. He is the mini Tony Abbott; all swagger and no substance in this place. He really is.

It is no wonder that there are increasing rumours around this city about people saying: "Zed, you've done your dash. Zed, are you making the ground? You're just not cutting it anymore." We had the Freudian slip from Mr Doszpot, acknowledging Mr Seselja as the Deputy Leader of the Opposition. We have seen the increasing swaggering confidence of Mr Hanson, who we know has been tapped on the shoulder by those leaders in the business community, saying: "Jeremy, Zed just hasn't got it, mate. He hasn't got it." So we know what is going on over on that side of the chamber. Zed Seselja is great about the swagger and the bluster in this place but he has nothing else.

MR SPEAKER: Order! The time allotted for the debate has expired

Question resolved in the affirmative.

The Assembly adjourned at 7.53 pm.