



Debates

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Wednesday, 24 August 2011

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Wednesday, 24 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.

**Children and Young People (Transition to Independence)
Amendment Bill 2011**

Ms Hunter, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.01): I move:

That this bill be agreed to in principle.

The ACT Greens are introducing this bill today to extend the legislative responsibility of the director-general to support young people who have been subject to care and protection orders in the ACT from 18 to 25 years of age. The aim of this bill is to also provide clarity about what supports young people and young adults can access while planning and transitioning towards independence.

In October 2010 the ACT Greens released *Strengthening our support of young people transitioning out of care: a new framework*. The paper raised many issues but concentrated on providing a solution-based focus for the future, an action plan to get better outcomes for young people transitioning from out-of-home care.

The ACT Greens put forward a five-point plan to strengthen supports for young people transitioning out of care in the ACT. This included the provision of material and non-material support until young people reach 25 years of age, the development of comprehensive leaving care plans for every child leaving care in the ACT and free access to personal identification materials such as birth certificates and other personal items and information such as education documents, photographs and case files.

The ACT Greens also strongly believe that the ACT would benefit from a non-government post-care service to provide ongoing and coordinated support to young people and young adults who have left care. We will continue to lobby for this as a priority for the out-of-home care sector.

Through ongoing pressure and awareness raising about this issue, we saw several announcements made by the government during the budget process. This included provision of extra funding to provide financial supports to young people transitioning from care and the creation of four transitioning-from-care workers to provide assistance in a government and non-government setting.

On 8 March 2011 the minister gave in-principle support to extend the age limit for supporting children in formal care arrangements beyond the age of 18. The Greens began drafting this bill in March 2011.

On 4 August 2011 Minister Burch made a commitment to extend supports to young people from 18 to 25 years and to introduce a bill in the December sitting period. The ACT Greens' bill was ready to go, and I have decided today to table this bill as a way of contributing towards legislation that will ensure better support and therefore better outcomes for those transitioning out of care.

This group of young people, like so many in our community, deserve our best efforts to see success for them in life. Young people transitioning from out-of-home care are not a group I want used as a means of political point scoring. To that end, I have tabled this bill as a contribution in the hope that we can work together towards putting together a sound piece of legislation that addresses the issues faced by young people and young adults transitioning from care.

This bill brings the ACT into line with several other Australian jurisdictions. The Northern Territory, New South Wales and Western Australia all have legislated in this area to increase the rights and supports that young people who are leaving or have left out-of-home care receive. The ACT Greens have developed this bill in line with the New South Wales Children and Young Persons (Care and Protection) Act 1998 and the Western Australian Children and Community Services Act 2004.

This bill is underpinned by a need to acknowledge the importance of providing opportunities for all young Canberrans to reach their potential. The circumstances that lead to a child being removed from their home and family require evidence that demonstrates that this type of environment is in fact doing more harm than good and is not in their best interest. We understand that the nature of this situation usually means that a child or young person has been subject to traumatising levels of emotional, physical or sexual abuse or neglect. This can have a range of impacts on a child's life—as, too, can their experiences of out-of-home care.

There is strong evidence that children need a minimum of five key experiences to succeed: caring adults in their lives, safe places to live, a healthy start, effective education and opportunities to help others. Developmental and economic studies have linked these five experiences to better adult outcomes such as improved health status, less dependency on government and the earning of higher wages. However, we also know that current research indicates that young people and young adults who have been in out-of-home care situations have much poorer life outcomes.

Therefore, post-care options for young people transitioning to independence from the care and protection system must be enhanced to provide full opportunity for life success. This bill provides advice and understanding that young people transitioning towards independence have distinct needs and characteristics that must be taken into account when planning and delivering services with them.

What we know is that, like the national trends, children who have been placed in out-of-home care in the ACT have poorer life outcomes than other children. There are many factors which influence the life outcomes of children and young people, including the age that children enter care and the number of care placements they experience.

Young people transitioning out of care are at higher risk and more likely to be undereducated, be unemployed, earn less, become a parent at a younger age, be involved in the juvenile justice system, become homeless, be dependent on social assistance, have mental health issues, attempt suicide, and be at a higher risk of substance abuse. Across Australia we know that in 2009 35 per cent were homeless in the first year of leaving care; 46 per cent of boys were involved in the juvenile justice system; only 35 per cent completed year 12; 29 per cent were unemployed, compared to the national average at that time, which was 9.7 per cent; and 28 per cent were already parents themselves.

Educational outcomes for children in out-of-home care are extremely poor. This perpetuates the level of disadvantage experienced by the young person and has long-lasting consequences throughout their life. Research indicates that young people leaving care have poorer educational qualifications, are younger parents, are more likely to be homeless and have higher levels of unemployment, offending behaviour and mental health issues. This is perhaps most disturbing, because we know that education forms a critical aspect of meeting our needs and achieving our hopes and dreams. There is increasing recognition that education is the key to social mobility and crucial to positive life outcomes.

Create has collated information on the health outcomes of young people in care. Particular health challenges for these children include illness and disability, higher rates of teenage pregnancy, risk-taking behaviour and self-harm, and poor access to dental, optical and aural health services. Mental health is also a significant issue for young people in care. Research by the Royal Children's Hospital Mental Health Service shows that nearly two-thirds of children and young people in out-of-home care had mental health diagnoses and required mental health referral.

Across Australia we know that periods of homelessness and contact with the justice system affect close to half of young people after they leave care. Factors that were found to inhibit transition to independence include unresolved anger towards family members, workers or the system; unsuitable and unstable placements and multiple changes of carers and workers; a lack of long-term goals, for example education, vocation and living arrangements; a lack of sufficient income; contact with the youth justice system and imprisonment; a lack of preparation for leaving; and a lack of later contact with the care system.

The need for attention to be focused on leaving care plans was highlighted in the *CREATE report card 2009*. Better outcomes are achievable if each young person transitioning from care has been involved in thinking about and discussing their possible future life needs with a supportive adult. That adult may be a caseworker, a significant adult in their life or a carer. In working to prepare a transition plan with a young person, we have opportunities to identify courses of action or pathways to follow which assist their independent functioning and maximise their likelihood of a successful transition.

Research also indicates that when transitioning preparation is done well there is an increased likelihood of positive outcomes. For example, attention was drawn to the

significant associations that were observed in a survey done by Forbes, Inder and Raman of 60 care leavers between having a plan and positive transition outcomes; those with plans were twice as likely to be living in stable housing and three times more likely to be employed.

The bill provides clarification about which young people and young adults qualify for assistance. The bill clearly sets out the entitlements young people and young adults have to their personal information and materials, supports to access social services, or financial assistance to help with the costs of education, training and household furnishings. They are just a few examples.

Currently within the Children and Young People Act 2008 all planning for transitions towards independence begins at the age of 15. Nationally some 65 per cent of young people in care are without a care plan, which means no plan for their future independence. In *Transitioning from care in Australia: an evaluation of CREATE's What's the plan? campaign* of 2011, McDowall reports that 40 per cent of young people aged between 15 and 18 years reported having a current leaving care plan. McDowall also reports that for the 17-year-olds in the ACT preparing to leave care 63 per cent reported that they had a leaving care plan. Many report not knowing that they were even supposed to have one, and this is simply not good enough.

We know that many young people are not aware of their rights within the system that has been put in place to protect them and look after their best interests. Therefore we need to strengthen this system by providing information, advice and more opportunities to develop the knowledge of workers, carers, families, children, young people and young adults as well as the broader community about what rights and assistance these young people have access to as they prepare to transition towards independence.

This part of the amendment bill seeks to provide a clear mandate that the young person or young adult must be involved in all planning and the development of any proposals about accommodation, education and training, employment, financial security, social support, life skills support and health care. These areas provide examples of the types of things that must be explored to ensure that each young person or young adult has a comprehensive plan for the future. However, while young people must be involved, we cannot ignore that there is likely to be a power difference between them and their caseworker.

The ACT Greens have used this bill to ensure that the interests of young people and young adults are paramount and that they receive additional support through the involvement of their carer, particularly in ensuring that the planning process actually occurs. It is important that the community that surrounds, protects and cares for the young person or young adult is provided with the opportunity to formally support and be a part of the process, just like any other family in the community.

All participants need to have greater awareness of the importance of young people and young adults transitioning to independence doing so in a supported way. To ensure that this greater awareness is not put to one side or forgotten, the bill provides that transitioning plans must be reviewed at least annually and, regardless of the amount of

contact a young adult has from the age of 18 to 25 years with the care and protection system, young adults remain eligible to have their transition plan reviewed annually.

The bill also provides for a strengthening of the current charter of rights for children and young people in out of home care. This bill seeks to make provision for the development of a charter of rights for children, young people and young adults in, or previously in, out-of-home care. This part of the bill is intended to have the director-general revise the charter of rights for all children in the director-general's care to include the rights of young people leaving care up until the age of 25 years. The bill provides that the director-general must promote compliance with the charter of rights by out-of-home carers and that each child and young person in out-of-home care is given a copy of the charter of rights. Again this strategy acts as a means of promoting the need for and right to transitioning to independence planning.

In developing this bill the ACT Greens seek to legislate that all young people and young adults transitioning to independence are entitled to the possession, free of charge, of any personal material held by the Community Services Directorate or any other body or person that has provided care for the child under a placement arrangement. This bill also seeks to provide clarity about how young people and young adults are best supported with mechanisms that ensure that their overall health and wellbeing are preserved while accessing their protected personal information.

Within the bill we have made provision for the director-general to provide appropriate support to young people and young adults when they are accessing this information. The young person or young adult may also elect someone to provide this support to them. It is very important that we understand that many young people and young adults, or in fact anyone who has ever left an out-of-home care system, may at some point want to read and understand more about their past experiences that have been recorded within their case file.

This bill is intended to ensure that when young people or young adults are accessing protected personal information they are made aware of the potential impacts that doing so may have on them. The information these young people or young adults are accessing may contain sensitive or confronting content that can have emotional impacts; therefore it is important to provide adequate supports to ensure that any harm is minimised.

The bill also sets out that the director-general may provide financial assistance to a young person or young adult that has left out-of-home care. The director-general is required to be satisfied on reasonable grounds that the assistance is necessary given the circumstances and will be used for an appropriate purpose. This may include purchasing furnishings, paying for education and training costs or paying other costs associated with transitioning to independence. The bill sets out provision for the director-general to place conditions on the financial assistance and also notes that no interest is to be charged on the financial assistance provided.

In relation to the financial assistance that can be provided within the bill, the minister can make guidelines to enhance clarity about the use of this financial assistance, and the guidelines are required to be a notifiable instrument. This provision is intended to

ensure that young people and young adults are provided with a range of supports not dissimilar to those available to other young people in family situations.

I cannot stress enough that a bill like this is intended to provide guidance and keep the issue of supporting young people to transition to independence on the agenda as well as provide a legal framework to assist in achieving better outcomes. However, change in any system like the care and protection system requires an ongoing commitment to achieving the best outcomes possible. It is about raising our expectations and making sure that children, young people and young adults are encouraged to become the best they can be. At times, our transition planning, when done, has resulted in churning young people out into a welfare-dependent situation that encourages cycles of dysfunction and poverty.

We need to understand that breaking the cycle can, in many cases, come down simply to ensuring that every child who comes into our care and protection system receives those five key experiences of caring adults in their lives, safe places to live, a healthy start, effective education and opportunities to help others.

This bill provides an extension of our legislative responsibility as a way to ensure that we are engaged in a process of continuous improvement and innovation in policy and practice with regard to the needs of young people and young adults transitioning to independence.

I look forward to working with Minister Burch and Mrs Dunne to develop and legislate supports for those young people and young adults transitioning to independence in a way that gives them the greatest possible opportunity for a successful life.

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

Crimes (Offences Against Police) Amendment Bill 2011

Exposure draft

MR SESELJA (Molonglo—Leader of the Opposition), by leave: I present the following paper:

Crimes (Offences Against Police) Amendment Bill 2011—Exposure draft.

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

Leave granted.

MR SESELJA: I rise today to introduce a very important piece of legislation that will send a strong message that the Canberra Liberals at least are ready and willing to offer protection to our police officers, just as they are so ready and willing to protect us. Today I introduce an exposure draft of the Crimes (Offences Against Police) Amendment Bill 2011. This bill recognises that our police officers face unique difficulties and are expected to face difficult situations and provide specialised services and, therefore, need and deserve the protection of specialised legislation.

In short, the bill makes an assault on a police officer an aggravated offence rather than a simple offence and increases the penalties for those found guilty of this and other offences. I will talk in some detail about the construction of the legislation to address some of the specific concerns that have been raised in previous debates. But first I want to talk about the importance of this legislation and what it means to us as a parliament, to us as a community and to each of us as citizens striving for a safer city.

Mr Speaker, the Canberra Liberals have become increasingly concerned as we see increasingly common reports of assaults on our police officers. I will quote from just some of the media reports we have had to endure to illustrate the need for action. From 31 July, an article titled “Another attack on police”:

A police spokesman said that at about 4.15 am yesterday, members of the ACT Policing city beats team had intervened in a disturbance outside the London Burgers and Beers Cafe Bar in Civic, in which one man was seen punching the window glass of the premises.

“When police approached the group of four people and sought to move them on, the alleged offender an 18-year-old-man from Page, lashed out and punched an officer in the face” ... “Although he was then restrained, he remained extremely aggressive, swearing and violently resisting arrest.” Police allege that while the 18-year-old was being held, another member of the group, a 20-year-old woman from Reid, attempted to intervene and kicked the arresting officer.

From an article titled “Another weekend attack on police” on 1 August 2011:

At about 2.15 am on Sunday police had approached a small group of people causing a disturbance outside a nightclub, with one man in the group bleeding heavily from his nose.

But when police approached, the man began acting aggressively towards both police and other members of the public.

When police attempted to arrest the man, he allegedly deliberately spat blood and saliva at the eyes and mouths of two officers before he could be subdued, handcuffed, and taken to the ACT Watch House.

The two officers, one male and one female, have been tested for potential exposure to pathogens from the attack, and will be monitored for ongoing potential health risks.

And this from 24 July 2011 titled “Police won’t cop assaults”:

Police officers in the ACT are being assaulted at a rate of nearly one a week ... An ACT police officer was hospitalised and received treatment for injuries, including a suspected broken hand, last Tuesday after allegedly having been grabbed in a headlock and hit repeatedly.

That is the problem we face, but it is nothing compared to the problems our police officers have to face every day and every night out there on the beat or responding to calls for help or coming to the aid of other workers who have witnessed an incident or assault.

This issue has been debated in this place before, but the Canberra Liberals believe now is the time to act. The bill I put forward today is an exposure draft, but I will go through some of the key issues in the bill and the debate that has surrounded it. First, I would like to put to rest a legal myth that has been propagated by the Attorney-General. Mr Corbell is on the record as saying that offences were occurring too often, but the territory government was unable to increase penalties because police in Canberra were treated as officers of the commonwealth.

This is both wrong and troubling. Section 28 of the Australian Capital Territory (Self-Government) Act 1988 provides that if an ACT law is inconsistent with a commonwealth law, it has no effect to the extent that it is inconsistent but shall be taken to be consistent with such a law to the extent that it is capable of operating concurrently with that law. The commonwealth Crimes Act 1914 section 4C(3) provides:

Where an act or omission constitutes an offence against a law of a Territory, the validity of that law is not affected merely because the act or omission also constitutes an offence against a law of the Commonwealth.

This means that the ACT can have offences that deal with assaults against police officers. On a more simple legal basis, the territory has the ability to create whatever laws we deem fit for the territory, subject to commonwealth laws and the self-government act. The territory has created and modified many times a comprehensive set of criminal laws for the peace, order and good governance of the territory. This legislation is just another in that suite of solutions. It is very worrying that the Attorney-General does not understand this.

The next issue is: what wrong are we trying to correct here; what gap in the law is evident? Simply, the current laws have been proven at best inadequate and at worst unworkable. Currently there is a choice of a commonwealth offence—that of assault on a commonwealth officer—which is technically difficult to raise and practically impossible to establish, or there is common assault.

The commonwealth law requires three physical elements and three fault elements to be established. Common assault is simpler, but it has previously been indicated by the Assembly that it is a summary rather than indictable offence, giving an indication to the courts that it is a less serious offence. Presently, there is nothing in between. This has resulted in an anachronistic and unsuitable situation that leaves police officers without adequate legal remedy for the seriousness of the assaults. This bill remedies that situation.

The next issue is that of creating a special class of victim. Simon Corbell has previously stated that the intent of the ACT Labor government is not to create a class of criminal offence distinguished by the character of the victim rather than the actions of the offender. But that is not correct either. The territory has passed aggravated offences in respect to pregnant women. These aggravated offences were created in recognition of the fact that, according to that bill's explanatory statement, some forms of crime are worse than others. Therefore, this bill adds to the list of aggravated offences; it does not create a type of offence that does not already exist.

This bill recognises the unique responsibility that the territory places upon those acting in the role of ACT police officers. Those officers are required to get in harm's way when an incident occurs, a unique obligation amongst all professions in the ACT and one which the Canberra Liberals believe deserves overt recognition.

Turning to the specific mechanics of the bill, I would like to make a few brief points. As I stated, the bill adds to the list of aggravated assaults available to the courts. They are not mandatory; they are available options. Some classes of assault already have aggravated sections. This merely adds to the categories that already exist for aggravated offences. Thus we create a full range of offences that can be utilised rather than the two extremes that are the only current options.

Secondly, the operation of the bill will still need the elements of the simple offence to be made out. Next, the aggravated offence only applies when an officer is carrying out their duties as an officer. Lastly, and importantly, the legislation is balanced by the provision that:

... the offence is not an **aggravated offence against a police officer** if the defendant proves, on the balance of probabilities, the defendant did not know, and could not reasonably have known, that the person was a police officer.

Furthermore, the inclusion of a wide range of alternative judgments gives the courts the ability to judge each case on its individual merits and act accordingly, again reinforcing a balanced, reasonable solution.

Simon Corbell stated in the *Canberra Times* on 24 July that, unfortunately for police officers, alcohol-related violence, resistance to arrest et cetera are all realities of the front line. ACT Labor think it is just part of the job and have previously stated that they will not, in principle, countenance extra protection for the police officers who protect us. This is the key difference, Madam Assistant Speaker.

The Canberra Liberals believe in giving our police all the protection we can. They alone are asked to address the most violent of our citizens. They alone step up to that task. I, or any other member of the public, am able to walk away from a violent incident. In fact, in many cases, the proper, appropriate and sometimes only course is to call the police, and the police will answer that call. They will do so with bravery beyond what many of us will ever get to show and face situations many of us will never get to know. They do so on our behalf and at our request. They protect us and our city and our community. Now it is time for our community to protect them.

This bill offers genuine support in a legal sense to ensure that offenders who assault police will face the courts with the full backing of a law that makes it crystal clear that it is not acceptable to assault police—it is not just part of the job—and they will face very stiff penalties for their actions. This bill also sends a message from this place that the community has had enough—enough of the senseless violent assaults on police officers while they are protecting or serving our city and enough of us asking our police to take risks for us, face dangers for us, and take injuries for us and to do so without any special protection from us.

This bill sends the message loud and clear: you assault a police officer in this city at your peril, and the city will impose a serious sentence upon you if you do. Our police do a unique job, a dangerous job and an important job. I am proud on behalf of the Canberra Liberals to bring forward this bill. I commend it to the Assembly.

Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011

Mr Rattenbury, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR RATTENBURY (Molonglo) (10.29): I move:

That this bill be agreed to in principle.

Today I am pleased to be tabling the Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011. In summary, the purpose of this bill is to insert a new section into the Residential Tenancies Act 1997 to create minimum standards for properties subject to tenancy agreements in the ACT. It also creates some specific regulations related to the provisions with the act itself.

As members would be aware, I tabled an exposure draft of this bill back in April, and we have engaged in quite a public consultation process around that draft. That consultation included discussions with or submissions from a range of stakeholder groups including the Real Estate Institute, the Property and Landlords Association, the ACT Tenants Union, ACTCOSS, the Environmental Defender's Office, Street Law, the YWCA, and ADACAS—the ACT Disability, Aged and Carer Advocacy Service.

We also discussed the bill with a range of community councils, and presented it at their meetings, including at Gungahlin, the inner north, the inner south and the Woden Valley. I will return later to some of the many pieces of correspondence we also received from members of the public. Overall, feedback on the bill has been very positive. However, there are obviously some changes as a result of some of those submissions and discussions. I think the whole process has, in fact, demonstrated that developing legislation in conjunction with the community is a powerful thing to do.

Broadly, the purpose of the bill is to set specific minimum standards for energy efficiency and water and then create a requirement for the minister to set other minimum standards in a range of other areas such as security, sanitation and drainage, ventilation and protection from damp. The bill then outlines the process by which a tenant can pursue with their landlord concerns that the standards are not met, including a provision, via the Office of Regulatory Services, to take a dispute to ACAT if necessary.

The final part of the bill outlines exemptions that landlords can seek if they are unable to meet a minimum standard. The bill allows for the minister to create exemptions for classes of premises where the cost of meeting the minimum standard is considered unreasonable.

The background to this bill is that the 2006 census indicated there were around 35,000 households living in tenanted properties in the ACT. Seventy-two per cent of these were private rentals and 26.5 per cent were ACT public housing. While many properties rented out in the ACT are of good quality, some are substandard. This bill is important because it is those properties which are often rented by people on low incomes, people who are vulnerable in our rental market.

It is frequently a tight rental market here in the ACT. It can be quite competitive and there is not a lot around at the cheaper end of the market. Prospective tenants find themselves in a situation where they cannot afford to turn down a rental as it is not necessarily easy to get another one.

The Real Estate Institute reported to us that they thought location was one of the biggest factors in a tenant's choice to rent a property, and I suspect they are right. But I can also imagine that when a renter finds a house in the right place at the right price they are not necessarily thinking ahead to how cold it will be in winter and necessarily how hot it might be in summer. If they are, I suspect many tenants think that they can just get a heater in winter and issues will be resolved.

This is where tenants can come unstuck because when all that heat and energy are disappearing out of the roof due to a lack of insulation and they are still cold, that is when they realise they have a problem. Sadly, the people who rent out low grade housing often end up being the same people with the highest electricity bills.

Energy efficiency ratings of between zero and 1½ stars for older houses in the ACT are not uncommon on the rental market. They may have had cosmetic upgrades to make them easier to rent but they still have very low efficiency ratings. Information supplied by the home energy audit team in 2005 indicates that lifting an EER from zero to three can halve a home's energy bills, a not insignificant statistic given the recent rises in electricity prices and the much discussed topic in this place of cost of living pressures.

The call for minimum standards for rental properties has been made by a range of community organisations across Australia: ACTCOSS, the Brotherhood of St Laurence, the Consumer Utilities Advocacy Centre and the Victorian Council of Social Services through their "decent not dodgy" campaign, which calls for reforms to the Victorian Residential Tenancies Act. To date, only Queensland has introduced a mandatory standard for water in rental properties. If this bill passes, the ACT will once again be a legislative leader on an issue that other states have talked about but failed to take action on.

In some ways it is not surprising that the call to set minimum energy efficiency standards runs the hottest in the cold states. Tasmanian, Victorian and ACT renters would by far be the hardest hit when a house is poorly insulated or has an ongoing damp problem. When I introduced the exposure draft of this bill I gave some of the reasons why I thought it was important to set minimum housing standards for rental properties. The consultation process that we undertook did not really reveal anything that altered my view that this was an important thing to do. In fact, we received many

positive comments from people in the community for whom this issue really resonated and I would like to share some of those now.

An email from an Evatt resident said, “I am no longer a renter but I longed for this sort of legislation when I was renting.” A Ginninderra resident said: “Meredith Hunter’s Ginninderra electorate newsletter has brought to my attention the proposed basic standards for rental homes initiative. I think this is a good initiative to bring rental accommodation standards up to those expected in countries such as Germany where renting is the norm.” A Torrens constituent wrote:

I would like to thank you so much for what you have done for tenants in the ACT with your advocacy of minimum energy and water standards. It is one of the most positive and practically useful things for improving quality of life I have seen for many years in any area (and to the wider environment). I am a tenant too but at least with a decent income and in my work at the hospital I am aware of numbers of (often very unwell) tenants struggling to stay even minimally warm in Canberra winters. I frequently have to ask charities to pay some of their electricity bills.

And a Kambah resident says:

My partner and I are in a rental property (an old government house) in Kambah, with zero insulation, wooden floors and sheer curtains. The floors are admittedly OK in summer but for at least six months in the cold seasons they are really not OK. There is no insulation between them and earth outside. There is no insulation full stop. We have one Vulcan gas heater that heats the lounge/dining/kitchen (about 1 third of the house). The rest of the house is freezing and we can always see our breath condensing. Plus the outside walls are permanently dripping wet with condensation—that’s not an understatement either. I have already used bleach to clean large patches of mould from our bedroom wall, ceiling and bedroom furniture. The same thing is happening in the bathroom too. We have been advised by the real estate that this property is a long term rental for the owner. We have also come to realise that the owner is unwilling to part with any money to improve the standards of the property. We have been waiting over a month for approval to install a bayonet which will enable us to purchase an efficient gas heater for the rest of the house.

Of course, there were a few emails and letters that gave negative feedback to the bill. In the main, they were from people who thought no more costs should be put on landlords at all. However, it would be fair to say that the bulk of the feedback was positive and I think those couple of examples I have just cited demonstrate the very practical benefits that we are talking about and certainly the real experiences that some in the Canberra community are suffering where they are renting out substandard houses.

Aside from that, why do the Greens think we need this bill? Firstly, there are no minimum standards for rental properties. Current provisions do not mean that houses need to be warm in winter, cool in summer, be well ventilated, have flyscreens or deadlocks. Indeed, the current provision, which is “a reasonable state of repair”, effectively implies that whatever facilities the property offers are in good condition. But it fails to specify what specific facilities should be included.

Secondly, it will help to raise the standard of rental housing stock across Canberra, such that energy and water use is reduced providing cheaper properties to run as well as contributing to the community's savings in these areas. It will reduce long-term cost of living pressures on those who are renting homes.

Thirdly, we know that the nature of renting means we have a split incentive problem. The landlords are the ones who need to make the investment but it is the tenants who often reap the immediate benefits in most cases. This leads to some properties never having investments made to keep the properties liveable, especially if the landlord is more focused on the capital gains rewards than the wellbeing of the tenant.

Finally, in the face of that split incentive problem we know that when financial incentives are made available to landlords, landlords do not often take advantage of them. We saw practical evidence of this in the federal government's energy efficiency homes package in 2009. In spite of being offered up to \$1,000 to help with the costs of ceiling insulation, landlords were reticent to take up the opportunity, and the stats tell the story. The federal government was aiming to insulate 500,000 rented properties, but in the six months to 30 June 2009, only 3,526 rental properties had been insulated, and the rental scheme was soon rolled into the home owner scheme.

Demand was only 16 per cent of what was anticipated. This phenomenon has been supported by survey research undertaken by the Tenants Union of Victoria, where only 12 per cent of people who received insulation rebates in Victoria in 2008 were in tenanted households. On their own, incentives are clearly not the kind of policy measure that you would use to actually fix the problem if you wanted to do so.

This is a really important point: the carrots alone do not work. The time has come to think about gently applying a small stick; not too hard, not too fast, but that is the beauty of minimum standards. They are really just about getting the basics in place—the measures that mean renters are safe, warm and healthy in their homes.

We set such standards for cars and for children's toys. We set them for service delivery. We demand them of government. So why on earth are we not asking those who lease out their properties to other people to meet just the most basic of standards—standards that would help prevent people from getting sick, that would reduce their electricity bills and that would improve their quality of life?

I think the answer to that question is that we must do it. The community groups who work with vulnerable Canberrans who are living in poor quality rentals are asking us to do it. Renters who currently live in cold rentals are keen. Canberrans who have in the past lived in damp rentals understand why we should do it. The majority of landlords in this town would be horrified if their own properties were not meeting these standards. We are not mandating luxury here. We are mandating that Canberra's rental properties should be warm, safe, secure, ventilated, have functioning heating and should not cost a bomb to run.

The criticism I most roundly received when I put this bill forward was the criticism that, of course, landlords will pass on the costs. Of course, I did not actually say that

some landlords would not pass on the costs. What I said was that the costs of rentals in this town are about so much more than just the cost burden on landlords. Vacancy rates and availability play a hugely significant role with our tight rental market, meaning that landlords consider what they might be able to charge in light of what the market can bear. This is not an unreasonable thing for a landlord, but it is also a reality. Rental prices are high when the market is tight.

But what I think is important to acknowledge in this debate is that not all landlords are in the same circumstances. Some may have only just bought their investment property and have large repayments to support. Some may be owner-occupiers sent overseas on a posting. Some might have owned a paid-off family inheritance for years and have no bills to pay other than the basic maintenance.

I acknowledge this, but even so I would suggest that all these landlords have an obligation to provide decent rental accommodation to their tenants. The reality is that the capacity of landlords to meet these standards will vary greatly. Some obviously already meet them. Others could easily afford to make the basic changes. Others might need more time to be able to afford changes and others might even have to seek exemptions. But in the end, there is no excuse for landlords to offset their costs onto tenants, especially when those costs can be about health and wellbeing, not just financial burden.

It is also worth remembering that if some rents do rise slightly as a result of expenses that are absorbed by landlords, it is very likely that the tenants will save over the longer term on the running costs of the property. The Greens are supportive of a discussion about how to integrate or even target landlords with some financial assistance to improve their properties—already the government offers a \$500 rebate if more than \$2,000 is spent on energy efficiency improvements after a heat assessment, and there are also rebates available under the ACT government's ToiletSmart program.

Landlords, in some cases, will also be able to claim tax concessions. But it might be that landlords could be targeted, for example, in the government's mooted energy efficiency retailer obligation bill, which we await in the spring session. In the UK, this kind of scheme had a carve-out for target groups in the community. There is no reason why the ACT scheme could not do the same to provide those specific incentives and specific helpers to get landlords across the line.

As to the bill itself, firstly, we have changed the commencement provisions in this bill as a result of community feedback, which indicated that setting January 2013 as a start time for the energy efficiency standard might be too fast for some landlords and could lead to problems with sourcing tradespeople. So all the provisions that relate to the energy efficiency standard now have a commencement date of January 2014, giving landlords more than two years notice once the bill has been passed.

The requirement to advertise an EER will have the effect of implementing the government's COAG commitment of phasing in mandatory disclosure of residential building energy efficiency ratings for rental properties at the time of lease by May 2011. VCOSS, the Brotherhood of St Laurence and the Tenant's Union of Victoria have all warned against introducing mandatory disclosure without introducing

minimum rental standards, as houses that have improved energy efficiency will be able to demand higher rents, leaving low income tenants priced out of the market and pushing them into the lowest quality housing.

The bill commences the advertising provision in January 2013, with the minimum energy standard commencing in 2014. So advertising an EER will be against the backdrop of the new standard coming into force. The specific standards are set out for energy efficiency and water efficiency. The energy efficiency standard requires premises to meet an EER of two from January 2014, and an EER of three from January 2016. Water efficiency standards are delivered through fitting low-flow shower heads and taps, and installing a dual-flush toilet.

The bill requires the minister to set standards in relation to a range of other areas, such as ventilation and damp, construction and condition, supply of hot and cold water, heating, laundry and cooking facilities, lighting, hard-wired smoke alarms and electrical safety. We have now included security in this list as well in response to community feedback that more work would be required to determine the kinds of locks and other security devices that should be utilised.

The bill then outlines a process whereby a tenant can raise concerns with their landlord firstly and then the Office of Regulatory Services if no agreement is reached that minimum standards are not being met. The tenant can seek an order from the ORS to ensure that a landlord undertakes work to bring the property up to the minimum standard.

Should an order not be met, the bill also allows for the ORS or the tenant to take the matter to the ACT Civil and Administrative Tribunal and outlines a range of orders that ACAT can take in regard to the matter. The process for a tenant to request that a minimum standard be met is designed primarily to be a process of negotiated outcomes rather than a punitive process.

We did contemplate a suggestion to create an offence for not meeting the minimum standards. However, we ultimately concluded that that would be policy and regulatory overkill that would place high resource demands on the government to implement. In contrast, the process that we have settled on is one that is triggered when there is a problem.

Some have raised concerns that, like other rentals dispute resolution processes, it may leave the tenant in a powerless situation. However, I think we have the balance right and that if tenant disempowerment is a substantial issue, as it seems to be, we need to look at other ways to support tenants, such as better resourcing of tenant advisory and support services.

The other major feature of this bill is the capacity for a landlord to apply for an exemption if they believe that premises cannot meet the minimum standards or where the cost of meeting the minimum standard is considered unreasonable. The clause allows the minister to create exemptions from specific standards for premises or a class of premises. For example, monocrete houses may not easily meet the energy efficiency standards or insulation could be difficult to install in the case of hard-wired smoke alarms in houses with no access to the roof space and wiring.

In summary, I look forward to discussing this bill with the government and the Canberra Liberals. I know that the government might want to raise issues around the government housing scheme and some process issues. But I feel sure that if other parties in this place engage with it in a meaningful way they will realise that this is something that should be done.

Indeed, it is hard to justify not taking action, we believe, based on the evidence. Certainly, renters across Canberra will thank the Assembly if we pass this bill and create minimum standards to protect those renters in Canberra. We do not believe that it is fair on renters that some properties are nearly impossible to heat in winter or to cool in summer, or are vulnerable to burglary. But equally, I do not feel that it is fair on those landlords who do have decent properties out there and who are having to compete with the lower standard properties in the market.

In passing this bill we have the opportunity to provide environmental benefits for this city, to tackle cost of living issues and to ensure, I guess, a basic standard of decency that we as an Assembly are saying we expect members of our community to live in. That is what this bill is about and I commend it to the Assembly.

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

Crimes (Penalties) Amendment Bill 2011

Debate resumed from 29 June 2011, on motion by **Mrs Dunne**:

That this bill be agreed to in principle.

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

That debate be adjourned.

Standing and temporary orders—suspension

MRS DUNNE (Ginninderra) (10.50): I move:

That so much of the standing and temporary orders be suspended as would prevent debate on the motion to adjourn debate being debated.

It is important that we suspend standing and temporary orders today to allow us to debate why this matter should be adjourned. This matter has been on foot for two months and all members of this place have been warned on a number of occasions that it was the intention of the Canberra Liberals to bring this matter on. It becomes quite clear that the attorney claims, through the whip at admin and procedure yesterday, that the government is not ready to debate this bill. But at the same time the government has introduced legislation in exactly the same space in almost exactly the same terms. It seems to beggar belief that they could come to a cabinet decision about that and not come to a view about the Canberra Liberals' bill. It is quite clear that the government wants to stymie the Canberra Liberals in their attempts to deal with their legislation in a timely way because they do not want to deal with the Canberra Liberals' legislation.

It is a longstanding convention in this place that members who introduce legislation, and have carriage of legislation, have the final say over the timing of when it is dealt with—not the government, not the crossbench, not anybody else. So if Mr Corbell wanted to bring legislation in here, within reasonable time, we will deal with it.

In the case here, we have given reasonable notice. On the day that this bill was introduced, I foreshadowed that we proposed to debate it in the August sittings. Mr Corbell had as much warning as any other member of the community. He is working in this area. He has views on the subject, which are published, but he is not prepared to debate this issue.

You have to ask the question why Mr Corbell is not prepared to debate this issue. And it is quite frankly because he has been caught out. He does not want to address these issues because these are issues that should have been dealt with many years ago. In fact, in 2005 and in 2008 the Canberra Liberals introduced legislation in this space and the Labor government voted against it, said it was not necessary. If we had voted for that legislation that was introduced in 2005 we would not be here today attempting to fix up the mess that has been left by ACT Labor. ACT Labor has been in denial about the need to address stricter sentencing in various aspects of the Crimes Act since 2005 and as a result of that denial we are now in a situation where we have to fix this up.

The matters that are being brought forward today are serious issues which have been recommended for action either by a unanimous decision of a standing committee of this place or on the recommendation of one of the most senior statutory officeholders in this town, the DPP. The issue in relation to culpable driving could have been fixed by Mr Corbell and his colleagues in 2005. It was not fixed by Mr Corbell and his colleagues in 2005 and we are now in a situation where we have inappropriate sentences which cannot be appealed effectively by the DPP in this area. And it became incumbent upon me, because the DPP wrote to me on this serious matter, as he wrote to the attorney, to act on it.

Mr Rattenbury does not want to deal with this because he would like to deal with sentencing in a holistic way. And it would be my preference that we deal with sentencing in a holistic way, which is why the Canberra Liberals have been working through these issues for some time and we are almost ready to table a complete review of sentencing. But as things stand at the moment, we found that it was necessary to bring this matter forward because of the representations of the DPP in this area, because I think it would be negligent of us if we did not deal with this matter.

This matter has been on foot for a very long time. Mr Corbell has had every opportunity to deal with this matter. He quite simply does not want to deal with it because, first of all, he is embarrassed by it and, secondly, he wants to be in the situation where he can pass his bill rather than pass the bill from the Canberra Liberals, who have worked harder and have a longer track record of dealing with these matters. He wants to be able to say, "I did it."

Actually, Mr Corbell is part of the problem and he is demonstrating again today he is part of the problem by trying to stymie debate on this matter. This is a matter for which the community has a high level of interest and it should be debated 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) (10.55): I will not be addressing the substantive issues around this bill because this question is about whether or not the bill should be brought on for debate. I am happy to address the substantial issues around this bill when the bill does come up for debate.

But the Liberal Party should think again about standing up in this place and accusing the government of not being ready to debate bills, Madam Assistant Speaker. I draw to your attention those bills which the Liberal Party have advised the government they are not ready to debate. They are the Work Health and Safety Bill 2011, not ready to pass beyond the in-principle stage from the Liberal Party; the Road Transport (Safety and Traffic Management) Amendment Bill 2011, not ready to debate; the Security Industry Amendment Bill, not ready to debate; the Unit Titles (Management) Amendment Bill, not ready to debate; the Coroners Amendment Bill, not ready to debate; the Terrorism (Extraordinary—

Mrs Dunne: That is a lie, Simon. That is a lie.

MR CORBELL: I ask Mrs Dunne to withdraw that.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne, would you like to withdraw that comment?

Mrs Dunne: I withdraw.

MADAM ASSISTANT SPEAKER: Thank you, Mrs Dunne.

MR CORBELL: The Terrorism (Extraordinary Temporary Powers) Amendment Bill, not ready to debate. So before Mrs Dunne stands up in this place and gives us a lecture about how terrible it is that the government is not prepared to debate her bill today, let us just be very clear about the track record of those opposite. There are eight government bills on the table, all of them tabled approximately two months ago, not ready for debate because the Liberal Party are not prepared to debate them at this time. That is the hypocrisy of those opposite. The fact is—

Mrs Dunne: That is a lie. That is a lie.

MR CORBELL: I ask you to withdraw the comment again, Mrs Dunne. I ask you to withdraw it. I heard what you said. Withdraw it.

MADAM ASSISTANT SPEAKER: Mrs Dunne, I invite you—

Mrs Dunne: I withdraw.

MADAM ASSISTANT SPEAKER: Thank you. Mr Corbell.

MR CORBELL: The fact is that a majority of members of this place have to be ready to debate a bill before it is brought on for debate. It happens to the government frequently in this place, as I have just illustrated, that a large volume of legislation is on the notice paper but is not brought on for debate because other members have advised they are not yet in a position to debate it.

Mrs Dunne has been advised, both this week and last week, that the government and, I understand, the Greens are not prepared to debate her bill. But instead of accepting that and putting something else on the agenda paper and actually trying to use time wisely in this place, they have simply sought to grandstand on the issue by bringing the bill on, knowing and being advised in advance that neither the government nor, I understand, the Greens will support debate on the bill at this time. If they want to grandstand, that is their business. But I think the facts show just how shallow their motives are.

MR RATTENBURY (Molonglo) (10.59): The Greens will not be supporting the suspension of standing orders today. We have been clear with Mrs Dunne that we would be supporting the adjournment of the bill, and the reason we want to do that is that we believe there is a better way to go about this process, as has been alluded to and as I have spoken about publicly on a number of occasions. We remain open to considering this bill, and I want to be quite clear about that. But we think that there is a better way to approach the question of sentencing in the ACT, and that is why we will support the adjournment today.

We now face a situation in the Assembly where we have four different areas of sentencing before the Assembly. Particularly in this case, we saw the minister last week table a bill in a very similar vein to that which Mrs Dunne has on the table, and certainly my colleagues in the Greens and I are concerned that this way of going about it, sort of doing it on some ad hoc or piecemeal basis depending on what has been in the press or for a range of other motivations, is not necessarily the best way to go about sentencing. We certainly have thoughts about sentencing in the ACT and areas where there might be problems, and that warrants some further investigation. We are of the view that it would be a far better approach, rather than simply picking up bits and pieces, to sit down and say, "What are we trying to achieve with sentencing in the ACT? Where do we want to get to? What is currently working? What is currently not working? And therefore where does the Assembly want to go?"

This is not about outsourcing it to academics, as been suggested. It is about actually using the expert opinion that exists out there, the expert understanding, the expert evidence, to inform this Assembly of areas where we might have problems and then for the Assembly to make the judgement on what it wants to do with that.

But certainly one of the reasons that the Greens are not ready to debate this today is that we still do not understand what the difference is. Where is the evidence that increasing the penalties in this way will achieve the objectives that Mrs Dunne and her colleagues have in mind? Where is the research that shows that more than

doubling the penalties for culpable driving will reduce the number of driving offences in the ACT? Will it have a deterrent effect? We do not know. We remain open to receiving that evidence and that is why we do not oppose the bill and that is why we are open to adjourning it, because we think that there is still room for discussion there to see the evidence put on the table.

I do want to flag that I share Mrs Dunne's concern about the way the government sometimes approaches private members' business, which can be a bit of an attitude. It says, "It is our way or the highway. If it is not a government bill, then we are not prepared to do it." That is certainly a frustration that my colleagues and I have had at times about things being brought on. Ms Le Couteur has sought to bring on issues on solar hot water on roof tops. Ms Bresnan looked at the issue of controls on solariums at times. We brought those bills on and the government sat there and said, "We are doing it. We will get to it. We will get to it later." I do not think that is a satisfactory outcome. So I want to flag that we certainly do not want to see Mrs Dunne's bill go that way.

But we have a different set of issues to what the government does. With both bills on the table, I think there is also a space here for Mrs Dunne and Mr Corbell to potentially work together on their bills, which are quite similar in many regards, and perhaps sort through some of those similarities, iron out some of the differences and it may even be that we do the bills cognately at a later point, although they do have differences in various ways. I would need to have a further think about whether that is definitively possible. I think our reasons for not supporting the adjournment of this bill are somewhat different to the attorney's.

Nonetheless, we will not be supporting the suspension of standing orders and the Greens will vote for the adjournment of this bill today. We will be looking for further discussions. We would certainly be keen to see the evidence that shows that increasing penalties in this way is a deterrent—and some of these are more than doubling the penalties—and we need to be convinced that more than doubling those penalties is going to make a real difference out there on the streets and is not some populous attempt to say, "We want to look like we are going to be tough on crime because that is how we want to position ourselves 12 months out from the looming ACT election."

MR HARGREAVES (Brindabella) (11.04): Madam Deputy Speaker—

Mr Seselja: Two government speakers, extraordinary.

MR HARGREAVES: A little bit of courtesy from you would be good. It would be breathtakingly surprising to us all.

Mrs Dunne: Pot, kettle, black.

MR HARGREAVES: Oh, Mrs Dunne!

MADAM DEPUTY SPEAKER: Mr Hargreaves!

MR HARGREAVES: I will refrain from descriptive phrases, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Mr Hargreaves, come to the subject. Stop with the conversation.

MR HARGREAVES: The issue is, as Mr Corbell said, the government will not be supporting the suspension of standing orders. But I want to put a slightly different reason on the table for it. The Liberal opposition has been fully aware for well over a week that the government does not want to debate this bill at the moment. It is not ready to debate this issue.

Mrs Dunne says there is a longstanding convention that these things happen. She also admitted that in recent times. Of course it is her right, it is the right of the member producing the legislation, to have it brought on but it is up to the Assembly to decide whether to proceed or not. This parliament is in charge of its own destiny. There will be a vote not to proceed. There will be a vote to adjourn. We have got to accept the rules of the Assembly. What did the attorney say last week?

MADAM DEPUTY SPEAKER: The time for the debate has expired.

Question put:

That **Mrs Dunne's** motion be agreed to.

A call of the Assembly having commenced—

Mr Hargreaves: On a point of order, Madam Deputy Speaker, it has been a convention in this place where pairs have been agreed between whips that members absent themselves. There is an agreement. The document is in front of you. The agreement was between me and the opposition that Mrs Dunne's pair from 11 o'clock this morning would be agreed. And I would ask those opposite not to just throw convention away. I was not informed that Mrs Dunne was going to be delayed. I was not informed of anything like that. As far as I am concerned, the pair should be operative.

MADAM DEPUTY SPEAKER: Mr Hargreaves, the chair does not get involved in pair arrangements. It is between whips. A division has been called for.

The Assembly voted—

Ayes 5

Noes 10

Mr Coe
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Mr Barr
Dr Bourke
Ms Bresnan
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

MRS DUNNE (Ginninderra): Madam Deputy Speaker, I seek leave to make a statement under standing order 46.

MADAM DEPUTY SPEAKER: Do you claim to have been misrepresented?

MRS DUNNE: I claim to have been misrepresented.

MADAM DEPUTY SPEAKER: Please proceed.

MRS DUNNE: In the debate on the suspension of standing orders Mr Corbell made a number of assertions about how the Canberra Liberals were not ready for a range of bills, specifically the Security Industry Bill which was scheduled for debate last week and which the manager of government business took off the agenda. There was a range of other bills he referred to like the coroners legislation, the unit titles legislation and a couple of others. There was a range of correspondence between Mr Rattenbury, Mr Corbell and me where Mr Rattenbury asked for more time to deal with those matters. There was general agreement some weeks ago that they would not be dealt with in this period. Mr Corbell made a number of assertions about how we were not ready for things and gave the impression, erroneously—

Mr Corbell: On a point of order—

MADAM DEPUTY SPEAKER: Would you resume your seat, Mrs Dunne. Mr Corbell.

Mr Corbell: Madam Deputy Speaker, this standing order is not in place to allow for debate. It is to deal specifically with where the member believes they have been misrepresented. Mrs Dunne needs to come to where she believes she is being misrepresented and not seek to debate the question, because there is none.

MADAM DEPUTY SPEAKER: Thank you, Mr Corbell. That is correct, Mrs Dunne. Could you come to the point where you think you have been misrepresented?

MRS DUNNE: The point I am making is that I have been misrepresented by Mr Corbell, who claimed that I was not ready for a range of bills, including the Security Industry Bill. He took that off the agenda. He took off the agenda the coroners bill, the residential tenancies bill and others at the request of Mr Rattenbury. This was agreed to some time ago. There has never been a question about whether the Canberra Liberals were ready or not. What Mr Corbell said today was false, and he should withdraw it.

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): I seek leave to make a statement under standing order 46.

MADAM DEPUTY SPEAKER: Do you claim to have been misrepresented?

MR CORBELL: Yes, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Please proceed.

MR CORBELL: I claim to have been misrepresented by Mrs Dunne in her statement. Mrs Dunne advised me on 19 July that she agreed with Mr Rattenbury that the Unit Titles (Management) Bill, the Coroners Amendment Bill and the Terrorism (Extraordinary Powers) Amendment Bill should not be debated until September. She went on to say that she would also probably add the security industry and law officer bills to that.

Mrs Dunne: And then we said we were ready to do it and you took off security—

MADAM DEPUTY SPEAKER: Mrs Dunne! We are not having a conversation.

Question put:

That debate be adjourned.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr

Ms Hunter

Mr Coe

Mr Smyth

Dr Bourke

Ms Le Couteur

Mr Hanson

Ms Bresnan

Ms Porter

Mr Seselja

Mr Corbell

Mr Rattenbury

Ms Gallagher

Question so resolved in the affirmative.

Debate adjourned to the next sitting.

Food (Nutritional Information) Amendment Bill 2011

Debate resumed from 6 April 2011, on motion by **Ms Bresnan**:

That this bill be agreed to in principle.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (11.17): The government support this bill in principle. We are concerned about the prevalence of obesity and the damage it is doing to the health of a growing number of ACT residents. The government believe that providing clear and meaningful information to consumers about the energy composition of the food they purchase will assist consumers in making informed food choices. This, in turn, may result in improved food choices which help to stem the rising rates of obesity and people who are overweight, and may even contribute to a reduction in the prevalence of these health issues across the community.

However, the government do have some concerns about proceeding with this legislation today. I believe there are issues around national consistency and also

around adequate consultation with the community, particularly in the case of this bill as it will affect the community at large. I would acknowledge that we have been working closely with Ms Bresnan and the Greens on this since the bill was tabled. I think there has been good communication between officers and the Health Directorate in terms of improving the bill. Ms Bresnan has amendments, and so do I, that I think will improve the operations of this bill.

Having said that, I do however accept that I am not satisfied that the consultation to date has been adequate when we are looking at the potential impacts of this change in the way operations will occur. Ms Bresnan advised me that after introducing the bill she wrote to approximately 250 stakeholders, but there are over 2½ thousand registered food businesses in the ACT and, whilst not all of these would be covered by the legislation, I think it is important to broaden out the consultation.

In response to the targeted consultation, Ms Bresnan received three written responses and one phone call. I think it is interesting that if the government intended to implement change like this we would be required to go through a full regulatory impact statement. I accept that non-executive members of this place do not have the resources available to them to do that type of work, but I think that with legislation like this a robust impact analysis is important. For example, the bill requires food businesses that sell standard food items at seven or more places in the ACT, or 50 or more places nationally, to display point-of-sale nutrition information. The figure of 50 outlets nationally is consistent with the New South Wales legislation which was based on consultation and a regulatory impact assessment.

However, no rationale has been given for the bill's figure of seven outlets in the ACT. Because we do not believe that there has been adequate consultation on this bill, we do not know if there are businesses that will unexpectedly be captured or exempted by this seemingly arbitrary figure of seven outlets. In fact, you could say that the minimum figure of seven outlets has been chosen specifically in order to target certain Canberra businesses, yet, despite this, these businesses may not necessarily understand the impact that this proposed legislation will have on them.

It should also be noted that on 12 August the South Australian government released its draft point-of-sale regulations for four weeks of open public consultation. If the residents of New South Wales and South Australia are given the opportunity to comment on these laws before they are introduced, I think the ACT community should have been afforded the same opportunity.

I will, however, just briefly discuss the position that the Canberra Liberals are taking on this bill today and that has forced the government's hand in this regard. We sought an adjournment of this bill at the in-principle stage because we believed further work and analysis needed to be done on the detail of the legislation. I had assumed that all members of this place would support point-of-sale nutrition information being provided to the Canberra community. This is part of a national move in this direction and it will occur.

I wrongly assumed that all members of this place would support point-of-sale nutrition information and that then we would be able to adjourn so that we could take a bit more time going through some further consultations and detail on how the

legislation was to actually operate. The Liberals have chosen to oppose the bill in its entirety and to oppose an adjournment. That left the government with no alternative but to support the passage of the legislation today because we will not, in the interests of public health, stand here and oppose point-of-sale nutrition information being provided. We think it is the right thing to do, but we also think this bill could have been improved by taking a little bit more time to get it right and to provide the opportunity for everyone who is going to be impacted by this legislative change to have the opportunity to be made aware of that and for the government and other members in this place to have some understanding about the regulatory impact costs and benefits of that.

However, because of the Liberal Party's obstruction and opposition in the way in which they are conducting themselves in the Assembly, if the adjournment was to fail—which it will, based on the numbers—the government have no alternative but to work with Ms Bresnan to do the best we can in the detailed stage of this bill today. But I will also say that we reserve the right to bring this bill back prior to its commencement for further amendments should national consistency become a problem over the next six months—that is, although Ms Bresnan's bill is broad enough and in line enough with the work that is being done nationally, if there are further improvements that need to be made based on the work that is done nationally we will bring this bill back for further amendment.

There is quite a lot of work going on in the area of national consistency. I accept that this has taken a long time and that other jurisdictions have moved prior to that national work being completed. I attended the food ministers meeting and spoke in favour of national consistency in this area. I think it is crazy to have eight different systems of point-of-sale nutrition information potentially operating across Australia. I think we should strive for national consistency. I think parents and other consumers should be able to know that the information they get in Queanbeyan is the same as they are going to get in Canberra or Perth. I just do not think it makes any sense to be creating jurisdictional specific point-of-sale legislative schemes.

Having said all that, the government are in favour of point-of-sale nutrition information. We have long argued and supported this in the forums that we participate in and we accept that the legislation before us today gives us an opportunity to genuinely show our support. We would not, and certainly I would not as health minister, be put in a position where I was going—as Mr Hanson is going to do as shadow health spokesperson—to vote against a bill that seeks to improve public health here in the ACT. I look forward to him justifying that.

Having said that, I will speak at the detailed stage to a number of amendments. I would like to thank the Health Directorate for working very closely with Ms Bresnan's office, providing briefings and their expert insight into this. I would also like to acknowledge Angie Drake, who has been working across offices as well to improve the operations of this bill.

MR HANSON (Molonglo) (11.26): As indicated by the minister, the Liberals will not be supporting this bill. It is not because we do not support more information, better information, being provided at the point of sale. The arguments that we are putting

forward for not supporting this bill today are largely those arguments that the minister herself has made—that we need national consistency. She has argued strongly for national consistency. I will quote from the speech she just made. She said:

... it is crazy to have eight different systems ... operating across Australia.

She also said that it makes no sense to create jurisdiction-specific point-of-sale legislation.

I think they are valid points. The reason, ultimately, that we disagree is this. We had the same arguments—the minister and I—about our concerns with this piece of legislation. The difference is that the minister is going to support it anyway, regardless of the consequences for business and regardless of the fact that we will end up with a position where we have jurisdiction-specific legislation. She is going to support it because she wants to send a message. In my view, we do not need to have a piece of legislation to send a message. She is the health minister. She can send a very strong message and she can make a very strong point—as she has done, as the Greens have done and indeed as I have done—that we need to tackle the obesity crisis and that we need to make sure that, where appropriate, we have the right sort of labelling on our foods, be that in supermarkets or at point of sale in fast-food outlets.

We do not need a piece of legislation in this place that is going to have consequences down the track for a bunch of small businesses out there, that is going to have negative consequences that the minister herself has highlighted. She can make that point. She can make it very strongly. She can put out a press release. She can put something on her blog. She can tweet it in one of her Twitter cabinets. What she does not need to do is support a piece of legislation that is going to have potentially some quite significant negative consequences for businesses here in the ACT.

I will go further and read from a letter that the minister wrote to Ms Bresnan regarding this. She said:

The Bill will affect the community at large and I remain concerned that the legislation has not been the subject of appropriate public engagement.

But she is still going to support it. She said:

I have also been advised that the NSW government has established a working party to finalise the impact on supermarkets in NSW under their legislation which I have been advised will not report until December 2011. I think it is important that any future ACT legislation should be able to adopt the outcomes of these discussions so that we are not requiring supermarkets to have a different regime in the ACT, to that of NSW. I think it would be sensible to look at the results of the NSW prior to finalising the ACT scheme.

Hear, hear! She said:

As you would be aware, I would prefer for the ACT to be able to adopt the national principles to guide point of sale information. I think it makes sense to have point of sale information which is consistent in all jurisdictions. Whilst I

accept this work has taken some time to progress, I still believe your legislation should have the flexibility to incorporate the outcomes of this work when complete.

On the one hand Katy Gallagher has argued strongly against supporting this bill today, but she is going to do so simply because she does not want to be seen as being on the wrong side of the debate. I do not think that she is on the wrong side of the debate. She has argued very consistently and coherently for point-of-sale food labelling. Whether you agree with it or not, there is no doubt about where this government stands on it.

I am actually agreeing with the government on this point. It does make sense to take a breath, to make sure that we have nationally consistent legislation. If that is what we believe and that is what we agree to, we should hold firm to that position and say, "Let's make sure that any legislation that we have passed in this place does adhere to nationally consistent legislation or regulations."

It is odd to me that the minister would on the one hand argue that this bill is going to cause problems and on the other hand say that she is going to support it because she is a bit too afraid that people might think ill of her. I do not think that is the wrong way to approach it. The minister asked me to outline my case as to why we will not be supporting it, and that is why—basically because we agree with it, not because we disagree with it.

There is clearly a problem with obesity in this country. We understand that the cost of obesity in Australia is \$6.5 billion annually. I think that has been a point well made. I have engaged with the Heart Foundation on this bill and on this issue. In fact, the Heart Foundation has done a lot of heavy lifting on this issue and has led the way on this debate. I am not arguing philosophically about the need for additional information to inform choices. I do not think it is a panacea and I do not think it is a silver bullet, but I believe there are some measures that we can put in place to provide information at the point of sale to consumers.

But let us not pretend that, simply because the Greens are rushing to put this legislation forward before national consistency, that means that they are in any way doing something that is not a well-held principle or something to be led by other jurisdictions, not the ACT, in a way that has been very well established throughout the COAG process.

There is an impact on business. The minister herself highlighted the impact on that. Whether it is 50 nationally or whether it is a smaller number locally of seven, the impact is likely to be significant. And there is an impact on business of having to do something different in every jurisdiction. If you are a fast-food outlet with perhaps 50 outlets, maybe dispersed across Australia, if you have then got to do something different in every outlet the implications of that are quite significant. Likewise, locally, the last thing that we want is for a small business to be told, "Right, we have got this legislation; this is what you have got to do; you have got to label all your foods—the baklava, the hot dogs; you have got to have the labelling on it," and then find that that regulation changes or those guidelines change. We have got to make sure that we are

not in a position where we have any change to nationally consistent guidelines that basically duplicate the need for regulation.

There has been some delay in the COAG process. It was information that was due in July. But I note that it is only August, so it is not as though we are several years late. This is information that was due in July from COAG, and it is now August.

I note also that the bill that is being introduced by the Greens would commence in January 2013. I am not sure what the extraordinary rush is to have this debated today so that it can commence in 2013. I would have thought that allowing ourselves a space to do that would be appropriate. It is important that we make that point.

There are some discrepancies and differences with New South Wales regulations which I think were included by the Greens, in terms of service stations that are not included in New South Wales, and I think there are some implications from that that we need to consider also.

This is not about the Liberal Party necessarily having a philosophical objection to this. There are some concerns that we have. There are definitely some concerns that we have on the impact on small business. Because of that, we have got to be very mindful that we do adhere to nationally consistent regulations.

But I agree with the minister, and it is disappointing to me that the minister does not have the courage of her convictions to follow through on what she said in COAG, to follow through on what she said in the letter to Ms Bresnan, and to follow through on what she said in her speech today. Rather, instead of following through on her convictions and what she understands is the correct course of action, she is going to support this bill today because she is concerned, as I understand it—she has basically given the impression of that—that as the health minister she does not want to be seen to be not supporting this legislation. That is weak. If that is what Katy Gallagher stands by as her strong leadership, either as the health minister or the Chief Minister, that is disappointing.

For those reasons, we will not be supporting this legislation today. Although the intended legislation is supportable, the timing is wrong.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.35): I would like to add my support for the Food (Nutritional Information) Bill 2011. There are a number of reasons why this is a very positive initiative, and one area that I would particularly like to focus on is the impact on children and young people and their health of not having that information.

We know that the ACT Health Council has said that one of the biggest threats to our high life expectancy here in the ACT is obesity. And it is alarming to think that young Canberrans are, for the first time ever, likely to have a lower life expectancy than their parents. Not only would this be an appalling outcome in itself, but what makes it even worse is that it is likely that they will experience more frequent and more serious health problems throughout their lives as a result of obesity.

On many occasions the Greens have talked about preventative health measures and the need to stop people getting sick in the first place rather than solely focusing on the acute end. We readily acknowledge that this is a very difficult task, and it is difficult to assess the outcomes because we probably will not see them for a decade or so. That is when we start to see the collective results of various initiatives around preventative health. Nevertheless, there is an enormous range of initiatives open to us, and we need every one of them if we want to maintain the longer term health of our community. We know the fantastic results we can get and the savings that we can make in ensuring that we do have a health community.

Tackling cigarettes and alcohol is important, but so too is engaging in strategies to get people eating more nutritious food, limiting their intake of junk food, as well as being more active. And here the Greens would like to acknowledge and are very supportive of the government's unplug and play initiative. This is a really positive initiative that will help get young people active every day. To complement this measure we need to ensure that they are going to be eating well and that any increase in activity is not just offset by them then going and consuming junk food. We need to ensure that both parents and children are aware what their healthy options are and what the unhealthy options are so they can be making informed choices about what they will be consuming and understanding that, for the unhealthy options, they are occasional foods that of course can be consumed but in limited amounts.

Ms Bresnan's proposed bill today is a step forward. It seeks to ensure consumers are provided with information at the point of sale about the amount of energy in a fast food item. The scheme will assist consumers to make better decisions about the food that they and their children eat. The scheme is supported by the Heart Foundation and the consumer organisation, Choice.

In the debate this morning the Chief Minister raised the issue of the law applying to businesses that have seven or more outlets, and it was the Heart Foundation that recommended this number. That was based on their analysis and their research of the New South Wales model.

Other laws that the Greens are trying to push at both a state and federal level around Australia include front-of-package traffic light labelling and the banning of advertising of foods high in fat, salt and sugar during children's television viewing times. The Greens have also proposed that food packaging clearly label brightly coloured food dyes that can have a major impact on some children, especially those with ADHD.

I would like to further consider the issue of advertising, as we know that children are particularly vulnerable to advertising and that companies are actively looking for ways to subtly encourage them to pester their parents—known as pester power—and to target children in their marketing practices. Parents need to know what they and their children are consuming so that they can not only model healthy behaviour but also know when they need to restrict as far as diet is concerned with their children.

I think further exploration of increased awareness about what is a healthy energy intake for children throughout the various stages of development is an essential

complementary step that we should also be pursuing. We need to recognise the social determinants of health—we had this discussion just recently here in this place—and that people from poorer socioeconomic backgrounds are likely to suffer poorer health outcomes. Studies have shown that children from lower income households are more likely to suffer from obesity. Unfortunately, in some of those households, fast food is treated as a staple food rather than a treat. Some of that can also be put down to tight family budgets, and a lot of this fast food, unfortunately, is a lot cheaper than buying fresh food.

I understand that nutritional information being provided on fast food has been part of a discussion at COAG level and it is the subject of the Blewett review. This certainly will not be a quick process; COAG is notoriously slow. Some have said it is a bit like waiting for Godot. It is certainly not a reason for jurisdictions such as ours not to take steps forward. Where we can advance in areas, we should be taking that opportunity. The ACT has been seen as a leader on many issues, and this will not be the first time that we have stepped outside of a COAG process to be moving some things forward.

This bill is a very good idea, irrespective of how long it may take other jurisdictions to agree. What we need to do is look around the country and see what has happened. New South Wales have already got their legislation in place. South Australia are moving to do this through regulations. Victoria are talking about and considering moving on this issue. Another very important point to make is that this bill is consistent with the national principles that have been discussed at COAG. So it is consistent with the principles that have been talked about in that federal process.

All too often national processes do not serve the best interests of the people we represent, and, while we readily acknowledge that there is a place for consistency, administrative ease should not come at the expense of health outcomes for the community. But I also would say that I believe that, as I said, it is consistent with the national principles and it is consistent with the New South Wales legislation, apart from the service station issue. Therefore, this is not going off on a different direction; it is sticking very much with what is already on the table.

The question for us to answer is: is this a good idea and will it have a positive impact on the health of Canberrans? The undeniable answer is that we have the evidence and the experience from other jurisdictions across the world that, indeed, it has had a positive impact on people's health and therefore should be supported. In the US, where reviews have been conducted on the implementation of similar fast food labelling schemes, some regions reported good outcomes. There are reports of restaurants running out of low kilojoule food in New York once the customers saw how energy-dense some of the more typical meals were.

We acknowledge that some reviews out of the US have shown that the fast food labelling scheme only affected a small percentage of customers. I suggest that there are a range of other factors that contribute to this. As I said earlier, socioeconomic factors appear to have had a significant influence on the outcome of these studies. That is unfortunately because much of this junk food is very, very cheap.

Alongside the introduction of this fast food labelling bill, we need to see greater education about energy content and the kilojoule measurement—what they are and

how much is enough. There are a lot of people out there who want to make smarter decisions but do not know how they can find that nutritional labelling. They find it quite confusing. We need to demystify some of these measurements. If having kilojoules up on menu boards gets people comfortable with the measurement, this is a productive step forward for our community.

The other positive that comes with Ms Bresnan's bill is the likelihood that fast food franchises will decide to improve their recipes and their food because that high kilojoule content will be out there and people will be seeing exactly what they are putting into their mouths. This has happened overseas with some pizza chains and Starbucks. They have changed what they have been serving.

There is also a lot of false advertising out there where people think that they are choosing healthy options, but they really they are not. So this scheme will also address that problem. And I know that this has happened where you have the healthy choice and where the basic ingredients put in the healthy choice option are quite healthy, but the food is then smothered in some sort of mayonnaise or sauce which completely sends it to the other end of the scale.

I would like to add that some arguments against the bill put forward by those who do not want to comply with the bill fail to acknowledge that this is equally an opportunity for businesses to differentiate themselves and point out that they have a better quality product on offer. New South Wales have adopted this scheme, as I said, and it would be silly for us not to proceed when we know that the vast majority of businesses that will be affected will have to comply with the New South Wales scheme. So its imposition here will create no new burden for them and will return a great benefit to the broader Canberra community

Just to address Mr Hanson, he said that the Canberra Liberals are worried about the cost that this will have on businesses. But, as I said, this covers seven businesses or more, which is not the local corner shop. I would also like the Liberals to consider what the cost is of not dealing with obesity and chronic disease and that ongoing cost into the coming decades. If we do not tackle it, it will be part of what I have heard the health minister call the health tsunami. The collective cost to taxpayers in coming years as health costs increase will be enormous, and we need to do everything we can to be putting in place those sorts of preventative health ideas and initiatives to keep our community as healthy as possible.

I also note this kind of fast food labelling scheme is expected, as I said, to be implemented in the coming years across a range of jurisdictions that have not only Labor governments but also Liberal governments. So that is why I ask the Canberra Liberals, who have announced that they will be opposing this legislation, to look at the fact that their counterparts in other jurisdictions are seriously considering this and moving forward on this issue. I would like them to reconsider their position.

Mr Hanson said that of course the Canberra Liberals are concerned about obesity and the health impacts of obesity. Well, this bill today is one way that we can put in place very simple information that demystifies what is in the food product you are buying and allows people to be able to make the right choices for them and the right choices for their children.

That is why the Greens are very pleased that this bill has been put on the table. I congratulate Ms Bresnan and her office for the work that has been put in and for the consultation that was done. I also acknowledge the government for coming on board to support this legislation today. Again, I put that call out to the Canberra Liberals: obesity is a major issue. As I said, that startling fact that came out that there may be many children today who will have a lower life expectancy than their parents is one that we need to seriously take on board.

We need to ensure that parents have good information around what are the healthy choices for their children as far as food is concerned, but also understanding for many of our children that there is takeaway night. There are times when, of course, our children will get that takeaway and may get that great big hamburger and the side of chips, and that is absolutely fine. It is just that it is the occasional food, and parents need to have that information to make good choices.

MS BRESNAN (Brindabella) (11.50), in reply: I would like to thank members for their contributions today and to thank the minister for supporting the bill. I would just like to address a couple of the points that were raised in the speeches from the Chief Minister, the health minister, and from Mr Hanson. First off, while I have the chance, I would like to thank Kate Taylor in my office for all the work that she has done on this. This has been work done over many, many months. I think it is wonderful that we will see this bill passed today. Also, Tom Warne-Smith in Ms Hunter's office has helped out on this bill as well.

Just on the consultation—the Chief Minister said it herself—we wrote to over 250 stakeholders. That was not just the head offices of franchises. We also wrote to individual franchisees. We actually wrote to the businesses as well as to the individuals plus the peak organisations that represent various businesses in that area. We met with those groups also. We also wrote to businesses who might not come under the legislation now but that might be on the cusp of coming in to advise them of this legislation and we asked whether they had any questions around that.

On the consultation also, we did distribute the bill to peak health groups with an interest and who might have points of view on this legislation. I know that they also then sent information out to their members. So it did have quite a wide distribution. We also heard from a number of constituents on it based on the media that went out about it. I think we have done everything we possibly could to consult as widely as possible on this with people who would be interested and also with the public.

I think the point that I made in my letter to Ms Gallagher, which the Chief Minister referred to today, is the reality of the situation too. We non-executive members simply do not have the resources of a department behind us to do the consultation on the level the government does. As I said, we worked very hard on this to get the information out to as many people as possible. I think we have incorporated feedback that people have brought back to us as well. I would argue, and I believe, that our consultation has been extremely thorough on this particular bill, plus it is an issue that is being discussed in a national context. That is something that people are very aware of. A lot of views have been presented on this particular issue.

The issue of consistency has been raised by Mr Hanson and also by Ms Gallagher. I also would thank the department for their cooperation in meeting with us and discussing this as well. We did have confirmation from the department—this was a point Ms Hunter raised in her speech—that this bill is consistent with the national principles that have been discussed at the national level. We had confirmation of that. We had confirmation that that jurisdictions will actually need to introduce the sort of scheme that this bill introduces.

So it is actually just about, as Ms Hunter said, being a leader in this. I think that this is something we should be really embracing and be proud of—that we will have this sort of legislation here in the ACT. As I said, we know that New South Wales already has it and we will be able to build on that and what they did there. That is obviously something which the Chief Minister will mention in one of her amendments around the review process. Also, South Australia are doing it. They are actually doing it through regulation, not through legislation. So that is something they are just going ahead with and implementing. We know that Victoria is considering it as well.

It is actually timely for the ACT to be doing it while other states are. Because we essentially sit within New South Wales as well, it makes sense that if businesses in New South Wales are introducing this sort of scheme, they can then just go ahead and do it also for the ACT. It makes absolute sense and I think it actually benefits those businesses in that they can do that process now and not have to go through a staged process.

Mr Hanson raised the issue of service stations. This is one difference to New South Wales. I have indicated on more than one occasion to Mr Hanson that I was actually happy to discuss this particular inclusion, but it was not something that we received feedback from their office on. However, it was something that I was more than happy to discuss with him, and I did make him aware of that.

In terms of the timing of it coming into effect, New South Wales legislation came into effect about one year after it was implemented. This bill also allows time, as the New South Wales bill does and as bills commonly do. It allows time for businesses to put it in place, which is why it comes into effect in early 2013. That is common practice, as I have just noted, with legislation particularly around this sort of scheme. It is common with other legislation that has come into the ACT. I thought that Mr Hanson would have been aware of that fact.

Again on the numbers—Ms Hunter has addressed this but I do want to reinforce this point—we are talking about primarily chains that are going to be impacted by this. As I said, we have the figure of 50 nationally or seven in the ACT. As Ms Hunter mentioned, this is based on what New South Wales has done. It is based on extensive research that has been done by the Heart Foundation in terms of looking at numbers. I do think it is something which has been looked at very thoroughly in terms of the numbers that will be impacted.

There is also an exemption provision in the bill. This could be potentially used if there are businesses which think it will be an unreasonable impost on them. But I think

there has been a lot of work that has gone into looking at that figure and it is actually primarily large chains that we are talking about.

As I said, it makes sense to do this at this time. We have got it happening in New South Wales, South Australia and, potentially, Victoria. It has been agreed to in principle. The principle has been agreed to nationally. It is the sort of scheme we will have to introduce. It is timely for the ACT to do it.

The key issue really, as Ms Hunter pointed out very eloquently, is that we have to start addressing the food that people eat. The health impacts relating to diet are becoming an increasing factor in the sort of conditions that are impacting our health system. They are impacting our acute system. It goes to that point that Ms Hunter made: we have got to actually start helping people address those issues and providing them with the tools to do that before they end up in the acute system.

We know from the health council that the next generation coming through could be the first generation in a long time which actually has a reduced life expectancy. One of the biggest factors playing on that is lifestyle-related factors such as diet and obesity. I think it is a very scary thing and it is one which we cannot delay on. We have been addressing other lifestyle-related factors for a number of years now and it is the time to start addressing diet and food.

Mr Hanson talks about the urgency. I actually think it is an urgent issue and we have to start doing it. It is something we need to start addressing because it takes quite some time to start to have an impact on people, as we have seen through other lifestyle-related issues such as smoking. We need to actually start doing it now. Again, Ms Hunter made the point that we have talked about the cost impost. But the cost impost on the health system by not addressing obesity and other diet-related impacts I think are too great. We have to start doing it now.

I am very pleased that the bill will be passed today. I thank the Chief Minister for her support. I know she has raised some concerns but I do think we have addressed them. I acknowledge the point she made that if we do need to address this again that may occur. But I do think we have got a system which is consistent with the national principles, one which businesses can work with and have shown they can work with in other states. I think it is very positive for the ACT that we will have this sort of scheme in place.

Question put.

That this bill be agreed to in principle.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr
Dr Bourke
Ms Bresnan
Mr Corbell
Ms Gallagher

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MS BRESNAN (Brindabella) (12.02): I move amendment No 1 circulated in my name [*see schedule 1 at page 3846*].

The first amendment I am moving seeks to change the commencement of the legislation to 1 January 2013, a year later than was originally proposed. The minister's office have advised that ACT Health's Health Protection Service will need additional resources to implement this legislation and the funds will need to be appropriated through next year's budget. The amendment I am proposing gives time for that to happen. I note that New South Wales laws are to be enforced on 1 February next year with supermarkets coming in from 1 August. The ACT scheme will come into effect about a year later than New South Wales, thus allowing time for adjustments if required.

Also, ACT Health has advised that the national principles behind the fast food labelling scheme require that states provide industry with 12 months between introduction of legislation and its enforcement. If this bill is passed today, as it will be, there will be 16 months between the bill's passing and its being enforced.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.03): The government will be supporting this amendment. We believe that this delay until 1 January 2013 provides us with a sensible commencement date for the work that has to be done in the lead-up to the implementation of this reform.

MR HANSON (Molonglo) (12.04): The opposition will support this amendment. But if we are not actually commencing until 2013—the delay that both the minister and I have argued for—it does point to the futility of going ahead with this jurisdiction-specific legislation instead of waiting for national consistency. It is ridiculous. I think that the delay that Ms Bresnan is now seeking exemplifies that.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5.

MS BRESNAN (Brindabella) (12.04), by leave: I move amendments Nos 2 to 4 circulated in my name together [*see schedule 1 at page 3846*].

My second amendment to the bill is minor. It relates to the definition of ready-to-eat food. In the original bill the definition of ready-to-eat food was described as food that is in a state in which it is ordinarily consumed. That does not include nuts in a shell or raw fruit or vegetables that are intended to be hulled, peeled or washed by the consumer. Since tabling the bill it has become clear that the second part of that sentence “intended to be hulled, peeled or washed by the consumer” was not necessary and possibly overcomplicated the definition. ACT Health and the Greens are proposing to remove it from the legislation.

The third amendment is technical and does not change the substance of the bill. It ensures consistency in drafting style with other ACT legislation for this kind of provision regarding strict liability.

The fourth amendment is in response to the scrutiny of bills committee. The committee was concerned that the bill provides for the details of an offence to be prescribed by regulation. While I recognise that this is not an ideal situation, the bill did need to be drafted this way because it involves the introduction of a new scheme and there needs to be some flexibility so that parts can be adjusted if required. I am proposing that any future changes to the regulations proposed by the minister are disallowable instruments and do not come into effect until they have sat before the Assembly for six sitting days.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.06): The government will be supporting all of these amendments. Without the first amendment No 2, the definition of ready-to-eat food would have been anything but clear. I think on those grounds the amendment is sensible and is supported. The other two amendments are largely technical in nature and relate to comments from the scrutiny of bills committee. The government supports these amendments as well.

Amendments agreed to.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.06): I move amendment No 1 circulated in my name and I table a supplementary explanatory statement to that amendment [*see schedule 2 at page 3847*].

This amendment will make the review provision less onerous and expensive yet more functional and relevant. Like the amendment being proposed by Ms Bresnan, it increases the amount of time the government would have in which to produce a report. The one-year timetable, as Ms Bresnan’s amendment would have provided, would be a more appropriate time frame than the one in the bill. However, this amendment goes further and increases the length of time for the legislation to operate before the review is to be conducted.

The advice to the government is that a review of the first year of operation would be of very little benefit. During the first year industry would still be adjusting to the new laws. It would be understandable for minor mistakes and omissions to occur in the early days of the legislation and generally undesirable for a regulator to take a tough, uncompromising approach to any of those minor errors. Accordingly, in the first year of operation the Health Directorate, as the regulator, will be focusing on education and awareness, and stricter enforcement and punitive measures are unlikely to occur until the operation has occurred for a bit of time.

In the second year, the grace period will have concluded and compliance will actively be enforced. By giving a third year of operation before a review is conducted, it allows sufficient time for any contraventions detected to have been prosecuted. This would enable a review to also assess the suitability of the construction of the offence provisions and whether the penalty levels provided are adequate and serving as a suitable deterrent. Increasing the lengths of time in subsections (1) and (2) also necessitates an increase in the period of time after which the section expires. This is just a sensible consideration. It would be ridiculous for the review provision to expire before the review had commenced.

The government does not support the need for the ACT, in isolation, to review and consider broadening nutritional information on point-of-sale displays to include salt, fat, sugar or any other content beyond that agreed to nationally and that other jurisdictions would require at point of sale.

There is also a danger that too much dietary information on a point-of-sale display could undermine the public health intent of the measures by confusing customers. This is especially likely if point-of-sale displays in the ACT were to differ in content to those in other jurisdictions.

Logistics and practicality also need to be considered when imposing a requirement for review. The review provision as proposed by Ms Bresnan expects an analysis as to whether other nutritional information should be included. This sort of analysis would be complex, time consuming and expensive. It also needs to be recognised that the territory's small population would make any data collected locally of limited value as the sample size could be too easily skewed. As such, it should not be expected of the government to undertake such work in isolation.

This type of analysis is best conducted by, or in collaboration with, Food Standards Australia New Zealand. Nevertheless, the government recognises that if any studies or reviews are conducted nationally or by other jurisdictions addressing the inclusion of other nutritional information, this information should be brought to the Assembly.

For that reason, this amendment will require that any such studies or reviews should be tabled in the Assembly, together with the operational review of the legislation. Given that the report is to be provided three years after the legislation commences, the likelihood of a review or study having been conducted somewhere else during the same time is good.

MR HANSON (Molonglo) (12.11): The opposition will support the government's amendment. I think it is sensible. There is no question that there will be a time frame for industry to adjust, and the period of time that has been proposed by the Greens is inadequate. I think that the three-year period, for the reasons outlined by the minister, makes more sense.

Again, the minister is essentially arguing in favour of national consistency. She wants to see a three-year time frame before we have a look at any changes to this legislation so that it would be in accord with national consistency. Again, the minister argues for national consistency. She says that that is the way that we should be going, that otherwise it is going to cause confusion, and it would be crazy, in her words, for us to have eight jurisdictional responses to this. So she is supporting what she describes as crazy. But what she does recognise is that we can mitigate the effects of that by making sure that any review is pushed as far to the right as we can so that that review could incorporate advice from people like Food Standards Australia and could incorporate any decisions that are made nationally.

It is quite clear that the Greens are in a rush here. The Greens are in a hurry, either for political or whatever other purposes. Before we start putting salt content, fat content, carbohydrate content, whatever other contents they want in that—no doubt they will want the meat content in that because of some vegetarian ideal to come in the future, but whatever they want labelled—let us make sure that it does not have an adverse effect, that their rush to get the other contents of food in food labelling does not have unintended consequences, either in terms of making it too confusing for the consumer so that it that does not have the effect that we want or, indeed, making it disproportionately prohibitive for business to comply so that it is just impossible for them to do so, particularly if there is national inconsistency. So we do support what the government proposes in terms of delaying the time frame for review.

MS BRESNAN (Brindabella) (12.14): I will not be moving my amendment in regard to this. The government has proposed an amendment that meets the needs of ACT Health, and the Greens are willing to agree to that. I just add that this is actually a particular part of the bill which was discussed at length. We were quite happy to work with ACT Health on whatever worked for them.

The amendment I was going to propose was around one year, and the reason we had actually put that forward was that it was something ACT Health had suggested. So we were quite willing to work in with whatever was going to work for them on this one, and I am very pleased to see that we do have this amendment coming forward. It is something which, as I said quite some weeks ago, we had been willing to work on. It had been raised by the Liberals as well. Again, it is something we would be willing to work with them on. So it is good that we did eventually get this amendment coming through.

I just note, on the issue that has been raised about salt, fat and carbohydrates and about our trying to push something through, these have actually come forward from the Heart Foundation and the Dietitians Association. They have put these forward as aspects that they would like to see considered in any future potential labelling

requirements. There was not any rush or push to put them in. It was largely based on the input we received from them and from other studies that had been done into health impacts of diet. It was urged on us that these be included. This was also the case in New South Wales when it was put forward. In particular, it is not just on obesity but on heart disease and dental health that these particular aspects have large impacts, and that is why it is something we would like to see considered.

Again in terms of the timing, there was no rush or anything. It was actually about making sure these things were included. As I said, we were very willing to work with ACT Health on what would work for them. And they did express concern about this item, as I said, when we had initial discussions. They thought that it could be burdensome if we had to do a wide-ranging nutritional, science-style investigation. They were also concerned about some of the wording around this in terms of being able to build on work done elsewhere.

I just add again that it was never our intention to actually have anything excluded or for it to be done in a particular way. Again, as we said in those meetings we had with Health, it was whatever would work for them really. We were quite happy to work with them because they are the ones that are going to have to undertake this. It was rather wanting to, as I said, set a time at which the government could consider the scheme could be expanded on. This might have been something had we got to it, but it was not deemed appropriate. It was just something that we would like to see considered and that groups like the Heart Foundation and the Dietitians Association would like to see considered.

The Greens agree that it is better to have a wider time frame—and that was one of the things we were hoping to get input from ACT Health on—and incorporate work done from other jurisdictions. It was never our intention that this would not be the case. In fact, in discussions we had, we said that we thought it would just be something you would do, that you would build on work that was done in New South Wales or you would look at what was done in the US, just as an example, and that the type of study you did would be what you deemed was appropriate. So we did make those concerns known, and we were very pleased to see this amendment come forward. Again on consistency, I would point out that these are actually the national principles that have been agreed to. This is consistent with those principles. It is something other jurisdictions are going to have to do.

Again about some rush, I would go to the fact this is about diet. Diet has a big impact on people's health, and we have to start addressing it. It takes time to come into effect, it takes time to impact on people, and we cannot keep delaying it. We know it has been discussed for many years already at a national level, and it is time to start moving on it.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7.

MS BRESNAN (Brindabella) (12.18): I move amendment No 6 circulated in my name [*see schedule 1 at page 3847*]. The final amendment I am moving is about the reference to average daily adult energy intake which must be displayed on the menu board. The item should state that the average adult daily energy intake is 8,700 kilojoules rather than state that the recommended average adult daily energy intake is 8,700 kilojoules. The recommended kilojoule intake for a person is impacted by a person's gender, age and height. The scheme proposes that there be a reference on the menu board on the average kilojoule intake for an adult in one day so that when consumers look at a food item's kilojoule level on the menu board they can compare that to another figure such as the average daily intake.

Amendment agreed to.

Clause 7, as amended, agreed to.

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

Bill, as amended, agreed to.

Government office building

MR SESELJA (Molonglo—Leader of the Opposition) (12.20): I move:

That this Assembly:

(1) notes:

- (a) the ACT Labor government's determination to push ahead with a \$432 million government office block;
- (b) the ACT has the highest office vacancies in the country;
- (c) the failure to appropriately consult with the private sector and the community at large on the project;
- (d) the proposed government office block is the most expensive project in the history of the ACT government;
- (e) the ongoing failure of ACT Labor to deliver infrastructure on time and on budget;
- (f) the need for critical infrastructure to be given priority over a new office block; and

(2) calls on the ACT government to:

- (a) release all documents in relation to the costings and financial analysis on the proposed project; and
- (b) immediately abandon this project to save taxpayers the \$432 million slated for this initiative.

My motion is in relation to the massive, unnecessary, costly and overpriced government office building. The ACT Labor government's proposed government office block has been an epic comedy of errors. I think what is fundamentally at stake here is a question of values and priorities. Do we spend \$432 million on an office block we do not need or do we spend that money far more wisely on real and genuine community need? That is the question before the Assembly today. Unfortunately, given the \$432 million price tag and what has been a total lack of accountability, should this project go ahead it will be a matter that is far from funny for taxpaying Canberrans.

In fact, after spending what has been reported to be more than \$5.7 million in consulting fees and approximately 16 consultant reports later, this ACT Labor government was still uncertain on the specifics of its project. In fact, it was a moving feast and no-one was the wiser from speaking to the government about this project. Take, for example, the issue of ownership of this building once it is developed. Besides ruling out the possibility of leasing new accommodation from the private sector, as stated in the Cox financial analysis report, no other private sector options were adequately considered. Yet the government's response to the Select Committee on Estimates in June 2011 stated that it intended to construct and outright own the building.

However, two months later the government has changed its tune and is now seeking alternative proposals, adopting a market testing process. Of course, it is testing the market having already shown its hand. It is like going to the used car dealer and saying, "I've got \$10,000 to spend on a car, sir; what do you have for me?" You know you are likely to find a car at about \$9,995. This government has shown its hand. It has said that it is prepared to spend \$432 million to build this office. It has told the market its bottom line. It has told the market its price before belatedly deciding to go to market.

What seems quite obvious has taken this ACT Labor government several years of seemingly serendipitous considerations, which in turn cost taxpayers over \$5.7 million in consultants' fees. This is government waste at its worse, and it has not even begun spending the proposed \$432 million. In short, we are heading down another path where Canberrans are expected to bankroll ACT Labor's infrastructure development incompetence.

Some in the Assembly and the community may not be aware of this: the idea for a government building in the heart of Civic goes back to as early as 2007 for a 30,000 square metre, 12-storey office building to house 1,500 public servants, to cost approximately \$100 million to construct and roughly \$30 million to fit out. Those were the days, Mr Speaker, weren't they? Those were the days when we were only faced with a \$130 million government office building. We now are faced with a \$432 million government office building.

Five years later it has escalated into a 53,000 square metre, \$432 million project, with a dedicated \$11 million ministerial wing made complete with private ministerial suites, lounge, crisis room and a reading room, and a \$2 million fit-out. And let us not forget

about the \$2 million sky bridge to allow ministers to get to divisions in that little bit more comfort.

Yet whether you take the 2007 building or the present initiative, the Canberra Liberals' position has been consistent. Co-location of a large number of the ACT public service means relocating staff to the town centres becomes unlikely. In other words, governments are not able to serve residents as well as if they are located near where people live. Most Canberrans know this. CP Glover from Civic had this to say:

There used to be a policy of distributing government accommodation to the satellite centres. Why change to centralising at Civic?

Ed Dobson from Hughes:

One of the reasons given for building the proposed Civic Government Office Block is that the majority of ACT public servants are accommodated in substandard offices ... Is the proposed \$432 million building an attempt to correct the Government's mismanagement of the office program?

Good question. B Legge-Wilkinson from Campbell:

The taxpayers of the ACT appear to have a Labor-Green project which will chain them to massive public debt—assuredly a millstone around the necks of present and future Canberrans. Meanwhile, more neglected civic responsibilities—potholes in roads, long delays in road reconstructions—will continue.

Hear, hear! Well said. Finally, RS Gilbert of Braddon, who wrote:

I wonder whether, if the costs to others of leaving empty the private building space presently occupied by public servants were also taken into account, there would be a net benefit or a net cost.

The point made by Mr Gilbert is valid. The ACT already has the highest office vacancy rate in Australia. As of July 2011 this vacancy rate was 13.3 per cent, up from 8.7 per cent in January 2010. Furthermore, in Civic, where the government office block is located, the vacancy rate as of July 2011 is at 14.2 per cent. The implications of adding another 50,000 to 60,000 square metres is obvious. The writing on the wall cannot be any clearer.

In fact, Ms Le Couteur, in her capacity as chair of the public accounts committee, was reported as saying that the government had not looked at the reality of the property market. On that, Ms Le Couteur, you are 100 per cent correct. In fact, she was even reported to have said there were so many empty offices on the market that the owners would upgrade them to the highest government standards. The point I would like to make here is this building will worsen the office space glut in the ACT. In short, it is bad for ACT businesses.

We have got a situation where there is a poor use of capital—\$432 million on an office block that is not needed and which could be used for far more important community priorities. Secondly, it is also coming at a time when we already have an

oversupply of offices. So it will be bad for business and it will be bad for the community. There is really very little to commend this project. Unfortunately, I think we have seen some particularly rubbery savings figures put by the government to justify their claimed savings as a result of this project.

Throughout the estimates process the government presented neither a credible nor a convincing case for the proposed building. As a result of spending \$5.7 million in consulting fees and receiving 16 reports in return, the government based its decision on a simple A4 sheet of paper—\$34.5 million dollars worth of claimed operational and efficiency savings. Yet this A4 sheet was littered with savings oddities like churn—moving staff between buildings—\$2 million; reduced attrition, \$500,000; and reduction in unexplained absenteeism due to improved workplace amenity and morale, \$4 million.

That is an interesting one. How much could they save if they stopped persecuting public servants who speak out? There could be millions of dollars in savings. Imagine if they were to stop bullying staff when they go to work. Imagine how much they could save. We might be facing tens of millions of dollars of savings on the government's numbers. They treat people terribly and now they are telling us that it will all be fixed if they just build this \$432 million office block. That will fix it—it will stop churn, people will not move on and people will no longer be bullied. Cultural change may well save some money, but these are rubbery figures.

Senior government officials in the Chief Minister's Directorate and Treasury could not clarify the provenance of these savings, nor could the consultants involved in the costings of this project. It was telling that in the final minutes of an estimates committee hearing with Treasury, the Under Treasurer almost magically produced a budget impact statement which did not allow for proper scrutiny during the hearing, given the unreasonable time frame that was accorded to the committee. A subsequent review of this document showed that the impact statement and the A4 sheet which they had been relying on claimed different elements contributing to the \$19.3 million in operational savings. It was conceded by the Under Treasurer that this \$19.3 million saving did not take into consideration an estimated \$6 million in annual depreciation of the asset.

At one point during the hearings we were presented with the A4 sheet of savings—this shoddy piece work. The government was basing its claims of savings on this A4 sheet. We were expected to believe that it would be able to save money from things like churn, as I have outlined, but also rental savings. You would save on rental, but there was no allocation in this A4 sheet for the cost of building the building. It is a bit like a family saving for a home and saying, "If we buy this home, we'll save 500 bucks a week in rent; we'll be 500 bucks a week better off," without taking into account their mortgage repayments which they need to make in order to buy the home. This has been the level of analysis that we have been subjected to.

Going on in relation to the A4 sheet appended to a CBRE report, it was qualified by:

You will not find in this document (the spreadsheet), for instance, the numbers 19.3 and 15.2, but those savings are built into the model.

In short, the government provided no conclusive evidence for their claimed savings. They say that the numbers were based on conversations with private sector organisations that have recently co-located into a single building.

Of the 20 recommendations made by the committee regarding the government office block in its appropriations report, the government only agreed to four recommendations, noted 13, did not agree to two and agreed in principle to one recommendation. On the whole, the committee reported that it found:

... the information and explanations provided by the Government confusing. During hearings, the Committee was told that other Directorates would be able to answer specific questions, but the Committee continued to find it difficult to obtain a satisfactory level of detail.

So we have got a situation where members of all parties were finding that the explanations simply did not add up. We were given contradictory figures, shoddy workings and an A4 sheet of paper, after millions of dollars had been spent on consultants, to justify the claimed savings. The claimed savings are a load of rubbish and they have been shown to be. Anyone who has to keep changing their story in order to justify their savings cannot be trusted. That is where we are faced, in considering this project, with the government.

We are, unfortunately, now faced with a government that I believe is intent on pushing ahead with this project. I would say—and this motion says it today—that this is not a project to go ahead with. This is not a project that the community needs or deserves. Putting aside the shoddy claims of savings, putting aside the failure to provide information and putting aside the contradictory information, let us make it really simple: this \$432 million should be spent on better priorities. It should not be spent on an office block we do not need at a time when we have the highest vacancies in the country. It does not make sense at a service delivery level. It does not make sense from the community's perspective. It does not make business sense at a time of high vacancies. It does not stack up or add up at any level. That is why we believe that this project should be abandoned.

The government should get on with doing the job the community expects it to do—delivering on the infrastructure and services that the community desires and expects. That is what we stand for. This government now has the opportunity—Katy Gallagher as leader—to walk away from what is a dud project. Does she have the guts to do it or will she subject the taxpayers of the ACT to a project that is unnecessary and overly costly—a project which we simply do not need and cannot afford?

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

Sitting suspended from 12.34 to 2 pm.

Questions without notice
Planning—alleged interference

MR SESELJA: My question is to the Minister for the Environment and Sustainable Development. Minister, you have previously defended the performance of the former head of ACTPLA, Neil Savery, saying:

Mr Savery has provided a sterling and a very high level of professionalism in his role as chief planning executive and is a man that I have ... considerable regard ... for.

However, in documents obtained by the opposition, the former Chief Minister describes Mr Savery's opinions as offensive and inappropriate. Further, Mr Stanhope claimed in a letter that Mr Savery did not "understand some fairly fundamental aspects of his role". Minister, was Mr Stanhope correct in his views of Mr Savery?

MR CORBELL: It is not for me to express a view about Mr Stanhope's opinions.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you. Minister, what level of confidence can the community have in the planning system if some ministers claim that senior public servants do not understand their roles?

MR CORBELL: I have full confidence in the capacity of all of the officials in the Environment and Sustainable Development Directorate in the exercise of their functions.

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, is this yet another example of bullying the public service from your government?

MR CORBELL: No, Mr Speaker.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, did Mr Savery understand the fundamental aspects of his role?

MR CORBELL: I was not the responsible minister at the time of this particular matter, Mr Speaker, so I am not really in a position to comment.

Children and young people—abuse

MS HUNTER: My question is to the Minister for Community Services. Minister, I refer to a news report on 18 August in the *Sydney Morning Herald* that outlined neglect and abuse of young people in New South Wales by carers contracted by Life Without Barriers, who admit they failed to properly assess potential foster carers or appropriately match children with carers. Minister, have you assured yourself that the work out-of-home carers are contracted to do in the ACT has not resulted in abuse or neglect of children and young people?

MS BURCH: I thank Ms Hunter for her question. Certainly, out-of-home carers are dealing with some of the most vulnerable in our community. As I see it—certainly everything that has been put in front of me—there are strong systems in place where carers are assessed and there is ongoing monitoring and care in regard to making sure that all children in out-of-home care are in a safe environment.

It is always disturbing when matters come to light where kids and young children are not in the safe environment that they deserve. But, certainly, the directorate and the out-of-home care system here in the ACT take very, very much as a priority the care of children.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. Minister, have you satisfied yourself that proper and transparent assessment processes and placement practices are in place within out-of-home care organisations? Could you give a bit of the detail about how that is monitored?

MS BURCH: The short part of the answer is yes, that I am satisfied that we have systems in place. But I think it also goes to a bill that we have tabled in this place that will come back in the next sitting weeks. It deals with working with vulnerable people checks, which is really the hallmark of ensuring that all those that are vulnerable in our community have very rigorous checks and systems around those that care for them. Some of those checks and systems are police records, spent convictions—a whole range of material that will be managed through the Office of Regulatory Services to make sure that our systems that we currently have are strengthened to the maximum that we can.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, how many reports have been made to the government in regard to abuse or neglect occurring in out-of-home care since the beginning of the Seventh Assembly?

MS BURCH: I will have to take that on notice, Mr Speaker.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, Life Without Barriers was reported as using contractors to source and place children with parents. Is this practice occurring in the ACT?

MS BURCH: Life Without Barriers' practice in New South Wales is not applicable in the ACT.

Bimberi Youth Justice Centre—review

MR SMYTH: Mr Speaker, my question is to the Minister for Community Services. Minister, on 29 March this year, you told the Assembly:

All the messaging coming from me, my office, the executive and the executive structures through the department is for open, frank and fearless participation in this review.

You also said:

I urge all staff to be involved in this review ...

In a briefing on the Human Rights Commission's report on youth justice in the ACT, my colleague Mrs Dunne was told that, while Bimberi staff informed the commission about bullying and coercion, there was no discussion of this in the final report because the perpetrators had since left the centre. Minister, were you aware that the ACT Human Rights Commission had received complaints of bullying and coercion from former Bimberi staff? If so, what action did you take?

MS BURCH: I note with interest that Mrs Dunne's media release is effectively accusing the statutory body of the Human Rights Commission of covering up allegations towards them. I go to the Bimberi report and refer you to page 137, where there is clearly a chapter on harassment and bullying.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister, how can Bimberi workers have any confidence in the inquiry or the report if critical factors that contribute to the culture of Bimberi are ignored?

MS BURCH: They have not been ignored. Every complaint and allegation that has been put forward has been reviewed and investigated, either through the department, the HRC or other independent oversight. It is absolutely clear that those opposite continue to politicise youth justice in Bimberi, and continue to politicise and undermine the office of the Human Rights Commission.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: My supplementary to the minister: on this issue of bullying, has anybody—have the unions, the carers, families of staff members or any staff members—contacted you personally to air their grievances around this particular purported subject?

MS BURCH: I have not had anyone in my office come to visit me personally on this matter. The unions have not raised it with me, and family members have not approached me directly on this matter.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, will you now investigate these allegations of bullying and coercion?

MS BURCH: As I have said, all allegations have been investigated.

Transport—public

DR BOURKE: My question is to the Minister for Territory and Municipal Services. Can the minister give an indication of the actions being taken by the Gallagher government to ensure increased use of public transport by ACT residents?

MR CORBELL: I thank Dr Bourke for his question. The government has indicated—the Chief Minister has indicated—that we as a government will be working harder and faster on the issue of improving public transport delivery for all Canberrans. The work that we are undertaking in the area of public transport is guided by the strategic public transport network plan, which guides delivery of public transport across the city.

Members interjecting—

MR SPEAKER: Thank you, gentlemen. Order!

Mr Hargreaves interjecting—

MR SPEAKER: Order, Mr Hargreaves!

Mr Coe interjecting—

MR SPEAKER: Mr Coe!

MR CORBELL: This plan will be at the core of the new transport-for-Canberra policy, which will be released for community input in the third quarter of this year. The new public transport policy will include directions around a frequent—

Members interjecting—

MR SPEAKER: Mr Corbell, one moment, please. Stop the clocks. Mr Hargreaves and Mr Coe, it is not for you to conduct a conversation while the minister is seeking to answer the question. Minister, you have the floor.

MR CORBELL: Thank you, Mr Speaker. I was referring to a frequent network of transport corridors that will be the location of future mass rapid transport options like bus rapid transit or light rail. The frequent network will guide the integration of transport and land use as we plan for a city with more concentrated development along these major transport corridors.

Other principles include linking public transport with other modes, particularly through park-and-ride and bike-and-ride facilities, modernising the public transport system through new, lower emissions, wheelchair-accessible buses, the new MyWay ticketing system, real-time passenger information, and efficient and accessible public transport network planning, bus stations and other infrastructure.

A new transport accessibility policy will address transport disadvantage, including new minimum public transport service standards—a minimum span of hours, frequency and distance from households. Another principle is flexible and community transport, including community buses, taxis and public transport for new greenfields developments.

The government has already begun to make significant investments in advance of these policies, with key achievements over the last few years, including the introduction of the Red Rapid high frequency services between Gungahlin and Fyshwick via the city and complementing the existing high frequency Blue Rapid services between the other town centres. The Red Rapid runs on a major transport corridor identified in the government's long-term transport planning.

The completion of the Belconnen bus station is an important new piece of public transport infrastructure and the ACT's first transit-oriented development with the new bus-only stations integrated into the shopping facility at the Belconnen Mall. This project is also a good showcase of a partnership between the public and private sectors.

Over \$1 million, including \$250,000 of support from the commonwealth, has been allocated to construct a network of bike-and-ride cages, with the first of these now open at the Belconnen community bus station and on Flemington Road, with two additional cages being built, or close to completion, at Phillip Pool near Melrose Drive, and Mawson. They are due to be completed later this year.

Of course, there is the very important work on feasibility for stage 1 of the Belconnen-to-city transit way, with works to commence in 2012 on the construction of a bus station and bus priority from ANU exchange to Clunies Ross Street.

Mr Smyth: What about the busway and Johnno's dead body?

MR CORBELL: Again, because Mr Smyth does not understand it, we are building that busway. The first stage of it is now well underway between Marcus Clarke Street and Barry Drive.

MR SPEAKER: Dr Bourke, a supplementary.

DR BOURKE: Minister, park and ride stations are a highly successful component of the ACT's public transport network, and I ask the minister whether he would give some details about the expansion of park and ride facilities.

MR CORBELL: Again I thank Dr Bourke for the question. Park and ride is identified as one of the key initiatives in the sustainable transport plan. It is also identified as action 4, the development of a park and ride strategy, under the ACT's climate change strategy.

Park and ride aims to reduce the length of travel by private motor vehicles, increase the use of public transport and reduce parking demand in the major commercial and retail centres in the city, town centres and the parliamentary triangle. I hope that Mr Coe is paying attention to the fact that investment in park and ride helps with managing parking demand. Currently there are park and ride facilities at Belconnen, Woden, Tuggeranong, Jamison, Charnwood, Kippax, Mawson, Curtin, Kambah, Chisholm and Calwell.

Under the transport for Canberra program, \$4 million has been allocated over four years to expand this network of park and ride facilities, with a focus on facilities on the existing rapid corridors. Just under \$1 million was allocated in 2010-11 for design and construction of new facilities at Flemington Road near EPIC, Purdue Street, Belconnen and the expansion of the very successful Mawson park and ride facility.

The construction program for this financial year will include new facilities near College Street at the University of Canberra, near Cotter Road, for the new Molonglo Valley suburbs and an expansion of options for park and ride at Kippax, to support the government's extension of the Blue Rapid service, as well as an expansion of commuter park and ride at the Calwell shops. A park and ride facility at Erindale will be effective after the establishment of the bus station facility at Erindale.

As you can see, significant investment is occurring in improving park and ride facilities for the community. The government has factored in further investment in these facilities of \$3.2 million—(*Time expired.*)

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Minister, what changes to the back end of the MyWay system will be implemented later this year to enable information about travel distances to come online?

MR CORBELL: I am unclear as to specifically what elements Mr Coe is referring to, but what I would say is that the government is investing significantly in better data

collection for our bus network to make sure that we can understand where journeys originate and where they terminate so that we can identify where the areas of demand are for public transport and configure our network appropriately to respond to those issues. Of course, this was not previously possible in any concise way before the introduction of the MyWay capacity. So this is a very important capacity that is now coming online.

We will continue to roll out the deployment of data from the MyWay ticketing system over the coming months. And, of course, the government will also be moving to make a large amount of this data available also through Open Source so that other people interested in the use of this data can use it for the development of their own programs and applications that will, in turn, also assist the travelling public.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you very much, Mr Speaker. Minister, could you inform the Assembly what additional programs are being delivered to encourage a greater uptake of public transport services by Canberrans?

MR CORBELL: Again, I thank Ms Porter for the question. The government is investing considerably in the area of improving service delivery in the area of public transport—

Mr Smyth interjecting—

MR CORBELL: There is \$21 million over the next four years to improve recurrent service delivery, including the Blue Rapid trial extension to Kippax and service improvements in Fyshwick, Gungahlin, the inner north and to and from the Canberra Hospital. These will all commence in the next year. There is \$2.8 million for a corridor study for the Gungahlin to city corridor, including the investigation of a possible light rail option for Northbourne Avenue and the establishment of the new Dickson public transport station as part of—

Mr Smyth interjecting—

MR CORBELL: the completion of master planning for the Dickson group centre. There is \$12½ million over three years—

Mr Smyth interjecting—

MR SPEAKER: Order! Mr Corbell, one moment, please. Stop the clocks, thank you. Mr Smyth, you have now made that interjection probably more times than I care to count during this question. It is inappropriate. You are now warned for repeated interjection. Mr Corbell, you have the floor.

MR CORBELL: There is \$12½ million for the development of the real-time passenger information system, which is out right now for community comment to

complete the design brief and for rollout to occur by mid-2013. \$4.1 million has been committed over four years for a network of park and ride, as I mentioned earlier, but also bike and ride facilities to support cyclists with better options to take some of their journey by cycling and to use public transport for part of their journey. There is also \$3½ million to construct and upgrade bus shelters across the bus network, with a focus on frequent and rapid routes. \$7.3 million will construct stage 1 of the Belconnen to city transitway, including bus priority measures on Barry Drive and College Street. (*Time expired.*)

Planning—draft variation 307

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and relates to draft variation to the territory plan 307, for the Brumbies site in Griffith, being given interim effect last week. Minister, why did you tell the Assembly last Thursday that the two processes for the site, the draft variation and the development application, were not contradictory when the DA is for a hotel lease but the draft variation to the territory plan is for a change to residential zoning and thus the two proposals are inconsistent?

Mr Hargreaves: On a point of order, Mr Speaker, I understand that this particular draft variation has been referred to the standing committee for investigation and report. I do not wish to deny Ms Le Couteur the call but I just want to know whether the standing orders—

Opposition members interjecting—

MR SPEAKER: Order! I can't hear Mr Hargreaves.

Mr Hargreaves: It only takes me about three seconds to get these characters cackling.

MR SPEAKER: Thank you, Mr Hargreaves. I will just consider your point of order.

Mr Hargreaves: Mr Speaker, I just want to know whether it is consistent with the standing orders. If it is, fine.

MR SPEAKER: Thank you, Mr Hargreaves. I think the standing order you are referring to is 117(e). That refers to anticipating the outcome of a committee inquiry. I think Ms Le Couteur's question seeks information and clarification. So on that basis I will allow the question.

Mr Hargreaves: Thank you, Mr Speaker. I appreciate that.

MR CORBELL: I think the context of the question that Ms Le Couteur asked me today is somewhat different from the context of the question she asked me previously. Perhaps I can seek to clarify the situation for Ms Le Couteur. We have that draft variation now having interim effect. That is draft variation 307 for the change of zoning for the site of the bowling club which is occupied by the Brumbies rugby club. That proposal is for a change to the territory plan to permit residential use—medium

density residential use, effectively. The current use permits a range of uses, including uses such as a hotel and other accommodation-type uses.

Interim effect was given for this draft variation specifically to ensure that the current application before the planning authority, which is for a hotel, for serviced apartments, from the Brumbies, could not be determined by the authority ahead of a decision on this draft variation being completed. Quite simply, it would be inappropriate for any development proposal at the site to be considered ahead of the Assembly's and the government's consideration of draft variation 307. That is why draft 307 has been given interim effect, to ensure that there is no pre-empting of the draft variation process by a development application otherwise being lodged which would be potentially for a use which is permitted under the current territory plan. That is the whole point of interim effect—to stop pre-emptive development approval being granted that may end up being inconsistent with the final variation should it be approved. So that is the situation.

MR SPEAKER: Ms Le Couteur, is there a supplementary?

MS LE COUTEUR: Minister, does the draft territory variation being given interim effect effectively mean that there is a development moratorium on the site because there are no things which are consistent with both the old version of the territory plan and the potential new version?

MR CORBELL: Ms Le Couteur, I do not know whether you heard my previous answer, but it is the case that the imposition of interim effect means that the types of new developments that could potentially be approved on the site are extremely limited until the draft variation process is completed.

The only type of development approval that could be granted at the Brumbies site whilst this draft variation is being considered is a use which is consistent with both the current zoning of the territory plan and the proposed new zoning in the draft variation. If there is any inconsistency, the use could not be approved. That obviously means that a very narrow and very limited range of matters could potentially be approved during this interim process.

That is the whole point of interim effect—to stop pre-emptive development applications being made which may otherwise have to be improved but fail to recognise the fact that there is a proposal to change the zoning for the site.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Minister, why did you tell the Assembly last Thursday, 18 August that no decision had been made when ACTPLA had already signed off on the interim draft variation on 12 August and it was notified on the legislation register that same day—18 August?

MR CORBELL: The planning authority does things at arm's length from the minister's office on a range of matters. Certainly, the draft variation was not transmitted to me until late last week.

MS BRESNAN: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, how was the public informed about draft variation 307 being given interim effect, especially those who had put in submissions to the planning process?

MR CORBELL: It was publicly notified in the newspaper, I understand.

Bimberi Youth Justice Centre—review

MR DOSZPOT: My question is to the Minister for Community Services. Minister, earlier in question time you said in relation to staff bullying and coercion in the Bimberi report that all complaints have been investigated. In the page from the report that you cited, page 137, the report actually says:

... the Commission was not able to investigate or verify the accuracy of these allegations ...

Can the minister explain why her answer is utterly contradicted by the report on the very page she referred to?

MS BURCH: I thank Mr Doszpot for his question. In relation to that, what Mr Doszpot has failed to reap from the report is that “staff involved did not wish to have their identities disclosed”. It goes on. I also refer you to other areas of the report. It says:

A number of serious allegations were reported in the ... Assembly and media before ... this ...

Members interjecting—

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

MS BURCH: It says:

CSD provided the Commission with details of the background and subsequent investigations of critical incidents, including whether they were subject to external scrutiny. In the most part, the Commission was satisfied with the level of scrutiny provided by other external agencies to these incidents.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Minister, will you admit giving a misleading answer and apologise to the Assembly?

MS BURCH: I have no intention to mislead the Assembly. It is those opposite who continue to undermine the integrity of the human rights commissioner. They have stood in this place time and time again and have undermined the human rights

commissioner. They did not support the human rights commissioner's reports. And just last week we had Mrs Dunne, on private members' day, say that we should all talk together and have a tripartite approach to youth justice, yet then she goes out and issues a media release, in the hours before she scoots off to another study trip overseas, and she accuses this government and the Human Rights Commission of withholding evidence. That is just an appalling state.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, do you stand by your statement earlier in question time where you said that all complaints have been investigated?

MS BURCH: Complaints that have been brought towards the department have been reviewed and investigated. Those people that seek to raise a complaint have multiple opportunities, through CSD, through the human rights commissioner, through the Public Advocate, through the Ombudsman. There are a number of avenues that anyone who wants to raise an allegation of complaint that are certainly open, and I encourage everybody, as I have done time and again in this place, with a genuine, serious complaint, to raise it at any forum they choose.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, I remind you that you are on a warning for repeatedly interjecting during the minister's answers.

Territory and Municipal Services Directorate—consultant's reports

MR COE: My question is to the Minister for Territory and Municipal Services. Minister, the ACT Civil and Administrative Tribunal recently issued orders for Territory and Municipal Services to release two reports by a consultant to public service whistleblower Debbie Scattergood with some names blocked out to protect the privacy of other workers. However, in the words of ACAT member Louise Donohoe: "It is my preliminary view that the orders have, in a substantial manner, not been complied with by the respondents." Minister, why did your department fail to comply with the ACAT order?

MR CORBELL: I thank Mr Coe for the question. I have received a detailed briefing in relation to this matter this morning from senior officials from my directorate and, indeed, from the Government Solicitor. I am advised that the reductions made by the Territory and Municipal Services Directorate were made in good faith and were based on the directorate's interpretation of the orders provided by the tribunal in relation to that matter.

When the matter came before the tribunal yesterday, the directorate indicated that it would have no contest in relation to whatever final view the tribunal wished to reach in relation to which reductions were or were not appropriate. The tribunal has asked the directorate to undertake further work on revising the reductions to the document, and that work, I understand, is now underway. There will be a further hearing on the matter, I am advised, next week.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Thank you, Mr Speaker. Minister, why did your department black out even more sections of the report after ACAT made its ruling?

MR CORBELL: My understanding, and the advice I have from the Chief Solicitor, is that the reductions were made in good faith, based on the directorate's assessment of what the tribunal's orders meant. The presiding member has indicated her concerns in relation to a number of those reductions. The government does not contest these matters and will be seeking to comply absolutely with the tribunal's orders.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what actions will you take to ensure that your department complies fully with the ACAT order?

MR CORBELL: I have indicated to my directorate and to the director-general that a range of steps need to be taken to ensure not only that do we adhere in all respects to the tribunal's orders but also that our management of this and other matters is at a consistently high level. He has given me assurances that he will be putting steps in place to achieve that.

MR HANSON: I have got a supplementary.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Attorney, how do you reconcile the behaviour of the government in this case with the responsibilities of the territory as a model litigant?

MR CORBELL: The issues of model litigant do not arise in this case. That is the very clear advice I have from the chief solicitor. This relates to an interpretation of what the tribunal's orders meant in relation to the reduction of certain details from the documents. Those reductions were made in good faith. The tribunal have indicated their concern with the extent of those reductions. The government do not contest those issues. At every step, we will seek to comply with the tribunal's orders, and a process is now underway to ensure that that is the case.

Civic—development

MS PORTER: My question, through you, Mr Speaker, is to the Minister for Economic Development. Would the minister advise what steps the government has taken or is taking to make Civic more economically and socially vibrant?

MR BARR: I thank Ms Porter for the question. To enhance Civic as a modern and attractive city centre requires public and private investment. It requires transport and public realm improvements to go hand in hand with private development. It requires

people—workers, residents, visitors and investors. As an increasing number of people live and work in the city centre, it will become more vibrant and dynamic. This will continue to attract visitors to Civic as well as foster business, tourism and employment opportunities.

The government will continue to invest in Civic as the heart of our territory. We will continue to work with the private sector to achieve the best outcomes for the territory and its citizens as well as for industry.

Opposition members interjecting—

MR BARR: We are always happy to provide entertainment for the Muppet Show, Mr Speaker.

More so than ever, Civic is a major commercial and employment hub for the territory. A number of key sites have been sold for development in recent years, and this has included sites for offices, apartments, student accommodation and mixed-use developments, and more releases are anticipated in the near future.

A site in the ANU Exchange in City West has been slated for release in this year's land release program. As well, the two car parks opposite the Sydney and Melbourne buildings will be re-released to the market next year. It is likely that these two important sites will include a broad range of commercial and residential uses, including offices, apartments and a hotel.

In recent years a number of Civic's new developments have included apartments and student accommodation. In addition to the future land releases I have indicated, we will continue to work with the private sector to convert low-grade office accommodation to further increase the number of residential dwellings in the city.

It is my view that this conversion should be economically viable without significant government subsidy. However, the government are committed to the continued improvement of environmental amenity and our public spaces, and we are committed to working in partnership with industry to realise the best outcomes for the city.

To this end, there will be a 75 per cent remission on the lease variation charge for adaptive reuse developments in Civic that demonstrate improvements to environmental performance and public space. This will complement the government's investment in projects to improve the look, feel and operation of Civic.

The Canberra city area action plan for 2010-16 was released in October of last year, and it described 24 projects between Haig Park and Lake Burley Griffin. These projects include, as my colleague Mr Corbell has indicated earlier in question time, dedicated public transport lanes, new bus stations, lighting improvements, verge upgrades and parkland enhancements.

This year's budget included feasibility for funding on the Northbourne Avenue public transport corridor, improving connections to Civic and the surrounding districts and making it a more accessible destination for all Canberrans. We continue our

investment in strengthening Civic's status as a destination for arts, culture and entertainment, and significant investment has been made in growing our arts precinct, including Civic Square and City West.

By encouraging more people to visit, live and work in the city, we revitalise our cafes, our restaurants, our shops and our public spaces and make the heart of the city more socially vibrant.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you, Mr Speaker. Would the minister advise what specific projects the government has undertaken or will undertake to upgrade public facilities in the city?

MR BARR: Over the past two budgets, the government has provided almost \$9 million for capital works in the city area. The action plan that I have just mentioned is aimed at improving the look, feel and operation of the city. Some of the recently completed projects include lighting, road pavement and footpath improvements in Bunda Street, and amenity and safety enhancements to the Latin American plaza.

In coming weeks, work on Alinga Street will also be finished. This project will deliver better lighting and wider footpaths in front of Canberra House. It will make the area more attractive to people moving between the ANU and city east. It will benefit bus passengers using the city west bus stops. It will certainly benefit Canberra House traders, including the Canberra Club and the Wig and Pen.

We will continue to deliver public realm improvements across the city. I refer, for example, to the installation of new lighting in key locations. This includes the Mort Street taxi rank, the city interchange, the verges of the Sydney and Melbourne buildings, as well as Verity and Odgers laneways. We have also begun work to refurbish the verge along London Circuit from Ainslie Avenue to Nangari Street.

These are just some of the projects that the government is currently undertaking and will continue to deliver within the city.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do all commercial landowners in the CBD pay the CBD levy in addition to rates and land tax?

MR BARR: I understand that within the number of zones within the CBD, including Braddon, there are contributions made to that levy. That, of course, goes to provide a variety of activities that are very broadly supported by the CBD business community. I certainly hope that we will continue to see initiatives such as the skate in the city

initiative that took place under the auspices of CBD Ltd through July. We hope that there will be an announcement in the very near future in relation to CBD Ltd's summer in the city program. I would like to take this opportunity that Mr Coe has presented to congratulate CBD Ltd on the work that they do in the city.

Mr Hanson: Mr Speaker, on a point of order, on relevance, Mr Coe really asked a question about rates and land taxes being charged to businesses in the CBD, not a question about skating in winter and activities conducted in summer. It was a very specific question about rates.

MR SPEAKER: My recollection of Mr Coe's question is that he asked about rates and land tax and the CBD levy.

Mr Coe: On a point of order, the question was about revenue measures, not expenditure.

MR SPEAKER: I think that it is not inappropriate for the minister to have some discussion about where the money is being spent, given that you asked about the money that is being raised.

Mr Hanson: He asked about where the money is being raised, not where it is being spent.

MR SPEAKER: Mr Barr, you have the floor.

MR BARR: Thank you, Mr Speaker. I note the opposition of the Liberal Party to this particular initiative and the good work of Canberra CBD Ltd, and I will be sure to raise—

MR SPEAKER: Mr Barr, stick to the question, thank you.

MR BARR: Thank you, Mr Speaker. I will be sure to raise that with them when I meet with them next. Yes, Mr Coe, businesses within the CBD make a contribution to Canberra CBD Ltd in addition to paying a range of other government charges.

DR BOURKE: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: In relation to the programs outlined, minister, would you advise of any community attitudes of which you are aware?

MR BARR: There is very strong support for the work that the government is undertaking throughout the city. Take, for example, the works on Alinga Street that I mentioned previously. The response from building owners and traders has indeed been overwhelmingly positive. It is an important outcome for a part of the city that clearly, from the business perspective and for regular users of that part of Civic, required upgrading.

There are, of course, a wide range of views on the benefits of investing in the public realm. We have just heard from Mr Coe in his particular question that he obviously does not support this level of investment, both in terms of the work of Canberra CBD Ltd and also his voting record in this place. He has voted against every single investment in the CBD since he has been a member of this place.

In the end, it is the voting record of people in this place that matters. The people of Canberra will make their judgements on how people vote on the issues that are before them in this place. Mr Coe and his colleagues have demonstrated on each and every budget their opposition to any investment in the Canberra CBD. That is disappointing, but it is what you would expect from a bunch of people that have done nothing in terms of policy development for nearly three-quarters of a parliamentary term and whose only reason for being is opposition for opposition's sake.

Alexander Maconochie Centre—staff

MR HANSON: My question is to the Attorney-General. Attorney, on Monday, 22 August on 2CC, former AMC superintendant Doug Buchanan stated, “But the way the government treated me, the way the department treated me, is absolutely shameful.” Attorney-General, why was your department’s treatment of Mr Buchanan so shameful?

MR CORBELL: I thank Mr Hanson for the question. I have previously been asked by Mr Hanson and others questions about this and I have indicated in those previous answers that these are staffing matters between a public servant and the management of my directorate. At all times I have indicated my confidence in the way that my department—directorate now—has managed the matter and I am not going to disclose the privacy of those staffing arrangements beyond what I have already placed on the public record.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Yes, Mr Speaker. Attorney-General, why have you not stated the real reasons for the termination of Mr Buchanan?

MR CORBELL: Mr Buchanan agreed to return to the New South Wales Corrective Services. I am not at liberty to disclose the privacy of personal staffing arrangements involving the former superintendant and my directorate. Even if Mr Buchanan seeks to ventilate these matters publicly, that does not release me or my director-general and her officers from respecting the privacy and the confidentiality of the staffing arrangements. That is the approach we will continue to take on this matter.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much. Minister, having regard to the sensitivities of the privacy of the officer concerned, have any of those opposite, the opposition, approached you for a confidential in-depth briefing on this issue?

MR CORBELL: No, they have not.

Mr Hargreaves interjecting—

MR SPEAKER: Order! Mr Doszpot has a supplementary.

Mr Hargreaves interjecting—

MR SPEAKER: Mr Hargreaves!

MR DOSZPOT: Minister, Mr Buchanan also said he was run out of town. Minister, why was Mr Buchanan run out of town?

MR CORBELL: He was not, and I refer Mr Doszpot to my previous answers.

Alexander Maconochie Centre—Aboriginal and Torres Strait Islander detainees

MS BRESNAN: My question is to the Attorney-General and is about people of Aboriginal and Torres Strait Islander descent being held at the Alexander Maconochie Centre. Minister, I recently received correspondence from you confirming that, about a month ago, seven of the eight detainees held in the crisis support unit were of Aboriginal and Torres Strait Islander descent. While one person may have been held for safety reasons, at least six of the eight were there due to mental health concerns. Minister, is the government concerned by this figure?

MR CORBELL: The government is always concerned to see a high percentage of any prisoner category in the CSU, and it is of concern to me and to the government that there is at this point in time a higher than average number of Indigenous persons in the CSU. The circumstances around this are unusual. It is not normally the case that we see such a high number of Indigenous prisoners in the CSU.

That said, I am confident that the prisoners that are in the CSU have been appropriately assessed as needing to be there. Corrective Services keep these matters under constant supervision.

MR SPEAKER: A supplementary, Ms Bresnan?

MS BRESNAN: Minister, does the AMC require a second Aboriginal case manager, given that Aboriginal people in prison often have problems that are more complex than other prisoners?

MR CORBELL: We have dedicated personnel to assist Indigenous prisoners with the specific issues that confront them while in custody. The government remains open to whether or not additional resources are required, but the position that Ms Bresnan has raised is not a matter that has been brought to my attention, to the best of my knowledge.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, has a peer support program been implemented, as was recommended by the *Working together* document?

MR CORBELL: I would be happy to take the question on notice.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Attorney, has the government's broken promise to build a secure mental health facility led to the high number of prisoners at the CSU?

MR CORBELL: No. The forensic medical centre is for prisoners who are required to be detained in custody for extended periods because of their specific mental health conditions. It is inevitably the case that you will have prisoners in the mainstream prison population who also suffer from mental illness, and you need to manage those issues in the short term in the mainstream prison setting whilst you always provide for those prisoners who have specific psychiatric conditions that require them to be in a forensic mental health facility for longer periods.

Public housing—ownership

MR HARGREAVES: My question is to the minister for housing. Minister, could you please update the Assembly on progress with government schemes enabling public housing tenants to buy their own homes?

MS BURCH: I thank Mr Hargreaves for his continued interest in social housing. I am pleased to say that government schemes that support public housing tenants to purchase the homes in which they live has been well received. Last year we saw the commencement of the shared equity scheme. Under that scheme, tenants purchase a minimum of 70 per cent of the value of the home that they are buying. The outstanding equity share is then paid off over 15 years—

Members interjecting—

MR SPEAKER: Order, Ms Burch! One moment, please. Stop the clocks, thank you. Members, gratuitous insults across the chamber are entirely inappropriate and they are certainly unparliamentary. Minister Burch.

MS BURCH: Thank you, Mr Speaker. Under the shared equity scheme, tenants purchase a minimum of 70 per cent of the value of the home. The outstanding equity share is paid off over 15 years, with an initial payment in the first five years. The amount paid is based on the market value at the time of payment.

The Community Services Directorate is delivering the scheme with IMB, who provide mortgage finance to people purchasing their dwellings under the shared equity scheme. So far 19 tenants have been assisted through this program and a number of approaches from tenants have not proceeded to sale, mainly due, for example, to

tenants withdrawing or their properties not being separately titled. Fourteen sales have been completed under the shared equity scheme, with the remaining five being expected to settle before the end of the year.

The success of this scheme can be measured by the number of tenants who would not otherwise have contemplated purchasing a property who are now enjoying the benefits of home ownership. This success is also further evidenced by the fact that two of the participants have already moved to re-finance and pay out the commissioner's share of equity.

Most of the sales to date have been in the price range of \$332,000 to \$385,000, with the areas of Belconnen and Tuggeranong proving the most popular. The total value of properties purchased to date is a little over \$5.75 million, with just over \$4 million being taken by the commissioner as the 70 per cent equity purchase.

I am pleased to confirm that these capital receipts are being used to re-invest in the construction of replacement public housing properties. The shared equity scheme has been successful in encouraging public housing tenants to transition out of public housing into home ownership.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, could you provide further details, please, on your recently announced scheme to help older Canberrans purchase housing which is affordable?

MS BURCH: I thank Mr Hargreaves. Yes, I would be pleased to provide members here with further details about the scheme, which is designed to improve the availability of affordable housing to older people who are on low incomes. The scheme the government has introduced is based on a loan-licence agreement, which is an arrangement that has been developed through retirement villages and is gaining popularity in the private market, where people effectively own the unit they live in until they leave. Eligible people will only have to pay 75 per cent of the value of the unit and they will be responsible for all running costs, insurance and their share of maintaining the common area and grounds. The fee will be based on a cost recovery basis. When people leave the unit they will receive what they paid for the unit plus 50 per cent of any increase in capital value.

This scheme is complemented by an affordable rental program which is also available for older people on low incomes. These properties will be rented at 75 per cent of the market value of the property. The eligibility criteria of affordable rental and loan-licence schemes will be similar so that these concessions focus on those who cannot afford rental prices in an open market. The units that will be available under this scheme will be offered across sites in areas such as Kambah and Bonython. The units have been developed by CSD for older people. The units will improve the social mix of people living in these developments by creating a richer and more diverse community.

Marketing of the two schemes has commenced and I am pleased to say that the interest is encouraging. So far there have been 35 expressions of interest with most

being interested in the affordable rental. Further marketing is proposed and I am confident that interest in the schemes will continue to grow as people become more acquainted with these new schemes.

MS PORTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, can you please advise the Assembly on progress being made in housing larger households in public housing, following completion of the older persons scheme?

MS BURCH: I thank Ms Porter for her interest in social housing also. To date, just over 200 properties have been returned through the older persons accommodation rightsizing scheme. The majority of the properties have been three-bedroom family properties, although 10 of the properties have had four or more bedrooms.

Housing ACT has taken this once in a lifetime opportunity to also consider extending properties where the land and the design of the existing residence permit. We have entered into contracts with two local builders to extend 12 homes to enable large families to be accommodated. Innovation in this program has not stopped at the program itself. One of the extension designs being delivered includes a bedroom, ensuite, additional living space and a kitchenette, which will enable elderly parents to live semi-independently in the family home. This arrangement will provide support and reduce social isolation, while at the same time providing grandparent support and mentoring to the family.

Of the returned properties, over 70 per cent have been allocated to people who were living in specialist homelessness services or who were couch-surfing. So through this initiative, those people who were at their most vulnerable and disadvantaged have been provided with appropriate housing in established neighbourhoods with good access to services, helping them to develop sustainable housing and to turn their lives around. I think they are two very good products that I have outlined to members.

MR COE: A supplementary, Mr Coe?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, how do you address or prevent the deterrent for a tenant making improvements to their house which might drive up the value of the house, thus making it harder to buy their own home?

MS BURCH: Those that are purchasing under the shared equity scheme are effectively the homeowners, and they are free to make any improvements to the properties that they like.

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

Personal explanation

MR COE (Ginninderra): Mr Speaker, I seek leave to make a statement under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented, Mr Coe?

MR COE: I do, Mr Speaker.

MR SPEAKER: Thank you, then you may proceed.

MR COE: Thank you. I believe I have been misrepresented by Mr Barr in his response to my question about revenue measures—namely, rates, land tax and the CBD levy. He deliberately misrepresented my view and construed it for political reasons.

MR SPEAKER: Mr Coe, do you want to state how you were misrepresented? You have not made that clear to the Assembly.

MR COE: I think I did.

Paper

Mr Corbell presented the following paper:

Petition which does not conform with the standing orders—Farrer shops—
Proposed IGA supermarket—Mr Doszpot (1293 signatures).

Supplementary answers to question without notice Planning—draft variation 307

Mr Speaker, just to clarify further, during question time, I think Ms Le Couteur—or it might have been Ms Hunter—asked me about my answer about draft variation 307 and when I had received draft variation 307. I am advised by my office that the draft variation arrived in my office on Thursday, 18 August, and I was asked the question by Ms Le Couteur the same day. I cannot tell you when I received the actual file—whether it was before or after question time.

Government office building

Debate resumed.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (2.57): I rise to speak on the motion brought by Mr Seselja prior to lunch regarding the government's accommodation strategy for its workforce.

Naturally, the Canberra Liberals oppose improving employment conditions for public servants. They do so blindly, they do so despite the facts, and they do so wilfully. The

fact is that doing nothing is not an option. One way or another, there will be costs associated with moving our public servants into environmentally sustainable accommodation over the course of the coming decade.

The government is determined to house its workers in a way that meets contemporary occupational health and safety standards and helps us attract and retain the best people to serve Canberrans. And we will do so in a way that meets our environmental obligations. Most importantly, though, we will do so in a way that represents best value for money for the ACT taxpayer.

Mr Seselja's motion asks the Assembly to note the government's determination to push on with the government office block. Let me assure the Assembly we are absolutely determined to press on with an office block in Gungahlin, and we are determined to upgrade city accommodation for our workers. Approximately 30,000 square metres of accommodation owned by the government has reached or is nearing the end of its useful life. Over 90 per cent of leased accommodation is rated B grade or lower and does not meet with the government's environmental policy.

Knowing this, we have, over the past few years, examined our future options. Five options have been evaluated, including two options to consolidate into a single building. Three business-as-usual options were also considered, ranging from upgrading our existing accommodation over time through to doing absolutely nothing. The evaluation concluded that consolidation of 3,500 of the territory's public servants into a single building in Civic provided the best value for money for the territory over 25 years.

Further expert financial analysis concluded that a government-owned model would be the most cost effective. This is principally because the cost and availability of finance is much cheaper for the territory than for the private sector. Upgrading our existing buildings was found to be the most expensive option. Additionally, this option would not deliver the benefits of having key public servants in one place and close to the Assembly.

The motion calls upon this place to note the ACT has the highest office vacancies in the country—a simplistic and misleading statement that you would expect from this opposition. So let us have a look at the facts. The CBRE market view reports a vacancy rate of 11 per cent for A-grade buildings at January 2011, a reduction from 13.7 per cent for the same period last year.

As an indication of the volatility of vacancy rates, the Knight Frank market overview of April 2011 states that 64,000 square metres of A-grade office space was absorbed by the market in the year to January 2011. Further, the report states that whilst A-grade vacancy measures 11 per cent, that drops to 6.5 per cent when the airport precinct is excluded. With little or no A-grade office space coming into the market, it is likely that all A-grade space in Civic will be fully absorbed within the next 12 to 24 months.

It is worth noting that the ACT government is not a major occupier of leased accommodation. It currently leases less than two per cent of the leased property portfolio in Canberra. As such, the development of any new building will only

marginally affect vacancy rates, whether the building is owned by the government or leased from the private sector.

The commonwealth government is the major occupier of leased office accommodation in Canberra, occupying over 50 per cent of the market. So the greatest threat to office vacancy rates in the city is the likely circumstance that a federal Liberal government will sack 12,000 Canberrans from the public service.

Next in the motion the opposition allege a failure to appropriately consult with the private sector and the community. The Gungahlin community—

Members interjecting—

MR SPEAKER: Order! Thank you, members. Mr Barr has the floor.

MR BARR: Thank you, Mr Speaker. The Gungahlin community and business owners seem pretty comfortable with our plans to commission an office block there. Additionally, all of our consultants engaged in this project are from the private sector. They are the likes of: Cox Architects, who worked on the KPMG tower in Sydney and 370 Docklands Drive in Melbourne; Arup, who provided sustainability advice for the Nishi development and the water cube in Beijing; CBRE, well known to all of those in this place; Fife Capital, who provided funding and ownership advice and have worked on the Bunnings Warehouse Property Trust and consulted for Behringer Harvard; Wilde and Wollard, who provided cost planning and who have worked on projects such as the RMIT Swanston academic building and Centrelink in Tuggeranong; and DEGW/WorkSpaceLogic, who have consulted for the ANZ Bank, the National Australia Bank and for BHP.

The government's workforce also has been widely consulted on the project. A staff survey and workshops have been conducted, and the outcomes have shaped the statement of requirements for the project. A market sounding brief was also issued to the private sector seeking input into financial, ownership and delivery models.

The government remains of an open mind as to how to deliver the best outcome for taxpayers, staff and the environment. And we have also invited the property sector to be part of a market test for the project. So scant has been the community consultation that the Master Builders Association said:

In particular, much optimism had been generated by the ACT budget proposal to develop a new ... office block to assist in integrating various elements of the ACT Public Service.

So woeful has been our consultation that the Canberra Business Council said:

There are some very clear advantages to establishing an office that can bring together our public servants under one roof.

In particular, it will help improve efficiency and reduce duplication—both aims of the recent Hawke Review and changes to the ACT public sector.

If we continue to have public servants that have inter-related roles dispersed around the city, silos will continue to hinder their effectiveness and efficiency.

In addition, a number of the buildings that currently house public servants are of poor quality and do not meet the Government's environmental requirements.

That is from Chris Faulks of the CEO of the Canberra Business Council. Additionally, a full briefing and documentation was given to the media, with details widely reported throughout the Canberra community. And as I recall, a number of detailed briefings were provided to members in this place in their capacities as committee members and as well as private members.

In this motion the Leader of the Opposition alleges that the proposed government office block is the most expensive project in the history of the territory. This is not true. The base building cost of \$281 million is indeed less than a number of ACT government infrastructure projects, such as the hospital infrastructure program and the school renewal program. The project is predicted to cost \$2,212 per square metre of gross floor area compared to \$2,234 for the commonwealth health building at Woden.

The opposition allege a failure of the government to deliver infrastructure on time and on budget. It is interesting that the most recent analysis of the comparative performance of state and territory governments in the delivery of infrastructure with a common purpose was the delivery of the building the education revolution program. Where were the opposition during that process? Well, they were sniping at it. They were opposing it, except, of course, when they turned up to the official openings to enjoy a cup of tea and a scone at any number of BER project openings.

Had they paid attention, they would have been aware that the ACT government was the first to complete all BER projects. They would have seen them all completed on time and on budget. They would know that the Orgill report found that we delivered value for money and quality buildings. Additionally, under the same broad stimulus package, ACT Housing will be the first jurisdiction to complete their social housing projects, with funding provided for 290 dwellings and 420 actually delivered.

And while we are at this, let us compare their record on infrastructure delivery with the government's. Before we came to office in 2001, the average annual capital works program for the Canberra Liberals between 1998 and 2001 was around \$76 million. The average capital works program from the Labor government over the past three years has been \$492 million per annum. That is almost 6½ times more than what was delivered by the Canberra Liberals. There is obviously an adjustment that needs to be made for inflation, but inflation over that period has not been 6½ times the scale that I have just indicated.

Mr Smyth: So how much debt did we leave you? That would be none.

MR BARR: A significant amount, Mr Smyth. You had a number of unfunded liabilities, which I will go into on another occasion.

In 2010-11 the government once again delivered a record program of public works, with expenditure of around \$602 million, the largest successful infrastructure spend in

the territory's record. To put this in perspective, this is over seven times more than what those opposite delivered in their last year of government.

In their motion the opposition allege that this is some sort of either/or option, that if the office block goes ahead, if we seek to accommodate our public servants in better accommodation, then other infrastructure will be neglected. This is not the case. The proposed new building is a substitution for existing owned buildings and rental streams. Given that it will have a market value greater than the construction cost, it will actually improve the territory's balance sheet. Additionally, co-location of a number of ACT public servants in Civic actually makes a range of public transport projects more viable. This is especially the case when combined with the government's plans to revitalise Northbourne Avenue and to have more people living in the city.

So as you see, Mr Speaker, this motion is simply made up of wild accusations that bear no relationship to the facts. The opposition calls on the government to release all documents. Sixteen very large and detailed documents relating to project costing and financial analysis have already been released. I note that there has been no comment from the private sector disputing the content of the financial analysis.

Finally, Mr Speaker, the opposition call for the project to be scrapped. The ACT government's public servants must be housed somewhere. If not in the buildings that we propose, then where? If not in buildings owned by government, then in buildings that we must pay rent on for 25 years and beyond. If not in buildings that meet our environmental responsibilities, then in buildings that make the problem worse. And if not in buildings that provide our staff with safe and professional surrounds, then in buildings which will make it even harder to attract and retain the best workers.

Of course, this apparently does not bother the Canberra Liberals. They do not care much about Canberra public servants. It is this Leader of the Opposition who opined on many occasions that Canberra workers were never better off, in fact, than under John Howard's extreme and unfair workplace laws. He is on the record consistently as making those statements. And it is the same Leader of the Opposition who seems perfectly content for his federal Liberal counterparts to sack 12,000 Canberrans if they were to form a future federal government.

The government remains open minded about how to deliver the best outcome for workers, the environment and taxpayers. We are market testing the delivery of new accommodation in Gungahlin and in Civic, a move welcomed by the Property Council. We are steadfast in our determination that the Gungahlin project will go ahead; it is our first priority. The only thing the opposition is firm on, once again, is opposition for opposition's sake.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.11): No-one disputes the significance of the government office building project. It is a very large amount of money and it would be a very significant infrastructure project and certainly not something that we should rush into. That said, I think we should all accept the reality that the status quo or do nothing approach is simply not viable and we have to do something. It is not acceptable to leave ACT public servants in low-grade office space. The business as usual option is not an option.

This reality underpins the need for a comprehensive strategy for government office accommodation, something that has been talked about for a number of years and considered by two committee inquiries, something that I will return to later.

This is not just a question of whether we should go ahead with the office building or do something completely different with the money. There is not \$430 million there to be spent on any project of our choosing.

The reality is that we have to provide offices for our public servants to work in. Every day we are spending money providing office space and wasting money on inefficient buildings that do not deliver good environmental outcomes. Nor are they conducive to good overall workplace productivity.

We have to significantly reduce the greenhouse gas emissions that come about from government operations. It would be foolhardy to think that just continuing in current buildings would be the most economically prudent course of action.

To suggest that this is a simple question is disingenuous, to say the least. We cannot continue with the status quo. We will have to spend some money. Of course, there is a large spectrum of options available to us. The exact manner in which we address the problem and find the best solution remain to be determined.

The Greens have said very clearly that we want the best value for money that delivers the best overall outcomes for the territory balance sheet, our public servants, the environment and the community more broadly. We are not convinced that a single government office building is the best model. We certainly remain open to it, but there does remain work to be done. We have appropriated money for this task, for this extra work to be done, and we have repeatedly said that further work will need to be completed to satisfy us that the proposed building is the most appropriate model.

The Greens will not support Mr Seselja's motion as proposed. I will move an amendment shortly that reflects the Greens' views on where the process should go now and the outputs we expect from the government at this stage of the process.

As I have said before in this place, particularly in the debate on the appropriation bill, the Greens remain concerned that the adaptive reuse of the existing building stock has not been adequately considered throughout the process. We believe that this funding for further studies needs to incorporate some options which were excluded very early on in the process, including the retrofitting of existing buildings and looking at a wider range of buildings which could be used which are in the vicinity of the Assembly building. Although we agree that there could indeed be many benefits in co-location, having an ACT government office precinct could be just as good as housing all our ACT public servants in one very large building.

I should acknowledge at this point that the process has changed somewhat since the minister's announcement that the project will be market tested and tenders invited from the private sector so that we have the full suite of options available to us before we commit to any particular project. As I said during the budget debate, the Greens

remain open to this and we will indeed be very interested to see what the private sector can do and how the private sector responds.

On the issue of “carbon neutral enabled”, on this issue of the environmental sustainability of the building I would like to again commend the government for its commitment to pursuing carbon neutral government office buildings. However, we believe that whole of life cycle impacts need to be considered, not just a commitment to constructing a brand-new carbon neutral enabled building. As far as we can see, the current preferred option for a new building requires 52 per cent of its renewable energy production to be off site. This is a significant purchase, and we would prefer that greater emphasis be placed on improving the efficiency of the building rather than the off-site purchase of renewable energy, which of course could make any building carbon neutral.

As I said, I do have some amendments which I think better reflect the current situation and a better way forward from the position that we find ourselves in now. I move:

Omit all words after “That this Assembly”, substitute:

“(1) notes:

- (a) that the 2011-2012 Budget appropriated \$500 000 for further evaluation of options for government office accommodation;
- (b) that funding for the final project has not yet been approved by the Assembly;
- (c) that the Government has committed to market testing the delivery of a government office building;
- (d) the Government commitment to house public servants in buildings that achieve and maintain a minimum 4.5 star NABERS rating, and to pursuing carbon neutrality in ACT Government operations by 2020;
- (e) Resource Management Plans were supposed to be completed for all agencies by 2009 and most remain outstanding; and
- (f) ACT public servants should be provided with accommodation that:
 - (i) provides safe and professional workplaces;
 - (ii) provides more efficient services to the community;
 - (iii) meets our responsibility to the environment and our legislated greenhouse gas reduction targets; and
 - (iv) delivers the most financially responsible option for the ACT budget and taxpayers; and

(2) calls on the Government to:

- (a) ensure the feasibility studies and market testing both include:
 - (i) examination of the adaptive reuse of existing office buildings; and
 - (ii) consideration of the options for an ACT Government office precinct, as opposed to just a single building model;
- (b) ensure that whole of life cycle analysis of the environmental impact is considered;
- (c) finalise the government office accommodation strategy; and
- (d) report back to the Assembly on progress by December 2011.”.

These amendments articulate the reality of the situation now and I hope clarify where we should be looking to go into the future. The amendments note the importance of providing good-quality office accommodation and the standards against which we should assess proposals for the future provision of government office accommodation. Further, the amendments note that the government has not delivered on the commitment set out in *Weathering the change* to undertake resource management plans for all government agencies. These were supposed to be completed by 2009; as yet we have seen very few of them.

During estimates hearings the environment minister talked about the idea of providing agencies with carbon budgets as a means of restricting their greenhouse gas emissions. It is very disappointing that these commitments have not yet been met. I hope that this debate does prompt some action within the government to ensure that it is delivering its commitments and that the government’s ecological footprint is reduced quite significantly in the near future.

We have also noted the commitment to 4.5-star NABERS ratings, something that clearly needs to be addressed. Many, if not most, public servants in the ACT would not be in a building that meets that standard, yet we know that all commonwealth public servants would be in a building that meets that standard; that is the commonwealth government policy. One of the things we did hear during estimates—one of the arguments put forward by the government for needing the new building—was around the fact that commonwealth public servants work in better office accommodation. Part of that was that they were more energy efficient buildings. We have put this into these amendments as a commitment.

The amendments call on the government to ensure that all future work on the issue, in respect of both feasibility studies and the market testing process, includes the adaptive reuse of existing office buildings and consideration of the options for an ACT government office precinct as opposed to a single-building model. The Greens are not convinced that the only way to go is a single building. It may well be that we achieve a better outcome from a precinct model than from a single-building approach.

While we appreciate the argument that co-locating all administrative staff together may provide some efficiencies, the reality is that this may well come at a significant

premium. We should be open to the different options and the various costs and benefits of each option. And in talking about putting it out for adaptive reuse, let me say that we do know that there is quite a high vacancy rate in buildings in the CBD at the moment. These are not all A-grade buildings; many of them are C and D-grade buildings. The minister has talked about the importance of providing incentives for those who can change their office accommodation to residential accommodation. That should be encouraged, and many buildings will be able to do that. But we also need to be looking at those that might be part of an option put forward by the property sector on how we could retrofit current buildings and still achieve the sorts of co-location and benefits that the government has put forward around one building and one new building.

The amendments also call on the government to ensure that a whole of life cycle analysis of the environmental impact is considered. I spoke earlier about the need to look at more than just the carbon neutrality. We do need to consider the total ecological impact of the building across its useful life. I understand that some analysis of this has been done and I would welcome confirmation from the minister that it will form a central part of the evaluation of any proposal.

The amendments call on the government to complete the government office accommodation strategy. As I said earlier, this has been mooted for a significant period of time now. It is problematic that so much has been spent on considering the office building in the absence of a broader strategy when the reality is that the majority of public servants will not be housed in this building.

I want to pick up on something that Mr Seselja said earlier. He was noting some letters to the editor in the paper and feedback from members of the public. One was talking about the importance of being able to decentralise government accommodation and offices across the ACT and the town centres. Of course, this new office building does not stop that from happening. We have 20,000 public servants. It is said that only about 3,500 will actually be in Civic. The majority of them will still be spread right across the territory, in various types of accommodation, carrying out their daily duties, whether that be at the hospital, a community health centre, a school—or a gardening depot, for that matter. But we do need that comprehensive across-government accommodation strategy.

I have proposed that the government report on progress in December. I think this allows a reasonable time frame for the commencement of the market testing process. Certainly, given the delays that have already occurred, it is a more than adequate time frame for the delivery of a finalised government strategy.

That is why we have put forward these amendments to Mr Seselja's motion this afternoon. It is important that we get this right. It is important because we do have public servants currently housed in accommodation which is just not up to standard. We do need to improve their workplaces, whether that is going to be in one new building or whether that is going to be, as I said, in a precinct within the Civic area or through retrofitting current buildings. I am quite sure that the property sector, through the Property Council, will come back with some, I hope, very innovative and cutting-edge ideas about how we might be able to move this forward.

At the end of the day, we need to do that cost-benefit analysis. We need to look at a whole range of issues. We need to do a triple bottom line analysis of the government office building on any option that is put forward, because it is important that we get it right. Whatever we build or put in place, we need to know that we are going to reap the benefits of that for many decades to come. This is not going to be a short-term, quick fix. It is a much longer term solution to the issues of office accommodation.

Of course, we need to fit that into the broader picture of where we want Canberra to go. If we want a sustainable city, then we are going to have to build up our residential density along those main transport corridors. One of those main transport corridors is Northbourne Avenue. Many of our current ACT public servants are housed in Macarthur House, Dickson motor registry or a number of buildings along Northbourne Avenue. In the longer term, it makes far more sense to be looking at how we can better utilise that land on a major transport corridor. I think we will find that being able to put in residential housing, and higher density residential housing, will be a much better outcome as far as being able to reach that goal of having a sustainable city is concerned. It links in with how we are going to build our transport system right across the city as well. It links in to whether we are going to have enough people living along that corridor, for instance, to support light rail.

These are really critical things. A whole lot of pieces of the puzzle go together. We do need to look at each clearly to get it right, but I think it is very exciting. There are some great outcomes we can achieve through this one project. But let us do the analysis properly. Let us take the time. Let us give it proper consideration. That is what my amendments today are proposing.

MR SMYTH (Brindabella) (3.26): It is interesting to see the amendment from the Greens, because it is a tacit approval of what the government is going to do. It does not hold the government to account. It does not say to the government, "Stop." It simply says, "Do a bit more work; give us a report," and, of course, the government will continue on its merry way. And that is why the Greens, certainly, should not be supporting Ms Hunter's amendment. They should be supporting the motion from Mr Seselja, because the government has had a number of chances.

Let me reiterate those chances, for members. We have an interim report from the Standing Committee on Public Accounts, from February this year. It is very rare that committees put out interim reports. It is fair to say that the committee was so concerned about what the government was doing that it put out this report, which has three very simple recommendations—three recommendations which, oddly enough, the government has now rejected not once, but twice.

The first recommendation is that the committee makes no final decision until all the information has been provided to the public accounts committee and we report to the Assembly. There is nothing wrong with that.

Mr Barr: Sorry, I think you meant the government, did you not?

MR SMYTH: No, the government make no decision until they have given the information back.

Mr Barr: Yes. You said “the committee makes no decision until the committee”.

MR SMYTH: No, until the committee gets back to the Assembly. The second recommendation here is:

The Committee recommends that the ACT Government provide the Standing Committee on Public Accounts with ... the opportunity cost ... against other significant projects, such as the Majura Parkway, a light rail network, a new convention centre, or a third major hospital.

Recommendation 3 is that the committee recommends that the government not let any contracts until the whole-of-government office strategy has been finalised and considered by the Assembly, prior to the final decision or awarding of any contracts.

They are not onerous conditions. Indeed, they are backed up by the estimates report, which reiterates that the government should respond to this. The government has responded and said “not agreed” to each recommendation. If you read the government’s response, they say, “We have got approval; the approval is in this year’s budget,” and they are going to continue with this work.

So what the Greens do today is let the government off the hook. It is as simple as that. If you have not read the government’s response to recommendation 1, it says:

Not Agreed.

A decision to proceed with the Government Office Building project was made in the 2011-12 Budget.

So what the Greens are saying is, “Go right ahead; give us a report because we are not going to stop you”—unlike the motion from Mr Seselja.

Recommendation 2 says:

Not Agreed.

A decision to proceed with the Government Office Building project was made in the 2011-12 Budget.

The response to recommendation 3, which is to finish a whole-of-government strategy, is also “not agreed”. Members need to hear this if they have not read it:

The future office accommodation strategy is now influenced by the Government’s decision to proceed with the new ACT Government Office Building.

We do not have a strategy. We are going to build a building and then, with the bits that are left, we will actually come up with a strategy. That is a good way to deliver infrastructure! That is a good way to get the best value for the taxpayers’ dollar! That is the best way to ensure that public servants are accommodated in appropriate

accommodation! No, it is not. The government's approach is flawed, and that is why the government has had such difficulty in delivering infrastructure projects on time and on budget.

It is worth reading the whole of the government's paragraph:

The future office accommodation strategy is now influenced by the Government's decision to proceed with the new ACT Government Office Building. The new government office will see significant consolidation of current office accommodation and changes to planned office refits/refurbishments. The office accommodation strategy will now be revised in line with this decision.

The strategy is not finished, yet it is being revised to meet the government's decision. That is not strategic planning. That is not how you deliver a viable long-term city and is not how you deliver a viable long-term sustainable public service.

The Greens are letting the government off the hook, as they always do. I guess one of the benefits of being in the GLA, the Greens-Labor agreement, is that you can just let the partner off the hook. What has it asked the government to do? Ensure some feasibility and market testing are done. The opposition has been saying right from the very start that we believe the private sector can deliver this.

Ms Hunter points to the fact that all commonwealth public servants in the ACT are now housed in five-star accommodation. Yes they are, as a consequence of the Howard government's commitment to deliver appropriate accommodation for commonwealth public servants in partnership with the private sector. That is why it has occurred, except in a couple of specific cases where national security is involved, like Defence and ASIO. They are the two exceptions. ASIO, I think, was a decision finally taken by the current government. Whatever it is, the majority of public servants are in accommodation provided by the private sector. And there is nothing wrong with that model.

What does paragraph (b) say? It says:

ensure that whole of life cycle analysis ... is considered;

I am sure the government is going to consider it. Paragraph (c) says:

finalise the government office accommodation strategy;

We are going to get a strategy that is already informed by the new building. We are not getting a strategy, we are getting the remainder strategy. And then it says:

report back to the Assembly ...

I can see the minister standing up in December 2011 and reporting that, consistent with the decision they took in the 2011-12 budget, they are proceeding. And what will you do then, Greens?

This motion is on the table today because the government has failed to take into account a report from the public accounts committee, a tripartisan committee, and the estimates report. I have sat through a few estimates committees, from both sides of the table, and I have never seen an issue where 19 recommendations were made about one subject. Each of the recommendations is quite valid. It is quite valid to seek more information. The committee itself says that the information and explanations provided by the government were confusing. And we were shunted from pillar to post. One minister would say, "That is the other minister's job." When you ask the other minister he would say, "No, that is the other minister's job".

That is the problem with this process. There is nothing underpinning the need to do it and to do it in the way that the government has said. We all believe public servants should be accommodated in appropriate accommodation. We know the peril to our public service of the commonwealth public service which can currently provide better accommodation and greater wages and opportunities than our much smaller public service.

But that is an indictment of 10 years of wasted time by this government by not ensuring that they had a program in place to ensure that the upgrades were done. It is this government's problem. It is a problem created by this government. And this is not the answer. I do not think the effect of moving all of the public servants out of the Dickson area has been taken into account. What effect will it have, for instance, on Dickson? What influence and impact will it have on Dickson?

We do not know all the costs. For instance, we are still yet to find out what the cost of the new motor registry will be and where it will be. We do not know that. We have got some savings that were delivered on a single piece of A4 paper, bodged up after a committee meeting where the promise was given to hand them over. This flimsy piece of paper turned up which, I think, was disputed and debunked almost immediately because of the things that were not included in it.

We have had a series of questions they have refused to answer. The minister says, "We have got private sector support. We have got all these private sector companies involved." If you are paying private sector companies to be involved, of course they will be involved. Of course they will. You paid for it, and you should get what you paid for.

But the problem here is: we do not have a proper starting point. Ms Hunter said, "It will only take 3,500 public servants." What about the rest of the 20,000? What are there, about 5,000 nurses? Most of them work in hospitals. There are about 5,000 teachers. They will work in schools. There are almost 1,000 police officers and supporting staff. They are going to work in police stations. For the remainder, the 8,000 to 9,000 purely administrative staff, yes, this will be a significant group of them in one location. But the case has not yet been made. And the government is not making the case.

I am not sure what the minister is doing. The minister is now going to do some market testing. But we were told that all the options had been looked at, in those hearings that

we sat through. We had that mammoth hearing where there were 20 people at the table, probably the biggest hearing that the Assembly committee has ever had. There were 10 of them on that side and 10 of us on this side. Even then there was conflicting information being delivered. And even then we were getting material at the last minute. Material that could have helped with the questioning was delivered right at the end of the meeting. That was contemptuous of the committee process and was contemptuous of those that sat there.

This is a reasonable motion. What does the motion call for? The receipt of all documents in relation to the costings and financial analysis on the proposed project. The minister said, "We have given you 16 documents." The question for the minister is: have you given over all the documents? I suspect the answer is no. "Every single document related to this project has been delivered." I think not. You can get up and tell me I am wrong. This motion should be supported by the Assembly today. (*Time expired.*)

MS LE COUTEUR (Molonglo) (3.36): I am very pleased to rise today to talk about the government office block. I must say that I have considerable sympathy for some of the statements from the Liberal Party, but I think they are throwing the baby out with the bathwater. There have been problems with the process and there may yet be problems with the process in the future, but that is not a sufficient reason to say, "No, we'll just stop work and forget about it," and not recognise that we actually have an issue with the accommodation that we currently have for the ACT public service. A lot of it is very poor grade and a lot of it is environmentally very poor.

The ACT government has an obligation to have, as Mr Smyth would agree, a strategy for improving accommodation for ACT public servants. That is one of the things that Ms Hunter's amendment asks for, and that is also one of the things that the public accounts committee asked for. What Ms Hunter will achieve with her amendment is to improve the process, not just say, "It's all too hard. We should just forget about solving our problems". There is a problem with ACT government office accommodation. We are not going to just say it is too hard. We are not going to throw the baby out with the bathwater. We are going to try and improve the process.

I have been following this process for several years through estimates and annual reports hearings. Under the previous Chief Minister, there were two issues which I pursued at great length. One was the possibility of using existing buildings, and the then Chief Minister made it abundantly clear that he would not consider using a building which was owned by the private sector, regardless of whether or not the ownership would ever change, regardless of whether or not it ever would be upgraded—just regardless. And that was very unfortunate, I felt, because what the government did was to say, "There are a lot of possibilities we are just not even going to look at." And what the Greens are saying with Ms Hunter's amendment is there are a lot of possibilities and we should look at them. We are likely to get a vastly better outcome by looking at all the options.

I would like to point out to the Liberal Party and the Labor Party that this Assembly has not yet, in fact, made a decision to spend \$432 million on a government office building. What we decided to do in the budget a few months ago was spend half a

million dollars on more work on the subject, and the Greens strongly feel that this work is worth doing, because we want to find the best solution to the problem.

One of the problems we have got is the term “carbon-neutral enabled”. We have really no clear idea what that means. Someone pointed out that a zero-star energy-efficiency rated house could quite potentially be called carbon-neutral enabled because you always have the opportunity of buying 100 per cent green power. This was one of the questions that we put on notice after the estimates process because it just does not seem to mean anything.

I think what it is trying to say is that we would do what was most cost efficient—we would either have a good building or we would buy green power. But that is a very fudgy sort of answer. It will be a few years before this building—whatever it is—is built or refurbished. In that time there will presumably be a carbon price. In that time electricity pricing will continue to change. So what is carbon-neutral enabled now—if I have the definition right—will not be carbon-neutral enabled in five or six years. That seems to be something that needs a lot more work done on it.

Another thing which needs more work to be done on it is, on the basis of the financial analysis of 7 May 2009, two scenarios—2 and 4—were excluded from the CB Richard Ellis cost analysis, which were leasing a space in Civic of comparable quality to a new building so as to enable co-location or a scenario involving minimal upgrades. Both of these potentially were more cost efficient.

One of the things that I would like to talk a bit more about is, in the retrofitting option, the government quite clearly in the past has not looked at the option of not putting all the eggs in one basket. I am glad to see that the government has considered this option now and clearly agreed to it to some extent insofar as there will be a building out in Gungahlin. A building in Gungahlin is something that the Greens asked for repeatedly in the past, and the former Chief Minister unfortunately did not think this was appropriate. So I am very glad to see that the ACT government will do some small work around addressing Gungahlin’s most substantive problem of lack of a local employment base. I think it is very unfortunate that neither Liberal or Labor federal governments put a substantive office building out in Gungahlin, and I am very glad to see the ACT government is at last looking at it.

Also, though, in terms of more innovative solutions, the government could be looking at building a smaller additional building which might house, say, the town hall functions or some of those sorts of things and at the same time utilise and retrofit one of the existing buildings which are quite close to the Assembly.

The other thing we are very concerned about is life cycle impact analysis. It is not clear on the basis of what the Greens have read that this is being properly done. It seems that the government is focusing almost entirely on the operational energy requirements because of their desire that the government operations will be carbon neutral by 2020. We agree this is a worthy aim and it is one that we totally support. But it is not one that should be achieved at the expense of not looking at the life cycle analysis.

We do not want the government to put a huge amount of energy and materials into building something which will be very wonderful when, for significantly less energy and materials, they could retrofit an existing building which would meet 99.99 per cent of the requirements. That seems to be where the government are missing out.

The other issue on which I have some sympathy with the Liberal Party is opportunity costs. I accept that the government has done economic analysis and has found that its current plan is economically positive to the government. But the problem, from the point of view of the people outside the government, is that we have seen no analysis of the various outcomes and options. We have not seen a new analysis on the basis of the fact that rental prices in the ACT have decreased considerably compared to the time when the analysis, we believe, was done. That is an obvious one that should be done. It may have changed the equation. And we have not seen an analysis looking at it from the point of view of the ACT as a whole rather than the ACT government on things such as the third hospital or light rail or the general improvements on Northbourne Avenue or the myriad things that we could be investing in.

Given the government will be borrowing money to construct this building, it is something which, as a community, we really have to think about. Is this the best use of scarce government resources? It may be, but I do not think the government has yet done the work to demonstrate that.

Ms Hunter's amendment mentions resource management plans, and these are very relevant to the government office building project. One of the issues is that most government departments have not yet done their resource management plans. So what that means is they have not sat down and said, "Given where we are, what can we actually do to decrease our water and energy use?" It may be that if we put a bit of effort into looking at some of the buildings—I quite agree that not all of them have a positive future, but some of them probably do have—something could be done with them. Dame Pattie Menzies House comes to mind. It is hard for me to see why that could not be part of the ACT government's future office accommodation. I would like to echo Mr Smyth's concerns for the future of Dickson if all the office accommodation in that precinct is removed. I think it could be quite problematic for Dickson.

Finally, as I have only very little time left, I would like to say that I am pleased to see that the government is doing market testing. It is important to make it clear to the market that the government is serious about doing market testing and it is serious about looking at innovative options rather than simply building one building in the car park next to us. That is an option, but it is not the only option, and I call upon the government to look at the feasible options.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (3.46): By and large, the government are able to support Ms Hunter's amendment. I have circulated an addition to that I will formally move in a moment. But, Mr Speaker, as I indicated earlier, the government are committed to accommodating our public service in buildings that maximise productivity and

provide safe and professional workplaces for the staff who serve our community. We are committed to providing more efficient services to the community, to meet our responsibility to our greenhouse gas reduction targets and more broadly to the environment, and to deliver the most financially responsible option for the budget and, indeed, for Canberra taxpayers. The amendment that Ms Hunter proposes is largely in support of these principles.

Ms Hunter's amendment calls on the government to ensure a number of things. It seeks to ensure that feasibility studies and market testing include an examination of both adaptive reuse of existing buildings and consideration of an office precinct as opposed to a single building. It seeks to ensure that the whole-of-life analysis of the environmental impact is considered. As I have previously explained in this place, a range of options were analysed and evaluated in determining a way forward. This included the adaptive reuse of buildings. It included the whole-of-life analysis, as with any project that the government pursues.

The advice provided to government is that a new building is the best option, both environmentally and economically, but we are testing this in the market. We will welcome any proposal from industry that demonstrates that an adaptive reuse of existing buildings or an office precinct can provide a better environmental and economic option. As I have stated, the government will make a final decision down the track based on the best overall value to the ACT taxpayer.

How do we determine best value? We look at a number of factors—the build cost, environmental performance, occupational health and safety, running costs and efficiencies to be gained by having key public servants in the same location.

Ms Hunter's amendment also calls on the government to finalise the government accommodation strategy, and I note Mr Smyth had plenty to say there. There is no doubt that the accommodation strategy is rightly influenced by the government's decision to locate new facilities in Gungahlin and in Civic. But as Mr Smyth identified in doing some calculations on the run, of course, the overwhelming majority of ACT public servants will be located outside of Gungahlin and Civic in various workplaces that are dispersed throughout the city for obvious reasons of local service provision.

It is probably just worth putting on the record, because I do not think it is particularly well known, that there is a significant number of education department staff who work at the Centre for Teaching and Learning in Weston Creek in Stirling. In fact the numbers of people working there will continue to grow as a number of services to schools are co-located within the Centre for Teaching and Learning.

What we are seeing, of course, is a desire to consolidate a number of functions closer to the Assembly. This has an impact on what would have been our previous requirements for refits, refurbishments and relocations. We are currently revising the strategy in line with those policy outcomes and those policy preferences, and it will be finalised by the end of this year.

I have circulated an amendment to Ms Hunter's amendment that states that the government's immediate priority is the delivery of the Gungahlin office

accommodation and that Cox Architects have been engaged to identify a suitable site for the most appropriate procurement process, the most appropriate tenants and the building specifications for the project. Judging from the comments across the chamber this afternoon and in previous debates on this matter, there appears to be a consensus on the importance of this project for the people of Gungahlin. So I look forward to the support of all members for my amendment to Ms Hunter's amendment.

A dedicated office building in Gungahlin will bring new employment opportunities to the district. It will bring more people and more activity to the Gungahlin town centre. It will increase the patronage of businesses and services already on offer in the Gungahlin town centre. It will also, importantly, act as a catalyst for more developments in the centre so that more small businesses are able to take advantage of the increased activity in the Gungahlin town centre. It will create options for people who live in Gungahlin to work closer to where they live.

This year's budget provided \$150,000 to progress work on the new office building in Gungahlin. Cox Architects will identify a suitable site in Gungahlin for a 7,000 square metre building and associated parking. The building can be government or privately owned. Cox Architects will identify the most appropriate procurement process to ensure the best outcome for the territory, ensuring those who have purchased commercial land in Gungahlin are not disadvantaged. Cox will also provide advice on which government staff would be the most appropriate tenants for the building and the requirements of the building in terms of base fit-out to meet the needs of those most appropriate tenants.

The government is committed to delivering a public service office block in Gungahlin that will maximise productivity and provide a safe and professional workplace for those ACT government staff who serve our community. This proposed facility in Gungahlin will again be delivered in a way that meets our responsibility to the environment and will contribute to our greenhouse gas reduction targets. It will also deliver the most financially responsible option for the budget and for ACT taxpayers. These are principles that not only underpin the delivery of the Gungahlin project but, indeed, the government office accommodation strategy.

I commend my amendment to the Assembly and look forward to the support of all members for the delivery of an office block in Gungahlin. I formally move the amendment circulated in my name to Ms Hunter's proposed amendment:

Insert subparagraph (1)(g):

“(g) the ACT Government's immediate priority is the delivery of the Gungahlin office accommodation and Cox Architects have been engaged to identify a suitable site, the most appropriate procurement process, the most appropriate tenants and the building specifications for this project;”.

MR SESELJA (Molonglo—Leader of the Opposition) (3.54): I am speaking to the amendment. We will not be supporting this amendment because it is not true. I think that that is where you have got to start when you are looking at these things. Mr Barr is asking us to believe that this is their priority. Let us just compare the two. We have

got one project where they have spent over \$5 million on consultants' reports and now he is telling us that the other project, which they have barely even started to think about, is their priority. It is ridiculous. It is not true.

I refer the Assembly to an answer to a question on notice from the Chief Minister in June of this year. I asked the Chief Minister what were the 500 public service jobs that will be moving to Gungahlin. I asked her to provide a list of agencies. I asked what were the criteria used in determining the number of public service jobs for the move. The answer was that the proposed government office in Gungahlin is subject to a feasibility study with budget funding of \$150,000. So they do not know. It is not a priority, clearly. It absolutely should be a priority over the dud project that is the government office project in the city, but it is not.

This amendment from Mr Barr is simply not true. To try and claim that this is their priority—the one where they do not know which agencies, they do not know which models, they do not know how much it will cost, they do not know where it will be except it might be in Gungahlin—over the office project which they have had \$5 million in consultants' reports done is farcical. You are asking the Assembly to endorse something which clearly, on all the facts presented to us, is not true.

It is very difficult to know where Mr Barr is on this project now. He has variously said that it is not a priority but the government clearly is committed to the government office project. They are committed to it. Why would it not be a priority for Mr Barr if he believes the information that has been put out by his colleagues? If it actually did save you \$20 million a year on their rubbery figures, if he believed those rubbery figures, he would be jumping at the chance, wouldn't he? But, of course, he does not believe them because they are not believable. They are absolute rubbish. I think that this has been one of the worst exercises by a government in pretending that things exist that do not—in pretending there are savings when they cannot quantify them or justify them.

But there is an opportunity. The opportunity is to vote for the motion. If Mr Barr is not committed to the project he can vote for our motion, walk away from it and save taxpayers a lot of time and money. Or he can continue down this path of pursuing a \$430 million office we do not need.

By voting against my motion, that is what the government are doing. They are heading down this course. I say to them again what I say in this motion: abandon this project; focus on real priorities; do not waste taxpayers' money on a building we neither need nor can we afford. We will not be supporting the amendment because the amendment is simply not true.

Question put:

That **Mr Barr's** amendment to **Ms Hunter's** proposed amendment be agreed to.

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

Mr Barr's amendment agreed to.

Question put:

That **Ms Hunter's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

Ms Hunter's amendment, as amended, agreed to.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question now is that the motion, as amended, be agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (4.03): Madam Assistant Speaker, we now, again, have a re-affirmation by this government that they will be pushing ahead with this project. I think that that is a concern, and it should be a concern to all Canberrans. There are only so many projects a government can pursue. There is only so much money they have to spend. If they spend \$432 million on this government office project, a government office we do not need, they will limit their ability to spend money on far more important priorities. This is a question of values and a question of priorities.

When they say no to the community group that needs an upgrade of their own, when they say no to the school that needs a capital injection, when they say no to a road duplication, or a road fix, when they say no to the fix up of local facilities, we can go back to the fact that their priorities were in the wrong place. They are pursuing a \$430 million spend in the wrong place. They are engaging in something that is absolutely not core business for an ACT government at the expense of things that should be core business for the ACT government—things like roads, things like local sporting

facilities, things like health and education. These should be the priorities of government. Today again they have reaffirmed that they will pursue this crazy project—this overpriced building, this oversized building, this unnecessary building—at a time when we simply do not need it, at a time when we simply cannot afford it.

The amendments that have been passed to the motion are effectively a green light for the government. They let the government off the hook and they encourage them to spend more money on this project. They encourage them to continue down this path. We will not support the amended motion but I do commend what was in our original motion—that is, that the government should abandon this. They should abandon this project. They should get on with governing. They should get on with the real priorities of Canberrans. That is why I commend the original motions to the Assembly. I call again on the government to do the right thing and abandon this project.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Doszpot
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Commonwealth public service—proposed job cuts

MS PORTER (Ginninderra) (4.10): I move:

That this Assembly:

(1) notes:

- (a) the steps taken by the Commonwealth and ACT Governments in recent years to create jobs for Canberrans;
- (b) the Federal Liberal Party's scheme to sack up to 12 000 Canberrans from the Commonwealth Public Service;
- (c) this will impact on the ACT economy and community in a similar way as when the Federal Liberals sacked Canberrans from the Commonwealth Public Service in 1996;
- (d) the impact job losses will have on the cost of living for Canberra families; and

- (e) that the Chief Minister has written to the Federal Liberal Party regarding this issue; and
- (2) calls on the Leader of the Opposition:
 - (a) to follow the Leadership of the Chief Minister and write to his Federal colleagues about the Federal Liberal scheme to sack Canberrans; and
 - (b) to stand up for the Canberra community and publicly denounce the Federal Liberal scheme to sack Canberrans.

I am happy to move this important motion regarding the destruction of jobs in Canberra. On this subject the difference between the Labor Party and the Liberal Party could not be more stark. The contrast goes to the very essence of our philosophy as opposed to that of those opposite. The federal Liberal Party wants to sack up to 12,000 Canberrans from the public service. The Canberra Liberals, to date, by their silence have shown their support for this scheme. We do not even need to speculate at what an Abbott federal government would do. We only need to look to our recent history and the election of the Howard government in 1996—a government that ravaged the public service in this town with their slash and burn mentality because they could not help themselves. It is in their DNA. The proof of that is the silence that we observe from those opposite—a stony silence that proves beyond doubt that they support the plans that will see an Abbott Liberal government wreak havoc on the commonwealth public service and the economy of this town.

Labor, on the other hand, has always been the party of working people and the party that creates jobs. Consistent with its charter of working to improve the lot of every citizen, Labor has always been in the business of creating jobs. This is especially the case with this ACT Labor government. One of the best ways a government can create jobs for Canberrans is to invest in infrastructure for Canberra. That is because when an economy's building sector is sound, the economy itself is sound. When it comes to investing in infrastructure, no other ACT government can hold a candle to this one.

The ACT government is investing record amounts in building better infrastructure to prepare Canberra for the future. ACT Labor has a 10-year infrastructure plan—the blueprint for the investments we are making and will continue to make. Our plan demonstrates how the government's vision for the territory translates into real services, real infrastructure and real jobs. Our city faces many challenges and opportunities as our population grows and ages, as we adapt to a low carbon economy and as we continue to ensure the ongoing strength of our economy. At two per cent, our current population growth is above the national average. Over the next decade Canberra's population is expected to rise by more than 50,000 to 414,367.

Labor are committed to ensuring that Canberra's community is ready to meet these challenges and harness our future potential as a city. Our infrastructure investments and plan demonstrate how we intend to do this over the next decade in the key priority areas of health, education, jobs and the environment. Our plan is about delivering services, creating jobs and providing certainty for the ACT business community. Every dollar we invest in our valuable community infrastructure is an investment in

ensuring we have better health and education facilities. Every dollar we invest goes into building facilities that feature the latest in design which helps us reduce carbon emissions and meet our targets. Every infrastructure dollar is an investment in the jobs of thousands of Canberrans in the building industry in the ACT.

The latest ACT budget includes a record \$2.3 billion in infrastructure works over the next four years. We are committed to making these important investments in community infrastructure and in the jobs of Canberrans. After 12 long years of federal Liberal neglect of the ACT, it is great to be able to work with the federal Labor government to build infrastructure—to fill the “project pipeline”—and to assure the jobs of Canberrans into the future.

Building the education revolution, or BER, is a great example of federal and ACT Labor working together to invest in Canberra schools and Canberra jobs. The BER initiative, itself a program to support jobs around Australia, had a number of components. There was \$12.4 billion available to primary schools for the 21st century, or P21 program. These funds were used for building or renewing large scale infrastructure such as libraries, assembly halls, indoor sport facilities and performing arts centres. There was \$1.3 billion under the national school pride, or NSP program. This program provided each school up to \$200,000 for small scale infrastructure and minor refurbishments such as shade structures and insulation.

Under BER, school communities across the ACT received over \$230 million. ACT public schools received over \$150 million. Seven building contractors were engaged to manage the delivery of all the projects. These contractors worked extremely well with the Education and Training Directorate, and with individual schools, to deliver value for money and quality facilities. I visited many of these projects at the planning stage, the implementation stage and at the opening and I can attest to the high satisfaction of the school communities. As a result, the ACT recorded the best delivery of BER projects for any jurisdiction. All 84 NSP projects at ACT public schools have been completed. All 68 P21 projects have been completed. The ACT was the first jurisdiction to complete all BER projects. Importantly, for a job supporting stimulus package, all projects were delivered within the very strict time frames set by the federal Labor government.

BER was not just an investment in jobs for today but in workers for tomorrow. This is because every dollar spent on education is not, as Mrs Dunne would say, good money thrown after bad but an investment in giving young Canberrans the skills for tomorrow. But BER has more immediate educational impacts by giving apprentices and Indigenous Canberrans the chance to get at least part of their qualification on a BER project. ACT public school BER projects alone provided 425 apprentices and trainees the chance to get on-the-job training on projects with modern environmental sustainability features.

BER was a resounding success. It was part of an overall package that ensured ACT workers and families were not overwhelmed in the global financial crisis. It has delivered new facilities to every school in the ACT, government and non-government. It has helped train apprentices. It is, along with ACT Labor’s massive record investments in schools, acclaimed by every school community in the ACT.

Labor's investments in education and Canberra jobs are supported by every clear-thinking person inside and outside of this place. We are also working to bring certainty to ACT businesses. As most members would be aware, business requires certainty in order to grow and create jobs. That is why we have a 10-year infrastructure plan. That is why we work with the federal Labor government to secure investment in the territory.

On this front I am sure all members would join me in commending Chief Minister Katy Gallagher on securing commonwealth funding for the Majura parkway. As the Chief Minister remarked, in 2010 the Majura parkway was still on the wish list. Now, because we have worked constructively with the federal government, we have joint funding of \$288 million ready to upgrade this important territory asset.

Madam Assistant Speaker, as you know, this is a major arterial road for Canberra. Its construction will create and support hundreds, if not thousands, of Canberra jobs both directly and indirectly. By ensuring the smoother and safer passage of people and goods, it will play an important role in securing the strength of the ACT economy. Might I add that it will also save money in terms of accidents currently occurring on that road.

The ACT government too will continue to invest in projects which secure our local economy and support local jobs. An example is our proposal for a government office block, which we have just been discussing. The Master Builders Association of the ACT, which supports the project, calculates that major projects in the ACT generate up to seven jobs for every \$1 million invested. The estimated cost of \$281 million will support about 2,000 jobs for Canberrans over the life of the project.

Following the success of BER as a training program, the ACT government has committed that a minimum of 10 per cent of workers on the project will be apprentices, trainees and young Indigenous Canberrans. This means that the proposed ACT government office block will help around 200 young Canberrans complete their skills training on a unique, environmentally friendly project, as Mr Barr alluded to previously.

This building will feature the very latest in low energy emissions, design and technology. As such, the project will provide a rare opportunity for Canberrans to learn the skills they will need to build the sustainable buildings required in the lower carbon economy of the future. The office block, combined with the ACT government's plan to rejuvenate Northbourne Avenue, will help to make light rail more feasible and help create jobs for thousands of Canberrans on projects which deliver low emission transport and low emission buildings.

Our ongoing record investment in infrastructure is an important part of this Labor government's 10-year infrastructure plan—an important part of building the project pipeline. Our policies will not only deliver great facilities for Canberrans but also give ACT businesses the certainty to invest and create jobs in the ACT. This is extremely important, of course, especially in the current financial environment.

What do we see from those opposite? They have voted against every dollar we have invested in infrastructure and jobs for the past three years. I have been quite interested to listen to the debate from those on the opposite side of the house as they have attempted to support public servants in the ACT and as they have attempted to support nurses, teachers, police, fire officers and ambulance officers. In fact, they voted against every pay packet received by an ACT nurse, teacher, ambulance officer and fire officer, and all public servants, for the past three years. It is no surprise that they stand mute as the federal Liberals threaten to sack 12,000 Canberrans. It is no surprise they stand mute as the federal Liberals promise to revisit 1996 on Canberrans again, when house prices fell, the population fell and retailers suffered. This was all as a result of the Liberals sacking Canberrans.

The Chief Minister has stood up for Canberra. She has written to the federal Liberals regarding their scheme to sack Canberrans. Today we call on the Leader of the Opposition to follow the Chief Minister's lead. I am not going to hold my breath on that, but I call on him to do that, to write to his federal colleagues—to write to Mr Hockey, to write to Mr Abbott—and suggest to them that to do what they are proposing would decimate Canberra. If those on the other side of the house care about Canberra and Canberrans, as they are constantly telling us they do, then they will do this.

As I said, I am not holding my breath, but today we call on the Leader of the Opposition to follow the lead of the Chief Minister. We call on him to stand up for the Canberra community. We call on him to write to his federal colleagues regarding their anti-Canberra worker scheme. We call on him to publicly denounce the federal Liberal scheme to sack Canberrans.

MR SESELJA (Molonglo—Leader of the Opposition) (4.22): I move:

Omit all words after “notes”, substitute:

- (a) the cuts to national institutions instigated by the Federal Labor Government;
- (b) the cuts to the National Capital Authority instigated by the Federal Labor Government and supported by ACT Labor;
- (c) the 500 job cuts to Centrelink instigated by the Federal Labor Government;
- (d) the 1.5% efficiency dividend imposed by the Federal Labor Government that will rip over \$1 billion out of the public service in the budget forward estimates;
- (e) prospective job cuts from the Federal Labor Government to protect their promise of a budgetary surplus in 2012-2013;
- (f) that the ACT Leader of the Opposition has written to both Labor and Liberal Federal leaders in relation to protecting Commonwealth Public Service jobs in Canberra;

- (g) that the Leader of the Opposition has personally approached the Federal Leader of the Opposition in relation to protecting Commonwealth Public Service jobs in Canberra; and
 - (h) that the leader of the ACT Labor Party and the leader of the ACT Greens have written only to the Federal Liberal leader in relation to protecting Commonwealth Public Service jobs in Canberra; and
- (2) calls on the leaders of ACT Labor and the ACT Greens to:
- (a) write to Federal parliamentarians, without fear, favour or prejudice;
 - (b) stand up for Canberra and protect local jobs regardless of which party is in power or which party is instigating job cuts; and
 - (c) hold their Federal colleagues to account in the same manner the Leader of the Opposition has already done.”.

The reason this amendment is necessary is that much of what is in Ms Porter’s original motion has already occurred. I might start there.

The motion calls on me to write to my federal colleagues and to stand up for Canberra and publicly denounce the federal Liberals’ scheme. I have already written to both the federal Labor leader and the federal Liberal leader in relation to job cuts in the ACT. Unfortunately Canberra bashing has become a bit of a national pastime for federal politicians. I do not think that federal politicians on the Labor side or the Liberal side have a particular monopoly on this. That is why I wrote to then Prime Minister Kevin Rudd and called on him not to be cutting jobs in Canberra. That is why I wrote to the federal Liberal leader, Tony Abbott, and called on him not to cut jobs in Canberra. I have also personally lobbied my federal Liberal colleagues in relation to potential job cuts.

Unfortunately, we are in a position now where the budget is in such a state, as a result of federal Labor, that cuts will be made. Let us be absolutely clear: cuts will be made now by federal Labor or federal Liberal. There is no doubt about that. The federal Labor Party have said that they are going to get the budget back into surplus come what may. It does not matter whether or not there is a global downturn; it does not matter whether or not there is less revenue coming in. They have said that they are going to get the budget back into surplus—in the next budget, actually: in the next financial year.

The problem we face in the ACT is that because the commonwealth government, the federal Labor government, have so badly mismanaged the budget—and because they have so badly wedged themselves now on their surplus promise, because they have never delivered a surplus and they are desperate to show that they can—they will now be desperate to deliver that surplus, which will involve cutting jobs in Canberra.

My concern, and this is what my amendment calls for, is for everyone in this place to be fair dinkum and to lobby both sides of politics in relation to this. I remember Kevin

Rudd saying before the 2007 election that he was going to take a meataxe to Canberra. We did not hear a whimper out of ACT Labor. We heard the same sentiments from Lindsay Tanner. Not a whimper from ACT Labor. When the federal Labor government came in and slashed the NCA, slashed the functions of the NCA and other institutions, at Kate Lundy's behest, Andrew Barr cheered them on. Andrew Barr was the chief cheerleader.

We will stand up for jobs in Canberra regardless of who is in the federal government. Whether it is Tony Abbott as Prime Minister, or whether it is Julia Gillard, Kevin Rudd or anyone else, we will stand up for jobs in Canberra. That is what we have been doing.

We also know that local Labor was silent, even this year, as we started to see some agencies cut. We saw it in this year's budget. We read that Centrelink, whose budget is tied to the national unemployment rate, is expected to shed 1,000 full-time equivalent jobs. Medicare will lose 102 staff; the department another 138; and the Department of Education, Employment and Workplace Relations 270 full-time jobs as its stimulus programs are wound back. Customs will lose 90 and ComSuper, which has a slowly decreasing number of clients, will shed about 80 employees. That is the start of the wind-back. In the next budget the federal Labor government will look to save money wherever it can, because it desperately needs to. Canberra jobs will unfortunately be in the firing line. These are the harsh economic realities of a bad federal government.

We believe in fiscal responsibility, but we do not believe that there is an easy path to fiscal responsibility through cutting jobs in Canberra. We do not believe that that is the best way back. Unfortunately, both sides of politics federally have long seen some political benefit in bashing Canberra. We denounce it. We denounce Canberra bashing by whomever it is done.

That is why I call on Katy Gallagher and Meredith Hunter to show that this is about Canberra jobs and not about the Liberal Party. If they are fair dinkum about protecting jobs in Canberra, Katy Gallagher will write to Julia Gillard and say, "In this budget, where you have promised you are going to get back into surplus, don't be slashing and burning here in Canberra, as you inevitably will. Don't be slashing and burning in Canberra."

Why is it that she is only concerned about Tony Abbott, who is not in government and who, on Julia Gillard's reckoning, cannot be in government for at least another two years? Has local Labor already written off the chances of federal Labor being re-elected—so that they do not even bother talking to Julia Gillard, because they do not think she will be here? She will be here for at least the next two years, most likely, unless there is a change in the composition of the parliament. In those two years, will Katy Gallagher stand up to Julia Gillard? Will she stand up to federal Labor? Or will she just write to the Liberal Party, which is not in office? That would demonstrate that you are not fair dinkum. That would demonstrate that you do not care what happens in the next couple of years under a federal Labor administration.

We happen to care regardless of who is in office. That is why we have made representations to our federal Liberal colleagues. That is why I have written to federal

Labor. I call on the ACT Labor Party to do the same and to show that it is about Canberrans, not about cheap political points on their behalf.

I will not be holding my breath, as Ms Porter will not, but I have already done what she is asking me to do. Indeed, when I put it directly to Tony Abbott in relation to potential job cuts, the policy of the Liberal Party was confirmed and clarified. I do not agree with that policy, but it is not what is being touted and it is not what is in this motion. I do not agree—

Mr Barr interjecting—

MR SESELJA: The policy is—over a period of two years across the entire public service, not in Canberra—a reduction, through natural attrition, of 12,000 jobs. That is across the entire public service. As I said, I do not agree with that policy. I put it to him—I put it to him in writing and personally—that I do not think that is the best way to go. But that is the truth of the policy. First, we need to deal with the truth.

I bet that in the next budget of Labor, which Labor will deliver in May next year, there will be thousands of job losses foreshadowed in the ACT. What that number will be we do not know, but there will be job losses; there will be job cuts. Federal Labor said that that would not happen, before the election. They said that it was all going to be the Liberal Party. Let us face it: both parties are cutting back; both parties are looking to make savings. I would say to both: there is no easy path back to surplus just through cutting jobs in Canberra. I would say: have regard to the needs of Canberra families. We will stand up for them. And there are often better ways of making savings.

Unlike those opposite, we are not just going to talk to one mob and pretend that only one party is going to cut jobs in Canberra or has cut jobs in Canberra. If we want to talk about job cuts in Canberra, we saw the 500 jobs that were cut here by local Labor. That was their commitment to the public service—500 jobs cut in the 2006 budget. That is what happens when you lose control of your spending. Eventually someone cops it, and it is often people in the ACT, whether it is local public servants as a result of Jon Stanhope and Andrew Barr and their policies or whether it is a result of federal Labor's mismanagement.

My amendment, and I commend it to the Assembly, is very clear. It highlights some of the concerns. It highlights the truth of some of what has happened. It acknowledges the fact that what is being called for for me to do has already been done. And it now says back to the Labor Party, "Will you actually stand up to your federal colleagues?" You were silent when they were cutting before. You were silent when they said they were going to take a meataxe. You were silent—in fact, you had people egging on—when they made some of their cuts, like Andrew Barr. But what are you going to do over the next few months as the budget rounds are there? Will you make representations? If you do, we will join in. We will be very happy to take on anyone.

Let us just be clear. One side of politics here is prepared to stand up for Canberra regardless of who the federal government is. The Labor Party and the Greens need to show that they can do the same or this is simply a partisan exercise. I commend my amendment to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.34): I think every Canberran has every reason to be very worried about the federal opposition policy to cut 12,000 public service jobs. It is one of very few policies, it seems. Nevertheless, one more than the local Liberals seem to be putting out there. The opposition Treasury spokesman said on *Q&A*:

For a start, 12,000 public servants in Canberra will be made redundant over a two-year period immediately upon us being elected.

This was subsequently confirmed by Senator Gary Humphries—this is the senator who stands up for Canberra—on ABC radio the following day.

How this is in the best interests of Canberra I cannot for the life of me work out. However, the fact that the Liberal Party has adopted this position is not surprising, particularly given its recent position opposing amendments to the self-government act to give the territory parliament, and therefore the citizens of the ACT, the same democratic rights as those democratic rights that people in other states enjoy. Again, that was Senator Gary Humphries not standing up for Canberra.

They do genuinely appear to think less of this place than they do of every other parliament across the country. This is a great shame for the territory—that the local opposition, which is supposed to be the alternative government, does not believe that the democratically elected government, irrespective of the party it happens to be, is actually capable of representing the people of Canberra.

Given that this is the case, I do not think we should be surprised that our local Liberals are not prepared to stand up for Canberra and say that they disagree with the policy of sacking 12,000 Canberrans, although I note that Mr Seselja has said that he has said to Mr Abbott that he does not like this policy. But we do not seem to be having any movement at the federal level, so we are still seeing a policy by the federal Liberal Party that is talking about sacking 12,000 public servants and we still do not know from that conversation how many of those people live in Canberra. Therefore we do not know what resulting harm those sackings will have on the rest of Canberra. That is those who will lose their jobs. That is the families who will be impacted. And then it will obviously impact on their ability to be able to keep a roof over their head, to keep their children clothed. These are all cost of living issues as well, because of the impact that will then ripple on to all of the businesses in the ACT.

The Canberra Liberals talk about diversifying the economy. We are not going to be able to continue on the path of diversifying the economy if we are going to cut wages from 12,000 people. That will send this place into a recession. Who is it going to hit first? It is going to hit small business first. And what is one of the biggest areas where we can diversify the economy? It is in that area of small business. We know that the biggest business sector in the ACT is small business. That would certainly put aside and totally undermine plans about continuing to diversify the economy.

I think everyone in Canberra understands that it is not just those who stand to directly lose their jobs who will suffer; the broader economic impact will be enormous.

Everyone who was here in 1996, and I certainly was, knows what it meant for Canberra when the Howard government did exactly what is being proposed here. There were massive job losses, with a massive impact on many individuals and families, with people having to renege on their mortgages. The place went into recession. Small businesses closed down. That is what the impact of this will be.

In reflecting on this issue, it did occur to me that the policy will have an impact on housing affordability and make housing in Canberra much cheaper. Is this the Liberal Party's housing affordability strategy? The problem, of course, is that people will not have the income to pay even the reduced housing costs.

This is a matter that we have considered before in this place. The arguments have been well made. I would, however, like to foreshadow that I will seek leave to move an amendment to note that part of the cuts includes disbanding the climate change department. I want to talk to what my amendment goes to. That is exactly what we saw happen in New South Wales. In just a matter of months, the New South Wales government disbanded the environment department. This shows very clearly the Liberal Party's approach to the environment and climate change. This attitude was confirmed by Mr Seselja in the last couple of weeks when he said that if the decision was between protecting endangered species and development, he would choose development every time.

We know now that the Liberal Party does not believe in climate change. It does not think that polluters should pay. I would ask Mr Seselja to clarify his view on this. Should polluters pay for the carbon they emit? I also ask Mr Seselja if he actually does think that Canberrans value ecologically significant places across the territory. I was quite surprised that he does not want to do the necessary studies and so forth to ensure that we do not lose the wonderful places across the ACT that so many people enjoy, because everything needs to be razed to the ground, burnt to the ground, for development to go ahead.

The contempt that the cabinet were showing for the issue of climate change is probably not surprising, though it is genuinely disappointing and does represent an enormous retreat from the position they took to the people of Canberra at the last election. It does reflect a broader contempt for evidence-based policy. The fact that they think they could govern without the input of all the public servants who spend countless hours researching policy, and doing the work to ensure that policies are sound and achieve the desired outcomes, shows an extraordinary arrogance and a particularly poor, but not surprising, approach to the development of public policy.

Instead of listening to science, the Liberal Party have clearly said that they would rather bury their head in the sand and ignore all of the evidence. Not only has this approach been condemned by every respectable scientist working in the field; it has been roundly condemned by the economic community. They have clearly said that the cost of action is far less than the cost of inaction and that responding to climate change quickly is the most prudent economic path for change. In this place we have come to expect that the opposition will not present an evidence-based option. So again we probably should not be surprised that they support the policy to sack 12,000 public servants.

I will go to Mr Seselja's amendments. It is rather unfortunate that the first time I saw these amendments was when they were circulated just before. In some ways that shows how serious Mr Seselja was about getting support for these amendments. If he was actually serious about it, he would have ensured that I and my colleagues had the opportunity to look at these amendments beforehand. I do not think he was serious; I think this is all part of the game here.

If we had had that opportunity to sit down, I think that there are some points in these amendments that we would have been quite sympathetic to. That is around the cuts to the national institutions. We know that many of them have been finding it tough to do their job. They have had to shed jobs. Some of them have had assistance. We have seen the assistance for the War Memorial that happened recently. That was put forward. But we know that other national institutions that are struggling and doing it just as tough have not been provided with that assistance. I am sure we would have been able to find a bit of common ground on that one. It is just unfortunate, as I said, that we were not able to spend that time to have a bit of a talk about it.

We certainly do not see that this is just an issue around the opposition. We think that we would speak out against anybody who comes out and talks about massive job cuts or who is not supporting ongoing employment in important places such as national institutions. I have certainly taken up the issue around what was previously mooted as the slashing of jobs in the ACT by the Liberal opposition. We did not hear about it for a while, and now it has come back onto the agenda with full force.

It is unfortunate. I think it is a part of the Canberra bashing that goes on. It is unfortunate that Mr Seselja is not able to persuade his colleague Mr Abbott that this is Canberra bashing. This sort of massive slashing of positions and employment in the ACT will have a detrimental effect—far more than we have seen so far with the GFC. We only need to look back to what did happen in 1996. It is unfortunate that Mr Seselja is not able to persuade Tony Abbott of the outcome.

What is even more disappointing is the role of Senator Humphries in all of this. Where is Senator Humphries? He should be up there. His main job at the moment should be persuading his leader that this plan is a dud. This plan needs to be taken off the table and needs to be rethought. The ACT simply could not absorb that number of job losses without a significant impact. It would put the talk in this place about cost of living into the shade. It would not even touch it, Mr Smyth.

This is a very serious matter. You want to talk about cost of living. Yesterday you were saying, "It is really terrible what is happening with the cost of living. I am very concerned. I am getting feedback from people who used to be able to go out to dinner and who used to be able to order the bottle of wine they wanted and now they have to order the house wine. They used to be able to order three courses and now they are only able to order two." I am sorry, Mr Smyth, but that situation has got nothing on what will happen to many families across the ACT if Mr Abbott gets into power and goes ahead and slashes that many jobs from the workforce in the ACT.

As I said, it is a little unfortunate that Mr Seselja did not talk to us, because the national institutions are something that we are very concerned about. We do think

they need to be properly supported. At the end of the day he did not take that time to come around and talk about it. So we will be going ahead and we will be supporting Ms Porter's amendment. I will be seeking leave to move an amendment to that soon.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.47): I thought Mr Smyth was going to speak in defence of his colleague's amendment. I know that the Leader of the Opposition has already cut and run and left the chamber. Perhaps he is off to the cocktails with a carbon tax theme at Parliament House. If he is, he will have the opportunity to meet with many Liberal senators and members. Perhaps he might take the opportunity to discuss what he professes to believe in relation to the impact of his federal colleagues' policies on the ACT. To the extent that we are holding you up, Mr Seselja, from cocktails at Parliament House, I hope that you have a most enjoyable evening and that you do take the opportunity to remind your federal colleagues of the ills of their policy commitments.

I do note in Mr Seselja's presentation that he made reference to changes in the composition of the federal public service. He alluded to changes in Centrelink. Because of reduced unemployment nationally, fewer staff are required within Centrelink. That would appear to be a sensible policy arrangement. In periods of lower unemployment, one would anticipate the workforce requirement within Centrelink to be less. But, of course, there are other areas of public policy priority.

Mr Smyth and Mr Seselja cannot have it both ways. Joe Hockey is on the front page of the *Canberra Times* today saying that government is bigger than it was in 2007. According to Joe Hockey, there are more public servants employed in the ACT now than there were in 2007, in spite of the allegations made in Mr Seselja's amendment to the motion and in various media comments that he has made on these issues over time.

If all of the impacts of efficiency dividends and changes to the number of staff employed in Centrelink are taken into account and if Mr Hockey is correct—that there are still more people employed in the public service—that would indicate that the federal government is able to move employment around the commonwealth public service for particular policy priorities from time to time, reflecting changes in economic circumstances.

I do note Ms Hunter's most sensible amendment to Ms Porter's motion around the statement that the 12,000 public servants that will be made redundant under a future federal Liberal government would include the entire dismantling of the department of climate change. Anyone who dares to disagree with the policy position of the Leader of the Opposition and the shadow treasurer will see the entire department abolished.

Here is a pretty clear indication of the direction that is proposed by an incoming federal Liberal government. The interesting thing and a challenge for the Canberra Liberals is that there is still time before the next election, shadow treasurer, for you to seek to influence your party's policy position. But I think most Canberrans who have lived in this city for any period of time would recognise that they need to look at the form of the respective political parties.

I am not suggesting for a moment that federal Labor governments have never adjusted the size of commonwealth agencies. Yes, from time to time some commonwealth agencies have got smaller under Labor governments. Other areas have got bigger according to the particular policy priorities of the time. But I do not think any federal Labor government has done anything that approaches the 1996 effort of the last federal Liberal government that came in saying similar things to what Mr Abbott and Mr Hockey are saying now.

We saw 9,000 Canberra public servants lose their jobs in 1996. That federal Liberal policy sent Canberra into a sharp economic downturn. Employment plummeted by 2.2 per cent in the 1996-97 financial year. It impacted significantly on house prices in the territory. A lot of equity was lost for Canberra homeowners.

The population declined as people had to move out of the territory to find work. I was relatively young in 1996. I think it was just my first year out of university, Mr Speaker. So I remember that time particularly well. It was very difficult for an entire cohort of students who were graduating out of the territory's higher education institutions to find employment in that year. The impact that it had on the commonwealth public service and the long-term opportunities for commonwealth public servants were significant.

I do not think anyone wants to see that exercise repeated. As Ms Hunter indicated, the impacts of those changes have been longstanding on the makeup of the commonwealth public service and on the impact on the ACT economy, particularly our capacity to diversify economic activity. The one amusing element in all of this is that it lent weight to a particular argument from Mr Smyth about the proportion of employment between the public and private sectors in the territory.

At the time I think he was very busy crowing about how this did wonders for the proportion of private sector employment. There are two ways to improve and to increase the level of private sector employment in the ACT. The first way, and the sensible way, is to grow the number of jobs in the private sector. Therefore, if the growth in private jobs is faster than the growth in public sector jobs, the proportion of people employed in the private sector will continue to rise.

An alternative way to do it, of course, is just to decimate the public sector. Then if you have so many fewer public sector jobs, the proportion of public sector employment in the economy will, of course, shrink. That is what the federal Liberal government achieved in 1996, egged on certainly by their local colleagues who were in government at the time. Certainly, the impacts of those decisions in that financial year did dramatically alter the balance of employment between the public and private sectors. But it was done to the detriment of total employment in the territory and done with a particular ideological agenda that we are again seeing from the federal Liberal Party.

All of Mr Seselja's efforts so far would appear to have come to nothing. I think perhaps this reflects his capacity to influence federal Liberal Party policy.

Mr Smyth: So you will stop cuts to cultural institutions?

MR BARR: It is interesting, Mr Speaker, to hear the protestations of the shadow treasurer. These policies are not set in stone, apparently. They are still open for some influence. As Mr Seselja indicated, it is two years before the next federal election. So there is ample opportunity for the Leader of the Opposition, the shadow treasurer—even Mr Hanson, who I am told is a most honourable man—

Mr Hanson: Who told you that?

MR BARR: I think someone in the crowd at *Julius Caesar* suggested that you were indeed a most honourable man. That is what is being said about you around this place. But, Mr Speaker, I digress for a moment.

MR SPEAKER: You do, Mr Barr.

MR BARR: It is still there for the Leader of the Opposition, the shadow treasurer, the shadow minister for health—

Mr Hanson: Have you not noticed me talk about health once or twice?

MR BARR: No, I was just thinking what I hear you talking about most. Mostly it is just interjecting.

Mr Hanson interjecting—

MR BARR: There is not a shadow minister for interjections—

MR SPEAKER: Thank you, members; let us focus on the debate.

MR BARR: Mr Speaker, if there was, Mr Hanson certainly would be a walk-up star for that position. But you have the opportunity between now and the next federal election to influence what the federal Liberal policy will be in relation to public sector cuts. I note that the Leader of the Opposition in his allotted time in speaking to his amendment was not able to clarify, or refused to clarify after his conversation with the leader of the opposition, just how many jobs will be lost in the ACT under a policy that he says he does not believe in. Nonetheless, he was not able to give any further information other than what—a two-year period, and 12,000 jobs to go? Presumably, given the comments from Mr Hanson, those jobs will be in Canberra. (*Time expired.*)

MR SMYTH (Brindabella) (4.57): Mr Speaker, it behoves members when they come to this place with motions to make sure that their motions are accurate and that, in moving motions, they do not inadvertently mislead the house. It is quite clear from what Ms Porter said that she was totally ignorant of the fact that the Leader of the Opposition has already complied with most of this motion. He has already spoken to the federal Leader of the Opposition as well as writing to the Leader of the Opposition. But, more importantly, he has also written to the federal government, and he has held both to account for the impact of their policies on the people we all represent. And nobody else in this place has done that.

I expect Ms Porter to stand up, having heard Mr Seselja's speech, and withdraw paragraphs (a) and (b), because he has done that. Perhaps you should move that the Assembly "congratulates" the Leader of the Opposition. Instead of "calls on", why do we not just have "congratulates the Leader of the Opposition," because he has done it, unlike your leader, who has not? So you need to get your facts straight. You cannot come into this place and put things on the record that purport to be facts when they are actually out of date or incorrect. And you are out of date and you are incorrect. I know a lot of your party think you are out of date and your time is coming, but the problem here is that we are talking about the people of the ACT.

I have heard it from both sides, and it makes me very sad. I can remember Kim Beazley in 1995 scurrying around Canberra saying "We'll protect Canberra from the Liberals" and then he got caught by WIN News in Orange saying, "It is my preference that nothing be built in Canberra." We had promises from the Rudd government. They were going to take up the axe; it was some sort of game they were playing. But the interesting thing is that when a federal Labor government takes the axe to Canberra, those opposite go to water. They have not done what Mr Seselja has done; they have not stood up for Canberra. We have the chief cheerleader for the cultural cuts over there. He actually tried to go on radio and say that because the National Gallery was cutting its travelling exhibitions, that would actually be good for Canberra because that would mean people would come here. Not even Kate Lundy bought that one.

I have not heard anyone opposite or in the Greens stand up to Kate Lundy and her obsession with destroying the National Capital Authority. That affects all our jobs. It affects the look of the city. It affects where we live. But again, mute. Nothing from the Greens, nothing from the Labor Party. They thought the personal and bitter attacks on the National Capital Authority and the cutting of the National Capital Authority were okay. We have a committee report that said to restore it, and we are now waiting on the Hawke report. I hope that will guide the federal government with some sense of common sense that the functions of the National Capital Authority, representing and carrying out the will of the federal parliament for the ACT, get the funding that they deserve. But, again, mute over there and mute on the crossbench, because they did not stand up for Canberra.

That is the hypocrisy of this motion. Mr Seselja has stood here and said, "I've already done it. But I haven't taken a partisan view on this. I've just taken a broad view that I will stand up against anybody that wants to attack my home," and he has done that. I hope that the leader of the Greens and the leader of ACT Labor would do the same—write to all parties. But they will not, and they have not, and that is the sad thing.

This motion is redundant. You need to check your facts. You cannot mislead the Assembly through your assertions. We had this great comment from Ms Porter when she started and she talked about 11 years of federal Liberal neglect. Okay, let us compare the 11 years to the four years of Labor so far. What have we got from Labor to help build up Canberra in the last four years? The simple answer is, a couple of weeks ago, after a stage-managed process—"Will we get the money? Will we not get the money? Yes, we will. No, we won't"—we finally got the money for Majura parkway.

Mr Hanson: Don't forget the \$20 million for the arboretum.

MR SMYTH: And the \$20 million for the arboretum. The problem here is that when Ms Porter makes some reference to 11 years of federal Liberal neglect, she forgets the list: National Museum of Australia, Liberal achievement; National Portrait Gallery, Liberal achievement; ANZAC Hall at the War Memorial, Liberal achievement; new entrance to the National Gallery, Liberal achievement; refurbishment of the Mint, Liberal achievement; Magna Carta Place, Commonwealth Place, Reconciliation Place, the National Police Memorial—do you want me to go on? I will go on. The Emergency Services Memorial, Menzies Walk, Australian of the Year Walk, the upgrade to Regatta Point—do you want me to go on? I will go on. More memorials on Anzac Parade, the National Library annex, commonwealth funding for the Federal Highway upgrade and the Barton Highway upgrade. It just goes on—all of the new buildings at Russell Hill.

We had a plan; it was called the Griffin legacy. The NCA put it together. What did the federal Howard government do? It put \$75 million in to back it up. What did the Rudd government do? It took the money up and then reneged on the payment for the car park at Russell. What did the Rudd government do? It dishonoured the agreement for the Beijing torch relay. It just goes on and on and on.

If you want to be fair, you should be fair. You cannot say there was 11 years of Liberal neglect when the litany of things that they did is long and important for our tourism markets. All of those things have helped foster tourism. Let us go to the funding for the airport runway upgrade so that bigger jets could get in here—paid for by the Liberal government. If that is your definition of neglect, Ms Porter, fantastic. We will hold you to that as neglect.

What does that mean for your federal Labor colleagues? Well, it means they are totally irresponsible and culpable in what they have not done in this place. Yes, there were cuts in 1996, and I do not think anyone liked the notion of the cuts. I remember the 1995 budget—4,000 cuts, but not a whimper from the Follett government. I do not recall a single protest from the Follett government or those opposite in this place to the federal Labor cuts under Keating. That is the hypocrisy of this place. Mr Seselja has done the right thing. He has stood up for what he believes in. He made the representations and will continue to make the representations, as others on this side will. But the question for you opposite is: what have you done?

It is interesting that Ms Hunter just read a script. She read her speech like Mr Seselja had not just said that he had done these things. She continued to call on him to do things he has already done. No flexibility there. You can read the script, but you have to listen and you at least have to acknowledge that the man has had the courage to stand up and do what he is here for. He has done it.

We have got Mr Barr crying crocodile tears over “reasonable cuts”. What did he say—adjust the size. Centrelink, a sensible cut. So if the Labor Party does it, somehow it is sensible. If anybody else does it, it is dreadful. The gross hypocrisy in that from the man who tried to say—

Mr Barr interjecting—

MR SPEAKER: Thank you, Mr Barr.

MR SMYTH: that cuts to the National Gallery of Australia would be good for the people of ACT is just absolutely amazing. It is interesting that Mr Barr raised the question of the proportion of workforce in public and private. He said that we were quoting from 1996. It is not true. I was quoting figures from 2001. And they are the same figures—

Mr Barr interjecting—

MR SPEAKER: Mr Barr, please.

MR SMYTH: After 3½ years of hard work from the Carnell government helping to restore the balance, Kate Carnell stood up for Canberra. She expressed on behalf of her government her disquiet with what the federal Liberals had done. So let us give credit where credit is due.

Mr Barr interjecting—

MR SPEAKER: One moment, Mr Smyth, please. Stop the clocks, thank you. Mr Barr, I have asked you a number of times; I do not want to have to warn you. Mr Smyth should be heard in silence.

MR SMYTH: The problem for the people of the ACT is that, when this boom and bust cycle comes when federal governments of all persuasions do what they do to the territory, we have not learned the lessons of Kate Carnell under 10 years of Labor. Kate Carnell worked very hard at diversifying the ACT economy. She got into trouble for it sometimes, but the aim was honourable. The intent was to try and wean us off as much dependence on the federal government as we could. That is not to dishonour the commonwealth public service. They are a great institution. It is great to have them here and it is great to have them as the base to our economy, as it is with the ACT public service. But if you want to grow, then the growth must come from somewhere else.

I will read the editorial from the *Canberra Times* of 26 July, which followed the Deloitte Access Economics report about attempting to diversify:

The need to reduce the Territory economy's heavy reliance on public sector spending might seem self-evident to the ACT Government and its economic planners, but it appears the exercise is not as well advanced as might have been hoped.

In its latest quarterly outlook, Deloitte Access Economics notes that one in two Canberrans is a public servant, the same ratio as existed when the Territory gained self-government in 1989. This is all the more disappointing since a decade after self-government, only two in five workers was employed in the public sector.

(Time expired.)

MS PORTER (Ginninderra) (5.08): The government will not be supporting the amendment by Mr Seselja. If Mr Seselja has written to his colleagues in defence of jobs for Canberra, I wonder if he has received a reply. Further, I am curious—and I am sure all over here and on the crossbench are curious—to see the answers he has received. I call on Mr Seselja, firstly, to table his correspondence on this matter to his federal colleagues today and, secondly, to table the letters in reply today. I am sure we would all be very interested to read his letters to his colleagues and I am sure we would all be very interested to read the responses he has received.

I call on him to continue to write to his colleagues. I do not think that if he has, in fact, written to his colleagues that that should stop him writing again and again until we have a satisfactory resolution to this very, very serious threat to Canberran jobs, to the Canberran economy and to the welfare of Canberrans.

I wonder if Mr Seselja has made a public announcement about his letter to his colleagues to reassure Canberrans. Is he about to make a statement in the chamber that will reassure Canberrans? Has Mr Seselja asked his federal colleagues to quantify the job losses if he is so convinced that the quantum that we have been discussing and anticipating is incorrect? What is the reliable information that he has received? Will he provide it to us all so that Canberrans can be reassured? I ask him to table this information today.

As Mr Smyth was speaking to Mr Seselja's amendment, he was being holier than thou about the motion and he could not resist making personal slurs, which do not cover him in glory at all, I am afraid. Ms Hunter has been very clear in her intentions—

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Ms Porter, one moment, thank you. Stop the clocks, thank you.

Mr Smyth: Ms Porter said that I have made slurs against members. If they are inappropriate, she can bring them to my attention and I will withdraw them. If they are factual, then they will remain.

MR SPEAKER: There is no point of order—

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, order! There is no point of order. You are, of course, entitled, Mr Smyth, to make an explanation under standing order 46 if you feel you have been adequately aggrieved.

Mr Smyth: But I am not sure what they are.

MR SPEAKER: then you have got nothing to complain about.

Mr Smyth: She has complained that I have slurred all these people, but I have not been told what the slurs are. If I am guilty—

MR SPEAKER: Thank you, Mr Smyth.

Members interjecting—

MR SPEAKER: Order! Thank you, members. I think this is part of the ordinary cut and thrust of the debate. Ms Porter, you have the floor to continue.

MS PORTER: Thank you. Ms Hunter speaks to the very clear intention of the federal Liberal opposition—that is, the 12,000 job cuts that they have promised will be delivered. Ms Hunter talks about the effect of these job losses which will have a devastating flow-on effect to families and individuals in Canberra, and we are happy to support Ms Hunter's foreshadowed amendment. Of course, we are very concerned that whole departments, such as the very important department of climate change, are to be disbanded. Of course, she is correct. It is really obvious that the Liberals do not believe in climate change. That can be the only reason why they would disband this department. It is one more woody-headed and wrong-headed decision at best.

We will not be supporting the Liberals' amendment, as I said. I am also very disappointed that the amendment was dropped on our desks at the very last minute. Ms Hunter, however, paid me the courtesy of letting me know what her foreshadowed amendment was and, as I said, we will be supporting the amendment when she moves it later.

Question put:

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

The Assembly voted—

Ayes 4		Noes 9	
Mr Doszpot	Mr Smyth	Mr Barr	Ms Hunter
Mr Hanson		Dr Bourke	Ms Le Couteur
Mr Seselja		Ms Bresnan	Ms Porter
		Ms Burch	Mr Rattenbury
		Mr Corbell	

Question so resolved in the negative.

Amendment negatived.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (5.17), by leave: I move:

Insert new subparagraph (1)(ba):

“(ba) the scheme to sack 12 000 public servants includes disbanding the Department of Climate Change;”.

This is an amendment so that it is clear in this motion that the plan that has been put out there by the federal Liberal Party about sacking 12,000 public servants actually includes a whole department, disbanding a whole department, and that department is the department of climate change.

In 2011, when we know the science is in, we have thousands and thousands of eminent scientists, commentators, researchers and economists across the world who understand that climate change has got real impacts for—

Opposition members interjecting—

MR SPEAKER: Order, members, really!

MS HUNTER: Thank you, Mr Speaker. Climate change will have real challenges and real impacts on many things including the economy, for instance. That is why it is so important that we do have a department that can be devoted to looking at the impacts on the economy and how we can move forward. Obviously there will be a connection to carbon pricing into the future. There will be connections to a range of issues.

We know that there are going to be major impacts on health, for instance, that will impact on every man, woman and child in Canberra and right across Australia. We know that there are going to be challenges around hotter summers, drier weather. We are going to have some issues around water. There are many issues. There are a myriad of issues that obviously do not worry the Liberal Party, probably because, at the end of the day, Tony Abbott said he certainly did not believe—he did use a particular word which I think is unparliamentary—in climate change. And that is why I think it is important to put this amendment into the motion this afternoon so that it clearly is there on the record for the people of Canberra that not only will it be 12,000 jobs proposed to be slashed from the public service in the ACT but that it includes a whole department, the department of climate change.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (5.19): The government is very pleased to support Ms Hunter’s amendment. I think she raises a very important point. It would appear that anyone who disagrees with Mr Abbott and Mr Hockey on these matters of climate science will find themselves in the firing line to, in fact, be disbanded, that the department of climate change would be the main target of the federal Liberals’ attack on Canberra, an attack on the commonwealth public service. So I think that speaks volumes about their attitude towards scientific research.

I do find myself in some agreement, though, with some of the interjections that were coming from those opposite during Ms Hunter’s speech. We are undoubtedly in a period where the attacks on Australia’s scientists and scientific research from both

extremes of Australian politics have been, I think, of concern for people who do not occupy either extreme of the political spectrum. Many have observed, with some amusement, that the far right and the extreme left seem to come together on some global conspiracies in relation to economics and science. We have seen a little of that in recent times.

I thought that I would take this opportunity, in supporting Ms Hunter's amendment, to acknowledge the recent Science Week and to repeat the comments I made at the launch of Science Week: politicians have a particular responsibility to be measured in their public comments in relation to scientific research and to value the work that Australia's scientists perform. In the context of climate change and the death threats that a number of climate scientists have received in recent times from right wing nut bags, I think that is concerning.

Just as concerning have been attacks on the CSIRO by groups that I would describe as being of the extreme left. So I will take the opportunity this afternoon to reiterate the comments that I made at the launch of Science Week: it is incumbent upon politicians to be more responsible in public comments. And I think it is sad for the Australian scientific community that they have been the subject of attacks from both ends of the political extreme.

To return to Ms Hunter's point, I think it is a worthy addition to Ms Porter's motion. As I say, it speaks volumes about the policy priorities of an incoming Liberal government if the people of Australia were to vote that way in 2013.

Now that the Leader of the Opposition has rejoined us, I do take this opportunity to wish him all the best for his cocktail evening this evening. I hope he does take the opportunity to meet with Liberal senators and members of parliament and express to them what he has just expressed in this chamber. I look forward to hearing those reports. In fact, if the Leader of the Opposition would be so kind as to table his correspondence before he ducks off to Parliament House this evening to have cocktails and to enjoy the company of the people whose views he so adamantly disagrees with, then I am sure we would all be enlightened as to exactly what representations he made.

It was clear from your contribution, Leader of the Opposition, that you have been unable to convince your colleagues of the rightness of your position. I wish you well. I am realistic enough to believe that you have a greater chance of influencing Tony Abbott and Joe Hockey than I do. You will be going, no doubt, to enjoy a cocktail with them this evening and I hope that you do take the opportunity to reiterate that position.

For the benefit of all of us, we would all be interested in seeing the content of your letters to your colleagues and any replies you might have received. It is fairly commonplace for you to be calling on us to table such documents. So I look forward—

Mr Smyth: You're the government.

MR BARR: In this instance, Mr Seselja is proclaiming to have been showing leadership, and I am sure he would be happy to share with the Assembly the contents

of his correspondence. If Mr Doszpot is to be believed, it was all written months ago. So there should possibly even be a reply by now.

MR HANSON (Molonglo) (5.25): I was not going to speak on this motion but I feel compelled to do so after the leader of the Greens talked about eminent scientists and, because eminent scientists had said something, then we must agree with it. I think that this is probably the rankest hypocrisy I have heard in this place. It is quite clear that, when it comes to the Greens, there are scientists that we can agree with—and we will call them eminent and we will praise them—and say that to disagree with them you must be a right wing nut bag. That is the scientist group that happens to agree with their ideology.

But if there are scientists that perhaps have a different view, then what is their reaction? If there are scientists that they do not like, scientists at the CSIRO perhaps, then what is their response? Let us attack them. Let us smash them up. Let us destroy their work. Let us intimidate them. Let us traumatise their staff. We heard it last week in the debate. The Speaker was talking about the scientists at Throsby and that scientists had said X or scientists had said Y. Therefore, if the scientists have said it, we must follow through on what the scientists had said. So they are selective in what they say.

I find myself agreeing with Mr Barr. There are people in this country, people in this society, who have extreme views who try to intimidate people and try to attack them. We have seen that on the left and we have seen that on the right. And here in the Canberra Liberals we certainly do not endorse that and we condemn anybody from any political party and anywhere in society who would endeavour to intimidate, threaten, attack scientists of any description.

If a scientist is putting forward a view, whatever that may be, then it is our right to disagree with them. It is our right to argue the science. In many areas the science is open for further exploration and debate. But what we see—and Mr Barr has picked it quite rightly—is that there are extremes in society who will attack the scientists. We have seen it on the right, and I condemn that. We have seen it on the left, and I condemn that.

The difference is, and the point here is, that the extremists on the right do not reside in this place. We do not condone their actions. We condemn them. But the extremists on the left reside here. The extremists on the left reside in the form of Mr Rattenbury, Ms Hunter, Amanda Bresnan and Caroline Le Couteur who condone the action of Greenpeace in their attack on the CSIRO.

So why is it that a political party in this place can sit here and say, “We’re going to listen to eminent scientists,” whilst at the same time saying, “We condone or we are certainly not going to condemn the actions of Greenpeace in smashing up scientists”? You are right, Mr Barr. Occasionally you will be right, and this is one case where you are. There are extremists in this society, and I condemn them. The problem is that the chief of those extremists is sitting in the Speaker’s chair.

Amendment agreed to.

MS PORTER (Ginninderra) (5.29): I thank those members who have spoken in support of this motion and thank Ms Hunter for her sensible amendment. I look forward to seeing Mr Seselja's tabled correspondence later today and the tabled replies to that correspondence regarding the matter of the slashing of the 12,000 commonwealth public service jobs. I am sure that, as Mr Barr has said, we will all be very interested to see these letters when they are tabled later today. I would encourage him to do that as soon as possible. I commend the motion to the Assembly.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 4

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mr Hanson

Mr Smyth

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Parkwood Road recycling estate—fire

MR COE (Ginninderra) (5.32): I move:

That this Assembly:

(1) notes:

- (a) that a significant fire started at the Parkwood Road Recycling Estate on Saturday, 20 August 2011;
- (b) that in excess of 15 fire units from the fire brigade and the ACT Rural Fire Service were required to attend to the blaze;
- (c) the outstanding efforts of all Emergency Service personnel who attended the blaze;
- (d) past inspections by the Emergency Services Authority and the Property Group established that there were fire risks at the Estate; and
- (e) the Government was advised that a thorough risk management plan of the entire Parkwood site should be conducted; and

(2) calls on the Government to table:

- (a) a list of dates that the Property Group or the Emergency Services Authority has visited sites at the Parkwood Road Recycling Estate to assess fuel stockpile;
- (b) a list of advice given to tenants regarding reducing fuel loads at the Parkwood Road Recycling Estate;
- (c) any risk management plans related to the Parkwood Road Recycling Estate;
- (d) what plans they have for the future management of fire risk at the site; and
- (e) these documents in the Assembly by the first sitting day in September 2011.

In the ACT we have a government that encroaches into so many aspects of our lives. We have a government that is arrogant and has members that are convinced that their knowledge, ideals and values trump those of the constituents whom they represent. Regardless of whether one agrees with the underlying philosophy or not, this government has created an expectation that it will intervene and involve itself in many different situations. One such situation was the management of the Parkwood Road recycling estate. I am concerned that the government has not managed this site as well as it could have. The government created an expectation that it was involved in managing risk and doing so across the board, across all tenants at the facility. If the government chooses to involve itself in risk management, it should do so properly.

A serious fire started on Saturday, 20 August 2011 that, according to reports today, is still smouldering some four days later. The material burning, I understand, is a large stockpile of wood which, when deposited, is then processed or recycled into woodchips or another product. As I stated in (1)(b) of this motion, it was reported that more than 15 fire units from the Fire Brigade and the Rural Fire Service responded to the emergency call. Some crews, I understand, are still tending to the situation. I would like to commend the efforts of all those who work for our community by putting their own lives at risk through fighting fires. I extend the thanks of the opposition, the Canberra Liberals, to all those people and their families.

It is pretty obvious that large stockpiles of wood make pretty good fuel and should be managed appropriately. I understand that the broad business model of operators at the estate who process recycled products is one where people or organisations pay an operator to drop off waste and operators then process the material in-house or externally, or sell the product on to other markets. Large stockpiles occur when materials are delivered faster than they are processed. This can be deliberate due to economies of scale with processing—that is, it is more efficient to process large quantities of material after a build-up rather than to process in dribs and drabs or when the materials are delivered. When moving materials after sale or for offsite processing, waiting for truck or shipment loads is generally more efficient.

Last week, prior to the fire, on Thursday, I submitted question on notice No 1735 about issues relating to a former operator at the site. I asked:

Are there any other tenants at Parkwood Road Recycling Estate that are behind in rental payments or have materials that are not being processed at an expected rate.

I await the answer to that question. I have been aware of issues about fuel stockpiles at the Parkwood Road recycling estate and have raised these issues on a number of occasions. I have written letters about a specific operator, I have requested meetings, I have submitted questions and I have raised the issue in estimates. It is appropriate that I read into *Hansard* an exchange with the former Minister for Territory and Municipal Services and his advisers on 20 May at the estimates hearing last year—it can be found on page 659:

MR COE: Are all operators on leased land out at Parkwood treated the same way in terms of the standards they have to keep, especially with regard to fuel issues from a fire point of view?

Mr Perram: They are treated equally. The timing and the authority in charge of those leases are different. Property, for example, are acting on two other matters that we are aware of, almost adjacent to this site, but their timing is slightly behind ours. The actual approach is similar, if not the same.

MR COE: What I am getting at, I guess, is whether the stockpiles of fuel of the operator in question are similar to the stockpiles of other operators.

Mr Ware: The stockpiles in question are similar to those of other operators. As Mr Perram said, other agencies are taking action on the other operators.

MR COE: A fuel risk is a fuel risk. If one stockpile is deemed to be a fire risk and it is of a certain size surely the one next door is a similar risk. If you are going to approach it from a fire management point of view, should not they be treated in exactly the same way?

Mr Ware: I cannot speak for the Department of Land and Property Services on that matter. They are the ones taking the action.

MR COE: The reason I ask is that the Chief Minister said that they have received advice from a fire risk perspective. So with that in mind, if that is information which is informing your decision making, surely it should also inform your decision making for all the other occupants of leased land.

Mr Stanhope went on to say:

TAMS are responding in relation to how the issue in relation to that site and that operator is being dealt with and what one of the drivers for the action is. One of the drivers for that action is an inspection and report by the ACT urban fire service that they are concerned at the fire risk inherent in the level of the stockpile.

I have just taken on notice the approach that another department has taken in relation to other operators on other sites. We will be happy to answer that.

Further to this, let me read into *Hansard* the response I got to a question taken on notice after the estimates hearing entitled “fire risk of resource recovery facility timber piles”:

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.

A further inspection of all sites was conducted on 25 February 2010 with an ESA (Fire Brigade) representative present. There was a noted improvement from the previous site visit, however four tenancies required further action. Discussions have been held with tenants concerning the poor state of their tenancies and the need to rectify such matters.

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*.

A follow-up site inspection was conducted on 5 May 2010 and ACTPG officers again advised several tenants of concerns over the state of their sites and requested rectification of the site. Tenants were advised that further inspections would occur and that ESA are likely to be involved.

ACTPG has requested advice from the ACT Government Solicitor’s Office on the termination of licences for two of the tenants.

That answer was in response to a question taken on notice, No 451, from the 2010 estimates hearing.

The government was aware of fuel issues at the estate. An operator at the estate told me about stockpiles on his property, but also on neighbouring properties. I believe this gentleman also shared those concerns verbally with the government. In fact, I have seen an ACT Fire Brigade improvement notice issued to a former tenant stating that the occupier must take actions to reduce the risk hazard, including things such as the timber pile must be reduced to smaller piles of no more than 20 metres in diameter, a clear space of no less than 20 metres in diameter is to be created to move material to in the event of a fire, the surrounding access road is to be made suitable for large water tank access and to be 10 metres wide at all points and the surrounding track must form a complete loop that can be accessed or exited from either end by a large water tanker.

The above recommendations were made to one operator that I know of a couple of years ago. These recommendations were made because of the large stockpiles of mixed timber and other combustible materials. Given there was more than one operator at the site with wood stockpiles, I think it would be interesting to know if other Fire Brigade improvement notices were issued to other tenants, especially the site in question where the fire occurred on the weekend. I hope that the government treated all tenants equally and was concerned with the fire risk at each site at the

estate. Given the government knew that wood stockpiles were a fire risk, was a genuine risk management plan in place and was it adhered to?

I think it is prudent for this place to follow up on the issues I have raised over the last year or two and to receive an update. I think it is reasonable for the government to list the dates that fuel assessments were undertaken and what the advice was. I think it is reasonable for members of this place to see the risk management plans that were in place and whether these have changed given the fire which has recently occurred. I am not asking for analysis or interpretation, so tabling the documents in the first sitting day in September is achievable. I believe all these requests are achievable and reasonable and I urge all in this place to support this motion.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (5.41): I thank Mr Coe for bringing forward this motion today. At approximately 9 am on Saturday, 20 August the ACT Fire Brigade responded to a large fire at the Parkwood recycling depot in west Belconnen. The fire was in an outdoor storage area containing timber, logs, pallets and mulch. The premises are isolated from adjoining recycling premises and the area of the fire has been isolated by a containment break from adjoining similar storage areas.

The operational plan is to have the fire extinguished by today, Wednesday, 24 August, with finalisation of clean-up and handover by Friday. The fire on Saturday, while attracting attention, behaved as expected and did not pose any threat to the residents of Belconnen. I would like to take this opportunity to commend all Emergency Services personnel who have worked tirelessly to contain the fire and to ensure that there was no risk to life or suburban properties.

The response to the fires has been on a whole-of-government level, with personnel from the ACT Fire Brigade, the ACT Rural Fire Service, State Emergency Service, ESA risk and planning and ACT Policing responding to the call for assistance. I can assure you, Madam Deputy Speaker, that the government continues to identify, assess, prioritise and mitigate fire risk in both residential and commercial areas in the territory.

The ACT Fire Brigade has worked closely with, and will continue to do so, the ACT Property Group, ACT NoWaste and the Environment Protection Authority to implement risk management strategies and work with lease and licence holders to manage the input, throughput and output of waste and to minimise fire risk at the Parkwood estate.

The ACT Fire Brigade was notified of particular risks at the site. Once notified of a particular risk, the ACT Fire Brigade will always make an assessment under the provisions identified in the Emergencies Act 2004. The following considerations are taken into account when inspecting premises: first of all, the premises themselves; anything at the premises; the lack of or inadequacy of fire prevention measures or fire safety systems on or in relation to the premises; the use to which the premises are or are likely to be put; and the number of people likely to be at the premises at any time.

The ACT Fire Brigade works proactively with tenants and operators to implement risk management strategies and hazard mitigation plans. If cooperative arrangements cannot be reached, under the Emergencies Act 2004 the Fire Brigade has powers to issue an improvement notice to remove flammable material. If an ACT Fire Brigade inspector believes on reasonable grounds that flammable material is kept on the premises in a way that may cause, directly or indirectly, damage to life or property if there is a fire, the inspector may direct the owner of the premises to take action to remove the danger.

That is the regulatory framework that is in place in relation to Parkwood, as it is in place for all commercial areas, and indeed residential areas, across the territory. The Emergencies Act also provides powers to the Fire Brigade to arrange for the removal of a fire hazard at the owner's expense. It is an offence to fail to comply with an improvement notice.

I think it is worth highlighting what steps have been taken to address the fire safety issues at Parkwood specifically. Previous concerns regarding risks and hazards were raised at All Bulk, a tyre recycling business located in the Parkwood recycling estate in February 2007. The government responded to these concerns by means of a proactive approach to identify, assess, prioritise and manage identified risks. The fire brigade met with the tenant of All Bulk in February 2007 to identify a practical solution to mitigate the safety concerns held at the time regarding acceptable limits of storage of tyres. The tenant provided an undertaking to source an alternative arrangement to dispose of the tyres. Site inspections were undertaken by the ACT Fire Brigade following ongoing consultation with ACT Property Group, Territory and Municipal Services and the tenant.

In late 2007, a whole-of-government interdepartmental committee was established to identify strategies to manage risks and hazards related to the storage of tyres at the All Bulk site located in the Parkwood recycling estate. As I previously advised members in question time earlier this week, the risks associated with a large fire in the tyre stockpile were significant, as the material that would have been sent into the air from such a fire had the capacity to impact on the west Belconnen substation and impact on the ability of the substation to operate appropriately. That substation is obviously one of the main receiving points for interstate electricity connection for the territory.

The Fire Brigade, ACT Property Group, ACT WorkCover, ACT Government Solicitor, NoWaste, Environment Protection Authority, Health, TransGrid and ActewAGL were represented on this committee. The committee met on a number of occasions and developed an action plan to deal with the identified risk. This resulted in the removal and burial of a large volume of tyres and the implementation of guidelines for All Bulk regarding any future tyre storage. Once this issue was resolved, there were no further issues that required referral to the interdepartmental committee.

In relation to the issues that have been raised at the wood recycling business—Wood Busters as it is known—at Parkwood, in March this year, the ACT Fire Brigade received an inquiry regarding a pile of timber pallets within the Parkwood recycling estate. They undertook a site inspection in March this year and they determined that

the pallets were not a significant immediate risk. The fire brigade were satisfied that measures were in place to manage the risk and was further satisfied that steps were being taken through the development of new licence agreements for tenants at Parkwood to make sure that waste stockpiles and recycling stockpiles were appropriately managed.

So I am confident, Madam Deputy Speaker, that both the government agencies such as the Fire Brigade, Property Group and others were well aware of what steps were being taken and the risks involved at Parkwood. They took appropriate steps to inspect. Where risks have been identified in the past, they have acted on those risks and made sure that those risks have been mitigated.

In relation to the timber stockpile, however, the Fire Brigade did not consider, on inspection earlier this year, that the stockpile was at a level that it presented immediate or substantial risk. I am pleased that that has proved to be verified following the unfortunate fire.

There is a range of further works being undertaken in relation to Parkwood. The government has been diligent in managing these issues. Just to give you some examples, officers of the ACT Property Group conducted site inspections of all tenancies at Parkwood in December 2009. As a result of this, follow-up letters were sent later that day—23 December—to all tenants, with 20 tenants identified as requiring clean-up. A further inspection was conducted two months later in February 2010 with an ACT Fire Brigade representative, and a noted improvement from the previous site visit was apparent.

A further follow-up inspection was conducted on 5 May 2010, and ACT Property Group advised several tenants of concerns over the state of their sites and requested rectification action of the sites. Tenants were also advised that further inspections would occur and that the ESA may be involved. Further inspections were undertaken by ACT Property Group, on both 17 and 29 September 2010, 22 October 2010 and on 11 and 23 February 2011. So you can see that there has been an ongoing regime of inspection of the sites which are held under licence from the territory and run by a variety of businesses in the waste and recycling area.

The government have also identified that when it issues new licence agreements for tenants as their existing licences come up for expiry we will develop new clauses governing the size and management of stockpiles. Work is ongoing on the new template in preparation for the current licences expiring in 2012.

Officers of ACT Property Group have on two occasions since March 2011 spoken with the owner of NoWaste Wood Busters and requested that the stockpile of wood be reduced. The owner has advised that a mulching machine had to be sent to Melbourne for repairs, and that this was delaying his ability to prepare the stockpiled timber for recycling. The government is committed to working with tenants to ensure that sites are safe and that appropriate clauses are included in licensing agreements to reflect this, as I mentioned earlier.

As you can see, a range of actions and steps have been undertaken. Not only is the government actively inspecting the site, not only is the Fire Brigade actively

monitoring the site, and not only did the Fire Brigade issue an improvement action notice where it was warranted in relation to the tyre stockpile a couple of years ago, it also inspected the Wood Busters site and concluded that the risk was not at a level that required further direct action by them at that time. The Property Group have continued to work with the licensed operator to reduce the amount of the stockpile and, as you can see, that work is ongoing.

But it is worth repeating that the ACT Fire Brigade risk assessment that occurred earlier this year showed that there was no immediate significant risk. So I am confident that steps have been taken by the Fire Brigade, by ACT Property Group and by Territory and Municipal Services to manage the issues at this site. Some of the matters that Mr Coe calls for in his motion are not matters that the government can accept simply because, as I have outlined in my speech, these issues have already been undertaken and action taken by the government. I will be proposing an amendment that reflects that situation, Madam Deputy Speaker, and I now move the amendment circulated in my name on the notice paper to that effect.

MADAM DEPUTY SPEAKER: Mr Corbell, are you going to move all these together? If so, you need leave to do that.

MR CORBELL: Yes, I seek leave to move the amendments circulated in my name.

Leave granted.

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

(1) Omit subparagraph (1)(e).

(2) Omit paragraph (2), substitute:

“(2) notes:

- (a) following an inspection in March 2011, the ACT Fire Brigade (ACTFB) determined that the pallets were not a significant immediate risk;
- (b) inspections of the sites identified on 5 May 2010 were conducted by ACT Property Group (ACTPG) on 17 and 29 September 2010, 22 October 2010, 11 and 23 February 2011;
- (c) tenants of the Parkwood Estate have been advised orally and in writing of their obligations to properly maintain their sites;
- (d) fire management risks at the Parkwood Estate have been monitored by the ACTFB and directions issued, when appropriate, in accordance with the Emergencies Act 2004; and
- (e) as existing licenses expire for Parkwood Estate tenancies new licences will be issued with specific requirements for the management of waste stockpiles.”.

MS LE COUTEUR (Molonglo) (5.53): I will talk about Mr Corbell's amendments and Mr Coe's substantive motion at the same time. My response to Mr Coe's motion is that it is basically a description of what happened and what has been happening out at the Parkwood Road recycling estate. It is a very factual motion. It is hard to see any reason to oppose it.

I think that, on the basis of listening to Mr Coe and Mr Corbell, we could say that we all in the Assembly are concerned about fire issues. I probably did not need to listen to everyone to know that. I think we are probably all of the same mind that the best practice approach to dealing with fire management is the PPRR approach—that is, prevention, preparedness, response and recovery. This is well accepted in Australia. The ACT government has adopted it and is, to a greater or lesser extent, doing it.

Clearly, what this approach advocates for is a practical and strategic approach to preventing fires before they take place where this is possible. This requires steps to strategically reduce fuel loads and to have in place plans and communication channels to make that happen. What Mr Coe's motion is calling for today is evidence that this has, in fact, been done against the prevention and the preparedness elements of fire management.

Mr Coe's motion today calls for various documents. I believe that it is quite fair for the Assembly and the public to have access to them. Specifically, the motion calls for a list of dates when the government visited the recycling estate, a list of advice given to the tenants and any fire risk management plans that are in place for the site. The Greens believe that these documents should either already exist on file or, if they do not, that they should be quite easy for the government to access.

I note that Mr Corbell's amendment does in fact contain some answers, but not full answers, to some of the questions that Mr Coe has raised. On that basis, the Greens will be supporting Mr Coe's original motion rather than Mr Corbell's amendment, because I think that Mr Corbell's amendment, while going some of the way, does not go all of the way.

We have some specific concerns about the fire. As I wrote to Mr Corbell at the weekend, one of the concerns arises from the TV photos which showed 44-gallon drums. What is in them? Are there any toxics that have been burnt? That would be the most worrying thing of the lot. Another more big picture issue is what work has been done on the basic location of the recycling estate. It is on the western side of the city. It is one of the more fire prone areas. I remember as a member of the planning committee discussing this at some length when looking at the draft territory plan variation in respect of Holt.

I think that the situation is regrettable from a fire point of view, but I think that it is not just from a fire point of view that it is regrettable. There are a few things. There are Canberra businesses which have gone under, which has reduced recycling. This means increased waste and increased waste to landfill.

The Greens have been pursuing over a period of years what has been happening to various waste recycling companies. It is generally not being that positive. There is

Revolve. I will not go there, in deference to Mr Hargreaves, who is here in the chamber. There is Aussie Junk. More recently, we have had Belconnen waste recycling and the very poor support of Renewable Processes.

One of the things that seems obvious from all of this is that to the extent that the ACT government has any green economy strategy, it does not seem to be proactively putting it into action. I think it is probably reflecting a lack of strategy, but these are all businesses which have been actively trying to do the right thing from an environmental point of view. They are all businesses that have been having problems as businesses.

The ACT government does have a small amount of business development. I guess that what we are suggesting is that possibly the government could employ a dedicated green business adviser to provide assistance and support for businesses who are providing grants or other green business incentives or, in fact, just green businesses as a whole. I suppose that business and industry development is part of the Economic Directorate. It could play a role directly. Advice from BID to such companies could be proactively offered through government agencies in response to requests for business help. I am sure that this is an area where better interdepartmental communications in those situations would be beneficial to all parties.

TAMS was aware for a very long time that some of the businesses out there had problems. On the basis of the briefings that we have had with TAMS, they did not proactively say, "We think there are other people in business and industry development who might be able to help you with your business problems." That is something which might have—

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS LE COUTEUR: The other business I would like to talk about is Renewable Processes, which has significantly invested in establishing an e-waste recycling facility to allow local processing and social employment. It wrote to the estimates committee and reported they had received differing advice from different agencies about a potential e-waste contract with the ACT government. Procurement Solutions did not give them any information, while at the same time NoWaste was assuring Renewable Processes that they would be getting contracts awarded to them. Renewable Processes planned their business around the expected work.

However, twice significant contracts were issued to companies that do not process locally. What is going on here? The Greens would like to see the government supporting significant recycling and significant green businesses in the ACT. Given the ongoing problems that we have had with waste and recycling businesses, it would be worth while looking at those as a specific area of business and working out how best to have viable businesses.

One of the other things that this touches upon is why have we got so much out there in the recycling estates to recycle. I think we should be doing a lot more source

separation, particularly in the construction industry. I am aware that some of this is happening. I have recently been round the Mugga Lane tip. I have previously spoken to Village Building and other people about the subject. I know that there is some separation of timber. Village Building, I believe, does plasterboard and out at the tip there is separation of steel and also bricks and concrete. But not all of it is separated and not all of it is used at its highest use.

I understand that the reason for the fire was basically timber. I gather that this is timber which largely comes in unsorted. It is low-grade timber. We could do better with that. If the builders and demolition contractors were to sort this waste at source, I am sure it could significantly increase the possibility that the timber itself could be reused. I am especially thinking about construction timbers and many of the fine old timbers that have come out of old houses that are to be demolished. My house has some old timbers—some from Canberra, some from elsewhere—that were recycled from demolished buildings. We could do more of that.

Last night I was at a presentation at the ACT Institute of Architects. Part of the presentation included CSR noting that one of their gyprock products has 10 per cent recycled gyprock in it, but they did note that that was purely from unused plasterboard, plasterboard that has been out on sites, cut wrongly and come back. They had no processes for recycling or reusing plasterboard once it had had a coat of paint on it. That is one of the many areas in the construction industry where we could do better and we should do better.

In conclusion, I think that this whole story is a very sad story. I think it could have been avoided had the government been more proactive in terms of its support to the business in question. I would like to see in the future that the government provides more support to green recycling businesses.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services), by leave: I am a little frustrated with the position of Ms Le Couteur on this because, if you actually look at what I said in my speech, I have addressed all of the issues raised in part 2 of Mr Coe's motion. I provided in my speech a list of the dates that the Property Group and the Fire Brigade visited the sites at the Parkwood recycling estate. I have provided information on what advice was given to tenants regarding reducing fuel loads at those sites.

I have explained what the risk management framework is—that it is under the Emergencies Act—the powers available to the Fire Brigade under the Emergencies Act and that it is going to be addressed specifically in new licence agreements, when those are issued when existing licences expire in 2012. I have explained what the future management of the site will involve, those licence agreements and the powers of the Fire Brigade under the Emergencies Act.

So I have satisfied the terms of the motion, and I do not understand why Ms Le Couteur is insisting that we have to adopt this motion. That is why I have proposed my amendments, because my amendments actually specify when the visits took place, what advice has been given to tenants, what the fire management

arrangements are and what the future arrangements will be through new licence agreements.

So it is frustrating that we have this sort of motion presented to the Assembly when the government have been, I think, quite forthcoming with what we are doing, why we have done it and have held ourselves accountable to that. We still have this motion proposing to be passed today calling upon the government to do certain things. The fact is that the government has done all of these things. I think that Ms Le Couteur and the Greens should recognise that and support the government's amendments.

Question put:

That **Mr Corbell's** amendments be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Mr Barr
Dr Bourke
Ms Burch
Mr Corbell
Mr Hargreaves

Ms Porter

Ms Bresnan
Mr Coe
Mr Doszpot
Mr Hanson
Ms Hunter

Ms Le Couteur
Mr Rattenbury
Mr Seselja
Mr Smyth

Question so resolved in the negative.

Amendments negatived.

MR COE (Ginninderra) (6.10): I would like to extend my thanks to those opposite for their contribution to this debate, in particular Ms Le Couteur for her support for the motion. I think it has been interesting that Mr Corbell would pretty much equate his amendment 2(a), (b), (c), (d) and (e) to what I was actually requesting in my motion. I was requesting a list of dates an inspection took place, a list of advice given to tenants, risk management plans and the plans they have for future management. Instead, he has given me a few dates and said they are going to be compliant with the Emergencies Act 2004. That is useful information and I am appreciative of that, but he is kidding himself and he is being neglectful to the people of the ACT if he actually thinks that is comparable to what I was calling for.

It is also interesting that his amendment should actually call for omitting 1(e) which is actually that the government was advised that a thorough risk management plan of the entire Parkwood site should be conducted. Are they denying that question on notice? Are they denying the advice Mr Stanhope gave me that the Emergency Service Authority advised that a thorough risk management plan should be conducted? I find it pretty interesting that Mr Corbell would seek to omit that from a motion which is going to be successful today.

Again, I thank the crossbench for their support and I look forward to the Labor government complying with this motion and providing information so that we can get a full picture as to the lead-up to the fire which occurred on Saturday and as to how they are going to better risk-manage the site going into the future.

Question resolved in the affirmative.

National disability insurance scheme

MR HARGREAVES (Brindabella) (6.12): I apologise to members if my voice is a bit off. I must state, to the pleasure of most members, only half my face is working at the moment, contrary to a quarter of it usually.

Ms Porter: They are not listening to you.

MR HARGREAVES: They are an ignorant bunch of rabble but you expect that. I move:

That this Assembly:

(1) notes:

- (a) the release of the Productivity Commission's Final Report into Disability Care and Support and its recommendation to establish a National Disability Insurance Scheme and a National Injury Insurance Scheme;
- (b) that the National Insurance Disability Scheme will potentially deliver support to 410 000 people with a disability and may take up to seven years to be fully established;
- (c) the Federal Government's commitment to establish an Advisory Council and the Federal Government's sector reforms fund of \$10 million; and
- (d) the interest of the disability sector in establishing a National Disability Insurance Scheme and a National Injury Insurance Scheme; and

(2) calls on the ACT Government to:

- (a) actively participate in all relevant national discussions on the National Disability Insurance Scheme and a National Injury Insurance Scheme;
- (b) continue to progress implementation of Future Directions: Towards Challenge 2014 and other relevant disability initiatives until final implementation of the National Disability Insurance Scheme; and
- (c) keep the Assembly informed of progress with the implementation of a National Disability Insurance Scheme and a National Injury Insurance Scheme.

The Productivity Commission's final report into disability care and support, released on 10 August 2011 by the Prime Minister, recommends establishing a national disability insurance scheme and a national injury insurance scheme.

Mr Hanson: Are they the same?

MR HARGREAVES: A national disability insurance scheme and a national injury insurance scheme; I am sure Mr Hanson is interested in a national disability insurance scheme and a national injury insurance scheme because you never know what will happen to him in politics.

Mr Hanson: Is that a threat?

MR HARGREAVES: I do not make threats, Mr Hanson, through you, Mr Speaker. I make promises and I usually fulfil them.

I sincerely welcome the news that COAG agreed last Friday to establish a select council to consider the recommendations of the commission's report on the establishment of a national disability insurance scheme, with the aim of providing an initial report to COAG at its first meeting in 2012. COAG agreed to move quickly to assist the development of the national disability insurance scheme, including development of a national assessment framework, nationally consistent service and quality standards for the disability services sector and a comprehensive national disability services workforce strategy.

I also welcome COAG's agreement to work together to consider the Productivity Commission's recommendation regarding the establishment of a national injury insurance scheme. The proposals in the commission's report would replace existing disability services systems across states and territories, enhance the range of support options available to people with a disability, and give people with a disability more choice and greater control over the services that they receive. All these proposals represent a very significant change in the provision of disability services across Australia, and these recommendations represent the most significant indicators of reform for our fellow Australians with disabilities and for those who care for them.

The main recommendation is to establish a system that ensures adequate funding for people with significant support needs. This is about ensuring that people with disability, their families and their carers have more say and peace of mind about the services they need, for as long as they need them. To progress this important initiative, the commonwealth has announced that an advisory group of experts will be established, led by Dr Jeff Harmer, to support the select council of treasurers and disability services ministers, and an investment of \$10 million will fund technical policy work which will be the foundation of the scheme. It is intended that the national disability insurance scheme will cover every Australian who has suffered a significant disability.

I understand that foundation work is already underway and it is anticipated that the scheme will gradually be rolled out from mid-2014, with the potential for full implementation by 2018-19. The scheme is expected to fund support for around 410,000 Australians who have a significant disability, including those with enduring psychiatric disabilities. The cost of the national disability insurance scheme is expected to be approximately \$13.5 billion nationally, which will represent, significantly, a doubling of funding for the disability sector.

The national injury insurance scheme would cover people who have experienced catastrophic injury. I understand that the plan is to initially begin the scheme in 2013, with cover for those in our community injured in motor vehicle accidents. The plan then is to extend cover to those suffering injury from medical accidents, criminal injury and general accidents by 2015. This comprehensive, no-fault scheme would

apply to new incidents and would provide lifetime care and support services to around 900 to 1,000 people each year.

People who have significant disability from a pre-existing injury, for example a motor vehicle accident, would be covered by the national disability insurance scheme. It is proposed that the national injury insurance scheme would be administered by state and territory jurisdictions and primarily funded from insurance premiums. All jurisdictions will need to work together to bring about a successful conclusion and I am sure that Minister Burch will ensure that any implementation of these schemes will be done in a way that best meets the needs of Canberrans with a disability, their families and carers.

While the aspiration to a national scheme is most welcome, there remains some important work ahead to enable the time frame to be achieved. Some of the issues include the logistical challenges for transitioning to a new national system in a way that achieves efficiency, improves service quality and delivers on the promise of a simplified and streamlined assessment process, the nature of the funding mechanism for the national disability insurance scheme, the governance arrangements for a national disability insurance scheme through the creation of a national disability insurance agency, the roles and responsibilities of the ACT government, along with the other jurisdictions, and the need to better understand eligibility and assessment processes to ensure that no-one falls through the gaps. Finally, there are a range of issues relating to the national injury insurance scheme, including its scope and the need for structural and legislative changes.

The Productivity Commission's report brings with it a golden and historic opportunity to transform the way care and support are delivered to our fellow Australians with disabilities. This opportunity should be embraced by every Australian, regardless of political persuasion. Catastrophic injury knows no politics. It has no friends. The Productivity Commission's recommendations are far reaching and require detailed consideration and work across all jurisdictions to ensure that the existing service system is enhanced and not simply replaced. Through the Council of Australian Governments, I trust that the ACT government, along with the commonwealth, the states and territories, will work productively through the funding mechanisms and other details of the scheme's operation.

Although funding for disability services in the ACT has increased on average by 9.8 per cent per annum since 2003, unmet demand for disability services continues to be an issue. The ACT is not alone in this. Importantly, the Productivity Commission acknowledged that all jurisdictions across the country face greater demand than can be met under current arrangements. The funding and delivery of disability services, with a focus on early intervention and long-term care, contribute to the broad aims of the national disability strategy.

In February 2011, the ACT government signed, in partnership with all jurisdictions, the national disability strategy. This strategy sets out a 10-year national plan to improve life for Australians with a disability and their families and carers. Not only does the strategy provide a national framework to drive future reforms in the disability services system, importantly it drives reforms that value people with a disability, their families and carers and their contributions to the community, arts, sport and business.

Implementation of the strategy will not be confined to the disability sector. It requires whole-of-government as well as industry and community involvement to achieve its goal to increase participation and the inclusion of people with a disability in mainstream society and services.

The Assembly would be aware that in September 2009 the ACT government released *Future directions: towards challenge 2014*—I might have been around at the time—a policy framework designed to improve the outcomes and opportunities for Canberrans with a disability, their families and their carers. Importantly, future directions and the national disability strategy go beyond the national disability insurance scheme and the provision of disability services. These initiatives seek to improve the quality of life for people with a disability, their families and carers across all experiences and areas of community life. As such, priorities under these initiatives will continue throughout the discussion and implementation stage of the national disability insurance scheme and beyond.

There is a long way to go and much work to be done to fully realise the intent of the scheme. However, a great outcome today would be to see all members of this place get behind this motion and back it to the hilt. It is a rare day to have the opportunity to support such an important national initiative, one that will help improve the quality of life of fellow Australians with disabilities now and into the future.

Finally, I am aware, thank you very much to my colleagues Ms Bresnan and Mr Doszpot, of amendments that they propose. Turning to the Greens' amendment first, the government will be supporting this amendment. Actually, the amendment, as suggested by Ms Bresnan, improves the motion and I thank her very much for bringing it forward, for embracing the intent behind what we are trying to do, understanding that intent and actually bringing forward this amendment which, as I say, improves it.

As for the opposition's amendment, the government will not be supporting it because we believe that this amendment merely seeks to turn the whole motion into an educational focus, and this is not what the motion is about. It is about all people with a disability. It is all about—

Mr Doszpot: Is disability in education not a disability? Is it not a disability?

MR HARGREAVES: You will get your time, Mr Doszpot.

MR SPEAKER: Mr Doszpot, thank you. Mr Hargreaves.

MR HARGREAVES: Settle, petal. You will get your time.

Mr Doszpot: That is the whole problem.

MR SPEAKER: Mr Hargreaves. Order, members!

MR HARGREAVES: You will get your time and if you just sit there quietly you will see why I disagree with you. There are people in nursing homes who have a disability.

There are people in the community who have a significant disability and who are not in the educational sector. They are well beyond that. There are people who have suffered catastrophic injury.

As a former director of rehabilitation and aged care, I am aware of people who have suffered, for example, acquired brain injury from horse riding accidents. Very often people's lives are shattered. They have catastrophic injury. This is not about being focused on those people in the education sector.

I believe that the Greens' amendment improves the motion and the opposition's amendment does not. So I commend my motion and the Greens' amendment to the Assembly.

MR DOSZPOT (Brindabella) (6.23): I welcome the opportunity to speak on the motion of Mr Hargreaves in respect of the national disability insurance scheme and I am pleased that he raised such an important subject for debate last week. However, since last week other events have overtaken much of this motion. At the COAG meeting last Friday, all states and territories committed to the NDIS. The COAG communique said:

COAG welcomed the public release of the Productivity Commission's final report on Disability Care and Support and agreed on the need for major reform of disability services in Australia through a National Disability Insurance Scheme.

COAG will develop high-level principles, by the end of 2011, to guide consideration of the Productivity Commission recommendations regarding a National Disability Insurance Scheme, including for foundation reforms, funding and governance. Given the high priority that all governments place on disability care and support, COAG agreed to the establishment of a Select Council of Treasurers and Disability Services Ministers, chaired by the Commonwealth, to consider the recommendations of the Productivity Commission's report.

I look forward to Mr Barr and Ms Burch keeping this Assembly updated on the select council's deliberations. The communique continued:

The Select Council will commence work immediately, and will reflect and give effect to the principles, to be agreed by COAG. The Select Council will provide an initial report to COAG at its first meeting in 2012.

COAG agreed to progress quickly the measures agreed as part of the National Disability Agreement that have also been identified as foundation reforms for a National Disability Insurance Scheme, including development of a national assessment framework; nationally consistent service and quality standards for the disability services sector; and a comprehensive national disability services workforce strategy.

COAG also noted the Productivity Commission's recommendations in relation to a National Injury Insurance Scheme and agreed to work together to consider the Productivity Commission's recommendation.

COAG noted that disability services are currently the responsibility of State and Territory governments. All governments recognised that addressing the challenges in disability services will require shared and coordinated effort.

I note that Mr Hargreaves's motion also urges the government to continue to press implementation of the *Future directions: towards challenge 2014* strategy, which Mr Hargreaves released when he was minister. I will return to that paper later.

First, however, it is important to reflect on what the Productivity Commission had to say. The Productivity Commission report has some hard truths. It suggests:

The current disability support system is underfunded, unfair, fragmented, and inefficient. It gives people with a disability little choice, no certainty of access to appropriate supports and little scope to participate in the community. People with disabilities, their carers, service providers, workers in the industry and governments all want change.

The commission also suggested that most people know little about Australia's current disability systems and do not know how poorly they would be served were they to need them. Indeed, I am quite sure that the numerous families I meet would say the same thing. They would not have had any great understanding had they not found themselves with a child or other family member in need of support. We need to be mindful of that.

Many families across Australia, and of course here in Canberra, live with some truly difficult realities on a daily basis and have to deal with a system that is often inadequate in many ways: insufficient after-school care support for working families; lack of post-school options for students with disabilities; lack of suitable housing; long waiting times and often confusing red tape to access therapy services; and an absolute disconnect between the various government agencies charged with servicing clients with disability needs.

Even worse, there is the lack of communication between the ministers of disability, education and health in areas where their portfolios overlap, as evidenced by the number of requests I get for assistance from people who have enough problems to contend with without having to constantly fight the red tape they are faced with.

The *Future directions* strategy paper that Mr Hargreaves referred to was released in September 2009 and was intended to respond to the community's call for better systems planning to ensure that people with a disability could access the right support they need at the right time and at the right place. It is instructive to reflect, two years on, on the rhetoric and the glossy publications that carry the spin that Mr Hargreaves refers to but not the implementation.

It is also not hard to understand why this situation exists when Mr Hargreaves goes out of his way to point out that people in the education sector should not be included under the disability issues that we are currently discussing. You made a very big point of that, Mr Hargreaves. You made a very big point of that, and I will come back to that. The vision of the *Future directions* strategy paper is:

All people with disabilities achieve what they want to achieve, live how they choose to live, and are valued as full and equal members of the ACT community ...

This is the vision that you outline, Mr Hargreaves. The vision has six strategic priorities. The first is

I want the right support, right time, right place ...

They do not pick the time and the place. They do not pick whether they only want support at home, at work or at school. All of those areas are important and people are drastically short-changed by this government and by the attitude that Mr Hargreaves displayed a few minutes ago. Point two of that vision is “I want to contribute to the community”. Point three is “I want to socialise and engage in the community”. Point four is “I want to know what I need to know”. Point five is “I want to tell my story once”. Point six is “I want a quality service system”. That was two years ago. Yes, there has been some progress, but not enough and it has been slow.

I listen to the disability community often and listen to the many self-help groups that have been formed as parents with incredible burdens who are trying to cope and support each other through the lessons they have learned over the years. Two weeks ago, I was invited to meet with the P&C association of a special school and listened to a very emotional group of parents as they articulated a great number of their concerns.

These concerns are current and very real, Mr Hargreaves. They include concerns about the lack of therapy services at special schools; lack of after-school care services at all special schools; lack of decent post-school options for students with special needs; and lack of supported accommodation options. They include concerns about poor respite services. Obtaining access to respite is difficult, and finding quality respite workers is even harder. And there is anger and fear about the lowering of the school leaving age, done without any consultation at all.

These parents also suggested that we the politicians, as their representatives, need to better understand what caring is like and the impact that a disabled child has on a family, especially a disabled child with high care needs. They asked me, and I have made this invitation before in this chamber, to invite all of the members of this Assembly from all parties—all of us—to come out, visit their schools and experience for ourselves what it is like for them: for the children, their teachers, their families and their carers.

As harsh and as blunt as the comments from the Productivity Commission were, and as idealistic and optimistic the future direction might be, we have to recognise that it does not all go away or get better with commission findings or aspirational strategies. The strategy is one thing; improving conditions at the coalface is quite another. We need to be better focused on outcomes than we currently are.

The Productivity Commission recognised all those concerns and proposed a national disability insurance scheme. The report sets out clearly its costs, its benefits and a timetable for implementation. While the federal government has committed

\$10 million for the necessary preparatory work and appointed a panel to consider the report's findings, there is still much work to be done, as COAG alluded to. Clearly, the scheme would involve a serious commitment by all Australians. We need to get this right, because the system we currently have does not work and the solution is a very costly one.

I was very pleased to hear that our Chief Minister supports the scheme. It was good to hear her say on local ABC radio the week before last:

At the end of the day, whether you have a disability in Kaleen or a disability in Queanbeyan, it doesn't really make a huge amount of difference. You need the support, you need those dollars, and if you want to move around, you need those dollars to follow you.

Absolutely, Chief Minister. But why does this not also apply to special needs education, Mr Hargreaves? Why is special needs different if you happen to be at school? Special needs education is the same for parents with children in both government and non-government schools. This is a very real and important need that we have to address. The Chief Minister's comments go completely against the current disability benefits systems within the ACT education system that, as Chief Minister, she oversees. They differ hugely between government and non-government schools and are not fully portable if a student moves between sectors.

That is the very reason why the Canberra Liberals fought for non-government schools to be included in the Shaddock review into ACT special education. Education Minister Barr was begrudgingly forced to do that some two months after announcing his Shaddock review. Mr Hargreaves's motion calls on the government to continue to progress the implementation of *Future directions* and other relevant matters. The issue the Chief Minister raised, namely the portability of funding, is most certainly a relevant matter.

That is why we are calling on the ACT government and the Greens to support this through my amendment to "continue to progress implementation of *Future Directions: Towards Challenge 2014* and other relevant disability initiatives, including true portability and equity in funding for disabled students in both government and non-government schools as the Chief Minister has proposed and improve upon these initiatives until final implementation of the National Disability Insurance Scheme".

I raised the issue of the Chief Minister's comments last week and I do so again today because they are extremely worrying. Her admission on ABC radio that she does not care where \$13.5 billion for the proposed national scheme would come from or who manages it is somewhat loose language for someone in her position. I quote what she said:

I haven't had a look at the details of what's being proposed yet ... I don't really care who funds and manages it.

We know that the scheme will have a significant impact for and on Canberra taxpayers. I trust that she has now participated in COAG and that she is somewhat

more across the costs and potential implications for Canberrans. And I trust that our representatives on the COAG special council of treasurers and disability ministers also pay a little more attention to funding mechanisms. While I, and indeed all Canberra Liberals, support improved services for people with a disability, you would have to be just a little bit frightened about the capacity and the capability of the Labor Party, both ACT and federal, to fund and manage such a scheme.

As we have seen at ACT and federal government levels, the track record for implementation by Labor governments is abysmal. I certainly do not trust that ACT Labor is the right party to help implement this scheme when the Chief Minister and former Treasurer is not even aware of the existing funding systems and shows such casual disregard for taxpayers' money.

Equally, at the federal level the government that brought you massive blow-outs and poor project management in BER funding and failed insulation schemes has already acknowledged that the introduction of the scheme would be a long journey. The federal government has a record of failure to deliver. We have had endless statements of good intent on any number of projects in the last two years. Disability groups already know that the federal government has a poor track record. They would like to believe that on this important initiative the federal government will deliver, but the Productivity Commission's timetable is yet to be agreed. However, I acknowledge the progress.

We know that providing support to people with disabilities on the scale outlined in the commission report will be expensive. Sadly, had the federal government not spent so much money on so many mismanaged programs like home insulation, the NDIS might have been able to start sooner. However, the earlier the conversation starts with the states and territories—and COAG is certainly a positive start, with the establishment of the select council of treasurers and disability ministers—the more confident we all can be that something will be delivered.

I hope that in the COAG discussions our Chief Minister will start to pay a bit more attention to have a scheme that is funded and that the best interest of all Canberrans will be protected and upheld. I move the amendment circulated in my name:

Omit all words after "National Injury Insurance Scheme" in subparagraph (1)(a), substitute:

- “(b) that the National Disability Insurance Scheme will potentially deliver support to 410 000 people with a disability and may take up to seven years to be fully established;
- (c) the Federal Government's commitment to establish an Advisory Council and the Federal Government's sector reforms fund of \$10 million;
- (d) the Chief Minister's comments in relation to the National Disability Insurance Scheme, viz: “At the end of the day, whether you have a disability in Kaleen or a disability in Queanbeyan, it doesn't really make a huge amount of difference. You need the support, you need those dollars, and if you want to move around, you need those dollars to follow you.” (ABC Canberra Radio 666); and

- (e) the interest of the disability sector in establishing a National Disability Insurance Scheme and a National Injury Insurance Scheme; and
- (2) calls on the ACT Government to:
 - (a) actively participate in all relevant national discussions on the National Disability Insurance Scheme and a National Injury Insurance Scheme;
 - (b) continue to progress implementation of *Future Directions: Towards Challenge 2014* and other relevant disability initiatives, including the true portability and equity in funding for disabled students in both government and non-government schools as the Chief Minister has proposed and improve upon these initiatives until final implementation of the National Disability Insurance Scheme; and
 - (c) keep the Assembly informed of progress with the implementation of a National Disability Insurance Scheme and a National Injury Insurance Scheme.”.

MS BRESNAN (Brindabella) (6.38): I will speak to Mr Hargreaves’s motion and Mr Doszpot’s amendment. The Greens welcome the motion moved by Mr Hargreaves today, as we very much support the development of a national disability insurance scheme and a national injury insurance scheme. People with disabilities should not have to live with poor levels of equity and self-determination and should have greater control of the funding they need for the services they require.

There are currently issues with equity in funding amongst users of disability services. There are cases where two people with the same level of disabilities will not always get the same level of help. Negotiating a complicated system of disability services creates major hurdles and difficulties for people with a disability in claiming funding. Essentially, people need to know how the system works in order to be able to get a decent result. In some cases, individuals and families give up and only engage in the system when a crisis or difficulty occurs. They find the application process more stressful sometimes than the idea of going without help. For many, the stress and frustration just is not worth it.

Many people with disabilities have said that if they could access a particular service at certain times, such as transport and daily assistance, they would be able to engage in activities such as employment or education, which make them an active member of the community. We have all heard stories where young people cannot get the help they need in the morning to have a shower, for example, so they are embarrassed to go to work. Others have said that they have had to stop education because they could not access reliable—

Mr Doszpot interjecting—

MR SPEAKER: Ms Bresnan has the floor.

MS BRESNAN: Just let me finish my point, Mr Doszpot. They have had to stop education because they could not access reliable transport. Then there are the cases,

which occur every year, where the natural structural supports surrounding a person with disabilities sometimes fall apart and the primary carers choose to hand over guardianship for the person with disabilities to the government. It might be because the carer or carers are ageing and can no longer physically cope or, more often than not, a parent is incredibly stressed and can no longer handle the difficult behaviours of their child who is now a young adult.

There are many stories from people with a disability and their family or carers which express the need for having a national scheme, and there has been much discussion at the national level. However, the battle to achieve and actually implement a national scheme has some way to go and there are some major hurdles that still need to be overcome. The COAG meeting from last Friday about this matter did bring the national scheme a step closer. Mr Doszpot has already read from the communique, but I would just like to quote it again because I think it is worth while having it on the record:

COAG welcomed the public release of the Productivity Commission's final report on Disability Care and Support and agreed on the need for major reform of disability services in Australia through a National Disability Insurance Scheme.

COAG will develop high-level principles, by the end of 2011, to guide consideration of the Productivity Commission recommendations regarding a National Disability Insurance Scheme, including for foundation reforms, funding and governance.

While we have this communique, it still indicates that we have still got some way to go and we need to have those final commitments to make sure this actually happens. COAG has agreed on the need for an NDIS and will form principles by the end of 2011 to help it consider the scheme, but, as I said, COAG has not actually agreed that the scheme will go forward. It is still in the consideration phase, which I think is significant. A more substantial step is required in that we need to see the Australian government commit funds and announce the commencement of trials. To ensure the NDIS does occur, we need continued advocacy at all levels, and this includes from members of the Legislative Assembly.

Last week when my office was preparing for debate on this motion we sent the motion to people in the disability sector, including community organisations, carers and people with disabilities themselves. The message we received was that they wanted to see the motion strengthened. They wanted the ACT Legislative Assembly to clearly state that it supported the NDIS. I agree with their sentiment and I will be moving an amendment to Mr Hargreaves's motion, particularly a new clause (2), to make it clear that the ACT Legislative Assembly supports the move by governments around Australia to implement an NDIS.

Existing clause (2)(a) of Mr Hargreaves's motion calls on the government to actively participate in all relevant national discussions on the NDIS and NIIS. While I agree with that clause, I believe it can be strengthened and, as such, we will be moving an amendment to make a clear statement that the ACT Legislative Assembly wants the ACT government to advocate for the NDIS.

A significant aspect of the proposed NDIS is not only the manner in which people with a disability will have more choices about how money relating to them will be spent but also the amount of money spent on disability will double to around \$13.5 billion. This is a significant amount—I do not think anyone argues with that—of funding and the question remains about how the scheme will be funded. The Productivity Commission has recommended that the scheme be funded by consolidated revenue with the payments going directly to the national disability insurance premium fund. The Greens federally have suggested that revenue from the mining tax would allow the NDIS, a national priority, to be implemented by consolidated revenue, which provides more assurances that no funding cuts would occur in other areas.

Clause (2)(b) of Mr Hargreaves's motion calls on the ACT government to continue to progress implementation of *Future directions: towards challenge 2014* and other relevant disability initiatives until final implementation of the NDIS. Again, the Greens think a strong commitment is useful here, as we want the government to continue to improve upon the strategy and initiatives. We also note that, given the NDIS may not be in place for some time and the ACT government disability strategy ends in 2014, there will need to be a further strategy in between those years. Just because there is a promise of the NDIS in the future does not mean that governments should stop delivering strategies and plans, particularly as the implementation of the national schemes is not yet guaranteed. Another part of my amendment corrects a small error in clause (1)(b) regarding the order of words.

Again, I thank Mr Hargreaves for this motion today. The creation of a national scheme for people with a disability is a topic of significant importance and an opportunity for great change. You could almost say that this is a once in a lifetime opportunity to do something as a nation that will benefit the lives of people with a disability and their families and carers. It is therefore an opportunity that all parliaments across the country should be supporting, including here in the ACT. I thank Mr Hargreaves for indicating his support for my amendment.

We will not be supporting Mr Doszpot's amendment. My principal concern is that in discussions with Mr Doszpot they were not willing to support our amendment. The intention behind our amendment was for us as a parliament to make a very strong statement that we support this scheme. I acknowledge what Mr Doszpot has said about the funding and the Chief Minister saying, "I don't care where the money is coming from." I think what she was actually saying was that we know we have to do this. Yes, it is a significant amount of funding and there may be some imposts on taxpayers with that, but I think this is too significant an issue for us as a country to ignore.

We know that people with a disability require services. It is one of those issues where, as a country, we all need to take some responsibility to help people. It will have a far greater impact on us and our system if we do not go ahead with the scheme. That was my concern—that, while we have the communicate, we still need to have the actual statement that it is going ahead. I think that, as parliaments, we have got to stand strongly behind that and say, "As a parliament, all together, we support it."

I note that the amendment refers to education. I do not think anyone disagrees with the importance of education. It is covered in the ACT disability strategy, but it is not actually a feature of the NDIS. The NDIS does not specifically cover the portfolios of health, education or transport. I think it is important to keep this motion in the spirit of what it is about. For us, it is about us as a parliament making a joint statement, a strong statement, with all the parties here saying, "Yes, we support the NDIS and what it stands for." I acknowledge, Mr Doszpot, the importance of education, but for me this is not what this particular motion is about. I very much want to keep it in the spirit of that. We will not be supporting the amendment.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (6.49): I just want to speak briefly, but firstly I thank my colleague Mr Hargreaves for bringing this motion on. I say at the outset that I will support the amendment put forward by Ms Bresnan. I will not be supporting the amendment put forward by Mr Doszpot.

The NDIS has the potential to change the lives of 410,000 Australians and, in turn, that means 12,000 Canberrans could be entitled to funding to support their needs. I just want to briefly acknowledge the dedication and determination of countless Australians who advocate for change in service provision for people with a disability over many, many years. We have all had communications with families that carry complexities and challenges that are hard for us to comprehend. I thank Mr Hargreaves for bringing this on.

In response to some of the comments by Mr Doszpot, I remind him that there has been an increase of over 100 per cent in funding since 2003. This government has put in significant efforts towards disability. We know there is still an unmet demand. We know there is still work to do, but surely an average increase of nine per cent in disability funding each and every year since we have come into power shows our commitment, Mr Doszpot. For you to say otherwise really shows your lack of understanding of the challenge to put budgets together.

Mr Doszpot interjecting—

MS BURCH: The 100 per cent increase goes across areas such as community access and respite.

Mr Doszpot interjecting—

MR SPEAKER: Mr Doszpot, please!

MS BURCH: His continual interjection just highlights his ignorance, Mr Speaker. Mr Doszpot, I can count on one hand the number of questions you have asked on disability in this place. You have never asked for a briefing. You show no interest in this place other than standing up and pontificating on your particular view. If you were serious about it, you would ask for briefings. You would ask me questions in this place, but you do not, Mr Doszpot.

Additionally, Mr Speaker, we have shown our intent to support women as we can. We have got the intentional community and the DA is in place. I hope that without any undue delay work will commence before the year is out. We have put in a therapy assistants program which will see therapy assistants across seven schools providing direct support to schools. Mr Doszpot, if you do not think that is a good idea, why do you not stand up in this place and say it?

Additionally, we will be tabling a statement tomorrow about increased services to after-school and vacation care—good work that this government is committed to. The other day we were at St Margaret's. It is wonderful accommodation for five young adults who, for the first time, will leave their family home and move to independence. It is a shame that Mr Doszpot continues to have a lack of serious interest and that he does not participate in rigorous debate on disability in this place. I welcome the motion by Mr Hargreaves and I welcome the amendment by Ms Bresnan.

Question put:

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

The Assembly voted—

Ayes 5

Noes 10

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

Question so resolved in the negative.

Amendment negatived.

MS BRESNAN (Brindabella) (6.55), by leave: I move the amendment circulated in my name:

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

"(1) notes:

- (a) the release of the Productivity Commission's Final Report into Disability Care and Support and its recommendation to establish a National Disability Insurance Scheme and a National Injury Insurance Scheme;
- (b) that the National Disability Insurance Scheme will potentially deliver support to 410 000 people with a disability and may take up to seven years to be fully established;
- (c) the Federal Government's commitment to establish an Advisory Council and the Federal Government's sector reforms fund of \$10 million; and

- (d) the interest of the disability sector in establishing a National Disability Insurance Scheme and a National Injury Insurance Scheme;
- (2) supports the move by governments around Australia to a National Disability Insurance Scheme and a National Injury Insurance Scheme; and
- (3) calls on the ACT Government to:
 - (a) actively participate in all relevant national discussions on the National Disability Insurance Scheme and a National Injury Insurance Scheme and advocate for the advancement of the schemes;
 - (b) continue to progress implementation of Future Directions: Towards Challenge 2014 and other relevant disability initiatives, and improve upon these initiatives, until final implementation of the National Disability Insurance Scheme; and
 - (c) keep the Assembly informed of progress with the implementation of a National Disability Insurance Scheme and a National Injury Insurance Scheme.”.

I have spoken to the amendment so I will not go on about it again. It seeks merely to strengthen the motion by our making, as a parliament, a strong statement that we support governments’ moves around the country and that we want parliaments and parliamentarians to continue to advocate for the scheme to happen.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

Motion by **Ms Burch** proposed:

That the Assembly do now adjourn.

Bimberi Youth Justice Centre—complaints

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (6.56): I rise to address remarks made by Mrs Dunne on 666 ABC radio this morning in relation to complaints made about the Human Rights Commission during their recent review into ACT youth justice.

Mrs Dunne claimed in the interview that the Human Rights Commission had not investigated complaints about the workplace matters at the Bimberi youth detention centre. I would like to put it on public record that this is just not the case and assure the Assembly that all formal complaints have been investigated.

The Human Rights Commission report makes it quite clear that:

A number of serious allegations were reported in the ... Assembly and media immediately before and during the course of the Review. The Commission was also informed of these and other allegations from participants ... CSD provided the Commission with details of the background and subsequent investigations into critical incidents, including whether they were subject to external scrutiny. In the most part, the Commission was satisfied with the level of scrutiny provided by the other external agencies to these incidents. However, they do highlight some issues of concern that we believe warrant changes to policies and practice, and which are discussed in the report.

In addition, there are always a range of internal and external avenues for any staff member or child or young person to register a complain to be investigated and responded to. Many of these processes are governed by legislation, and they include the Official Visitor, Public Advocate, the Human Rights Commission, the Commissioner for Children and Young People and the Ombudsman.

For those staff who were not prepared to make a formal complaint to the commission or through another external oversight body, they were still able to make contributions to the Bimberi review team about alleged bullying so that systematic issues could be reviewed and recommendations made.

Ample opportunity was provided to anyone with concerns to write a submission to the Human Rights Commission review team or to meet with them. And I have instructed staff from the directorate to fully cooperate with the review. Paragraph 1.5.15 of the report makes it quite clear that:

Throughout the Review, the Commission operated under strict legislative obligations to protect people who provided information to the Review, including, in particular, s. 99 of the HRC Act. The identity of participants, and information provided to the Commission, was not divulged without the written consent of participants, or unless required by another law.

I note that the report states:

The Commission also received a number of complaints pursuant to the HRC Act.

This makes it quite clear that there were formal complaints made during the course of this review and they were or are being investigated under the commission's legislative framework.

Mrs Dunne's comments in the media this morning show a flagrant disregard for the confidential treatment of complaints handling by an independent statutory authority. Mrs Dunne imputes that, because the outcomes of the individual complaints were not outlined in the report, they were not dealt with, and this is just simply not true. The comments by Mrs Dunne that the Human Rights Commission have tried to bury this matter are simply appalling. For a member of this place to show such outright contempt for a statutory body is shameful.

Also, I will read some extracts from a copy of the media release from the commission entitled “Commission’s review of youth justice considered staff concerns”:

The ACT Human Rights Commission’s Review of the Youth Justice System ... considered staff concerns, including allegations of bullying and harassment ... The Commissioner was responding to claims from Vicki Dunne ... that the Commission ‘covered up’ allegations of bullying and coercion of staff, and these matters had been ‘completely omitted’ ... ‘Claims of bullying, harassment, racism, staffing culture and work safety are discussed and reported on in the Review Report in considerable detail.

“Recorded in considerable detail.” Ms Durkin said:

... individual allegations are dealt with by the Commission in a variety of ways, depending on the circumstances.

‘This may include investigation by the Commission on a confidential basis or reporting to appropriate agencies including the Australian Federal Police.’

Finally, the media release from the Human Rights Commission states:

We note in the Report that some incidents had already been investigated by the Government or other oversight agencies. All of the issues raised, however, informed the content and recommendations of the Report. It would be inappropriate for the Commission to comment on individual cases and potentially reveal personal details.

This clearly sets out clearly—and I encourage you to read their media release—that the commission say they reviewed and investigated all issues—all of the issues informed the content and recommendations of the report. So for Mrs Dunne and those opposite to continually undermine the Human Rights Commission is appalling. (*Time expired.*)

Legislative Assembly—leave of absence

MR HARGREAVES (Brindabella) (7.01): I rise to express my dismay at what I think is a bit of poor form from those opposite in recent times. I am minded to quote from *Hansard*. Mr Hanson was critical of Mr Stanhope taking recreation leave while the place was sitting. I also note that they were quite free in having a go at the current Chief Minister when she was taking holidays when the place was not sitting. In relation to the former Chief Minister, Mr Hanson said:

This is exceptional and extraordinary behaviour ... it is rude, arrogant and discourteous that leave is being sought in this place ... It is absolutely unreasonable to suggest that a Liberal member of this Assembly should forgo their vote so that the Chief Minister can go on a holiday.

He said, in relation to a meeting between the whips about the agreement in regard to pairs:

It was decided that pairs would be granted for illness of a member or close family, for other personal leave like attending funerals, and for ministers to attend ministerial councils and other related business and reasonable ... travel. It goes on to say where pairs will not be granted.

He also said, and this is rather significant:

I think that that empty chair for the next two weeks should stand as a reminder of how out of touch this government have become ...

We have to sit here and look at that empty chair opposite for a day and a half in exactly the same way. He also said that the former Chief Minister could have chosen any one of the other 38 weeks of the year to take his leave.

Ordinarily I would not raise the issue but I was led to believe that, as Mrs Dunne was attending a conference in Italy, it was study leave. For me, the convention in this place has been that if a member, any member, is on study leave, then there is an automatic granting of a pair. On the other hand, had I been advised that this was recreation leave and that Mrs Dunne was in fact going to pay for her own costs of this thing, I might have had another discussion altogether with the whip. This is not on. People should actually be honest when they start talking to us about these things.

As far as the leave itself is concerned, I have to state my dismay at a couple of other things that have transpired in recent times. There was a to-do about pairs today. Mr Hanson was running around the place being all offended when in fact it was quite crystal clear that the pair arrangements had been organised between our offices and there was nothing duplicitous at all. In fact, I requested my pair long before Mrs Dunne sought hers. She in fact sought hers at the last minute. We in fact received a request for a pair from Mrs Dunne through Mr Hanson's office only a day or so before this Assembly sat.

That is not what I call an appropriate time frame, unless there is a mitigating circumstance, which there was not, because her fellow committee members knew of the proposed travel, the proposed conference, some weeks ago. I think that is appalling. It would appear as though an opportunity to stay in a castle just south of Rome, to take part in a religious conference whilst on leave, is more important than being in the chamber of the Assembly that elected her in the first place. As I said, if you are on study leave, I have got no problem. But how about being open about it?

The other concern I have is that whips are paid an allowance for doing whip-type work. Mr Hanson does not sit on the admin and procedure committee. That is what they are paid for.

I want Mr Smyth to take this next piece in the spirit in which it is offered. I would expect that tomorrow Mr Hanson will rise in this place to seek leave for Mrs Dunne for tomorrow because I do not want to see an oversight whereby Mrs Dunne would have that one absence racked up. I do not want to see that.

But I have to say, very briefly that Mr Hanson threatened not to give the Chief Minister a pair that time, and now we have to give some consideration to his words in

Hansard. I sincerely hope—and I would ask Mr Smyth as the deputy leader to ensure, for Mrs Dunne’s sake—that leave for her for tomorrow is actually applied for, and it will be automatically given by this place.

Hearing Awareness Week

MR DOSZPOT (Brindabella) (7.06): I find it quite incredible that we have the current disability minister with us tonight as well as a past disability minister and that they have both been very keen to pursue fairly vindictive rhetoric against one of our members who is not here this evening. But they have failed to make any reference to one of their portfolio issues that should be very much aware of. This is hearing awareness week, Mr Hargreaves, but not one mention was made of that by either you or by Ms Burch.

I pay tribute to the ACT Deafness Resource Centre for the work they have done today with an exhibition in honour of Hearing Awareness Week and to contribute to the disabled community. Pete Halsey, the executive officer, spoke at the opening ceremony today, and I would just like to quote a little bit from his speech that was in the program. Pete Halsey, Churchill Fellow in 2009 and Executive Officer of the ACT Deafness Resource Centre, said:

For those of you who don’t know me, I wear a Cochlear Implant and a Hearing Aid. I consider myself very fortunate to have these and would be lost without them. In fact, why not come and talk with me today? You will see I have the most wonderful technology. It is like owning a lovely Jaguar car, but having only a pothole gravel road to drive on—sometimes you get by, but never in top gear. With this in mind, there is a great deal of room for society to reciprocate and make communication more user-friendly for those who don’t hear so well. It is not a big ask. Hopefully, with added support under the National Disability Strategy, a more inclusive future is coming on the horizon.

I would also like to pay tribute to some of the organisations that exhibited at the expo the ACT Deafness Resource Centre organised: Audio Clinic, Australia Hears, Australia Hearing Canberra, Better Hearing Australia, Brindabella Hearing Centre, Canberra Audiology, Canberra Blind Society, Canberra Deaf Children Association, Canberra Deaf Club, Canberra Tinnitus Self-Help Group, Cochlear, Council on the Ageing, Canberra Deaf Teens, Disability ACT, Epilepsy ACT, Home Help Service, Department of Human Services, National Hearing Care, Office of Hearing Services, Oricom International, *SeniorsLifestyle* magazine, SCIC Canberra, SHOUT, Telstra Country Wide South East, the Shepherd Centre, Therapy ACT and Word of Mouth Technology, as well as the ACT Deafness Resource Centre and the ACT Department of Education and Training.

I visited many of the stalls, and in the time remaining I would like to talk about the Canberra Deaf Children Association. The Canberra Deaf Children Association—CDCA—is a non-profit community organisation that endeavours to provide support and information to parents and families on issues affecting deaf and hearing-impaired children. This includes all sorts of hearing loss, such as sensorineural conductive and unilateral. They also provide information to other interested people in the community, teachers and students.

CDCA acts as a lobby group for relevant government departments and other organisations on behalf of deaf and hearing-impaired children, their parents and their families. Membership is open to parents, relatives and friends of deaf and hearing-impaired children and is \$20 yearly. Members are sent regular email updates. They also hold social and educational events. The CDCA can also link newly diagnosed families to other families in similar situations. For further information and membership applications, people can contact telephone number 02 6284 8143 or visit the website, www.canberradeafkids.org.au.

Paperworks

DR BOURKE (Ginninderra) (7.11): On Friday, 12 August I was invited to open an art exhibition at the Belconnen Arts Centre which was organised by a group called Paperworks. Paperworks aims to engage in activities that will increase the participation of socially marginalised people in our community. These people may be marginalised due to a disability or social disadvantage.

Paperworks facilitates several activities, including an artisan studio which is run as part of a social enterprise to create handmade and other paper-craft products for sale. It also offers paper-making workshops to schools, community organisations and the wider community. Participants in Paperworks are encouraged to become more independent, to develop their skills, to foster new friendships and to interact with the wider community and art organisations.

I want to congratulate Paperworks on this year achieving one of its important goals—to employ artisans from socially marginalised groups in Canberra. At the moment, Paperworks-employed artisans have part-time rotational employment. Paperworks is looking at other ways of increasing employment and training opportunities for socially marginalised people in the Canberra community.

Paperworks is a good, local example of a social business. Social business, as the term is commonly used, was first defined by Nobel Peace Prize laureate Professor Muhammad Yunus. In Yunus's definition, a social business is a non-loss, non-dividend company designed to address a social objective within the highly regulated marketplace of today. It is distinct from a not-for-profit organisation because the business should seek to generate a modest profit, but this profit is used to expand the company's reach or improve the product or service as a way of subsidising the social mission. You could describe a social business as any business which has a social rather than a purely financial objective.

The ACT government is very happy to see the progress being made by Paperworks, which has been made possible by funding provided through Disability ACT.

Paperworks also runs two socially inclusive paper-making sessions on Fridays at Belconnen Arts Centre. The purpose is to use craft and art as a tool to improve social engagement.

The exhibition that I opened was called Transience. It was a collaboration of the Paperworks-employed artisans and the participants in the Friday morning and

afternoon paper-making sessions. The theme of the exhibition was to reflect upon our human life—its hidden potentials and its transience. The ideas and imagination of everyone involved could be seen in the beautiful plant fibre artworks.

The exhibition would not have been possible without Paperworks' paper maker and artistic director, Susan Pieterse. I have been told that Susan is always full of ideas and has never-ending patience when explaining the complexities of paper making and guiding participants in the right direction.

I should also mention Adelle Grivas, who brought her own experience and inspiration to the Friday sessions, along with many volunteers who cut denim into small squares and dried flowers for the artworks.

Paperworks also appreciates the support it receives from Hannah Semler and all the staff at Belconnen Arts Centre.

I close by congratulating the Paperworks community on being very proactive in creating opportunities for artisans and especially for looking at ways to employ more people and thus grow Paperworks.

ACT Motor Trades Association

MR COE (Ginninderra) (7.15): I rise tonight to put on the record my thanks and congratulations to the ACT Motor Trades Association, an organisation which hosted an event last night in honour of the new president of the association, Kris Macauley, who has recently taken over. The evening last night, the president's evening, was a great opportunity for members of this place to meet with the board and some of the other members of the association and to understand a little more about what they do, their concerns and how the Assembly and the association can work better together.

The association have been a fixture in the ACT industry association community for some time and help their members in many ways, including simple business advice, in addition to lobbying work through being their voice to government, influencing legislation and standards, promotion and special member offers, which they regularly offer to their members. In addition to that, they also have a great facility whereby they offer support to people who are vehicle owners. By doing this, they are trying to boost the confidence and credibility of the industry but also are trying to direct potential customers, that could be looking to buy vehicles or have their vehicles serviced, to members of the association.

Of course, the motoring industry in Canberra is doing it tough at the moment. I think all businesses in Canberra go through ebbs and flows, but I think motorists in particular are having a tough time—therefore, those that serve motorists also have a tough time—whether it be through issues with the cost of our registration, with insurance, with the quality of our roads, with parking and with many other side issues. I think motorists and, indeed, the Motor Trades Association are aware of many of these problems and are working towards having them rectified.

I would like to put on the record the opposition's support not only for the association but also for those that support the association, including the sponsors, in particular,

the MTAA superannuation fund, the Capricorn Society, Jesner and Kelly Printers, AusWild, Commonwealth Motors, NRMA Insurance, PPG Industries Australia, Slaven Mazda, TransACT and Bates Advanced Driving. In addition to that, I would like to acknowledge the suppliers, including Jesner and Kelly, SolvIT, Luxgraphics, Sponsors Select, TransACT, AusWild, Canberra Secretarial Service and Web 123.

Finally, I would like to put on the record our thanks and congratulations to the incoming board of the association: the president, Chris Macauley from Robbo's Motorcycles; the immediate past president, Peter Taylor, who I know did a great job as president; Jon Waterhouse from Reliance Automotive; John Whyte from Mitchell Service Centre; Rob Cunningham from Premier Automotive; Graham Gulson from Gulson's of Canberra; and of course, Mick Gentleman, the executive director of the Motor Trades Association, who is well known to this place. Again, I put on the record my thanks to the Motor Trades Association for the great work they do serving the industry and serving all Canberrans.

Muslim community

MR SMYTH (Brindabella) (7.18): I want to bring to the attention of members some of the activities of the Muslim community over the last couple of weeks, given that we are in the feast of Ramadan. At the end of each day in Ramadan, the Muslim community holds an Iftar dinner, which is to finish the day of fasting. I have been to a number of events at a number of locations. On Tuesday, 9 August the third annual social harmony Iftar dinner was held at the Australian Centre for Christianity and Culture, and it was a lovely dinner. There were a couple of speakers—one from Sydney and an international speaker—who gave their insights on the modern Muslim faith and what it means to them and how they celebrate Ramadan.

The Muslim community has also organised a number of Iftar dinners at private homes around the ACT. I know a number of members have been invited to those, and I hope they have attended. It was nice just to be invited into somebody's home at the end of the day to have a lovely dinner and to speak about what they believed in and enjoy their company.

Of course, last Tuesday, 16 August the peace and dialogue dinner was organised by the Bluestar Intercultural Centre. The peace and dialogue Iftar dinner and Australian Bluestar awards, which I know you, Mr Speaker, attended and Ms Burch attended as well, was a great evening. More than 160 people gathered at the National Press Club to break bread together at the end of a day of fast but also to acknowledge great Australians who have aided the understanding of the Muslim faith in Australia. The event was co-hosted by Bluestar Intercultural Centre as well as the two ACT senators, Kate Lundy and Gary Humphries. It was well attended and was rather a great evening.

The Bluestar Intercultural Centre, for those who do not know, is an organisation founded in 2009 by a group of young Australian Muslims specifically to promote cultural and religious awareness and understanding across the entire Australian community. Its Executive Director, Mr Abdul Celil Gelim, who lives here in the ACT, said that the purpose of the evening was that we have awards that recognise individuals for their significant contribution in bringing together Australians and

improving understanding between Australians of diverse religious and cultural backgrounds.

Eight awards were given that night, and I am pleased to say that, of the eight awards, five of them were won by residents of the ACT. In the category of interfaith dialogue, Professor James Haire, the Executive Director of the Australian Centre for Christianity and Culture, was the recipient of that award. In the area of public service, Senator Kate Lundy won that award. For the ACT Community Award, Mr Sam Wong, the Chair of the Canberra Multicultural Community Forum and well known to all of us, was the recipient in that class. For services to the Muslim community, Imam Ahmed Yousef, the cofounder of the Canberra Islamic Centre and quite a long-term resident, was the recipient of that award. And there was a youth category where Mr Kamran Siddique, the founder and President of ANU Muslims Association, was the recipient in that class.

There were three other awards: in the academic category, Professor Greg Barton, the Herb Feith research professor for the study of Indonesia at Monash University, was the recipient; for the media award, Mr Barney Zwartz, the *Age* religious editor, was the recipient; and in the category of education, Mr Mehmet Ozalp, author and lecturer of Islamic studies at the Charles Sturt University, was the recipient of that award.

It was a great night. I think all of those who attended enjoyed not just the company but the food. The speeches were of a particularly high standard, and Bluestar is to be congratulated for putting on the awards. It is important, I think, in this day and age with some of the misrepresentation of the Muslim faith and particularly the Koran to quote some words from Professor Greg Barton who said:

... in the past decade, terrorism that has rocked the World and in particular Europe, knows no boundaries. I can say from my expertise that terror has no nationality or religion. Even the Qur'an says clearly that killing an innocent person is as if you have killed the whole of humanity.

For those that have not been able to get to an Iftar meal, there are a couple more to go, and if you are free at 5.30 on Friday this week, there is a diversity and dialogue dinner at the Catholic Church's Rheinberger Centre at 5.30 in Yarralumla, and all are welcome.

Question resolved in the affirmative.

The Assembly adjourned at 7.24 pm.

Schedules of amendments

Schedule 1

Food (Nutritional Information) Amendment Bill 2011

Amendments moved by Ms Bresnan

1

Clause 2

Page 2, line 5—

omit clause 2, substitute

2

Commencement

This Act commences on 1 January 2013.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 5

Proposed new section 107, definition of *ready-to-eat food*

Page 4, line 17—

omit

that are intended to be hulled, peeled or washed by the consumer

3

Clause 5

Proposed new section 110 (7)

Page 7, line 22—

omit

subsection (5).

substitute

subsection (5), but only if the person has been given procedural fairness in relation to that finding of guilt.

4

Clause 5

Proposed new section 111A

Page 8, line 14—

insert

111A

Commencement of regulation made for s 110 or s 111

Subject to any disallowance or amendment under the Legislation Act, chapter 7, a regulation made for section 110 or section 111 commences—

- (a) if there is a motion to disallow the regulation and the motion is negated by the Legislative Assembly—on the day after the day the disallowance motion is negated; or
- (b) on the day after the 6th sitting day after the day the regulation is presented to the Legislative Assembly under that chapter; or
- (c) if the regulation provides for a later date or time of commencement—on that date or at that time.

6

Clause 7

Proposed new section 14 (1) (b)

Page 10, line 14—

omit

recommended

Schedule 2

Food (Nutritional Information) Amendment Bill 2011

Amendment moved by the Minister for Health

1

Clause 5

Proposed new section 114

Page 9, line 4—

omit proposed new section 114, substitute

114 Review of pt 9

- (1) The Minister must review the operation of this part as soon as practicable after the end of its 3rd year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 1 year after the review is started.
- (3) The Minister must also present with the report any study or review prepared by the Commonwealth or a State that deals with the requirement to display at food outlets nutritional information about the following contents of food sold at the outlet:
 - (a) salt content;
 - (b) fat content;
 - (c) carbohydrate content.
- (4) This section expires 5 years after the day it commences.