



# Debates

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**Thursday, 27 October 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.

**Matters of public importance**  
**Statement by Speaker**

**MR SPEAKER:** Members, I wish to make a statement concerning the matters of public importance lodged this morning. Six matters were lodged this morning proposing that the Assembly discuss the cost of living pressures in the ACT. This was in the same terms as a matter that was discussed by the Assembly on 23 August this year. Members may also recall the Assembly debated a private member's motion moved by the Leader of the Opposition on 22 June this year which was about the cost of living in the ACT.

*House of Representatives Practice*, which we are linked to through standing order 275, states at page 580 of the fifth edition:

Speakers have attempted to avoid matters with identical wording. The Speaker has privately disallowed a matter that was substantially the same as one discussed in the same session.

Accordingly, I ruled the six matters were the same in substance as the two previous matters discussed this calendar year and, in accordance with standing order 136, those proposals were not included in the ballot for the MPI today.

**Justice and Community Safety—Standing Committee**  
**Report 8**

**MRS DUNNE** (Ginninderra) (10.02): Pursuant to order of the Assembly of 7 April 2011, as amended 22 September 2011, I present the following report:

Justice and Community Safety—Standing Committee—Report 8—*ACT Electoral Commission Report on the ACT Legislative Assembly Election 2008 and Electoral Act amendment Bills 2011*, including dissenting comments (Mrs Dunne), dated October 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Today I have presented the report of the Standing Committee on Justice and Community Safety into the Electoral Commission report on the ACT Legislative Assembly Electoral Act 2008 and two bills to amend the Electoral Act dated 2011. As we are all aware in this place, these are important matters—how we come to elect our representatives to the Assembly, how elections are managed in all their aspects, and

what happens when a member of the Legislative Assembly vacates their seat before the end of the term. The bills before the committee for this inquiry—the Electoral Legislation Amendment Bill and the Electoral Act (Casual Vacancies) Amendment Bill—address these things. Both are responses to the Electoral Commission’s report on the ACT Legislative Assembly 2008 election, which documents the election and made 16 recommendations.

The report provided an important snapshot of where and how we were going on electoral matters in the ACT. We now have more voters going to the polls than ever before. There are interesting and significant developments that require a response, such as increasing trends for voters to cast their votes before polling day. Of course, there are innovations which the commission has introduced to do with electronic voting and electronic counting of votes. This is an important report, and I commend the Electoral Commissioner for it and I commend the report to the Assembly.

Our job as a committee has been to consider the two bills and reflect on whether they represent improvements to the Hare-Clark electoral system now in place in the ACT. As members know, the ACT has a distinctive electoral system. It has gone to some trouble to furnish a system that is fair to participants in elections. Its overall slant has been to work against inherent advantages of certain kinds of candidates over others.

In doing so, we have had a long history in the ACT of trying to improve the Hare-Clark system, and perhaps the most important of those improvements I would contend were the enhancements to the Robson rotation after the 1995 election that increased the number of rotations from five and seven respectively to a very large number—47, and I cannot remember what the other number is, but it was a big number—so that Molonglo has a very large number of rotations to ensure the minimisation of the donkey vote and that there are no disadvantages on the ballot paper because of where you are drawn. By doing this, we have served electors well by more truly reflecting their will at the ballot box.

A number of the features support this: from the principle of proportional representation embedded in the Hare-Clark system itself, to the Robson rotation of candidates’ names, to the rule preventing canvassers for candidates and political parties from coming within 100 metres of polling booths during voting.

Of course, the central elements of the system were entrenched as a result of the referendum in 1995, and the entrenchment is something that I worked for. I need to place on the record—I placed this on the record formally and it is reflected in the report—that I have a long association with the implementation of Hare-Clark in the ACT. I was an active member of the Hare-Clark campaign committee in the run-up to the 1992 referendum which entrenched Hare-Clark.

**Mr Seselja:** We have got you to thank.

**MRS DUNNE:** Yes, you do, amongst others. I am very proud of the achievements of the Hare-Clark campaign committee, because when we started the process, 27 per cent of people in the ACT thought that Hare-Clark was a good idea and the vast majority—more than 70 per cent—of people thought that single member electorates

were probably a good idea. A group of volunteers from across all parties and a number of interested groups in the ACT—every political party in the ACT except the ALP—on a very small budget—I think \$10,000—managed to turn the tide of opinion so that when the votes were cast, 72 per cent of the formal votes at the referendum were in favour of Hare-Clark. I think that is a significant achievement.

After 1995 we moved to entrench the key elements of Hare-Clark, because we did not want any organisation or grouping by itself to tamper with what we in the ACT considered to be a very effective electoral system which protects voters. The move towards entrenchment in 1995 came because, after the successful passage of the referendum in 2009 when the government of the day, headed by Rosemary Follett, introduced the first attempt to legislate to bring that into effect, the government of the day basically attempted to circumvent the measures of the Hare-Clark system by introducing an above the line voting system, which was not part of the referendum.

There were members of the community—I pay tribute to the members of the Proportional Representation Society and to former member Michael Moore, who introduced the private member's bill to bring about the entrenchment—who thought something had to be done to ensure that the Labor Party or any other party could not fiddle with the electoral system. That is why we have the key elements of Hare-Clark entrenched today.

The committee took its responsibilities in considering these bills very seriously, and the bills seek to do a number of things. The Electoral Legislation Amendment Bill contains clauses that would lower the age of provisional enrolment for electors from 17 to 16 years, limit the number of candidates that may be nominated for an election in an electorate to no more than the number of vacancies, provide for the way candidates' deposits are returned, allow the Electoral Commission to provide an extract of electors to candidates in an electronic form, ensure that the certified list of electors used in polling places contain gender and date of birth so it would be harder to vote fraudulently, remove the requirements for a witness for the voter who is casting a postal vote, provide flexibility to the Electoral Commission about declaration votes, and make consequential amendments to the Aboriginal and Torres Strait Islander Elected Body.

The members of the committee unanimously agreed that the Electoral Legislation Amendment Bill should be adopted with the exception of the provisions that would limit the number of candidates that may be nominated for an election in an electorate to no more than the number of vacancies. The committee took the view that it was not for the Assembly to impinge on people's right to stand for election.

More contentious was the Electoral (Casual Vacancies) Amendment Bill, which proposes amendments to alter the countback process where members of the Legislative Assembly vacate their seats before the end of the Assembly. In brief, the amendments would allow the Assembly to appoint a person of the same political party where there was no unsuccessful candidate for that party available from the previous election or to appoint an independent in the place of a vacating independent member. This would extend the present processes set up in section 195 of the Electoral Act for the Assembly to appoint a new member if the countback process was unable to

replace a vacating member. The majority of members on the committee supported this proposal. I did not, and I will leave it for the members who supported this proposal to say why they supported it. I would rather put to you the views about why this should not be supported.

Given my history in relation to Hare-Clark, my association with the Proportional Representation Society and my understanding of why we have the electoral system we do—I contend there is probably no-one else in this Assembly who has as much knowledge or background in this area—I believe the proposals put forward by the government are designed to circumvent the intent of the Hare-Clark electoral system.

One of the important and constant themes during the Hare-Clark referendum in 1992 was that Hare-Clark was about giving power to people, individual electors, over the party machine. “People power for Canberra” was one of the banners we used on a regular basis. The electoral material that went out in 1992 and again with the referendum in 1995 to entrench was that there was a discussion about the countback system and how the countback system took power away from the party machines to determine who would sit in this place and gave it fairly and squarely to the people of the ACT.

The proposal in the current casual vacancy bill to give more power to parties to decide who might fill the casual vacancies in certain circumstances flies in the face of the initial and original intent of the architects of the Hare-Clark system and the architects of Hare-Clark in the ACT and flies in the face of the enhancements that we have made to Hare-Clark in the ACT since 1995.

I believe this is another step in the process of the Labor Party trying to circumvent Hare-Clark. They opposed its introduction in 1992. They opposed its entrenchment in 1995. They have done a whole lot of things to try and circumvent it. It was interesting that after the debacle of the 1998 election, the Labor Party had a recommendation in their electoral review to say: “Give up the fight against Hare-Clark. Accept Hare-Clark as being the electoral system of the ACT.” But they can never do it.

Changes were made when there was a majority government that make it impossible for non-party groupings to be listed on the ballot paper. Now we have this system of ensuring that the Labor Party has as much say as possible in ensuring that its mates come into this place if there is a vacancy.

*Members interjecting—*

**MR SPEAKER:** Order, members! Thank you.

**MRS DUNNE:** If there is a vacancy in this place, the Labor Party want a say as to whether their mates get in or not. It is quite clear, and we have seen it a number of times, that Mr Corbell is here today because the Labor Party tapped one of his colleagues on the shoulder and said, “You will not run for countback.” There was somebody who got a much higher vote than Mr Corbell when there was a countback when Rosemary Follett vacated her seat, but the Labor Party said, “You’re not in a position—

**Mr Hargreaves:** Point of order, Mr Speaker.

**MR SPEAKER:** Stop the clocks. Mr Hargreaves.

**Mr Hargreaves:** Mr Speaker, whilst Mrs Dunne's diatribe is quite entertaining, it does not refer specifically to the report. I ask you to ask her to stick to the report. We have an adjournment debate available for Mrs Dunne to do this if she wishes.

**Mr Seselja:** On the point of order, Mr Speaker, what Mrs Dunne is saying is highly relevant. The report is about whether or not to change the legislation. It is about casual vacancies, and she is talking about the history of casual vacancies. It could not be more relevant to the topic at hand.

**Mr Hargreaves:** On that point of order, Mr Speaker, Mrs Dunne is referring to activities within the Labor Party. She could not possibly know about any of that, and that is not relevant to the argument.

**MR SPEAKER:** There is no point of order. This is within the topic of discussion. Mrs Dunne, perhaps you can make it less personal as you seek to elaborate the point you are making.

**MRS DUNNE:** Mr Speaker, I was reflecting on the history of countbacks, and the history I was reflecting on was reported widely in the *Canberra Times* at the time. It was widely reported that the ALP discouraged members from applying for the countback.

**Mr Corbell:** That is a lie.

**MRS DUNNE:** As a result of that, Mr Corbell was elected at that—

**Mr Corbell:** That is a lie.

**Mr Seselja:** On a point of order, Mr Speaker, Mr Corbell has twice said "That is a lie", and he should withdraw.

**MR SPEAKER:** Mr Corbell, I invite you to withdraw.

**Mr Corbell:** I withdraw.

**MR SPEAKER:** Mrs Dunne.

**MRS DUNNE:** Thank you, Mr Speaker. It goes to show how sensitive the ALP is about this. What we are seeing here today and why I have dissented from the majority view in relation to passage of the casual vacancy bill is simply this: this is an attempt that came out of nowhere, and it is an attempt by the Labor Party to have control about who succeeds if there is a casual vacancy. It is counter to the spirit of Hare-Clark and it is counter to what was envisaged by the architects of Hare-Clark in the ACT.



I will be advocating to my colleagues that they not support this bill if it is brought forward in this place. I note that the attorney has made comments about this. This is an entrenched provision of the electoral system. It requires a two-thirds majority of this place to support it; it requires every party grouping in this place to support it. I will be encouraging my colleagues not to support this bill, because we do not believe there has been any community clamouring for this or any community consultation on this. This came out of nowhere, and this is the ALP's attempt to grasp control of the electoral system to their advantage. This is something the people of the ACT should not support.

I note, for instance, that the attorney is prepared to deal with this matter, which is an entrenched provision, but he does not have sufficient courage to put it to a referendum. He came to the committee and made the point that he wanted it voted on here, but if he could not be guaranteed a two-thirds majority, he did not want to automatically trigger a referendum on the matter at the next election. If he cannot be guaranteed a two-thirds majority, he will not bring this matter forward. It shows how nefarious the Labor Party has been with this and it shows that the attorney does not have the courage of his convictions.

I thank members of the committee for their participation in this. Although there was disagreement, it was disagreement that was dealt with in good spirit. I thank the committee's secretary, Dr Brian Lloyd, for his contribution as well.

**MR HARGREAVES** (Brindabella) (10.19): I join the chair, Mrs Dunne, and Ms Hunter in congratulating Dr Lloyd on his contribution to compiling this report, having regard to the differing views that were expressed within the context of our meetings. I will observe a couple of things, however. One is that I recall the conversations in the committee regarding the different views on casual vacancies. I do not recall quite the same amount of venom in the committee meeting discussions as I have heard here. I have to put on the record my surprise. No, actually, I take that back. I am not surprised. I put on the record my disappointment about that. In fact, the conversations were civil. They were academic, made all the more so for the absence of the Leader of the Opposition, I might have to say.

The arguments advanced by Mrs Dunne were considered. We did not disparage those arguments. We just had a differing view and that has manifested itself in this report. We heard some of the emotion in her speech now. In fact, one item actually found its way into one of the drafts, but to her credit she removed it. That was the statement that this has come out of nowhere. She has just used that very phrase now. She said that it is a horrible plot by the Labor Party to do X, Y and Z.

Mr Speaker, it needs to be said on the record, and not through interjection either, that this did not come out of nowhere. It did not come out of the Labor Party. It did not come out of the Greens. It came out of the independent Electoral Commission. It came out—

*Mrs Dunne interjecting—*

**MR SPEAKER:** Mrs Dunne, thank you!

*Mr Hanson interjecting—*

**MR SPEAKER:** Order! Mrs Dunne was heard. Let us hear Mr Hargreaves.

**MR HARGREAVES:** I made no comment. Mr Speaker, I made no comment and I would ask those people over there to pay me the same courtesy, please. It did not come out of nowhere. It came out of the recommendations from the Electoral Commission. The government actually did exactly the right thing. It made a submission to the standing committee for deliberation and report back to this chamber. That is exactly what has happened.

All the way through Mrs Dunne's speech she accused Labor of being anti this, anti that, anti something else. It really is tiresome. I suspect, in fact, that there is a little bit of "They doth protest too much" in here. I think perhaps we are seeing a little bit of "Don't throw me in the briar patch, Brer Fox!" "Let's blame the Labor Party for it and we will oppose it."

Mrs Dunne is the proportional representational zealot in this chamber. I have to pay her some respect for that, because she has actually run up that flag and she wears it proudly. That is fine. I am not so sure about her colleagues, however. It is fine for them to say, "We are going to oppose it, but go Labor, go Greens!" At the end of the day, those opposite will be in exactly the same position as the party, as the Labor Party and the Greens. They will be in exactly the same position. There will be no advantage to anybody from that.

It also concerns me that so long after the conclusion of the Hare-Clark debate, Mrs Dunne continues to rail against the Labor Party's position in that debate. In a democratic society, anybody is entitled to put a contrary view. When they put that contrary view and do not have it carried, they get on with it. That is what occurred. The Labor Party believed in a single-member electorate system and did not win the argument.

**Mrs Dunne:** You don't remember the Rosemary Follett cartoon—looking for her credibility.

**MR HARGREAVES:** Mr Speaker, I heard Mrs Dunne again. She has got to be the rudest person in this chamber. I would ask her to just settle for a little while; just settle for a little while. Let us end it on a reasonable note.

The Labor Party supported single-member electorates and did not win the argument. So we go on. We have got on with it. We are all here in this place because of that system. I suggest to you that many of us in fact are in here—I know Mr Speaker is and I think possibly Mrs Dunne as well—as beneficiaries of the Robson rotation process before it was enhanced. Did we oppose the enhancement? Of course not.

She also says that in 1998, we did all sorts of terrible things. I can actually recall us trying to increase the size of the Assembly, putting forward reasonable justification for that, to find it opposed on party grounds because the number did not suit those

opposite. It did not suit them; so they opposed it outright. We are still paying the penalty for having too small an Assembly. We still pay the penalty for having too small an Assembly.

But it was okay at the time for those people opposite to support the increase for four years. That was okay. So this business of being on this moral high ground I am afraid does not cut it with me.

*Opposition members interjecting—*

**MR SPEAKER:** Thank you, members!

*Mr Doszpot interjecting—*

**MR SPEAKER:** Mr Doszpot, you are giving a speech.

**MR HARGREAVES:** Mr Speaker, I have used up a fair amount of time on all this stuff but it really is irritating. There is an issue for us, and for me, when I looked at this casual vacancy proposal. The question I asked myself was: what is so different in terms of the democratic process between the proposed change to the casual vacancy provisions and the way we select the Senate? I am reminded of Mrs Dunne's opposition to the same process which saw Senator Humphries put into the Senate.

She worked for Mr Humphries. She worked closely with Mr Humphries. I know that she holds him in high regard and I know he reciprocates that. But I am somewhat bemused that, in fact, the then Mr Humphries was nominated by a party to succeed Senator Reid. That was okay, Mr Speaker, but it will not be okay if it happens in this Assembly. I see an inconsistency here.

Mr Speaker, we had a countback recently which saw Dr Bourke join us here. One of the people in that countback chose not to be included in the countback. There has been occasion in this place, and it happened to be the Labor Party but in the future it could be anybody, where there was a majority. In the interests of a 17-member Assembly, that means that a party will have three members in a five-member electorate. That means that there are only two people left. Certainly, I believe that people out there in the community vote for people as individuals. But they also vote for a party brand.

In the Senate they have above-the-line voting. We do not have above-the-line voting in the ACT. So the way in which people vote for the brand is to make sure that when a countback occurs, it stays in the box. If there is any doubt about that, ask me about Mrs Burke, Ms Littlewood and Dr Bourke. Ask me about Mr Corbell. Ask me about Mr Barr. All of those, in countback, stayed in their party box. That makes crystal clear to me, Mr Speaker, that people are voting for the brand as much as they are for an individual. It is therefore quite appropriate for a party, if they run out of people in the countback, to nominate someone to come forward in exactly the same way we do for the Senate vacancies. I do not see an inconsistency there in our approach, but I do see one for those opposite.

I thank Ms Hunter for her contribution to this report. I thought that our conversations in the committee were quite cordial. They were not disparaging. We put some honest things on the table. I do not think anybody took any offence, even though we were able to say, "We think you guys are taking advantage of this, that and the other." But the way in which those conversations occurred, there was no invective, there was no harsh language. It was quite cordial. I express my disappointment that we needed to descend into that this morning.

I have also expressed my disappointment that this is a report coming into the chamber. It was presented by the chair. I would have preferred it if Mrs Dunne had stuck to the script as the chair of the committee and perhaps then made a separate speech. We on this side would have given Mrs Dunne leave to speak again if she wanted to put her own view.

**Mr Seselja:** He would like to see you muzzled, Vick. That is what he would like.

**MR HARGREAVES:** Mr Speaker, the Leader of the Opposition says, "He would like to see you muzzled, Vick." That was very quickly following what I said, which was that we would have given her leave to speak again. There is either a deafness or an inconsistency across the chamber. I do not understand that.

Mr Speaker, this report was almost inevitable. The way in which this has been represented to the Assembly is almost inevitable. It is where those opposite will say one thing as a collective, hope for something entirely different and then turn around and blame somebody else for the process that they themselves will benefit by and that they themselves have benefited by. I think the community will judge.

I turn to the matter of the enhancement provisions. The Attorney-General indicated to this place very early in the piece that if he could not get, by providing the bill to this chamber, the 66 per cent majority required under the entrenchment provisions, he would not waste people's time bringing it forward. That is a reasonable position to take.

He also explained, and this position was agreed with by the electoral commissioner, that a referendum is a costly exercise. Why would you do it? This is not something on which the livelihoods of our people out there in the community depend. This is largely an academic exercise around the voting system. It is not of such import out there. It is not a conversation at the dinner table of such import that we need to go to a considerable expense when we could use the money better elsewhere. It is as simple as that. There is no big agenda behind this. I wish those guys over there would get over their paranoia and understand the realities of the day. We can count. Why would you do it?

We also note that two-thirds of the voting potential in the committee said, "Let us go ahead with it." But those opposite will use anything they can to get their own way. They do not respect the will of this Assembly. They decided: "No, you need 66 per cent. You are not getting it. Too bad! It is not going to happen."

*Opposition members interjecting—*

**MR HARGREAVES:** What this is in my view, and I am entitled to my view without abuse, tirade and bullying from those opposite, is an abuse of the privilege of this place.

*Mr Seselja interjecting—*

**MR SPEAKER:** Mr Seselja, really!

**MR HARGREAVES:** Mr Speaker, I have taken it and taken it and taken it this morning. I think it is quite inappropriate. Their behaviour this morning is quite inappropriate. This is a report being submitted by one of the standing committees. As a member of that committee, I do not deserve the treatment those people have meted out. I take it as an insult not only to myself but also as a member of the committee on which I serve. I would have thought that the deputy chair of the committee would have received the same respect as the chair did. I gave Mrs Dunne respect, and I did not get it reciprocated. For that I consider them and her to be lesser beings.

Question resolved in the affirmative.

## **Transplantation and Anatomy Amendment Bill 2011**

**Ms Gallagher**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (10.34): I move:

That this bill be agreed to in principle.

I present to the Assembly today the Transplantation and Anatomy Amendment Bill 2011 which provides for (a) amendments to part 1, section 5(1) and (2) of the Transplantation and Anatomy Act 1978, which governs the appointment of a doctor to be a designated officer for a hospital conducted by the territory and for a hospital other than a hospital conducted by the territory, and (b) amendments to part 3, section 31(2) of the Transplantation and Anatomy Act, which governs the removal of tissue for the purpose of corneal transplantation.

By way of background, I mention that the reforms in this bill have been the result of extensive consultation. The ACT organ and tissue donation task force was established to facilitate community involvement in the planning, review and improvement of organ and tissue donation services in the ACT. It undertook extensive consultations with key stakeholder organisations in the ACT regarding the improvement of organ and tissue donation services in the ACT. Feedback from the consultations was supportive of the proposed approach.

The task force also established the ACT implementation plan working group to assist in the design and implementation of the COAG endorsed national reform package in

the ACT. The working group received many representations from intensive care-emergency medicine clinicians, organ and tissue donor coordinators, community-consumers and pastoral care-social work areas. It also held consultations with many key stakeholders in the ACT organ and tissue donation sector in developing the implementation plan for the ACT, who were also supportive of these proposed reforms.

I will now turn to the specific amendments in the bill. Firstly, I will turn to the amendments to part 1 of the Transplantation and Anatomy Act. The object of the amendments to part 1 is to improve the efficiency, effectiveness, timely delivery and quality of services in the organ and tissue donation sector in the ACT. The amendments seek to increase the number of designated officers who authorise the removal of organs and tissue from the body of a deceased person located in an ACT hospital for the purpose of transplantation to the body of a living person or for other therapeutic, medical or scientific purposes.

Part 1 of the Transplantation and Anatomy Act specifically covers the appointment of a doctor to be a designated officer in an ACT hospital. The amendments to part 1 of the act are required to allow the appointment of other health professionals as designated officers. This would increase the number, availability and accessibility of designated officers for the purpose of organ and tissue donation in the ACT.

The amendments are in line with the COAG endorsed national reform package for organ and tissue donation. In the light of considerable cross-border activity, the proposed amendments will also be consistent with the relevant corresponding legislation in New South Wales, namely, the Human Tissue Act 1983 (NSW).

I now turn to the amendments to part 3 of the act. The object of the amendments to part 3 of the act is to allow authorised, trained tissue retrievalists to retrieve all tissue—musculoskeletal, cardiovascular, eye and skin tissue—and not just eye tissue for the purpose of corneal transplantation. Section 31(2) of part 3 of the act covers the removal of eye tissue for the purpose of corneal transplantation. The amendments to part 3 of the act are required to allow authorised and trained tissue removalists to retrieve all tissue, not just eye tissue, in a timely manner.

These amendments will help bring the ACT requirements for tissue retrieval in line with the equivalent New South Wales Human Tissue Act 1983 and will also help to increase the retrieval rates of tissue for donation in the ACT. Essentially, the amendments will expand the role of existing tissue retrievalists and will not require the recruitment of additional retrievalists at this stage.

The amendments to part 3 of the act are in line with the COAG endorsed national reform package for organ and tissue donation. The result of these reforms will be increased organ and tissue donation and retrieval rates in the ACT—a much-needed continued reform of the organ and tissue donation sector in the ACT and for all ACT citizens who rely on the timely delivery of these services in the region. I commend the bill to the Assembly.

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

## Education Amendment Bill 2011

**Mr Barr**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (10.39): I move:

That this bill be agreed to in principle.

I am introducing the Education Amendment Bill 2011 in response to two major initiatives that have occurred in our public school preschool units over the last three years. The first is the amalgamation of public preschool units into our public primary schools. The second is the introduction of the Education and Care Services National Law (ACT) Act 2011 which implements the national quality framework across the majority of education and care services in the territory. For the first time, ACT public preschool units will be included under this legislation.

The ACT has led the way across Australia in terms of support for preschool education. From the 1940s the government, in partnership with the community, began to develop preschool sites and the first preschools in the territory were opened. They showcased the start of investment in education for children under five in the ACT. From that time we have seen significant changes across preschools in the territory. There are now 76 preschool sites across public schools in the ACT, delivering education to over 4,100 children in the territory, as reported in the February 2011 census.

Existing non-government preschools, such as the Catholic Education Office and independent preschools, are currently licensed through the Community Services Directorate. They will transition to the Education and Care Services National Law (ACT) Act 2011 and will not be impacted by the Education Amendment Bill 2011.

The amalgamation of public preschools and public schools was the next part of a journey that has seen many positive developments for the preschool unit children, families, staff and schools. Preschool children are now able to develop closer ties to their amalgamated primary school. Increased opportunities to visit and feel comfortable in the school environment enable richer transition opportunities for preschool children, leading to greater success in kindergarten. Many children develop buddy relationships with older children in the school. They are also able to take advantage of the rich resources available in our primary schools, such as libraries, gyms and sporting equipment, specialist rooms, such as the art or music room, and IT resources.

Families are able to develop closer ties to the schools and utilise the rich resources and equipment that are available. Staff receive greater support from school leadership teams and other colleagues and can participate in whole school planning and

professional learning. Additional career pathways have also opened for both teachers and assistants working in the preschool units.

For schools we have seen a greater understanding of the importance of the preschool year and an increase in quality early childhood teaching practices throughout the early years in our schools. The preschool year is, for the majority of our families, their first interaction with the public schooling system. For children to make this transition smoothly and to be able to benefit from all that our wonderful public schools have to offer, they need to feel comfortable and supported in their preschool environments. The amalgamation has dramatically increased opportunities for this to occur.

The ACT government is unified in its commitment to the national quality agenda with the framework being applied universally across the long day care, family day care, outside school hours care and independent preschool sectors. Importantly, for the first time, ACT public preschool units will be licensed and regulated under this scheme. I am very pleased to say that the ACT is leading the way across Australia for the inclusion of public preschools under this system.

The amendment to section 20, subsections (1) and (2) will change the definition of schools so that preschools are included under the definition of a school for government schools. With the change to the above section, section 146 is no longer required as section 39 now reflects the inclusive nature of school structures so that all parents are able to support and engage with the school. Also under section 20 is the note that public school preschool units are subject to requirements under the Education and Care Services National Law (ACT) Act.

These amendments, although minor in nature, reflect the major changes that have occurred and are occurring within our quality public preschool provision. I commend them to the Assembly.

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

## **Justice and Community Safety Legislation Amendment Bill 2011 (No 3)**

**Mr Corbell**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**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) (10.45): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2011 (No 3) is part of a series of legislation that concerns the Justice and Community Safety portfolio. The bill I am introducing today will improve the effectiveness of the ACT statute book.



The Justice and Community Safety Legislation Amendment Bill 2011 (No 3) amends a number of acts, including the Crimes (Sentence Administration) Act 2005, the Fair Trading (Australian Consumer Law) Act 1992 and the Road Transport (General) Act 1999.

The amendments to the Crimes (Sentence Administration) Act 2005 arise from the new legislative scheme that was introduced in 2010 for the enforcement of court fines. As part of the scheme a new chapter, chapter 6A, was inserted into the act to set out the legislative framework for the scheme.

Under chapter 6A, section 116N operates to require reporting by the courts to a credit agency of a defendant's failure to pay a fine, or default on an arrangement to pay a fine by instalments. However, there have been difficulties with the implementation of this provision which were not anticipated. A primary difficulty was its interaction with the Road Transport (Driver Licensing) Act 1999. Under section 37 of this act, a court-imposed fine could result in the revocation of a fine defaulter's drivers licence when the Road Transport Authority obtains access to information in relation to such fines. For example, if an individual entered into a payment by instalments arrangement with the court in relation to a traffic infringement, the RTA may revoke that defaulter's licence, on the basis of its knowledge only that the fine is overdue and unpaid.

Since the new scheme commenced, ACT courts have been engaged in discussions with a credit reporting agency. These discussions highlighted uncertainty as to whether unpaid fines represent the kind of information that should be disclosed to a credit reporting agency. The office of the commonwealth Privacy Commissioner has since indicated its view that a fine is probably not a loan within the terms of the commonwealth Privacy Act and in its opinion is therefore ineligible to be listed on a credit report. As a result of this uncertainty the bill omits section 116N of the Crimes (Sentencing Administration) Act. It also omits section 116I(1)(d)(iii) and amends section 116ZS to remove references to "relevant credit reporting agency" consequentially on the removal of section 116N.

These amendments ensure that confidential information in relation to court fines is not inappropriately disclosed to a credit reporting agency, and this will enhance the rights of individuals who are subject to those fines. These amendments affect a very small part of the fines enforcement scheme but they will help to further ensure the ongoing integrity of the scheme. ACT courts continue to work with the government and credit reporting agencies on the implementation and ongoing improvement of the scheme.

The bill also makes amendments to the Fair Trading (Australian Consumer Law) Act 1992 in order to provide a broad power to the fair trading commissioner and investigators to carry out investigations under "fair trading legislation", which is defined in the act to mean stated laws administered by the Office of Regulatory Services.

Section 33 sets out the functions of the commissioner. However, it does not state generally that the commissioner has the function of carrying out investigations.

Section 36 of the Fair Trading (Australian Consumer Law) Act 1992 provides that the commissioner's functions may be carried out by the commissioner or a person authorised in writing by the commissioner; for example, investigators.

Taken together, sections 33 and 36 may unintentionally narrow the scope of the investigatory power that the commissioner and investigators have under fair trading legislation. It is, therefore, necessary to amend section 33(1) of the Fair Trading (Australian Consumer Law) Act 1992 to clarify the powers of the commissioner and investigators to investigate compliance with the fair trading legislation generally to ensure that the legislation operates as intended.

The Justice and Community Safety Legislation Amendment Bill 2011 (No 3) also amends the Road Transport (General) Act 1999 to reflect recent changes to the administrative arrangements. The amendment relates to the implementation of Hawke review recommendations, in particular changes to transport regulation which meant that the Transport Regulation Branch, which was formerly within the Territory and Municipal Services Directorate, is now in the Justice and Community Safety Directorate. Because of this change the JACS Directorate now has responsibility for the bulk of the road transport legislation. However, some of the functions remain with Territory and Municipal Services, such as the management of the ACT's road assets and traffic management.

In order to clarify which directorate has responsibility for each section of the road transport legislation the bill amends section 16 of the Road Transport (General) Act 1999 to enable the directors-general of the JACS Directorate and the TAMS Directorate to exercise their respective powers under the act.

JACS bills are necessary to ensure that legislation continues to give effect to the policy decisions that led to the enactment of the territory's laws. They allow the government to respond to community and stakeholder concerns, delivering on the government's commitment to recognise and support changing needs and attitudes in the territory. The bill I have presented today is no exception. It introduces amendments to the statute book that are minor and uncontroversial in nature, including matters that are not changes in policy. The bill presents an opportunity for this Assembly to continue to ensure, in a timely fashion, that the territory's laws operate with minimal confusion and uncertainty and to address current challenges and issues.

I commend the bill to the Assembly.

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

## **Education, Training and Youth Affairs—standing committee Reference**

**MRS DUNNE** (Ginninderra) (10.51): I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government has allocated \$3.8m in its 2011-12 budget for a capital works project in support of an earlier decision to relocate Megalo Print Studio to the Kingston arts precinct, including the Fitters' Workshop;
  - (b) there has been considerable public controversy over this initiative, particularly from the music community, having discovered an unusual acoustic quality in the Fitters' Workshop after the Government had made its decision to move Megalo; and
  - (c) the Government has refused to review its decision in light of that later discovery;
- (2) refer the matter to the Standing Committee on Education, Training and Youth Affairs for consideration and review, including but not limited to:
- (a) reviewing the processes followed leading to the Government's decision to relocate Megalo to the Fitters' Workshop, including public consultation, expert advice obtained and any other processes the Committee considers relevant;
  - (b) taking evidence from witnesses;
  - (c) seeking expert advice;
  - (d) reviewing any other relevant material;
  - (e) issuing findings in relation to the probity and efficacy of the processes the Government followed in reaching its decision;
  - (f) making recommendations to the Assembly; and
  - (g) reporting to the Legislative Assembly by the last sitting day in 2012; and
- (3) calls on the Government to suspend the capital works project until the Standing Committee has reported, the Government has responded and the Legislative Assembly has debated the Government's response.

This is an important motion about what is proposed to become an attractive place for arts practitioners, mainly visual arts practitioners, and the proposals put forward by the government which may—through what I would consider to be a hasty and ill thought out approach—militate against creating a vibrant Kingston arts precinct. I am proposing this motion today because, along with members of the community, I am concerned about the lack of appropriate consultation on this important piece of real estate and the large amounts of money that the government is proposing to spend in this area.

After moving this motion today, I was going to move to amend it because, for some reason, I managed to exclude an appropriate reporting date. Somewhere along the line, the word "June" fell out of 2(g) in my draft when it was submitted to the Assembly,

for which I apologise. I was going to move an amendment, but Ms Le Couteur has amendments which will address that issue so there is no point in having two sets of amendments.

In proposing this motion today, I recall that on 21 September last I tabled a letter dated 22 August 2008 from Megalo print studio to former Chief Minister Jon Stanhope. I will not repeat everything that I said that day about this letter, but will just mention two things—first, that the letter appealed to Mr Stanhope’s vanity and, secondly, that his vanity had been stroked so sensuously that he was moved to write a note on the top of the letter. The note said: “This is a persuasive and very tempting proposition. Advice and response please.”

As members would know, the letter was amongst many other documents I obtained through a freedom of information request. Sadly, the Chief Minister’s response to Megalo was not among those documents. I call upon the arts minister, who is not here for this motion at this stage, to table the Chief Minister’s response to Megalo on 22 August 2008 by close of business today.

I contend that Mr Stanhope’s note amounted to the government’s decision to re-house Megalo inside the Fitters Workshop at Kingston. I contend that because, through briefings, questions with and without notice, estimates and annual report hearings, motions and other means, and even through documents obtained under the Freedom of Information Act, this government has been unable—or more likely unwilling—to demonstrate that this decision was made through any other process.

Let me summarise that contention. I say that this government made the decision to move Megalo to the Fitters Workshop by way of a ministerial annotation on a letter. I make the assertion because this government has been unable or unwilling to demonstrate otherwise. Here we see an impetuous decision, a decision that has been backed up by a commitment to spend \$3.9 million of taxpayers’ money without any proper process. This was a decision made on a whim on the back of vanity.

Where has there been public consultation about this, Mr Speaker? Where was the expert advice? Where was the master plan for the arts precinct? Where was the analysis of how Megalo’s move to the Fitters Workshop would be in the best interests of the Canberra community at large or the Canberra arts community? Where was the analysis of how the synergies of the arts could be maximised in the Kingston arts precinct? Where was the range of options for the use of the Fitters Workshop?

In the mind of the minister at the time, and therefore his government, all of the answers to these questions were contained in a two-page letter and a handwritten ministerial annotation. There has been no public consultation. There has been no expert advice. There has been no master plan, no analysis of public interest, no analysis of the synergies and no range of options—just a two-page letter and a handwritten note on the top. A dozen words—a dozen words—comprise the government’s decision-making process on this.

This process is wrong. That is why I am proposing this motion today. Before Minister Burch, who has now arrived, decides once again to verbal me—and, I suspect,

Ms Le Couteur—and accuse me of bias and prejudice, I want to put it on the record that the opposition believes that the move of Megalo to the Kingston arts precinct would be a good one. I have said it to Alison Alder and I have said it to the members of her board that I have discussed this matter with. I have said it in this place on a number of occasions.

The synergies and the narrative of putting an industrial-style visual arts facility in an industrial facility next to another industrial-style visual arts facility, the Canberra Glassworks, are very strong. The narrative is very strong. The problem that I have, the problem that the members of the community have and I suspect the problem that Ms Le Couteur has, but she can speak for herself, is that while all of that narrative is strong, there have been significant pieces of information that have been just ignored by this government.

Quite recently, at a briefing, my senior staff asked officials, “Has there been any acoustic study done of the Fitters Workshop?” The response was: “The government has made up its mind that Megalo will occupy this place, so we have not done the work.” There are things that may indicate that what I was told at that briefing are not strictly correct, but I will come to that later in my speech.

We believe that Megalo will bring new opportunities for the Canberra community to develop their skills in the arts and to build their appreciation of the arts. As I have said, there are strong industrial characteristics of the print making process that make the reason for Megalo’s move to Kingston, an old industrial space, a strong one. Minister Burch needs to understand it so that she will not verbal those people who support this motion today, so I will repeat it and put it in simple terms.

Megalo and the Fitters Workshop could fit hand in glove, but we have to make sure that it is the right hand going into the right glove. There has not been consultation; we have not sought expert advice, considered the options or developed a master plan. We think that there needs to be more done.

A casual trawl through the FOI documents that have been given to me show one important thing. They show that a “what if” statement went up the bureaucratic line from artsACT. Let me quote from that “what if” statement. It was made on 21 June this year, well after all the public outcry started about the future of the Fitters Workshop. It says: “If there was an appetite to retain Fitters as a shell for creative use ... the rawness of the space makes it attractive for ... gallery exhibition, dance, music, film, museum display, working arts studios etc etc etc.” To quote Yul Brynner as the King of Siam, “Et cetera, et cetera, et cetera.” They are the most important words in that statement, because they indicate the flexibility, the potential and the range of interests here that could be accommodated in the Fitters Workshop by the arts community in the ACT—“et cetera, et cetera, et cetera.”

This is exactly what I, the music community and the wider arts community have been advocating for the use of the Fitters Workshop. It could be a multipurpose space that could create all sorts of as yet unarticulated synergies across arts disciplines. The government has not considered this. It made its decision in 2008 with a 12-word ministerial annotation on a two-page letter. On the basis of a two-page letter and those

12 words, this government wants to allocate only about 25 per cent of the Fitters Workshop to be used as exhibition space—highly specialised exhibition space—with the rest used for office space and machinery.

In another statement also made on 21 June this year, artsACT said in an email to Minister Burch's office: "Given that there are 12 months in a year, the venue could have a program of say 8 events each approx a month long. These could include music, gallery display for Canberra Glassworks, Craft ACT, Megalo, Canberra Contemporary Art Space either as solo activities or shared exhibition space. Contemporary dance could be programmed, Screen events and museum displays or even public arts workers could hire for making large works. "Festival Events" could see the Fitters' as a unique venue."

This is the advice of the arts bureaucrats to this minister. This is the advice of the arts bureaucrats to this minister as recently as June this year. Notice, Madam Deputy Speaker, that music topped the list of possibilities, but that Megalo's activities were also listed. More importantly, notice the range of activities that the Fitters Workshop could be hosting. This is what has been envisaged by the arts bureaucrats; it could be kept as a flexible, multipurpose, community use facility.

But no. This government made a decision in 2008, via 12 words written in the Chief Minister's hand on top of a two-page letter. This is a disgraceful decision-making process which must be tested by the Assembly.

In reviewing the motion, as I said before, I noticed that there was a vital date missing, which I was proposing to amend. I think that Ms Le Couteur's amendments—which the Canberra Liberals will be supporting, after some consideration—get to the same place; they bring it forward a little and I think that there are a couple of important provisions in Ms Le Couteur's motion which were overlooked in mine. I am happy to support them.

It is important that this Assembly expresses its support for Megalo and the good work that Megalo does. I am aware that Megalo is coming to the end of its lease in about nine or 10 months time. Irrespective of which way we go—and if this motion went down today and the government started building tomorrow at the Fitters Workshop—the Fitters Workshop would not be ready for Megalo to occupy in June next year, because the government just cannot get it done. They are incapable of getting it done in anything like that sort of fashion.

I proposed a report back in June. Ms Le Couteur is proposing a report back in March—a shorter report. She is also making the point that, because this is a highly technical inquiry about acoustics and arts facility management, it may be necessary to get some expert support for the committee. I endorse that. It is within the purview of the Speaker and the Clerk to assist the committee in that, but it is good to have an endorsement from the Assembly to do that as well.

I think that what we will get out of this, with the collaboration between Ms Le Couteur and the Greens and the Canberra Liberals, is a good outcome for the arts community in the ACT. I have a substantial number of documents, which I have

obtained through the Freedom of Information Act, which I have referred to today and referred to on previous occasions. I make the commitment today that all of those documents will be made available to the committee as soon as this inquiry is referred to it so that it can have the advantage of trawling through those documents as well. I believe that we will end up with a good outcome for the arts community of the ACT.

It is unfortunate that we have to do it this way—that we have to come in here and essentially take away from the minister the analysis that should have been done and should have been taken notice of. It is interesting, when you go through the documents, to see that people in artsACT were prepared to be flexible about this and look at the other options. But the minister and the government have closed their minds. This is a great shame for the people of the ACT. If they close their minds on this, what else do they close their minds to?

If the Fitters Workshop had not had the acoustic that we discovered in the 2009, 2010 and 2011 Canberra international music festival, it would have probably been a good decision. But once you have that information before you, once you suddenly discover that there is something more that you need to look at it, is reprehensible. It is negligence on the part of this government not to look at it but to say, “We have made our decision; we are going to push ahead with it and we are going to spend nearly \$4 million of taxpayers’ money without considering the implications of that.” That is reprehensible. It is unfortunate that we have to come in here today and force the government’s hand on this when it should be open to listening to the people of the ACT.

**MS LE COUTEUR** (Molonglo) (11.08), by leave: I move:

(1) Omit paragraph (2), substitute:

“(2) refers to the Standing Committee on Education, Training and Youth Affairs for inquiry and report to the Assembly by March 2012:

(a) the best use of the Fitters’ Workshop, taking into account the acoustic qualities, heritage value, its location, cost and community demand of the building;

(b) options for alternative venues for use by a range of community music groups;

(c) options for alternative purpose built accommodation for Megalo Print Studio; and

(d) any other relevant matter;

(2A) resolves that funds be provided by the Parliament to permit the engagement of external expertise to work with the Committee to assist in the preparation of the report of the Committee;”.

(2) Omit paragraph (3), substitute:

“(3) calls on the Government to:

- (a) suspend the capital works project until the Standing Committee has reported, the Government has responded and the Assembly has noted the Government's response; and
- (b) ensure that adequate temporary accommodation is provided to the Megalo Print Studio until permanent accommodation has been provided.”.

I will speak to that and to Mrs Dunne's substantive motion. I have to say that I pretty much agree with everything that Mrs Dunne said. We have here a very unfortunate situation. We have here a situation where two groups of the arts community, unfortunately, have found themselves at loggerheads. We should never have ended up in that situation, and that is probably the worst part of this whole situation. Instead of the arts community all going in the same direction, we have internal conflict. That is very sad.

Looking a bit more at the history, I have to agree with Mrs Dunne that there has been no consultation on this. We in fact had a briefing on the subject with the department and I asked them: “When it was identified that there was significant music potential for the Fitters Workshop, what did you do? Did you go back and look at things?” And they basically said no. That is not how it should be. I do not know whether the acoustics are brilliant or not in the Fitters Workshop. That is not my area of expertise at all. I do know that people who should know have said that it is acoustically quite special. This is something that we actually need to come to grips with before we potentially destroy what may be one of the jewels in Canberra's artistic crown, if you can describe us as having an artistic crown. I suppose if we did have a crown it would be artistic.

I think it has been really quite bizarre, looking at the last bits of public consultation which have been held on the Kingston Foreshore area. I attended the first part of the Purdon consultation and it was not even what you might talk about as the elephant in the room. The elephant was well and truly there. At least a third of the people at that consultation came because they wanted to see the Fitters Workshop used for music events.

The consultants had to say at the beginning: “Our brief is clear. The Fitters Workshop is not part of this consultation. It is a box which will be occupied by Megalo.” They very politely said, “We are just not interested in what you might have to say about this issue.” That is a real problem when we have public consultation and we tell the public we are not interested. I suppose, in the government's defence, at least they did not do fake consultation. They were quite clear they were not interested.

The same thing has happened with the Conroy report. The Conroy report says, on page 10, that key factors of interest for the government included the fact that the Chief Minister had previously committed Megalo to being relocated in the Fitters Workshop and recognised there were issues to resolve.

As with Mrs Dunne, I have done the investigation as best I can into how this decision came to be made. I was told that what happened was that the LDA refurbished the Fitters Workshop. Because it was heritage listed they could not leave it in the state of



decay it was in. Not having any better thoughts they thought, “Okay, this could be offices for us.” When the government was then told that Megalo might be interested in it, I quite understand that they thought that Megalo would be a better tenant than LDA. I do not know whether that is true or not but that is certainly one of the many stories I was told about it. If that is true, that was probably at the time a reasonable decision. What is not reasonable is that, now that there has been public interest identified in it, there has been absolutely no public consultation on this and no outside employment of experts to work on it.

This has been going on for a long time. If you look at the estimates report this year you will find that there were a number of recommendations—recommendations 72, 73 and 74. Recommendation 72 was not agreed. This was where we recommended the ACT government revisit the plans, with the aim of preserving the acoustic qualities of the Fitters Workshop and to co-locate Megalo so that no group was disadvantaged. I would also like to put on the record, as Mrs Dunne did, that this is not about doing anything negative as far as Megalo is concerned. We are all, I think, of a mind in thinking that Megalo would be a good fit for the Kingston arts precinct.

One of the reasons behind my amendments is that something a bit more positive for Megalo needs to be done, noting, as Mrs Dunne noted, that Megalo are going to need accommodation fairly soon. I spoke to Alison Alder this morning. Their lease is until June next year. She seemed to be of the belief that they would quickly be able to move into Kingston. However, she clearly had not read the estimates report. The estimates report says that we are looking at occupation in 2013.

The estimates report said what Mrs Dunne’s motion and my amendments today say. The estimates report recommended the ACT government take no further action in regard to the further use of the Fitters Workshop until the master plan had been completed and presented to the Legislative Assembly. And in saying that, of course, the estimates committee assumed that the master plan would include meaningful consultation.

Interestingly, recommendation 73 of estimates was agreed to in principle by the government. The committee recommended the ACT government develop a master plan for the development of the Kingston arts precinct and present that plan to the Legislative Assembly no later than the first sitting day in December 2011. So it was agreed in principle. I do agree the government is currently doing master planning in the Kingston Foreshore area. What the estimates committee, in our innocence, did not realise was that they would do a master plan and exclude from that process the issue that is of most contention. It was very disappointing to find that the government agreed in principle but not actually 100 per cent in practice. The longer you spend here, the more cynical you get about all the ways that things get moved and manipulated so that we do not get the response that we expected.

After the estimates report, we did come back into the Assembly again. I moved amendments on 21 September to Dr Bourke’s motion on arts. Unfortunately neither the Liberal Party nor the Labor Party supported them. What I had noted was the government mismanagement of the consultation process and what I asked for was a public chronology of the decision-making process and public consultations which

resulted in the government's current policy regarding the proposed use of the Fitters Workshop. If there was something that the government did that Mrs Dunne and I have missed in this and there really was something, it would have been incredibly useful for the public debate had the government made this public a bit earlier.

It is possible that Ms Burch will say something but if she has got something to contribute it would have been very useful had the government contributed this earlier, particularly, I understand from what Mrs Dunne has said, as both she and I have sought briefings from the department and not obtained any useful information on this.

The last option, which was not supported, was to explore options for the multi-use of the Fitters Workshop, which include alternative accommodation for Megalo in the Kingston arts precinct. That is really where the Greens have been going all along. We see Megalo having a future in the Kingston arts precinct but we also see the very strong representations that have been made by parts of the music community.

The other thing which we have not talked about at enough length is heritage. Canberra is a new city and we have only a very few parts that have heritage significance. The Fitters Workshop is one of them. One of the things that are very attractive about the possibility of it being used for music and in a multipurpose way is that it would mean that the interior of the workshop would stay substantially unaltered. Clearly there would have to be heating and air conditioning added and clearly there would need to be external toilets. But essentially the interior could stay as is, which would not be the case with the Megalo proposal in terms of the DA that I have seen.

From a heritage point of view, it would seem to me—and I am not claiming to be a heritage expert—that one of the major points about the Fitters Workshop is the glorious space that is there at present. And a solution which keeps that glorious space would seem to be one which should be looked at very carefully.

I will go through my amendments very briefly. In terms of reference to the standing committee, what I have done is tightened it a bit. I think the issue is not so much what happened in the past. It is very unfortunate, what has happened in the past. And one of the things that I have been agonising about at great length is clearly what we are talking about now. Public consultation should have happened a couple of years ago. We cannot roll back time.

At this point in time the problem is that there is actually no good way forward. Commitments have been made to Megalo and Megalo, in all good faith, has believed the government's commitments. We do not want to do anything to disadvantage Megalo. So it has been really hard for the Greens to come to the point of saying that at this point this is the way to go forward.

Part (2A) of my amendments is saying that we are hoping that the Speaker will make funds available to employ some external expertise so that, instead of saying, "Yes, we think it sounds good," or, "Yes, we do not think it sounds good," we can actually have someone who knows about the situation give us some advice on the subject. Then, as per Mrs Dunne's motion, we are moving to suspend the capital works project until the standing committee has reported. But we have added another clause, which is:

... ensure that adequate temporary accommodation is provided to the Megalo Print Studio until permanent accommodation has been provided.”.

I would trust that the government would at least support that, because Megalo’s lease expires in July next year. As the estimates report says, there is no possibility that there would be accommodation in the Kingston arts precinct in July next year. Temporary accommodation is needed for the Megalo print studio regardless of what happens to Mrs Dunne’s motion or my amendments today.

I would also point out that, in terms of looking at timing, there is an excellent chance that whatever decision is made on the DA will be appealed in ACAT. My understanding is that the people who are concerned about the acoustic and heritage issues are very likely to make an appeal. If that happens, there will be another six months added to the government’s process. So one of the reasons for the timing of March 2012 in these amendments is that it simply allows the government to do its job in public consultation. It is not going to add more time to the process because inevitably nothing will be done very quickly due to the fact that the consultation which should have been done at the beginning of this process is not being done, was not done, and we are having to retrofit it on the end.

This is not the ideal motion because this is not the ideal process. We needed consultation at the beginning. We cannot fix the past, unfortunately. But I think what Mrs Dunne and I are trying to do in her motion and my amendments is to do as best we can in the situation that we are in now to fix the situation now. I would have to say that the consultation that has been done so far is some of the most bizarre consultation that has ever been done by this government, when you have a situation where the absolutely main question is off the agenda. I commend my amendments to the Assembly.

**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) (11.20): The government will not be supporting Mrs Dunne’s motion or the amendments moved by Caroline Le Couteur. Let me say from the outset that both the motion and amendments are not in the best interests of Megalo.

I have to refer to Mrs Dunne’s opening comment—true to form, as ungracious as ever—that “Ms Burch has finally arrived”. I was caught up, Mrs Dunne. I was caught up talking with the good staff of care and protection. But what this motion shows is that Mrs Dunne does not care who she tramples on when they see an opportunity for some political point scoring. We saw it last week with the care and protection workers, whose tireless work Mrs Dunne undermined and labelled as wilful neglect. She called workers in care and protection—

**Mrs Dunne:** On a point of order, Madam Deputy Speaker, the topic of today’s debate is the arts precinct in Kingston and the planning for it. Now, Ms Burch might be smarting over her performance in this place over the past week or so, but the topic is about the Kingston arts precinct. Comments about care and protection are entirely inappropriate and not relevant to the debate.

**MADAM DEPUTY SPEAKER:** The point of order is upheld. Will you remain relevant please, Ms Burch.

**MS BURCH:** I was late because I was talking to care and protection workers, and they are here with me this morning to observe some of the processes and procedures of this place.

**MADAM DEPUTY SPEAKER:** Okay, but you need to remain—

**MS BURCH:** I was just making an apology for or an explanation of why I was late.

**MADAM DEPUTY SPEAKER:** Yes, but you need to remain relevant, Ms Burch.

**MS BURCH:** Well, the point was made that I was late, Madam Deputy Speaker.

**Mrs Dunne:** Point of order, Madam Deputy Speaker.

**MS BURCH:** So if the point is made, I am allowed to explain.

**MADAM DEPUTY SPEAKER:** Ms Burch, sit down. Mrs Dunne.

**Mrs Dunne:** Minister Burch is being entirely disrespectful to you. You have made a ruling, and she is speaking over you when you are attempting to reinforce your ruling. That is most inappropriate, and I draw the Assembly's attention to her performance and to endorse your ruling on this matter.

**MADAM DEPUTY SPEAKER:** Ms Burch, my ruling stands. Please remain relevant to the topic of the motion and the amendments.

**MS BURCH:** Thank you, Madam Deputy Speaker. Today it is the people of Megalo Print Studio + Gallery, a highly valued and respected arts organisation of Canberra, that are being trampled on and misled and held to be impacted on—

**Mrs Dunne:** On a point of order, Madam Deputy Speaker, I know that Minister Burch is frazzled, but she cannot say that I have misled the Assembly, which she just did. She needs to withdraw.

**MADAM DEPUTY SPEAKER:** I must admit, Mrs Dunne, I did not hear that statement.

**Mrs Dunne:** She did say it.

**MADAM DEPUTY SPEAKER:** Ms Burch, will you withdraw?

**MS BURCH:** If I used the word “misled”, then I withdraw it, Madam Deputy Speaker.

**MADAM DEPUTY SPEAKER:** Just withdraw without—

**MS BURCH:** I withdraw.

**MADAM DEPUTY SPEAKER:** Thank you.

**MS BURCH:** Make no mistake, Madam Deputy Speaker, as a result of Mrs Dunne's motion today Megalo and many of the stakeholders will be concerned and disappointed. As Mrs Dunne and the Greens are no doubt aware, Megalo has some urgent accommodation needs, which the government's decision to relocate them to the Fitters Workshop solved. For Megalo, this move was a godsend.

I understand that the Megalo chair has written to Mrs Dunne—and a similar letter has been sent to Ms Hunter and to Ms Le Couteur—imploping them to put aside short-term politics and to consider the impact this will have on the ACT arts community. Those letters should be put on record, and I will read from them, Madam Deputy Speaker:

Dear Meredith & Caroline,

I am extremely distressed to discover that Mrs Dunne is putting forward a motion in tomorrow's Assembly which has the potential to delay the Government's decision regarding the relocation of Megalo to the Fitters Workshop in mid 2012.

Megalo has acted in good faith throughout the 3 year process of consultation, scoping and negotiation with the—

*Mr Doszpot interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Doszpot, you are not having a conversation across the chamber. Ms Burch.

**MS BURCH:** I will continue:

Megalo has acted in good faith throughout the 3 year process of consultation, scoping and negotiation with the ACT Government.

Further to that point, Megalo believes that the ACT Greens should act in good faith in light of passing the capital works budget earlier this year.

You may not be aware that Megalo programs its activities 18 months in advance. In fact we are soon to go through the selection process for our 2012 international, national and local residency program. If the process of relocation is delayed it will put our programming into disarray, causing loss of income, reputation and instability. These comments also apply to our education and gallery programs.

Prevarication in this issue will not, in my opinion, make it any easier for a decision to be made that will be applauded by all sectors with an interest in this debate. A decision has been made that looks at activity within the precinct as a whole, creating a synergy of activities that will be dynamic and diverse.

Prevarication will lead to stagnation and acrimony. A decision has been made and it is the right decision.

Megalo feels, rightly, that its interests are not being considered and that it is being used as a political punching bag.

I sincerely hope that the ACT Greens will take the big picture view on this debate and not support Ms Dunne's motion.

That was a letter from Megalo. There we have in a few short words Mrs Dunne's political biography—disarray, instability, prevarication, stagnation, acrimony and using good people as a political punching bag. Unfortunately, the big picture view that Megalo seeks is foreign to Mrs Dunne.

The decision to move Megalo to the Fitters Workshop was made by my predecessor, Jon Stanhope, who was the arts minister at the time, and it was the former Chief Minister who secured the \$3.8 million in the budget to make this move possible for Megalo, a budget that was approved and agreed in whole by the ACT Greens.

I will put on the record that in my time as arts minister I have been very open about this whole process and have made the artsACT staff available to both Ms Le Couteur and Mrs Dunne for briefings. I also note that Mrs Dunne has been provided with hundreds, if not possibly thousands, of pages of documents about the Fitters Workshop decisions by multiple directorates which provide the process and context around the decisions.

With this in mind, I am quite surprised that the Greens and Liberals feel an Assembly inquiry is necessary, even if it means a grinding halt to Megalo's dreams and also the important work around the establishment of the visual arts hub at Kingston. What we have here today is a proposal for a flawed process for all the wrong reasons. We know from conversations with Ms Le Couteur's office yesterday that she does not really want an inquiry, but here we have an amendment that keeps one.

Let me outline the other side of the coin. Let me outline the effect today's motion will have on the local arts community that would benefit from the establishment of a visual arts hub in Kingston, not least of them the Canberra Glassworks, that was looking forward to the synergies and the collaborative opportunities that Megalo being next door would bring.

The ACT government's decision to move the Megalo Print Studio + Gallery into the Fitters Workshop was made after talking with the community, and we continue to enhance community engagement and support for the arts. In 2002-03 we produced the arts facility strategy, which is a long-term strategy for arts in the territory. We identified the Kingston Foreshore as a centre for leading visual arts production and activity. The establishment of the Canberra Glassworks at the Kingston Foreshore in 2007 was the first step in realising this strategy and this, I must say, has been a great success. The Canberra Glassworks has been embraced by Canberra. It is wonderful to see so many people coming in to see the program and participate in the off-the-street program.

Since the opening of the glassworks, 14 glass artists have now moved to Canberra to engage with these national, if not international, facilities. Those glass artists now live in our community, along with the existing large numbers of artists, many of whom can trace their training back to the ANU school of arts.

Following the establishment of the Canberra Glassworks in the old Canberra powerhouse, Megalo Print Studio + Gallery was identified as an ideal organisation for the second phase in the Kingston arts precinct to build a critical mass of artists and activities. Megalo has for many years and in good faith held discussions with the ACT government to be a part of the Kingston arts precinct. The organisation will bring a comprehensive open access printmaking facility to this developing arts hub, providing artists, students and the general community with access to specialised facilities and programs.

The government committed \$2.5 million in 2011-12 and another \$1.4 million in 2012-13 to refurbish the Fitters Workshop for Megalo. A DA for the Fitters Workshop was lodged on 7 July, and notification closed on 8 August this year. In the 2010-11 budget, \$150,000 was allocated to develop the Kingston arts precinct strategy. It is worth noting, again, that the Greens supported both the 2010-11 and the 2011-12 budgets and agreed to them in whole.

The Kingston arts precinct strategy identifies opportunities to expand and create arts activity at the Kingston Foreshore and future needs required to make it a viable arts precinct. It identifies the use of the Fitters Workshop by Megalo print studio as well as the potential need for new purpose-built facilities and develops a staged approach for its implementation to provide for a range of uses that will complement activity already occurring at the Old Bus Depot Markets and at the Canberra Glassworks.

The development of the strategy involved significant community conversation, and that strategy was released in July this year. The LDA has also commenced planning for the future development of section 49 of the site, and I think it has been referred to here. But this has been a comprehensive conversation with the community.

The LDA is consulting with the community about the future directions of the master plan. The first stage included workshops and drop-in sessions that were held in September and October, and the second stage will consider options for the development of the area that comprises three community drop-in sessions concluding on 30 October.

It is worth noting that the Fitters Workshop has only been used a handful of times since 2009, and the decision to relocate Megalo Print Studios + Gallery to the site will provide a full-time, 50-weeks-per-year facility that will align closely with the neighbouring Canberra Glassworks and provide constant exhibitions and accessibility to the whole community. It will also provide a strong foundation for what we expect to be a thriving, dynamic arts hub. By making the Fitters Workshop a permanent home for Megalo, we will be returning life to this historic building.

I have received much support from the broader arts and general community about the government's decision to relocate Megalo, imploring me to realise this move. I know

the Greens and Liberals have also had significant correspondence from people saying it was the right decision and to please get on with it. So it is disappointing that we have a motion and amendments that seek to stall that work altogether and to put in doubt the move of Megalo. I have read from their letter to the Greens—I have no doubt to Mrs Dunne also—what they feel about this. They are distressed to discover that there is a motion being put forward which has the potential to delay.

Ms Le Couteur's amendments refer to ensuring adequate accommodation is provided until permanent accommodation is found. This is an organisation with significant internal resources, significant physical resources, and Ms Le Couteur is just saying, "Well, you can move over there and you can move over here," with no regard at all to what they have written to her today.

**Mrs Dunne:** They haven't written to me.

**MS BURCH:** Well, Mrs Dunne, the Megalo chair has told us that she has. Further to the point, Megalo believes the ACT Greens should act in good faith in light of passing the capital budget. So the Greens are quite comfortable in not acting in good faith. Megalo programs its activities 18 months in advance. If the process of relocation is delayed, it will throw this into disarray, causing loss of income, reputation and ability. It will lead to stagnation and acrimony. *(Time expired.)*

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (11.35): I feel that I have to get up and have a say on the motion this morning. The minister has said that, in conversations with my colleague Ms Le Couteur, Ms Le Couteur did not want this to go to an inquiry. Quite frankly, that is right; the Greens did not want this to go to an inquiry, because we did not even want it to get here. It should not have got here. The consultation process should have been done properly in the first place. Ms Le Couteur has said quite clearly this morning that we are retrofitting a consultation process onto the back end, and that should not have happened. It should not have happened because—

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MS HUNTER:** If that consultation process had been carried out at the front end with all of the people who had a stake in this then Megalo would not have been put in this terrible position. They should not have been put in this position.

I would like a guarantee from the minister in this chamber this morning that Megalo will have accommodation from June 2012. She has put this all onto: "Their accommodation will be at risk because they won't be moved into the Fitters Workshop." As has been clearly put by Mrs Dunne and Ms Le Couteur this morning, there is no way that that physically could happen anyway. It is unfortunate that people have not clearly communicated this to Megalo. The time line is just too tight. There would have had to be an extension of their current lease or the finding of suitable accommodation until a workshop could be built at the other end. So let us lay that one to rest.



It is incumbent upon the minister to guarantee that they will have accommodation. If it is of a temporary nature, she needs to be clear on that. It is a terrible thing to be leaving an organisation not knowing what is happening. She seems to be saying that it is all everybody else's fault. As of June next year this new place would not have been ready. So some sort of arrangement has to be put in place and you are going to have to guarantee that with Megalo. It is so unfortunate.

Megalo is a fantastic organisation. I have known Megalo since its very early days when it was housed up at the old Ainslie Village. It has worked with many people in our community. It has some fantastic programs. It is an organisation that the Greens are totally committed to supporting. It is unfortunate we are here today. But this process should have been done properly and the proper consultation should have gone on. The government has had talks with Megalo and there have been talks around consultation over the last three years—and that is great—but unfortunately the government neglected to talk to other members of the community to ensure that the full picture had been taken into account before decisions were made.

Another issue that I need to address relates to the minister talking about the master planning process and saying, "Here is a very large consultation going on with the community." Ms Le Couteur clearly stated that there is a master planning process going on, and that is great—we support that—but let us be clear that at the meeting which Ms Le Couteur said that she attended the people there were told the Fitters Workshop was not part of the consultation: "We're not discussing it. It's not part of it. We're talking about the other parts of the Kingston area and the Kingston Foreshore. We're not talking about this particular precinct."

So to try and put across this idea that there is some comprehensive, wide-ranging master planning that includes this area is just not the case. It simply is not the case. I think it is important to put on the record that there is a lot of muddying of what is going on here. It is very unfortunate that we are here today talking about sending this off to a committee. I do feel for Megalo. We need to get a government guarantee that their accommodation needs are going to be looked after while the processes are underway. It is going to be the result of today that there will be an inquiry that will report back in March of next year. But, remember, there is also the possibility that this could go to ACAT as well, which will also hold it up by several months. That was always in the mix of things.

It is important that the minister come out and guarantee that accommodation. The inquiry will give other members of the community who feel that they have had no voice in this discussion the chance to come forward. It will finally bring in some expertise, some experts to look at what is the best option. At the end of the day, there will have to be options. Megalo is going to have to be housed in a facility that meets its needs. We are also going to have to look at future venues that we need across this city for performing arts and for music. That is very clear as well. But this at least will give us the opportunity to get in some experts.

Mrs Dunne mentioned in her speech that the acoustics have not been checked; nobody has gone in to check whether or not this is a particularly special place acoustically.

The music community is saying that it is—that it is an incredibly wonderful space for having live music, particularly classical music and its chorale. We need to test that, we need to check it, and we need to look at the heritage bits. We need to get this right. It is unfortunate we are here today. If the government had done a proper consultation process at the beginning we would not be doing this at this point in the process. Really, that should have been done and good decisions should have been made based on good information and evidence.

I support Ms Le Couteur's amendments to Mrs Dunne's motion. I hope that those in the community, particularly Megalo, do understand why the Greens have taken this position today. It has been a hard one, I can tell you. Many hours, and many hours last night, were put into going over this question. This is not something we came to lightly. It is fraught. It has involved quite a bit of emotional energy, because we do know the impact that this is going to have on an organisation that we hold in such high esteem. Again, it is just very unfortunate that the government did not do its job properly and we are here today.

Amendments agreed to.

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

**MRS DUNNE** (Ginninderra) (11.43): I thank Ms Le Couteur and Ms Hunter for their spirited words of support for this motion. I think that it really can be encapsulated in this way: we are here today, in the words of Ms Le Couteur, because the arts community is at loggerheads, and this should not have happened; we are here today, in the words of Ms Hunter, because the government did not do its job properly.

It is a fraught issue. Ms Hunter is right; this is a fraught issue. What we have seen here today is an attempt by Ms Burch as the minister to pit the print makers against the music makers. This is not what we are about. This is not what I am about. This is not what the Greens are about, quite clearly. But the government have done such a bad job of this that now the only thing that they can do is demonise someone.

I have not received any correspondence from Ms Alder. When the minister said that I would, I went through my emails. I also checked to see whether it had ended up in the junk email or something like that. But I did receive a letter from a number of board members of Megalo, and they have a very strong case. I notice the words that Ms Alder used, which were read out by the minister, that they worked in good faith with the government. I ask the question: did the government reciprocate? Has the government negotiated in good faith with Megalo? There are very mixed messages going out. Here today the minister is saying, "Megalo is in urgent need of certainty in relation to its accommodation," but in estimates they said they will not be there by July next year.

Has the minister articulated that to Megalo? I do not think she has. I heard some lines in the letter that I hope were not fed to Megalo by the government to draw attention to the fact that the Greens have supported the capital works expenditure because they voted for the budget. It is a very political, very Labor line because they keep saying

about us that we did not support X because we voted against the budget. It is very unfortunate. Again, we are seeing the minister use words in such a way that gives the impression that they are feeding lines to Megalo. I would be interested to know what else they are feeding to Megalo to make this a divisive issue. I am putting it on the record. I am not playing one side off against another. I do not have a fully formed view about what is the best way forward for the Kingston arts precinct.

I want to keep our options open so that we do not mess it up for the future and have experts come in and look at the issues. I will echo what Ms Le Couteur said. I am not an expert in acoustics, but people that I know whose opinions that I value, who are musicians and experienced in music performance, say to me that the acoustics of the Fitters Workshop for particular musical performances are extraordinary.

I have experienced it, and other people have experienced it. People say to me it is extraordinary. Peter Sculthorpe has said it is extraordinary. Many other people have said that it is extraordinary. But Minister Burch does not know because Minister Burch and her predecessor will not even test it. They will not have the test done. This is the real problem. If it is as good as people say, it would be vandalism if we broke it. I am not prepared to sign up, sight unseen, ear unheard, to the vandalism that this minister is proposing to sign up to.

I am very concerned about this and I am concerned about the arrogance of this government. Ms Le Couteur and I had a discussion this morning. She said, "We don't really need to say that the government shouldn't spend any of this public works money until the committee reports because there will probably be an appeal and that will hold it up." I am actually concerned that there will not be an appeal because this government will call it in. I am putting on the record now that the Canberra Liberals will take a very dim view if there is a call-in of the development application in relation to the Fitters Workshop to try and circumvent the work of the standing committee. I am putting it on the record that, if it does, we will be bringing it back, because that would be a clear circumventing of the will of this Assembly.

I do not want to see us go down this path. Ms Hunter is right: we should not need to be here. The minister could have agreed to the recommendations of the estimates committee. The previous minister could have agreed to the calls of the musicians. They did not say, "Give us the Fitters Workshop." They said, "Let us consider the merits of the Fitters Workshop." If the scientists and the sound engineers come back and say, "It really isn't all that good," and the arts facilities managers say, "Megalo—we'll punch a hole in the side of it and we'll build an annex off it and that's the best possible use you can have"—if the experts tell us that—we will sign up to it.

But we know from the documents that I have received under the Freedom of Information Act, which the committee will receive, that not even the arts administrators believe that in their heart of hearts. It is only Jon Stanhope who thought this was a good idea. There is no paper trail that shows that, as the arts minister, Jon Stanhope thought this through. There is nothing in the paper trail that showed that this minister thought about anything except, "Well, Jon thought it was a good idea, so I'd better do it." She said in her speech that Megalo was identified as a possible tenant to create synergies with the glass house.

According to the paperwork that I have seen, Megalo was not identified. Megalo identified itself. It stroked, very skilfully—and all credit to it—Mr Stanhope's vanity so much that he just made the decision on the spot. That is a problem. As a result of this, we now have a situation where ACT Labor is pitting the print makers against the music makers. The Canberra Liberals do not want to see that and will not be part of it. I suspect that the ACT Greens do not want to be part of it either.

I draw members' attention to the presence in the gallery of Dr Helen Moore, who has been a great advocate for the music makers and who was the originator of a petition. I commend Dr Moore for her persistence in this matter and the great grace with which she has conducted herself in this. I also commend Megalo for the great grace with which they have conducted themselves here. I think it is unfortunate that because of the short-sightedness, the lack of openness to new ideas and the lack of openness to receiving appropriate information we are in a situation today where we have to do this. This is a reprehensible situation that has been brought about by the laziness, ineptitude and closed-mindedness of the Labor government.

I thank members for their support. I wish the inquiry all success. I hope that we can end up with an outcome that is in the best interests of all in the ACT arts community.

Question put:

That **Mrs Dunne's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 7

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

Question so resolved in the affirmative.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MS LE COUTEUR** (Molonglo) (11.57): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee.

On 29 June 2010 Auditor-General's report No 4 of 2010, *Water demand management: administration of selected initiatives*, was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit that reviewed the administration of selected ACT government measures to manage water demand and related initiatives. The committee received a briefing from

the Auditor-General in relation to the audit report on 7 September 2010 and a submission from the government dated 28 February 2011.

At this stage the committee has resolved to make no further inquiries into the audit report. However, the committee has written to the responsible minister to seek an update on progress with regard to the implementation of recommendations agreed to or agreed to in part and on the review of the think water, act water strategy. The committee has also written to the Standing Committee on Climate Change, Environment and Water to bring this report to its attention.

On 29 October 2010 Auditor-General's report No 8 of 2010, *Delivery of mental health services to older persons*, was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit that reviewed ACT Health's delivery of mental health services to older persons in the community. The audit focused on ACT Health's capability and capacity to meet the mental health needs of older persons in the territory and assessed the administrative, operational and governance arrangements for the delivery of these services.

The committee received a briefing from the Auditor-General in relation to the audit report on 10 February 2011 and a submission from the government dated 4 March 2011. In its submission the government agreed with all 16 recommendations and indicated that action had commenced in response to several recommendations.

The committee has resolved to make no further inquiries into the audit report. However, the committee has written to the responsible minister to seek an update on progress with regard to implementation of the recommendations. The committee has also written to the Standing Committee on Health, Community and Social Services to bring the report to its attention.

On 17 January 2011 Auditor-General's report No 1 of 2011, *Waiting lists for elective surgery and medical treatment*, was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit that reviewed ACT Health's management of waiting lists for elective surgery and medical treatment—non-emergency medical procedures—across ACT public hospitals.

The committee received a briefing from the Auditor-General in relation to the audit report on 24 February 2011 and a submission from the government dated 22 July 2011. The committee has resolved to inquire further into the report and is expecting to report to the Assembly as soon as practicable.

On 24 February 2011 Auditor-General's report No 2 of 2011, *Residential land supply and development*, was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit that reviewed the processes for supplying and developing land for residential purposes and their effectiveness in delivering government objectives.

The committee received a briefing from the Auditor-General in relation to the audit report on 9 August 2011 and a submission from the government dated 12 July 2011.

The committee has resolved to inquire further into the report and is expecting to report to the Assembly as soon as is practicable.

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Crimes (Protection of Witness Identity) Bill 2011**

Debate resumed from 25 August 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (12.02): The opposition will be supporting this bill, which is the fourth and last tranche in a series of bills based on model legislation developed by SCAG and the Australian Police Ministers Council working group on national investigative powers. This bill seeks to protect the identity of undercover operative witnesses in court proceedings. I note that similar legislation has already been adopted in Victoria, Queensland, Tasmania, South Australia and the commonwealth. Somewhat curiously, the Victorian version of legislation applies only to cross-border operations.

This bill empowers the ACT Chief Police Officer or the Chief Executive of the Australian Crime Commission to give a witness an identity protection certificate which would be valid across jurisdictions and which would enable the operative as a witness in court proceedings to give evidence under their assumed name or a court name; excuses the operative from giving their real name and address; and prevents questions being asked which might lead to the operative's real name and address being revealed.

Certificates will be valid across jurisdictions and there are only very limited delegation powers for the Chief Police Officer and the CEO of the Australian Crime Commission. The certificate must carry certain prescribed information, including information about the witness's credibility, such as criminal history, professional conduct and previous comments of courts about the person's credibility. This information will be available to the defence without disclosing the identity of the operative.

In addition, the operative, as a witness, will appear in person in court and can be cross-examined. In certain circumstances, the court can authorise disclosure of the operative's identity notwithstanding the existence of a certificate. Further, there are circumstances that would allow the court to stay proceedings.

In my consultation on the bill a view has been expressed to me that the threshold for issuing protection certificates is too low. In the process I was pointed to a recent UK media report on criticisms about undercover operatives giving false police statements and false court evidence, including their names, occupations and birth dates. Indeed, Her Majesty's Inspectorate of Constabulary was due on October 20 to release a report on an inquiry into undercover tactics in public order and extremism, and the release of

this report has been delayed until the inspectorate has had an opportunity to consider the media reports.

Yesterday I wrote to the Attorney-General about these matters. He responded the same day and I thank him for the promptness and the thoroughness of his response. I am satisfied that his advice answers the concerns adequately. In particular he quite correctly pointed out that the criticism was directed in the main at undercover operatives who give false evidence as defendants rather than, as intended by this bill, as witnesses. However, the question of the threshold remains. In reply to my letter the attorney advised:

Authority to conduct a controlled operation can only be granted if the chief officer is satisfied about a number of criteria including that the operation relates to an offence against an ACT law punishable by imprisonment of 3 years or more.

The view of the ACT Bar Association is that this threshold is far too low for the kinds of operation that this bill and others in the suite of laws that relate to controlled or undercover operations would contemplate. This is a matter that I draw to the attorney's attention and we will be monitoring this and the general suite of laws as they come into operation. The Bar Association is concerned also about the court directing a jury not to give any more or less weight to evidence or to draw any inference against the defendant or another party to the proceedings because a witness identity protection certificate is present, or if the court makes an order about the disclosure or otherwise of an operative's name or address. It says that such directions "trespass on the role of the jury".

Whilst I am satisfied that the kinds of directions contemplated are reasonable, I again draw the matter to the attorney's attention. This too is a matter that we will monitor, and we will continue our discussions with the legal fraternity about the operations of these matters.

Protection of our community from incidences of serious crime is a matter of paramount importance. This bill and the whole suite of laws that goes with it seek to make our community a safer place and it is on the basis of this that we will supporting this legislation today.

**MR RATTENBURY** (Molonglo) (12.07): The Greens will also be supporting this bill today. In recent years the ACT has put in place three targeted schemes to better equip our police to respond to organised crime and crime that crosses borders. The three schemes regulate assumed identities, controlled operations and surveillance devices. The bill today is the fourth and final part of the reforms and is designed to support operatives who are working under an assumed identity or who are working in a controlled operation.

The approach put in place by these four schemes is designed to allow police to proactively investigate crimes in a targeted manner and to prosecute offenders. I have previously described this approach as a cool-headed, evidence-based approach to crime, and this can be contrasted against rushed responses to crime such as creating

the offence of guilt by association which the Assembly discussed during 2009. At the time I said that this alternative path was risky because it quickly and blindly legislated without thinking through all the consequences; it risked driving serious organised crime further underground and actually making the situation worse.

The argument was made in 2009 by the opposition that the government needed to create the power to declare organisations to be criminal gangs and to ban their members from meeting. It was also argued that the ACT would be swamped by outlaw motorcycle gangs if we failed to create such a crime. During the debate in 2009 the Greens were clear that our position was that guilt should be determined by the offence you commit, not the group you belong to.

Of course since 2009 we have also had the High Court ruling to invalidate the approach adopted in New South Wales of crime by association. What the 2011 High Court case found was that the New South Wales laws were repugnant to the concept of judicial independence under the Australian Constitution; that is, it conferred a non-judicial function on the courts and went a step too far. The bill today is consistent with that approach that we Greens prefer because it allows for better investigation powers for police to enforce existing criminal law which is adequate.

The bill will allow for better investigation of crime because it gives operatives more certainty that their personal name and address information will not get into the wrong hands. The bill enables the Chief Police Officer to issue a certificate to an operative that allows them to appear in court and give evidence under an assumed identity. The certificate will only be issued where having the true name or address of the operative on the court record would jeopardise the safety of the operative or the continued viability of the operation.

Allowing the Chief Police Officer to issue the certificate at the start of a court hearing will give the operative greater certainty that they will be safe. Currently the law allows for an application to be made to the court for the judge to agree to the use of an assumed name. This process is not certain and ironically requires the police to spell out the reasons in open court why it is dangerous to have the name and address of the operative disclosed. This has the potential to give more information to the very people who may endanger the operative after the trial.

It is also important to note that the bill provides the ability for the court to overrule the certificate and allow for the operative to be examined about their private identity. This will be an option open to the court where evidence of the private identity of the operative is relevant to their credibility as a witness and the case requires that that credibility be examined.

One interesting development that has happened in the UK recently and which is related to this type of scheme is the one Mrs Dunne referred to. I would like to thank her for bringing it to my attention. As was reported in the *Guardian* newspaper last week, there have been a number of bizarre uses of assumed identities in the United Kingdom. There are reported instances of undercover operatives being embedded in the Reclaim the Streets movement for five years and going as far as starting families with the activists they were investigating. Based on the reports I have read I would



say that this is a gross misuse of police resources and of taxpayers' money. The police in the UK are investigating and are preparing a report.

The attorney has responded in writing to Mrs Dunne's concerns and made a number of important points. Firstly, the detailed legislation that is in place for the existing three schemes and the scheme proposed today is specifically intended to stop the kind of misuse of police powers that has occurred in the UK. There are numerous checks and balances in place that apply to the approving and monitoring of the four schemes. Related to these checks and balances are the annual reports that are required under the law to be issued for each of the four schemes. The reports go to quite a level of detail and report the number of times the legislation was used in the previous 12 months and the circumstances in which it was used.

I think these annual reports position the ACT very well to guard against the kind of behaviour we have seen in the UK. The public and members of the Assembly are able to see in quite some detail how the police have been using their powers, to ensure they do not creep over into inappropriate use.

The second issue that the attorney has written back on has confirmed the Greens' understanding of the bill, because he states in his letter that it is intended to cover only police who appear as witnesses, not those who appear as defendants. So the UK example should not eventuate in the ACT because the officer would not be eligible for a certificate and would be required to appear in court under his or her real name.

I am aware that Mrs Dunne was contemplating whether we should delay the debate in light of the developments in the United Kingdom, but I think that, whilst the UK report may inform our further thinking here, the answers provided by the attorney and the Greens' analysis indicate that we can move forward today with confidence. But we of course should monitor the findings of that inquiry in the UK and the applicability of any of those findings to the ACT and then consider whether we need to take any further course of action. But at this point I am satisfied that the law as it is designed should not result in the sort of situation we have seen in the United Kingdom given the other checks and balances we have in place.

I did find the story out of the UK very disturbing in the sense that the police were targeting political movements. Frankly, in the grand scheme of things I would have thought they would have better things to do with their time than to target groups who are simply putting a political point of view. I would like to think that that sort of thing does not happen in the UK. However, I do remember incidents in the 1990s, in Victoria certainly, where there was a degree of this going on. I would like to think that in Australia we have moved past that. Given the amount of time and emphasis that has been put on to more serious threats in public discourse, I trust that that is where the police are focusing their resources as well.

In conclusion, the Greens support this bill because it allows for a targeted approach to investigating crime. It builds on other recent reforms and is a robust way to address the community safety issues that the police seek to address on our behalf.

**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) (12.14), in reply: The Crimes (Protection of Witness Identity) Bill is a critical piece of legislation in the fight against organised crime. Undercover operatives who give evidence in court proceedings are often put at risk by appearing as a witness, testifying in serious criminal matters where the stakes are very high. This bill will provide a scheme to allow for improved protection of undercover operative witnesses and their families, assist to secure the safety of those participating in undercover operations and provide consistent protection within and across state and territory borders.

As I have previously indicated, this bill is the fourth and final piece in a suite of legislation that the government has introduced into the Assembly to give effect to the *Cross-border investigative powers for law enforcement* model legislation. This model legislation has been prepared by the Standing Committee of Attorneys-General and Australasian Police Ministers Council Joint Working Group on National Investigation Powers.

The bill establishes a scheme to protect the identities of undercover operative witnesses in court proceedings by empowering the ACT Chief Police Officer or the Chief Executive Officer of the Australian Crime Commission to give a witness identity protection certificate in relation to a criminal proceeding.

A witness identity protection certificate enables an operative to give evidence under an assumed name or a court name, excuses an operative from stating his or her real name or address during the proceeding, and prevents the asking of questions or the making of statements during the proceeding that may lead to the operative's real name or address being disclosed.

This bill is part of a model legislative scheme which will apply both in the ACT and in other jurisdictions. To date, the legislation has also been adopted in Victoria, Queensland, Tasmania and South Australia and by the commonwealth. An important ancillary benefit of the bill, as part of a national scheme, is that it provides certainty across jurisdictions as to when operatives' identities will be protected.

The scheme will also enhance the ongoing efficacy of undercover operations. By providing consistency for law enforcement agencies and operatives who operate across borders, it will allow for seamless cross-border investigations. Police officers are encouraged to participate in undercover operations as they can be confident that, if necessary, their identity and safety will be protected, regardless of whether the operation occurs in a number of jurisdictions.

The government appreciates that the measures in this bill are not without controversy. We need to remember here that controlled operations, in particular those involving operatives working under assumed identities, target the most serious of offences. The government has taken care to ensure that the proposed legislation, while achieving the important purpose of enhancing safety for undercover witnesses, only places reasonable limits on rights protected under the Human Rights Act and the common law.

The effect of a witness identity protection certificate is to prevent the disclosing of an operative's true identity in the context of a criminal proceeding. This non-disclosure

potentially limits the right to a fair trial and rights afforded to a defendant in criminal proceedings. While a witness identity protection certificate prevents the disclosure of an operative's true identity in a court proceeding, this limitation on the right to a fair trial and rights in criminal proceedings is reasonable and justified and promotes a number of other rights enshrined in the Human Rights Act.

Concealing the true identity of undercover operatives, and thereby limiting the right to a fair trial and certain rights in criminal proceedings, achieves two important purposes which are in the public interest. Firstly, the personal safety of witnesses—or other people connected to the witness, such as his or her family—is protected. Secondly, the efficacy of undercover operations is preserved.

The primary purpose of the limitation is to protect the personal safety of witnesses, or others connected to the witness. This purpose promotes the right to protection of the family and children, at section 11 of the Human Rights Act, as the families of witnesses are protected by concealing the true identity of the witness. It also engages and promotes the right to privacy and freedom of movement, as it protects the operative's right not to have his or her privacy, family and home interfered with unlawfully and his or her right to choose his or her place of residence.

The limitation on the right to a fair trial and rights in criminal proceedings is reasonable and only goes as far as is necessary to protect the personal safety of witnesses and their families. The bill only requires that the true name and address of the operative are withheld. It does not propose that the operative will be a “secret” or “anonymous” witness who does not appear before the court. Nor does it propose that the operative give evidence in court from behind a screen or by using voice distortion technology.

As an undercover witness to which a protection certificate applies is not “anonymous” in the broad sense of the word and they appear in person to give evidence, this means they can be cross-examined and their demeanour assessed by the court, allowing the tribunal of fact to make its own judgement as to their reliability.

Further protections are provided by the bill to ensure that the right to a fair trial and rights in criminal proceedings are only limited to the extent necessary to achieve the purposes of the bill. A witness identity protection certificate can only be given where it is necessary for the protection of an operative's or another person's safety or is necessary to protect an investigation. The chief officer must make this determination on reasonable grounds.

It is the law enforcement agency that has information about risks to an operative or an investigation. It is the chief police officer who is responsible for the health and safety of operatives and for the conduct of investigations. For these reasons, it is appropriate that the question of the risk posed by disclosure of an operative's identity is answered by the relevant law enforcement agency.

The bill not only ensures that the defence can face the operative witness in court and observe his or her behaviour but also allows the accused to challenge the credibility of the witness without disclosing their identity. The bill does this by requiring the inclusion of certain information on a witness identity protection certificate. The

information that must be provided includes whether the operative has been found guilty of an offence, any findings of professional misconduct and whether a court has made any adverse comment about the operative's credibility.

One of the most important protective measures provided by the bill is that it enables the court to give leave to allow the disclosure of a witness's identity, despite the existence of a witness identity protection certificate. The court may give leave where the evidence of the witness's identity would "substantially" challenge the witness's credibility. The bill deliberately requires such a high standard as there are real and substantial risks to a witness where leave is granted to disclose their true identity.

Furthermore, where the protection of the witness's identity means that the defendant is unable to properly test the facts in issue, the court has discretion to stay the proceedings in the interests of justice. The joint working group which developed the model legislation has noted that "a case where a stay would be necessary would be very rare".

There is support for the Crimes (Protection of Witness Identity) Bill scheme in the approach of both the House of Lords and the European Court of Human Rights, which have acknowledged that there may, in certain circumstances, be a need to limit human rights in order to protect the life, liberty or security of witnesses and the investigation of criminal matters.

This scheme will significantly support undercover police and other operatives in safely and effectively combating organised crime in the ACT and across Australia.

The bill will provide protections for the safety and security of undercover operatives who give evidence in proceedings and will also protect their families. The certainty and consistency provided by the legislation, and the national scheme of which it is a part, will encourage participation by such undercover operatives and enhance effective investigation of criminal activity.

The bill, while providing such protections, also provides safeguards to ensure that limits on human rights are proportionate and justifiable. I thank members for their support of the bill and I commend it again to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.23 to 2 pm.**

**Questions without notice**  
**Economy—cost of living**

**MR SESELJA:** My question is to the Chief Minister. Minister under your government, Canberrans have seen the cost of living sky rocket, with increases including taxation per capita growing by 76 per cent, rates up by over 75 per cent, rents up by over 68 per cent and car parking costs up by 57 per cent, amongst other things. Recently released data from the ABS has shown that the cost of living in Canberra continues to increase, with rents up 5.8 per cent and water and sewage up 12 per cent just in the last 12 months. Minister what are you doing to put downward pressure on the cost of living for Canberra families?

**MS GALLAGHER:** I thank the Leader of the Opposition for his interest in cost of living pressures. This government has been conscious of cost of living pressures for years. That the Johnnies-come-lately over there have woken up after a three-year hibernation to realise there is an election coming and that they need to start talking about issues that people care about is very interesting.

*Members interjecting—*

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

**MS GALLAGHER:** My challenge to you, Mr Seselja, is to go back and have a look at every budget this government has put together and look at the focus that has been placed on meeting the needs of Canberrans and ensuring that costs and cost increases remain minimal. Indeed, the last budget, Mr Seselja, that you voted against had the single biggest increase for concessions, specifically to target electricity and water costs, that any government has done since self-government. And your party, Mr Seselja, voted against it. So on an actual concrete thing that you could have done to relieve pressure on families, particularly those families in greatest need, you voted against it. That was your opportunity—not to wait until next October when you want to outline some of your plans, but there were actually things you could have done this year, things you could have done last year, and you voted against it.

We have a proud record in this area. This is the area that the Labor Party has focused on for years, and we will continue to focus on it for years to come, regardless of whether or not we are a government or whether there is a desperate opposition waiting to try and form a government.

**MR SPEAKER:** Mr Seselja, a supplementary.

**MR SESELJA:** Minister, what will your \$50,000 unit tax do for the cost of living pressures on Canberra families?

**MS GALLAGHER:** Thank you, and I welcome again the opportunity to talk about the lease variation charge. It is interesting that the Liberal Party are very quick to jump into the pockets of the developers and lose focus on the issue that we need to pay for services to ensure that we can target government assistance. The lease

variation charge is a small part of our overall revenue base, but it is an important one in terms of being able to provide assistance to pay for services that this community need. The simplistic idea that the lease variation charge—

**Mr Seselja:** Point of order, Mr Speaker.

**MR SPEAKER:** One moment, Chief Minister. The clock—

**Mr Seselja:** The question was very specific. It asked what the \$50,000 unit tax would do to assist families with cost of living pressures. It was not about all the other things that Ms Gallagher is talking about; it was specifically about how it would impact on families and their cost of living.

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

**MR SPEAKER:** Yes, Mr Hargreaves.

**Mr Hargreaves:** I could not hear the answer the Chief Minister made, so I have got no idea whether this point of order is right.

**MR SPEAKER:** Chief Minister, Mr Seselja did ask a specific question.

**MS GALLAGHER:** Thank you, Mr Speaker. The lease variation charge, like other important revenue lines in the budget, will be used to spend on services for Canberrans. It is used to fund schools, it is used to fund targeted assistance for disadvantaged communities, it is used to fund health services and it is used to fund municipal services—just like every other revenue line. Whilst all of us would love to pay less, and we would, the way our city is growing and the way our needs are growing require responsible leadership to look at how you provide those services within a revenue base that is small and try to contain the growth of that revenue base. Yes, we all sign up for that. The lease variation charge is a very small part of this.

*Mr Smyth interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** Yes, we acknowledge that developers do not want to pay it; we acknowledge that developers do not want to pay for the additional development rights that they are granted—

*Mr Smyth interjecting—*

**MR SPEAKER:** Mr Smyth!

**MS GALLAGHER:** and for the enormous profit that they make on those development sites. We on this side of the chamber believe that developers need to return part of that profit back for the community to benefit from. That is something we are proud of standing for.

**MR SPEAKER:** Mr Smyth, before I take the supplementary, I want to say that the Chief Minister should not be drowned out repeatedly.

**MR SPEAKER:** Mr Smyth, before I take your supplementary, the Chief Minister should not be drowned out repeatedly. Mr Smyth, a supplementary.

**MR SMYTH:** Minister, will you spell out for the Assembly and the broader community exactly how much a 6.9 per cent cut in emissions every year for the next eight years will cost Canberra families and add to their cost of living?

**MS GALLAGHER:** There will be additional costs coming as we tackle—

*Opposition members interjecting—*

**MS GALLAGHER:** Well, there will be additional costs coming with tackling the very serious issue of climate change, but in the short term the costs will not be any different to the cost that would have been incurred under the targets you set under your legislation, Mr Seselja—exactly the same.

**MR SMYTH:** A supplementary.

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Chief Minister, do you have any further advice for Canberra families concerning their cost of living other than to turn off their Foxtel?

**MS GALLAGHER:** As usual, I have been verballed, Mr Speaker. As usual, we expect that.

*Opposition members interjecting—*

**MS GALLAGHER:** I only had five of them going then, Mr Speaker. Only five of them were interjecting. I think we need to wait until all six get going. Mr Doszpot was not interjecting. I should draw that to your attention.

**Mrs Dunne:** On a point of order, Mr Speaker, I was not interjecting.

**MR SPEAKER:** Thank you, Mrs Dunne.

**MS GALLAGHER:** My apologies, Mrs Dunne. There were only four. As usual, the comments were taken out of context. My comments about it were that people on higher incomes have more choices available to them than people on lower incomes when it comes to actually determining the family budget. That is what I said. I did not say—

**Mr Hanson:** Let them eat cake!

**MS GALLAGHER:** I did not say that, Mr Hanson. I did not say that, and I reject it completely. My comments have been taken out of context. This government hosted a

roundtable. I heard that Mr Seselja, after coming out of hibernation, is planning on holding a roundtable, maybe next week if he can squeeze it in to his busy schedule. But we have held the roundtable—we held it two months ago—specifically to talk to community providers about what additional assistance the government could provide particularly for those families who are not in receipt of concessions and fall just above the safety net. That work has been done, and we look forward to informing the Assembly about it in the not too distant future.

### **Indoor air quality**

**MS HUNTER:** My question is to the Attorney-General as the minister responsible for regulatory services and concerns the Office of Regulatory Services initiatives to improve indoor air quality. Minister, the *State of the environment report 2007-2008* made recommendations about improving and monitoring indoor air quality. Could you please inform the Assembly what progress has been made by ORS on implementing the recommendations with regard to indoor air quality?

**MR CORBELL:** I thank Ms Hunter for the question and I will have to take the question on notice.

**MR SPEAKER:** Ms Hunter, a supplementary.

**MS HUNTER:** Minister, what progress has been made to ensure that data can be collected regarding the levels of carbon monoxide, nitrogen dioxide, lead particles, volatile organic compounds, formaldehyde and benzene, to inform management of public and private buildings?

**MR CORBELL:** Again I thank Ms Hunter for the supplementary. Again, regrettably, I do not have that detail immediately to hand. I will take the question on notice and provide an answer.

*Mr Hanson interjecting—*

**MS LE COUTEUR:** Supplementary, Mr Speaker.

**MR SPEAKER:** Order! One moment, Ms Le Couteur. Mr Hanson, your commentary is not welcome. It is unnecessary and it is outside of the standing orders. Ms Le Couteur.

**MS LE COUTEUR:** Minister, has the Office of Regulatory Services facilitated any public awareness campaigns regarding indoor air quality and the health impacts of poor indoor air quality?

**MR CORBELL:** Again I will take the question on notice, Mr Speaker.

**MS BRESNAN:** A supplementary.

**MR SPEAKER:** Yes, Ms Bresnan.



**MS BRESNAN:** Minister, what interaction has there been between ORS and the Health Directorate to implement the work of the enHealth Council?

**MR CORBELL:** Again, I will have to take the question on notice.

### **Bushfires—preparation**

**MS PORTER:** My question, through you, Mr Speaker, is to the minister for emergency services.

*Mr Hanson interjecting—*

**MR SPEAKER:** One moment, Ms Porter. Mr Hanson, I just spoke to you about that. You are now on a warning for repeated interjection. Ms Porter, you have the floor.

**MS PORTER:** Minister, the 2011-12 bushfire season is now underway. Could you please provide information on the predictions for this season?

**MR CORBELL:** I thank Ms Porter for the question. The 2011-12 bushfire season commenced on 1 October this year. Whilst last year's bushfire season was relatively benign, the presence of grass fuel across the landscape as a result of prolonged wet weather in the territory means there is now a significant risk to the Canberra community in the months ahead.

Since the end of the 2010-11 summer, there has been below average rainfall and a colder than average winter. This has seen the grasslands cure off and become dry and brown, further increasing fuel and fire risk. All indicators suggest that the risk of grassfires occurring during the forthcoming summer is high.

The Bureau of Meteorology's seasonal outlook indicates that there will be average rainfall over the summer period. However, daytime and night-time temperatures will be higher and lower respectively than normal.

Grassfires can move extremely quickly and they can threaten properties with little or no warning. This means it is important that all Canberrans and their properties are adequately prepared for the 2011-12 bushfire season.

**MR SPEAKER:** Ms Porter, a supplementary question.

**MS PORTER:** Minister, what is the government doing to prepare the territory for the risk of bushfires?

**MR CORBELL:** Again, I thank Ms Porter for the question. The government released its revised strategic bushfire management plan in October 2009, which identifies a wide range of activities for bushfire prevention, preparedness, response and recovery. The ACT Rural Fire Service is well prepared for the coming season. The ACT Rural Fire Service Hume helibase is now fully complete, fully functional, for the 2011-12 bushfire season.

Under the national aerial firefighting centre arrangements, the ACT will have two helicopters on contract during part of the 2012 bushfire season—one medium helicopter and one heavy helicopter. These will be based at the new helibase at Hume. The ACT Rural Fire Service has a wide variety of vehicles available for its operational response, including a new bulk water carrier, 25 heavy tankers, nine medium tankers, 17 light units, 14 command vehicles and seven quick-fill trailers.

Of course, we have over 400 trained and excellent volunteer firefighters, in addition to the 180 trained firefighters from the Parks brigade who also operate under the control of the RFS chief officer. A recruitment program has attracted 38 new members to the Parks brigade. They have been trained throughout May and September this year and have been qualified before the start of this year's bushfire season.

In addition, the ACT RFS has attended the New South Wales Rural Fire Service pre-season briefing to ensure that we continue to have a high level of integration for fire management at a local, regional and state level and across respective jurisdictional borders.

In addition, significant work has occurred in relation to hazard reduction. Activities this year include more than 22,000 hectares of fuel management activities, including over 7,300 hectares of grazing, 8,000 hectares of slashing, 5,000 hectares of prescribed burns, 384 hectares of physical fuel removal and 797 hectares of chemical control. That is 1,000 hectares more than the previous financial year.

In addition, it is anticipated that there will be 523 kilometres of access management activities, 15 separate infrastructure development activities, 61 separate fire-specific training activities, representing a commitment of more than 1,800 staff days.

**MR SMYTH:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Minister, how many volunteers did the AIMS report say the ACT would need to adequately cover a fire season?

**MR CORBELL:** I do not recall the number. I will have to seek advice on that matter.

**DR BOURKE:** Supplementary.

**MR SPEAKER:** Yes, Dr Bourke

**DR BOURKE:** Minister, what role can individual home and land owners do to help make sure they are prepared to deal with the threat of bushfires?

**MR CORBELL:** I thank Dr Bourke for the question. Community preparedness is a vital part of our bushfire readiness in this year's bushfire period. Encouraging Canberrans to prepare, act and survive, to put together their bushfire survival plans, has been a consistent message from our emergency services and from the government

as a whole. To assist with this, two major community events were held last weekend to engage directly with members of the public and to remind and encourage them about the important role that they play in ensuring our community's preparedness for the coming fire season.

The first of these was the ACT Fire Brigade CFU on Saturday program that was held at various ACT community fire unit locations across the ACT, reminding and encouraging residents in those CFU locations to act now and prepare their bushfire plans. The second was the ACT Rural Fire Service open day held at the Hume ACT RFS helibase on Sunday. The major message of that day again was community preparedness and education for the upcoming bushfire season. We estimate over 6,000 Canberrans attended on the day and of course in addition there were representatives of all ACT Rural Fire Service brigades who participated in a field day competition.

It is just fantastic to see this engagement from the Rural Fire Service volunteers and from the broader community as we continue to encourage Canberrans to remember that in the grass fires move fast, so they need to prepare, act and survive this bushfire season.

### **Economy—cost of living**

**MR SMYTH:** My question is to the Chief Minister. Chief Minister, under your government, Canberrans have seen the cost of living skyrocket with increases, including taxation per capita growing by 76 per cent, rates up by over 75 per cent, rents up by over 68 per cent and car parking costs up by 57 per cent. Recently released data from the ABS has shown that the cost of living in Canberra continues to increase, with rents up 5.8 per cent and water and sewage up 12 per cent just in the last 12 months.

Minister your deputy is quoted in the *Canberra Times* today as saying this is all okay because "wages have increased by 44 per cent". Chief Minister, doesn't the Deputy Chief Minister's own number on wages demonstrate that the cost of living in key areas under your government has risen far quicker than people's wages?

**MS GALLAGHER:** I support the comments made by the deputy today. Any context of looking at CPI increases needs to be seen in the overall growth of the economy and growth in wages overall. Times have changed in 10 years. Prices have gone up and, for the large majority of Canberrans, wages have increased at a rate that is commensurate with those increases or above them. Any analysis of ABS data, including average weekly wages, will demonstrate that.

But the government acknowledges, and has for some time acknowledged, that there is a group in our community—and this is where we need to target our comments and target our assistance—that requires further assistance. I think we have done a very good job of targeting our assistance in relation to concessions—the very significant concessions that have been brought in under this government and, indeed, those concessions that you, Mr Smyth, voted against. But there is a group that sit above the concessions and who do not earn above the average income who may require further assistance and consideration about how government policy can assist them.

The government is doing that work, and we have been doing that work for years. We will continue to do it. We have a proud record of looking at how assistance can be targeted to those in need. At the same time, we are a responsible government. We accept that the community wants and expects high-quality services and they cost money. So governments will need to raise revenue. At the same time as they are raising revenue, they need to look at making sure that all Canberrans can share in the wealth of our community.

**MR SPEAKER:** A supplementary, Mr Smyth.

**MR SMYTH:** Chief Minister, will the government be providing a cost of living statement in next year's budget?

**MS GALLAGHER:** The government has just finalised the consultation on the triple-bottom-line reporting, which I notice the Liberal Party did not provide any comments on. That document will ensure that all major government policy and decision making has been checked through the triple-bottom-line reporting. I note we get a submission from the Greens in relation to the draft document, but it is interesting that those opposite, who have not taken part in any of the consultation and policy developments for the last three years, have missed the boat on that one as well.

**MR HARGREAVES:** Supplementary.

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Chief Minister, in the context of the cost of living effects on low income families, has the government recovered from the former Liberal government's reduction of 1,000 units in public housing?

**MS GALLAGHER:** It is fair to say that some of the decisions taken by previous governments have taken a long time to turn around. We have seen it in public housing; we have also seen it in hospital beds, with the 114 hospital beds that were removed. That took years to replace. Indeed, in the last budget we saw allocation of about \$21 million going into targeted assistance for those in our community who are doing it tough. That involves extra support for Housing ACT in terms of some energy efficiency programs. There was extra assistance for the taxi subsidy scheme, for the Legal Aid help desk, for the street to home program. There was also the expansion of social housing. And there was the overall concessions program. That was a very significant package that was put together in recognition of some of the costs that families in the ACT are experiencing.

Whilst the Liberal Party would just like to turn this into a political fanfare kind of argument between parties, the reality is that this is ongoing work before government. It has been for years. Members of this place have been interested in it for years. And we have the responses rolling out the door, responses that the Liberal Party voted against. You cannot go out there on the one hand and say that you are the saviour of all cost of living pressures for all Canberrans and at the same time defend your decision to vote against \$22 million worth of assistance to those very families.

**MRS DUNNE:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Mrs Dunne.

**MRS DUNNE:** Minister, do you support the message from the Deputy Chief Minister that the community is not suffering cost of living problems, and for those families who are suffering cost of living problems and who do not have Foxtel, what advice do you have for them?

**MS GALLAGHER:** The deputy did not say that, Mr Speaker.

### **Climate change—policy**

**MS LE COUTEUR:** My question is to the Minister for the Environment and Sustainable Development and is with regard to the government's policies on climate change. Minister, in June 2011 of this year the government tabled in the Assembly a document that outlined timelines for the delivery of sustainability policies, albeit with a range of caveats that would apply. These policies include the government's sustainable energy policy and weathering the change action plan 2. Minister, what is the reason that weathering the change action plan 2 has not yet been released for public consultation, despite the government indicating that it would do so in the third quarter of 2011, and when will public consultation commence?

**MR CORBELL:** I am pleased to say that draft action plan 2 is currently subject to cabinet consideration, so I expect that it will be finalised shortly.

**MR SPEAKER:** Ms Le Couteur, a supplementary.

**MS LE COUTEUR:** Minister, given that energy efficiency and renewable energy will sit at the core of the government's sustainable energy policy, why didn't the government set these long-term strategic targets in this supposedly long-term strategic document, and will they be included in weathering the change action plan 2?

**MR CORBELL:** I am not permitted to announce government policy during question time, Mr Speaker.

**MS BRESNAN:** Supplementary.

**MR SPEAKER:** Yes, Ms Bresnan.

**MS BRESNAN:** Minister, why has the energy policy failed to link emissions reduction targets to particular sectors as was outlined in the draft energy policy released at the end of 2009, and isn't this a backward step?

**MR CORBELL:** No, it is not.

**MR SPEAKER:** Ms Hunter, a supplementary question.

**MS HUNTER:** Minister, why has the government not included its long-term commitment to 210 megawatts of locally generated solar power in the sustainable energy policy, given that this is supposed to be a long-term strategic document, and has the government walked away from that commitment?

**MR CORBELL:** No, the government has not walked away from that commitment. The actions specified in the energy policy relate to those specific actions the government has agreed to implement over the course of this term and into future terms.

### **Economy—cost of living**

**MR COE:** My question is to the Chief Minister. Minister, under your government, Canberrans have seen the cost of living sky rocket, with increases including taxation per capita growing by 76 per cent, rates up by over 75 per cent, rents up by over 68 per cent and car parking costs up by 57 per cent. Recently released data from the ABS has shown that the cost of living in Canberra continues to increase, with rents up 5.8 per cent and water and sewerage up 12 per cent just in the last 12 months. Minister, why does your government continue to support a tax on Canberrans who cannot afford to pay for 12 months of car registration in one hit?

**MS GALLAGHER:** All matters around revenue and how the government takes revenue in through the budget are matters that are under continuous consideration by the government. Mr Coe might not realise this because he has never been in a position where he has had to put a budget together, but money comes in and money goes out. And the money going out is actually for services—

*Opposition members interjecting—*

**MS GALLAGHER:** Well, for services like health, education, transport, community services, child protection, arts—

**Mr Coe:** Public art.

**MS GALLAGHER:** Well, the arts is a line in the budget, Mr Coe. Not supportive of the arts in a budget? We have just had some very impassioned speeches this morning from your shadow arts minister. Yes, there is a line for supporting the arts in the budget.

*Mr Coe interjecting—*

**MR SPEAKER:** Thank you, Mr Coe. Your point has been made.

**MS GALLAGHER:** That money is in the budget. I imagine that governments in the future will continue to support the arts. Governments, when they are formulating their budgets, look at all of these matters, with the key focus being putting downward pressure on costs for Canberrans, but accepting that services need to be provided.

This government, some time ago, under my watch as Treasurer, instigated the tax review specifically to look at the issues of equity around our own revenue lines. That review will report, and it will provide us with the latest information about the fairness and equity of all of our own revenue lines. And that will inform future government decision making.

**MR SPEAKER:** A supplementary, Mr Coe.

**MR COE:** Chief Minister, will the government get rid of this tax?

*Members interjecting—*

**MR SPEAKER:** Gentlemen!

**MR COE:** If not, why not?

**MS GALLAGHER:** I did not hear the question.

**MR SPEAKER:** Gentlemen, we could not hear Mr Coe's question. Mr Coe, could you repeat it, thank you?

**MR COE:** Sure, Mr Speaker. Chief Minister, will the government get rid of this tax and, if not, why not?

**MS GALLAGHER:** The government, as I said—and I have probably answered this in my previous question—looks at all of our revenue lines every year as we formulate our budget. These are considerations that the government takes carefully and with informed analysis. The tax reviews, specifically in formulating the next budget, will provide us with the latest information we have around all of our revenue lines. We are not just going to come out and make a one-off statement about one revenue line just to get a headline. We actually are doing the work. It is careful work. It needs to be informed and it will be informed in terms of our own budget decisions for next year and the outyears.

**MR HARGREAVES:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Chief Minister, has the opposition offered you any expenditure offsets to counter their request for taxation reductions?

**Mrs Dunne:** Mr Speaker, on a point of order, could I ask you to rule on relevance. On a number of occasions you have ruled that the views of the opposition are not the responsibility of a minister.

**MR SPEAKER:** I think that question is going to be out of order today on the grounds that the Chief Minister is not responsible for the opposition.

**MR HANSON:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Hanson.

**MR HANSON:** Minister, doesn't this tax impact on those Canberrans that can least afford to pay?

**MS GALLAGHER:** All taxes affect Canberrans and they affect them in different ways. That is why we have a range of concessions and concessional amounts. Indeed, with that charge there are concessions available to people on lower incomes. You take out one in isolation and refuse to look at all of our other revenue lines to see where we can ease some pressure, if we are able to. I would just say that the budget update will be provided in February but I do not think it is unreasonable to believe, given that there has been some pressure in terms of the performance of the international stock market and some of the overall economic indicators, that in that update we may see some downward revisions of some of our own revenue lines.

**Mr Hanson:** Point of order, Mr Speaker.

**MR SPEAKER:** Yes, Mr Hanson.

**Mr Hanson:** On a point of relevance: the question was specifically about a tax and whether it was going to affect those that can least afford to pay. I was asking a question on that, not about the broader implications of the international stock market.

**MS GALLAGHER:** I cannot assist Mr Hanson if he does not understand the correlation between the impacts on our superannuation investments and the amount of revenue available for government to provide services. The link I am trying to make is that the government looks at all of our revenue lines specifically with a view to how it impacts on ACT households. We do that every year; it is part of our core business. But at the end of the day we also need to provide services. Demand on services continues to grow. We have had some pressure placed on our budget through the global financial crisis and through the revision downwards of GST receipts, and that has put some pressure and constraint on decisions that the government is able to take. *(Time expired.)*

### **Northern Bridging Support Services—payment of accounts**

**MRS DUNNE:** My question is to the Minister for Community Services. Recently, you tabled in this place a list of creditors that your directorate had not paid within 30 days. It did not include the Northern Bridging Support Services who have payments in excess of \$200,000 outstanding, some for over a year. Why was Northern Bridging Support Services left off the list of creditors that had not been paid within 30 days?

**MS BURCH:** It is my understanding that the invoices were not entered into the system. They were in dispute. They were being negotiated. The arrangements and payment prices were being negotiated.

**MRS DUNNE:** Supplementary question, Mr Speaker.

*Members interjecting—*



**MR SPEAKER:** Order! Mrs Dunne has the floor.

**MRS DUNNE:** Minister, why has your directorate failed to pay some accounts for such a long period compared to the 30 days that bills are supposed to be paid in accordance with the great Labor-Greens agreement?

**MS BURCH:** I thank Mrs Dunne for her question. I think the one invoice that you are referring to was an invoice that was brought to our attention on 21 September, and it has since been paid.

**MR SESELJA:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Seselja.

**MR SESELJA:** Minister, has your directorate paid commercial rates of interest on the overdue payments to NBSS? If yes, how much and when? If not, why not?

**MS BURCH:** The amounts owing to NBSS have been paid in full.

**MR SPEAKER:** Supplementary, Mr Seselja.

**MR SESELJA:** Yes, Mr Seselja. Minister, why have not NBSS been paid interest on this invoice?

**MS BURCH:** I think we have spoken about this a number of times in this place. The invoices, the amounts of money owed, were in dispute. There was no clarity about what was going to be paid. It is my understanding that the amounts have been settled and moneys have been paid.

### **Health—cancer treatment**

**DR BOURKE:** My question is to the Chief Minister. Can you please update the Assembly on the recent improvements to accommodation options for cancer patients who are required to travel to the ACT for treatment?

**MS GALLAGHER:** I thank Dr Bourke for the question. The government has finalised the purchase of a new accommodation facility, or a new home, which will be known as a home away from home. It is a house located in Duffy that will be transformed into a facility for patients who are undergoing cancer treatment and recovery and need a supportive place to stay in the ACT. We do know that about 50 per cent of patients coming through the cancer stream are from New South Wales. We have some accommodation available at the Canberra Hospital, but there is definitely a need for more accommodation.

This house was able to be purchased through a grant from the commonwealth government of \$1.8 million, which was provided in the 2010-11 budget. This house will provide cancer patients and their carers with a supportive, homelike environment during their treatment and recovery and will be utilised particularly by people who are often travelling long distances for their daily treatment.

The advantage of having accommodation off the Canberra Hospital campus is that the patient and their carer, if they choose to have one, are away from the treatment facility in a quiet suburban setting. The house—it was located on allhomes—comprises six living suites, each with an ensuite and sitting room to allow for a private space. There is a large common space, including kitchen, family and recreational room, as well as decks, which provide a nice outdoor space for the patient and their loved ones.

We believe the average length of stay for a patient undergoing treatment at the facility will be in the order of six to eight weeks. I think this is a fantastic outcome and I acknowledge the officer involved who, whilst looking for land on which to build a purpose-built facility, actually came across this purpose-built facility on a website for sale. It was just a fantastic outcome—a nice and rare situation where all the stars lined up—and we will, hopefully, be able to get the house up and running in the next few months so that people can stay there and we can provide six more accommodation options in the ACT.

**MR SPEAKER:** Dr Bourke, a supplementary.

**DR BOURKE:** Minister, in terms of cancer treatment, can you provide details on how many people were treated through our cancer services here in the ACT?

**MS GALLAGHER:** I thank Dr Bourke. Cancer services have been busier than ever over the past 12 months. The Capital Region Cancer Service provided more than 53,000 occasions of outpatient care and over 3,800 occasions of inpatient care in the last financial year. This is growth over the previous years in both of those categories. The Capital Region Cancer Service provided care for 1,229 radiotherapy patients in 2010-11, which again was growth in the order of 2½ per cent.

Importantly, even with this increase, the staff of the Capital Region Cancer Service are doing an amazing job. One hundred per cent of the most urgent radiotherapy patients have received their treatment within the clinically recommended time of 48 hours.

In the 2010-11 budget we did provide an additional million dollars to cover costs associated with the increased activity in and demand for cancer services. This funding has allowed for the recruitment of an additional five radiation therapists to help meet the growing demand for this type of service. We have also expanded accommodation on ward 14A to improve clinical services for medical oncology, haematology and immunology, with the outpatient department. We have got extra consultation rooms, and the extension of the clinical treatment area has allowed the service to respond to the growing demand.

Also, the service has been able to increase palliative care services—we talked about this yesterday—with the palliative care nurse practitioner, a level 2 registered nurse and a psychologist. The recruitment of an additional psychologist and another palliative care nurse practitioner is underway.

In addition to this extra capacity, late last year the ACT started treating patients with a new prostate high-dose rate brachytherapy program, allowing for the provision of a

highly focused treatment option to a specific group of prostate cancer patients. In addition, four new inpatient beds for the Capital Region Cancer Service were opened on 14B at the Canberra Hospital in 2011.

**MR HARGREAVES:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Chief Minister, what other improvements in cancer treatment are we making here in the ACT?

**MS GALLAGHER:** In addition to all of that work—and I thank all of the staff involved in Capital Region Cancer Service for the innovation that they are showing in terms of stretching the public health dollar and targeting it to areas where there is greatest demand—members will be aware that the commonwealth government has provided the ACT with about \$28 million from the health and hospital fund for the ACT capital region cancer centre. This is part of the funds to set up cancer centres across the country. We, from our last budget, are contributing an additional \$15.4 million to that to allow for extra capacity within that cancer centre. With the two buckets of money, I think we will be able to build something really fantastic.

The integrated cancer centre will be run by Capital Region Cancer Service and will be built around the recently expanded radiation oncology department at Canberra Hospital. I think anyone who has been involved in cancer services, as a patient, a family or in public life, will acknowledge the benefits that an integrated cancer centre will provide us with the co-location of a whole range of services to meet the needs of patients. Rather than patients moving from one area of the hospital to another, we will have all of those services, including teaching and research facilities, co-located in one centre.

We are also purchasing two new linear accelerators to fill out the second bunker that was built a couple of years ago and also to replace one of the linear accelerators that is coming to its end of life. Again this will allow us to continue to meet the demands for radiation therapy services in the future.

**MR HANSON:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Hanson.

**MR HANSON:** Minister, can you explain, please, why breast screening for women in the 50 to 69 years age group has declined in the last year and failed to meet targets and why the number of women who receive an assessment appointment within the recommended 28 days has also fallen this year and failed to meet targets?

**MS GALLAGHER:** I think the 70 per cent target is a national target that has never been reached by any jurisdiction. Indeed, the ACT on national trends has usually done pretty well. It is an issue, how you encourage women to continue to come back and have their breasts screened, particularly in the target age group. BreastScreen actually offers a service for woman who are 40, but the target age group is women who are

aged 50 to 69. We know that there will be a proportion of the women in that age group who do not look forward to having their breasts screened, and it is about trying to reach them.

The Capital Region Cancer Service and BreastScreen ACT do a pretty good job at trying to raise that rate. It is through raising awareness of the benefits of early detection and prevention that we will continue to grow that rate. I am not aware of any other jurisdiction that would be largely ahead of the ACT in this area, but anything you can do, Mr Hanson, to encourage women in that age group to undertake their screens through BreastScreen ACT and support the work that is being done there will be greatly appreciated.

In the area of time for assessment and having screens read, there has been pressure in terms of workforce, and there has also been some pressure in the change to digital mammography and having to get that system in place that has presented us with some delays. But the latest data I have seen is very positive now that digital mammography and reading of those screens is fully operational.

### **Schools—staff cutbacks**

**MR DOSZPOT:** My question is to the Minister for Education and Training. Minister, the President of the Association of Teachers of English to Speakers of Other Languages, known as ATESOL, and the Australian Education Union have written to you recently about the declining support for ESL teachers in ACT public schools. Is your department still planning to cut one of the two ESL executive officer positions?

**MR BARR:** Firstly, I need to correct a premise within Mr Doszpot's question. In fact, the government has put additional resources into English as a second language within the education system. I would refer the member to recent budget papers to confirm that fact. In relation to administrative matters within the Education and Training Directorate, that particular area within the literacy and numeracy section is undergoing a restructure. With the finalisation of that restructure there will be an announcement in relation to those positions.

**MR DOSZPOT:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Doszpot.

**MR DOSZPOT:** Minister, can you tell us when this latest backflip occurred? Can you provide copies of policy direction change in relation to ESL executive officer positions at risk?

**MR BARR:** There has been no backflip, Mr Speaker.

**MR COE:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Coe.

**MR COE:** Minister, the government gave a commitment in the 2008 election to provide additional ESL staff to schools over a four-year period. Has there been any

change in the number of staff employed in ACT public schools to teach ESL students? How many are currently employed?

**MR BARR:** Yes, there has, and I refer Mr Coe to previous budget papers for the details. I understand from memory there are an additional 8.4 full-time equivalent positions.

**MR COE:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Coe.

**MR COE:** Minister, according to the February 2010 ESL census—

**Mr Hargreaves:** On a point of order, Mr Coe had a preamble to his last supplementary and now we are seeing another preamble. I would like to ask you to bring him to order. That is the second one.

**MR SPEAKER:** Mr Coe, if you frame the question into a direct question, it would be helpful, thank you.

**MR COE:** Why is it that, according to the February 2010 ESL census, there were 4,158 students, or 12 per cent, meeting the ESL eligibility criteria but only 52 per cent of those students attract ESL funding?

**MR BARR:** Because ESL funding is allocated on a needs basis. There is an assessment of individuals according to a scale of English language proficiency and resources are allocated according to that scale.

### **Refugees and asylum seekers**

**MS BRESNAN:** My question is to the Minister for Multicultural Affairs and concerns refugees and asylum seekers. Minister, recent federal events mean that Australia will return to onshore processing of asylum seekers and that there will be a greater use of bridging visas and community detention. Is the ACT government willing and prepared to accept an increased number of asylum seekers through the onshore processing system? What have you done to make this known to the federal government?

**MS GALLAGHER:** Perhaps I can answer that question under my portfolio as Chief Minister. I have written to the Prime Minister in the last month, in consultation with Minister Burch, talking about the success of the community detention program that has already been underway here in the ACT.

I encouraged the Prime Minister to think about additional ways the ACT government and the ACT community can work with the commonwealth government to provide more opportunities in Canberra for refugees and asylum seekers. I have not had a response to that letter yet, but it was only sent recently.

**MR SPEAKER:** Ms Bresnan, a supplementary.

**MS BRESNAN:** Does the ACT have sufficient facilities for settling and assisting new asylum seekers entering the onshore processing system? If not, how will this situation be improved?

**MS GALLAGHER:** The community detention program that Minister Burch has been managing and monitoring through her directorate has had some pressure, but all of the costs are met by the commonwealth government. The discussion that Minister Burch and I have been having is that if we are to welcome more refugees and asylum seekers under that program to the ACT there may be additional costs to the ACT government, and we are considering those.

There is not a great deal of capacity within the NGO sector, I think, to be able to assist more refugees and asylum seekers without additional funding. But the initial step the government has taken is to ask the Prime Minister—we copied it to the minister for immigration—to consider whether there are additional ways the ACT community can work with them to provide more opportunities for new Australians coming to our country.

**MS HUNTER:** A supplementary.

**MR SPEAKER:** Yes, Ms Hunter.

**MS HUNTER:** Chief Minister, will you ensure that organisations such as Companion House have appropriate funding and resources to provide adequate services to any increase in asylum seekers and refugees, including assistance for survivors of torture and trauma?

**MS GALLAGHER:** Yes, we will. Indeed, with Companion House, we have been working with them over the last couple of months through the Health Directorate with some additional costs that they have. I have not caught up on it completely, but the last thing I saw was leaning towards a positive outcome there.

The minister and I have had a number of meetings around this and acknowledge that if there are additional people coming to the ACT there will be additional costs and the current funding for those community organisations will need to be expanded. At the moment the commonwealth pays 100 per cent of the cost under the community detention program. I have put out my hand, essentially; we have put out our hand. We are not necessarily saying that we would not provide some additional funding either if it assists to get more people to come to the ACT and be welcomed to live in our country.

**MS LE COUTEUR:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Chief Minister, are you working with Mental Health ACT to ensure that the ACT can provide adequate and appropriate mental health support and services to an increased range of refugees and asylum seekers?

**MS GALLAGHER:** Yes, and the public mental health services are working with the community mental health services in this area as well. It is true that a number of people coming through refugee and asylum seeker placements are people who have experienced trauma in their lives and require additional assistance with their health needs. We are taking it seriously and working with organisations to make sure we can meet the needs of that community.

### **Motor vehicles—registration**

**MR HANSON:** My question is to the Chief Minister. Chief Minister, it was reported in the *Canberra Times* on Saturday, 22 October that you had claimed that the recent policy announcement by the opposition to remove the surcharge for car registration under 12 months would cost \$10 million annually. Minister, the answer to question on notice No E11-193 states that the total revenue derived from this charge in 2009-10 was in fact \$4,549,410. Minister, on what basis did you make your claim of \$10 million annually, and will you table the costings documents or other advice that you based your comments on before the close of business today?

**Mr Hargreaves:** On a point of order, Mr Speaker, earlier today you ruled my question out of order on the basis that the Chief Minister was not responsible for opposition policy. This question is directly about opposition policy.

**MR SPEAKER:** There is no point of order, Mr Hargreaves. The Chief Minister is reported as having made comments, and I think she can answer for those comments she is reported to have made.

**MS GALLAGHER:** I can. With respect to the comments I made, in the interview I gave I did draw to the attention of the journalist that I had not been invited to the Liberal Party fundraiser at the Press Club, so I had not been privy to the details—

**Mrs Dunne:** Relevance, Mr Speaker.

**MS GALLAGHER:** Well, I am getting to it. You have asked the question. We had not been invited. We had not been given the policy documents. We had not been given any costings. We had not been given any detail.

**Mr Seselja:** So did you make it up?

**MS GALLAGHER:** No. So I was providing comment that—

**Mr Smyth:** It sounds like it.

**MS GALLAGHER:** The context of those comments was that, without the specific detail, this could be a commitment that exceeded \$10 million. Without that detail, I made it clear to the journalist that that was an approximate figure.

**Mr Smyth:** Oh, approximate!

**MS GALLAGHER:** And we still do not have the details.

**MR SPEAKER:** Supplementary, Mr Hanson.

**MR HANSON:** Minister, if you are not able to substantiate your claim, will you retract your statement and apologise for misleading the community?

**MS GALLAGHER:** No, because I have not. I have explained the context when I made those comments and that remains on the record. I was not invited to your fundraiser—mind you, I would not have paid \$70 to have lunch with the Liberal Party—and I was asked to comment on some promises that were made. The journalist did not have any idea really about the detail that had been provided and I was saying, in context, that if you are going to make promises that will be in the millions and could exceed \$10 million you need to say where the money is coming from. And that challenge remains with you.

**MR SPEAKER:** A supplementary, Mr Seselja.

**MR SESELJA:** Minister, did you or your office have any contact with the Treasurer or his office or Minister Corbell or his office before you made those claims?

**MS GALLAGHER:** Not that I recall.

### **Business—export market**

**MR HARGREAVES:** My question is to the Minister for Economic Development. Minister, can you advise the Assembly on what the government is doing to better highlight the capabilities of Canberra companies to international business markets?

**MR BARR:** I thank Mr Hargreaves for the question. The government continues its focus of working in partnership with the ACT Exporters Network to promote the opportunities for Canberra businesses to grow our export market. Next week a trade mission of eight Canberra-based companies will be in Washington with an aim of winning a greater share of the trillion dollar US public sector market.

Canberra businesses have a unique skillset in areas of government service delivery. These include specialist skills in water policy management and technology, smart grid technologies, intelligence surveillance and reconnaissance, emergency management, information and cyber security, information management and smart records, and defence security and technology.

Part of the ACT government's role, supported by Austrade, is to help local businesses enter into international markets. A very large international market is the US public sector market. Perhaps it is not that well known that this market for government services in the US is bigger than the entire Australian economy. So we are taking the opportunity, with the assistance of Austrade, to bring our suppliers together with the US government.

Earlier this year I launched the exporting services to government pilot and urged local companies to consider being part of the program, which is supported by next week's



trade mission. The pilot was developed in consultation with the ACT Exporters Network, the NICTA e-government cluster, the AIIA collab-IT network, the defence export unit and Austrade. It is all about helping Canberra companies enter the market and to grow in that market by playing to their strengths, strengths that many Canberra companies have developed through servicing the Australian government.

More broadly, Mr Speaker, in the 2011-12 territory budget, the government increased funding for trade connect, a program that assists ACT companies to build export opportunities and enhance their competitiveness in international markets. Trade connect does this through a dollar-for-dollar step-up funding grant program for specialist services and activities. The government continues to work in partnership with local business to help them crack the very lucrative international markets that are out there.

**MR SPEAKER:** A supplementary, Mr Hargreaves.

**MR HARGREAVES:** Can the minister now advise the Assembly what businesses are going on this trade mission that he mentioned in the previous answer?

**MR BARR:** I think it is worth noting that this is the fourth ACT trade mission to Washington since 2003, and the companies participating in this mission include Intellex, Isidore, NICTA Auto Map, Aspen Medical, Seveno, Quintessence Labs, Random Computers and ThinkPlace.

Over the last 10 weeks these companies have been looking at every aspect of their businesses to see that they meet the requirements from an American public sector client perspective. They have been updating their web sites, preparing white papers with Australian references, developing partner strategies and looking at opportunities for representations in the market.

The businesses have done this with the guidance of a fantastic local export success story, Stuart Rendell, who has acted as a mentor to this group of companies, providing his experience and expertise to all of the companies involved in the exporting services to government pilot.

Each company will have its own business matching program whilst in Washington. There will also be a number of networking events scheduled to provide companies with access to business leaders and US public sector decision makers. With the support of previous ACT government trade missions, there are a number of local companies who have already been very successful in the US market, and I will name a few: Tower Software, the Noetic Group, CEA Technologies, EOS and Kord Defence.

The ACT government will continue to find ways to work with business to better highlight the capabilities of local businesses and to build these important relationships with the US government.

**MR SMYTH:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Minister, will any of your Green coalition colleagues be accompanying you on this tour?

**MR BARR:** No.

**MR SPEAKER:** Dr Bourke, a supplementary.

*Members interjecting—*

**MR SPEAKER:** Order. Dr Bourke has the floor, thank you.

**DR BOURKE:** What meetings will you be undertaking while leading the trade mission in Washington DC next week?

**MR BARR:** In addition to supporting the businesses in their programs, I will be taking the opportunity to meet with a range of business leaders and government officials to discuss economic development opportunities. These meetings include the Greater Washington Board of Trade, the Maryland Department of Business and Economic Development and the Smithsonian Institute's National Air and Space Museum. We will also have the opportunity to meet with the Australian ambassador, the Hon Kim Beazley.

The trade mission next week really will be a fantastic opportunity for the eight local companies I mentioned in my previous answer to put into action the strategies that we have been developing with them over the last 10 weeks whilst they have been participating in the exporting services to government pilot. It is a great example of what the ACT government can do to showcase the unique expertise and government services that Canberra companies have to offer.

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

## Papers

**Ms Gallagher** presented the following paper:

Auditor-General's Report No 1/2011—Waiting Lists for Elective Surgery and Medical Treatment—Progress report on achievements against recommendations, dated July 2011.

**Mr Barr** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Education and Training Directorate—Corrigendum.

**Mr Corbell** presented the following papers:

Electoral Act, pursuant to section 54—ACT Legislative Assembly—Electoral Boundaries Redistribution 2011—Redistribution Report, dated 24 October 2011.

Delays in the ACT Courts—Report to the Legislative Assembly, dated October 2011.

New Belconnen Police Station—Progress report in regard to construction, dated 27 October 2011.

## **Transport—public**

### **Discussion of matter of public importance**

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

The benefits of investing in public transport in the ACT.

**DR BOURKE** (Ginninderra) (3.02): I take this opportunity to inform the Assembly of public transport improvements that are being undertaken by the ACT government.

The 2009 strategic public transport network plan provided detail about the public transport corridors that will be the location for a future mass rapid transit system. The rapid corridors identified in the 2009 network plan link the five town centres and a parliamentary zone loop with a possible extension to the airport. The Red Rapid and Blue Rapid buses already provide frequent services on some of these future mass transit routes. This frequent network defined in the 2009 plan will be updated soon as part of the transport for Canberra policy—particularly to reflect changes in land use planning since 2009, when the report was completed, and the many comments from the community about where land use planning could best support frequent transport services.

Canberra's structure of separate districts and town centres well connected by public transport corridors and associated land use development along these corridors was driven by the 2004 spatial plan and sustainable transport plan. It will be updated and strengthened in the upcoming planning strategy and transport for Canberra policy to create an environment in which mass rapid transit options can be more actively considered as we plan the city.

The 2031 frequent network has been designed for the current bus-based fleet, but will be adaptable to and supportive of future mass rapid transit technology like light rail, bus rapid transit, monorails or other technology. To help plan for mass transit, we will focus on defining the frequent network in policy and planning so that other city-building activities can respond to it.

All of our infrastructure planning studies and construction include, and will continue to include, assessments of alternative transit technology requirements. For example, the Northbourne Avenue corridor study from 2011-12 will see the ACT government work in partnership with the National Capital Authority and the Canberra community and business sector to create a vision for this national gateway to the territory, with mass transit to make the most of the development opportunities from existing land use settings.

Light rail or rapid bus transit designed for later conversion to light rail will be at the centre of planning for this corridor. Whatever type of mass transit we choose for the city's main transport corridors, there will always be a place for a bus network which provides frequent, reliable and accessible services. The government will continue to purchase the most fuel efficient bus fleet that meets operational needs, noting that a single bus can displace up to 40 or 50 cars, and is already a more energy efficient and lower emitting form of transport than private motor vehicles for this reason. The current fleet purchasing program includes Euro 5 clean diesel buses, which give significant reductions in emissions and will have lower running costs than the older diesel buses they replace.

The ACT government will continue to look at the potential for alternative technologies for its bus fleet to reduce running costs, provide greater emissions reductions and, importantly, provide a high standard of amenity and comfort for users.

The new MyWay smart card ticketing system is also designed to make public transport easier and cheaper for commuters as well as providing valuable usage data to plan a better bus network. The data which MyWay will eventually provide will form a valuable planning tool for the improvements we must have to meet the needs of the community for world-class mass transport services.

It is with this view to a future mass rapid transit network and a more sustainable Canberra that the government has committed more than \$120 million to public transport projects, promotion, systems, infrastructure and services in the 2010-2011 and 2011-12 budgets. These projects have benefits right now for creating a more sustainable and accessible transport system for Canberra and are justified on their own merits regardless of our choice of transport technology.

Major investments include \$21.4 million over four years to improve ACTION bus services, including a Blue Rapid trial extension to Kippax and service improvements in Fyshwick, Gungahlin, the inner North and the Canberra Hospital; \$2.8 million over three years for a corridor study for the Gungahlin to city corridor, including Northbourne Avenue and Dickson station; \$12.5 million over three years for a real-time passenger information system, which will begin the design phase this year and be rolled out by mid-2013; \$4.1 million for a network of park and ride and bike and ride facilities at locations including Exhibition Park, Erindale shopping centre, Phillip pool, Cohen Street in Belconnen, Gungahlin and Tuggeranong. New park and ride facilities will open at Purdue Street in Belconnen, Exhibition Park in Canberra and the expanded Mawson site by the end of 2011.

The park and ride construction program in 2011-12 will include new facilities near College Street at the University of Canberra; new facilities near Cotter Road for the new Molonglo suburbs; an expansion of park and ride options at Kippax to support the extension of the Blue Rapid service; and an expansion of the commuter park and ride at Calwell.

Over \$1 million, including \$0.255 million in support from the commonwealth, has been allocated to construct a network of bike and ride cages, with the first now open

at Belconnen community bus station and Flemington Road. Two additional cages at Phillip pool, Melrose Drive, and Mawson are to be completed by September-October 2011.

Over \$3.5 million over four years has been allocated to construct and upgrade bus shelters across the bus network, with a focus on frequent and rapid routes.

Some \$7.3 million will construct stage 1 of the Belconnen to city transit way, including bus priority measures on Barry Drive and College Street and a new ANU bus-transit station integrated with the ANU Exchange development, scheduled to be completed in 2012. Some \$8.2 million will provide a bus lane on Canberra Avenue by 2013 to support the Red Rapid corridor and cross-border travel. There is \$2.5 million for new bus stations at Gungahlin and \$2 million for bus stop and station improvements at the Civic bus interchange and City West. And there is \$2 million over four years to improve the ways in which we communicate with Canberrans about public and sustainable transport options.

These improvements could include upgraded walking and cycling facilities across Canberra, including new signage around the major lakes, on main community shared paths, on road bicycle lanes and on off-road shared paths on Ginninderra Drive and Mouat streets and the provision of lighting around Lake Ginninderra and on the Sullivans Creek shared path.

These public transport investments will encourage greater take-up of sustainable and active transport modes such as public transport, walking and cycling. Members will be aware that the transport for Canberra plan is currently out for public consultation. The plan is a core component of the government's vision for the city. I am encouraging my constituents to engage in the consultation process and to contribute their ideas and suggestions on how we get around Canberra.

The government has continued to plan and invest in public transport. The next phase represents a new era for transport in the city and its developing future.

**MR COE** (Ginninderra) (3.11): Often the expression is: it is a hard act to follow. When you have a dispassionate speech like that, it really should not be too hard to follow and it makes you wonder who actually did suggest this as an MPI. I do not think it came from Dr Bourke. Perhaps it came from the person who wrote his speech.

But one thing that we do know about public transport in Canberra is that it costs a huge amount of money. It is a huge subsidy, to the tune of about \$85 million per year that the ACT government puts into the ACTION bus network. At times, I think you have got to wonder how much marginal benefit we get for every dollar we put in to the ACTION bus network. This government is very good at measuring things on inputs but not as good at measuring things on outputs.

Even if you look at the transport plan which has been released just recently, they talk about 7.9 per cent patronage, nine per cent this year and going up to an optimistic 16 per cent. If an optimistic 16 per cent, which I still believe is not going to be achieved, is as good as this government can do, it makes you wonder why we are

pouring \$100 million in. It makes you think that surely there is a better way for this government to invest that \$100 million when it comes to public transport.

But it seems this government is totally unwilling to accept failure. That is exactly what has happened when it comes to this government's track record on the bus network. For 10 years they have been telling us all how they have fixed public transport or the silver bullet is just around the corner. Yet we are at about eight per cent patronage for the ACTION bus network—\$80 million a year subsidy for eight per cent of Canberrans to use it.

I reckon, and I have said so in this place before, that the vast majority of those eight per cent are using ACTION buses because they have to, not because they want to, but because their financial or physical circumstances are such that they are unable to drive their own vehicles. Catching a bus is not the first preference for many people in Canberra, I do not think, as ACTION currently operates as a network. It is a shame. I think everyone here would like to see a bus network that truly was something that you would want to hop on. I think everyone would like to see a bus network that truly did cater for the needs of our city. Instead, we do not have that.

Sure, the inner town services are reasonable. I do not think you get too many complaints when you are talking about getting a bus from Belconnen to the city, the city to Woden or Woden to Tuggeranong. However, the vast majority of Canberrans do not live around those town centres. To that end, they need to get a connecting bus. And it is with those connecting buses that the problems lie.

A couple of years ago, in 2009, the government pointed to Redex as if it was the answer to all our problems. That was, after all, just a rebranded No 5 service. What they failed to acknowledge was that very few people live in the Gungahlin town centre and you have to get a bus to the Gungahlin town centre. As soon as you try to link up the Redex service, which is now the 200, to route Nos 51, 52, 56 or 5, it gets pretty problematic. And it just shows that for all the buzz words like "integrated", which they keep using—"integrated public transport network"—it never actually happens. There is a reason why there is a *Yes, Minister* episode about this integrated public transport network, because it is hard. Yet this government after 10 years have well and truly failed in spite of spending \$110 million a year on a network which is simply failing.

It is important to note that the failure is indicated in the figures where there was a shortfall of 265,000 people in the target. They blame this on the ticket machine. But the ticket machine problems that they have had have been known for years. Yet, in spite of this government having the simplest public transport system in the world, a single-modal system on a single-zone system, they are still unable to roll out an off-the-shelf ticketing system. How is it that they do it in London, with trains underground, light rail, with buses and whatever else they have there across nine zones, and here, one zone, one mode, and we still cannot get it right? It really does ask the question: why is it that it has taken so many years for this government to deliver such a simple ticketing system and why did the cost blow out so much?

In the 2004-05 budget, Mr Corbell came in and said, "We are going to have real-time information." And what did we hear this year? "We are going to have real-time

information.” I wonder when we are actually going to get the real-time information. There is nothing real-time about Mr Corbell’s announcement. If there was a real-time sign at the bus stop with regard to Simon Corbell’s policy, it would be “six years and counting”. That sums up just how ineffective this government has been.

Of course, there are very significant IR issues at ACTION and this government seems totally unwilling to tackle these issues. We are still waiting for network 2 of 2006. That was the weekend timetable. That was the one that Mr Hargreaves, when he was the transport minister, said was going to come, was going to reform ACTION buses and was going to turn it into a seven-day operation. We are still waiting for network 2 of 2006.

Real-time is another one of Simon Corbell’s failures. Here we are, still waiting. We are still waiting.

**Mr Smyth:** That bus has not arrived yet. It is running late.

**MR COE:** It is interesting that Mr Smyth should joke, “The bus has not arrived yet.” When it comes to dead running, this government really has let every single Canberran down. Through questions on notice, the answers to which I got back last year, in March 2010, it came back that per week day an empty ACTION bus drives 12,665 kilometres or, as it works out, about every four days an empty ACTION bus goes around the world at the equator. These are just the absolutely empty ones at the start and beginning of a route. What about all the other buses which are near to empty, with just one passenger on board or maybe two? We are talking tens of thousands of kilometres per week of extreme inefficiencies.

It is interesting that, when I put in questions on notice to this government about things that are going to be embarrassing, often the responses are delayed. Often they are incomplete. Often you get a note back saying that it will be too hard to calculate this answer. Not with this one. This one, I reckon, would have been hard to calculate. This one would have taken a bit of time.

Yet the government, through Mr Stanhope, was pretty keen to give it to me. He was pretty keen for me to expose just how inefficient ACTION was. For a while there, when Mr Stanhope was the Chief Minister, I think he found it quite convenient that I was out there pointing out inefficiencies in ACTION, because he did not have the guts to do it. Regularly he came out and said: “ACTION is a disaster. We need wholesale reform at ACTION.” But he never actually did it. And that was why he was always very willing for me to go out and bag out ACTION and bag out the inefficiencies there. At no point did Mr Stanhope actually have a go at me during that process. Why? Because he knew that what I was saying about the inefficiencies in the ACTION bus network were true.

The difference is, now Simon Corbell is at the helm, now he is driving the bus, he actually thinks everything is just fine at ACTION. He thinks running \$85 million a year for an eight per cent patronage rate is all right. He thinks that is the sort of thing which leads to good governance and to a good public transport system.

What it comes down to is that this government once again have to measure everything by inputs. It is how much they spend, not by what they get in return. I think if you are going to spend \$80 million of taxpayers' money you have to spend it wisely. I was reading through a report about the public transport system in Canberra in the 1980s, and this is one of the quotes which I found:

... while ACTION's bus fleet and staffing levels have grown significantly, its bus scheduling, driver shift allocation and day-to-day operational management have not progressed commensurately.

That was in the 1980s. Let us look at this quote from September 2010, a year ago:

ACTION management have not been able to get the structural arrangements and responsibilities right ... at some point there must be a complete overhaul of the routes rather than just ad hoc changes ... The main sticking point was the Government's insistence there be no limit to part-time drivers.

Isn't that interesting? You have more than 20 years between drinks, 20 years between those quotes, and not much has changed. Of those 20 years, 10 of them have involved Simon Corbell in cabinet. I see a bit of a correlation here. I see a correlation between the underperformance of ACTION and the underperformance of a minister. And I do not think I would be extrapolating too much to say that public transport in Canberra is not served well when you have Mr Corbell at the helm, showing complete disregard for the \$80 million or so of taxpayers' money which he is currently presiding over at ACTION buses.

I think Canberra deserves a better bus network, I think Canberrans deserve better use of their public money and I think it is only going to come about when there is a Liberal government which actually takes pride in the network, actually understands that it is a seven-day network, understands that there is going to be reliance on the motor car, but there also has to be a frequent service connecting to the town centres so that those intertown networks can actually work properly. I urge all members to take a keen interest in the future of public transport in the ACT and to ensure that we spend wisely any subsidy that the Assembly presides over and to ensure that we do genuinely give people an opportunity to want to get on public transport in Canberra rather than those that are forced to.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.22): It is disappointing that we hear the same old tired rhetoric from the Liberal Party about subsidy when it comes to public transport. Spending money on public transport is not a subsidy; it is an investment. It is an investment in improving the transport choices available to Canberrans. It is an investment in building a more sustainable city. It is an investment in helping those who have limited transport choices. We should, as a city, focus on what it means to invest efficiently in public transport infrastructure.

I look forward to Mr Coe outlining where the Liberals propose they will cut money in the public transport budget. That would appear to be the logical extension of Mr Coe's



argument—there is too much money spent on public transport and it needs to be reduced. This government believes we need to invest in public transport for the future and make sure that that investment is efficient and effective.

I note, too, Mr Coe's criticisms about dead running. Of course, what he does not mention in relation to dead running is: who was it that closed the most central bus station in the city that would have eliminated the long distances that buses otherwise have to travel to return to depot for refuelling? Of course, it was the previous Liberal government.

*Mr Smyth interjecting—*

**MADAM DEPUTY SPEAKER:** Order, Mr Smyth!

**MR CORBELL:** I note Mr Smyth's criticism. He peeps up very quickly on that because he knows that the closure of the Woden bus depot dramatically increased dead running, because it dramatically increased the distances buses had to travel to return to depot to refuel and to be serviced or to return at the end of the shift. He knows that very well.

The government is committed to continuing to pursue its progressive agenda in relation to the provision of transport for this city. We released the transport for Canberra policy as a draft for community consultation earlier this month. It is the government's blueprint to provide an effective and efficient transport system that meets the needs of the community while reducing its environmental and social impacts.

Transport for Canberra builds on the 2004 sustainable transport plan, to further build on the government's strong record of delivering transport for Canberra by creating a transport system that puts people first. As Canberra grows and changes, transport for Canberra will help us to reduce traffic congestion and greenhouse gas emissions, while increasing the number of people using active and public transport to get to work from 20 per cent in 2011 to 23 per cent in 2016 and 30 per cent in 2026.

What the critique from the Liberal Party fails to recognise is that, without further improvements in the delivery of public transport services, we will see dramatic increases in the levels of congestion on Canberra roads. Everybody wins when public transport works. Everybody wins when the bus comes on time. Everybody wins when we have greater frequencies and better service delivery for public transport, because we will avoid the otherwise significant costs that will come from an increase in congestion, which is estimated by the relevant federal bureau of transport economics to be up to \$200 million per annum by the year 2030 unless we take further steps.

The transport for Canberra strategy outlines a frequent network of buses and rapid transit running at a minimum of 15 minutes or less through main corridors; coverage services that feed into the frequent network and ensure access to public transport for all with every home within a maximum of 500 metres from a bus service with a minimum 60-minute frequency; a comprehensive system of safe bike-and-ride and park-and-ride facilities so that people can ride their bike or drive to a stop on the

frequent network; and an environmentally-friendly fleet, with modern ticketing, real-time passenger information and efficient and accessible network planning.

I note Mr Coe's critique of the issues around MyWay ticketing. But, in fact, the MyWay ticketing system has been an enormous success. It has been rolled out relatively smoothly for such a complex operation. We have not seen the types of problems we have seen, for example, with the myki technology in Melbourne or, indeed, with other technology in other state capitals. So it has been a very effective rollout.

This is in marked contrast to the absurd proposals and legacy we had from the Liberal Party when they were last in government, where they put in place in a city the size of Canberra three zones so that people had to pay more if they were travelling from Tuggeranong into the city compared to if they were just travelling within Tuggeranong, or more again if they were travelling from Tuggeranong into the city and then to Belconnen or Gungahlin. They actually had to pay three times to go across three different zones. That was the Liberal Party's last attempt in relation to the efficient scheduling and ticketing process for ACTION, and it was an unmitigated disaster which this government had to repeal on its election to office in 2001. That is exactly what we proudly did. We got rid of the absurd, bureaucratic, zonal system which the Liberals last had a go at when last they had their hands on the levers.

This government is also focused on improving bus stations and other public transport infrastructure, the development of bus priority lanes and traffic signal priority and better connections for people transferring to a second bus. Indeed, this is a key issue for me as we move forward in transport for Canberra—giving guarantees about how long people should expect to wait before they get that vital connection either into or out of the suburbs. We are focused on flexible community transport for low demand areas, and a transport system that can be adapted to mass public transit, with work already in train in relation to the possibility of light rail or bus rapid transit along the Northbourne Avenue and Gungahlin to city corridors.

I would like to talk a bit more about this very important project. The new Northbourne Avenue transport corridor study is an important part of creating a better public transport system for Canberra and will build on the significant public transport planning and projects that Dr Bourke has already outlined in his speech.

The government first commissioned studies on mass rapid transit in 2004, and four corridors—Tuggeranong to the city via Woden, Belconnen to city, Gungahlin to city via Flemington Road and Northbourne Avenue and a parliamentary zone-Manuka loop—were identified as possible stages for mass rapid transit.

As these corridors have become more defined, and bus priority measures installed; the government has never lost sight of the potential for light rail along these same corridors. In setting up a corridor planning study, we now want to find out how a mass rapid transit system could be introduced and developed in stages along the corridor while still achieving our environmental, economic and social objectives.

Northbourne Avenue forms the main gateway into the territory from the Federal and Barton highways. It is a busy road, being the major north-south arterial servicing the

commercial precinct and connecting it to Canberra's northern suburbs. As we know, Northbourne Avenue experiences significant congestion. Traffic volumes on the road are in the order of 30,000 vehicles per day. Peak hourly flow is around 3,000 vehicles, with over three traffic lanes with interrupted conditions with traffic lights. According to the Austroads national standards for road capacity, Northbourne Avenue is over capacity; resulting in traffic delays along the whole corridor.

Buses at the moment are part of this traffic, and they experience significant delays too, due to this congestion. Northbourne Avenue is a major bus route, including both local services and the Red Rapid service, a high frequency, limited stop service that runs from Gungahlin through the city to Fyshwick. So the government is looking at opportunities to improve public transit along this corridor. This financial year the government has committed \$2.8 million to investigate what transit and urban renewal outcomes can be achieved on the Gungahlin to city corridor, including the new proposed Dickson station identified in the Dickson master plan and with a particular focus on Northbourne Avenue.

A feature of the study is that it will identify how mass rapid transit could be developed in stages along the corridor. It will also identify how mass rapid transit will integrate with the rest of the ACT public transport network in both the short and long term, taking account of interchanging bus network implications and infrastructure and engineering impacts.

The study will also provide a preliminary cost-benefit analysis to identify staging opportunities and a comprehensive cost-benefit analysis of the preferred option to support budget decision making and future Infrastructure Australia funding proposals. It will also look at financing options, land development and sales opportunities along the corridor. (*Time expired.*)

**MS BRESNAN** (Brindabella) (3.32): I would like to thank Dr Bourke for raising this important issue today. Investment in public transport is something the ACT Greens have focused on. The Greens see public transport investment as critical to achieving a prosperous and healthy future for our city. Whether or not the government invests appropriately in public transport is critical to our ability to meet the environmental, economic and social challenges we face as a city.

I do want to take this opportunity to acknowledge the efforts the government is making on this issue through the Environment and Sustainability Directorate, particularly having transport and planning together, and the recently released transport plan. The minister has talked about the need to address public transport more holistically. The minister has acknowledged that transport is critical to achieving the government's vision of making Canberra a sustainable city. I will discuss later, though, that the Greens do have concerns about the current approach to public transport from the government.

Through participation in the budget process and the parliamentary agreement, the Greens have secured a number of public transport achievements and improvements. One is the development of the very successful Red Rapid bus line, resulting in better public transport options from Gungahlin through Barton into Fyshwick. There has

been significant additional funding for footpaths and bike paths, which enable people to more easily link into public transport using active transport.

The Greens have done much work on active transport, including producing a paper on active transport and these very issues. The government is also now recognising the importance of active transport and it does feature prominently in the new transport plan, something which is very pleasing to see. I would also like to acknowledge the work of the Heart Foundation in this area. They have been very active in developing these ideas and encouraging people to engage in active transport.

Another achievement is the extension of the Blue Rapid bus line to Kippax, along with an expanded park and ride, meaning commuters in west Belconnen can have much better access to the bus network. Frequency is a key issue the Greens have focused on, as frequency has been shown to be one of the single biggest factors that encourage people to use public transport.

Another public transport achievement of the Greens is new park-and-ride and bike-and-ride facilities for Mawson, Mitchell, Calwell and Erindale. Expanding park-and-ride services is an important part of making it easier and more accessible for people to use public transport. If you do look to what other states have done on public transport, park and ride is typically and often one of the first pieces or one of the key pieces of work that need to occur in terms of actual infrastructure.

Mr Coe has mentioned the subsidy issue. I am somewhat concerned by the approach that has been taken on that. Mr Coe has criticised the provision of bus services in the ACT, has talked about the subsidy issue and has argued that we should be spending that on other areas and not on the bus network, presumably. I do think we have to be very careful with that, because when we look at all cities, all cities have a subsidised public transport system.

We do know that many people rely on public transport, particularly older people and people with a disability. Whilst Mr Coe has made the point that some people do it because they have to, a lot of people actually want to catch public transport. I think that is particularly evident in the new transport plan and the public survey that was included in there about public transport investment. So I think it is a serious issue and one that needs to be approached seriously as well. Public transport is a key part of the city and is something we need to invest in for the future of our city and something cities across Australia are doing. And it is something we should be and have to be doing here in Canberra also.

The Greens believe public transport funding should be commensurate with the importance of public transport and the transport challenges that we face as a city. The Greens are concerned that the government is still largely focused on a business-as-usual approach to planning and infrastructure and that we need to take a stronger approach to address Canberra's public transport patronage levels and provide people with a viable alternative. For example, the government's focus on building the Majura freeway came at the expense of other sustainable transport initiatives. In particular, it was the main bid to Infrastructure Australia and the 2008 pre-election light rail bid seems to have disappeared from the agenda.

Through budget estimates, it was clear that if the Majura freeway project proceeds, there will be very limited funds for other new TAMS capital works initiatives in later years. We know, and the government has admitted, that a significant part of Canberra's existing sustainable transport problems are due to how we are prioritising our funding.

The Greens released a paper on transport options for the north of Canberra, which included looking at light rail as an option, and this is another thing we do need to seriously start looking at. Consultants Kellogg, Brown and Root in a 2005 report that the government commissioned into the future of transport in the ACT did put forth some figures around the funding of light rail for particular areas in Canberra. Light rail from Gungahlin to Civic is \$86 million. Light rail for Civic to Russell, Barton, Kingston, is \$90 million. If built in isolation from any other parts of the network, the Gungahlin to Civic route is at an estimated cost of \$185 million. With regard to Civic to Kingston, route 171, as we know, the bigger the network and the way you build it does actually affect the cost.

I think it is worth making that point, because we do often hear the costs of such infrastructure used as a reason not to proceed. When we look at those figures, it is something we can actually take seriously here in Canberra and it is something we could achieve. Again, it is something other cities are doing. I think it is worth noting that the Gold Coast actually put in a light rail bid to Infrastructure Australia, and that was successful. So it is something obviously that Infrastructure Australia are interested in investing in.

We believe the government should be looking at the pattern of funding that goes towards transport. Again, this is something which the Canberra public has also identified. As I mentioned earlier, one of the very interesting parts of the new transport plan was the inclusion of a survey that shows that the Canberra public would like to see around 80 per cent of transport funding spent on public transport, walking and cycling. So I am hopeful that the government's new transport and planning strategy will mean closing a gap between the funding rhetoric and the reality. The government has released the transport plan and network changes and having planning and transport in the same directorate, as I did mention earlier, will hopefully bring benefits.

One of the key problems for existing suburbs is that public transport has not been factored into the development of many suburbs. Transport corridors have now been established in the planning process, which obviously will benefit new areas. However, past transport planning issues create problems around equity and access to public transport and we do need to acknowledge many people will not have a choice in terms of where they live, and there needs to be a choice to actually live somewhere with better transport access.

The transport plan refers to an intention to create future strategies in various areas of transport. For example, it says that in the future the government intends to create a freight strategy, an active travel to school strategy, sustainable fleet strategy, a parking offset fund, and centres for better end-of-trip facilities and centres for green vehicles.

While these are good intentions and they are good initiatives, some of these strategies would have been expected to have been finalised as part of the transport plan. The Greens are concerned that a number of important initiatives have been deferred to future strategies, and the actual implementation of these initiatives is either many years away or will be deferred in a cycle of other strategies that come about, changing priorities and changing governments.

The Greens are strong supporters of building a first-class public transport system for Canberra. Other cities in Australia are investing in public transport and have seen an increase in public transport patronage through this investment. Canberra deserves a first-class, efficient and frequent public transport system, something other Australian cities have. We often hear that Canberra is different to other cities but in terms of distances and other such factors, Canberra is no different to other cities, including cities such as Brisbane, that have very much shifted their transport plan in recent years through making that decision to invest in public transport.

We should be giving people the option, and that is the thing—the choice. It is about giving people the choice to use public transport if they do want to do that. We know a lot of people rely on it. But we know a lot of people want to use public transport, and we should be putting in place an investment so that they can make that choice.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.42): Thank you to Dr Bourke for bringing this matter here today. Public transport funding is an issue the Greens have raised repeatedly over the three years of the Assembly so far, and I am very happy that we have this chance for further discussion.

Our view is that public transport needs to be central to the transport system of Canberra. It is central to the future of our city, and it needs to be the key mode of travel as we move into a future of climate change and constrained access to oil.

We know what happens when cities are planned predominantly for car transport. We just need to look across the Pacific to American cities like Los Angeles, Phoenix and Detroit, where congestion, pollution, urban sprawl and social inequities are causing myriad problems. Is that really what we want Canberra's future to be? A city whose growing population is forced to be dependent on cars for all of their travel needs? A city that is unsustainable and expensive?

Public transport is also a critical factor in the development of Canberra communities. If we are to have a socially inclusive society, we need to provide access to quality public transport. Many communities are at risk of social isolation, including Aboriginal and Torres Strait Islander communities, migrants and refugees, people with disabilities, the unemployed, underemployed, older people and younger people. All of these people are most likely to need public transport as quite often there are fewer options available to these people. The more car dependent we become, the more risk there is of these communities suffering social exclusion. Twenty per cent of people who rely on ACTION buses, for example, are employed on a casual basis. As we have heard here this afternoon, many people with mobility-related disabilities rely on this public transport.

Funding of public infrastructure always raises the issue of cost. As Mr Coe has said, he does not like the public subsidisation of public transport. Instead, he has suggested that money should go to other areas. This idea of slashing public transport services and redistributing the money to other areas is concerning. I am sure the public would be equally disturbed at the prospect of a slashing of the public transport system. Survey results of Canberrans and other Australians consistently show that they are happy to contribute to public transport services. In fact they want more money to go to them.

Ms Bresnan has already mentioned the fact that Canberrans want 80 per cent of all transport funding to go to public transport, cycling and walking infrastructure. I would urge members to consider the enormous costs to the community of turning our backs on public transport. The environmental, social, community costs and costs to the economy would be enormous. Applying dollar figures to these burdens puts the cost in the billions.

I am frequently surprised by those purporting to be concerned about cost of living pressures while they are not concerned about the costs of not having a well-run, efficient public transport system, because what it puts onto families is no option or no choice as far as owning a car or having to purchase a second car. Planning a city that relies on car travel locks a lot of Canberrans into car ownership and paying the ongoing costs. The approximate average time that a resident of Canberra has to work in order to pay for their car is 550 hours a year, or 1½ hours every single day, and this is increasing. There is a particular vulnerability to rising petrol costs, and that is a significant cause of why many people are feeling the pinch with cost of living.

The CSIRO recently argued that in the future petrol prices of between \$2.60 and \$8 per litre would be required in order to constrain petrol consumption to the rate of production and availability. Just think what that will do to our car-reliant city, particularly to families in the outer suburbs who already suffer the most cost of living pressures. I want to point out some interesting facts recently published in the urban economics and policy review. The study found that by running one less car in a household over a 25-year period, the household could accumulate more than an additional \$1 million in superannuation over their working life, repay a \$300,000 housing loan in 12 years instead of 25 years, saving \$245,000 in interest payments, or purchase a home \$110,000 more expensive than they would otherwise be able to at the outset. These are significant figures. This is very much an issue which is heavily connected to cost of living and cost of living pressures. Transport options are important; real cost of living factors are involved, and we must not overlook this.

As Ms Bresnan outlined earlier, the efforts of the Greens have so far achieved some very good results for public transport. Negotiations with the government, participation in budget processes and our parliamentary agreement have brought real results. Ms Bresnan mentioned the Red Rapid bus lines which are now carrying Canberrans between Gungahlin, Civic, Barton and Fyshwick. There are millions of dollars for footpaths and bike paths and new park and rides. Mr Coe raised the issue about people having to get connecting buses from outer suburbs. That is why park and rides are so important, and that is why the lockers there for people who want to ride their bikes, lock them up and then get on the buses are so important.

One development I am particularly pleased about is the extension of the Blue Rapid bus line to Kippax and the expansion of the park and ride there. West Belconnen has long needed this service, and I congratulate the government on this achievement and on listening to and working with the Greens to get this great outcome. I know that at the very least the Liberal Party acknowledge that the park and rides are an important outcome. Their 2008 election policies spruiked the benefits of new park and rides in Canberra.

In addition, I point out the positive influence of the Greens on transport. It has been evident in a number of the government's policies. Some of these policies are very good. We congratulate the government on developing them and on engaging with us to work cooperatively to get some good results. For example, the new transport policy contains a chapter on active transport and it picks up many of the issues that my colleagues Ms Le Couteur and Ms Bresnan have repeatedly raised over the Assembly term, including through the active transport discussion paper the Greens released in 2009. There are numerous other examples. For instance, the Greens made a public submission on the greater Civic plan. By the time the final plan was released, a number of our recommendations had been included. Some of these were a bicycle parking initiative and an investigation into soft separation of pedestrians and cyclists to improve safety.

In fact, I would like to refer to the table on page 12 of the government's new transport plan called "Transport highlights 2001-2011". We certainly advocated for many of these achievements through our agreement, discussion papers or Assembly motions. Again, an example is the new directional signage, new footpaths, new cycle paths, signing up to the international charter of walking, a feasibility study of Northbourne Avenue and new park-and-ride facilities. These are good examples of the crossbench utilising government process to make improvements to Canberra's transport outcomes.

I mention also that the Greens have made many representations about light rail, and Ms Bresnan mentioned this. This seems to have returned in some form to the government's agenda, and we are very happy at this progress. It is back on the agenda. It is something we seriously need to start pursuing. We need to see the government take that one on and start pushing it, particularly at the commonwealth level and through Infrastructure Australia.

We have concerns that the government is not taking this on as well as they should, and this was most evident when Ms Bresnan introduced a motion in the Assembly about progressing rail, and the government just dismissed that motion out of hand. That talked about light rail and other forms of rail—revitalising freight rail, for instance, getting big trucks off the road, getting back to rebuilding the rail system across this country.

In conclusion, I want to emphasise the primary point Ms Bresnan made in her speech earlier—that is, public transport funding is central to this city's future. The government appears to be moving ahead, and we appreciate its expressed commitment to sustainable transport. But we need to continue to see real action. It needs strong action and it needs to happen rapidly.



Public transport funding needs to be in proportion to the scale of the transport problems we face. Planning rules need to reform the way we plan our suburbs so that public transport can be prioritised. These are the things we need the government to do.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): The discussion is concluded.

## **Crimes (Certain Penalty Increases) Amendment Bill 2011**

Debate resumed from 18 August 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (3.52): The opposition will not be supporting this bill today. This may come as a surprise to some because before the government introduced its bill the opposition had put a bill on the table which sought to reform the maximum penalties that apply to a range of criminal offences. Indeed, there is considerable overlap between the two bills.

But the major point of difference is in the removal, in the government's bill, of the special recognition by way of premium penalties for certain aggravated offences. The offences are those for which the government seeks to increase the penalties in this bill—that is, causing or intentionally or recklessly inflicting grievous bodily harm, and culpable driving causing grievous bodily harm or death.

The government's approach is to say to the courts: "If you want to treat this offence as an aggravated offence, you will have to choose a sentence within the scope of the maximum penalty for the offence as it stands in its ordinary form. You will get no guidance from the specifics of the aggravated offence provisions of the law." There will be no premium penalty for aggravated forms of those offences in the way that it currently applies in the ACT. Yet the premium penalties that apply to the remaining aggravated offences on the ACT statute books will continue to apply in the same way. Those are manslaughter, wounding, inflicting actual bodily harm and assault causing actual bodily harm.

So this bill would create a level of discrimination between two various forms of aggravated offences. Some offences will be treated differently from others. There is no rationale in the minister's presentation speech or his comments at any time as to why this should be so. What kind of message does that send from the legislature to the judiciary and the community at large? This is why we are supposedly here today—because we have been asked to send a strong message to the community and the judiciary that we in this place consider that these are serious offences and that the punishment should be substantial.

Mr Corbell used the line from the *Mikado* on the radio this morning that the punishment should fit the crime. But at the same time he is debasing the punishment by his course of action here today. At best, this sends a very mixed message. At worst, it tells the judiciary and the community that the legislature regards some aggravated offences more seriously than it does others. This last point goes to the heart, the very reason, for the need for reform.

The approach to aggravated offences sends the message that this government really is not comfortable with these increases in penalties. Despite being asked by the DPP to make a stand and send a message because of issues that have arisen in the courts, what the attorney is doing here today is asking us to send a very mixed message. It sends the message that the upper end of the penalties is only to be used for aggravated offences. Immediately what this does is discount the tariff for these offences, effectively, by 30 per cent.

The attorney knows, just as well as I do, that one of the problems with the ACT's current criminal offence penalties is that they are out of step with other jurisdictions. The ACT Court of Appeal has said that they can take no guidance from sentencing practices in other jurisdictions because the ACT's offence penalties are not comparable. If the attorney gets his way today, they will continue not to be comparable because we will have effectively discounted the penalty before we have even started. The attorney's bill seeks to introduce further confusion and complication to a problem by taking a discriminatory approach to some aggravated offences compared to others.

Aggravated offences are those committed against pregnant women. In those cases two lives are at stake. But the government are trying to unpack the aggravated offence provisions of the Crimes Act and they are doing it by stealth. The Canberra Liberals have a bill on the table which seeks to increase a range of penalties and there is considerable agreement between what is in the Canberra Liberals' bill and what is in this in relation to the base penalties.

If the attorney had not been so foolish as to take this approach in relation to aggravated offences, I would have been quite happy to have supported this bill here today. In one case the attorney is proposing a maximum penalty of 14 years and I am proposing a maximum penalty of 15 years. I would not quibble over one year. But I will quibble—more than quibble; I will stand up for—over keeping our statute book consistent and sending a consistent and strong message.

The Canberra Liberals cannot support this bill today because it does not send a strong message. The government immediately go out and say: "We want to send a strong message to the judiciary and the community that we think these are serious crimes, and in the same breath we are discounting immediately the seriousness of these crimes by saying that the higher level should be maintained for aggravated offences." This is not the approach. The attorney has really messed things up by taking this approach. He has made it impossible for the Canberra Liberals to support his legislation today.

But this is not the end of it. There is still a bill on foot. I will be happy to hear from the attorney any suggestions that he might have for progressing that bill. I know that the bill that the Canberra Liberals introduced has some elements that are not in the attorney's bill in relation to offences and the attorney's bill has a larger list of offences than is in the Canberra Liberals' bill. I will be happy to discuss with the attorney a coherent approach and a coherent way forward. I think that there is general, at least stated, agreement from the attorney that he wants to oblige the prosecutors in the ACT and address these issues of the apparent weakness of our penalties.

It is a great shame that he could not have taken a better approach than the one that he did today. He had an opportunity to pass the Canberra Liberals' bills on two successive sitting weeks and he chose not to do so. He could have introduced amendments had he wished to do so. It could have been a collaborative approach but it has not been, and it is a great shame. Unfortunately, the Canberra Liberals will not be supporting this bill today. It is a shame that we cannot get this done today because the Canberra Liberals believe that it is time that we made substantial changes to the penalties in these provisions.

I noted comments from Mr Rattenbury this morning about deterrence and things like that. There are issues of deterrence, but deterrence is not the only aspect of why we construct penalties in this way. It was interesting that he talked at length about experiences in Victoria and how they had cut culpable driving in Victoria. At the same time Mr Rattenbury was talking about the experiences of education—and there is a lot to be said in favour of education—but, in fact, the penalties for culpable driving in Victoria are much higher than even those proposed by the attorney or me. There is more to this than a simple one-liner saying that education is better than increasing the penalties. If you look at the achievements in Victoria, you will find that these have occurred on the back of both education and tougher penalties.

**MR RATTENBURY** (Molonglo) (4.01): The Greens will not be supporting this bill today. Sentencing is a complex issue. I think that Mrs Dunne touched on that in her last remarks. It involves questions of community expectations about punishment, how best to deter a similar crime from occurring in the future and the question of rehabilitation of offenders, amongst other issues. They are the primary ones.

We ask that our judges up weigh these competing factors and impose a sentence that is proportionate to the seriousness of the crime. Because of this complexity, any reforms to sentencing demand a very careful approach which is guided by evidence. Before any parliament approves changes to sentencing laws, it should be provided with evidence of how the change will better meet one or more of these seven purposes of sentencing. Parliaments need to be shown how it will achieve stronger deterrence of crime, more effective rehabilitation or a more accurate reflection of informed community standards.

Unfortunately, this bill is accompanied by no such evidence. The Greens do not believe that the required level of work has been done to justify the changes proposed in the bill today. The Greens are not alone in holding the view that any changes to sentencing should be supported with evidence. Certainly, there are a number of community organisations that have made remarks on this and I would like to touch on a few of them.

Civil Liberties Australia have written to the Attorney-General, Mrs Dunne and me setting out their belief that the proposal is an incident-based approach, not an evidence-based approach. The President of the ACT Law Society last week stated, "We shouldn't change sentencing laws just to bring them into line with other jurisdictions unless there's a very good reason to do so," before going on to say that evidence needs to be gathered on what impact revised sentences will have.

The President of the Australian Lawyers Alliance has similarly stated, “Unfortunately what governments and oppositions have tended to do in Australia in the past few years is have knee-jerk reactions to incidents by simply increasing sentences for various offences when there’s no evidence that increased sentences including jail terms have any real impact.”

The common theme running through all these positions is that the organisations are open to changes to sentencing laws but only if they are supported by evidence that the change will better achieve one of the stated goals. The Greens position, as I think everyone in the chamber knows, is that we would prefer that the ACT perform a review of sentencing to gather evidence on how well sentences are meeting the purposes set out in the act. We believe the evidence the review would provide would better equip the Assembly for a debate on sentencing reform.

Coming back to some of those community organisations, I think each of those groups that I just cited indicated that they thought a sentencing review would be warranted in the ACT, as did the justice and community safety committee earlier in the term of this Assembly when they recommended such a review take place. Of course, it is a matter of history now that our proposal for a review was not agreed to by either of the other parties in this place last week. Accordingly, we will have to debate this bill as it currently stands and without what I think could have been valuable evidence to bring into the debate. When seen in this light and without any evidence to support it, the Greens have come to the inevitable conclusion that the bill should not be passed into law.

Those general comments aside, I think there are a number of specific flaws with the bill. The first I guess elaborates in more specific terms that first idea of the lack of supporting evidence. One of the issues raised by this bill is community expectations about the level of punishment that should be handed out for certain offences. The Attorney-General and the shadow attorney-general have both formed the view that the current level of sentences in the ACT for culpable driving are out of alignment with community standards. The Greens believe that this issue is worthy of further investigation before the Assembly passes this bill.

The question of what punishment the community expects in certain cases is an important one. The critical point the Greens emphasise is that it is informed community views that we should be looking for rather than an opinion that is perhaps formed on the facts as presented on the front page of a newspaper.

Members will recall receiving an email from the Chief Justice of the ACT Supreme Court alerting us to recent research in Tasmania on the views of jurors. The results really were quite striking. When asked in the abstract about sentencing in general, the jurors thought judges were too lenient. However, when asked about the case they actually sat through, and after hearing all the evidence, the jurors had very different views.

To summarise the results in broad terms, about half thought the judge was too harsh in his sentence and the other half thought the judge was too lenient. What this suggests is

that certainly judges in Tasmania were getting fairly close when it came to meeting the broad spectrum of community views. With about half and half on each side, it suggests that the judges are coming down in a fairly accurate place in terms of community expectations.

Members will recall that the ACT Greens have suggested that research of this type should be performed in the territory because it would provide incredibly useful evidence on this question of community views. I think the Tasmanian example provides us with some guidance but, of course, we do not want to rely entirely on the Tasmanian outcome. I think, particularly as we increase the number of jury trials in the ACT, that there is scope to undertake this kind of research. It is research that takes a bit of time but the sooner we start it, the better off we will be in terms of actually getting to a point of achieving a substantive number of instances which we can use to form a basis for results.

The second flaw that the Greens in particular are concerned with in this bill is that JACS was not asked to look at what impact the bill would have. I was particularly disappointed with the briefing we had from the directorate. I thank the directorate for the briefing. I always find them very helpful and informative. However, when I asked the directorate whether they had looked into what actual impact they thought the new penalties would have, I was somewhat taken aback to be told that the minister had not asked for this work to be performed.

All that the review was asked to look into was a numerical comparison across jurisdictions rather than going the next step and looking at what actual impact the sentences would have. This seems to me a most unfortunate oversight in the preparation of the legislation.

The third area of particular concern for us is the treatment of aggravated offences. Mrs Dunne has spoken about this already but certainly the Greens believe the bill treats aggravated offences in an ad hoc manner and we are quite concerned about that. An aggravated offence in the ACT is one where the victim was a pregnant mother whose unborn child is harmed because of the commission of a crime. Currently in the ACT, there are eight crimes which have an aggravated version. In developing this bill the government have made a policy decision to abandon aggravated offences for four out of the eight crimes to which it applies.

This is a relatively important policy decision that seems to have arisen as a by-product of this bill. It does not appear that the government set out with the original intent to reform aggravated offences but has ended up proposing it anyway. The Greens' position is that the question of whether the ACT should retain aggravated offences should be considered comprehensively rather than taking the ad hoc approach suggested in this bill and deleting half of the aggravated offences while at the same time retaining the other half. If we are going to deal with aggravated offences, let us have a proper policy discussion and not deal with it in this sort of after-thought kind of way.

The fourth area of particular concern for us, and I guess the fourth flaw we see in the bill, is one that I have spoken about publicly. That is in relation to the JACS *Guide to*

*framing offences*. We have concerns as to whether or not this bill actually contravenes the government's own guide to writing legislation. The JACS *Guide to framing offences* states on page 35:

Despite popular perception, research suggests that increasing penalties does not act as a significant deterrent or prevent crime. Strategies that look at reducing the incidence of crime (such as targeted education and awareness raising) and improving detection, arrest and prosecution of offenders are generally more effective.

If one of the aims of the bill is to deter crime, as the attorney partially referred to in his presentation speech, evidence tells us that there are much more effective things we should be implementing. Members will note that on radio this morning I referred to this and the attorney has referred to the national road safety strategy 2011-20 as a basis from which to increase the penalties. However, I think the attorney has overstated the level of importance that the strategy places on penalties.

The strategy contains 59 action points. Not one of these actions calls for increased penalties. What they actually call for is improved use of sanctions. Recommendation No 9 deals with this issue and calls on jurisdictions to "improve the use of sanctions to more effectively deter people from speeding".

Other recommendations call for the greater use of vehicle sanctions like car crushing for repeat drink drivers and drug drivers. These are the sort of creative responses that are proving to have an effect. In that vein the national strategy reported a successful case study from a Victorian road safety initiative in 2000. A comprehensive statistical evaluation of the impact of the Victorian package found that by the latter half of 2004 it had resulted in a 10 per cent reduction in all casualty crashes involving death or injury and a 27 per cent reduction in fatal crashes.

The Victorian initiative involved progressive introduction of a pack of six measures to improve speed compliance. Those were increasing speed camera operating hours by about 50 per cent, making enforcement more covert and unpredictable, increasing the number of enforcement sites in use, lowering the speed camera enforcement tolerance, reducing the thresholds for penalties applying to different levels of speeding offence and increasing the amount of speed-related advertising.

Importantly, not one of the measures involved increasing maximum sentences. What this package did was increase the prospects of apprehension, which is what the JACS *Guide to framing offences* talks about. It is interesting to reflect on that in light of the recent discussion we had about point-to-point speed cameras. I think Mrs Dunne has made it clear that the Liberal Party are very keen to act on this as well. Yet their vehement opposition to speak for the point-to-point cameras flies in the face of the proven evidence from Victoria about the importance of increasing enforcement and detection.

That is an important part of this for me today. It is very easy to come in here, just click your fingers and say: "Let us increase the penalties. It will get us on the front page of the paper. It will appease a segment of the community who feel that that kind of response is the right kind of response." I think it is an unsophisticated response and

I think that as community leaders we have a greater responsibility to actually lead the discussion, talk about what will work and not play to some populous notion that somehow point-to-point speed cameras, fixed speed cameras or more police vehicles on the street are just revenue-raising exercises.

The fifth area of concern that the Greens have about this bill is that the approach adopted by the government is to mirror sentencing laws in other jurisdictions. The inherent danger in this approach is that the ACT is potentially unwittingly copying the results of simplistic tough on law and order campaigns from past state elections. We believe that would be a bad result for the ACT.

We need to be able to think for ourselves, perform a review of how our sentencing regime is performing and then make any necessary changes. I think here in the ACT we pride ourselves on this Assembly carefully scrutinising proposals and ensuring that they come from the best place, give the best possible results in the ACT and not be constrained by the way it is done in other states. To suggest that we should simply mirror other states is not to my mind a solid basis for making policy decisions in this chamber.

Let me simply conclude by saying that the Greens will not be supporting the bill for the reasons I have outlined. We ultimately are concerned that there is no evidence to support the proposed changes and we believe that a more considered approach to sentencing reform is required here in the territory.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.14), in reply: I can only express my great disappointment at the failure of the Liberal Party and the Greens to support this important piece of law reform. It will be on the record today that the opposition, the Liberal Party, voted against proposals to increase penalties for culpable driving causing death and causing grievous bodily harm, and they did so only for their base political advantage. We have seen Mrs Dunne point the finger—

*Mrs Dunne interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Stop the clock. Minister, just a second please. Mrs Dunne, I have asked you once before. The next time you open up an interjection I am going to name you, without warning. Minister, you have the floor.

**MR CORBELL**: Thank you, Mr Assistant Speaker. We have seen Mrs Dunne point the finger and say, “This is all the government’s fault.” But if Mrs Dunne felt there were deficiencies in the government’s bill why did she refuse to propose any amendment to the bill? Mrs Dunne is never backward in coming forward in making amendments to government legislation, but on this occasion she has been mute. She has been mute because this is all part of her political play to defeat a piece of government legislation, well-based, well-researched government legislation, so that the government has to support hers. But I am not going to play the same petty games that Mrs Dunne plays. I am interested in getting a result. I am interested in getting these sentences for these serious offences increased and I will be proposing

amendments to Mrs Dunne's bill to achieve the outcome that she has refused the government for its legislation today.

It is very interesting that Mrs Dunne and the Liberal Party are not prepared to support an important law reform, a law reform which we know is required—

*Mr Seselja interjecting—*

**MR ASSISTANT SPEAKER:** Mr Seselja, the same promise goes for you.

**MR CORBELL:** following the court of appeal decision in relation to the matter of Creighton. We know that it is required, and they are voting against it. It is to their shame and to their petty political positioning that they refuse to either support this bill or make amendment to it, to those provisions that they object to. Clearly they do not object to the provisions in relation to culpable driving. They could be supporting those provisions today, with amendment. But have we heard a single proposition from those opposite to make amendment? No, none whatsoever.

*Mr Seselja interjecting—*

**MR ASSISTANT SPEAKER:** Mr Seselja, that is the last time—holiday time.

**MR CORBELL:** It just shows that the Liberals are not seriously interested in law reform to improve penalties against those people who recklessly or negligently kill people as a result of the way they drive. Clearly the Liberal Party are not interested in doing that. They are only interested in advancing their own petty political positioning in this place.

The purpose of this bill is to increase maximum penalties to enable sentencing courts to adequately punish these offences, particularly in the worst cases. The five penalties were selected for amendment after careful consideration. The government does not lightly make changes to maximum penalties and I intend today to explain exactly how the government arrived at these new penalties, to demonstrate the strength of the government's justification for this bill.

The issue of maximum penalties was first raised when the Director of Public Prosecutions contacted me and indicated that his office's experience with culpable driving cases warranted government action to increase the maximum penalties available for these offences. The DPP specifically referred to the Creighton matter and his concern that the sentence in that case was manifestly inadequate. The DPP also took the opportunity at that time to draw my attention to the potential inadequacy of the current maximum penalty for the offence of intentionally inflicting grievous bodily harm. This is an offence of the utmost seriousness. In fact, it is one of the most serious offences in the Crimes Act.

Key public officers like the Director of Public Prosecutions are in a position to provide the government with insight into criminal justice issues, and we should pay attention to them. The government would not be doing its job properly if it did not carefully consider and attend to the concerns raised by the DPP, who are at the



coalface of the criminal justice system. The Liberal Party are not doing that today; they are ignoring the views of a key statutory officer. They are ignoring the views of the Director of Public Prosecutions.

At the same time, the government does not lightly make changes to individual maximum penalties, so we took the time to carefully evaluate the DPP's proposals. In doing this we undertook a review of comparable offences, looking at their relative seriousness and penalties. You cannot simply make amendments to penalties in isolation. You have to look at how they relate to other comparable offences. The review initially compared ACT penalties for culpable driving offences and the offence of intentionally inflicting grievous bodily harm with penalties for similar offences in other jurisdictions. This was not done so that the ACT may blindly follow other jurisdictions; rather, it was the first step in a process to evaluate the concerns raised by the DPP about the penalties for the three offences.

The analysis was confined to the two jurisdictions that are our closest neighbours, Victoria and New South Wales, and to the penalties under the model criminal code to ensure that only those comparisons most relevant to the ACT were considered. Special attention was paid to the model criminal code due to the desirability of amendments that bring our law into closer alignment with the code, recognising our commitment to achieve such an outcome.

The finding of this part of the review was that ACT penalties for these three offences are significantly lower than the penalties available in Victoria. I draw Mr Rattenbury's attention to that. These penalties are lower than those in place in Victoria, in New South Wales or under the model criminal code. This confirmed that the issue of maximum penalties merited further investigation.

The second part of the review considered these offences in terms of the overall scheme of ACT maximum penalties for offences against the person. This exercise involved close reference to the particular elements of each offence and to the balanced scale of penalties, which must progress logically according to the seriousness of each offence. The community expects that the penalty fits the crime; that is, that the maximum penalty for a particular offence should reflect the seriousness of the offence relative to other less or more serious offences.

Maximum penalties in the ACT must not be considered in isolation. Consideration of penalties for these three offences in terms of the overall scheme showed that the penalties did not adequately reflect the seriousness of the offences because they were not high enough compared with other similar ACT offences—not offences in other jurisdictions; ACT offences—a point Mr Rattenbury fails to acknowledge.

For instance, the offence of culpable driving causing death has the same consequences as the offence of manslaughter. Manslaughter is currently punishable by a maximum of 20 years imprisonment, meaning there is a 13-year gap between the current penalties for the two offences. Manslaughter does require proof of a slightly higher level of fault—that is, criminal negligence—than does culpable driving. On this analysis it is certainly appropriate that manslaughter have a higher penalty. However, a 13-year gap is too great, as the level of fault required for manslaughter is only slightly higher than that for culpable driving causing death.

The government applied this method of analysis to each of the three offences highlighted by the DPP to determine an appropriate penalty increase and where on the scale of penalties each offence should sit in terms of seriousness. The increase to the maximum penalty for culpable driving causing death, from seven to 14 years, better reflects the relationship between manslaughter and this offence. Similar analysis informed the proposed penalty increase from four to 10 years for culpable driving causing grievous bodily harm and from 15 to 20 years for intentionally inflicting grievous bodily harm.

One further finding from this review was that the maximum penalties for two other offences needed to be increased: the penalty for the offence of negligently causing grievous bodily harm needed to be increased to five years in light of a comparison with the related offence of intentionally or recklessly inflicting actual bodily harm. In addition, when the penalty for the offence of recklessly inflicting grievous bodily harm was considered with other penalties, including the proposed new penalties, it became clear that in order to ensure an appropriate balance between penalties according to the seriousness of the offence the maximum penalty for this offence should be increased from 10 to 13 years.

The final step in the government's comprehensive review was to confirm the results that I have just described by examining other offences on the ACT statute book that have the same maximum penalties as the five penalties under consideration. For example, the offence of negligently inflicting grievous bodily harm currently has the same maximum penalty, two years, as the offence of misconduct with regard to a corpse. I do not deny the criminality of the latter offence, but the harm caused and the level of fault required are both lower than that for a grievous bodily harm offence yet the penalty is currently the same.

Concerns have been raised that this bill is not sufficiently based on sentencing data. If such data had been available the government's review would also have taken into account statistics on the sentences imposed for these offences. The government, as members would know, is currently working on measures to improve the capture of sentencing statistics. But where we do not have that data we have nevertheless approached this issue of determining appropriate maximum penalties as methodically and thoroughly as possible.

I would like to address some comments made by Mr Rattenbury during the debate on the Crimes (Sentencing) Amendment Bill. Mr Rattenbury quoted page 35 of the guide for framing offences that my directorate issued in 2001, which stated:

Despite popular perception, research suggests that increasing penalties does not act as a significant deterrent or prevent crime. Strategies that look at reducing the incidence of crime and improving detection, arrest and prosecution of offenders are generally more effective.

The government does not shy away from this advice, but the advice must be considered in its correct context, something Mr Rattenbury has failed to do. The offences to be increased by the government in the bill we are debating today are not strict liability offences that belong to a regulatory system. They are offences of the

higher end of criminal culpability. They are offences that involve either very serious injury or death.

As members would be aware, the guide for framing offences was prepared in my directorate as part of the government response to the Standing Committee on Legal Affairs of the Sixth Assembly report into strict and absolute liability offences. In agreeing with recommendation 3 of that report, my directorate prepared a guide for framing offences, the same guide Mr Rattenbury quoted. The intention of this guide was to consolidate advice that my directorate has given to other government directorates on fundamental issues that arise in a regulatory context on the drafting of criminal laws and other legislation. The overall goal of the guide is to improve consistency in the preparation of government bills and regulations, and it is meeting this goal.

The government response and the guide for framing offences also provide the Assembly with a clear framework for the government's policy for the creation of strict liability offences, again predominantly in a regulatory context. The offences being considered today are ones that the community expects will attract a penalty that befits a serious criminal act. These are offences that attract the moral condemnation of the community, not offences used to regulate a particular area of operation.

Another way of viewing these offences is through the concept of mala in se crimes. Mala in se crimes are regarded as wrong independently of the law defining them as criminal. These offences contrast with the concept of mala prohibita, which are crimes where the conduct is not wrongful independently of the legal regulation that prohibits it. The offences we are dealing with here today are mala in se crimes; that is, crimes that are independently wrong. We all know it is wrong to seriously injure or kill someone.

I would now like to turn to consideration of the Crimes (Penalties) Amendment Bill that Mrs Dunne has mentioned in her speech. It appears there has been an overall lack of careful consideration in the preparation of this bill. The bill relies too heavily on penalties in other jurisdictions and fails to adequately consider the ACT context. This is evidenced by the fact that Mrs Dunne's bill has appended a table to the explanatory statement to her bill outlining all other jurisdictions' penalties for similar offences. (*Extension of time granted.*) This is an acceptable starting point, but the many issues unaddressed by the bill suggest that this is the extent of the analysis conducted by Mrs Dunne.

Mrs Dunne's bill proposes to increase the maximum penalty for the offence of manslaughter despite the fact that the DPP has said that the current penalty is appropriate, in giving evidence to the very committee inquiry that Mrs Dunne says is the basis for the recommendation to increase the manslaughter penalty. The DPP has since reconfirmed his position that he believes the current penalty for manslaughter is appropriate. So it is curious—indeed it is bizarre—to see Mrs Dunne seeking to increase the penalty.

In addition, the penalty increase proposed by Mrs Dunne for manslaughter, from 20 to 25 years, means there would be an even greater gap between the penalty for

manslaughter and that of intentionally inflicting grievous bodily harm. As I have already discussed, the DPP expressly stated that the penalty for the offence of intentionally inflicting grievous bodily harm is an inadequate penalty. As one of the most serious offences in the Crimes Act, potentially resulting in harm just short of death, and requiring proof of the highest level of fault, that is, intent, it seems absurd that the Liberals would seek to create a bigger gap between the penalty for this offence and the penalty that already exists for manslaughter. The government bill, in contrast, seeks to provide some parity between penalties for these offences, recognising that the offences are of a similar seriousness.

All in all, Mrs Dunne's bill appears to increase maximum penalties in isolation from the broad scale of penalties provided for in the statute book. This means that the relative seriousness of offences is not considered and neither is there balance between the offences. It is not difficult to find the problems this causes in Mrs Dunne's bill. The penalty of 15 years proposed in her bill for culpable driving causing death would make the penalty for that offence the same as the current penalty for intentionally inflicting grievous bodily harm. But one is a much more serious offence than the other, and Mrs Dunne's bill does not address the imbalance that arises.

Similarly, the bill's proposed penalty for culpable driving causing grievous bodily harm is 10 years, the same as the current penalty for recklessly inflicting grievous bodily harm. These two offences involve exactly the same level of harm; that is, grievous bodily harm. However, one requires a higher level of fault than the other: recklessness compared to strict liability.

**Mrs Dunne:** Point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Excuse me, minister. Stop the clock, please.

**Mrs Dunne:** I seek your ruling. I know that the house gave the minister leave, but Mr Corbell is now debating a bill which is not before the house. He is anticipating debate on another bill and I am just wondering what your ruling on that might be.

**MR CORBELL:** On the point of order, Mr Assistant Speaker, Mrs Dunne has argued that this bill should not be supported in favour of her bill, and I am outlining why that argument is wrong.

**Mrs Dunne:** On the point of order, I did not argue that. I argued that this bill should not be supported because of the content of this bill.

**MR ASSISTANT SPEAKER:** Thank you very much, Mrs Dunne. I do not sustain the point of order. Minister, you can continue.

**MR CORBELL:** Thank you, Mr Assistant Speaker. Clearly the Liberals are sensitive to the weaknesses in their bill—

*Mrs Dunne interjecting—*

**MR ASSISTANT SPEAKER:** Mr Corbell, please resume your seat. Stop the clock. Mrs Dunne, on Tuesday I repeatedly asked you not to interject across the chamber.

Yesterday I did it again, and today I have done it and you have repeated it. The last time I said, “The minute you do it again, I shall name you.” And, Mrs Dunne, in accordance with standing order 202(d) and (e) I name you. Then in accordance with standing order 203 I am required to put the question, without debate.

Question put:

That **Mrs Dunne** be suspended from the service of the Assembly.

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

*Mrs Dunne was therefore suspended at 4.39 pm for three sitting hours in accordance with standing order 204, and she accordingly withdrew from the chamber.*

**MR CORBELL:** What we have just seen is the considerable sensitivity from the Liberal Party when their own bills come under some level of significant scrutiny. As I was saying, these two offences involve exactly the same level of harm—that is, grievous bodily harm—however, one requires a higher level of fault than the other: recklessness compared to strict liability. It undermines the balance of the whole penalty scheme for these offences to carry the same maximum penalty. Mrs Dunne’s bill disregards the basic principle that a more serious crime should merit a more serious punishment.

The same issues arise when comparing the treatment by Mrs Dunne and the government of aggravated offences. The government’s bill retains aggravated versions of the five offences affected by this bill but does not increase the maximum penalties available for these aggravated offences, as the new maximum penalties provided for in the bill are sufficient to account for the aggravated forms of these offences.

The government’s analysis in this area is confirmed by the findings of the 2010 review into New South Wales laws involving the deaths of unborn children conducted by retired New South Wales Supreme Court judge the Hon Michael Campbell QC. This review confirmed that existing New South Wales penalties allow the justice system to respond appropriately to criminal behaviour leading to the death of a foetus. As the proposed new penalties for the basic ACT offences would be similar to those that exist in New South Wales, the government has concluded that the new maximum penalties are an appropriate level to also punish the aggravated offence. Mrs Dunne’s bill, however, deals with aggravated offences by loading a few extra years onto the penalty for each basic offence. The result is even further imbalance—

**Mr Seselja:** Point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Minister, hold the phone, please. Stop the clock. Mr Seselja.

**Mr Seselja:** My point of order goes to relevance. Mr Corbell is using all of his time now to debate a bill that is not before the Assembly. We are debating Mr Corbell's bill, not Mrs Dunne's bill. That will come on at another time. I ask you to ask Mr Corbell to remain relevant to this.

**MR ASSISTANT SPEAKER:** It is okay, minister, I think that was the same point of order that was raised earlier on, and I have ruled on that. Mr Corbell, you may continue.

**MR CORBELL:** Thank you, Mr Assistant Speaker. Clearly, the Liberals fail to understand that if they are going to make the argument that their bill is superior to the government's bill and that is the reason to oppose this bill today, they have to be prepared to put up with some scrutiny of their own legislation to explain why that argument is invalid.

So what we have got is that, as the proposed new penalties for the basic ACT offences would be similar to those that exist in New South Wales, the government has already concluded that the new maximum penalties are at an appropriate level to also punish the aggravated offences. Mrs Dunne's bill, however, deals with aggravated offences by loading a few extra years onto the penalty for each basic offence. The result is even further imbalance in maximum penalties. In Mrs Dunne's bill the aggravated form of culpable driving causing death carries a penalty of 17 years, well out of proportion to the seriousness of this offence compared to other related offences.

In summary and conclusion, both the government's and Mrs Dunne's bill make changes to a small number of maximum penalties in the ACT, but that is where the similarity ends. Unlike the government, Mrs Dunne has not carried out a detailed and careful analysis with reference to the scale of ACT penalties but instead has relied on what other jurisdictions are doing. Mrs Dunne has not taken a measured approach to penalties for aggravated offences and Mrs Dunne has not listened to the DPP with respect to the issue of the penalty for manslaughter.

The government, in preparing the Crimes (Certain Penalty Increases) Amendment Bill, has taken comments by the DPP onboard, referred as a starting point to penalties in other relevant jurisdictions and, most importantly, has carefully and methodically considered the appropriateness of specific penalty increases with reference to other ACT offences. In this way, the government's bill ensures that the balance between penalties is retained and the community's expectations about penalties reflecting the seriousness of offences are fulfilled. I commend the bill to the Assembly.

**MR RATTENBURY (Molonglo):** Mr Assistant Speaker, under standing order 46 I seek your leave to make a personal explanation.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): I have a discretion in this, I understand, Mr Rattenbury. Leave is granted.

**MR RATTENBURY:** In his speech Mr Corbell referred to my commentary on the Justice and Community Safety Directorate's "Guide for Framing Offences" and he suggested, if I understood him correctly, that that only applied to strict liability offences. I quote from the cover page of the web site:

This 2010 *Guide for Framing Offences* provides information to people who are drafting offences, strict liability offences, setting penalties, creating infringement notices ... or creating civil penalties.

In suggesting that it only applied to strict liability offences, if that is what he meant, Minister Corbell misrepresented the document from which I was quoting.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 7

Noes 9

Mr Barr  
Dr Bourke  
Ms Burch  
Mr Corbell  
Ms Gallagher

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.

## **Chief Minister—tabling of documents**

**MR SMYTH** (Brindabella) (4.47), by leave: I move:

That the ACT Legislative Assembly directs the Chief Minister to table, by 6 p.m. today, all government documents relating to the Government's calculation of \$10 million as the annual cost of the removal of the fee on part payment of motor vehicle registration.

Mr Assistant Speaker, we are less than a year away from the 2012 election and, as all members would know, truth is very important and honesty is very important. Indeed, the ministerial code of conduct says:

The position of a Government Minister is one of trust ... Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions.

It goes on to say:

Ministers will treat other Members of the Legislative Assembly, members of the public and other officials honestly and fairly, with proper regard for their personal dignity, rights, entitlements, duties and obligations, and should at all times act responsibly in the performance of their public duties.

That is why we move this motion today. In the lead-up to the election, there will a number of promises, a number of commitments made, and there will be claim and counterclaim. But it is important that those claims and counterclaims are made honestly. In the lead-up to the election it is important, particularly with electoral costings, that we have truth and honesty.

Unfortunately, the release of the Canberra Liberals' policy to remove the fee burden on the part payment of rego was not greeted with truth and honesty. What we find is, in fact, that numbers are tabled that cannot be supported by a Chief Minister who refuses to table in this place the documentation that led her to use the \$10 million figure. Indeed, this comes from a Chief Minister that has floating around a bill on election commitment costings so that we can have truth and honesty in our election costings. It is quite apparent that, at the first opportunity where the Chief Minister had the opportunity to behave as a Chief Minister on these costings, she has failed.

We know how this Chief Minister works. In 2004 in the lead-up to the election we had the statement there would be no school closures under Katy Gallagher, and we know that six weeks after the election that promise was thrown out the window. In the lead-up to the 2008 election we had the famous statement, "All our plans are on the table," except, of course, for the secret plan with a heads of agreement in place for the ACT government to purchase Calvary hospital. We know that this Chief Minister has got form; we know that she is not to be trusted, and she proved that on Friday by using a figure of \$10 million that she refuses to substantiate in this place. I have a dramatic sense of *deja vu*, and I am sure all on this side and probably many on the crossbench have a sense of *deja vu* as well.

I want to illustrate how important it is that we nip this in the bud. I simply want to go to a document put out before the last election called "Back into the Red" about how the Liberals planned to drive Canberra to deficit. What did that go on to say? Fact No 6: "The Liberals spent half a billion dollars in promises before the election was called." Wrong, and it was proven wrong. How do we know it is wrong? If you go to the ACT Treasury costings released three days before the election, they said it was wrong. They proved it was wrong because they had accurate and reliable numbers that did not add up to half a billion dollars. Indeed, it added up to a whole lot less than half a billion dollars.

Let us not have the sense of *deja vu*. Let us have truth and honesty in our costings. Let us make sure that we do not go through this rigmarole again. Let us make sure we nip this in the bud so that it does not occur again. Indeed, we have to remember that the government also said our policies did not work, but then they proceeded to steal them—smaller class sizes, Treasurer's advance, travel and stationery.

Katy Gallagher is the Chief Minister, and, when she speaks, people hear her as the Chief Minister. They hear her as the head of government and they expect that what



she says is backed up the resources of the government. That is particularly pertinent in regard to finances. It is important, because this action of putting out wrong numbers calls into doubt everything that this government says about election costings in the lead-up to 2012, and it must stop now.

This motion simply asks the Chief Minister to table all the government's documents where they costed this promise—where they came up with the \$10 million—by 6 o'clock today. I suspect we might not make 6 o'clock today and, with the agreement of the Assembly, if we are not sitting at 6 o'clock, I would ask that these documents be lodged with the Speaker's office for distribution to all members.

I go back to the preamble of the ministerial code of conduct:

The position of a Government Minister is one of trust.

When government ministers speak, they speak on behalf of the government. They are backed up by the bureaucracy, and that is how people, particularly in this city, see it. They know that briefs are written for ministers. They know that information is provided so that ministers speak from a position of authority and a position of knowledge, and people take them at their word. The people of Canberra understand how this system works.

When the minister says, "This will cost \$10 million," people believe her, and they should be able to believe her. Well, we want to see the documents that come up with this \$10 million figure, because our costings were based on the government's own answers. If the government has provided us with one set of costings that come in at one value and they use a different set of costings to come up with a different value, then it calls into question one of the two sets of information provided—either the answer given on notice is incorrect and has therefore misled the Assembly or what the Chief Minister said last Friday is incorrect and she has misled the community. Misleading the community is a grievous sin that should be dealt with. Maybe we will have to come back and deal with it at some other time. Again I quote:

The position of a Government Minister is one of trust.

We should be able to trust those opposite. She should be able to back up where her claim of \$10 million comes from. She should by close of business today be able to table those documents or, if we are not sitting at 6 o'clock this evening, I would request that those documents, with the agreement of the Assembly—I will move an amendment, a motion, if people want—be lodged with the office of the Speaker and be distributed to members then.

This must be nipped in the bud. People should be able to trust all of us in the lead-up to the election. There should be truth and honesty in these costings. It makes a farce of the draft bill that is before this place that if, on the very first occasion, we have ministers going out and misleading the press and misleading the community by making numbers up.

The way out of this for the Chief Minister is to table all of the government documents that she has that verify the \$10 million number. I hope members agree with that. Then

in the next 50-odd weeks that we have left before the election we will get on with the game so that everybody knows the rules and so that we can have a debate based on fact, based on truth, based on honesty.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (4.55): The government will not be objecting to the motion, but I should say to the opposition that there are no papers to table. We do not object to it. The costings of the announcements made by the Liberal Party are coming—

*Mr Hanson interjecting—*

**MS GALLAGHER:** Mr Hanson, before you get too excited, can you just allow me the time to explain. There were two Liberal Party staffers at the press conference recording my comments. I am sure you have got the audio there. I personally object to Liberal Party staffers coming to my press conferences, but anyway they were there and they had their recorders out. The actual audio transcript from the press conference is of me saying in relation to car registration, “You know that is a big ticket item; they are going to have to explain how they are going to fund what would be in excess of a \$10 million promise.” The problem for the Liberal Party is—perhaps you need to get your facts straight before you come in and start raising a whole range of allegations around me—

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Chief Minister, I ask you to direct your remarks through the chair, please.

**MS GALLAGHER:** is that it is a promise in excess of \$10 million. In fact, I made the comments based on a conservative estimate from my experience as Treasurer that about 35—

*Mr Coe interjecting—*

**MS GALLAGHER:** If I could just explain—it is a little complex. About 35 per cent of people renewing their car registration, as I understand it, renew their car registration quarterly. The budget papers clearly indicate that car registration raises around \$90-odd million per annum. I presumed—perhaps I am wrong; I have not seen the detail of the Liberal Party costings—that it was more than a one-off promise; that is, that it has a recurrent hit to the budget. The comments I made in relation to \$10 million were based on the fact that I guesstimated in my head that it was \$2½ million a year, and therefore it would be a promise in excess of \$10 million. I might say that when the costings do come in from the government, I believe it will be a promise in excess of \$10 million.

They were my comments. Your staffers have it on audio. I did not use the word “annual”. It is not my problem. I had not even read Noel Towell’s article till today. I read the article, and it does have the word “annual” in it, but it is not a word that I used in that press conference. Go and ask your staffers to play the audio. The promise you made around car registration is a promise in excess of \$10 million—unless it is a one-off, is it? It is a one off, \$4½ million hit to the budget?

**Mr Smyth:** You are making it up.

**MR ASSISTANT SPEAKER:** Mr Smyth, you will have your chance. You will have it again.

**MS GALLAGHER:** No, I am not making it up, Mr Smyth. That is the situation. Go and listen to the audio transcript. Your staffers were there with their phones out. I presume they have got it. Those comments are correct. When the government has the costings, when they are provided—indeed, when I am Acting Treasurer, if those costings come in, I will be very happy to provide them to the Assembly. I imagine they will show that that promise is in excess of \$10 million.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (4.58): We will be supporting this motion this afternoon. I note that it has been put forward by Mr Smyth and that the Chief Minister has just said that she will be supporting the motion as well.

It is coming up for election time. We have all talked in this place about the election costings bill. We do need to get on with that work. We do need an election costings bill in place before the next election. I know that we from the ACT Greens are keen to have that in place. We think that if we are going to be going out in an election campaign putting forward promises, putting forward initiatives, we should have the costings there to show people how much these particular initiatives will cost. Then they can make their decisions as to who they vote for not just on the merit of the initiatives but also on the basis of what that may mean around taxpayers' dollars and expenditure.

In the meantime we do not have that in place. That is some months off now. Therefore it is important that when statements are made about others' initiatives or policy announcements, there is some rigour around costings and statements.

We have just heard from the Chief Minister that there appears to have been a difference between what she has said that she said in that press conference, what may have been reported and what seems to be coming from the Liberal Party. But at the end of the day what we need to get back to is that we do have some rigour around statements that are made. It is no secret in this place that the Greens have had issues around this recently with statements made by the government in regard to our private rental standards bill. We have not been impressed at all. We have been asking for those costings; we have been asking to see the rigour that has been put around that. So it would be no great secret that we believe that this is an issue that does need to be tackled.

We are coming into an election year; things are going to get feistier around here. Obviously people will be jostling for positions, jostling to put their suite of initiatives and programs out there. We need to have some honesty and integrity in all of that. If we can work hard towards that, I would be supportive. Therefore, as I said, we will be supporting this motion this afternoon.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.02): I thank Mr Smyth for bringing the motion forward and I thank the Greens, through Ms Hunter, for their support.

This is about integrity and it is about the role of the Chief Minister. When we have a Chief Minister who now tells us that what she was doing was guesstimating in her head what the Liberals' promise was, that diminishes the position of the Chief Minister.

There is the issue of what people expect and what they hear in these kinds of debates. The opposition puts out a policy. Our policy numbers were based on the government's numbers. We asked them questions, we asked them how much revenue they received and we did the numbers. We presented those numbers and we made a promise on the back of that. We relied on those numbers. Then we had a Chief Minister who says to the world at large, to the people of the ACT, "This will cost \$10 million annually."

*Ms Gallagher interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Stop the clock. Mr Seselja, resume your seat please. The Chief Minister will come to order. Resume your seat for a second, please, Mr Seselja; I did ask for the clock to stop. Members of the government will realise that I did set a standard for those opposite. I will not tolerate interjections across the chamber. The government members will come to order, please. Mr Seselja, you have the floor.

**MR SESELJA:** Thank you, Mr Assistant Speaker. I will read from the *Canberra Times*. It says:

But Mr Seselja's political rivals were quick to pounce, with Chief Minister Katy Gallagher demanding to know how the registration promise, which she said would cost \$10million annually, would be funded.

Remember how this all came about, too. We made our policy announcement having got the numbers from the government. The Chief Minister called a press conference to respond. She called a press conference to respond. She wanted to undermine the claim. What she is telling us today is, firstly, that she was verballed and, secondly, that when she was verballed in the *Canberra Times* on an opposition election promise no-one in her office bothered to correct it. She did not bother to correct it. We have now had six days—five days since it was reported on Saturday—and apparently no-one in the government saw it. Apparently none of them in that office look at the news clippings—or they saw it and they were comfortable with it; they were happy to allow it to stand. We did not see a correction. We did not see the Chief Minister's office putting out a correction saying, "I was verballed; what I said was that it could be \$10 million over a period of time." She did not. She was happy to allow that to stand.

Now the defence by Ms Gallagher is that she guesstimated it in her head. People should be taking note of that. The people of the ACT expect that when the Chief Minister speaks about numbers and opposition election costings, she is basing it on more than a guesstimate in her head. They would assume that she has received a briefing—that she has sought a briefing from Treasury or from the relevant department saying what this is likely to cost. She did not bother to do that. She was happy to just pluck figures out of the air.

Mr Smyth touched on the fact that this has been done before. It has been done before by the Labor Party. Last time they were shown to have completely gotten it wrong—and not by a little bit, but by hundreds of millions of dollars. We all remember Jon Stanhope sweating at the press conference with his “it is a fact” document that proved to be hundreds of millions of dollars out. We remember that when we announced a policy for lower class sizes, the claims of how much it would cost coming back from the government turned out to be tens of millions of dollars out—not just a little bit, but tens of millions. In the case of the “back in the red; it’s a fact” document from the Labor government, it was hundreds of millions of dollars out.

We will not stand for a government coming out and making up numbers—fabricating numbers so that they can try and undermine an election promise. If you cannot make the argument, disagree with the policy. Go ahead. Say you do not like the policy. Say why you are happy to charge people more when they cannot afford to pay their rego. Say it. That is fine. Criticise the policy. If you are going to talk numbers, base them on facts. Do not base them on a guesstimate; do not allow incorrect information to stand.

That is what has happened here. It is familiar, isn’t it? It is familiar. Mr Smyth touched on it before the 2004 election. It was: “There will be no school closures. Well, I did not say that. It was just a spokesman.” It was never corrected—never corrected. You cannot just leave these things out there and expect that you can then run away from them later on.

The government has for six days allowed this to stand. The Chief Minister plucked numbers out of the air. This calls into question her credibility. It calls into question her credibility going forward, where every time the Greens or the Liberal Party announce a policy, no doubt the Labor Party, whether it is through Ms Gallagher, Andrew Barr or one of the other ministers, will be putting out numbers. They will be coming out and saying, “This will cost \$20 million; this will cost \$50 million; this will cost \$100 million; this will bankrupt us.” They have no credibility.

No doubt members of the media and others will remember the fact that on the very first election policy they made the numbers up. They had nothing to base it on and they plucked a number out of the air. That is what this is about. We are now told that there will be no documents tabled. We are calling for documents to be tabled and we are told that Ms Gallagher has none. They have not even bothered to do the work. She based it on nothing. She did not base it on any facts; she did not base it on any briefings; she did not base it on any documentary evidence.

That is no way to run a government. That is not the way to instil confidence. The community has the right to expect that when the Chief Minister comes out with a number like that, it is based on fact, it is in fact true. She has failed at the first hurdle. The Chief Minister has failed at the first hurdle. Her word now, and the word of her government on these issues, particularly on election costings, particularly as they relate to the opposition, will all need to be viewed in that light. They will need to be viewed in the light that the first opportunity they had, the first opportunity this Chief Minister had, she made it up.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (5.10): In the context of this debate, I think the challenge for the Leader of the Opposition, in light of his statements on ABC radio last week, will be to issue a public statement outlining the fact that he misled the people of Canberra in relation to the Chief Minister's position on the matter of an apology for those in the Community Services Directorate impacted by outcomes there.

We had a fairly robust exchange on ABC radio last week. I understand that the Leader of the Opposition may in fact now have the correct information in relation to the Chief Minister's statements. He may have reviewed the *Hansard* and he might be in a position now to make a formal statement on the public record indicating that he misled the people of the ACT repeatedly on ABC radio last week.

I understand that is Mr Seselja's position now, that he does recognise that he was wrong and that I was correct in calling him on that last week. If we are going to have, as we anticipate, in the next 12 months a robust debate about respective and relative honesty, then Mr Seselja is hardly above reproach when it comes to making a series of misleading statements and—

*Ms Seselja interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Mr Seselja, please!

**MR BARR:** The Chief Minister has just indicated to you, Mr Seselja, and it is on the public record—your staff recorded it; her staff recorded it—that at no point was “annual” ever mentioned by the Chief Minister. I think that the standard you seek and that Ms Hunter seeks in relation to the costing of election commitments will be over a forward estimates period, over the four-year budget cycle.

Unless you specify in a policy announcement that it is a one-off, it is not unreasonable for matters to be costed over a four-year period and the four-year impact on the budget. Your policy announcement of last week, unless you are prepared to stand up now and say it is a one-off, will have an impact each and every year. The total impact over the forward estimates will be more than \$10 million. In fact, what the Chief Minister indicated in her press conference last week is a conservative estimate of the impact over the four-year forward estimates.

That has been the standard practice of Treasury costings of election commitments. I think that would have to be the basis. I am sure that Ms Hunter would agree in terms of the election costings bill that the full impact over the forward estimates needs to be taken into account. On that basis, I do not see anyone over there contesting that the four-year impact of this will be more than \$10 million. You know that.

**Mr Smyth:** Read the policies.

**MR ASSISTANT SPEAKER:** Mr Barr, through the chair, please.

**MR BARR:** Yes, it will. Thank you, Mr Assistant Speaker. So I get that acknowledgement from the shadow treasurer. So that is it; matter settled. The Chief Minister's comments are entirely correct. It will be more than \$10 million. Of course, it will be. The four-year impact will be more than \$10 million. We know that. The opposition know that and that matter will clearly be confirmed in formal Treasury costings in relation to this particular policy commitment.

It is, of course, worth noting that when policies are costed by the Treasury, unless full information is provided by the political party putting forward the information, Treasury will have to make assumptions in relation to the application of policy. The lesson in this for all of us is that the process will be aided, and there will be less of this sort of debate, if political parties provide the full assumptions that underpin their election policies to Treasury for costing. I think that is the best way forward for all parties or else we will have this debate all the time.

The Chief Minister is perfectly entitled in a press conference that was wide ranging to give an estimate of what an opposition policy would cost over the forward estimates. The fact is that the Chief Minister in fact gave a very conservative estimate. I would anticipate that it would be less than half of what might be the four-year cost of that policy commitment. Based on the figures that I have seen in relation to the opposition's policy and the question on notice that has been provided, it would appear that if you add up the total of the four years, it will be well in excess of \$10 million. I see no disagreement. I am hearing no disagreement from those opposite. Very good.

**MR ASSISTANT SPEAKER:** And you should not either, Mr Barr, because that is being disorderly.

**MR BARR:** We will take that at this late stage of the sitting fortnight as agreement across the chamber that it will be more than \$10 million over the four years. As the Chief Minister has indicated, the government has no objection to this particular motion, but there will be no paperwork forthcoming. However, I can certainly give this commitment, because I have asked for a formal costing from Treasury. When that is available, it will be released.

**MR SMYTH** (Brindabella) (5.15), in reply: We have now had it confirmed that this costing was based on nothing. It was based on a guesstimate—"in my head"—in the Chief Minister's head. If that is the way the Chief Minister is going to run in the lead-up to the election, it will be par for the course, because we know that she has done it before. The word "annually" may or may not have been used, but the Chief Minister did not withdraw it. It is the same as in 2004 when the statement was made, "There will be no school closures." The Chief Minister later said, "I never said that." You need to correct the record.

It is interesting that the Chief Minister leaves. She treats this place with so much disdain. She runs away. This action calls into doubt everything the government says about election costings, and it must stop. The Chief Minister must be accurate in what she says because, as she said in her own code of conduct, the position of ministers is one of trust. She needs to be trustworthy and in this instance she has not been so.

She let the “annually” word stand. She was happy for that to stand in the community to overstate the position until she was called to account. Until she was called to account, there it was on the record. We thank the Greens for their support today. It will be an interesting time over the next 50 or so weeks.

But as I said when I started, truth is important, honesty is important. Indeed, Mr Seselja said in his speech: “I am sure ACT Labor is going to decry the costs of these announcements. In fact, on past form, they are likely to claim that they will send the territory bankrupt, probably within the week.”

How prophetic was that? He was right. They bodgied up the numbers. The guesstimate was made in the head of the Chief Minister. The guesstimate is wrong. The guesstimate has no basis in fact and we will insist on truth. We will insist on honesty in the lead-up to the election. I thank members for their support today.

Question resolved in the affirmative.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Australian Republican Movement**

**MR RATTENBURY** (Molonglo) (5.17): Last week—last Tuesday evening, in fact—I had the great pleasure of co-hosting with Mr Barr and Mr Seselja an event here at the Assembly for the Australian Republican Movement. The event was the launch of the Australian Republican Movement’s vision and policy document. It is a short statement, but I think it is an extremely good statement. I should perhaps declare—although I think this is on my register of interests—that I am a member of the Australian Republican Movement. I think the document it has produced is a very good piece on the issue at hand. It sets out what the Australian Republican Movement advocates. I will briefly read that because I think it sets it up well:

The ARM advocates an Australian Republic, with the Australian people being unambiguously sovereign in a fully independent Australian nation.

The document goes on to spell out what is an Australian republic:

An Australian Republic is the final step in Australia’s continuing journey towards full independence and nationhood. It will have a resident Australian citizen as Head of State, chosen through a process that reflects Australian values of a discriminatory process over which Australians have no control.

Then it goes on to other things. The next section is headed “Why an Australian Republic?” It sets out a number of important steps. What I said when I spoke at the event last Tuesday night was that there are some important reasons spelt out here but, for most Australians, the question of a republic or not is a very personal one. I



certainly have some key reasons myself. I actually mentioned those at the event. Whilst I do not disagree with any of them in this document, my own personal ones were my experiences as an 18-year-old arriving in the United Kingdom, feeling part of the commonwealth and finding myself being put in the aliens line where I had to queue up with all the non-European passport holders to get into the United Kingdom, whereas the EU passport holders had a very fast and separate line.

This sounds a bit quirky in some ways and it sounds a little bit odd to raise that as a specific issue, but for me as an individual I guess it made the evolving nature of Australia's relationship with the United Kingdom clear to me. We will never remove the history and the connection between our two nations, but I think it demonstrates that the world has moved on and the relationship between Australia and the United Kingdom is perhaps one of emotional ties and shared friendship rather than some of the more practical measures.

The second reason, for me, is the matter of our confidence as a nation. I think the idea that we need a foreigner as our head of state suggests some sense of inferiority on our part. Australia is a highly successful, highly respected nation around the world and we should have a greater level of confidence than that. I think it is very important that we do make that step.

My third personal reason is that we need a governance structure that is modern and relevant to all Australians. We live in a country now in which people come from many different cultural and ethnic backgrounds. Having the Queen of the United Kingdom as our head of state, I think, does not reflect that modern, vibrant Australian democracy. I do not think any of those things in my mind are negative. They are very much about asserting ourselves as a nation that has grown out from under the wing of the United Kingdom and that is very much capable of, and should be, standing on its own two feet.

Coming back to the document, the first segments were about a vision statement. The document also contains a policy section. It spells out a framework for an Australian republic and sets out some quite specific steps. It deals with the issue of selection method. We recall the referendum last decade. I think that at this stage the Republican Movement has not specified exactly what the selection method should be. I think that is both wise and strategic. The document actually goes on to talk in the third section about a pathway to an Australian republic. I think this, again, is a wise approach because it moves away from the divisive way in which Prime Minister Howard put the referendum together in the 1990s.

What it suggests—and these are important steps—is a non-binding plebiscite on the threshold question along the lines: “Do you want Australia to become a republic by replacing the British monarch with a resident Australian citizen as head of state?” At the end of the day, that is what this is all about. It then goes on to suggest that we undertake national consultation to work through the process of how we choose it and then, finally, we move to a referendum, which will be necessary to change the constitution.

I would simply like to congratulate those in the Australian Republican Movement on putting together this document. It is a very short and effective document which can

help move the discussion forward. I certainly enjoyed, with Mr Seselja and Mr Barr, co-hosting the event at the Assembly.

### **Contact 2012 directory Citizens Advice Bureau**

**DR BOURKE** (Ginninderra) (5.23): Tomorrow I will be launching the new edition of the *Contact 2012* directory. I will be doing this at a special morning tea to be held at the Griffin Centre for all the representatives of Canberra's many community services. It should be a great occasion, complete with a performance led by the local Tongan choir.

The *Contact* directory has a very important role in the social fabric of our community. It has a unifying role that enables partnerships and networks to be formed by organisations to meet the needs of the community. When I was elected to the Assembly in June this year, it was one of the first purchases I made as a new MLA, and I have been referring to it ever since.

The *Contact* directory was first published in 1985 by the former Department of Territories. The Citizens Advice Bureau of the ACT acquired production control of the handbook in 1989 and has been looking after it ever since. The directory has grown substantially over the years. It now contains the details of over 3,000 not-for-profit, interest and support groups and community oriented private services as well as many government funded service providers and programs.

I know that many of us still prefer hard copies, but the directory is also published in other formats—a CD-ROM and a free online version, which is available on the Citizens Advice Bureau's website. The Citizens Advice Bureau is also able to provide organisations with electronic mailing lists for community sector organisations and can provide specialised directories on request.

Of course, the CAB's information shop provides yet another avenue for individuals to access information, often with the support of a staff member or volunteer. The information shop provides numerous free information guides on various topics, including complaints resolution services, emergency relief providers, crisis and supported accommodation, free legal services and a free meal guide. In addition, it provides free computer access and tax help for low income earners.

In closing, I would like to pay tribute to the tireless work of the staff and volunteers of the Citizens Advice Bureau. Their dedication ensures that Canberrans, newcomers and visitors to the ACT are more easily able to navigate the vast array of information about the region's many services. Thanks to Liz Horwath and all the staff and volunteers of the Citizens Advice Bureau, especially Susan and Amy, for their efforts in updating the 2012 version of the *Contact* directory handbook. I am sure it will be well received by regular and new users.

### **Chief Minister**

**MR HANSON** (Molonglo) (5.25): I rise tonight to just reflect on some of the comments that Ms Gallagher made in her response to Mr Smyth's motion. She said

that she objects to Liberal staffers coming to her press conferences. This was in relation to, I think, a Liberal staffer or two Liberal staffers attending in what is a public area in the courtyard of the Assembly. I am aware that Ms Gallagher made a snide remark at the time directed at those staffers, which was somewhat un-chief-ministerial.

The point is that it is a public area. It is a regular occurrence that when I am giving press releases there will be a member of the Greens or Labor staff present. Not always, but occasionally, another member is waiting to speak and their press staffer and media staffer will come along and listen to what I am saying. I do not know why it is that Ms Gallagher expects that there is one rule for her and a different rule for others. She needs to realise that she has set the standard in this place.

I will reflect on what happened in February 2010 when the Canberra Liberals released a discussion paper on strategic directions in health. It was called *The state of our health*, and Mr Seselja and I held a press conference in the media room. At that press conference, Ms Gallagher's media adviser came and sat in the front row and, throughout the whole media conference, sat next to the ABC journalist and fed him questions to ask. Afterwards I spoke with that ABC journalist, who said that he felt most uncomfortable. And, not surprisingly, he looked uncomfortable.

So before Katy Gallagher has a crack at Liberal staffers—or staffers from the Greens, indeed—about turning up to a public place where she is conducting a press conference, she should reflect on the fact that she has had her own staffers turn up many times to my own press conferences, and no doubt others', and indeed situations where they have been there prompting journalists to ask specific questions. Katy Gallagher needs to look to her own actions and those of her own staff before she starts to criticise those of the Liberal Party.

### **Engineering excellence awards Special Olympics**

**MR DOSZPOT** (Brindabella) (5.28): I was pleased to be the guest of Engineers Australia, Canberra division, at their excellence awards on 28 September, a few weeks ago. I was very much taken by the organisation that the president, Ms Jennifer Murray, and her committee provided and their hospitality to all the award nominees and by the complete activities that took place on the night when the winners of the 2011 Canberra engineering excellence awards were announced. This is an annual presentation night that I always look forward very much to going to.

The winners of the awards categories for this year included the winner of the ACT government new technology and innovation award, ANZAC ASMD, active phased array radar, CEA Technologies. There were three engineering excellence awards winners: Kings Avenue overpass, National Capital Authority; Antarctic Broadband, definition and capability development by Aerospace Concepts Pty Ltd; and the ANZAC ASMD, active phased array radar, CEA Technologies.

There were also highly commended awards presented to the following three organisations for work they did: the generation II big dish solar concentrator

prototype, the research school of engineering at the Australian National University; the Datapod system from Datapod Australia Pty Ltd; and the Tharwa heritage bridge restoration, Roads ACT.

The entrants in this year's awards represented a diverse range of projects, and the judges commented on the high calibre of all of the entrants. There were 17 finalists in the 2011 awards, which I understand is the highest number of entrants in almost 20 years. Once again, my congratulations to Engineers Australia, Canberra division, and its president, Ms Jennifer Murray, for all of the excellent work that was carried out to award some very professional organisations.

Last Saturday morning I attended the Calwell community day. It went from morning until afternoon. During the morning I met up with quite a few community groups, including members of Neighbourhood Watch, the Tuggeranong Community Council, all five of the schools in the area and also Mr Gary O'Donnell and his son from the Special Olympics group.

Special Olympics is an international movement that provides sports training and opportunities for athletes with intellectual disabilities. Special Olympics New Zealand is hosting the inaugural trans-Tasman tournament in Wellington, New Zealand, from 2 to 5 November, in just a week's time. The ACT is sending 16 athletes and five support staff to New Zealand, and our athletes are competing in basketball and soccer. They are joining teams from Queensland, New South Wales, Victoria and South Australia as well as teams from many of the Special Olympics regions in New Zealand.

The team and its supporters have been busy fundraising to meet the cost of \$28,000 to send the team over. This has included chocolate drives, sausage sizzles, bucket collections at shopping centres around Canberra and bucket collections at the last Raiders home game on 28 October, and tomorrow night there is a trivia night in Belconnen where they are raising funds.

Rachel Waddington is the ACT manager of Special Olympics. My congratulations go to the Special Olympics committee for the work that they have done in raising money. I was very fortunate to meet Mr Gary O'Donnell and his son, who were busily collecting money at Calwell on Saturday morning. To Gary O'Donnell and his son and to all of the players who will be competing in the Special Olympics in New Zealand from 2 to 5 November, I wish them all the best.

### **Ben Donohoe Run and Walk for Fun**

**MR COE** (Ginninderra) (5.33): I rise this evening to put on the record the Run and Walk for Fun event in memory of Ben Donohoe. It is an event which raises money for the ACT Eden Monaro Cancer Support Group and the Make-A-Wish Foundation. The event is in memory of Ben. It is a wonderful family day out, binding the community together in the social side of keeping fit.

The story of Ben is a very sad one. He passed away in 2005 after an eight-week battle with a brain tumour. However, it is lovely that we can all remember him and those

other families who have been touched by a similar tragedy through the event which will be taking place on 6 November 2011. It is wonderful that the ACT Eden Monaro Cancer Support Group and Make-A-Wish Australia will be the recipients of the funds raised on the day.

Before acknowledging some of the organisations which have contributed to making the event happen, I would like to give warm thanks to the Hawker College sports administration students who make the event happen. I think it is wonderful that the community comes together like that, and in particular the school community in pulling together such a wonderful event which I am looking forward to taking part in in a little over a week.

I would like to acknowledge the partnering sponsor, McDonald's; the media sponsors, WIN, Mix 106.3 and the *Canberra Times*; the gold sponsors, Starkis Design, New Millennium Print and Hawker College sports administration; the silver sponsors, ActewAGL, Care Traffic, Hoyts, IGA Florey, Run For Your Life magazine, Telstra, the University of Canberra and the Raiders; the bronze sponsors, the ACT government, Bentleys of Canberra, Bowtie Promotions, Bytes 'n Colours, CISAC, David Beach Photography, Eclipse Lighting and Sound, Granite Transformations, TLE Electrical Belconnen and Servcorp; and the intermediate sponsors, Belconnen Orthodontics, Bunnings Warehouse Belconnen, Capital Trophies and Sportswear, Coca Cola, Granitevale Estate, Manuka Smiles, M&J Plunkett Builders, Ziggy's Fruit Market and GMT People.

I understand that over 9,000 people have participated in the fun run and some \$220,000 has been raised, which really is quite an extraordinary feat. As I said, the event is taking place on Sunday, 6 November. The race starts at 9.30 am for the 6.3-kilometre leg and 9.45 for the 3.4-kilometre leg, with an awards ceremony taking place alongside a concert at 10.30 in the John Knight Memorial Park. I note that dogs are also welcome.

I encourage all members of this place and all Canberrans to get behind this wonderful event and to find out more information on the website of Hawker College, which is [www.hawker.act.gov.au/runandwalkforfun](http://www.hawker.act.gov.au/runandwalkforfun). I look forward to seeing members there on 6 November.

Question resolved in the affirmative.

**The Assembly adjourned at 5.36 pm until Tuesday, 15 November 2011, at 10 am.**

## Answers to questions

### Taxation—payroll tax (Question No 1745)

**Mr Smyth** asked the Treasurer, upon notice, on 25 August 2011:

- (1) How many businesses in the ACT are subject to payroll tax in each of the ranges of total ACT wages (a) \$1.5 million – \$2 million, (b) \$2 million – \$3 million, (c) \$3 million – \$4 million, (d) \$4 million – \$5 million, (e) \$5 million – \$10 million, (f) \$10 million – \$15 million, (g) \$15 million – \$20 million and (h) more than \$20 million.
- (2) What is the aggregate value of payroll tax collected from each of the groups (a) to (h) in part (1).

**Mr Barr:** The answer to the member's question is as follows:

- (1) & (2) Payroll Tax liability is calculated on the basis of Australia wide wages. For the 2009-10 financial year.

	<b>Total Australia Wide Wages</b>	<b>No. of Businesses</b>	<b>Amount of Payroll Tax Received \$m</b>
<b>(a)</b>	\$1,500,000 - \$2,000,000	154	7.1
<b>(b)</b>	\$2,000,000 - \$3,000,000	238	14.1
<b>(c)</b>	\$3,000,000 - \$4,000,000	136	12.8
<b>(d)</b>	\$4,000,000 - \$5,000,000	100	11.1
<b>(e)</b>	\$5,000,000 - \$10,000,000	250	31.3
<b>(f)</b>	\$10,000,000 - \$15,000,000	119	20.1
<b>(g)</b>	\$15,000,000 - \$20,000,000	89	15.0
<b>(h)</b>	More than \$20,000,000	389	129.8
	No Australia Wide Wage Advised*	779	16.5

\* Organisations who have paid payroll tax but have not advised Australia wide wages.

Note: The movement in payroll tax trade receivables and accruals of \$12.0m must be added to the above to arrive at the total payroll tax revenue in the financial statements.

### Finance—budget allocations (Question No 1763)

**Mr Seselja** asked the Treasurer, upon notice, on 25 August 2011:

- (1) What is the budget allocation for the Pensioner Duty Concession Scheme for the years 2011-12 to 2014-15.
- (2) How many concessions does the budget provide for in each year.
- (3) What growth in the number of concessions provided each year has been factored in.

- (4) What year was the scheme introduced.
- (5) What has been the total cost of concessions paid each year since its inception, for example, the take up rate.
- (6) How many concessions were provided in each year since its inception.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) There is no separate budget allocation for the Pensioner Duty Concession Scheme. The Pensioner Duty Concession Scheme is taken into consideration as part of the overall conveyance revenue estimates.
- (2) The budget is not based on the number of concessions. See answer to question 1.
- (3) See answer to question 1 and 2.
- (4) The scheme was introduced on 1 July 2008.
- (5) The total cost of concessions paid are as follows:

Year	Total Cost of Concessions paid
2008-09	\$0.846m
2009-10	\$0.687m
2010-11	\$1.122m

- (6) The number of concessions provided are as follows:

Year	Number of concessions provided
2008-09	75
2009-10	57
2010-11	91

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### **Motor vehicles—drivers licences concessions (Question No 1773)**

**Mr Seselja** asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011 (*redirected to the Attorney-General*):

- (1) In relation to drivers licences concessions, what is the budget revenue to be collected for the years 2011-12 to 2014-15 from licences given a concession.
- (2) How many concessions does the budget provide for in each year.
- (3) What growth in the number of concessions provided each year has been factored in.
- (4) What year was the scheme introduced.
- (5) What has been the total revenue collected from concession licences each year since its inception, for example, the take up rate.

(6) How many concessions were provided in each year since its inception.

(7) What are the eligible concession rates given under this scheme.

**Mr Corbell:** The answer to the member's question is as follows:

(1)

<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
('000)	('000)	('000)	('000)
1,126	1,166	1,200	1,220

(2) Community Services Directorate (CSD) does not have data for budget provisions for 2011-12 to 2014-15 for the number of Drivers Licence concessions. In 2010-11 CSD processed 7,174 claims for the Drivers Licence concession.

(3) The budget allocation for concessions is increased in accordance with the ACT Budget forecast Consumer Price Index.

(4) Driver licence concessions have been in place for more than 30 years.

(5) Total revenue collected has been provided for the financial years 2003-2004 to 2010-2011. The figures are:

<b>Year</b>	<b>Revenue Collected from Concessions</b>	<b>Take Up Rate</b>
2003/04	\$3,040.70	6222
2004/05	\$2,598.70	6318
2005/06	\$2,226.30	6482
2006/07	\$1,753.00	6327
2007/08	\$1,702.70	6579
2008/09	\$1,271.60	6581
2009/10	\$726.20	6617
2010/11	\$422.70	6628

(6) The table above shows the number of concessions granted.

(7)

<b>Concession Type</b>	<b>Registration</b>
Pensioner – Centrelink	100% concession on Provisional, Full and National Heavy Vehicle licence fees
Pensioner – Department of Veterans' Affairs (DVA)	100% concession on Provisional, Full and National Heavy Vehicle licence fees
DVA Gold card	100% concession on Provisional, Full and National Heavy Vehicle licence fees



Concession Type	Registration
Centrelink Health Care Card Unemployed for more than six months	50% concession on one year licence fee
Diplomat	100% concession on licence fee
Privileged Embassy Staff	100% concession on licence fee

### **Motor vehicles—registration concessions (Question No 1774)**

**Mr Seselja** asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011 (*redirected to the Attorney-General*):

- (1) In relation to Motor Vehicle Registration concessions, what is the budget revenue to be collected for the years 2011-12 to 2014-15 from motor vehicle registration given a concession.
- (2) How many concessions does the budget provide for in each year.
- (3) What growth in the number of concessions provided each year has been factored in.
- (4) What year was the scheme introduced.
- (5) What has been the total revenue collected from concession registrations each year since its inception, for example, the take up rate.
- (6) How many concessions were provided in each year since its inception.
- (7) What are the eligible concession rates given under this scheme.

**Mr Corbell:** The answer to the member's question is as follows:

(1)

2011-12	2012-13	2013-14	2014-15
('000)	('000)	('000)	('000)
2,092	2,164	2,228	2,281

- (2) Community Services Directorate (CSD) does not have data for budget provisions for 2011-12 to 2014-15 for the number of Motor Vehicle Registration concessions. In 2010-11 CSD processed 31,581 claims for the Motor Vehicle Registration concession.
- (3) The budget allocation for concessions is increased in accordance with the ACT Budget forecast Consumer Price Index.
- (4) Vehicle registration concessions have been in place for more than 30 years.
- (5) Total revenue collected has been provided for the financial years 2003-2004 to 2010-2011. The figures are:

<b>Year</b>	<b>Revenue Collected from Concessions</b>	<b>Take Up Rate</b>
2003/04	\$1,195,279.90	37675
2004/05	\$1,362,380.40	40801
2005/06	\$1,586,346.40	42057
2006/07	\$1,916,412.30	42057
2007/08	\$2,004,893.60	42675
2008/09	\$2,195,462.30	44115
2009/10	\$2,424,253.60	46015
2010/11	\$2,649,080.20	48295

(6) The table above shows the number of concessions granted.

(7)

<b>Concession Type</b>	<b>Registration</b>
Pensioner – Centrelink	100% concession on registration fee component only
Pensioner – Department of Veterans' Affairs (DVA)	100% concession on registration fee component only
DVA Gold Card	100% concession on registration fee component only
Centrelink Health Care Card	\$10.00 reduced surcharge on short term registration
Centrelink Health Care Card Unemployed for more than six months	\$10.00 reduced surcharge on short term registration
Seniors	10% concession on registration fee component only
Gas/Electric powered vehicle	20% concession on registration fee component only
Gas/Electric powered vehicle with Seniors Concession	28% concession on registration fee component only
Diplomat	100% concession on the registration fee component and Road Rescue Fee only. Must still pay Compulsory Third Party Insurance (CTPI) & Road Safety Contribution
Privileged Embassy Staff	100% concession on registration fee component and Road Rescue fee only. Must still pay CTPI and Road Safety Contribution
Primary Producer	45% concession on registration fee component only
Gas/Electric powered vehicle with Primary Producer Concession	55% concession on registration fee component only

## National Arboretum (Question No 1777)

**Mr Seselja** asked the Minister for Economic Development, upon notice, on 20 September 2011:

- (1) What are the qualifications held by the National Arboretum Curator.
- (2) What are the minimum training requirements for staff engaged to work at the Arboretum.
- (3) Can the Minister provide the selection process and job requirements for all positions advertised and filled at the Arboretum.
- (4) What is the procurement process used at the Arboretum in relation to supplies, for example, stakes, tree guards, fertilisers and the like.
- (5) Does the Arboretum receive any cash/non-financial incentives for supplies purchased, for example, pink tree guards.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The Curator of the National Arboretum Canberra (NAC) has around 20 years horticultural and landscape construction experience in the private and public sectors and five years apprenticeship training in horticulture at the Canberra Institute of Technology (CIT) Weston. His work experience has covered applied botany, plant propagation, soil management, irrigation, landscape construction, plant selection and culture, and involved a range of high profile projects for private and public sector clients.
- (2) A copy of the selection criteria for the two fulltime positions at the NAC is attached at **Attachment A**.
- (3) Both the Curator position and the Senior Horticulturalist position (both of which have the classification of Senior Officer Grade C) were publicly advertised and filled following competitive processes.

The Curator position (P14223) was advertised in the ACT Government Gazette on 16 October 2008 and drew a strong field of six applicants. The Senior Horticultural position (P 18233) was advertised in the ACT Government Gazette on 15 October 2009 and *The Canberra Times* on 17 October 2009 and also drew a strong field of seven applicants.

The selection processes, selection criteria and the interview panels were established in accordance with normal ACT Public Service procedures and processes. In addition to a range of generic criteria, both jobs required demonstrated extensive experience and knowledge of horticultural maintenance practices.

- (4) The procurement of the bulk of supplies is integrated with major tree planting and maintenance contracts, which have at various times and on a regular basis been competitively tendered over the last five years in accordance with ACT procurement guidelines and regulations.

(5) No.

**Attachment A**

**SELECTION CRITERIA**

**Position Title:** Senior Horticulturalist

**Position No:** 14223

**Classification:** Senior Officer Grade C

1. Demonstrated extensive experience and well developed knowledge of horticultural maintenance and propagation principles and practices as applied to a wide range of plants in particular trees and scientific collections.
2. Demonstrated extensive experience and accuracy in the assessment and measurement of tree health and growth; and experience in conducting trials to aid research in relation to tree growth.
3. Proven high level of oral and written communication skills including an ability to write technical reports and a well developed ability to present accurate and informative talk and tours on a wide range of horticultural topics to diverse groups.
4. Demonstrated ability to work individually and collegially as part of a small team, to deliver high quality outputs under tight timeframes and in an environment of competing priorities.
5. Understanding of public service values covering ethical standards and a demonstrated self-awareness, professionalism and a proven commitment to the ongoing integration of work place diversity, participative work practices and occupational health and safety principles and practices.

**Position Title:** Project Manager

**Position No:** 18233

**Classification:** Senior Officer Grade C

1. Demonstrated extensive experience and well developed knowledge of horticultural maintenance.
2. High-level skills in project management and strategies, advertising, public information, functions and outreach programs and the use of a wide range of computer programs.
3. Demonstrated high level of written and oral communication skills together with negotiation, liaison and representational skills.
4. Demonstrated ability to work individually and collegially as part of a small team, to deliver high quality outputs under tight timeframes and in an environment of competing priorities.

5. Understanding of public service values covering ethical standards and a demonstrated self-awareness, professionalism and a proven commitment to the ongoing integration of work place diversity, participative work practices and occupational health and safety principles and practices.
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**Justice and Community Safety Directorate  
(Question No 1778)**

**Mr Hanson** asked the Treasurer, upon notice, on 20 September 2011 (*redirected to the Attorney-General*):

- (1) Did the ACT Government wait until 30 June 2011 to transfer \$1 million within the Justice and Community Services (JACS) Directorate; if so, why.
- (2) When did the JACS Directorate first become aware of the need to request the transfer of these funds.
- (3) What were the reasons for the costs pressures identified for (a) overtime costs, (b) detainee costs, (c) building maintenance and (d) utility costs.
- (4) Was a request made to utilise the Treasurer's Advance to respond to these cost pressures; if so, what was the response; if not, why not.
- (5) Did Output Class 1: Justice Services have \$1 million which could be transferred to another output class; if so, why.
- (6) What activities in Output Class 1 were reduced or deferred as a consequence of transferring these funds.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The ACT Government finalised the Section 15 instrument under the *Financial Management Act 1996* that transferred \$1 million from Output Class 1 Justice Services to Output Class 2 Corrective Services in the lead up to the end of financial year to ensure sufficient cash funding was available for end of financial year processing of invoices.
- (2) The option of using a section 15 instrument to transfer one off savings within the Directorate to assist in meeting cost pressures within Corrective Services was proposed to me in June 2011, as an alternative to seeking Treasurer's Advance for the identified cost pressures.
- (3) The reasons for the cost pressures identified in overtime costs; detainee costs; building maintenance and utility costs have been identified in Knowledge Consulting's Review of Operations at the AMC. Government has since provided additional funding to Corrective Services in the 2011 12 Budget to assist in addressing these cost pressures.
- (4) No. Wherever possible, the Directorate tries to manage cost pressures within its existing resources. Consequently, the transfer of available funding within the Directorate was identified as an appropriate option.

- (5) Output Class 1: Justice Services had GPO funding available mainly due to delays in the Working with Vulnerable People Checks (\$0.540m) and one off increases in own source revenue and underspends within Output Class 1.
- (6) See item 5 above.

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**Health—expenditure  
(Question No 1782)**

**Mr Hanson** asked the Minister for Health, upon notice, on 20 September 2011:

- (1) In relation to the 2011-12 Budget, Health Directorate Output Class 1.3, what is the total amount budgeted for monitoring the health of the ACT population services for the financial years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.
- (2) Can the Minister list the programs that are provided for under the budget for monitoring the health of the ACT population.
- (3) What is the total amount budgeted for disease prevention for the financial years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.
- (4) Can the Minister list the programs that are provided for under the budget for disease prevention.
- (5) What is the total amount budgeted for health promotion for the financial years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) In 2011-12 \$19.300m was the total amount budgeted for the Epidemiology Branch and the Health Protection Service (HPS), within the Health Directorate. It is to be noted that the health of the ACT Population is monitored in a number of ways, not all of which are through the Health Directorate, for example, statistics on the health of ACT residents are also gathered by the Australian Bureau of Statistics. Additionally, work undertaken by HPS is not exclusively related to monitoring the health of the population.  
  
(a – d) The Health Directorate does not budget down to program level beyond the current financial year and therefore is unable to confirm the budgets at this level for 2012-13, 2013 14 and 2014-15.
- (2) The Health Directorate has two areas within the Population Health Division that are primarily responsible for monitoring health of the ACT population. These are the Epidemiology Branch and the Health Protection Service. The Epidemiology Branch collects, analyses and disseminates information on the health status and health-related behaviours of the ACT population. This information is used to monitor, evaluate and guide health planning and policy. It provides advice and assistance for research and evaluation activities across the health portfolio and broader research community. The Health Protection Service (HPS) manages risks and implements strategies for the prevention of, and timely response to, public health events. This is achieved through a

range of regulatory and policy activities relating to radiation safety, communicable disease control, environmental health, emergency management, pharmaceutical products and tobacco products, as well as analytical services.

- (3) The Health Directorate does not budget down to specific activity level eg disease prevention. However a number of work units have disease prevention as a significant component of their overall work. Those work units include the Chronic Disease Management Unit, the Health Promotion Branch and Screening Programs. In 2011-12, the total amount budgeted for those work units was \$15.742m, including Chronic Disease Management Unit, Health Promotion Branch and Screening Programs. As noted above, it is important to note that the work undertaken by these areas is not exclusively related to disease prevention.

(a – d) The Health Directorate does not budget down to program level beyond the 'Budget' year and therefore is unable to confirm the budgets at this level for 2012-13, 2013-14 and 2014-15.

- (4) The Health Promotion Branch is responsible for policy and program delivery in the areas of health promotion and disease prevention. Health promotion activities aim to strengthen the skills and capabilities of individuals, as well as influence the social, environmental and economic conditions that impact on the health of individuals and the population of the ACT. The role of CDMU is to improve the management of ACT residents with Type 2 Diabetes, Chronic Obstructive Pulmonary Disease and Chronic Heart Failure by supporting evidence based practice, secondary prevention through consulting with other units and providing some clinical services. Preventative screening services are also provided such as BreastScreen ACT, Cervical Screening, and Newborn Hearing Screening.

- (5) In 2011-12, \$9.979m was the total amount budgeted for the Health Promotion Branch.

- (6) (a – d) The Health Directorate does not budget down to program level beyond the 'Budget' year and therefore is unable to confirm the budgets at this level for 2012-13, 2013-14 and 2014-5.

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### **Finance—on-line transactions (Question No 1787)**

**Mr Smyth** asked the Treasurer, upon notice, on 20 September 2011:

- (1) How many individual financial transactions, such as the payment of rates, motor vehicle registration, driver licence fees and housing rental payments, are conducted by the ACT Government.
- (2) How many of these financial transactions are available to be conducted on-line.
- (3) What plans are being implemented to make the balance of the financial transaction available on-line.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Data is not available in the form and at the level requested without diversion of significant resources from a number of Directorate's ongoing business. I am not prepared to authorise this diversion.

- (2) A number of financial transactions are available to be conducted on-line from the Canberra Connect website:

**<http://www.canberraconnect.act.gov.au/browse/payments>**

- (3) The ACT Government is committed to providing the Territory's community with varied options for paying government bills. New options are continually considered and implemented to achieve improvement in existing payment options, wherever possible, whilst managing associated costs efficiently and effectively.

### **Diplomatic service—land tax and rates (Question No 1793)**

**Mr Coe** asked the Treasurer, upon notice, on 21 September 2011:

In relation to land tax how much land tax and rates have been paid by diplomatic missions in the ACT for the 2010-11 financial year by month.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The amount of rates paid by diplomatic missions in the ACT for the 2010 11 financial year by month is as follows:

<b>Month</b>	<b>Amount of Rates paid by Diplomatic Missions \$'000</b>
July 2010	142
August 2010	285
September 2010	96
October 2010	63
November 2010	33
December 2010	7
January 2011	33
February 2011	16
March 2011	20
April 2011	18
May 2011	18
June 2011	12

Diplomatic missions do not pay land tax.

### **Finance—speed camera revenue (Question No 1796)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 21 September 2011 (*redirected to the Attorney-General*):

- (1) In relation to speed camera revenue, for the financial year 2010-11 what is the breakdown of the number of infringements from ACT Government fixed speed



cameras (a) by month, (b) by camera and (c) by offence categories (i) 10 – less than 15 km/h over the speed limit, (ii) less than 30 km/h over the speed limit, (iii) less than 45 km/h over the speed limit and (iv) 45 km/h or more over the speed limit.

- (2) For the financial year to date what is the breakdown of the number of infringements from ACT Government fixed speed cameras (a) by month, (b) by camera and (c) by offence categories (i) 10 – less than 15 km/h over the speed limit, (ii) less than 30 km/h over the speed limit, (iii) less than 45 km/h over the speed limit and (iv) 45 km/h or more over the speed limit.
- (3) For the financial year 2010-11 what is the breakdown of the number of infringements from ACT Government mobile speed cameras (a) by month, (b) by location and (c) by offence categories (i) 10 – less than 15 km/h over the speed limit, (ii) less than 30 km/h over the speed limit, (iii) less than 45 km/h over the speed limit and (iv) 45 km/h or more over the speed limit.
- (4) For the financial year to date what is the breakdown of the number of infringements from ACT Government mobile speed cameras (a) by month, (b) by location and (c) by offence categories (i) 10 – less than 15 km/h over the speed limit, (ii) less than 30 km/h over the speed limit, (iii) less than 45 km/h over the speed limit and (iv) 45 km/h or more over the speed limit.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) I refer the member to my answer to Question on Notice No 1668.
- (2) Refer to Attachment A.
- (3) I refer the member to my answer to Question on Notice No 1668.
- (4) Refer to Attachment B.

*(Copies of the attachments are available at the Chamber Support Office).*

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### **Roads—red light camera revenue (Question No 1797)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 21 September 2011 (*redirected to the Attorney-General*):

- (1) In relation to red light camera revenue, for the financial year 2010-11 what is the breakdown of the number of infringements from ACT Government red light cameras (a) by month, and (b) by camera location.
- (2) For the financial year to date what is the breakdown of the number of infringements from ACT Government red light cameras (a) by month, and (b) by camera location.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) I refer the member to my answer to Question on Notice No 1668, which also includes the breakdown number of infringements from ACT Government red light cameras by month and by camera location.

(2) Refer to Attachment A.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Justice and Community Safety Directorate—consultants (Question No 1801)**

**Mr Seselja** asked the Attorney-General, upon notice, on 21 September 2011:

- (1) What was the Justice and Community Safety Directorate's total expenditure on consultants' fees for (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the budgeted expenditure for consultants' fees for the years (a) 2001-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Mr Corbell:** The answer to the member's question is as follows:

(1)

	<b>2008-09 (a) \$'000</b>	<b>2009-10 (b) \$'000</b>	<b>2010-11 (c) \$'000</b>
Consultant's Fees	1,664	737	1,509

- (2) Budgeted expenditure for consultant's fees is managed within the Supplies and Services budget as outlined in the JACS Directorate Chapter of the 2011-12 Budget Paper No. 4.

### **Justice and Community Safety Directorate—advertising (Question No 1802)**

**Mr Seselja** asked the Attorney-General, upon notice, on 21 September 2011:

- (1) What was the total expenditure by the Justice and Community Safety Directorate on advertising in (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the funding allocation for advertising for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Mr Corbell:** The answer to the member's question is as follows:

(1)

	<b>2008-09 (a) \$'000</b>	<b>2009-10 (b) \$'000</b>	<b>2010-11 (c) \$'000</b>
Advertising	596	486	471

- (2) Budgeted expenditure for advertising is managed within the Supplies and Services budget as outlined in the JACS Directorate Chapter of the 2011-12 Budget Paper No. 4.

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**Chief Minister and Cabinet—travel  
(Question No 1803)**

**Mr Seselja** asked the Chief Minister, upon notice, on 21 September 2011:

- (1) What was the Directorate's total spend on travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What was the total spend on business class travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (3) What is the total funding allocated to travel for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15 and what proportion of this funding is allocated for business class travel.

**Ms Gallagher:** The answer to the member's question is as follows:

- 1) Information on travel expenditure is available in the Directorate's Annual Reports in the Supplies and Services Note that forms part of the Financial Statement.
- 2) For 2010-11 expenditure on business class travel was \$26,331. Over half this money related to Business and Industry Development activities. This area is now part of the Economic Development Directorate. Data for the previous financial years is not available in the form and at the level of disaggregation requested without diversion of significant resources from Chief Minister and Cabinet Directorate's ongoing business that I am not prepared to authorise.
- 3) a) The 2011-12 budget for travel is approximately \$128,000.  
  
b, c and d) This level of detail is determined at the beginning of each financial year for that year, therefore this information is not available for future years.

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**Chief Minister and Cabinet—consultants  
(Question No 1804)**

**Mr Seselja** asked the Chief Minister, upon notice, on 21 September 2011:

- (1) What was the Directorate's total expenditure on consultants' fees for (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the budgeted expenditure for consultants' fees for the years (a) 2001 12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Ms Gallagher:** The answer to the member's question is as follows:

- 1) Information on consultant expenditure is available in the Directorate's Annual Reports in the Supplies and Services Note that forms part of the Financial Statement.
  - 2) a) The 2011-12 budget for consultants is approximately \$2,374,000. A significant proportion of this funding relates to the Centenary of Canberra, the ACTPS Graduate Program and a range of activities relating to Building and Maintaining the ACTPS.  
  
b, c and d) This level of detail is determined at the beginning of each financial year for that year, therefore this information is not available for future years.
- 

**Chief Minister and Cabinet—advertising  
(Question No 1805)**

**Mr Seselja** asked the Chief Minister, upon notice, on 21 September 2011:

- (1) What was the total expenditure by the Directorate on advertising in (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the funding allocation for advertising for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Ms Gallagher:** The answer to the member's question is as follows:

- 1) Information on advertising expenditure is available in the Directorate's Annual Reports in the Supplies and Services Note that forms part of the Financial Statement.
  - 2) a) The 2011-12 budget for advertising is approximately \$74,955. The majority of the budget is for communications and Centenary activities.  
  
b, c and d) This level of detail is determined at the beginning of each financial year for that year, therefore this information is not available for future years.
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**Economic Development Directorate—travel  
(Question No 1809)**

**Mr Seselja** asked the Minister for Economic Development, upon notice, on 21 September 2011:

- (1) What was the Directorate's total spend on travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What was the total spend on business class travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (3) What is the total funding allocated to travel for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15 and what proportion of this funding is allocated for business class travel.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Information on travel expenditure is available in the Directorate's Annual Reports in the Supplies and Services Note that forms part of the Financial Statement.
  - (2) No business class travel occurred during 2010-11 financial year. Data on business class travel for the previous financial years is not available in the form and at the level of disaggregation requested without diversion of significant resources from Economic Development Directorate's ongoing business that I am not prepared to authorise.
  - (3) a) \$504,000  
  
b) c) and d) The information is not available for future years, as this level of detail is only determined at the beginning of each financial year.
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### **Economic Development Directorate—consultants (Question No 1810)**

**Mr Seselj** asked the Minister for Economic Development, upon notice, on 21 September 2011:

- (1) What was the Directorate's total expenditure on consultants' fees for (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the budgeted expenditure for consultants' fees for the years (a) 2001 12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Information on expenditure in relation to consultants' and contractors' fees is available in the Directorate's Annual Reports in the Supplies and Services Note that forms part of the Financial Statement.
  - (2) a) \$12,812,000  
b) c) and d) The information is not available for future years, as this level of detail is only determined at the beginning of each financial year.
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### **Economic Development Directorate—advertising (Question No 1811)**

**Mr Seselj** asked the Minister for Economic Development, upon notice, on 21 September 2011:

- (1) What was the total expenditure by the Directorate on advertising in (a) 2008 09, (b) 2009-10 and (c) 2010-11.
- (2) What is the funding allocation for advertising for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Information on advertising expenditure is available in the Directorate's Annual Reports in the Supplies and Services Note that forms part of the Financial Statement.
- (2) a) \$4,580,000  
b) c) and d) The information is not available for future years, as this level of detail is only determined at the beginning of each financial year.

### **Education and Training Directorate—consultants (Question No 1813)**

**Mr Seselja** asked the Minister for Education and Training, upon notice, on 21 September 2011:

- (1) What was the Directorate's total expenditure on consultants' fees for (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the budgeted expenditure for consultants' fees for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Expenditure on consultants' fees forms part of the Supplies and Services line item in the financial statements. The total expenditure for (a) 2008-09, (b) 2009-10 and (c) 2010-11 is in the table below.

	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
	<b>\$'m</b>	<b>\$'m</b>	<b>\$'m</b>
Consultant Expenditure <sup>1</sup>	0.41	0.37	0.75

1. The increase in 2010-11 is primarily due to the school based management review.

- (2)
  - a) The budget allocated to consultants for 2011-12 through the Directorate's internal budget is \$0.7m. The budget includes consultancy costs associated with national partnerships.
  - b), c) and d) The detailed budget by line item is determined at the beginning of each financial year for the current year as part of the internal budget development. Information at this level for future years forms part of the supplies and services line item in the 2011-12 Budget Paper 4.

### **Energy—auditors (Question No 1818)**

**Mr Seselja** asked the Minister for the Environment and Sustainable Development, upon notice, on 21 September 2011:

- (1) What is the ACT Government's budgeted funding for the Home Energy Advice Team for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.
- (2) How many professional energy auditors does this funding support.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) HEAT advisory service:  
 2011-12: \$277,000  
 2012-13: \$284,000  
 2013-15: No funding has been allocated for these years.  
 HEAT Energy audit:  
 2011-12: \$248,000  
 2012-13: \$261,000  
 2013-15: No funding has been allocated for these years.  
 HEAT Energy Audit rebate: (as advised in Question on Notice No. 1767)  
 2011-12: \$265,000  
 2012-13: \$265,000  
 2013-15: No funding has been allocated for these years.
- (2) The Directorate has a contract with the Sustainability Advice Team (SAT) to provide the advisory and audit services. SAT have been providing these types of services since 2004.
- SAT employ 11 auditors to deliver the Home Energy Audits and three staff to provide the advisory component of the service.

**Prisons—correctional officers  
 (Question No 1830)**

**Mr Hanson** asked the Attorney-General, upon notice, on 21 September 2011:

- (1) To provide a comprehensive list of ACT Correctional Officer pay grades and how many officers are currently employed on each grade.
- (2) What are the standard overhead costs associated with employing a correctional officer.
- (3) What is the total equipment cost, for example belts or batons of each correctional officer.
- (4) What are the forecasted growth numbers in ACT correctional officers for (a) 2012-13, (b) 2013-14 and (c) 2014-15.
- (5) What is the total cost to train a person to become a correctional officer.
- (6) What is the breakdown of correctional officers in the ACT by locations for 2010-11.
- (7) What is the total number of staff employed by Corrective Services who are not correctional officers and of the non-correctional officers, what are the pay grades and number of staff are currently employed on each grade.
- (8) What are the standard overhead costs associated with employing a non-correctional officer Corrective Services staff member.
- (9) What are the forecasted growth numbers in non-correctional officers for (a) 2012-13, (b) 2013-14 and (c) 2014-15.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) As at pay period end date 28 September 2011, the pay grades for ACT Correctional Officers and number of officers employed at each grade are provided in the table below:

<b>Classification</b>	<b>FTE</b>
Correctional Officer Class 1	123.24
Correctional Officer Class 2	27
Correctional Officer Class 3	7
Correctional Officer Class 4	3
<b>TOTAL</b>	<b>160.24</b>

- (2) The average per officer staffing oncost for 2011-12 is in line with the ACT Treasury costing model and Corrective Services' worker's compensation premium rate is:

<b>Employee Oncosts</b>	<b>2011-12</b>
Superannuation – ACT Govt Contribution	9% - 19.7%
Superannuation - EPSC	3%
Long Service Leave and Leave Loading	4%
Workers compensation	9.44%
Administrative Oncost	\$17,403

The employee oncosts outlined above include ACT Government Superannuation contribution (encompassing CSS, PSS, PSSAP, or fund of choice), employer productivity superannuation contribution, long service leave, leave loading, workers compensation and administrative oncosts. The latter includes desktop ICT costs, accommodation, insurance, training, fleet, other admin costs, payroll processing, and other corporate support costs. Depending on the functions and operation requirements of an additional position, other specific position related costs may also be required.

- (3) The total standard issue equipment cost of each Corrections Officer is approximately \$300. This does not include equipment that may be issued on an ad-hoc basis.
- (4) While the staffing profile is constantly under review, there is currently no forecast increase to numbers of ACT Correctional Officers for 2012-13, 2013-14 or 2014-15.
- (5) The total cost to train a person to become a Corrections Officer, based on a recruit course of 20 trainees including uniform costs, is approximately \$10,335.
- (6) The table below sets out the number of correctional officers in the ACT by locations in 2010-11, noting that officers at the Periodic Detention Centre may also work in the Court Transport Unit.

<b>Location</b>	<b>Classification</b>	<b>FTE</b>
AMC	Correctional Officer 1	99.18
AMC	Correctional Officer 2	22
AMC	Correctional Officer 3	5
AMC	Correctional Officer 4	3
THERAPEUTIC PROGRAM	Correctional Officer 2	1
PERIODIC DETENTION CENTR	Correctional Officer 1	5.79
PERIODIC DETENTION CENTR	Correctional Officer 2	1
COURT TRANSPORT UNIT	Correctional Officer 1	18.13



COURT TRANSPORT UNIT	Correctional Officer 2	1
COURT TRANSPORT UNIT	Correctional Officer 3	2
COURT TRANSPORT UNIT	Correctional Officer 4	1
	<b>TOTAL</b>	<b>159.10</b>

- (7) As at pay period end date 28 September 2011, the pay grades for non-correctional officers and number of officers employed at each grade are provided in the table below:

<b>Classification</b>	<b>FTE</b>
Admin Service Officer 2	1
Admin Service Officer 3	10.42
Admin Service Officer 4	13.78
Admin Service Officer 5	7
Admin Service Officer 6	53.4
Contract Executive	2
General Service Off 10	2
Professional Officer 2	1
Senior Info Tech Off B	1
Senior Officer A	4
Senior Officer B	8
Senior Officer C	16
Senior Prof Officer C	1
<b>TOTAL</b>	<b>120.60</b>

Administrative services and senior officer classifications include staff performing a range of roles across ACT Corrective Services. Many of these roles are based at Eclipse House. Roles include:

- Probation and Parole Officers
- Program Facilitators
- Community Service Officers
- Finance Officers
- Policy Officers
- Maintenance Officers
- Stores Officers
- Kitchen staff

- (8) For the standard overhead costs associated with employing a non-correctional officer Corrective Services staff member, see item (2), above.
- (9) While the staffing profile is constantly under review, there is currently no forecast increase in non-correctional officers for the years 2012-13, 2013-14 and 2014-15.

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### **Alexander Maconochie Centre—review (Question No 1831)**

**Mr Hanson** asked the Attorney-General, upon notice, on 21 September 2011:

What was the total amount paid to Knowledge Consulting to conduct the Independent Review of Operations at the Alexander Maconochie Centre.

**Mr Corbell:** The answer to the member's question is as follows:

Knowledge consulting undertook two independent reviews in relation to operations at the AMC. The cost of conducting these two reviews was \$243,781.03 (excluding GST).

**Education—disabled students  
(Question No 1833)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 21 September 2011:

- (1) What is the budget allocation for Output 1.4: Disability Education in Public Schools for (a) 2012-13, (b) 2013-14 and (c) 2014-15.
- (2) What is the budget allocation for disability education in non government schools for (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15 and is this allocation included in grants paid to non government schools, or is this an additional payment.

**Mr Barr:** The answer to the member's question is as follows:

- 1) The budget allocation for Output 1.4 Disability Education in Public Schools forms part of Output Class 1 – Public School Education. The budget provides details of the current and one forward year. The 2010-11 estimated outcome and the 2011-12 budget is provided in 2011-12 Budget Paper 4 page 320. The budget for (a), (b) and (c) forms part of Output Class 1 in the forward estimates.
- 2) The ACT Government has budgeted \$49.2m in grants to ACT non-government schools in 2011-12, and \$1.8m of this funding is specifically targeted to support students with a disability. The majority of grant funding to ACT non-government schools is provided to support the overall operations of schools, which allows schools the flexibility to use this funding as prioritised by the school, including for the provision of additional support for students with disabilities. Furthermore, these grants are in addition to the \$148m provided by the Commonwealth Government to ACT non-government schools in 2011-12, which may also be used to support children with disabilities.

The following table provides budgeted ACT grants to ACT non-government schools for 2011-12 to 2013-14.

	2011-12	2012-13	2013-14
	\$m	\$m	\$m
Total ACT Government grants	49.2	50.7	53.0

**“Live in Canberra” campaign  
(Question No 1834)**

**Mr Rattenbury** asked the Chief Minister, upon notice, on 21 September 2011 (*redirected to the Minister for Economic Development*):

- (1) When did the “Live in Canberra” campaign commence.
- (2) Has the campaign been reviewed since it commenced, and if so, what was the nature of those reviews and when were they undertaken.
- (3) What have been the findings of any reviews and are the findings publically available.
- (4) What indicators is the government using to measure the success of the campaign.
- (5) Is the Government able to indicate how many people have moved to Canberra as a result of the campaign, with a breakdown of both those in targeted professions and those who accompany them.
- (6) What has been the annual expenditure on the campaign so far for all the years of operation.
- (7) What events has “Live in Canberra” had a presence at to promote coming to the ACT, and when and where were the events held.
- (8) What events has “Live in Canberra” held to promote coming to the ACT, and when and where were the events held.
- (9) Has the ACT Government run targeted programs to attract particular professions to the ACT under the auspices of “Live in Canberra”, and if so, what are those programs and which countries have they been conducted in.
- (10) Does the Government have any information about how long people stay in Canberra after relocating to Canberra as a result of the “Live in Canberra” campaign.

**Mr Barr:** The answer to the member’s question is as follows:

- (1) April 2006.
- (2) Yes.
  - a. Evaluation of the pilot campaign was conducted in 2006 by Market Attitude Research Service (MARS), National Centre for Social and Economic Research, University of Canberra (NATSEM), Candle ICT Recruitment Agency, Grey Worldwide and the Chief Minister’s Department Communications Unit.
  - b. In January 2009 Premium Placements was commissioned to review the activities of the Live in Canberra Program in light of the ‘Global Financial Crisis’.
  - c. In October 2009 an online survey of 688 new residents (families and individuals) was undertaken. These people had completed 12 month membership of the ‘Welcome to Canberra’ events program.
  - d. Surveys of new residents who have completed 12 month membership of the ‘Welcome to Canberra’ events are ongoing.
- (3) Review findings have been positive and are available to anyone on request.
- (4) Indicators used to measure success are immigration statistics; inter-state migration statistics; ACT population data; applications and approvals for ACT Government

nomination through the ACT State Migration Plan; website visits; number of requests for information packs; number of sponsors; and registrations for 'Welcome to Canberra' events.

- (5) The program works in conjunction with the ACT Skilled and Business Migration Program (SBMP) for international promotions and is able to track international arrivals. A total of 883 international skilled workers with targeted professions have arrived since July 2006 through the SBMP.

There is no definitive way to determine the number of Australian based skilled workers that move to Canberra as a result of the Program.

- (6) The average annual campaign expenditure for Live in Canberra for the past five years (July 2006 to June 2011) was \$208,000. This figure includes sponsorship contributions of around \$111,000 per year from local business and industry.

- (7) Events attended by Live in Canberra:

- 2006-07
  - Country Week Expo, Sydney
  - Australia Needs Skills Expo, United Kingdom
- 2007-08
  - Country Week Expo, Sydney
  - CeBIT Expo, Sydney
  - Opportunities Australia Expo, South Africa
  - The Down Under Expo, Ireland
  - Opportunities Australia Expo, United Kingdom
- 2008-09
  - Country Week Expo, Sydney
  - CeBIT Expo, Sydney
  - National Careers and Employment Expo, Perth
  - IDP International Students Expo, Sydney
  - Australia Needs Skills Expo, United Kingdom
  - Opportunities Australia Expo, United Kingdom
- 2009-10
  - Country and Regional Living Expo, Sydney
  - CeBIT Expo, Sydney
  - National Careers and Employment Expos in Sydney; Adelaide; Perth; Melbourne; and Brisbane
  - Reinvent Your Career Expo, Brisbane
- 2010-11
  - Country and Regional Living Expo, Sydney
  - Australian Visa Expo, Sydney
  - General Practitioners Conference and Expo, Sydney
  - National Careers and Employment Expos in Adelaide; Brisbane; and Sydney
  - Reinvent Your Career Expos in Sydney; Brisbane; and Melbourne
  - NZ Jobs and Career Expo, New Zealand
  - Emigratiebeurs Immigration Expo, Netherlands
  - Skills Australia Needs, United Kingdom
  - Migration Open Days, United Kingdom
  - Down Under Live Expo, United Kingdom
  - Oz Jobs Expo, New Zealand

- 2011-12
  - Country and Regional Living Expo, Sydney
  - Reinvent Your Career Expo, Sydney

(8) Events conducted by Live in Canberra:

- 2006-07
  - Live in Canberra seminars, Sydney and Illawarra region
  - Familiarisation visits and tours, Canberra
- 2007-08
  - Skilled and business migration seminars, South Africa
  - Familiarisation visits and tours, Canberra
  - Live in Canberra seminars, Sydney
- 2008-09
  - Skilled and business migration seminars, South Africa; the Netherlands; Germany; and
  - Expats 'Returning Talent' seminar, United Kingdom
- 2009-10
  - Skilled and business migration seminars, South Africa
- 2010-11
  - Skilled and business migration seminars, United Kingdom; Ireland; South Africa; and
  - Health professional seminar, New Zealand
- Monthly 'Welcome to Canberra' events have been held for new residents to assist with settlement since September 2006.

(9) Yes.

- a. Advertising calling for General Practitioners was placed in The Lancet medical journal in the United Kingdom in 2009 and the British Journal of General Practice in 2010.
- b. Advertising calling for Australian expatriates returning to Australia to consider Canberra was placed in the TNT Magazine in London September 2009.
- c. Nurses were targeted as part of Skilled and Business Migration seminars conducted in South Africa in March 2009.
- d. DIAC run 'Skills Australia Needs' events targeted engineers, health professionals, construction and trades people in the United Kingdom in October 2010.
- e. General Practitioners were targeted through advertising in the NZ Doctor medical journal as part of the Oz Jobs Expo in New Zealand in February 2011.
- f. Trades people were targeted in the United Kingdom through cross promotions conducted with the Down Under Tradies Group in February 2011.
- g. DIAC run 'Skills Australia Needs' events targeted engineers, trades people and health professionals in the United Kingdom in June 2011.

(10) Yes. International arrivals through the ACT SBMP are contacted every six months for their first two years in Canberra. Results show 89 per cent of arrivals still live in Canberra after two years.

Over 1,000 new Canberrans who have lived in Canberra for up to 12 months are currently registered for 'Welcome to Canberra' events.

Ongoing surveys of new residents who have completed 12 month membership of the 'Welcome to Canberra' events show over 80 per cent intend to stay beyond two years and 43 per cent beyond five years.

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**Arts—live community events  
(Question No 1836)**

**Ms Le Couteur** asked the Minister for the Arts, upon notice, on 21 September 2011:

- (1) In relation to the Government's response to the Inquiry into Live Community Events which committed the Government to working with the Canberra music community to develop a music venue website intended to provide information to the community about the availability of suitable live music venues, what progress has been made in the delivery of this commitment.
- (2) Which representatives of the music community have been engaged in the development of the website, and in what capacity have they been engaged.
- (3) What is the expected launch date of the website.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Minister Burch has recently approved the allocation of \$10,000 special initiative funding from the ACT Arts Fund to MusicACT a newly formed peak body representing all elements of the music scene in the ACT. This funding will be used to develop a website with information on public buildings suitable for use as live music venues, and general information for people wishing to stage live music events.
  - (2) MusicACT was successfully launched on Wednesday October 12, 2011. Members of the committee represent music venues, promoters, musicians, marketing and publicity specialists as well as recording and distribution organisations. MusicACT also launched their new website which will be the vehicle for the venue survey and advice on staging a live music performance. Support for these outcomes was discussed in the Government's response to the Inquiry. Music ACT will be been provided a standard Deed of Grant from the ACT Arts Fund for the website.
  - (3) A specific date for the completion of the element of the website highlighting venues suitable for live music activities and general information for people wishing to stage live music events is yet to be determined; however MusicACT are confident they will have this completed by early 2012.
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**Arts—Ainslie Arts Centre  
(Question No 1837)**

**Ms Le Couteur** asked the Minister for the Arts, upon notice, on 21 September 2011:

- (1) In relation to the Government's response to the Loxton Report which committed the Government to developing a music hub at the Ainslie Arts Centre, noting that the Ainslie Arts Centre is currently a fully subscribed music venue, what analysis has been done to determine the scope for expansion.

- (2) What feedback has the Cultural Facilities Corporation given on this proposal.
- (3) What community groups have been consulted on this proposal.
- (4) Will any groups' use of the centre be curtailed during this development, and if so, which groups.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The ACT Government allocated \$100,000 in 2011-12 for a Scoping Study to determine how to best create Arts Hubs in the ACT. In the first instance, Arts Hubs to be scoped will be developed for visual arts and creative industries (Kingston), performing arts (The Street Theatre) and music (Ainslie Arts Centre). These Arts Hubs will facilitate the sharing of administration and resources, so that local arts organisations can concentrate more on arts activity and programs. An officer within artsACT commenced work on this initiative on 13 September 2011.
- (2) Consultation on this project has not commenced.
- (3) Consultation on this project has not commenced. Key stakeholders within the music community will be consulted, including:
  - artsACT
  - ACT Cultural Council music and youth representative
  - Australia Council for the Arts representative
  - ANU School of Music
  - Music for Everyone
  - Canberra Youth Music
  - Department of Education and Training
  - CIT
  - Canberra Symphony Orchestra
  - Eisteddfod Society
  - Office of Youth, Community Services Directorate
  - ACT Health
  - Music Educators Network/Music Council
  - Woden Youth Centre
  - ACT Live Music Association
  - BMA Magazine
  - Woden Valley Youth Choir
  - Canberra City Band
  - Young Music Society
  - Pro Musica - Canberra International Music Festival
  - Musica Viva
  - ArtSound FM
  - Private music schools
- (4) It is anticipated that the use of Ainslie Arts Centre will be enhanced by it becoming a music hub.

**Planning—Crace supermarket site  
(Question No 1838)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 21 September 2011:

- (1) In relation to the Crace supermarket site has the Government discussed the Crace supermarket site with (a) any supermarket operators or (b) Woolworths.
- (2) Has any agreement been reached as to who the operator of the site will be.
- (3) Has any agreement been made on a direct sale for the site, and if so, who has this agreement been made with and on what terms.

**Mr Barr:** The answer to the member's question is as follows:

- (1) (a) and (b).  
No. The Government has not discussed the Crace supermarket site with any supermarket operators, including Woolworths. CIC Australia (CIC), as Project Managers for the Crace Joint Venture partnership has had discussions with a number of supermarket operators to compile preliminary information about market demand and concept design issues. There have been no detailed discussions on the sale or operations of the intended supermarket site with any operators.
- (2) No.
- (3) No. The Government anticipates the ultimate operator will be selected by a competitive Expression of Interest.

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**Environment—noise pollution  
(Question No 1839)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 21 September 2011:

- (1) In relation to the Government's review of the Environment Protection ACT, and the Government's response to Inquiry into Live Music Events which highlights that the 2010/11 ACT budget allocated funding for a review of the Environment Protection Act 1997 including the noise provisions in the regulations, has this review begun, and if not, when will the review begin.
- (2) Have the noise provisions in the regulations yet been reviewed, and if not, when will the noise provisions in the regulations be reviewed.
- (3) When is the Government's review of the Act expected to be completed.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) Yes; the review has commenced. An inter-directorate working group has been established to progress the review.



- (2) The Environment Protection Regulation 2005 has been included in the review of the Act. Review of the noise provisions is part of this process.
  - (3) The review is expected to be completed in 2012.
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**Environment—strategic assessments  
(Question No 1840)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 21 September 2011:

- (1) In relation to Strategic Environmental Assessment and Planning Reports, have the provisions in the Planning and Development Act 2007 regarding Strategic Environmental Assessment ever been used, and if so in which instances have these provisions been used.
- (2) Given that any full review of the Territory Plan needs to have a Strategic Environmental Assessment undertaken under s.103 of the Planning and Development Act 2007, has this been done for the next round of Territory Plan review.
- (3) Have the provisions in the Planning and Development Act 2007 regarding Planning Reports ever been used, and if so, are there regulations which prescribe what must be included in a planning report.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The provisions of the *Planning and Development Act 2007* regarding Strategic Environmental Assessment have not been used.

A strategic assessment under the Commonwealth's EPBC Act is being undertaken for the Molonglo Valley development.

- (2) The current Territory Plan review projects (Community Facility Zones Review (DV302), Residential Zones Review (DV306), etc) are not being undertaken under section 102 of the Planning and Development Act.

Strategic environmental assessments have not been undertaken for those projects and it is not proposed to undertake one in relation to the next round of this process (Commercial Zones Review).

However, if a decision is taken to review the Territory Plan under section 102, a strategic environmental assessment will be required under section 103 of the Act.

- (3) Planning Reports have been prepared and exhibited in conjunction with various draft Territory Plan variations since the commencement of the Planning and Development Act.

The Planning and Land Authority scopes the content of the individual planning reports based on the subject matter and issues raised by the proposal. However, there are no regulations prescribing what must be included in a planning report.

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## Questions without notice taken on notice

### Bimberi Youth Justice Centre—review

**Ms Burch** (*in reply to a supplementary question by Ms Bresnan on Thursday, 20 October 2011*): I would like to inform the Assembly the decision to search a young person on escort is not made as a matter of routine but is informed by a risk assessment of each individual case. The risk assessment takes into consideration the young person's security classification, past history in custody, whether the young person is on remand or sentenced, whether they have been found with contraband in the Centre or on previous escorts and what type of contact the young person has had with the community whilst out of the Centre.

While the application of these risk factors result in most young people requiring to be searched, not all young people will have a search undertaken.

### Bimberi Youth Justice Centre—review

**Ms Burch** (*in reply to a supplementary question by Ms Hunter on Thursday, 20 October 2011*): I would like to inform the Assembly that the development and implementation of the 'Blueprint for Youth Justice in the ACT' will be undertaken by the Youth Justice Implementation Taskforce over the next 12 months. The Taskforce has eleven members representing many different Government agencies and community organisations. Three members of the Taskforce are from the community sector, including the Director of the Youth Coalition of the ACT, the Chair of the Aboriginal and Torres Strait Islander Elected Body and the Director of the Richmond Fellowship. There will be both broad and targeted consultation with many different stakeholders during the development of the Blueprint.

The Blueprint will include a number of specific areas of consultation. For example, a youth and family engagement strategy will be developed as part of the Blueprint. The Government has also noted the importance of culturally relevant and sensitive programs that will assist in reducing the offending rate of Aboriginal and Torres Strait Islander young people and will develop an appropriate consultation strategy under the Blueprint with the Aboriginal and Torres Strait Islander community.

### Children and young people—care and protection

**Ms Burch** (*in reply to a question by Mr Doszpot on Thursday, 20 October 2011*): I would like to inform the Assembly that the nine children subject of the specific incidents that initiated this Review relate to four different family groups. For two of these children (relating to two family groups), there were placement request forms on the electronic database system. For the remaining seven children (relating to two different family groups), there were no placement request forms on file. In emergency situations, verbal briefing of the placement requirements often occur with the placement manager.

**Children and young people—care and protection**

**Ms Burch** (*in reply to a supplementary question by Mr Doszpot on Thursday, 20 October 2011*): I would like to inform the Assembly this element was not “specifically omitted”. Two families had placement form requests and two did not. It would be best practice for all families to have had the forms but in some emergency placements verbal briefing of the placement requirements occur.

**Bimberi Youth Justice Centre—review**

**Ms Burch** (*in reply to a supplementary question by Ms Le Couteur on Thursday, 20 October 2011*): I would like to inform the Assembly that segregation under the *Children and Young People Act 2008* Division 6.6.3, Subdivision 6.6.3.1 General, Section 204, defines segregation as:

- (a) Means the restriction or denial of the young detainee’s opportunity –
  - (i) To go into, or be in, a particular part of a detention place; or
  - (ii) To associate with other young detainees; and
  - (iii) Includes separate confinement.

There are no young people who have been segregated, as per Section 204 of the *Children and Young People Act 2008*, due to misbehaviour or not wanting to attend school.

Young people are required to attend the general accommodation area of the Coree Unit, for operational supervision purposes when they choose not to engage in education or training programs. These young people are not placed in a holding cell for the purpose of refusal to engage in education or training.