Debates

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Tuesday, 23 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.

Questions—out of order
Statement by Speaker

MR SPEAKER: Members, at the start of the day I wish to make a statement regarding matters raised by Mrs Dunne on Wednesday 17 August during question time last week. After I ruled a supplementary question asked by Mr Hargreaves out of order, Mrs Dunne raised a point of order. Mrs Dunne's point of order asked me to review the record of question time and consider the number of times Mr Hargreaves had asked a question without notice which was clearly out of order. Mrs Dunne also asked what might be done as a remedy to this as the practice, in Mrs Dunne's opinion, "soaks up supplementary questions for members who have legitimate questions". I advised Mrs Dunne that I would reflect on her point of order and come back to the Assembly.

Members will be aware that the Standing Committee on Administration and Procedure has as one of its terms of reference a mandate to inquire into and report on as appropriate the practices and procedure of the Assembly. Having considered the matter, I intend to raise the issue with that committee and seek that committee's view on the issue.

Justice and Community Safety—Standing Committee
Scrutiny report 41

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 41, dated 22 August 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report No 41 contains the committee's comments on 57 pieces of subordinate legislation, one government response and one private member's response. The committee has developed, with the assistance of Peter Bayne and Stephen Argument, legal advisers to the committee, fact sheets on the preparation of explanatory statements and on the drafting of subordinate legislation. The committee has authorised these two documents for publication, and copies will be provided to all members and will be uploaded onto the committee's webpage. This report was circulated to members when the Assembly was not sitting.

I commend the report to the Assembly.

Administration and Procedure—Standing Committee
Statement by chair

MR RATTENBURY (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure.

In response to recommendation 1 of the Standing Committee on Public Accounts in its report No 13 entitled *Inquiry into ACT government procurement,* which asked the Standing Committee on Administration and Procedure to examine the Assembly's procedures in relation to witnesses before committees, the committee agreed that the following measures be adopted by committees: firstly, that all witnesses appearing before Assembly committees should be provided with the standard witness advice document well in advance of their appearance date; and, secondly, that the witness advice document should be revised to reflect the gravity of behaviour that contravenes the conditions under which witnesses appear before committees. The advice should also alert witnesses to the fact that sanctions may apply should these conditions be contravened.

These changes have been implemented, and I present the following paper:

Assembly committees—Privilege statement—Amended 9 August 2011.

Public Accounts—Standing Committee
Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee.

On 26 August 2010 Auditor-General's report No 5 of 2010 was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit that reviewed the delivery of ACTION bus services to the residents of the ACT by the former Department of Territory and Municipal Services. The committee received a briefing from the Auditor-General in relation to the audit report on 12 October 2010, and a submission from the government dated 20 December 2010.

The committee has resolved to make no further inquiries into the audit report. However, the committee is of the view that there is merit in an inquiry being held that examines transport options, including integrated transport. Such an inquiry should be forward looking, wider in scope than the delivery of bus services and have a broader overarching focus on the delivery of transport options. The inquiry should also examine tiers in a transport hierarchy, for example, bus and light rail, along with proper integration.

The committee is mindful that the proposed inquiry coverage is relevant to the portfolio coverage of the Standing Committee on Planning, Public Works and Territory and Municipal Services, a subject that has already been considered by that

committee in a former entity, and that the planning, public works and territory and municipal services committee has a particular expertise in transport-related matters. The committee therefore believes that the Standing Committee on Planning, Public Works and Territory and Municipal Services would be the most appropriate standing committee to consider such an inquiry and has written to that committee to convey its views on this matter.

In relation to the *Review of Auditor-General's performance audit report No 10 of 2010: 2009-10 financial audits*, on 21 December 2010 Auditor-General's report No 10 of 2010 was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented a summary of the results of the audits of financial statements and reviews of statements of performance of the territory and its agencies during 2009-10. The committee received a briefing from the Auditor-General in relation to the audit report on 22 February 2011, and a submission from the government dated 3 March 2011.

In relation to the results of the audits of financial statements, the committee emphasises that, for the first time since self-government, no qualified audit reports were issued for the period 2009-10, indicating that the audit office was satisfied that the financial statements fairly presented the agencies' financial results.

The committee congratulates the audit office's financial audit team on the work behind the scenes that has contributed to this result. Furthermore, the committee also commends the work of chief financial officers, along with their respective finance staff, and departmental and agency heads for taking on board the Auditor-General's suggestions and following through with implementation.

When this outcome was discussed as part of the committee's inquiry into the 2009-10 annual and financial reports, the Auditor-General at the time responded:

> I think it is a reflection of the work behind the scenes of the whole financial audit team. There are a number of issues raised during the financial audit process and we work with agencies to make sure that they correct these deficiencies to get their financial statements to the stage where an unqualified audit opinion can be given. But agencies are also very good at taking on board a lot of our recommendations. As we have reported, we make some 500 recommendations throughout the financial audit process and 92 or 93 per cent are accepted. So that is a reflection of the hard work behind the scenes to get to the stage where every single agency gets an unqualified audit opinion.

The committee is of the view that this annual audit report on the results of the financial statements and statements of performance of the territory and its agencies makes an important oversight and scrutiny contribution.

The committee has resolved to make no further inquiries into the audit report.

Law Officers Bill 2011

Debate resumed from 23 June 2011, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.09): The Canberra Liberals will support this bill which creates the new Law Officer Act 2011. However, we will do so with one minor amendment. This bill does a number of things. Firstly, it establishes the statutory office of Solicitor-General. Mr Speaker, you can look at it any way you want, but this is nothing more than establishing an office of status so that when this attorney sends the Chief Solicitor to national meetings or to attend the Supreme Court or the High Court, the attorney can say that he has sent the Solicitor-General—and that is it. It raises a question about the priorities of this government.

I spoke last week about the changes to the Births, Deaths and Marriages Registration Act which moved at a snail's pace, although they afforded a significant benefit to a small but important section of the community. And the amendments to the Residential Tenancies Act, which we will debate later today, have been in gestation since 2003. The amendments on both those occasions moved at a snail's pace, but there seems to be a higher priority for creating the office of Solicitor-General, which delivers nothing other than a new name for the ACT community. The government seems to have this as a high priority.

The explanatory statement notes:

> … the ACT's position in the national arena would be enhanced by clear recognition of a role of solicitor-general, a role that exists in every Australian jurisdiction except the ACT.

I think this legislation creates a level of confusion, though, because the two roles which are separate under the bill—the Solicitor-General and the Chief Solicitor—will be performed, as I have been told, by the same person. Time will tell whether this two-in-one approach will work.

The bill also provides that the Attorney-General can approve the Government Solicitor acting for two or more parties who have conflicting interests. This is not an unusual situation for private law firms and can be dealt with inside the internal working operations of a firm or the department.

The second element of this bill is to consolidate the Law Officer Act and the Government Solicitor Act and then to repeal those acts. This amendment makes sense because it brings the relevant elements together in one piece of legislation.

Finally, the bill confers on the Attorney-General the power to issue legal services directions relating to the performance of territory legal work. I note that client legal privilege cannot be claimed in relation to information requested under legal services directions. More specifically, it requires the Attorney-General to issue a legal services direction in the form of model litigant guidelines.

I note that the existing provisions in relation to the model litigant guidelines are preserved, including reporting requirements in relation to the model litigant guidelines. However, there would seem to be little reason not to extend the reporting guidelines to all legal services directions, and that is the intent of my amendment.

A range of transitional and consequential amendments are also made, most notably that the FOI regulation 1991 is amended to exempt the Solicitor-General from the FOI act in relation to documents relating to the Solicitor-General's functions as counsel and extends to JACS in relation to those documents.

The scrutiny committee drew attention to the provisions allowing the executive to make transitionary regulations effectively amending the statute, thus amounting to an inappropriate delegation of legislative powers. This is sometimes described as a Henry VIII clause, and I know Mr Hargreaves has particular views about Henry VIII clauses. In this case it seems that it is not a significant stepping over the mark, but it is something that we in this place should be more mindful of as it is becoming a more common practice.

That said, I think this is an unexceptional bill. There are a couple of things that can be done to make it better, and I will talk about that at more length in the detail stage. I question the minister's priorities in this. There are many other weighty matters that could and should be dealt with by this department, and creating another element of bureaucracy and a new title should not be the highest priority of this minister. That said, we will be agreeing to the passage of this bill.

MR RATTENBURY (Molonglo) (10.15): The Greens will be supporting this bill. It creates for the first time the position of Solicitor-General for the ACT. As the attorney has noted previously, we are the only Australian jurisdiction currently without such an officer to represent us in court. Until now, the most important legal work that the territory has become involved in has been carried out by the ACT's Chief Solicitor. But with the growing complexity of legal work, it has become apparent that, in order for the ACT's interests to best be represented at the national level in the best possible way, we, too, need a Solicitor-General.

Importantly, the bill enables the two roles of the Chief Solicitor and the Solicitor-General to be filled by the same person. The Greens believe this is a sensible approach to the issue, given the territory's size. Whilst it has become apparent we would be better served by having a Solicitor-General represent us in court, a full-time position is probably not warranted at this point in time. In the future this situation may change and it may become necessary to appoint a full-time Solicitor-General. The bill caters for this situation in the future and allows two people to fill the two positions. That will be an issue for the government of the day to monitor and address if and when it becomes necessary.

The bill also empowers the Attorney-General to issue legal services directions to lawyers acting on the territory's behalf. As Mrs Dunne has foreshadowed, the Canberra Liberals have some amendments to clarify that, and the Greens will be supporting those amendments. But I will speak to those amendments further when they come up. Overall, the Greens support the intent of this bill and we look forward to supporting it today.

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) (10.17), in reply: I thank members for their support of this bill. The bill establishes a new Law Officers Act which, among other things, will establish the role of Solicitor-General in the territory. The bill will consolidate into one piece of legislation the three main legal offices in the territory, being the new position of Solicitor-General, as well as the existing positions of Attorney-General and Government Solicitor. These positions have already been established in law but in separate legislation.

Establishing the independent statutory position of Solicitor-General will bring the territory into line with other Australian jurisdictions who have already established the role, serving to enhance the ACT's position in the national arena.

In these jurisdictions, the Solicitor-General is a separate, independent source of high-level legal advice on matters of significance to the jurisdiction's government. The other main function of a Solicitor-General is to appear as counsel in cases of special government interest, including where the interpretation of the commonwealth constitution is raised and in international cases.

Without an established role of Solicitor-General in the territory, the Chief Solicitor has held the role of principal adviser to the government. In the early days of self-government, the size and nature of the services required by the ACT meant that a separate statutory role of Solicitor-General was not warranted. The nature and scope of the advice provided by the Chief Solicitor was within relatively confined parameters and was generally regarded as part of the ordinary functions of a traditional crown solicitor's office.

However, the increasing complexity of the constitutional framework in which the ACT operates and the introduction of the ACT Human Rights Act has seen the present Chief Solicitor engage at the highest national levels in relation to legal advice provided to all governments. The Chief Solicitor has also, on behalf of the Attorney-General, appeared as counsel in interventions in the Supreme Court on a regular basis and also in the High Court.

In addition to this, a range of controversial issues have emerged on which Australian solicitors-general have been called upon to give advice, including for the purposes of national ministerial councils. Currently, the significant additional responsibilities assumed by the Chief Solicitor relative to other jurisdictions create an anomalous environment and does not give the ACT equality in its representation nationally.

While it is evident that the territory is now in need of a separate position of Solicitor-General, consideration must be given to size of the jurisdiction. The nature of the ACT as a territory and its relationship with the commonwealth means that constitutional issues are different but nevertheless equally significant in this jurisdiction compared to the Australian states. The size of the jurisdiction, however, also means that it is appropriate for the majority of legal issues to be handled on behalf of the territory without the need for two separate full-time, high-ranking legal officials.

On this basis, it was determined that the functions and duties of the two offices of Solicitor-General and Chief Solicitor could appropriately be performed by one person. Accordingly, the bill provides that one of the functions of the Solicitor-General would be to perform the role of Chief Solicitor as determined by the Attorney-General, and it is anticipated that this is how things will operate for now. The bill does enable the two offices to be filled by separate legal officials if the need arises for this at some point in the future.

The Solicitor-General's functions will be to act as counsel at the request of the Attorney-General, for the Crown in the right of the territory, the territory, or any other entity. The person appointed to the position will exercise other functions as counsel as directed by the Attorney-General and will exercise any function given to the position under a territory or commonwealth law.

Beyond establishing the role of Solicitor-General, the bill also confers on the Attorney-General the power to issue legal services directions relating to the performance of territory legal work. The directions will provide a framework for the conduct of the ACT's legal affairs, but leave prime responsibility for the effective and efficient use of legal services with agencies.

The power to issue legal services directions is intended to enable the Attorney-General to protect the legal interests of the ACT in relation to the delivery of legal services and is a mechanism that has been used successfully in the commonwealth and in other jurisdictions.

The existing power to issue model litigant guidelines will be subsumed into this power and will operate in the same manner as the guidelines currently operate. Indeed, the existing guidelines made in 2010 will be preserved under the new Law Officers Act to be established by this bill. These guidelines ensure that litigation conducted on behalf of the territory is in accordance with the highest standards of fairness and honesty, as well as serving to protect the legitimate rights and concerns of opposing parties and the public.

Currently, territory agencies report annually on the measures they have taken to ensure compliance with the model litigant guidelines, as well as reporting on any breaches of the guidelines. This information is included in the Justice and Community Safety Directorate's annual report. I understand that the opposition will be tabling amendments which will require agencies to report in the same way for compliance with all legal services directions. Although, in the government's view, the amendments are, strictly speaking, unnecessary, we will nevertheless be pleased to support them.

The increasingly complex constitutional framework that the ACT operates in justifies the establishment of the role of Solicitor-General in the territory. The new position proposed in the bill for debate today will handle complex legal challenges, including constitutional matters and conflicts arising from the territory's Human Rights Act. It will also raise the status of the ACT in its representation nationally.

Again, I thank members for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MRS DUNNE (Ginninderra) (10.23), by leave: I move amendments Nos 1 to 4 circulated in my name together *[see schedule 1 at page 3701]*.

These amendments create an extended mechanism of reporting. Currently, section 15 of the legislation requires reporting on the model litigant guidelines only, which is one of a possible number of legal services directions. This amendment extends the reporting requirements to any other legal services direction that the attorney may make.

The reporting requirements in this piece of legislation are essentially those which were established by the Assembly a couple of years ago at my initiative, when I made amendments to the Law Officer Act to raise the profile of the model litigant guidelines. The provisions that the Assembly agreed to at that time remain intact for the model litigant guidelines and it seems appropriate, if the government is going to issue other legal services directions of this type, that there should be similar reporting requirements. The amendments together make that happen. I think that it is just another element of accountability that goes to making the approach to government more open to people and more easily able to be observed by our electors, as to how we do things.

There are many complaints to me from constituents about whether or not government lawyers comply with the model litigant guidelines. It is something that arises on a fairly regular basis. The model litigant guidelines do not mean that the ACT government is a pushover as a litigant. All it does is that it means we state up front how we will behave. It does not mean that the ACT government is going to pull any punches in legal matters before the court.

Sometimes constituents do not like it when they take the government to court and the government acts like a real opponent. I often get complaints about breaches of the model litigant guidelines, but at this stage we have not actually had any confirmed breaches of the model litigant guidelines. If we do have them, they should be reported and if there are breaches of any other legal services directions, they too should be reported.

This is a simple amendment which will increase the accountability of governments of any stripe. Therefore they should be supported by parties of all stripes in this place.

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) (10.27): As I indicated in my closing speech, the government broadly supports the amendments proposed by Mrs Dunne, although we would argue that they are in many respects strictly unnecessary. We will, however, be opposing her amendment No 4. So at a later point in the debate I will ask that the question be divided to deal with that issue separately.

Let me refer to each of Mrs Dunne's amendments in turn. In relation to her amendment No 1, while the amendment proposed by Mrs Dunne is, strictly speaking, unnecessary, the government will support it. This amendment, taken collectively with amendments 2 and 3, will strengthen the government's commitment to conducting itself in a manner which is transparent, open and accountable. The amendment will ensure that the existing practice of territory agencies providing a reporting on the conduct of litigation each financial year is extended to all aspects of legal work conducted by agencies, where the nature of this work is captured in a legal services direction.

The types of matters which government anticipates could be the subject of a legal services direction include arrangements for legal services—for example, the requirement for agencies to use the Government Solicitor—the circumstances for procuring legal services other than from the Government Solicitor, the use of lawyers in-house by agencies and the requirements for legal advice on major government contracts. Other matters could include the engagement of external counsel, including selection criteria and fees, and the provision of legal assistance to employees, territory ministers and members of the Legislative Assembly.

Unlike the model litigant guidelines, information regarding compliance with and breaches of these types of legal services directions are not matters that the public would normally be interested in. However, they are matters that would be monitored by government as part of good governance and I see no reason why this information should not be released to the public.

In relation to amendment No 2, this is consequential on and is part of the package in relation to amendment No 1, and I will not speak further on that; equally in relation to amendment No 3. Turning though to Mrs Dunne's amendment No 4, the government does not support this amendment. I suspect this amendment has been proposed as a consequence of proposed amendments 1 to 3. These amendments would remove references to model litigant guidelines from clause 15 of the bill.

However, "model litigant guidelines" is a phrase used in other clauses in the bill and is therefore necessary. In particular, it is used in clause 11, which establishes the power of the Attorney-General to issue a legal services direction setting out the model litigant guidelines, and in clause 36, which ensures the existing model litigant guidelines are carried forward under the proposed new act. The model litigant guidelines are distinguished in the bill from other types of legal services directions to ensure that it is mandatory for the Attorney-General to issue them. All other legal services directions are discretionary. The mandatory requirement to issue model litigant guidelines is from existing legislation.

This amendment is not necessary to facilitate the changes proposed under Mrs Dunne's amendments 1 to 3 and is therefore, in the government's view, misguided. The government will not be supporting amendment No 4.

MR RATTENBURY (Molonglo) (10.30): As I flagged in my earlier remarks, the Greens will be supporting the amendment to clarify the annual reporting requirements that relate to the directions, and we are very happy to support that. As members may be aware, currently model litigant guidelines exist which apply to lawyers working on the territory's behalf. Currently, the government is required to report annually on the operation of the guidelines and any breaches that have arisen during the previous 12 months. This is a simple but appropriate reporting mechanism.

The amendment put forward by Mrs Dunne will extend the same reporting requirements to the legal services directions. It is appropriate that, if the attorney issues such a direction, the lawyers working under the direction be required to show how they are performing against it. The amendment adds further transparency and accountability for the lawyers who are representing the territory in court. So, on that basis, we will be supporting amendments Nos 1 to 3.

We will not, however, be supporting amendment No 4, so I will be supporting the attorney's move to divide the question. Amendment No 4 deletes the definition of the model litigant guidelines. Certainly, in discussions between my office and that of the Attorney-General, they have indicated to us that the definition needs to be retained. I would say on this issue that if there is any doubt—and it appears there is—we believe it would be safer to retain the definition. We certainly see no danger in retaining it, and, on that basis, we will not be supporting amendment No 4.

MRS DUNNE (Ginninderra) (10.32): I thank members for their support for the general thrust of the amendments—the capacity to report on legal services directions of any sort. I take the attorney's point about amendment 4. It was raised with me this morning. My office sought advice again from the Office of Parliamentary Counsel, who drafted the amendments, and it is their view that the amendment is appropriate. However, it is not the sort of thing that I am going to die in a ditch over. The more important elements are amendments 1 to 3, and I will be quite happy to support the dividing of the question. I thank members for their support for the general thrust.

Ordered that the question be divided.

Amendments Nos 1 to 3 agreed to.

Amendment No 4 negatived.

Bill as a whole, as amended, agreed to

Bill, as amended, agreed to.

Residential Tenancies (Databases) Amendment Bill 2011

Debate resumed from 23 June 2011, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.34): The Canberra Liberals will support this bill, which seeks to implement model uniform tenancy database provisions as agreed by the Ministerial Council on Consumer Affairs. The amendments replace existing provisions with the model uniform provisions relating to the compilation and management of tenancy databases. In doing so, the bill seeks to place stricter controls on the gathering, management and use of data that is held and available nationally relating to tenants, in sympathy with the commonwealth's privacy laws.

It will place more administrative burden on real estate agents, but will protect more strongly the private information that is gathered about tenants. This includes making tenants aware of the database and whether information about them is to be entered on the database, giving tenants access to information held about them so as to review and consider whether to take future action to object, amend or remove information from the database, giving tenants the right to seek orders from the ACT Civil and Administrative Tribunal about entries made about them on the database and restricting the time and types of entries that can be made to the database.

The provisions commence on the minister's written notice or after six months, whichever occurs first. I note that the provisions do not apply to residential tenancy databases kept by an entity, including the housing commissioner, for use only within the entity. So this would cover locally held databases by individual real estate agencies. The question arises as to whether a tenancy database held by one franchisee to a particular real estate agency brand is available to other franchisees of the same brand. The bill appears to be silent on this issue, so the impact in this area will need to be monitored.

The scrutiny of bills committee, in its report No 40, called on the minister to respond to three matters. The minister has responded to them. Firstly, the committee makes the observation that there is no apparent means by which a person, who has listed information about a tenant in the database, will be informed that their name or other personal information about them may be released to the tenant. The government, in its response, noted that the purpose was to enable a tenant to track down the author of the entity easily and without undue expense. The government also responded that it is open to the lessor or agent not to make the entry in the database in the first place. I accept the government's explanation of this matter.

Secondly, there is uncertainty about how it might be determined that a tenant owes the lessor more than the bond amount other than might be ruled in an order of the ACAT. The government's response more or less acknowledged that dilemma, identifying an application to the ACAT as an option available to the lessor or agent to be sure that their claim is correct.

The Tenants Union of the ACT raised a similar issue, and I note the Greens are proposing an amendment that makes an order of the ACAT a prerequisite to making the entry on the database. We believe it is reasonable in all the circumstances and to protect both the tenant and the lessor or agent that information held on the database is correct. Incorrect information held on the database could have serious consequences for any of the parties, even perhaps including the database operator. Therefore, we will be supporting the Greens' amendment.

Thirdly, the scrutiny committee commented that the bill provides that a lessor, agent or database operator can charge a fee for providing a tenant with information held about them on the database. It says that the fee must not be "excessive" but gives no guidance as to how that might be measured and there is no means by which the tenant can challenge the fee. The government responded that prescribing a maximum fee would serve merely to set the fee actually charged. Requiring that a fee not be excessive leaves the way open for a tenant to challenge the fee in the ACAT, such that the ACAT would make a judgement as to its excessiveness based on the circumstances of the case. I concur with the government's position on this matter too.

In my consultation on this bill, I received comment from the Tenants Union of the ACT. The union sent me a submission, which was also sent to the government and the Greens. The government responded to the Tenants Union and sent me a copy, and I thank the attorney for his assistance in that matter. The Tenants Union raised a number of matters. The first relates to the determination of whether a tenant owes the lessor more than the amount of the bond held. I have dealt with this issue already.

However, I also noted the government's response, which, amongst other things, noted that it is open to the tenant to challenge any entry in the database with the ACAT. In this case, once the entry has been made, the horse has already bolted. The entry may be incorrect and the tenant's reputation tarnished as a result. Putting the onus on the lessor to prove to the satisfaction of the ACAT that the tenant owes more than the bond provides more certainty for all parties.

Next, the Tenants Union raised an issue about the lack of clarity in the bill relating to how long an entry may remain on the database. The government's response to the Tenants Union casts very little light on that lack of clarity. I note that the Greens are proposing an amendment to add an example to the relevant section—that is, section 97—to clarify this position. The Canberra Liberals will be supporting the Greens' amendment.

The third matter raised by the Tenants Union asks the question: who has to comply with the model uniform provisions? Their concern is that the legislation could be interpreted that anyone can list a tenant on the database, but that the bill does not impose obligations on anyone—only on the lessor, the lessor's agent or the database operator. The government argues that question away in a somewhat offhand manner, posing a range of probabilities about whether a listing might or might not be made about a tenant. The Greens are proposing an amendment that will require anyone who seeks to make an entry on the database to be subject to all the obligations of the act. As this is an amendment which seeks to remove any doubt, we will be supporting that amendment.

Next, the Tenants Union argues that the compensation limit of $5,000 that the ACAT can award to a tenant for a breach of a database provision is at odds with the ACAT's broader power to award compensation up to $25,000 in other residential tenancy disputes. The union is concerned that the limit of $5,000 does not reflect the degree of gravity associated with listing a tenant on the database. It further suggests that lessors, agents and database operators who breach listing obligations should be subject to penalties. The government disagrees on both issues. It said there is no evidence to suggest that a limit of $5,000 for compensation is inadequate and that levying penalties provides no material benefit. It also pointed out that compensation limits can be lifted easily by regulation should the need arise. I tend to agree with the government on these issues.

Finally, the Tenants Union notes that a time limit of six months applies for a tenant to make an application to the ACAT in relation to a database listing. The government responded that the time period only starts when the tenant becomes aware of the listing, not after the entry is made on the database. This would suggest that, even if an entry appeared on the database, say, a year ago and the tenant only became aware of it seven months after the entry was made, the tenant would have a full 13 months from when the entry was made to make application to the ACAT. We agree with the government's interpretation.

This bill may translate to an additional administrative and cost burden on lessors and agents. I am advised that the real estate industry has no difficulty with this, being able to roll it into normal operations relatively easily. However, it also provides some protections to tenants to ensure that information that is held about them is held fairly and accurately and for a limited time.

It is a step forward for Canberra's long-suffering tenants, facing spiralling rents in a tighter and more ruthless rental market. It certainly will not ease those challenges, nor will it ease the challenges of the spiralling cost of living for people who cannot afford to buy their own homes. However, it will ease, at least in some way, the worries that tenants have to face when they are next coming up for rental and wondering how their reputation will be handled. I commend the government for these provisions. I believe that we could have been dealing with this earlier, and probably should have been dealing with it earlier, but we are happy to support the amendments today.

MR RATTENBURY (Molonglo) (10.44): The Greens will be supporting this bill today as well. The bill will allow landlords and their agents in the ACT to enter details of past tenants onto nationwide databases. Currently in the ACT there is legislation that governs this area. However, because of a quirk of legislative history, the law has never been fully effective and we are advised that currently ACT information is not entered onto the databases. This bill clarifies the situation to allow landlords and their agents to enter details onto those national databases.

In the process of doing this, the bill adds a number of further protections and safeguards for tenants into the legislation. The Greens certainly support the intent in this regard. When a tenant gets listed on a database for poor behaviour at the rented premises, they risk their chances of getting future rental accommodation. For this

reason it is important that any information entered onto the database is accurate and not permanent.

Accuracy is important because often tenants and landlords have differing opinions of what has transpired during the term of a lease. For this reason it is important to have an independent third umpire to regulate what is accurate and what goes onto a database. I will return to this issue further in the debate when I move some amendments. Lack of permanent entries is important because all information has its use-by date. Information about tenants can become inaccurate and irrelevant over time, and the Greens believe it is also unfair for tenants to be judged by what was done many years ago when perhaps people have served their time, so to speak.

The attorney has already taken the Assembly through the extra safeguards put in place by the bill. Tenants will get more opportunities to learn of entries about them in the database and more chances to make appeals about proposed entries where they believe the entry is inaccurate. There is also a three-year life for the information, after which it must be deleted.

The bill's intent is to give more certainty to both tenants and landlords and their agents. It gives certainty about what will lead to an entry, what appeal mechanisms exist and how long the entry will last. The Greens agree with this intent. As has been touched on, we have a number of amendments we would like to make to add further certainty. I will move those in the detail stage and discuss them at that point. For now, the Greens support the intent of this bill and the vast majority of the changes that it makes.

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) (10.46), in reply: I thank members for their support in principle of this bill. The purpose of the bill is to bring the ACT into line with nationally agreed uniform provisions regulating tenancy databases. The bill strengthens protections for tenants in the territory. While strengthening protections for tenants, the bill also recognises the right of lessors to protect their private property interests. The bill aims to strike a fair balance between the rights of lessors and tenants.

Tenancy databases are maintained by companies who collect and hold personal information about tenants, supplied mostly by real estate agents. Tenancy databases primarily contain comments about tenants related to breaches, or alleged breaches, of tenancy agreements. The personal information stored in tenancy databases can be used by members, mostly real estate agents, who pay membership fees. Members can access tenancy databases to list personal information about tenants and to use the information in tenancy databases when screening prospective tenants. Most real estate agents throughout Australia subscribe to at least one tenancy database.

Listings in tenancy databases can be entered anywhere in Australia and are accessible throughout Australia. Therefore it makes sense that laws that regulate the collection, storage and use of personal information about tenants by tenancy databases or tenancy database operators are nationally consistent. The new provisions regulating tenancy

databases have already been brought into law in New South Wales and Victoria and are currently being considered by the Queensland parliament.

Current part 6A of the Residential Tenancies Act provides some protections to tenants. For instance, it allows a tenant to bring an application to the ACAT for an incorrect or unjust listing to be removed from a tenancy database. This bill builds on these existing protections by clearly setting out which breaches of the tenancy agreement are serious enough to warrant a listing in a tenancy database. This protects tenants against listings for reasons that are arbitrary or for minor breaches. By clearly setting out the breaches that are serious enough to warrant a listing, this bill will also provide greater certainty to lessors and agents as to when they can list a tenant in a tenancy database. Also, by ensuring that any listing about a prospective tenant is for a reason that relates to serious breaches of a previous tenancy agreement, lessors and agents can rely on the tenancy database to provide reliable information about a tenant and not information which is vexatious or minor.

Because a listing in a database can have serious consequences for a tenant, including homelessness, any personal information about a tenant should be included for reasons that are just and reasonable in the circumstances. This is what the bill seeks to achieve. The bill also ensures the integrity of information contained in tenancy databases by requiring that information is accurate, complete, unambiguous and not out of date. This not only protects tenants' personal information but also improves the integrity of information contained in tenancy databases. This is another way that the bill ensures that tenancy databases are a reliable and legitimate risk management tool for lessors when checking tenants' rental histories.

The bill strengthens the existing provisions which require tenants to be notified of a proposed listing. Under these changes, a tenant will need to be notified by agents of any tenancy database used by the agency. The tenant will also need to be informed of any listing found by the agent in the course of searching the database. This will increase the likelihood of a tenant finding out that he or she is listed in a database without needing to go to the expense and inconvenience of searching multiple tenancy databases to ascertain whether he or she has been listed.

Although the new notice provisions place new requirements on real estate agents, they are not onerous or costly to comply with. A real estate agent would comply with the changes by amending the agency's tenancy application forms to include the details of any database normally used. Because tenants normally return their tenancy application within seven days, as required under the notice provision, the notice provision is easily complied with.

If a listing about a prospective tenant is found when the agent checks the tenancy database, the real estate agent does not need to provide a copy of the information listed. The real estate agent would only need to notify the tenancy applicant that a listing was found, in which database it was found and how he or she can seek to remove the listing.

These new provisions do not impose an unreasonable regulatory burden on real estate agents. The increase in requirements on users of tenancy databases by this bill is

outweighed by the protections that it provides to tenants and the potential benefits it will provide to users of databases in the ACT and nationally.

I turn briefly to the amendments that have been foreshadowed by Mr Rattenbury. First of all, I express some concern that these amendments have been presented at the last minute in response to last-minute comments from the Tenants Union of the ACT. I should note that all stakeholders have been given more than reasonable time to respond to these proposals and that the Tenants Union's last-minute representations are not issues that have not been raised earlier in the consultation process.

I note that the Tenants Union provided a submission to the government on 6 January last year during the public consultation period for the model uniform provisions. In that submission the Tenants Union indicated they were generally supportive of the model uniform provisions, although they did express reservations with respect to some of the provisions. These matters were considered as part of the final drafting of the final model uniform provisions. The deputy director-general of my directorate wrote to the Tenants Union on 4 January this year attaching the final model uniform provisions. They did not choose to reply until 15 August this year. Eight months after they were provided with the final model uniform provisions, they replied.

I am concerned about that, but nevertheless we need to deal with the substance of the issues before us. Of primary concern to the government are the proposals which are now reflected in Mr Rattenbury's amendment and which have been instigated by the suggestions from the Tenants Union that a lessor should not be able to list a tenant under section 91(1)(c)(ii) without first obtaining an order from the ACT Civil and Administrative Tribunal or court order to quantify the amount owed to the tenant.

This recommendation was not incorporated into the bill for a number of reasons. Firstly, it should be noted that the current provisions of the act do not prescribe reasons which give rise to a right to list. Therefore the proposed bill gives clarity by limiting the cases in which a tenant may be listed. An extra advantage of the new scheme is that a tenant will have the opportunity to respond to a proposed listing and seek changes if necessary. In the government's view, there is adequate recourse in the bill and in the model uniform provisions for a tenant who does not agree with a listing made by a lessor. Apart from having an opportunity to respond prior to listing, an aggrieved tenant can make application to the ACAT for a number of orders in relation to a listing, including orders for compensation. It is therefore not in a lessor's or agent's interests to make a listing that is in contravention of these provisions.

The government's real concern with this proposal is that this could result in tenant databases continuing to operate under the radar. The whole point of this reform is to provide a regulatory framework for tenancy databases. The whole point of the reform is to bring them out of the shadows into the open, make sure they are consistently regulated across the country and make sure that tenants are appropriately protected in relation to any information that may be entered into those databases about them.

If you make the provisions too onerous by requiring that before a listing can even be made you have to go to the ACAT or a court and get an order, my real concern is that it will mean that no-one will operate a tenancy database consistent with this

legislation and will instead continue to have informal blacklists about which tenants they do and do not wish to lease to. That will defeat the whole purpose of the reform.

For this reason, the government cannot support the amendments foreshadowed by Mr Rattenbury. Indeed, we believe that they so critically undermine the operation of the proposed reform that if it is the view, as indicated by Mrs Dunne, that the opposition will support these amendments, the government will be seeking an adjournment of this debate following agreement in principle so that further discussions can be had.

I am not comfortable with last-minute amendments being put on the table in the last 12 hours or so and having to deal with amendments which could critically undermine the operation of this important reform. I would rather there was the opportunity for further discussion between parties on the matter. It is regrettable that we have these last-minute amendments, particularly given the extensive consultation process and time—over eight months of time—that has been afforded to all stakeholders in relation to the final model uniform provisions. But that said, I think it is preferable to passing amendments which would cause fundamental problems in the operation of the bill once passed.

That said, I would like to thank members for their support of the bill in principle. In the government's view, it strikes an appropriate balance between the rights of tenants and lessors. It recognises that there is a role for tenancy databases as a legitimate risk minimisation tool for lessors and agents whilst also ensuring that only the most serious breaches of tenancy agreements are listed and that those listings are accurate, complete and unambiguous. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

Debate (on motion by **Mr Corbell**) adjourned to a later hour.

Sitting suspended from 10.59 to 2 pm.

Questions without notice
Planning—alleged interference

MR SESELJA: My question is to the Deputy Chief Minister. Minister, documents obtained by the opposition show that the chief planner, Neil Savery, stood aside from considering the Giralang supermarket development just days after highlighting improper interference in the process. Why was Mr Savery forced to stand aside?

MR BARR: He was not.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Thank you, Mr Speaker. Minister, did you or your office discuss Mr Savery's decision to stand aside with him? If so, what role did you or your office play in his decision to step aside?

MR BARR: The chief planning executive and I met regularly through my time as planning minister and we discussed a range of matters.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Yes, Mr Speaker. Minister, are you aware of any other occasions when the chief planner has been forced to step aside from the planning process?

MR BARR: No.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, did you advise or direct Mr Savery to stand aside?

MR BARR: No.

Youth—homelessness services

MS HUNTER: My question is to the Minister for Community Services. Minister, based on the proposed youth housing and homelessness system as outlined in the 2011 document called "Modernising youth housing and homelessness services in the ACT—feedback from community consultation", there are significant increases in medium to long-term accommodation and outreach places. Do you intend to increase the funding to match the significant increases in outputs?

MS BURCH: I thank Ms Hunter for her question. Youth homelessness services and, indeed, homelessness services broadly have gone through significant change, and the youth homelessness sector is part of that. We have been very clear about the quantum that is in play and that is available for the reforms and the changes, and I think the community sector have been well engaged and informed on that
process.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Thank you, Mr Speaker. Minister, is this new system an attempt to get more service delivery from an already stretched homelessness sector for the same dollars?

MS BURCH: No, it is actually looking at doing business in a different way. It is recognising that there needs to be not only bricks and mortar and accommodation beds but also support structures and early intervention to address the core origins and the beginnings of homelessness. This is not about trying to get more out of a stretched sector. It is about working with the sector to do business in a different manner.

MS BRESNAN: Mr Speaker, a supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, can you inform the Assembly how feedback received from the modernising youth housing and homelessness services in the ACT consultations has been incorporated into the final model?

MS BURCH: This has been part of an ongoing discussion with the sector for a number of months, if not over 12 months. There has been feedback into the modelling. I cannot link direct feedback from an organisation into any change in the model, but rest assured that the community sector, the homelessness sector very broadly, have been part and parcel in this reform.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Can you provide information on how the proposed funding amounts were determined for the future provision of youth homelessness services in the ACT?

MS BURCH: I am sorry, Ms Le Couteur; the beginning of your question was—

MS LE COUTEUR: Information on the proposed funding amounts: how were they determined for the future provision of youth homelessness services in the ACT?

MS BURCH: We looked at the quantum of moneys that were available and we also looked at what work we needed to do. As I have said here in response to the earlier questions, this has been a partnership. There is certainly ongoing communication across the sector. It is about homelessness services but it is also about support services and early intervention services. It is a new way of doing business.

Planning—alleged interference

MRS DUNNE: My question is to the Deputy Chief Minister. Deputy Chief Minister, in relation to the Giralang supermarket development application, documents obtained by the opposition show that you were actually advised to call the development application in. Why did you not take the advice of your chief planning executive and call the Giralang project in?

MR BARR: I was not the Minister for Planning at the time that the application was called in by the current Minister for Planning.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, when you were the planning minister, did you discuss the call-in of the development, as Mr Savery called for, and is the current calling-in a vindication of Mr Savery's position?

MR BARR: Yes, I did discuss the call-in with Mr Savery.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you. Minister, does the call-in as called for by Mr Savery vindicate Mr Savery's position that the process had become compromised?

MR BARR: Obviously the process for calling in a development application is outlined in the Planning and Development Act.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Thank you. Minister, will you now apologise to Mr Savery for the disgraceful way in which he has been treated?

MR BARR: I have no grounds and no need to apologise to Mr Savery, and there is no need for anyone to apologise to Mr Savery.

Government—initiatives

MS PORTER: Chief Minister—

Members interjecting—

Mr Hargreaves: Point of order, Mr Speaker. I heard Mr Seselja call across the chamber, "Corrupt bullies." I would like him to withdraw it.

Mr Seselja: No, you did not, and I am not going to withdraw something I didn't say. How about you stop making stuff up.

MR SPEAKER: Mr Seselja, on the point of order—

Mr Seselja: I did not say it.

MR SPEAKER: I did not hear anything. I am going to have to review the tape.

Ms Gallagher: Mr Hanson said, "Bullies."

Mr Hanson: I did not say, "Corrupt bullies." I just said, "Bullies."

Mr Hargreaves: I am happy to leave it there.

MR SPEAKER: You are happy to leave it?

Mr Hargreaves: Yes.

MR SPEAKER: There is no further action on this one then. We will go to Ms Porter with a question without notice.

MS PORTER: Thank you, Mr Speaker. My question is to the Chief Minister.

Members interjecting—

MR SPEAKER: Order! Ms Porter has the floor, thank you, gentlemen.

MS PORTER: Thank you, Mr Speaker. Chief Minister, the ACT government has begun a new era of open government through a range of new measures—

Members interjecting—

MR SPEAKER: Order! One moment, Ms Porter. That is the second time Ms Porter has had her question interrupted. It is unacceptable. Ms Porter, you have the floor.

MS PORTER: Thank you. To continue: can you please provide an overview of these initiatives?

MS GALLAGHER: I thank Ms Porter for the question. Members will remember that one of my first acts on becoming Chief Minister was to place out for discussion an open government agenda to improve greater transparency in our processes and in our information and to allow for more meaningful participation by our community in relation to government processes and building stronger collaboration across the government and the community on many of the issues—and there are many—that we need to work on and resolve.

As part of this, we have now implemented a number of these initiatives. We have provided six-weekly cabinet outcomes documents, starting from 6 July, which cover issues that have been discussed and decisions taken by cabinet. And we are developing and growing these outcomes papers as time goes on. We are adding reports where possible to provide more information for the community to see in relation to the decisions taken. We are also continuing our regular community cabinet meetings. Indeed, one has been organised at Namadgi school in Kambah in September. So we will keep traditional means of connecting with the community open as well.

We have also been developing our Twitter strategy. We have had our first virtual community cabinet, which was held in July. We are organising another one, based on the success of that. We have also been developing the open government website. I think the open government website is going to be a really important plank of the open government agenda. As I said at the time, we want to put up on this website material that has been released through freedom of information applications and we are outlining the specifications for this website and some of the design mock-ups, which will be online from today for people to have a look at and provide feedback about whether it meets the purpose that we have set out—that is, what works, what does not

work and whether we are missing anything out—before we finalise this new open government website. I urge other members to have a look at that and provide us with feedback as well.

These really are the first steps in rolling out our open government agenda. It is going to be a process of building blocks. We will start, and we have already started, but we will build on that as we go forward. I hope that it will become a useful and collaborative partnership between the government and the community as it rolls out further.

MS PORTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Chief Minister, can you please provide an overview of what the response was to the Twitter cabinet that was held in July?

MS GALLAGHER: I thank Ms Porter again for the question. The first virtual community cabinet meeting was a success. I think for one hour over a weekday lunchtime we had contact with approximately 200 members of the community online. It was a bit of an experiment; it was the first time that we had done it. Indeed, I think it was the first time a cabinet had done it in Australia, but we are learning from that experience. I think there was overwhelmingly positive feedback to the forum.

There were some limitations with it which, I think, we all go into with our eyes open, and that is why it is important to have a range of other mechanisms open for the community to connect with their elected representatives. But we know that there were about 450 tweets sent and received over that hour. There was some very fast typing by ministerial colleagues responding to questions as they came in. We were able to answer about 50 per cent of the questions that came in within that hour, and we undertook to answer the rest over the next few days.

In response to being asked what the major issues were, they were around transport, particularly public transport, light rail and ACTION. There were comments around the health services, the community sector and education. There were also comments around planning and also some feedback about better ideas for open government and use of social networking tools.

We are going to have another one. It is going to be held on 30 August at 7 o'clock to try it at a different time of the day. This will be an open theme as well. Following on from this, ministers will hold individual subject-specific Twitter sessions in their portfolio areas at a later date. I think the general and open discussion themes are useful. As I said, we will have our second one at the end of August.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, I submitted FOI requests to both the former Minister for Territory and Municipal Services and also the Minister for Housing and Community Services. One accepted the FOI and one did not. Why would there be inconsistency and does that not show that the ACT government is not actually transparent or adhering to your standards of open government?

MS GALLAGHER: No, I do not accept that from Mr Coe at all. As you would know, ministers do not involve themselves in FOI decisions or determinations, as is very appropriate. I am not sure about the specifics of the FOI you go to, Mr Coe, about the reasons why information might have been released under one directorate and not another. I am sure you have got avenues open to review for yourself if you feel that that decision was not right and I am sure you are pursuing those.

I would, however, say that in the move to one public service the government is looking at ways to standardise and improve on the way it deals with areas, particularly in complaints and handling feedback, separate to FOI, but I think if there is an opportunity to make sure that all of our FOI officers across government are adequately trained and supported in their decision making then that is something that will be developed through the one public service approach as well.

MR SPEAKER: A supplementary, Dr Bourke.

DR BOURKE: Chief Minister, are there any further and new initiatives that the government is investing in to expand the concept of open government to broaden the community's access to information?

MS GALLAGHER: I thank Dr Bourke for the question. As I said, the initial steps in the open government agenda are just that. They are just initial steps. We are going to continue to look at and take advice from, indeed, other members of the Assembly or members of the community about how we can continue to build and develop an open government agenda. As I have read in the past three months or so, there is a lot of work done under Government 2.0 and a lot of experts out there about what we should be doing and what we should not be doing. So we will continue to learn, listen and respond.

We are looking at how we use the Canberra Connect website to cross-link with the Open Government website as a point of contact for the community. I think the Open Government website will be a real key in terms of setting the agenda for what comes after the Open Government website is up and running. But I would urge people to go and have a look at it. It should be up on line today, through the Time to Talk website. You can have a look at the design mock-ups, some of the sites and how it looks and what sort of content will be out there. We will take all that feedback seriously before we finalise it and have it go live. We are hoping that it will go live at the end of September. I do urge people to have a look at it and provide me with that information.

Because everyone has been so generous in wishing me a very happy 100th day in the job today—no interjections; silence, the perfect silence there—and because I do know how those opposite like to track my every movement, now not only do I have

Facebook and Twitter, I have also got a new blog. So you can add that to your list of things to keep an eye on. Again, what I am hoping for—*(Time expired.)*

Supermarket competition policy

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and it relates to supermarket competition policy and the recent call-in of the Giralang shops DA. Given the importance of the legal application of supermarket policy to planning decisions, as raised by the chief planning executive with respect to Giralang and revealed publicly with the FOI, how can these matters now be resolved, as there cannot be an appeal to ACAT?

MR CORBELL: I am unclear as to what matters Ms Le Couteur is specifically referring to.

MR SPEAKER: Ms Le Couteur, would you like to clarify your question?

MS LE COUTEUR: I have not read all of the FOIs, as they are about that thick. Mr Savery had a number of issues about how other policies related to planning—supermarket policy in particular.

MR CORBELL: I am afraid that I cannot answer the question, Mr Speaker, because I just do not understand what Ms Le Couteur is specifically referring to.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Does the government's modelling of the impact of a supermarket proposal take into account whether the operator is a major supermarket or an independent retailer, given that this could affect the customer base?

MR CORBELL: Mr Speaker, in relation to the planning approval, who the operator is of the supermarket is not a relevant consideration.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Thank you, Mr Speaker. Minister, does the government predict any contraction in the trade of neighbouring supermarkets and shopping centres?

MR CORBELL: The government thinks that competition in the supermarket sector in this part of Belconnen is a good thing. It is a good thing for consumers. It is a good thing for the residents of Giralang to have their own shopping centre again. That is why I determined that the application should be called in and determined by me to end the uncertainty in relation to the delivery of a supermarket for that community.

In relation to the impact on other supermarkets—

Ms Le Couteur: On a point of order, Mr Speaker, Ms Hunter asked a specific question which the minister has not attempted to answer.

MR SPEAKER: Minister, you have the floor again. If you can come to the question.

MR CORBELL: Mr Speaker, there was a detailed competition impact assessment undertaken as part of the development application. That assessment clearly indicated that, whilst there would be some impact on other operators, as you would logically expect, because there is another supermarket in operation in the area, it was not an impact that was so detrimental that it would force other businesses to close. Indeed, the conclusion that was reached in that assessment was that there was a sufficient customer base to be shared around amongst the different operators.

Of course, the consequence of that is that it means all operators will have to be more competitive in the delivery of services to that neighbourhood. That is a good thing for people who live in that area. It means that there will be more supermarkets providing more competition, better choice and better value for money for consumers. That was a key consideration for the government in relation to this matter.

MR SESELJA: A supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, does your decision to call this in vindicate the position of Neil Savery and will you now apologise for the disgraceful way that Neil Savery has been treated?

MR CORBELL: The matters raised by the previous chief planning executive were of no direct relevance to me in determining my decision. My decision was made consistent with the provisions of the act.

Emergency Services Agency—headquarters

MR SMYTH: My question is to the Minister for Police and Emergency Services. Minister, on 30 June this year you said in reply to a question that you were not aware whether the windows in the new headquarters of the Emergency Services Agency at Fairbairn interfered with the operation of the trunk radio network. Minister, have any windows in the new headquarters for the emergency services been replaced and, if so, why were they replaced?

MR CORBELL: Mr Speaker, a number of windows at the ESA's emergency headquarters in Fairbairn have been replaced. I am now advised, Mr Speaker, that they have been replaced—

Opposition members interjecting—

MR SPEAKER: Order! Let's hear the minister's answer.

MR CORBELL: —and that they were replaced because of the nature of the glass used in those windows. That nature of the glass used in those windows was such that it interfered with reception for mobile phone, radio and pager reception for certain

communications. It did not affect the operation of the call centre or call-taking at the emergency call centre.

As a result of the identification of this problem, a number of windows have been replaced on both the first floor and the ground floor of the ESA headquarters, and I am advised that that has rectified the problem. The problem did not affect mobile phone reception in relation to Telstra but did affect mobile phone reception in relation to Optus, an issue that I also understand is a consequence of Optus not having sufficient mobile tower coverage in the area. Optus itself has indicated it intends to rectify that with an additional mobile phone tower in the Fairbairn precinct.

The cost of the rectification I am advised is in the order of approximately $13,000, and the responsibility for the cost is currently a matter for discussion between the ACT government and the owners of the building, the Capital Airport Group.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Yes, Mr Speaker. Minister, when and how did you learn that the windows in the new ESA headquarters had to be replaced?

MR CORBELL: I received a briefing from my directorate.

Mr Seselja: When?

MR CORBELL: After Mr Smyth asked me the question.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thanks very much. Minister, has this issue interfered with operational efficiency?

MR CORBELL: I thank Mr Hargreaves for the question. This issue has not interfered with the day-to-day operations of the ESA’s triple zero call-taking centre. Triple zero call taking has not been interfered with in any way, nor has dispatch using the trunk radio network facilities from the ESA headquarters.

The issue has caused some problems in relation to the use of hand-held TRN radios and some pagers and mobile phone equipment in the new building and that is why a number of windows have been replaced to rectify the problem. But at no time has the operational capability of the ESA or any of its agencies been compromised.

MR HANSON: A supplementary.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why is it that Mr Smyth seems to know what is going on in your department and you do not?

MR CORBELL: Unlike Mr Smyth, I do not really concern myself with a lot of trivia. I focus on the broader strategic—

Opposition members interjecting—

MR SPEAKER: Order, members!

MR CORBELL: I focus—

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: Next Mr Smyth will be asking me about why I was not informed that the bins in the ESA headquarters were yellow instead of green or why the car parking line marking had not been completed outside the building. Quite frankly, what this highlights—

Opposition members interjecting—

MR SPEAKER: Order, members! That is enough.

MR CORBELL: is that Mr Smyth would be the sort of minister more interested in these issues than in the broader strategic issues about the effective and efficient delivery of emergency services response capability in the territory. That is my focus as the minister, and I leave these types of administrative—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, that is enough.

MR CORBELL: I leave these types of administrative issues to the people employed to manage the agency on a day-to-day basis.

Parkwood Road recycling estate—risk management plan

MR COE: My question is for the Minister for Environment and Sustainable Development and concerns the Parkwood Road recycling estate. Minister, in May last year, in response to a question taken on notice from me during the estimates process, the then Minister for Land and Property Services said:

> Officers from ACT Property Group (ACTPG) conducted a site inspection of all tenancies (approximately 50 in total) on 23 December 2009. As a result of this inspection, follow up letters were sent later that day to 20 of the tenants with sites that were identified as requiring clean-up.

The minister went on to say:

> ESA and ACTPG discussed that a thorough risk management plan of the entire Parkwood site should be conducted. ESA are further looking into this and will

> advise ACTPG on progress. ACTPG mentioned that this would build a good case to issue several tenants with an 'improvement notice' pursuant to the relevant section of the Emergencies Act 2004.

Dr Bourke: A point of order, Mr Speaker.

MR SPEAKER: Yes, one moment, Mr Coe.

Dr Bourke: Questions are supposed to be brief, according to standing orders. He has been going on for a minute and he still has not asked the question.

MR SPEAKER: Thank you. Let's just close up the question, Mr Coe. Come to the question, thank you.

MR COE: Minister, was "a thorough risk management plan" conducted?

MR CORBELL: Yes, a thorough risk management arrangement is in place.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, will you table the risk management plan? Are you confident that the risks were appropriately managed at Parkwood? And are you confident that there are no other tenants that require a clean-up?

MR CORBELL: The previous concerns regarding risk hazards at premises located at the Parkwood estate were identified and resulted in the issuing of improvement notices in October 2007. The estate is monitored by the ACT Fire Brigade, with appropriate action taken when required. The concerns at that time related to a tyre pile posing specific risks to the community, mainly a threat to the west Belconnen substation which obviously is a key piece of critical infrastructure for the territory. The risk report produced stated that the smoke from a tyre fire would have the potential to shut down the substation due to the oily coating that would be deposited on capacitors and other equipment. The substation would be required to shut down to allow the cleaning of all equipment in such a circumstance.

As a result, an improvement notice was issued by the then deputy commissioner of the ESA on 29 October 2007. This was revoked on the completion of work to the satisfaction of the ESA in relation to the tyre pile on 14 November 2007.

In March 2011, the ACT Fire Brigade received an inquiry regarding a pile of timber pallets at the same site. Following a site visit by the ACT Fire Brigade, it was determined that the pallets were not a significant immediate risk and a meeting was scheduled between the ACT Fire Brigade and the ACT Property Group to discuss and address Parkwood issues as a whole.

The ACT Fire Brigade has worked with the ACT Property Group to draft a Parkwood licence agreement that addresses waste material stockpiles and compliance authority guidelines when determining stockpile limits. And this agreement is in the process of being finalised.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, have you got anything else you would like to say about this question of mismanagement in this area?

MR CORBELL: The regulatory arrangements in relation to this area of Canberra are very clear. Under the Emergencies Act the Fire Brigade has powers to issue a directive to remove flammable material and also issue improvement notices, and there is an offence in relation to an improvement notice. It also gives the Fire Brigade powers to arrange for the removal of a fire hazard. Where the residence is deemed to be a fire threat or identified as other potential emergency risk, the Fire Brigade can take action, as I have indicated, to deal with the issue.

Parkwood has presented problems for the ACT Fire Brigade periodically over the year. The ACT Fire Brigade has continued to work with relevant government agencies to implement strategies to mitigate risks. The fire on Saturday, while attracting attention, behaved as the Fire Brigade expected in the event of a fire and did not pose any threat to the residents of Belconnen.

I would like to commend the work of the ACT Fire Brigade in responding to this particular matter for their professional response and also, indeed, the support provided by the ACT Rural Fire Service volunteers in monitoring the site over the following 48 hours following the incident.

The premises are isolated from adjoining recycling premises and the area of the fire was isolated by a containment break. The circumstances of the fire were such that the Fire Brigade were aware of the potential risk. Steps had already been taken to mitigate the risk, but obviously if you do have a large stockpile of timber, even a stockpile of timber which has been assessed by the Fire Brigade and appropriate mitigation action taken, if you have a fire you still need to deal with it. I am pleased that we have the appropriate strategies to do so.

MR SPEAKER: Supplementary, Mr Seselja?

MR SESELJA: Thank you. Minister, when was the last time prior to the fire that the site where the fire took place was inspected by the Property Group or the ESA, and was any advice given to the tenant?

MR CORBELL: As I indicated in my answer to Mr Coe’s original question—perhaps Mr Seselja was not listening—that visit took place in March this year.

Transport—infrastructure initiatives

MS BRESNAN: My question is to the Minister for the Environment and Sustainable Development and concerns cooperation with the federal government on rail infrastructure initiatives. Minister, the ACT made bids to Infrastructure Australia for a

very fast train project and for a light rail project before the 2008 election. These projects have since been dropped as ACT bids. Minister, why hasn't the government re-examined or reworked these proposals and resubmitted them?

MR CORBELL: I thank Ms Bresnan for the question. In relation to very high speed rail, we are pleased that the federal government has put the issue of very high speed rail back on the agenda. A very significant report, as members would be aware, has been released outlining a range of options for the possible development of a very high speed rail corridor from Brisbane through to Melbourne, connecting both Sydney and Canberra. The ACT government remains very supportive of this project and will continue to liaise with the federal government at every possible opportunity in relation to its work on this matter.

In relation to light rail, the government is continuing to develop more refined and improved options for light rail. As Ms Bresnan would be aware, the Infrastructure Australia assessment did not give priority to the government's request for the development of a light rail network in Canberra. So the government has taken the view that we need to build a stronger and better business case, both for the government's consideration of its own investment in light rail and for possible future consideration by Infrastructure Australia.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, is the revised Infrastructure Australia bid for light rail one of the goals of the current Northbourne Avenue transport study? If so, when do you expect to finalise the bid?

MR CORBELL: As the Chief Minister has indicated, the possible development of light rail along Northbourne Avenue is a priority for the government, and that work is being led by me and my Environment and Sustainable Development Directorate. Yes, the work undertaken as part of the study will be used to inform both the government's own decision making about investment decisions for rapid transit along the Northbourne Avenue corridor and any future work that the government pursues with Infrastructure Australia in relation to light rail.

MS LE COUTEUR: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you, Mr Speaker. Has the ACT government asked for federal assistance to improve ACT freight rail infrastructure, potentially in conjunction with a future high-speed rail network?

MR CORBELL: As I have said previously, despite the misrepresentations that Ms Bresnan has made in relation to this matter, it is not the case that the ACT government does not support future improvements to rail freight arrangements in the territory. I note that Ms Bresnan put out a media statement saying that the ACT

government did not care about rail freight in the territory. She would know that that is a blatant misrepresentation of the answer I gave in question time last week.

In relation to rail freight, and specifically in relation to Ms Le Couteur's question, the ACT government does not own any rail freight facilities or rail freight line in the territory; nor does the ACT government operate rail freight services. We remain supportive of any moves to improve the provision of rail freight in the territory but, as I have previously indicated to Ms Bresnan, we do not operate or own rail freight facilities and therefore our capacity to influence these issues is limited.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, in relation to rail, and freight rail particularly, does the successful commitment from the federal government include provision of a corridor to accommodate rail through the Majura valley?

MR CORBELL: The feasibility study released by the federal minister, Minister Albanese, on possible future high speed rail identifies that one of the issues that needs to be resolved, should a decision be taken to proceed with very high speed rail, will be what should be the approach into the Australian Capital Territory. It identifies a number of possible routes, including the Majura valley, but also including possibly other routes coming directly into the city centre itself.

The study identifies a range of possible costs and benefits from such an approach and recommends further investigative work. I understand that that work has now been commissioned by Minister Albanese.

Crime—statistics

DR BOURKE: My question is to the Attorney-General. Minister, recently you outlined a range of positive downward trends in property crime and similar offences in the ACT. Could you outline to the Assembly what these trends are and why they are trending down?

MR CORBELL: I thank Dr Bourke for his question. It is the case that we have seen some very significant improvements in the offending rate for a range of offences in the ACT. In particular, I am pleased to say that figures in the most recent ABS report indicate that offences of burglary and motor vehicle theft in the ACT are continuing to trend downwards. The report shows an overall decrease in the number of victims of property crime in the ACT in the last calendar year. Specifically, the report shows a decrease in the level of motor vehicle theft, which has decreased by 30.6 per cent, robberies, which are down by 27.6 per cent, and unlawful entry with intent, which is down by 12.9 per cent.

These are tremendous results for our community because they highlight that those crimes most likely to affect most Canberrans—property crime and motor vehicle theft—are trending down significantly. It is certainly a strong vindication of the

approach being taken by ACT Policing, with their dedicated volume crime targeting team, which has focused police resources more acutely on contributing factors such as alcohol-related crime and antisocial behaviour. A revitalised intelligence collection and analysis effort against volume property crime through the targeting of known recidivist offenders and strictly enforcing bail conditions on known property crime offenders have had a very significant impact on the level of crime in our community.

Of course, whilst these results are very encouraging, and I want to commend ACT Policing for the excellent work they have done in delivering these results on behalf of our community, more work remains to be done and the government will be focusing on a range of other measures to continue to make sure Canberrans can enjoy one of the safest cities in the nation.

MR SPEAKER: Dr Bourke, a supplementary.

DR BOURKE: Minister, you mentioned in your response the government's property crime strategy. Is this something the government will continue to focus on to make sure these trends stay positive?

MR CORBELL: The government is in the process of developing a property crime reduction strategy, a whole-of-government response aimed at further lowering and maintaining the rate of burglary, break and enters and motor vehicle offending at a low level. We want to build on the success to date of ACT Policing's efforts in tackling property and motor vehicle theft and to cement those gains for the long term.

I have directed the Justice and Community Directorate to develop a new property crime reduction strategy. This is being developed by a crime prevention and community safety forum, which includes representatives from across the government, ACT Policing and representatives from different sectors including young people, the aged, people with a disability, mental health, the Aboriginal and Torres Strait Islander community, the drug and alcohol sector, and the disadvantaged and low income sector.

This whole-of-government strategy will include three key objectives which are aimed at further lowering and maintaining the rate of burglary, break and enter and motor vehicle offending at low levels. That is why it is important to stop the cycle of offending, engage the disengaged through early intervention and create a safer, more secure community by making buildings and public places safer and cars more secure. So the development of this strategy will be supported by a comprehensive action plan that brings together a range of existing programs and identifies new initiatives to help build on the significant success to date and prevent and further reduce burglary and motor vehicle theft in the ACT.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you, Mr Speaker. Minister, what other approaches is the government taking to deal with the issues of property crime?

MR CORBELL: I thank Ms Porter for the question. In addition to the steps that I have already outlined, the government will continue to invest in other programs, such as the ACT home safety program and the engine immobiliser program, assisting residents to protect themselves from burglary and motor vehicle theft.

In particular, it would be worth mentioning the vehicle immobiliser program that has assisted close to 1,000 Canberrans now with older-model vehicles to have a vehicle immobiliser installed either at a discounted price or free of charge if they are a pensioner or concession card holder to help prevent their car from being stolen. I regularly receive letters from older members of the community in particular thanking the government for the provision of this program, which provides them with, free of charge, a vehicle immobiliser to help prevent their car from being stolen. I have no doubt that that program has assisted in preventing the theft of many cars, particularly cars of older people, senior citizens and so on, who can ill afford to see their car stolen.

The government will also continue with its ACT home safety program, which is designed to assist residents in protecting themselves from burglary by giving them advice and options to improve the safety and security of their own premises to make sure they do not become the target of burglary or break and enter. These are the types of programs that will continue to run, in addition to new initiatives that will be identified as part of a renewed property crime reduction strategy for the territory.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Attorney, there has recently been an increase in the number of assaults on police in the ACT. Why have you not acted on this issue to help protect our police?

MR CORBELL: I do not know whether Mr Hanson has noticed, Mr Speaker, but in the last week the Chief Police Officer and I announced the rollout of tasers to front-line ACT police.

Opposition members interjecting—

MR SPEAKER: Order! Let us hear the minister’s answer.

MR CORBELL: Well, you asked the question, Mr Hanson, so you are entitled to hear the answer. Mr Speaker, of course—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson!

MR CORBELL: the rollout of tasers is an important move to improve the safety of ACT police.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, you are now warned for repeated interjection.

MR CORBELL: The rollout of this technology, which the government supports and which the government was consulted on by the Chief Police Officer prior to the rollout commencing, is driven directly by the Chief Police Officer's view that it will be an important enhancement to the safety of front-line ACT police officers to have that technological capability available.

Mr Hanson: A point of order, Mr Speaker.

MR SPEAKER: One moment, minister. Stop the clocks, thank you.

Mr Hanson: My point of order is on relevance. I have asked what the attorney has done, why he has not acted. He has outlined what the Chief Police Officer has done, and I would ask him to turn to the point of the question, which is what the minister has done.

Mr Hargreaves: On the point of order—

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: Mr Hanson's supplementary was what has the government done to further protect the safety of police officers, and Minister Corbell's answer is particularly relevant to that aspect of the question.

MR SPEAKER: Yes, there is no point of order. Minister, you have the floor.

MR CORBELL: Thank you, Mr Speaker. Obviously, Mr Hanson is a bit delicate on this point, but I do not know why.

MR SPEAKER: The question, minister.

MR CORBELL: It is an important development in the safety of police. We are seeing, regrettably, a range of circumstances where police are facing assault, and if they are able to have better capability to respond to and prevent an assault from occurring and better protect themselves through the availability of other use-of-force options such as tasers rather than having to resort to handguns, that, I think, is a valuable addition to their capability and one which is being rolled out in a measured and proportionate manner.

Parkwood Road recycling estate—fire

MR DOSZPOT: My question is to the minister for emergency services. On Saturday, a serious fire occurred at the Parkwood Road recycling estate. Are you confident that the firefighters were not placed at risk due to a lack of or inadequacies in a risk management plan undertaken by the government?

MR CORBELL: Mr Doszpot asserts that there is inadequacy in a risk management plan but gives no evidence to support that accusation. I am confident that the ACT

Fire Brigade at all times have been very diligent in their assessment of potential risks in relation to the Parkwood estate and have taken action, as I have outlined in my answer to previous questions, to mitigate that risk and to require the removal of different materials that presented a risk. I am also confident that the ACT Fire Brigade ensured that their fighting of the fire at all times accorded with appropriate protection and safety for the officers involved.

Obviously there is now going to be a fire investigation. That may identify further steps that need to be taken. If that is the case, I am confident that our emergency services will take the appropriate steps to address those issues. But in the absence of that report—not having been available, obviously, as it has not been concluded—it would be pre-emptive to make any further judgements about that.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, when was the last time any site at the estate was inspected by the Fire Brigade prior to the fire?

MR CORBELL: I have answered that question twice already today. Obviously, we need to issue some hearing aids over on that side of the chamber. March 2011, Mr Speaker. I said it in answer to Mr Coe, I said it again in answer to Mr Seselja and now I say it to Mr Doszpot. In March 2011 the ACT Fire Brigade inspected the site.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, since Saturday's blaze have any other sites at the Parkwood Road recycling estate been shut down or been forced to disperse fuel loads on the advice of the ESA or another agency?

MR CORBELL: I have no advice in relation to that matter, Mr Speaker.

MR SPEAKER: Ms Hunter, a supplementary.

MS HUNTER: Thank you, Mr Speaker. Close to the pile of wooden pallets at the fire on the weekend were 44-gallon drums. Minister, can you tell the Assembly what was contained in those 44-gallon drums?

MR CORBELL: No, I cannot. But if it is the case—and I do not know whether it is or not—I will make further inquiries of the ESA and provide advice to members.

Gungahlin Drive extension—emergency access

MR HANSON: My question is to the Minister for Territory and Municipal Services. Minister, in August 2001, the then Assembly planning and urban services standing committee, of which you were a member, tabled its report on the Gungahlin Drive extension, which recommended:

> … provide for access to the Bruce precinct and especially to Calvary Hospital for, at the minimum, emergency vehicles.

This recommendation was not implemented, and resulted in a woman giving birth in her car recently while stuck in traffic on the GDE en route to Calvary hospital. Minister, why didn't the government implement the recommendation to build an emergency access road to the Bruce precinct from Gungahlin Drive?

MR CORBELL: As members would appreciate, access directly from Gungahlin Drive to the Calvary hospital is only feasible for northbound traffic. I understand that the woman involved—I would like to congratulate her on a safe birth, and on the birth of her young child; I am pleased that both she and her baby are well as it is always great news to see a baby brought into the world in a healthy way—was travelling south. Obviously, emergency access from the GDE was only feasible on the northbound lanes.

I am not quite sure how this issue is in any way relevant to the circumstances that occurred on the weekend. Quite seriously, are the Liberal Party now going to use the birth of a young baby to prosecute their political arguments about the Gungahlin Drive extension or are they going to try and raise themselves up a bit and show a bit of grace and dignity in this debate?

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker, thank you. Minister, given that you said in the Assembly on 28 August 2001 that Labor "will also commit to ensuring that the road is built on time, because it needs to be built on time", why has the government delivered the GDE seven years late?

MR CORBELL: This is a matter that we have had significant debate on in this place. The government has made its arguments in relation to this matter and it is not our problem if Mr Hanson does not understand what is a relatively straightforward argument.

I can advise members that in relation to emergency access, Roads ACT commenced discussions with Calvary hospital and the Ambulance Service in 2003 in relation to this matter. Calvary hospital was concerned that the general public would use the emergency access unless a controlled or secure access was provided. The Ambulance Service was concerned—

Mr Hanson: A point of order, Mr Speaker.

MR SPEAKER: Stop the clock, thank you.

Mr Hanson: My supplementary—and I will read it again—was: why has the government delivered the Gungahlin Drive extension seven years late? The question is directly about the delivery of the Gungahlin Drive extension being seven years late. It is not about emergency services vehicles.

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

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: Mr Speaker, supplementaries are supposed to relate in the main part to the substantive part of the original question. The original part of Mr Hanson's question had to do with the emergency access to Calvary hospital around the birth of a child. That is the issue that Mr Corbell is addressing.

Mr Hanson: Mr Speaker, on the point of order, my preliminary question was quite clearly about the Gungahlin Drive extension and the construction of the Gungahlin Drive extension in 2001. I think it is entirely appropriate that my supplementary was about the GDE. I am asking the minister to come to the question of why they delivered the GDE late. That is quite consistent with the preliminary question.

MR SPEAKER: There is no point of order at this stage. I think the nature of the question is that the two issues are clearly interwoven. Minister, could you continue with your answer, thank you.

MR CORBELL: Thank you, Mr Speaker. The Ambulance Service and Calvary hospital management did not support a direct access from the Gungahlin Drive extension to—

Mr Hanson: I am sorry, Mr Speaker—

MR SPEAKER: Order! I have ruled on the point of order, Mr Hanson, so unless you have something new—

Mr Hanson: On the point of order, may I reread the supplementary question? It was not about emergency vehicles.

MR SPEAKER: No, you have reread it. I heard you.

MR CORBELL: Mr Speaker, Calvary hospital was concerned that the general public would use the emergency access road unless a controlled or secure access was available. The Ambulance Service was concerned about the management and maintenance requirement of any controlled or secure access arrangement. The Ambulance Service also considered the access arrangements of Haydon Drive provided more direct access to the emergency department at Calvary, given the internal road arrangements within the hospital site. On this basis, neither Calvary hospital nor the Ambulance Service supported an emergency access from the GDE and therefore the government concluded not to proceed with that option.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, why didn't you listen to the advice given in August 2001—including advice that year that there should be a cut in the median strip for the

emergency lane—that pursuing the western route for the Gunghalin Drive extension would delay the project by two years?

MR CORBELL: Mr Coe's question is a little bit incoherent, which is not surprising from Mr Coe. But I will do my best to try to answer it. Mr Speaker, the fact is that the government has always worked hard and diligently to deliver this project as soon as possible. As members would know, there are a range of circumstances that prevented the delivery of stage 1 because of protracted legal action and a range of other factors, including, of course, the interference run by the Liberal Party through their federal colleagues in relation to the position of both the AIS and the NCA, but we will not mention that, will we?

The government is very pleased that, following its re-election in 2008, it immediately implemented its election commitment to duplicate the road, and I am very pleased to confirm that the duplication project is being delivered on time. Indeed, we expect all duplicated roads to be open about 2½ months ahead of time. I am also very pleased to confirm that the duplication project will be delivered in accordance with the budget appropriated by this place.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, what aspect of the GDE has actually run according to plan?

MR CORBELL: The stage 2 duplication has been delivered on time and on budget.

Education—tertiary

MR HARGREAVES: My question is to the minister for education. For the benefit of Mr Doszpot, education is where people learn things and get taught things.

MR SPEAKER: Mr Hargreaves!

MR HARGREAVES: I am going to ask a question on education, Mr Speaker, something foreign to those opposite.

Mr Smyth: On a point of order, Mr Speaker, this matter has been raised with you on several occasions this year, about Mr Hargreaves's persistent and wilful ignoring of you on your directions that he be relevant to the standing orders either in his questions or in his supplementaries. When will you take action? He cannot continue to do this.

MR HARGREAVES: On the point of order, Mr Speaker, these folks over here prosecute a particular case that the questions that I might ask do not suit them and, therefore, they are out of order. Mr Speaker, I would ask you, in considering their particular case, would you please consider also the notion of frivolous points of order?

Mrs Dunne: On the point of order, Mr Speaker, the standing order in relation to asking questions is 117(d). They should not reflect on the character and conduct of

people. Mr Hargreaves was reflecting on Mr Doszpot's conduct. He did the same thing last week when he was asking questions. These are the things that we have persistently and regularly brought to your attention.

Mr Corbell: On the point of order, Mr Speaker, if you are going to rule questions out of order because they reflect on the conduct and character of members, all the questions from the Liberal Party will be consistently ruled out of order.

MR HARGREAVES: I would like to respond to Mrs Dunne. I am happy to withdraw any inference that Mr Doszpot is not interested in education.

MR SPEAKER: Mr Smyth, on the point you raised originally, those who were in the chamber this morning will have heard my report back to the Assembly on Mrs Dunne's point of order last week. I have undertaken to take that matter to the administration and procedure committee, which deals with the conduct of such matters in the chamber.

Mrs Dunne, on the point that you have raised about questions not casting inference on other members, I think that is a fair point. Mr Hargreaves has just withdrawn. So we will now proceed.

Mr Hargreaves, I would ask you, when you are asking your questions, not to digress to members of the opposition.

MR HARGREAVES: Okay, Mr Speaker, at your service. My question to the minister for education is: would the minister advise what vision or policy the government is pursuing in relation to diversifying the ACT economy, particularly in the area of education employment?

MR BARR: Mr Speaker, I do—

Mrs Dunne: On a point of order, Mr Speaker, could I seek your ruling?

MR SPEAKER: Yes, Mrs Dunne. Stop the clocks, thank you.

Mrs Dunne: Mr Hargreaves asked Mr Barr what vision or policy he had. Therefore, that would be not in accordance with standing orders. You cannot ask a minister to announce policy.

Mr Hargreaves: On the point of order, it is not about announcing. It already exists and I want to know a bit more about it. Mrs Dunne is, again, guilty of frivolous interjection.

MR SPEAKER: Thank you, Mr Hargreaves. I do not think the question is asking the minister to announce policy, which I think is the central point of your point of order, Mrs Dunne.

Mrs Dunne: That was the question I was asking, Mr Speaker.

MR SPEAKER: That is the question, yes. I do not expect the minister is about to make an announcement but I certainly would remind him not to. Thank you, Mr Barr. You have the floor.

MR BARR: Thank you, Mr Speaker, and I thank Mr Hargreaves for the question and the opposition for their interest in this matter. As I think most members would be aware, education is the territory's third largest industry. Our higher education institutions are world class and they export their services not only around the immediate region but, indeed, around the globe.

Foreign students in the tertiary sector inject something in the order of $200 million each year into the territory economy. In the secondary and primary schooling sector, ACT public schools, with 450 foreign students, are contributing just over $5 million a year into the local economy. There is, of course, considerable room for growth in both of these areas.

In my view, a worthy goal for the ACT economy and for our city in our second century is to grow the education sector to be our biggest industry and the biggest employer of Canberrans over the course of the next 100 years. What better way to diversify our economy and to protect Canberra workers and families from politically driven decisions to slash public sector jobs in our city than by investing in the development of our education sector. To achieve this aim, I set out the need for bold ideas and the most appropriate opportunities and challenges to take on in tertiary education. We formed the ACT tertiary task force to consult with stakeholders to develop the future of tertiary education in the territory.

The task force report, *Learning capital: an integrated territory education system*, included 12 key recommendations: the establishment of an ACT tertiary education steering committee, the development of a tertiary education portal to provide a single and easy-to-use information source for anyone thinking of studying in the city, greater collaboration between tertiary education providers to create a new and more streamlined range of learning opportunities to make it easier for students to move between institutions, to further promote Canberra as Australia's learning capital and an international education city and to build greater partnerships between employers and education providers.

The task force also recommended closer ties between the Canberra Institute of Technology and the University of Canberra. The government continues its work in this area, and we commissioned Professor Denise Bradley, the architect of the national higher education reforms, to look specifically at those recommendations in relation to a closer working relationship between the CIT and the University of Canberra. This is the most significant issue in our third largest industry within the territory. It is worthy of considerable public debate. But that needs to be undertaken in an informed context.

MR SPEAKER: A supplementary, Mr Hargreaves.

MR HARGREAVES: Thanks, Mr Speaker. Would the minister please advise on specific steps taken by the government in this regard to date?

MR BARR: As I have indicated, the government formed the tertiary task force to consult with stakeholders on the future vision for tertiary education in the city, and the task force, and, indeed, the Hawke review, recommended closer collaboration, even a merger, between the University of Canberra and the CIT. The government responded to the task force's report in April 2011 by establishing the Learning Capital Council, and I am pleased to advise that the Vice-Chancellor of the Australian National University, Professor Ian Young, has agreed to chair the council.

The group will undertake a variety of roles, including providing advice and directions on demand and supply of education, skills and training opportunities, including vocational education and training priorities; advising on a strategic plan for vocational education and training in schools to improve opportunities to better meet the needs of ACT students; and the expansion of our tertiary sector, including research, innovation and economic development.

We need to be aware that in a changing tertiary world standing still means going backwards. The government is clear that reform is required. That is why I commissioned Professor Bradley to look at the future of CIT and UC, and the report has recommended two key options: either the creation of a new dual-sector institution or greater autonomy for the CIT. We now have a task force modelling the options and talking to stakeholders on what each of the models would look like in practical terms.

The government will form a view as to which model it will bring forward to this place by the end of this year. We remain open-minded on the two options and will consider the task force's work. But I can assure the Assembly that, whichever direction we go in, three key drivers of our decision will be to ensure that we better meet the needs of students and of local industry and that we create more education jobs for Canberrans.

MS PORTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you very much, Mr Speaker. In relation to the programs, policies and vision outlined, would the minister advise of any community and stakeholder attitudes of which he is aware?

MR BARR: Certainly there have been a range of views put forward in response to the work of Professor Bradley, and indeed through the ongoing consultation process. I need to state from the outset that, as has been the experience in this place on most difficult reforms, it is hard for politicians to grasp change. There is the capacity for uncertainty, and some in this place are not particularly comfortable with that—not particularly comfortable with looking beyond the status quo.

I would like to take this opportunity to congratulate those across the two institutions, CIT and UC, who have taken up the opportunity for very genuine engagement on what the future could look like. Both Adrian Marron and Professor Stephen Parker are putting the future needs of the ACT economy and students above any concept of empire building or turf protection. They are working with the best interests of further education in the territory at heart.

I think it is important, in the context of this debate over the next few months, that all stakeholders have the opportunity to put forward their views, but that we do reach a conclusion this year and move forward through the 2012 year with our agreed outcome to see—by the city's centenary in 2013, whichever model we go with—the change that is needed in tertiary education to set this sector up for continued growth throughout the next century.

DR BOURKE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Thank you, Mr Speaker. Minister, given the importance of creating a new economy and sustainable jobs for Canberrans, will the government pursue its policy to grow the ACT's education sector?

MR BARR: I thank Dr Bourke for the question. It is indeed important that we continue our efforts in this area, not just in tertiary education and not just in relation to the particular issue we confront with the University of Canberra and the Canberra Institute of Technology. There is, of course, a vibrant private training market within the ACT and there are ample opportunities to grow the export of secondary schooling in the territory as well.

I note a number of non-government providers in the secondary schooling area currently offer boarding opportunities and are seeking to grow that export industry for the territory. In a number of discussions I have had with operators in the non-government sector the possibility of expanding Canberra as an education destination of choice, not just in the tertiary sector but across all areas of education and training, has certainly been very positively embraced.

It is important that throughout all the politics that will no doubt be played on this issue in the next few months the government remains focused on ensuring that education is a major employer in the city and it continues to be a major contributor to the economic development of the ACT.

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

Supplementary answers to questions without notice

Bimberi Youth Justice Centre—review

MS BURCH: During the last sittings Ms Hunter asked a question on the number of recommendations in the Bimberi review that have been progressed. Just before I came down, I was given a table. There are 64 recommendations with work commenced or completed. What I propose to do is to put this in a table, treat it as a QON and provide it to the Clerk this afternoon.

Parkwood Road recycling estate—fire

MR CORBELL: Ms Hunter asked me a question in relation to 44-gallon drums or the like that were located near the scene of the fire at Parkwood on the weekend. I am

advised by the ACT Fire Brigade that it is unaware of what was in the drums but can confirm that at the time of fighting the recent fire the substance was not hazardous.

Matters of public importance—selection process
Statement by Speaker

MR SPEAKER: I wish to make a brief statement in relation to the selection process of today's matter of public importance. After the MPI had been chosen and the daily program published, it was drawn to my attention that four proposed matters of public importance had not been included in the draw due to an administrative error in my office. As the daily program had been published, I made a decision not to conduct the draw again. I have implemented measures in my office to ensure that this situation is not repeated and I apologise to members for this error. I have spoken to each of the affected members personally.

Call-in powers—block 475, section 79, Giralang
Paper and statement by minister

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

> Planning and Development Act, pursuant to subsection 161(2)—Statement regarding exercise of call-in powers—Development application No. 201119903—Blocks 4 and 5 Section 79 Giralang, dated 17 August 2011.

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

Leave granted.

MR CORBELL: On 16 June this year I directed, under section 158 of the Planning and Development Act, the ACT Planning and Land Authority to refer to me development application No 201119903. The DA relates to blocks 4 and 5, section 79, Giralang—the Giralang local centre.

The DA sought approval for a variation to the crown lease to permit the construction of a new commercial centre, comprising the construction of a new supermarket, retail outlets, undercroft and basement car parking, basement storage, loading dock and associated landscaping.

On 11 August this year I decided to consider the development application. On 17 August this year, I approved the application using my powers under section 162 of the Planning and Development Act.

In deciding the application, I gave careful consideration to the requirements of the territory plan, the advice of the Environmental Protection Authority, the Territory and Municipal Services Directorate, ActewAGL, the Conservator of Flora and Fauna, the Education and Training Directorate and, as required by the legislation, the ACT

Planning and Land Authority. I also gave consideration to the representations received by ACTPLA during the public notification period for the DA that occurred in May this year.

I have imposed conditions on the approval of the DA which require, among other things, that appropriate leasing arrangements be put in place to ensure that the future lease of the land will facilitate the new development and the removal of three regulated trees.

The Planning and Development Act provides for specific criteria in relation to the exercise of the call-in power. I have used my call-in powers in this instance because I consider that the proposal will provide a substantial net community benefit to the Canberra community through the significant improvement in the range of retail facilities that will be available, particularly in terms of convenient supermarket retailing in the Giralang area. Further, it provides residents of Giralang with an appropriate range of convenience retail opportunities within walking or cycling distance from their homes.

The use of my call-in powers in this instance will also enable the timely construction of the proposed development by the proponent and will remove a significant area of urban blight in the neighbourhood.

Section 161(2) of the Planning and Development Act specifies that, if I decide an application, I must table a statement in the Assembly not later than three sitting days after the day of the decision, and I have therefore tabled this statement.

MS LE COUTEUR (Molonglo), by leave: I have three points that I want to make about this. First, the Greens are pleased that Giralang will finally have local shops again. It is disgraceful that it is taking so long to get the normal facilities of most suburbs that have local shops. So I want to make it very clear that we certainly believe Giralang deserves to have a decent shopping centre.

But this is not just about what happens in Giralang. There is a wider issue, and there are two points that I would like to be considered. Giralang previously had local shops, but it might be that, after this, in effect what Giralang is getting is a group centre. My understanding is that while the supermarket itself is 1,500 square metres, if you included the loading zone, the storage area and the adjacent shop, which is expected to have the same owner, I have been told this would be an area of greater than 2,000 square metres, which is a lot bigger than is normally allowed in a local shopping centre.

I also understand that the entire development will be greater than 5,000 square metres, which again is substantially bigger than most local shopping centres and is getting more in the scale of a group centre. So the fact that this appears to be a considerably bigger development than a normal local centre brings up two important issues. Firstly, there is the issue of traffic. The roads in Giralang were designed for a local shopping centre. They were not designed for a group centre. One of the issues that I know some Giralang residents have had is the traffic impact on their suburb and whether it will be positive.

The other issue is of course, as this will be a substantially bigger shopping centre than the one it replaced, s what impact this is going to have on other local shops in the area. We do not want to see that Giralang gains a shopping centre at the expense of a surrounding suburb. That is not good policy.

I was disturbed that, in questions without notice earlier today, the minister said that in considering the impact of the potential new supermarket no account was taken of the ownership—whether or not it would be a major supermarket or one of the independents—because that clearly is one of the issues in terms of its effect on neighbouring shops. I would like to say very clearly that we are concerned that the government has not done sufficient work on the effect on neighbouring shops and on the effect on traffic.

Looking to an ACT-wide issue—in fact, probably an Australia-wide issue—the other issue that we are concerned about is the effect on the current supermarket duopoly of Woolworths and Coles. Woolworths and Coles we learned from the John Martin supermarket report currently have 72 per cent of the supermarket sales in the ACT. I do not know what the percentage is Australia-wide, although I do know that in the ACT it is higher than in other areas.

Everyone here is a believer in competition, but everyone here probably also did their economics 101. Duopoly is not competition. Duopoly leads to some anti-competitive effects. Someone will be suffering from it. It may well not be the consumers of Canberra, but it could well be the farmers of Australia, who are not always getting a fair price for their produce.

I think this is an important issue. The government did start work on a supermarket policy, but unfortunately it has not finished it. The previous Chief Minister talked about a floor space dominance test, but the government does not appear to have progressed this as yet.

I think that it is frustrating. It is particularly frustrating that the planning minister has called this in because it has a substantial public policy impact without, in fact, going to the significant public policy issue with supermarkets of retail competition and of the duopoly in the ACT. So I think that, as a call-in, this is very much an opportunity lost.

Again, I welcome a shopping centre in Giralang but I am disappointed at the opportunity lost to do better.

MR SESELJA (Molonglo—Leader of the Opposition), by leave: I think that where the planning minister has been brought to on this call-in power is part of a sorry saga that has been the Giralang development and the Giralang supermarket development. I think that the planning minister had no choice because of how heavily compromised this process has been by the ACT Labor government. By ministers and agencies acting on their behalf, this process became so compromised that there was little, if any, choice but for the minister to call this in.

Of course, those are not just my words; those are the words of the chief planner in relation to this issue. I think that there are a number of outstanding issues in relation to how this process has been handled and what confidence the community can have in the future that the planning process will not be completely compromised. It is a statutory planning process that the people of the ACT should be able to have confidence in, that is legislated so that we can have confidence in it, yet this government treats it as its own personal plaything. And, unfortunately, that has been the story in relation to Giralang.

The chief planner said that it was so compromised that the government should consider calling this process in. He said that there was interference, consistent interference, at a number of levels. He said that there were attempts to influence the decision coming from the Chief Minister himself. Neil Savery also said—and this has never been disputed by anyone; it has never been disputed by legal advice or otherwise—that there had been ongoing interference from departments over a period of years. Not just one letter but ongoing, inappropriate interference in this process over a period of years.

The documents we have show Neil Savery as long ago as March of 2008 saying that the process was being compromised. As long ago as March of 2008 Neil Savery was saying that he wanted to use correspondence from the proponent on their dealings with a number of ministers while a development application was on foot to demonstrate his concerns about interference in this process.

So let us not be mistaken: this was not one inappropriate letter which was a completely inappropriate letter; this was Neil Savery, the chief planner, saying publicly, time after time, that he was concerned that there was, over a period of years, interference in the statutory planning process.

Neil Savery, in relation to Giralang, effectively said that this government was putting the politics right back into planning. He used those words back at this government. He said, "Well, you can't actually stand up and say that you're taking the politics out of planning because of the way you're actually doing things." It shows the character of this government, doesn't it? They say one thing in this place—taking the politics out of planning—and they interfere with and compromise processes. For what end? That is the question we have to ask ourselves, and there are a number of outstanding questions. This will not finish here with this call-in. There are a number of questions. What was the motivation for the government? Why were they so desperate to stop the people of Giralang from having their supermarket? Why was the government so hostile to one supermarket development in Giralang? What was driving that motivation?

These are legitimate questions which we will be asking, which the community of Giralang will be asking and which anyone who has an interest in the integrity of our planning system would be asking. Why did the government put itself at risk, as Neil Savery said, and why was it so desperate to put in place a system that would stop this particular development from going ahead? What was it? What was it about the surrounding areas, what was it about other players involved, that said this government

should bend over backwards to try and stop a development which the planning minister has now agreed is a legitimate development?

The planning minister has actually vindicated Neil Savery through this call-in. Neil Savery said, "You've got to call it in." Neil Savery said: "Well, it's actually a reasonable development and there shouldn't be interference in it. It doesn't offend the government's supermarket policy." Simon Corbell has now agreed with that through this call-in.

There are a number of outstanding questions in relation to what is, I think, a fairly grubby affair. This has been a dodgy process. It is almost unprecedented, I think, to have such a senior public servant blowing the whistle on this kind of dodgy process which has been engaged in by ministers, their agencies and their offices on their behalf.

Andrew Barr, as the planning minister at the time, is going to have to answer a lot more questions. He is not going to be able to dodge questions forever like he did today, where he will not tell us what conversations he had with Neil Savery. He will not tell us whether or not he had a role in Neil Savery's decision to step aside.

The other question that flows is: what is the status of Neil Savery now? He has been vindicated by this action but he was forced to step aside on this particular development and he was also pushed aside permanently, it seems, from his role as chief planner. What is the status of Neil Savery? Why is he being punished for standing up to the government, for standing up for good process, for standing up against the compromise of that process? What is Neil Savery's position now? What is his status?

These are questions that this government will have to answer before this is out, before we are finished with this process, because this process smells. Neil Savery says it smells; we say it smells. And there are mountains of documentary evidence that suggest that something is amiss here. We are going to continue to pursue it.

Paper

Mr Corbell presented the following paper:

> ACT Criminal Justice—Statistical Profile 2011—June quarter.

Economy—cost of living
Discussion of matter of public importance

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

> Cost of living pressures.

MR SMYTH (Brindabella) (3.29): Cost of living pressures are an important issue. They have been talked about by a lot of people in a lot of locations. Whether you are at a kids' football game on the weekend or at the local shops, whether you are at a Rural Fire Service dinner on Saturday night or at church on Sunday, many people are concerned about their futures and particularly the cost of living. And it comes from a raft of increases that this Labor government has put in place over the last 10 years.

We have seen the highest growth in taxation per capita in the country, equal only to WA. We have now got the most expensive water in the country. We have seen a 75 per cent increase in electricity prices over that period. We have the highest childcare costs in the nation—$60 more than the next jurisdiction Some of the most expensive housing in the country is to be found here, and we have the second highest rents in the country. That comes along with the worst waiting times for elective surgery and some of the worst emergency department waiting times in the country, the lowest GP numbers per capita in the country and the worst bulk-billing rate in the country. We have seen 23 schools closed, adding pressure to the cost of living as people have had to travel further to find education for their children, and we have seen a health system in crisis with investigations, accusations and threatened legal actions. We have a change of use charge now in place that will make houses and units even more expensive, and we have a government that just does not care.

We have got a government and, indeed, we have got a Greens party that just do not care. During the estimates discussion, which you will remember well, Mr Assistant Speaker, one of the recommendations that was put forward by Mr Hanson and me was that the budget each year would have a cost of living impact statement so that people would know what the true impact of the budget was on the ordinary taxpayer in the ACT—families and businesses in the ACT—so they could make informed decisions.

It is most extraordinary that on page 33 of the estimates report we see that the proposed recommendation of the cost of living impact statement had to go in the footnotes, because the majority of the committee—Labor and Greens members—did not want the answer. Why do they not want the answer? Why do they not want people to know what benefits actually come from the Greens-Labor alliance through the annual budget? I will tell you why they do not want to know—because, for the ordinary person, there is no benefit. All we see is increase after increase. No relief and no dividend for the extra revenue that the government collects.

Let us look at the financial year that has just been reported on. The government received $192 million above expectation for the budget—$192 million. That is almost five per cent more total revenue than they expected. That is a significant amount of money, and where does it come from? Well, at the end of the day it comes from somebody's pocket. It comes from the taxpayers. In the main, it comes from the ordinary people of the ACT, whether they spend more on a home or whether they pay the government more.

The cost of living is perhaps the most fundamental factor affecting the way people live. People need the capacity to provide at least the basic requirements for themselves and their families, especially such matters as shelter, food, clothing,

education, health and transportation. Clearly it is not possible for the majority of families or individuals to have all that they might want, but the majority of families find themselves in the position of always having to balance the needs against the wants. There is always that instant where our children learn the harsh facts of life that the money simply does not gush out of the hole in the wall whenever somebody needs it; that somebody has to earn it and somebody has to put it there.

All individuals and families have limits on their capacity to satisfy their needs let alone their capacity to spend on those things which an individual or a family might want as a luxury, for instance, things like Foxtel. Now there is a luxury. We know that the Chief Minister believes that, if you are finding it a bit hard, the thing you should give up is Foxtel. Not that her government will give anything up; not that her government will do anything to make it easier; not that her government will listen to ordinary Canberrans, but Canberrans should give up their Foxtel. It is a simplistic approach from a simplistic government.

Limits on spending arise from differences in income, differences in the quality of things that might be desired, differences in availability of goods and services. All these factors come into play as we consider the cost of living pressures which are being faced by Canberra families; pressures which are even more prevalent under this Labor government because they fail to understand that things are tough out there. The flippant and trivial off-hand comment of the Chief Minister that people should turn off their Foxtel for a couple of months shows how out of touch the government have become after a decade in government.

We need to ask why families are under even more pressure now to pay for goods and services. There are various reasons for this increasingly awkward situation for some families. Firstly, there is the increase in prices as represented by the consumer price index. Now the CPI is recognised as the basic indicator of changes in price in Australia. In recent years, particularly following the global economic and financial crisis of 2008-09, the CPI has increased quite strongly. After the reduction of the CPI in the December quarter 2008, the CPI is now growing by well over three per cent on an annual basis.

There are two important comments to make about the increase in CPI. First, the CPI can be subject to dramatic changes in some components, even with the adjustments for seasonal effects and increases in food prices, such as bananas for instance and the changes in the price of fuel, which are two significant factors influencing the CPI. Secondly, the CPI does not include all those goods and services which people buy. This applies particularly to some financial services, which in recent times have become quite costly for families. Notwithstanding these comments, the CPI has shown that overall prices across the usual basket of goods and services have been growing quite strongly over the past two years or so. One only needs to refer to the Reserve Bank chart on the consumer price index to see the steep gradient of the chart from December 2008 until today.

The second factor that is placing more pressure on families as they seek to cope with the rising cost of living is the costs of goods and services which might not be included in the CPI. It is worth mentioning one increasingly significant group of people in the

Canberra community in this context to highlight this factor. Former commonwealth employees and others who are on the CSS or PSS pension are now superannuants and they have complained for many years that they are disadvantaged because their pensions are indexed to changes in the CPI. Their argument is that by indexing their pensions to CPI, they are falling further and further behind in attempting to maintain their standard of living. As they get further and further behind in their relative cost of living, this is the case even though these superannuants are receiving pensions under a defined benefits scheme.

Strength is given to the argument of those superannuants by the actions of this ACT government in the 2006 ACT budget. Members will recall that in that budget, as a consequence of the still-secret Costello report into the ACT public sector and services, the ACT government itself announced that the general rates would be increased each year according to changes in wage price index rather than according to consumer price index. It is most instructive to see what the government said in support of this change from CPI to WPI. They said that the increase in general rates in the past has been capped at CPI. The cost of municipal services, however, increases at a higher rate. To maintain parity between revenue and expenses going forward, annual general rates will be increased with the wage price index.

So what the government said was that CPI is not the measure of what is happening in the community, that things are far more expensive because the basket that we use to take the CPI temperature does not include all of those things that reflect the day-to-day living costs of ordinary Canberrans. That is the problem for us. It is not just affecting superannuants; it affects all in the ACT. What is more interesting is that the analysis underlying this change in the summary of the Costello report, released as part of the 2006 budget, did not say any more than the comment in budget paper 3 page 40, which I just read out. So we still do not know the logic behind it. All we know is that the government has taken the measure that gives them greater revenue; an acknowledgement that their costs are going up, but they are not willing to assist Canberrans when their personal costs go up.

The ACT government made a significant change in the way in which rates are to be fixed, and there is a paucity of argument to support this change. So much for an open and accountable government. I think it is therefore up to us to speculate on why the ACT government made this change. I suspect that the CPI does not pick up the full extent of changes in wages and salaries, perhaps because the businesses providing some goods and services do not increase prices to the full extent of any increases in costs, especially employee costs, and it reflects the nature of the competitive market for many goods and services. The net result for consumers is that, for those who receive benefits indexed by CPI, they must fall further and further behind in their cost of living.

A third factor could arise for those families which have overcommitted in taking out a mortgage in the period prior to the global economic and financial crisis. Since that time, many families have come under considerable pressure as increases in interest rates cut into the net income coming into the households. One most significant factor from the global turmoil of recent years, among other factors, has been the increasing conservatism of Australian consumers. From being a nation of spenders, particularly

with high usage of credit cards, we have become a nation of savers. It is quite clear from some of the charts that have been put out by the bureau of stats and the Reserve Bank that we see an enormous increase in the savings that people are being forced to put away to squirrel against the future. Of course, this curtails retail spending, but it builds up our savings to provide a buffer against difficult times.

It is also important to note the slowdown in retail spending in the ACT. As people have less to spend, they are cutting out on the luxuries. For the June quarter for 2011 in the ACT, the retail sales in trend terms fell by 0.6 of one per cent, more than in any other jurisdiction, remembering that that is at a time when we have perhaps the highest level of wages of any jurisdiction in the country. Perhaps what is more worrying is that, in real terms, retail sales fell by 2.6 per cent. This was far and away the largest reduction of all jurisdictions, and, again, highlights the pressure that households find themselves under. This was the largest real fall since retail sales fell by two per cent in Queensland in September 2009. One could speculate that it is difficult to be clear as to why this fall took place, but you would be on reasonably safe ground to strongly suspect that cost of living pressures and the ways in which families are responding to these pressures are a major reason.

A fourth factor may be that families have had expectations that are simply too high. The Chief Minister callously makes the comments that one should cut the Foxtel, and that is quite illuminating. Families may still be spending on cars, and it is interesting that car sales are still travelling very well, but, for example, many are choosing cheaper models. Likewise, for spending on food, groceries, transport and so on, people are lowering their expectations. Indeed, I am told by those in the hospitality trade that, where a bottle of wine or two would have been ordered at a meal, the house red will now suffice. Many who normally as regular customers may have had three courses are now limiting themselves to two.

We are seeing families lowering their expectations. We are seeing families lowering what they spend, all at a time when we see an ACT Labor government with their hand in their pockets continuously taking more and more from Canberra families, and, as we saw at the end of 30 June this year, an extra $192 million above the expectation.

It is important to go to that result for last year. A five per cent increase is a significant increase in the take—$192 million. Clearly, this government has increased the cost of living pressure on Canberra families because, at the end of the day, it is those families that pay those charges, whether they pay it directly out of their pockets or whether they pay it through the way that they spend or whether they pay it through the businesses that they operate and that they own and that they support.

It is because of these developments that the estimates committee in its report which was tabled in June recommended that the government undertake an analysis of cost of living in the ACT, including analysis of the impact of government fees, rates and charges on Canberra families since self-government. The recommendation is on page 33, and it is recommendation 35:

> The Committee recommends that the ACT Treasury Directorate conduct a comprehensive cost of living analysis of Government taxes, fees and rates on Canberra families since self government.

I would like to see that done every year. I would like to see budgets every year containing a statement of what the impact will be. I think it is disappointing that the Labor Party and the Greens do not see that.

Mr Assistant Speaker, there will always be cost of living pressures on families. What this government must do is take their hand out of the pockets of families and ensure that—*(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) (3.44): I thank the shadow treasurer for raising this matter of public importance this afternoon. The government has a proud record of assisting those in need—those vulnerable in our community. Members would recall that there was a motion from the opposition in the June sittings. Members would also recall that the motion was accompanied by some information and figures that simply could not be verified. This lack of verifiability was not the only problem. There were a series of unsubstantiated assertions and disregard of a number of important facts. What we have just heard is a continuation of that performance from the shadow treasurer. This is, of course, an important issue, and it is important not to be politicking about it. It is important to get the facts right. It is important that we have regard for the full information and not just the part that suits the shadow treasurer.

Prices increase over time. I think everyone recognises that fact. But not recognising that incomes may have also increased is quite misleading of the shadow treasurer. I note that the Leader of the Opposition was on the radio this morning aping his federal leader talking about a great big new tax on dwellings. As I am sure the Leader of the Opposition knows, or should know, it is not new—it has been there for 40 years—and it accounts for around one per cent of total territory taxation.

It is better to deal with facts than with anecdotes. The facts are that, overall, the ACT has the youngest, the healthiest, the most educated and the most productive population of all states and territories in Australia. We have by far the highest average incomes in the country. There are, indeed, some people in our community who find it hard to keep up with general cost of living pressures. The government has always been mindful of the pressures that they face. This government has a proud record of assisting these Canberrans.

But the sense of crisis that has been whipped up by the shadow treasurer, or at least the attempt at it, is far from reality. Increases in prices must be seen in the light of increases in wages and increases in service provision. Importantly, the government assists all households in the ACT with cost of living pressures by helping to build a strong economy that supports and creates jobs.

The fact is that the ACT has one of the strongest economies in the country. We have the highest economic growth, the lowest unemployment rate, at four per cent, and the highest labour force participation rate at 72½ per cent. ABS data shows living costs in the ACT are around the national average. The ACT is the fourth cheapest capital city in the country. Wages have grown by 42 per cent since 2001. That is one per cent

higher than the national average and the third highest growth in Australia. The ACT continues to record the highest average weekly earnings in the country, around 14.8 per cent higher than the national average. Gross household disposable income per capita has increased by 81 per cent since 2001. Nationally, the increase in disposable income per capita in the same period was 55 per cent.

There are, as there always have been, even under Liberal governments, those in the community who struggle to meet cost of living pressures. The difference is that this ACT Labor government has a range of programs in place to provide practical assistance to Canberrans doing it tough.

The Commonwealth Grants Commission 2010 report on GST revenue sharing relativities highlights that the ACT's socioeconomic status is high relative to other jurisdictions. At just over three per cent of the population, we have well below the average proportion of people who are most disadvantaged. This compares with the Australian average of just over 20 per cent. In the second most disadvantaged income quintile, there are just over six per cent of people in the ACT—again, well below the national average of 19.7 per cent.

There have been a number of claims made about housing affordability, most particularly for middle income earners. There is no doubt that the government recognises housing costs are a significant part of family budgets. The latest available Real Estate Institute of Australia data shows that the ACT continues to be the most affordable jurisdiction in Australia. The proportion of family income required to meet rent payments in the ACT is around 17 per cent, significantly lower than the national average of around 25 per cent. It has been like this for about five years.

The proportion of family income required to meet a home loan repayment in the ACT is 18.6 per cent, significantly lower than the national average of 34.2 per cent. For those most in need, the ACT provides the highest proportion of public housing in the country. Over eight per cent of the total dwellings in Canberra are public housing. This is almost double the national proportion. Additionally, rent in these properties is generally capped at 25 per cent of household income. The total rental subsidy provided in the 2009-10 financial year under this program was $114 million, with 11½ thousand Canberrans assisted. If I recall correctly, the shadow treasurer and his colleagues voted against this particular funding measure.

The government is continuing to implement its affordable action plan, which is, I think, universally accepted as the most innovative, affordable housing plan of any government in Australia. The plan addresses issues of housing affordability for homebuyers and for renters, and for those in community and public housing. The plan includes a range of initiatives targeted at stabilising house and land prices and increasing the supply of affordable housing. These initiatives include 20 per cent of dwellings in all new estates at or below the affordable price of $337,000. It also includes a homebuyer concession, deferral of duty, pensioner duty and land rent schemes.

The pensioner duty concession scheme assists pensioners to move to accommodation more suited to their needs by charging duty at a concessional rate. To the end of

February this year, 190 households received the benefit of the concessional duty, totalling approximately $2.2 million.

The homebuyer concession scheme assists people to purchase residential land or a home by charging duty at a concessional rate. Last financial year, more than 2,000 people were assisted through this program. The government is also assisting those on low to moderate incomes with affordable housing by providing Community Housing Canberra with loans of $70 million. Over 10 years these loans will finance 500 properties for affordable sale and 500 for affordable rental. These are real initiatives assisting people in need in our community. These are real incentives which, again if I recall correctly, the shadow treasurer and his colleagues opposed on the floor of this place.

The opposition has claimed that rates have more than doubled over the past two years. Again, this is misleading. Revenue from general rates has doubled. Far from doubling since 2001, general rates have increased by 60 per cent, but continue to do so only in line with the wage price index. This increase is a reflection of the cost of providing municipal and other services to the people of the ACT. It is worth noting that people on low incomes and age pensioners are provided with a concession on their property rates. Despite misleading claims from those opposite, stamp duty payable in the ACT is around the average for capital cities and is lower than in Sydney, Melbourne and Darwin.

The opposition say that the price paid for electricity has increased by 75 per cent since 2001. This is one of the few factually correct statements they have made. But it is interesting to note that it is considerably lower than the average 93 per cent increase that has been experienced across the rest of the country. The Australian Energy Market Commission's report on future possible retail electricity price movements shows electricity prices in the ACT are 24 per cent below the national average and the lowest in the country. This is something the opposition do not mention at all in their scaremongering.

The ACT is also forecast to have the smallest increase in electricity prices of all jurisdictions over the next year with an increase of only 6.4 per cent. This compares with 17.3 per cent faced by those just across the border in Queanbeyan. This will increase the typical household electricity bill in the ACT by $86, from $1,332 to $1,418 in 2010-11. I will repeat those figures: from $1,332 to $1,418. By comparison, a typical annual household electricity bill in Queanbeyan will now be $2,484, more than $1,000 per year greater than that faced by ACT residents. The government also provides concessions for electricity and gas costs to alleviate the impact of increases in prices—concessions which, again if I recall correctly, the shadow treasurer and his colleagues opposed in this place.

The opposition has claimed that taxation has increased under the government and has added to cost of living pressures. Let us have a look at the facts. Taxation revenue has grown by 68 per cent. However, it needs to be recognised that revenues increase for a number of reasons, such as population and economic growth. It also needs to be considered in the context of tax rates faced in other jurisdictions.

There are around 40,000 more people in the ACT than there were 10 years ago. I would have expected that the shadow treasurer would know that when economies perform well there is growth in revenues. I would have expected the shadow treasurer to know that when there are more people there are, indeed, more revenues. I would also have expected the shadow treasurer to know that any increases in revenues or expenditures should be viewed in that context. Government revenue as a proportion of the economy has actually fallen over the past 10 years since the government took office.

Taxation as a proportion of household disposable income and the economy is, indeed, well below the national average. Per capita taxation as a proportion of gross household disposable income in the ACT is 5.1 per cent. This is the lowest in the country and compares with the national ratio of 7.9 per cent. ABS data shows that the average employed person in the ACT paid around $5,637 in state and local taxes in 2009-10. This was around $300 less, on average, when compared to other states and territories.

The government places addressing cost of living pressures at the forefront of all of our microeconomic reforms. As an example, the reform we propose to compulsory third-party insurance would reduce pressure on CTP premium growth and encourage additional insurers to enter the market. Contrary to what the opposition claims, even the lease variation charge—a further reform—will not add to cost of living pressures by reducing household affordability.

This afternoon I have had the opportunity to outline a number of facts that go to the core of this cost of living debate. Let me be clear: the government acknowledges there are people in our community who are struggling. The government provides these people, these households, with practical assistance that helps them with their everyday costs. For example, everyday assistance is provided for age pensioners with a discount of $488 per year on rates, $250 for spectacles every two years, free motor vehicle registration, licence renewal and bus travel.

Both age pensioners and low income earners can receive up to $346 off their electricity and gas bills. The government, in the last budget, has allocated around $25 million over the next four years to assist with utility costs and water and energy efficiency measures for low income households. Again if I recall correctly, the shadow treasurer and his colleagues voted against making these funds available to needy Canberrans.

This government has assisted, and always will assist, those most in need. We will do so by keeping our economy strong, creating jobs and providing targeted assistance to those in need. We will do so despite the fact that those opposite do not support any of these measures.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.59): The cost of living is a vexed issue. It is a somewhat all-encompassing term that can include a lot or little, depending on what you are seeking to achieve. The cost of living can be defined in a range of different ways. In many developing countries we know that

millions of people live on about $2 per day. Here in Canberra the average full-time weekly earnings are $1,477, the highest in Australia and one of the highest in the world.

That is not to suggest that the cost of paying for food, housing and essential services is not a significant issue for many people in our community. Canberra is an expensive place to live, and for those who are on pensions or earn lower wages things can be very difficult. The large spectrum of incomes and the significant number of very high incomes mean that the mean and the median tell us little about what is happening for the significant proportion of people on the lowest incomes. These are the people that we should be most concerned about and who government assistance should target, rather than providing unnecessary concessions that in reality do little to assist recipients. The real cost of living challenge is to be able to provide a targeted and effective safety net that catches those who really need it.

We have debated and discussed this issue quite regularly over the last 18 months. Many commentators have had their say on this issue and what they think it is all about. And many across Australia have gone to great lengths to debunk the myth that there is a great cost of living crisis.

In a previous debate I referred to the recently launched OECD initiative "your better life" and advocated strongly for improved measures of our progress as a community to ensure that we are delivering the greatest prosperity to the greatest number in a responsible manner that ensures that that prosperity is sustainable and extends to everyone in the community, not just the fortunate majority.

I have spoken at some length in previous debates about what the Greens have done to assist those for whom the cost of living is a real issue and, further, what everyone in the community can do to reduce their housing, energy, water and transportation costs.

I have also spoken about the Gini coefficient and a range of other measures used to assess income distribution. I note that the "measuring our progress" website has data only up to 2008. I must admit that I do not know how often this data is published by the ABS, but I think that it would be well worth the effort for the government to follow up and try and get some more information to see what the current situation is and whether or not we have improved.

The Greens have addressed the issue of cost of living comprehensively and proposed real and tangible policies on how to address the increasing costs of basic services for both the broader community and, especially, those most in need who feel the impacts most acutely.

I understand that the Liberal Party no longer accept that human-induced climate change is happening and have decided instead to pin their colours to Tony Abbott's fanciful strategy that would see all taxpayers footing the bill for the cost of pollution emitted for the benefit of wealthy business owners at the expense of all those who have done very little to contribute to the problem.

The undeniable reality is that energy prices will rise and we have to respond to that challenge. The best way to respond is to encourage the production of renewable energy and maximise our efficiency in the way we use that energy. This is the best way to reduce the cost of powering Canberra homes. I would love to hear the opposition's alternative policy on exactly how they would reduce energy bills for Canberrans.

Over many years, the Greens have been constant advocates for public housing. Public housing is the most effective way to assist those in need. The Greens are very proud to have been responsible for the increase in government funding to improve the energy efficiency of public houses and will continue to push for the expansion of public housing stock so that we can provide accommodation for all those in need.

Also in previous debates, I have outlined how only the Greens are proposing a real alternative to the high costs of car travel. I was encouraged to hear that the minister has recognised the problem of continuing to force Canberrans to rely on cars and that we should be looking at providing real alternatives. I fail to understand why the Canberra Liberals find it so offensive to their fundamental way of life that Canberrans should be given an option other than the car to get to work and to get around town faster and more cheaply. It defies logic that they want to cut off options for other people who would be happy to be able to be provided with those options.

Cars are expensive. Locking Canberrans into car ownership or multiple car ownership and into paying the ongoing costs when there is an alternative is a silly position. The approximate average time that a resident of Canberra has to work in order to pay for their car 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 to pay for the upkeep of their cars.

Owning a car also comes with opportunity costs. A recent study found that by running one less car in a household over a 25-year period, the household could accumulate more than an additional $1 million in superannuation over their working life; repay a $300,000 housing loan in 12 years instead of 25 years, saving $245,000 in interest repayments; or purchase a home which is $110,000 more expensive than they would otherwise have been able to do at the outset.

Interestingly, calculations can also be done on the percentage of income that goes to running cars, based on different regions of Canberra. The figures show that Belconnen, Weston Creek, Tuggeranong, Gungahlin and Hall are particularly affected, with 19 to 21 per cent of income in these regions going to car costs. Surely common sense would say that a modern, reliable, fast public transport system and other active transport options will give Canberrans real options and that this is a good way to go.

The Leader of the Opposition has publicly stated that he believes in development at all costs and has little regard for the natural environment and the nature reserves within Canberra that are such an important part of what makes Canberra such a lovely place to live. Certainly it is a fair argument that if we exploit or destroy all our natural resources as quickly as possible, one generation, or perhaps two generations, will have

gained from this. But we know that following generations will experience severe hardship and miss out. This really is not a position I would have thought the Canberra Liberals wanted to espouse.

The cost of living is an interesting concept, typically couched in terms of dollars spent to support an average Canberran's lifestyle. However, if we pause for a moment and think about what cost of living really means, we start to get a different view on this, and that is around the ecological footprint. We know that between 1998-99 and 2003-04, the ACT's ecological footprint increased by 15 per cent, from 7.4 to 8.5 global hectares per capita. That is 17 per cent higher than the Australian average and far higher than global hectares per capita, the global average footprint, of 2.6 hectares.

We can see that we do need to take population into account. But in the ACT, with its population, we are using more than 13 times the area of the ACT in consumption. We certainly are living beyond our means and this really does need to be taken into account.

When we look at this issue of cost of living, we need to be looking clearly at what it is and what we want to achieve. Many people in the ACT are doing it tough, and I am not sure if it is the people who cannot choose the wine at dinner or have to order one less course. *(Time expired.)*

MR SESELJA (Molonglo—Leader of the Opposition) (4.09): Who would have thought that someone could have topped Katy Gallagher for insensitivity on people's concerns about the cost of living? Meredith Hunter has managed to do it. Meredith Hunter managed to say that the cost of living and the cost of living pressures being felt by Canberrans are an "interesting concept".

I would probably describe them differently. I would describe the cost of living pressures that Canberra families are facing as a genuine and real concern for people in this place. And they should be a genuine and real concern for people in this place, because they are a genuine and real concern to tens of thousands of Canberrans. It is not some academic, interesting concept. It is a real issue for real people who face real pressures, many of which are foisted on them by this Labor-Greens alliance.

We thought that the Foxtel comments from Katy Gallagher were insensitive—the "let them eat cake" style Foxtel comments from the Chief Minister. Now her partner in crime Ms Hunter has piped up and said that it is an interesting concept. She also said that Canberrans are living beyond their means, which I always find interesting advice. It is interesting advice coming from Meredith Hunter to say to the people in the suburbs that they have really got to get out of the car, as she gets from her inner north abode into her taxpayer-funded vehicle and drives down Northbourne Avenue to her taxpayer-funded car park. What rank hypocrisy to be saying: "Youse people are all living beyond your means. Don't worry about us." It is hypocrisy.

It is always people who are doing well who try and tell the people in the suburbs that they are living too well, that it is their fault, that they need to change their behaviours. How about looking at ourselves first? I do not tell Canberra families who live in the suburbs that they should get out of their cars. I recognise that they need their cars. I

recognise that even if you were to double the take-up of public transport in Canberra, the vast bulk of Canberrans would continue to rely on their cars for their daily commute and for most of their opportunities in getting around.

There is this kind of hypocrisy and disdain that we see. It is a sneering attitude from the Labor Party and the Greens to people in the suburbs—the kind of sneering attitude we heard from Anthony Albanese yesterday. That kind of attitude should not be left to stand—that kind of attitude from the Labor Party and the Greens.

It was articulated by the Chief Minister. The Chief Minister had the opportunity to get out there and say what she was going to do about the cost of living for the people of the ACT. What does she say? What was her advice to the people of the ACT? She said, "You could get rid of the Foxtel for a while."

I put that out there and I had a lot of feedback from people who heard that comment. Many of them came back. One mother with four kids who lives in Chisholm came back and said to me: "What would the Chief Minister suggest I do given that I do not have Foxtel? What would she suggest I do?" This is a family that is facing a high mortgage. They do need two cars—shock, horror—like many families in Canberra, in order to get the four kids around, to get to work. The husband works full time; the mother works part time. They have got to get the kids around, get them to school and various other places. They have two cars. They have got to service two vehicles.

This government does not care about their plight. This Chief Minister says to them, "It's okay; get rid of the Foxtel for a while." What do they do when they do not have Foxtel and they are already struggling under cost of living pressures? What do they do? She says, "You can get handouts." No; they do not get handouts. The vast bulk of people are not eligible for handouts. What they want is for the government to stop taxing them so much and to have policies that put downward pressure on the cost of living. You cannot fix it all with the odd handout.

The vast bulk of Canberrans want a government, first, that gets it. Katy Gallagher has demonstrated, on behalf of the government, that she does not get it. When you think that Foxtel is the biggest thing that is holding people back when it comes to their cost of living, you simply do not get it. We only have to look at the cost of living pressures that have gone up. There is the increase of $1,696 per person in taxes. Let us take the people in Banks who have seen their rates increase by 151 per cent in 10 years. I suspect that that increase is more than the cost of a Foxtel subscription for a year.

This is the kind of attempt to trivialise the concerns that we hear from both the Labor Party and the Greens. The Greens think it is an interesting concept—an interesting concept that they are happy to add to with all of their policies. All of their policies add to cost of living pressures, because they are constantly finding new and interesting ways to spend taxpayers' money. They have never seen a tax that they did not like. And we hear it with the Labor Party saying, "Just get rid of the Foxtel."

The figures speak for themselves. The cost of living has gone up significantly. Anyone who focuses on the key indicators and the key issues knows that the CPI does

not tell the full story. Mr Smyth pointed to the fact that the CPI has been increasing in recent months, that the cost of things we need has been going up much faster than the cost of things we want. That is where the squeeze really hits—when your water bill goes up by 15 per cent, when your electricity has gone up by around 80 per cent over 10 years, when your rates have gone up 150 per cent in 10 years in Banks and 100 per cent in other suburbs.

CPI has not been 150 per cent over the last 10 years. CPI has been more around the 40 per cent mark. We are talking about several times the CPI increase. We have got a situation where rates, water, electricity, rents and petrol have been going up much faster than CPI. The things that people need to pay for—the absolute essentials of life: a roof over people's heads, the ability to get around, the ability of people to feed themselves—have all been going up. The cost of health insurance has been going up. These are the essentials.

First the government need to recognise the problem. This government do not get it. They reject it; they say it is not an issue. Then they have a handout mentality. This is the Labor Party's way both federally and locally. Federally they kill an industry and say, "We'll give you a handout; we'll give you some transitional assistance." We saw it with live cattle. We see it now with carbon tax. Carbon tax, they acknowledge, is going to kill or severely hurt certain industries. They put a big tax on, but they will spit some of it back at you in handouts.

And that is what this government does. Instead of getting the policies right, instead of getting its spending under control, it says, "We'll give some handouts." Yes, we should be helping pensioners, we should be helping those who are unemployed and we should be helping low income earners with the cost of living. But I put it back to the government. Do they think that everyone who does not get a handout is rich? Do they not care about any of those people? It appears from all of their policies and all that they do that they do not.

Mr Barr interjecting—

MR SESELJA: Listen to the sensitivity on this issue. They have been caught short on cost of living, and the people in the suburbs know it. They know that this government does not care. They know that any time they hear Andrew Barr and they get a sense of disdain. They know that when they hear Katy Gallagher speak about cost of living and her best advice is "get rid of the Foxtel". And the best advice we have from the Greens' convenor is "get out of your car"—unlike her—"because that will fix things". You will not be able to get around anymore. It might take you two hours to get to work now instead of half an hour, but just get out of your car; that will fix your cost of living pressures. And then we have it reduced to an academic exercise where the new position of Meredith Hunter and the Greens is that the cost of living is an interesting concept.

No; cost of living is not an interesting concept. Cost of living is a real issue—a real, serious issue—for tens of thousands of Canberra families. They have been written off by this government and its Greens partners. It has been assumed that they can just get by because they have got higher than average incomes. Their costs are higher than

average as well. This government does not care. That is why we are going to keep putting forward plans to deal with it. This mob will continue to pile on that pressure because they really do not care about the cost of living. *(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) (4.19): It is interesting that Mr Seselja never answers the claim, which of course is an entirely accurate one, about why the Liberal Party voted against measures to provide assistance to low income households in the most recent budget. Why did they do that? Why did they vote against measures that provided an additional $131 a year to low income households to assist them with their utility costs? They did not do it because they are not really interested in cost of living pressures; they are just interested in getting themselves elected into government. They think that a simplistic assertion that "we care about cost of living pressures" is sufficient to garner electoral support.

A government that is serious about addressing cost of living pressures, and that is serious about assisting low income families and those most vulnerable to price movements in utility costs, fuel costs and so on, will target those households and focus their assistance on them. That is what a credible political party and a credible government do to deal with these issues. They do not just make some sweeping assertion that "you're not better off, and we're the guys to fix it"—which is the assertion of those opposite. Instead, they focus on those households that are facing disadvantage, those households that are vulnerable, those households that are disproportionately subject to any price movement in relation to electricity, gas, water or vehicle fuels. That is where you focus attention.

Today we heard an absurd argument from the Leader of the Opposition that seemed to include issues about live animal export. Apparently, for the Leader of the Opposition, live animal export is now a cost of living pressure. We heard him use the argument in his speech: live animal exports are apparently a cost of living concern for people living in Calwell, Banks or Charnwood. That is how absurd Mr Seselja's argument is. He had to bring live animal exports into his argument. That is exactly what he did. What an extraordinary argument from the Leader of the Opposition.

Let us talk about what a credible government and a credible political party do to respond to the price pressures that low income households face. It is low income households that are the most vulnerable. In the most recent budget, the government delivered an additional $131 per annum per low income household to improve concession arrangements for energy and water costs for those households. That was the most significant increase in the past decade to assist those households.

The maximum concession per annum now available for those eligible households is $346 per annum. Let us compare that with other jurisdictions. Let us compare it with Victoria, which provides a maximum concession per annum of $270; South Australia, which provides a maximum concession per annum of $235; or south-east Queensland, where the maximum concession is $120 per household. Let us compare those. Then let us take into account the comments that the Treasurer made. He made it clear that,

whilst we are seeing, for example, electricity price rises here in the ACT, the ACT's electricity prices are still the lowest in the country for an average household—the lowest in the country. ACT residents pay 40 per cent less than their New South Wales neighbours when it comes to electricity bills.

We recognise, of course, that any price movement upwards has an impact on low income households. That is exactly why the government has provided the additional concession support that it did in the most recent budget—the concession support that the Liberal Party opposed when it came to the vote in this place, the additional $131 per low income household that the Liberal Party opposed. It is on the record. They voted against it. Where is their credibility on the issue of addressing cost of living pressures?

Let us focus also on other practical measures that the government is undertaking to provide assistance to low income households. Of course, we provide assistance through a range of measures when it comes to transport. We provide transport assistance through measures such as the gold card scheme for free travel on public transport by senior citizens aged 75 or more. We provide assistance through the taxi subsidy scheme, which assists around 300 people with disabilities and older persons with their taxi fares. Over $1 million worth of subsidy was provided in the 2009-10 financial year.

I particularly want to focus on the assistance this government is providing for low income households to improve their energy efficiency, because energy efficiency measures actually save low income households money. They save them money, and they save significant amounts of money. In the most recent budget, the government provided $4.4 million over four years to expand its outreach program to low income households—both low income households in public and social housing and low income households in the private rental market. These measures, we anticipate, will save these low income households between $200 and $500 each year, on average, on their electricity and water bills. We anticipate that we will reach 4,000 low income households in both the social and public housing sector and in private rental to reduce their electricity and water bills by between $200 and $400 a year. When you put that on top of the more than $300 a year energy and water concession that the government is now providing as a maximum for those households, you are talking about savings of potentially close to $1,000 a year for those households in managing their electricity and water costs.

And who voted against this program? Who voted against the $4.4 million to expand the outreach program to help low income households improve their energy and water efficiency and save between $200 and $500 a year? The Liberal Party voted against it. The Liberal Party voted against a program that will save low income households between $200 and $500 a year on their water and electricity costs.

What does this program do? This program includes the retrofitting of rental properties with portable items such as better window fittings or window curtains so that they get better insulation and reduce heat loss and heat gain; measures such as water efficiency for toilets and showers to reduce hot-water costs and water use; and measures such as replacing old energy inefficient appliances such as fridges and washing machines,

which are some of the biggest energy users in the household, with more energy efficient appliances.

This government is partnering with organisations like the Salvation Army, Communities@Work and St Vincent de Paul to deliver these programs. I bet Mr Smyth has not fronted up to the chief executive of St Vincent de Paul and spoken to him about that great program they are delivering that is delivering support to low income households to improve energy efficiency. I bet he has not told them that he voted against it, but he did. He is on the record as saying that he opposed that program. He opposed $4.4 million of assistance designed for low income households to improve their water and energy efficiency. He voted against it, because they opposed the budget and all of the measures in it, including this one.

Let us look at the hypocrisy. Let us remember the hypocrisy of the Liberal Party's position on the issue of cost of living. They make the bland and politically populist assertion that "things are bad; we care about cost of living pressures". But they voted against the increase in the energy concession, they voted against the increase in the water concession and they voted against the outreach program to assist low income households. They have no credibility on this issue.

A serious and dedicated Labor government is focusing on low income households and is working to provide them with the support they need and deserve.

MADAM ASSISTANT SPEAKER (Mrs Dunne): The time for this matter of public importance discussion has expired.

Residential Tenancies (Databases) Amendment Bill 2011
Detail stage

Clause 1.

Debate resumed.

Clause 1 agreed to.

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

MR RATTENBURY (Molonglo) (4.31), by leave: I move amendments Nos 1 to 10 circulated in my name together *[see schedule 2 at page 3701]*.

I thank members for giving me leave to move the amendments together. I think it will speed up debate. I advise members, in case they have not noticed, that a revised version has been circulated this afternoon in light of the conversation that was had during the break today and over the intervening period. I have moved the amendments together because a number, in particular, are grouped together. I will speak first of all about amendments 1, 2, 4 to 6 and 8 to 10. These amendments can be explained as a group of amendments that give greater certainty and protection to tenants without increasing the obligations on the landlords or their agents.

The ACT Tenants Union raised the issue in their letter, which all of the parties received, about who has access to databases and their concern that malicious entries may be made at times by third parties who are not landlords, their agents or the database operators. While this is an unlikely event, the Tenants Union expressed the concern, based on their experience, that there is the potential for a past real estate agent or perhaps an angry neighbour to obtain access to a database and enter incorrect information about a tenant.

The government argued in their response to the Tenants Union that this was unlikely and that an amendment to the legislation was not warranted. The Greens have thought about this and we do not accept the government's assertion that it is not warranted. We believe the amendment we have proposed will cover off on the situation by extending some of the obligations to the "listing person", which is defined to include any other person.

There are a number of amendments through the bill required to give this effect. There are also a number of times in the government's bill when the obligations have been differentiated between the lessor, their agent and the database operator. These differing obligations were the result of the national agreement and our amendment does not interfere with those provisions. Our amendment is a simple one that extends the obligation to the listing person where it is possible to do so without interfering with the national agreement.

Amendment No 3 is the next one I would like to speak about. In line with the overarching intent of this bill, this amendment gives greater certainty to both tenants and landlords and their agents. Section 91 sets out two grounds that can give rise to a tenant being listed on a database. This is a welcome step from the government because it legislates the grounds, instead of leaving it up to the landlord or ACAT. It provides, I guess, a clear set of parameters.

Ground No 1 as currently worded would allow a tenant to be listed where the landlord believes that the tenant owes an amount of money that is greater than the bond. We agree that this ground, if proven, does warrant listing. However, we have a concern that the wording is not precise enough and does not give total clarity and certainty. As I touched on earlier in the debate today, often tenants and landlords have differing views as to what has transpired during the term of a lease. It is the case that sometimes tenants downplay the amount of damage or wear and tear that they have caused. On other occasions the landlord or their agent can overplay the situation. To allow the landlord to make a listing on the basis of their view of the facts is problematic, in our view. It would be far more appropriate to require that ACAT be involved, as a neutral third party, and to determine definitively that the amount owing to the landlord was greater than the bond. This is what our amendment would achieve.

One of the things that I wanted to touch on is a technical issue. There is perhaps a view that this amendment is a dramatic change from the moral provisions of the bill agreed to nationally by ministers. An important point to raise on this matter is that the documentation for the ministerial council notes that the model provisions offer a

minimum standard which can be added to by each jurisdiction. That is quite clearly spelled out in those documents. We believe that, by adding a protection, this possibility was considered and approved by the model bill and its drafting officers and ministers, so we do not believe it is a problem there.

What, perhaps, goes more to the central issue and point of debate on this topic is the role of having ACAT involved in making this decision and listing tenants under this power. The government, in our discussions over the lunch break—and I appreciated those discussions with the departmental officials as well; it was very useful to have a discussion—has identified three key arguments against the amendment that we are putting forward. I would just like to touch on each of those.

The first is that it will be unworkable because it will require landlords and their agents to go to ACAT in order to get a tenant listed. My view, and the Greens' view, is that landlords and their agents are already going to ACAT to get orders about the amount of money outstanding. Certainly, in the consultation we have undertaken with the property industry and property managers, our advice is that many landlords already go to ACAT to ensure that the decision and the orders received are enforceable and that they can be followed through. In that sense, it is already happening on a lot of occasions. That point is repeated in the attorney's letter to the Tenants Union.

The second issue that the government raised was: "Well, we don't need this power, or this approach, because the tenants have a right to correct inaccurate entries after they are made and therefore the amendment is unnecessary." Again, it seems, on the face of it, not unreasonable that the tenants can correct an inaccurate entry, but we believe it is best to get the entry right before it is made on the database, with the benefit of an ACAT order, rather than relying on appeal mechanisms to correct an error later down the track. If an agent wants to enter information the onus should fall on them to prove the matter, instead of having the onus fall on the tenant to correct an inaccurate entry.

It is an issue of proper procedure and, really, a debate about where the onus should fall. If one thinks about the consequences of this, the consequences lie on the tenant. If there is a situation—and, unfortunately, it does happen—where there is bad blood between the parties, a landlord might, with a slight sense of retribution, pursue a matter in this way. It is clearly then unfair for that bad blood to play out for the tenant who may, through an ACAT process, be found to have acted appropriately, or at least their bond covered the amount of damage—it was not in excess. I think it really is a question of where does the onus lie and thinking about the harm—for want of a better word. Given that the harm mostly will fall upon the tenant, I think it is important that the entry be determined to be correct before it is made on the database.

The third argument was that to take this approach and require the involvement of ACAT at this point would be unworkable when a tenant does not leave a forwarding address and an ACAT order cannot be obtained—for example, when a tenant has done damage and then left the jurisdiction with no intent of being found—in order to cover the costs that they have been responsible for. That seemed, again, like an important point, but further research reveals that section 44 of the ACAT act gives the tribunal the power to proceed in the absence of a party where there have been efforts made to contact them. So in the situation envisaged by the government, the ACAT

order could still be made. Again, I think each of those three central arguments has quite a strong counter point to it.

The last of the amendments to which I would like to speak briefly is amendment 7. This amendment inserts an example to provide clarification of the intent of section 97(2). In a letter to the Tenants Union the attorney described the intent of 97(2) to ensure:

> … if there are two listings about a tenant relating to breaches of two different tenancy agreements, one being 3 years old and the other being 2 years old, only the former listing would need to be removed. The latter can remain in the database for another year.

It was our view, having seen the attorney's letter and reflected on the legislation, that this intent was not entirely clear from the bill or its explanatory statement. Our amendment seeks to provide the clarification sought by the Tenants Union. This is where I should highlight the revised set of amendments that I have circulated. We received feedback from the department in the earlier discussion that there was a part in that proposed example that perhaps muddied the waters somewhat. We have deleted the phrase that was suggested to be deleted in order to ensure that that was absolutely clear.

Those are the amendments we have put forward. I think they provide some greater clarity where it may not have been the case. It was interesting, when talking with the department, that they said, "But it's really clear." It probably is if you work on these things all the time, but we certainly feel there is some value in spelling this out in a few places. With regard to involving ACAT in the process of determining the amount of money owing, because of the potential consequences for the parties involved, particularly for tenants, it is valuable to have that neutral umpire involved in ensuring that there is a fair outcome in that process. I commend the amendments to the Assembly.

MADAM DEPUTY SPEAKER: Mr Rattenbury, you have moved them as a whole. Do you wish to divide them?

Mr Rattenbury: They were circulated as a whole, Madam Deputy Speaker. I felt it would be best to proceed that way. Other members may wish to divide the question.

MRS DUNNE (Ginninderra) (4.41): I think it would be useful to divide these amendments because they fall into three categories. Amendment No 3 is a stand-alone amendment and amendment No 7 is a stand-alone amendment. Unless I stand corrected, my understanding is that the remainder of the amendments—that is, Nos 1 and 2, Nos 4 to 6 and Nos 8 to 10—all relate to a definition of a listing person.

I said at the in-principle stage that the Canberra Liberals would support these amendments. I am not afraid to say that I have had a reconsideration of that. I had a discussion with Mr Rattenbury and Mr Corbell during the lunch adjournment. I listened very carefully to the arguments put by both members. I have come to the conclusion that I cannot support amendment No 3.

It is an issue that was of concern to me that there is a possibility for lessors or lessor agents to inflate the expenses that they have incurred and thereby create a situation where someone gets a listing. I was sympathetic to having that issue mediated but I am also persuaded by the attorney and the officials' arguments that having this process that requires ACAT to make an order before such a listing can take place would make the system redundant, and I am persuaded by that.

However, I am open to persuasion in the future if there are abuses under this scheme. I will be quite happy to bring this matter back to the Assembly if we find that there are substantial abuses under this scheme. As things currently stand, I cannot support amendment No 3 as proposed by Mr Rattenbury, on reflection.

I am happy to support the amendment which is a little modified from what it was this morning, amendment No 7, which inserts an example. Mr Corbell seems to be of the view that this is belts and braces, but we often do belts and braces in legislation. To ensure that there is no ambiguity, I think that this example is acceptable.

I am somewhat torn about the remainder, which are the issues about a listing person. The arguments put forward by Mr Rattenbury and which were put to me by the Tenants Union are pretty much that it is possible that there is someone out there who may say something untoward on a database. However, I am also given considerable comfort by the discussions that I had at lunchtime and the advice from officials that, really, what we are doing in this legislation is creating a very narrow set of circumstances in which a listing can be made.

It is not legally possible—I am going to look for a nod from the gallery in a minute—essentially to say that they had a really objectionable pet, that they were rude to the property manager or to make comments like that on the database. The attorney is nodding. Therefore, seeing that there are some very narrow circumstances in which somebody can get a listing on the database—that is, if they have had their tenancy agreement brought to an end by an ACAT order or if they incur more costs than are covered by the bond—these are such narrow circumstances that I actually think it is not necessary or appropriate to shoot responsibilities to people who will not have the capacity to actually access the database. On reflection, I cannot support those amendments either.

I appreciate that this is an interesting and difficult area and I want both sides to obtain as just treatment as possible. But I also think that it is reasonable for tenants to know that if they behave badly in such a way that they do cause considerable expense to their landlords or to their landlords' agents, they will be listed on a database. It will become quite clear as time goes on that this database can have an impact on their potential to rent again. It may be a means of ensuring better behaviour from a small subset of tenants who are not well behaved.

This may have some implications for not just the private rental market. There are real issues about the appropriate behaviour of tenants as there are real issues about the appropriate behaviour of lessors and lessor agents. But as the attorney said, if we had a more flexible rental market there might not be such cavalier action there. That might get us back to the debate we are having in the matter of public importance.

On reflection, I am happy to support Mr Rattenbury's amendment No 7 but I cannot support the remainder of the amendments. On that basis, I think I would be asking that they be divided, as I outlined previously.

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) (4.47): I thank other members for their comments on these matters. As I have previously indicated to both Mr Rattenbury and Mrs Dunne, the government does not support these amendments. Mrs Dunne has given a reasonably accurate summary as to why.

Amendments Nos 1 and 2 in particular deal with the issue of who can list on a tenancy database. Mr Rattenbury is advocating the position that has been put by the Tenants Union that there is a risk, albeit a very small risk—indeed, a very small hypothetical risk—that a person other than a lessor, a lessor's agent or a database operator may list a matter which is adverse to a tenant on the database.

In the government's view, and as I have said to Mr Rattenbury and Mrs Dunne, we believe it extremely unlikely that a person other than a lessor or a real estate agent would try to list information about a former tenant. No-one uninterested in the agreement will have any incentive to list. Further, a person who, in the extremely unlikely event, does maliciously list a person potentially opens themselves to a civil action in relation to defamation. So we simply do not think that this is a problem that needs to be fixed. Therefore, we will not be supporting that amendment, nor will we be supporting amendment No 2.

Amendment No 3 is, I think, the most significant amendment and the issue of concern that I raised in this debate prior to lunch. It is the proposal from Mr Rattenbury that a court or ACAT must make an order requiring the lessor to pay an amount that is more than the rental bond as a precondition of a listing taking place. This would require the lessor to obtain an ACAT or court order that quantifies the amount owed. We believe it really only offers marginally greater protection to tenants while imposing a significant additional burden on lessors. There is little justification for this amendment and it is a substantial departure from the model uniform provisions.

I note Mr Rattenbury's argument that the government's concern about the ACAT making an order in circumstances where the tenant cannot be located—that is, to use the vernacular, they have done a runner—is addressed through the existing provisions of the ACAT legislation, which allows the ACAT to make an order in certain circumstances, even in the absence of the tenant. That is a valid observation in relation to issues around a bond but may not, in the government's view, be a valid observation in relation to an adverse decision to list.

The listing potentially has a greater implication for the tenant than the simple issue as to what they are required to pay in terms of outstanding bond or moneys additional to bond, because a listing has potentially a longer term detriment in that it will affect that person's ability to potentially get further accommodation for an extended period of time if they remain in the private rental market. In the government's view it would be

much more unlikely that ACAT would accept and agree to such an order being made without having heard representations from the tenant. So I do not accept Mr Rattenbury's argument that the government's concern is unwarranted and the government will not be supporting that amendment.

I turn to the other amendments. Amendment 4 and amendment 5 deal with the issue which is proposed by amendments 1 and 2 relating to persons other than authorised persons making a listing. I have already outlined the issues of concern there. The same applies in relation to amendment 6. In relation to amendment 7, which provides for an example, the example I think is a belts and braces approach. I thank Mr Rattenbury for taking the suggestion of my officials and correcting the error in the example so that it is an accurate example. I am not fussed about whether or not we have an example; so the government has no objection to amendment 7, except that we believe the explanation is unnecessary. Amendment 8 deals with the listing authorities of persons, as do amendment 9 and amendment 10.

Madam Deputy Speaker, the government does not support the amendments proposed by Mr Rattenbury, except amendment 7, on which I would suggest perhaps that we are agnostic. For the reasons I have outlined, the government asks members to reject these proposals.

MR RATTENBURY (Molonglo) (4.53): I move:

> That the question be divided

I have moved this motion on the basis that if members are agreeable we could do amendment No 7 by itself, amendment No 3 by itself and then the remainder as a group, if that is an acceptable way to proceed.

Question resolved in the affirmative.

Amendment 3 negatived.

Amendment 7 agreed to.

Amendments 1, 2, 4 to 6 and 8 to 10 negatived.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion (by **Mr Corbell**) proposed:

> That the Assembly do now adjourn.

Canberra Southern Cross Club—community support grants

MR SMYTH (Brindabella) (4.55): I wish to bring to the attention of members and the community the 2011 annual community support grants luncheon that was held at the Canberra Southern Cross Club yesterday. It was well attended by members of the Assembly—there were nine of us there. As the Chief Minister pointed out, we could have had a hearing had we wanted to. Along with the Chief Minister and Dr Bourke, there were Ms Bresnan, Ms Hunter and the Speaker, and from our side there were Mr Doszpot, Mr Hanson and Mr Coe.

One cannot be but amazed at the depth and breadth of the groups that (1) exist in the ACT and (2) are supported by the Canberra Southern Cross Club on an annual basis. Something like $200,000 was given out yesterday in smallish grants, but for many of those organisations those smallish grants are what they live on. So to Kim and Mary and the directors who form the committee that make the decisions on who gets what, well done. And to the Canberra Southern Cross Club, thank you for putting this money into the community and for all that you do for your members and supporters.

I will try and get through the list of all those that received grants, because it is quite important that people understand the breadth and the depth of groups that operate in the ACT and the support that they give to the community. So here we go: Boccia ACT, ACT Children's Week, ACT Companion Dog Club, ACT Churches Council, ACT Deafness Resource Centre, ACT Eden Monaro Cancer Support Group, ACT Muscular Dystrophy Association, ACT Palliative Care Society, ACT Right to Life Association, ACT wizards ten pin bowling, Anne's Legacy, Aranda-Cook Neighbourhood Watch, Arthritis and Osteoporosis ACT, Asia-Pacific School of Evangelisation, Asthma Foundation ACT, Australian Air League City of Canberra Squadron, Australian Church Women ACT unit, Australian Family Association ACT branch, Australian Rostrum ACT, Australian Thailand Association Canberra, Autism Asperger ACT, Battle of Britain, Better Hearing Canberra group, Billings Family Life Centre ACT, Black Mountain school P&C, Blind Citizens Canberra, Bosom Buddies ACT, Brain Tumour Australia Alliance, Bridge Back to Life Foundation, Brindabella Women's Group, Canberra After Suicide Support Group, Canberra Blind Society, Canberra Dance Theatre, Canberra Mothercraft Society, Canberra and Region Multiple Birth Association, Canberra Special Children's Christmas Party, Canberra tinnitus self-help group, Capital Healing Rooms, Catechesis of the Good Shepherd Canberra, Catholic Military Ordinarite, Catholic Women's League, City of Queanbeyan Pipe Band, Craft ACT and design centre, Curtin carols on the block, Epilepsy Association (ACT), Faith and Light Australian (Canberra), Friends of Brain Injured Children ACT, Ginninderra Catchment Group, Good Shepherd Catholic school Amaroo, Gowrie preschool, "Getting a Life" project Hartley Lifecare, Inner North playschool, Jellybeans playgroup, Koala playschool, Lake Ginninderra Sea Scout Group, L'Arche Genesaret, Lions Club of Tuggeranong, Little Taks playgroup, Macgregor preschool parents association Malkara school, Mental Illness Education ACT, Military History Society ACT, Ministry to the Newly Married, Mount Rogers primary school, Missionworx, Muscular Dystrophy Association of Australia, National Capital Orchestra, National Council of Women of the ACT, National Servicemen's Association, Oasis Community Church, Oasis Youth Residential Service, Onward Stroke Club, Pan Pacific and South East Asian Women's Association, Parentline ACT, Parkinson's

ACT, People with Disability ACT, "Picking up the 'Peaces'", Possum's playschool parent association, Pregnancy Support Services ACT, Print Handicap Radio ACT, RSI and Overuse Injury Association of the ACT, Samoa Catholic church, Serra Club of Canberra, Sleep Apnoea Association, Solace ACT, St Vincent De Paul's Society, Compassionate Friends ACT/ Queanbeyan, Heartbeat, heart and soul seekers, Legacy Club of Canberra, Leukaemia Foundation, Taylor primary school, Technical Aid to the Disabled ACT, Tuggeranong Link of Community Houses, Tuggeranong 55 Plus Club, Canberra U3A Recorder Orchestra, Variety club car 45 Variety Bash car, Vision Impaired Sports ACT, Weston Scout Group, Weston Winds community band, Woden Seniors, Woden Valley Youth Choir, the Wombat's playschool, and of course the Woodcraft Guild of the ACT.

If you want to read a list to know about how fantastic Canberra is, that is the only list you probably need to see in the course of a year. And if you want to know how important clubs like the Canberra Southern Cross Club are to the community, you only need to read this list and wonder where they would be without the support of that great club.

Planning—chief executive
Somalia—famine

MS LE COUTEUR (Molonglo) (5.00): I rise to talk about two things. First, I seek clarification from the Minister for the Environment and Sustainable Development. In question time today, he referred to Mr Savery as the previous chief planning executive. I was not aware that we had appointed a new chief planning executive, although I am aware that there is an acting chief planning executive, so I seek clarification on that.

But I am actually rising on a much more important and sober issue: the famine in Somalia. I have been reading about this, and I imagine all of us have heard about it and seen it on the TV and in the paper. At the very least, I think it should put into context what we are talking about here in the Assembly, specifically in terms of the cost of living debate today: obviously any of the people involved in the Horn of Africa issue would be delighted to have the cost of living issues that we have.

I want to quote from a *Sydney Morning Herald* article on the crisis. There are 12 million people severely affected by drought; 29,000 Somali children under five dead in the last 90 days; 640,000 children acutely malnourished—and that means, of course, that they are likely to die—and 400,000 people living in the world's largest refugee camp, which was built for 90,000 people. There is a humanitarian crisis, a humanitarian disaster, there.

Firstly, we should keep the wider picture in mind in all our deliberations in this place: what we do does not affect just the ACT. Secondly, we should look at helping as much as we can. This article has a list of agencies who are accepting money to help. I am sure that all of us here are aware of at least some of the people like UNICEF, World Vision Australia, Oxfam, Australia for UNHCR, CARE Australia, the World Food Program, Medecins Sans Frontieres Australia, the Australian Red Cross, Plan Australia and Save the Children.

I would like to reflect very briefly on why this has happened. I am not claiming great expertise on African development issues, but clearly the issue is that there is not enough food for the people there in Africa, and they cannot afford to buy what food is there. According to this article, the price of food has increased by 240 per cent in central Somalia in the past year—240 per cent. That puts anything in Australia to shame.

Part of the reason is, obviously, speculation. Part of the reason is, obviously, local. There is clearly a breakdown of law and order, and there has been a breakdown in law and order for a very long time. Somalia has had no effective central government, I understand, for the last two decades, which makes any sort of relief action or normal agriculture a lot harder. There are also, of course, the major issues, which the Greens keep banging on about, in terms of climate change. There is a major drought happening in Somalia. That has been the short-term thing that has happened. It may well be influenced by climate change. And there are other issues, such as the dreaded peak oil, the cost of fertilisers and the cost of agricultural inputs.

I would just like to say that this is a horrible situation, and it is one that we should all reflect on in our considerations as legislators and also as people who may be able to in some small way help the situation there and save a life.

Rabaul and Montevideo Maru Society

DR BOURKE (Ginninderra) (5.04): One of my earliest invitations as an MLA was to attend a commemoration luncheon for the Rabaul and Montevideo Maru Society. Truth telling is important to Indigenous people. Truth telling is also central to the story of the *Montevideo Maru*. I am indebted for my knowledge of this story to Hank Nelson and his very detailed history *Prisoners of war: Australians under Nippon.*

Rabaul in 1942 was the headquarters of the Australian administration of the Territory of New Guinea. On 22 January 1942 a very large Japanese invasion overwhelmed the Australian Light Force. The Japanese gathered over 1,000 prisoners of war and civilian internees in Rabaul and about 400 of the Light Force escaped. On 22 June 1942 the civilian and military presence in Rabaul, except the officers and nurses, were loaded on the *Montevideo Maru*.

Off Luzon in the Philippines, early on the morning of 1 July, she was torpedoed by the US submarine, *Sturgeon*. Not one of the 845 prisoners of war or the 208 civilians survived. This was Australia’s greatest tragedy at sea. Nearly 20 per cent of all Australian prisoners of war who died did so at sea, and Hank Nelson concludes that this was the cost of the warring nations failing to agree to give free passage to transports carrying prisoners and of the persistence of the Japanese in shifting captives when they were completely unable to protect their shipping.

More than anything, the relatives and friends of those who died in and around Rabaul, in the New Guinea islands and on the *Montevideo Maru*, whether they perished in the armed forces or as civilians caught in the maelstrom of war, seek some form of tangible, official recognition. These young men gave their lives to fight for their

country and to protect their families. Grandchildren still feel the sadness of their parents' and grandparents' loss. Knowing that soldiers are valued and honoured from previous battles must also help tremendously with troop morale.

The events were catastrophic for both the residents of the New Guinea islands, then an Australian administered territory, and the troops of Light Force and 1 Independent Company sent to the islands in early 1941. Families were torn apart, loved ones were missing and there were many unanswered questions. In early 1942, the Australians were ill-prepared for the Japanese onslaught and the New Guinea islands were sacrificed. A permanent Australian national memorial would provide the men who died with a lasting tribute and the honourable recognition they deserve. Relatives and loved ones of the 1,034 lost had to wait for many years to hear the truth—too many years of not knowing what happened.

The *Montevideo Maru* must be remembered as our greatest tragedy at sea. Governments must learn from the anguish of the relatives and be open and honest about disasters. As a politician, although I trust I will never encounter such a disaster, it is an instructive example for me to remember. The principles of honesty and openness learnt from the fate of the *Montevideo Maru* must apply to all aspects of public life.

Mr Bill Hoffmann

MRS DUNNE (Ginninderra) (5.08): I would like to take my time on the adjournment debate today to mark the passing of Bill Hoffmann. Anyone who is interested in music in the ACT would recognise WL Hoffmann's by-line as a prolific music critic over as long as I have lived in Canberra and for many years before that. Bill Hoffmann was one of the founding members of the Critics Circle. He died peacefully in his sleep at Ginninderra Gardens on Sunday, 21 August. He was 91.

Bill was, for a long time, Australia's most senior music critic. He travelled all over the country for the *Canberra Times* and filed reviews for nearly half a century. In his early days on the *Canberra Times*, when he came from Adelaide, he was the supervisor of instrumental music and director of the Canberra City Band, which he re-formed in 1947 after the band had lapsed because of unemployment and a lack of players in 1937. He continued to run the Canberra City Band for 30 years until 1976. Bill was the Canberra School of Music's original executive officer, and he recorded its formative years in his 1990 book *The Canberra School of Music: the first 25 years, 1965-1990*.

But Bill was best known as the *Canberra Times* music critic. We knew that through rain, hail or shine Bill would always be there to review. He covered the first performances of the Canberra Symphony Orchestra, productions of the then Australian Opera when it visited Canberra, and he was prolific—in my experience of Bill Hoffmann as a public servant many years ago—in supervising the dispensing of overseas scholarships. Bill was very generous with his time. For music scholarships, he would review hours and hours of cassette tapes of people's performances and give scholarly critiques of their performances which were taken into consideration when allocating scholarships.

He was always generous with his time. He was much loved in music circles and he enjoyed a vast variety of music. He had a capacity to tolerate and review a wide variety of music, both classical and popular. He had a particular love for musical comedy. I understand from those who knew him as a critic that he was much admired for his capacity to write clean copy. He filed reviews that very rarely needed any editing. It is a great testament to Bill's forbearance and love of music that he continued well into his 80s to review music for the *Canberra Times* and in other places. It has been said to me that he only gave up when his knees gave up. He said jokingly to friends recently that he never had an operation on his knee because he did not think that he would go on for so long.

The community of Canberra has lost a great patron and lover of the arts. His contribution to the music life of Canberra is enormous and the music community in Canberra will mourn his passing. Canberra has been richer for his contribution to music communities in the ACT. I hope that in future we can perhaps see some substantial commemoration of Bill Hoffmann's contribution to music in the ACT through, perhaps, some award or scholarship for the continuation of fine music in Canberra. Vale, Bill Hoffmann.

Hearing Awareness Week

MR DOSZPOT (Brindabella) (5.12): I would like to bring to the attention of our Assembly that the national Hearing Awareness Week is being staged around Australia from Sunday, 21 August to Saturday, 27 August this year as a key event for the Deafness Forum, the national coordinating body. The week is designed to promote community awareness of hearing impairment and also provides an opportunity for the 22 per cent of Australians aged 15 years and over who have a hearing impairment to share their experience and knowledge and help to create a greater understanding of their needs and aspirations.

Yesterday, 22 August, in conjunction with Hearing Awareness Week, I was pleased to attend the launch at Parliament House by First Voice of a cost-benefit analysis on the impact of early intervention programs for children with a hearing impairment. The launch included a welcome by Dr Dimity Dornan, chair of First Voice. There were opening remarks by the Hon Jenny Macklin, minister for families, housing and community services. Mr Jim Hungerford, CEO of the Shepherd Centre, gave a very detailed explanation of the work of First Voice centres and of the Shepherd Centre's role in Hearing Awareness Week.

There was also a personal impact statement about early intervention. A very moving presentation was made by Melanie Cairns. Melanie and her husband, Chris, had a young baby in the last several months, baby Isabel, who, through the early intervention program, was diagnosed at birth as being profoundly hearing impaired. Through the Shepherd Centre in Canberra, Isabel has been tested as suitable for a double cochlear ear implant; that will occur next month, well before Isabel's six-month milestone. Isabel is expected to lead a normal life because of this early intervention and should suffer no setback as a result of her disability at birth.

Research has shown that a child's learning ability significantly improves if the hearing impairment is identified before 12 months. If left until two years of age, it is apparently very difficult to reverse the damage that lack of stimulation to the aural nerve causes. However, in New South Wales and the ACT we still lag behind other states like Victoria and Queensland in early detection and implant. The Shepherd Centre works on evidence-based therapy. It advises that a normal hearing child will require repetition of up to 300 times to learn a sound. In a hearing-impaired child, it is 900 times. So the earlier a child can hear the faster and easier they can learn and develop language and speaking skills at a normal rate.

The First Voice report also brought to us a very important message: that for every dollar invested in hearing loss early intervention, there is an almost 200 per cent benefit in return.

I would like to commend the work being done by First Voice, the peak body for hearing loss centres in Australia, in commissioning research into hearing loss in Australia and to congratulate local centres, such as the Shepherd Centre, on the excellent work it does in assisting children and adults with a hearing impediment to lead better lives, particularly the centre's early intervention program, which allows children to access a range of services, including language groups, music groups, play groups and parent information and education evenings.

Canberra Southern Cross Club

MR COE (Ginninderra) (5.16): I rise this evening to speak about the contribution that the Canberra Southern Cross Club makes to the ACT community. I note that my colleague Mr Smyth also passed on his thanks and congratulations for the work the Canberra Southern Cross Club do to make our place, our city, the place it is. The Canberra Southern Cross Club is well known to all people in this place and, indeed, well known to, I would say, the vast majority of Canberrans who do have some involvement with the club. In fact, 85,000 people in Canberra are members of the club, which is a testament to its success and also to the satisfaction that we in the community have with the place.

The club has been a fixture in Canberra since 1972 and, in saying that, I note that next year will be 40 years of the club being involved in the lives of Canberrans. The objectives of the club are to be the premier club in the Australian Capital Territory by developing and reviewing a strategy for quality investments, services and memberships; maintaining innovative, diverse, responsible cost-effective services to members; exploring and developing opportunities for diversifying investments; fostering family values and Christian standards; and being recognised for positive and constructive community support.

Of course, the clubs industry is not without its critics and is not without its issues. Poker machine issues, reforms with regard to smoking and regulations thereof, amongst other things, are all things that the club are contending with. However, I commend them for the constructive way in which they are approaching each of these issues and I urge the government and, indeed, all in this place to engage with the clubs

sector in a constructive manner, such that we can ensure we get the best possible outcome with the reforms and regulations that we in this place are responsible for.

I would like to commend the board of directors. Jack Rice is the president. The senior vice president is John Lewis. The vice presidents are Bob Lloyd and Kim Marshall. The directors are Christopher Behrens, David Grimmond, Mary Laughlin, Adrian O'Loughlin, Simon Plummer and Paul Rollings. I would also like to commend the management team at the club, and that includes the chief executive officer, Greg Mitchell, the general manager, Carol Sawyer and the finance manager, Andrew Cullen. The vending manager for Woden is Matthew Walshe, for Tuggeranong Gus Sorrentino, for the yacht club Scott Martin and for Jamison, Kaleen and Turner Lance Prior.

The club moved into my electorate for the first time, I believe, in Ginninderra by taking over the Wests Rugby Club and, in doing that, they took over management of Jamison, Kaleen and Turner. I thank them and congratulate them for the role they are playing in the ACT community. I thank them for the grants program that they administer and for the $190,000-odd which they distributed on Sunday. A number of us were in attendance when that occurred.

Again, I congratulate the Canberra Southern Cross Club for the contribution they make to the ACT and look forward to working with them on the much-needed reforms that need to happen in that space.

Private Matthew Lambert

MR HANSON (Molonglo) (5.19): I rise tonight to talk about the tragic death of Private Mathew Lambert, who is the 29th soldier to have been killed in Afghanistan and the eighth this year. Private Lambert was killed yesterday. He was conducting a night patrol as part of the mentoring task force in Afghanistan. Private Lambert came from 2RAR, which is an infantry battalion. Their home is in Townsville. I think you can imagine the sort of activity that would have occurred last night when Private Lambert was mortally wounded by a roadside bomb—the fight for his life that his mates would have put him through, as they would have tried to help keep him alive. They did manage to get him back to a medical facility but tragically he died shortly afterwards.

Private Lambert was highly regarded by his mates. The commendations that are coming forth from those that served with him are that he was an exemplary soldier and a great friend to many of the fellow soldiers that he had in the battalion. Tragically, Private Lambert was married and leaves behind not only his wife but also his family, which includes his parents. So on behalf of the Assembly, I would like to basically just express our sorrow and our respect for another fine Australian soldier who has paid the ultimate sacrifice—a young man, 26 years old, Private Matthew Lambert, killed in action in Afghanistan. Rest in peace.

Question resolved in the affirmative.

The Assembly adjourned at 5.22 pm.

Schedules of amendments

Schedule 1

Law Officers Bill 2011

Amendments moved by Mrs Dunne

1
Clause 15, heading
Page 8, line 10—

omit the heading, substitute

15 Legal services directions—reporting

2
Clause 15 (1) (a)
Page 8, line 15—

omit

the model litigant guidelines

substitute

a legal services direction

3
Clause 15 (1) (b)
Page 8, line 17—

omit

the model litigant guidelines

substitute

a legal services direction

4
Dictionary, definition of *model litigant guidelines*
Page 29, line 5—

omit the definition

Schedule 2

Residential Tenancies (Databases) Amendment Bill 2011

Amendments moved by Mr Rattenbury

1
Clause 5
Proposed new section 87, new definition of *listing person*
Page 4, line 2—

insert

listing person means a lessor, lessor's agent, database operator or someone else.

2
Clause 5
Proposed new section 91 (1)
Page 7, line 20—

omit

lessor, lessor's agent or database operator

substitute

listing person

3

Clause 5
Proposed new section 91 (1) (c) (i)
Page 8, line 2—

substitute

(i) a court or the ACAT has made an order requiring the person to pay the lessor an amount that is more than the rental bond for the agreement, and the person has not paid the amount within the time required under the order; or

4
Clause 5
Proposed new section 92 (1)
Page 8, line 22—

omit

lessor, lessor's agent or database operator

substitute

listing person

5
Clause 5
Proposed new section 92 (1)
Page 8, line 24—

omit

lessor, agent or operator

substitute

listing person

6
Clause 5
Proposed new section 92 (2)
Page 9, line 6—

omit

lessor, lessor's agent or database operator

substitute

listing person

7
Clause 5
Proposed new section 97 (2), new example
Page 13, line 2—

insert

Example

Larry Tate is listed in a residential tenancy database in relation to two breaches of residential tenancy agreements. The first breach occurred 3 years ago. The second breach occurred 2 years ago. The database operator is required under s 97 (1) to remove the reference to the first breach from the database. Larry may still be listed in the database because the second breach occurred 2 years ago.

Note An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

8
Clause 5
Proposed new section 99 (4)
Page 15, line 8—

omit

9
Clause 5
Proposed new section 100 (4)
Page 15, line 27—

omit

10
Clause 7
Proposed new definition of *listing person*
Page 16, line 26—

insert

listing person, for part 7 (Residential tenancy databases)—see section 87.