Debates

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Wednesday, 16 November 2011

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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.

Retirement Villages Bill 2011

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

Title read by Clerk.

MS PORTER (Ginninderra) (10.02): I move:

> That this bill be agreed to in principle.

It is with great pleasure that today I introduce the Retirement Bill 2011, which will create a framework for the regulation of retirement villages in the ACT. Some in this chamber may remember that I have previously tabled two other documents in relation to retirement villages—namely, *Retirement villages in the ACT: a discussion paper* and the exposure draft of the Retirement Villages Bill 2010. Members will recall that at the time of tabling the exposure draft I spoke about the need for Australian governments at all levels to respond effectively to the issues associated with an ageing population.

As is now well known, Canberra's population, and that of Australia generally, is ageing. In fact, over the last two decades the median age of the Australian population has increased by 4.8 per cent according to the Australian Bureau of Statistics, and the ACT's population is ageing faster than anywhere else in Australia. This means there are proportionately more elderly people within the population, which presents unique challenges for governments throughout Australia in such diverse areas as health, labour force participation and housing.

The ACT Labor government is committed to addressing the challenges associated with an ageing population effectively in a way that supports positive ageing. This bill is just one example of the various areas where the Labor Gallagher government is working hard to assist older members of the ACT community, while simultaneously implementing measures to ensure all Canberrans benefit from the knowledge and wisdom of older members of the community. This bill also delivers on another of the election commitments made by this government—that is, the introduction of an effective structure for the regulation of retirement villages.

According to data collected by the Australian Bureau of Statistics, one in six people aged over 65 reported moving house during the past five years. For many of these people, the reason was a change in lifestyle or downsizing from a family home. Many of these people will have moved into a retirement village or contemplated moving into a retirement village. The retirement village industry has experienced strong growth in the ACT in the recent past and is anticipated to continue to grow in the future. Information obtained by my office suggests that there are currently around 1,400 retirement village units in 28 retirement villages in the ACT.

It is important to remember that the operation of retirement villages does not only affect those who live and work in them; it also affects the wider community. I have been approached by many constituents who are concerned about a family member or a friend who have raised issues with them in relation to their retirement village living. While I am aware that, for the most part, living in a retirement village is a very positive experience for residents, I believe it is crucial to ensure that all residents and prospective residents are fully informed and have mechanisms in place to deal with issues as they arise in a just and expedient manner.

It should be of interest to members to know that currently the ACT is the only Australian state or territory that does not have legislation in place which governs retirement villages. This is of particular importance in light of the caring for older Australians report recently handed down by the Productivity Commission. The report suggests that states and territories should retain responsibility for retirement villages but states that they should work together to harmonise existing legislation. In this regard, the ACT cannot be part of this conversation unless it too has legislation in place to regulate the retirement village industry. This adds an importance to the concern about the effectiveness of the current regulatory scheme, which I will detail in a moment.

This bill represents the culmination of many years of research and consultation to determine the best method of protecting the rights of retirement village residents while at the same time facilitating the growth of the retirement village industry in the ACT. As many within this place will know, retirement villages in the ACT currently operate under the Fair Trading (Retirement Villages Industry) Code of Practice 1999. It is apparent to me that the code is, unfortunately, unable to ensure fair trading in the retirement village industry and has also, in the experience of many residents, proved it is not able to offer sufficient protection to older Canberrans who choose to reside in a retirement village.

Common criticisms of the code include that it fails to provide an adequate framework to guide the operation of a retirement village, it does not provide efficient or effective processes for supplying appropriate information to prospective residents and current residents of retirement villages, and it contains no workable guide for the resolution of disputes between retirement village operators and residents. This bill seeks to address these concerns, among others, while at the same time establishing a structure which will facilitate sustainable growth in the retirement village sector for the years to come.

This bill deals with many of the key areas of the operation of a retirement village with a view to providing a comprehensive framework for retirement villages in the ACT. Areas covered by the legislation include the registration of retirement villages, the making and altering of residence contracts, the release of quality information to prospective residents and current residents of retirement villages, empowering retirement village residents and operators to engage in fair trading, the management of financial affairs of retirement villages and the management of retirement villages generally, the participation of residents in the operation of the village, and the process of resolution of a dispute between retirement the village operators and the retirement village residents.

With respect to the registration of retirement villages, this bill establishes processes for the registration of a retirement village in the ACT, ensuring that a village is only registered if it meets the requirements of this bill. In relation to the residence contract—the bedrock of the relationship between the retirement village operator and the retirement village resident—this bill establishes minimum standards for all such contracts. These minimum standards in no way prevent contracts from being entered into which contain terms more beneficial than the minimum standards set out in this bill.

This bill sets out information which needs to be provided in the residence contract as well as processes for amendments of residence contracts. In addition to this, this bill introduces settling-in and cooling-off periods during which residents can rescind or end their residence contracts, subject to the satisfaction of reasonable requirements. These provisions have received strong support in other jurisdictions and in the consultation that I have undertaken.

Regarding the release of information, this bill establishes a two-stage information disclosure program consisting of the general inquiry document and the public information document. The general inquiry document is the first stage of information supplied to persons considering moving into a retirement village. It sets out very basic information about the village to give prospective residents simple, easy to understand information to assist them in future investigations into whether retirement village living is for them and, if so, which village best meets their needs. A copy of this document must be given to a prospective resident when they request it or when they express an interest in the operator's particular retirement village.

The second stage of the information program is the public information document. This document is a comprehensive statement of the facilities available at a particular village as well as information about living in that particular village. The public information document must be given to a person when that person expresses an interest in a particular unit in the village or if they request the document. The establishment of the public information document seeks to ensure that prospective residents understand all the pros and cons of living in a retirement village.

This is especially important, as I found during my consultation that prospective residents often misunderstood what their residence contract entitled them to. For example, prospective residents may erroneously believe that, if the retirement village that they look to live in has a nursing home or hostel collocated, residing in that retirement village gives them an entitlement to those facilities. This is not a right granted by a residence contract for a retirement village. I believe recent research by Dr Catherine Bridge has also found this was a common misconception.

This bill also introduces provisions designed to assist residents to access documents once they are living in the village as well as provisions which require an explanation of the requirements of the Aged Care Act 1997 where a retirement village operator is approved as a provider of residential care services and promotes these services.

In relation to measures to encourage fair trading in the retirement village industry, this bill creates a number of mechanisms to ensure fair trading in retirement villages.

Examples of these measures include regulation of waiting list fees to ensure they are fair in their application, provisions to clarify how retirement village units are managed and modified, and an ability for residents to choose an agent other than the retirement village operator to sell their interest in the village.

With respect to the management of the financial affairs of retirement villages and the management of villages generally, this bill introduces a number of provisions which seek to guarantee that the obligations placed on management and residents are clearly explained. Of particular interest to many involved in the retirement village industry, either as management or as residents, are new provisions regarding the administration of the capital replacement fund and the maintenance reserve fund. In my experience, this is an area where disputes often arise and an area in great need of clarification.

This bill also contains provisions designed to protect ingoing contributions of residents through creating a charge over retirement village land. Again, through my consultation work, it has become evident to me there is much concern among retirement village residents that, should their retirement village become unable to continue operating, they will lose both their homes and, for some, the totality of their savings.

Regarding the participation of residents in the day-to-day operations of the village, this bill introduces provisions which establish residents committees in retirement villages and endorses their role in the functioning of the village. This bill also creates a framework for the operation of residents committees, including basic rules for the operation of meetings and their interaction with the management of the village.

The final key area that this bill addresses is dispute resolution in a village. This bill establishes a three-stage process for the resolution of retirement village disputes. The first stage is preliminary negotiations between the parties concerned. The second stage is mediation by a qualified mediator, and the third stage is an application to the ACT Civil and Administrative Tribunal. This three-stage process ensures that complaints or conflicts are not unnecessarily escalated, possibly increasing the conflict, and are resolved quickly and effectively.

To ensure that this bill meets the needs of all stakeholders, I have conducted extensive consultation in relation to the exposure draft and retirement villages generally. I have spoken to residents of retirement villages, managers and owners of retirement villages, relevant peak bodies and associations and members of the general community. I have also held a roundtable discussion with the ACT Retirement Villages Residents Association, the Retirement Villages Association, the ACT Council on Ageing, Seniors Australia and Aged Care Community Services Australia, and I have met with ministers or their advisers responsible for retirement village regulation in other states as well as having conversations with senior members of the ACT legal community.

Forums were organised with key stakeholders, and key stakeholders were invited to comment. Some bodies and individuals also commented on the exposure draft in writing, and many more called my office to share their experience and opinions. I would like to take this opportunity to register my thanks to all those who have participated in this consultation process, some of whom are in the public gallery today.

The outcome of this consultation was broad support from interested parties for legislation to govern retirement villages, although some disagreement on the exact operation of the provisions existed at first. I have worked hard to find an approach that accommodates the concerns of all parties and believe that this bill does so.

Throughout this process I have been pleased to receive the support of my colleagues, particularly the Chief Minister, the Attorney-General and the Minister for Ageing. I would also like to thank the staff of the Parliamentary Counsel's Office for their assistance in drafting this legislation. Here in the Legislative Assembly members are fortunate to be supported by a number of dedicated professionals who help us in our work, and I would like to recognise their contribution and each individual who has made this process easier for me and for my office.

I thank former staff members Emma Smith, Annika Hutchins and Andrew Hunter for their work on this very important piece of legislation and my current staff, Monica Vannasy, Charles Njora and Jack Simpson—particularly Jack, who I am sure will get a good night's sleep tonight—for their work in developing this bill. I would also like to thank Murielle Zielonka, who only works part time on other matters in my office. She has not been involved in the preparation of this legislation but plays an important role in quietly carrying out her work while the rest of the staff have been a tad preoccupied of late.

I believe this draft legislation is the most effective method of providing Canberrans with adequate protection when moving into a retirement village while also providing certainty, importantly, for the retirement village industry and facilitating growth for that industry. I look forward to the support of other members for this crucial piece of legislation.

Debate (on motion by **Ms Bresnan**) adjourned to the next sitting.

Electoral (Election Finance Reform) Amendment Bill 2011

Mrs Dunne, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MRS DUNNE (Ginninderra) (10.18): I move:

> That this bill be agreed to in principle.

From the introduction of self-government in the ACT and before, the Liberal Party has worked steadily towards giving the citizens of the ACT the fairest and most open electoral system possible. The Liberal Party is proud of its role in the introduction of the Hare-Clark system into the ACT and I am personally proud of my role in that campaign.

Following from this, we have continued to support refinements to that system, where they passed the test of enhancing the fairness, openness, accessibility and security of

the electoral system. Such refinements include the entrenchment of the key elements of the electoral system and enhancements to the system of Robson rotation. The bill I place before the Assembly today is focused on the campaigning process rather than the mechanics of voting, counting and determining the results of the election. But it is no less important for that.

I contend that the ACT has the finest electoral system in Australia and perhaps the world. In terms of its fundamental operational mechanics, however, even the finest electoral system cannot guarantee equality of access to the electoral process or to information about parties and candidates. We have already successfully introduced reforms to government agencies' advertising in the Government Agencies (Campaign Advertising) Act 2009 to tighten controls on the capacity of governments to use agencies' advertising improperly to promote the government party or parties in the lead-up to an election.

The next priority concerns campaign finance. This Assembly recognised this by referring the question to the Standing Committee on Justice and Community Safety, which I chair, a referral that received unanimous support from all groups in the Assembly. In fact, this subject has attracted attention in a number of Australian jurisdictions over the past few years, with legislation introduced into the commonwealth parliament in 2010, which is yet to pass. Legislation has, however, passed in Queensland and New South Wales, which saw the first operation of its legislation this year. These acts have been drawn on in developing the committee's recommendations and in drafting the bill that I present today.

It is important to note that campaign finance reform is not a new idea in Australia. Public funding and disclosure provisions are part of the standard model across Australian jurisdictions. But there is an increasing recognition that these alone do not provide sufficient protection in relation to campaign financing. In this context, I think we all have in mind the sort of election that we do not want to see in the ACT. It is particularly pertinent today with the arrival of the US President that we reflect on the sorts of elections that we do not want to have. The US presidential race is a standout example of that.

The risks of this model are not just that the process is confined to the fabulously rich or that politics is reduced to simplistic slogans and attack ads on high rotation. An obvious danger is straightforward policy purchasing. In the political arms race there will be high rollers prepared to put up the big bucks—for any party—but in general these are not disinterested benefactors, but people who are looking for influence.

Perhaps another less obvious risk is that politics becomes about money. Politicians end up spending all their time and effort in fundraising, potentially throughout a term of government, with little time left for policy development or administration. This may be a greater risk for us than it is in the United States. The ACT has fewer resources than any other Australian jurisdiction to spread across administration and consultation already without adding a massive fundraising burden.

The report of the justice and community safety committee which formed the basis of this legislation quoted the manager of a successful US presidential campaign. He said:

"There are two things that are important in politics. The first is money, and I cannot remember the second." Which was that campaign? It was not the Obama campaign. It was much earlier than you might imagine. This was William McKinley's campaign manager in 1896. So the issue of money in politics in the United States is not a new phenomenon.

This comparison may seem to be a little exaggerated. The prize of a seat in this Assembly may not be in quite the same league as the White House. At present, there is probably a dearth of billionaires in this Assembly and in this territory. But there is nonetheless a concern that the same factors may emerge, albeit on a much smaller scale.

We do not want a system dominated by money. In particular, public funding provisions will do little to level the playing field if they are dwarfed by escalating expenditure from other sources. Accordingly, as well as strengthening disclosure provisions, and refining public funding provisions, this bill provides limits on expenditure by candidates, parties and third-party campaigns and limits on gifts.

The expenditure limits have been devised carefully and do not rely on a one-size-fits-all model. In general the limits are provisional on the number of MLAs. There is a basic ceiling of $60,000 per MLA, which will be indexed. Limits must, of course, be extended to third-party campaigners, because if they were not, this would create an incentive for parties to channel funding and effort through such campaigns as a means of subverting the limits on their own expenditure, and we have seen this in the United States.

Third-party campaigners do, however, have a legitimate role in the political process. However, it is secondary to that of political parties and candidates. Accordingly, their limits are set lower, at $30,000. But non-party candidates have a higher allowance of $120,000, reflecting the higher costs and lack of economies of scale—for example, in having to pay for territory-wide advertising because media in this territory is not electorate-specific.

This bill has a series of penalty provisions in relation to expenditure caps. In the comments that I made when the justice and community safety committee brought down its report, I likened those provisions to the NRL salary cap. I think that it is an appropriate provision. There are two levels of penalty in this: a smaller penalty for what could be considered inadvertent or administrative overruns of the expenditure cap, and we see this in football from time to time. When all the accounts come in, they might be a little bit over the cap. It is an offence and they pay a penalty.

But there is another level of penalty which is a much higher level of penalty for those people who wantonly go out and flout the rules. We have seen it in the NRL and we have similar provisions here. If you go out and you flout the rules, deliberately prepared to overrun your expenditure cap, the penalties are quite severe indeed.

Without political entities exceeding these expenditure caps, however, it will be possible for an individual donor, whether a natural person, corporation or other organisation, to exercise disproportionate influence through donations or "gifts".

Accordingly, the bill provides separate limits on political gifts. I might point out here that gifts to candidates from family or friends in their private capacity are by no means caught by this provision.

Where a party, an MLA or a candidate receives a gift exceeding $7,000 in a single financial year, the receiver commits an offence. I should reinforce that: where a party or a candidate receives a gift from a single source exceeding $7,000 in a single financial year, the receiver commits an offence. In addition, direct gifts, which would otherwise be an obvious way around the provisions, are prohibited.

It is also worth noting that there are penalties in this part of the legislation as well but the penalties apply to the receiver of gifts—that is, political parties and their candidates—and not to the giver of gifts. We take the view that it may be possible that a person off the street who wants to donate does not know the provisions of the law, but it is incumbent upon us in the political process to know the provisions of the law. So any penalties go to the receiver of the gift, not the giver of the gift.

Public funding will now be tied to the levels provided in Senate elections, discounted to take account of lower costs in the ACT. Further, a new division makes provision for administrative expenditure, subject to acquittal and audit, for expenses incurred by parliamentary parties and non-party MLAs, to a limit of $20,000 per MLA per year.

Disclosure provisions have been strengthened in this bill. Annual electoral returns as such have provided accountability, but often too late to provide information which is useful to the electorate, particularly in relation to election periods. Accordingly, large gifts must, under this bill, be disclosed to the Electoral Commissioner within 30 days, or seven days during the election period, rather than waiting until many weeks after the election, as is now the case. This provision applies whether the gift was received as a single sum or over several smaller amounts over the course of the financial year. The commissioner is required to publish this information as soon as possible.

Anonymous gifts are a major problem for attempts to create an accountable system. The nature of political fundraising does have implications here and it is not practical to abolish all anonymous gifts without completely reinventing the political process. However, there is clearly scope to use them to avoid accountability altogether. Accordingly, in line with the recommendations of the JACS committee, a limit of $25,000 per MLA or political party has been set for the total amount received in small anonymous gifts.

With this tighter regime, the present requirement for returns by donors is unduly onerous. The requirement entails collecting the necessary information from two sources, which is inefficient and unnecessary. The Electoral Commissioner has dwelt on this on a number of occasions. Of the two potential sources, it is clear that political parties are, or should be, set up to account for donations, and can do so much more efficiently than their donors. Further, there is the opportunity to compare income and expenditure records for political parties. Accordingly, the requirement for donors to provide returns has been removed in this bill.

The penalty provisions that I have touched on in this bill are, I believe, in proportion to the seriousness of offences involving, as they do, attempts to subvert the political

process, intentionally or recklessly. Its approach is broadly in line with those taken by other jurisdictions who have implemented reform in this area; namely, New South Wales and Queensland. Delays in finalising commonwealth legislation have limited the capacity to ensure consistency at this level. Subject to that unavoidable constraint, consistency with other jurisdictions has been maximised as much as possible, with obvious benefits for political parties and third-party campaigners operating across jurisdictions.

As a Liberal, I do not lightly endorse constraints on individuals' and entities' capacity to participate in the electoral process. However, we believe that in terms of the total human rights, in particular political rights, of the citizens of the ACT as a whole, the effect of this legislation is overwhelmingly positive. It prevents no-one from participating publicly in the policy conversation, including via paid media within quite generous limits, but it does put in place important safeguards to prevent that conversation being prostituted to the highest bidder. This bill safeguards the operation of the Hare-Clark system in the ACT.

Finally, I conclude by thanking my colleagues in the committee and the committee staff for their cooperation during the lengthy deliberations in relation to campaign finance reform. Getting to the bottom of this issue was onerous and a complex task and it was done in good spirit. I want to thank my colleagues in the Canberra Liberals and our staff who have been a sounding-board in this endeavour, in the drafting of this legislation.

But most importantly, I want to thank the extremely professional and hardworking drafters from the Parliamentary Counsel's Office who have undertaken the herculean task of translating the committee's recommendations into legislation in such a short time frame. I commend the bill to the Assembly.

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

Crimes (Penalties) Amendment Bill 2011

Debate resumed from 24 August 2011, on motion by **Mrs Dunne**:

> That this bill be agreed to in principle.

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) (10.33): The government will be supporting this bill in principle. This bill gives effect to key elements of the government's Crimes (Certain Penalty Increases) Amendment Bill 2011, and we will be moving amendments in the detail stage to ensure this outcome.

The government's view is that it will put the community interest first and take the responsible course of action by supporting this bill in principle. The bill as it presently stands affects the offences of manslaughter and culpable driving. It would raise the maximum penalty for manslaughter from 20 years to 25 years, culpable driving causing death from seven years to 15 years, and culpable driving causing grievous

bodily harm from four years to 10 years. The bill would also affect the penalties for the aggravated forms of these offences. The aggravated form of manslaughter would carry a maximum penalty of 30 years, aggravated culpable driving causing death would carry 17 years, and culpable driving causing grievous bodily harm would carry 12 years.

Despite the lack of support shown by other members for the government's bill on maximum penalties, the government does not propose to let party politics stand in the way of an important law reform in this area. I will not go into detail now on the amendments the government proposes to make; I will deal with those issues during the detail stage. I will, however, reiterate that the community expects the penalty to fit the crime. That is, the maximum penalty for a particular offence should reflect the seriousness of the offence relative to other less or more serious offences. I wish to ensure that serious offences against a person in the ACT carry appropriate penalties. Current penalties are significantly out of step with other jurisdictions and with the Model Criminal Code.

I also want to ensure that the concerns of the Director of Public Prosecutions about the current penalties for some of these offences are addressed. Key public officers like the DPP are in a position to provide the government with important insights into criminal justice issues. The government would not be doing its job properly if it did not consider carefully and attend to concerns raised by the Director of Public Prosecutions and other justice stakeholders who are at the coalface of the criminal justice system.

I have indicated that I will move some crucial amendments to the Crimes (Penalties) Amendment Bill that we are debating today. Importantly, I will move that clauses be added to the bill to raise the maximum penalties for the three offences of intentionally, recklessly and negligently inflicting grievous bodily harm. These clauses are necessary to ensure that the ACT scale of maximum penalties remains balanced and progresses logically according to the seriousness of each offence. The additional clauses are also necessary to address concerns about the inadequacy of the current penalty for the offence of intentionally inflicting grievous bodily harm.

I also propose to move that the clause currently in the bill amending the penalty for manslaughter be omitted. The government holds to its view that amendment to this penalty is unnecessary at this time. It is appropriate for the offence of manslaughter and the offence of intentionally inflicting grievous bodily harm to carry the same penalty, as they are offences of similar seriousness.

The amendments that I move today will also involve the removal of the objects clause of the bill. With the amendments moved by the government, this clause is no longer appropriate, as the penalty for manslaughter is no longer being increased. And the government is of the view that the clause defines the purposes of the amended bill too narrowly. In particular, it does not account for the increases in penalties to grievous bodily harm offences.

The government has indicated that it is progressively reviewing offences against the person. I note that Mrs Dunne has pointed to amendments to the Crimes Act that she intends to bring forward in the future. The government will have its mind on its own

agenda and priorities in this regard and does not intend to have its hand forced on what issues are of greater importance for the criminal justice system and the community generally.

An increase in maximum penalties for culpable driving offences and three grievous bodily harm offences forms the core of the government's original proposal. The government has negotiated amendments to ensure that this core proposal is retained in the bill we are debating today. I am pleased that, with the support of Mrs Dunne and the Canberra Liberals, we have been able to achieve this important outcome for everyone in the community. I would like to indicate my thanks to Mrs Dunne for her willingness to negotiate on these matters; we will be able to achieve a reform which is important in the context of recent decisions by the Court of Appeal and in the light of matters raised by the Director of Public Prosecutions.

MR SESELJA (Molonglo—Leader of the Opposition) (10.38): I will just say a few words. Firstly, I think it is a very positive development that we will see some more appropriate laws in this area today. That is a result of a lot of hard work. I would like to pay tribute to Mrs Dunne and the work that she has done in looking at these issues over a period of time and coming up with some significant solutions. Mrs Dunne has shown the way on this; that is why we are in the position today where the Assembly will be endorsing the approach that Mrs Dunne has brought to it.

It is important that we think through all the consequences of changes in sentencing and changes in penalties. Unfortunately, the Attorney-General has been playing catch-up on this. He has not been genuinely prepared to do the work to get it right; that is why the Canberra Liberals could not support the legislation which was put forward by the government. There were some significant problems with that legislation, which we think would not have met community expectations .We would have seen, in some cases, an effective winding back in some areas. That was legislation that was not well thought through and was not well put together. I am really pleased that we will now get progress on this. Mrs Dunne has identified where some of the significant problems are, and she has done the work to make the case as to why these changes need to go through.

This is a very important day for the Assembly. It is an important move forward in terms of reforming legislation. The offences we are talking about here are very serious offences and the maximum penalties are in the worst possible cases. We are not talking about minor offences; we are not talking about someone inadvertently being caught up by a very harsh sentence. These are the most serious offences in these categories. It is appropriate that the Assembly say today that we believe that there needs to be a very strong deterrent and that there needs to be justice for the victims in these circumstances.

I pay tribute to Mrs Dunne. She has done an outstanding job. I am very pleased that, through her hard work, the government has now come on board and we will now get more appropriate legislation in this area.

MR RATTENBURY (Molonglo) (10.41): The Greens will not be supporting this bill today. As I said when the Assembly debated this issue last month, we hold the view

that sentencing is a complex issue which involves questions of community expectations about punishment, how best to provide deterrence from a similar crime occurring in the future and the question of rehabilitation for offenders.

Because of this complexity, we believe that any reforms to sentencing demand a very careful approach which is guided by evidence, guided by research and guided by something more than a bit of instinct. 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 the seven purposes of sentencing. Parliaments need to be shown how it will achieve strong deterrence of crime, how it will achieve more effective rehabilitation or how it will provide a more accurate reflection of informed community standards. Sadly, this bill from the Canberra Liberals, which has the support of the government, is accompanied by no such evidence. Nor, I might add, was the attorney's bill that we debated during the last sitting period.

The Greens believe that the Assembly can do so much better. We should be having an informed debate about what we can do to proactively address crime, rather than simply increasing sentences after the fact.

The Greens are not alone in holding the view that any changes to sentencing should be supported with evidence. Members will recall that when I last spoke on this issue I quoted from Civil Liberties Australia, the ACT Law Society and the Australian Lawyers Alliance, all of whom 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. Since then we have seen a number of interesting articles appear in the press from senior Canberra journalists who have labelled the proposed legislation variously as "myopic" and "dog whistling".

The Greens' position is clear: 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 that the evidence the review would provide would better equip the Assembly for a debate on sentencing reform. Unfortunately, as members well and truly know, our proposal for a review was not agreed to by either of the old parties, and we will have to debate this bill as it currently stands and without the evidence. When seen in this light, and without any evidence to support it, the bill should not be passed into law.

I believe there are a number of key flaws with the bill. The first, as I have touched on, is 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 is out of alignment with community expectations.

The Greens believe that this 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 opinion based on the front page of a newspaper or some other perspective that does not take into account the full circumstances of the case.

I have spoken in this place on a number of occasions about the Tasmanian research that the ACT Chief Justice subsequently emailed to all members. This is the type of research that we believe would add value to this debate and would help the Assembly make a better decision about community standards and community expectations. This morning the attorney again stood up and said that the community expects the penalty to fit the crime. I imagine that Mrs Dunne is going to make similar comments. What is that based on? Is that based on a couple of emails that have been received? Is it a couple of letters to the editor? Is that an honest and accurate measure of community expectations? That is the question that I think members need to reflect on as they stand here and say, "These reflect community standards." I am not really sure.

That Tasmanian research underlines that. I would like to think that members have taken the time to look at it carefully and will recall that in broad terms, where jurors were surveyed on the penalties that were handed down by a judge—these are juries who have sat through the entire case and listened to the evidence—about half thought the judge was too lenient and about half thought the judge was too harsh. It suggests that judges in that Tasmanian study were coming down somewhere that, on the spectrum of community expectations, was probably about in the middle.

There will always be people who expect more. But there will be people who think that the circumstances of the case do not warrant such a tough penalty. It is too easy to jump on one side of that story or the other. Our responsibility is to take a more cool-headed approach when measuring what we believe the community standards and expectations are.

The second flaw that I particularly focus on with this bill is the JACS *Guide for framing offences*. I have quoted that in this place a number of times. It essentially refers to the fact that increasing penalties does not act as a significant deterrent to prevent crime and highlights the fact that efforts to improve the detection, arrest and prosecution of offenders are generally more effective. When we last debated this, the attorney said that this guide applies only to strict liability offences. But, as I explained under standing order 46 during that last debate, a reading of the guide certainly suggests otherwise.

What the guide tells us is that investment in better policing and better prosecution to increase the chance of apprehension and conviction is what really acts as a deterrent, whereas what we are seeing here, in the kind of bills that are being brought forward, is really an end of pipe solution. It is that classic situation. In the environmental field, you have the discussion about whether it is better to fine somebody for polluting the environment or to put a system in place that prevents the pollution from ever getting out there. The thinking around the criminal justice system is quite analogous. It is far better to see the crime not take place in the first place, particularly when it comes to something as horrendous as deaths arising from culpable driving. There are far more effective strategies that this Assembly should be looking at and spending its time on than simply saying that we need to toughen up the penalties and that will really make a difference.

The third flaw that I particularly want to focus on in this bill and its government equivalent is the idea that we are repeating law and order campaigns from other states.

The approach adopted by this bill is to mirror sentencing laws in other jurisdictions. That is deemed to be an important factor as to why we need to increase the penalties in the ACT. 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 have all seen those, particularly in places like New South Wales.

To simply copy that, without acknowledging that that is how those penalties have got to where they have got to in many circumstances, is a bad result for the ACT. It reflects poorly on the law making in this place that we are prepared to take on board penalties that have been upped and upped through the course of a swaggering approach to an election campaign. We need to be able to think for ourselves; we need to perform a review of how our sentencing regime is performing and then make any necessary changes.

I will have some further comments to make when it comes to some of the amendments to the bill that are going to come forward, but in conclusion let me say that the Greens will not be supporting this bill, for the reasons I have outlined. It remains of deep concern to us that there is no evidence to support these proposed changes. We believe that a more considered approach to sentencing reform is what the ACT community deserves.

MRS DUNNE (Ginninderra) (10.49), in reply: I thank the government for their support of this bill and Mr Corbell for his cooperation and helpful discussions that will result in this bill passing today. I do not think this is about party politics; the decisions the Canberra Liberals made, as Mr Seselja said, in the last sitting period were because the bill brought forward by the Attorney-General was simply poor law. It created differential treatment across the statute book for aggravated offences and, in the cases of aggravated offences in the areas that we are discussing today, would have created an immediate discount.

For example, culpable driving causing death which was aggravated by the perpetrator knowing that the victim was pregnant would immediately be rolled into the maximum penalty, which means that if the victim was not pregnant there would always be an immediate discount on the maximum penalty. This was the reason the Canberra Liberals opposed the poor law that was introduced. In addition to that, there would be a differential way in which aggravated offences would be treated across the Crimes Act, which I think is unsuitable.

We are here today because of the issues raised by the Director of Public Prosecutions, as is his responsibility. He encountered problems in the appeal courts and he raised those matters with the attorney and me. Both the attorney and I took action in response to those. They were different actions; they sort of got to the same place but they got there by different means.

I will discuss a little later some of the issues, but there are a few things I have to put on the record up front. I am disappointed the government is not supporting the amendment in relation to increasing the penalty for manslaughter. I do not need to remind you, Madam Deputy Speaker, as you were a member of the tripartite

committee that recommended to the Assembly that we increase the penalty for manslaughter from 25 to 30 years. This was a decision of the Standing Committee on Justice and Community Safety after seeking and acquiring evidence in hearings. It was not something that was done lightly, as you, Madam Deputy Speaker, would recall.

I am also concerned—I will discuss this at some length later—about the direct equation that the minister is making between manslaughter and grievous bodily harm. They are both serious offences, but one has a more serious outcome than the other. When this is finished, there will still be some inconsistencies in the statute book because of the approach being taken by the government.

That said, this is an important day. It shows that we in this place are listening to the priorities of the community and we are addressing the local issues. They are being addressed by the Canberra Liberals because we listen, we participate, we take things into account. Our commitment to provide the best local government in the country is being delivered from opposition here today.

There has been considerable community support for this. It is not just the one odd email. Mr Rattenbury is fighting a rearguard action, saying, "Yes, we should do something about this, but in about six years time after we have had a vast amount of research." We have to act here and now, because our prosecutors are in a situation where they cannot get convictions that meet community expectations. I have no qualms in saying that the results of the case that brought this matter to our attention clearly did not meet community expectations.

When two people die and another is grievously injured and someone spends less than a year in prison, that does not meet community expectations. There are a whole range of reasons why you have a penalty for an offence. Rehabilitation is one of them, but there are others. Quite frankly, it is sometimes—although we do not like to think about it—about punishment for wrongdoing, and the community was clearly unhappy about that.

Mr Rattenbury says, "Look, we can't just rely on what's happening elsewhere in other jurisdictions." In fact, on the contrary, we have to rely on what is happening in other jurisdictions. In the case of culpable driving causing death, the penalty in the ACT is seven years compared to 15 in New South Wales and 20 in Victoria. Our case law, our jurisprudence on this, is so limited that when the prosecutors went back to appeal the lenience of the sentence, they relied on interstate case law. They were told that they could not rely on it because of the differential between the penalties between here and New South Wales and Victoria. It is quite simply the case that we are not a large enough jurisdiction to stand on our own and rely on our own case law. We have to take account of what is happening across the borders.

This is a great day for the people of the ACT. We will be making important and substantial legislative change, and I thank the government for their cooperation in this matter.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.55): The government will be opposing this clause. Paragraph (b) of the objects clause refers to the desirability of amending maximum penalties so they mirror those available in other jurisdictions. The government's position is that this is not a proper methodology to apply to reform maximum penalties. Even though the objects clause would not be inserted into the Crimes Act by the bill, it is not appropriate to include a statement such as that in paragraph (b) in ACT law. The entire objects clause should be omitted as it adds little value to the bill.

MRS DUNNE (Ginninderra) (10.56): The Canberra Liberals will, on reflection, support the opposition to this clause, but for a slightly different reason. The Canberra Liberals believe, as I have already said, that there should be some connection between offences in various jurisdictions and that there should be a correspondence across jurisdictions. I have no problem with that. I have no problem with reinforcing it here.

The purpose of the objects clause essentially was to send a message across and to reinforce to the community that this Legislative Assembly considers the issues of manslaughter and culpable driving offences to be important. The attorney is quite right: the objects clause will not be incorporated into the Crimes Act; it serves a purpose in this piece of legislation alone. I am prepared to delete this clause now because it is constructed in terms of manslaughter and culpable driving, and the attorney's amendments, which we will be supporting later in the day, will also add the range of grievous bodily harm offences to it. Because it will no longer reflect the legislation as it is finally passed, I am happy to delete this clause.

MR RATTENBURY (Molonglo) (10.58): The Greens will also be supporting the government's opposition to this clause, partly for the reasons the attorney and Mrs Dunne have reflected on. In light of the different matters covered by the bill, it seems to not quite fit anymore. But we also support it for the reasons I have discussed earlier in the sense that the objects of the bill talk about reflecting community standards and reflecting the penalties for other jurisdictions. I will not repeat my earlier comments on that, but members understand the points I would make if we were to proceed on this basis.

Clause 4 negatived.

Clause 5.

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) (10.58): The government will be opposing this clause. Mrs Dunne's bill proposes to increase the maximum penalty for the offence of manslaughter, despite the fact that the DPP has stated that the current penalty is appropriate in giving evidence to the Standing Committee on Justice and Community Safety in its inquiry into the Crimes (Murder) Amendment Bill 2008. The DPP has since confirmed that there is no reason for a change to the penalty for the offence of manslaughter.

In addition, the penalty increase proposed by Mrs Dunne for manslaughter from 20 to 25 years means that there will be an even greater gap between the penalties for manslaughter and intentionally inflicting grievous bodily harm. There should be some parity between penalties for these offences, recognising that the offences are of similar seriousness. While I recognise that there is clearly a different result with manslaughter when compared with intentionally inflicting grievous bodily harm, the latter offence involves a higher degree of culpability. As a result, the government does not support this clause.

MRS DUNNE (Ginninderra) (11.00): The Canberra Liberals will be opposing the government's opposition to this clause. The government shows a considerable lack of understanding on these issues, which I touched on in my comments. The attorney is creating a fiction, really, where he is equating manslaughter and inflicting grievous bodily harm. The outcomes are different. They are both serious, but it is quite clear the outcome is different. I was a little perplexed in my conversations between my staff and I on one side and the minister and his staff on the other when we were discussing this the other day. The inconsistencies will become more obvious when we get to the issue about grievous bodily harm. But we have a situation where, while both of these issues are serious and the tests are high, the outcome is different.

Although I am quite happy with the general notion that the penalty for intentionally inflicting grievous bodily harm should be high, while we are dealing with matters that result in death, it is the view of the Canberra Liberals that the penalties should be higher for that. That is why the Canberra Liberals will not be supporting the government's opposition to this clause.

Question put:

> That clause 5 be agreed to.

The Assembly voted—

Ayes 5		Noes 9	
Mr Doszpot	Mr Smyth	Mr Barr	Ms Hunter
Mrs Dunne		Ms Bresnan	Ms Le Couteur
Mr Hanson		Ms Burch	Ms Porter
Mr Seselja		Mr Corbell	Mr Rattenbury
		Mr Hargreaves	

Question so resolved in the negative.

Clause 5 negatived.

Clause 6.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.05): I move amendment No 3 circulated in my name *[see schedule 1 at page 5490]*.

This clause raises the maximum penalty for aggravated manslaughter from 26 to 30 years. The government is proposing to change that to 28 years. The government's Crimes (Certain Penalty Increases) Amendment Bill 2011 retained aggravated versions of the five offences it affected but did not increase the maximum penalties available for those aggravated offences. This is a point that is missed in the debate by those opposite. The government maintained the aggravated offences, but because the sentencing range was changed, there was no need for a specific sentence for those aggravated offences.

The government's reasoning for that was that the proposed maximum penalties provided by the bill were sufficient to account for the aggravated forms of those offences. The government still believes it is not necessary to add a penalty loading to punish aggravated offences. However, in the interests of meeting its commitment to reform the maximum penalties for certain serious offences against a person, the government is willing to support a reduced penalty loading for the aggravated forms of offences affected by Mrs Dunne's bill.

This is a point that also needs to be made in this debate: Mrs Dunne has a particular model around how she believes sentences should be weighted as they compare to different offences. The government has another model. We are having to compromise on these issues. In compromising on these issues, there will inevitably be some hybrid of those two models coming together. Mrs Dunne can claim inconsistency, but it is inconsistency based on a model which the Assembly as a whole is not prepared to support. So we need to compromise, and that is what is occurring today. The maximum penalty of 28 years for this offence is consistent with the approach the government has adopted previously, and I commend the amendment to the Assembly.

MRS DUNNE (Ginninderra) (11.07): I was somewhat surprised at the government's suggestion that they should increase the aggravated offence to 28 years, but I am grateful for it. I think it is a step in the right direction, and we will be supporting this. However, as I have said before, when we get further into it, we will see some inconsistencies brought up, which are not about the model. We disagree wholeheartedly with the government's model, which wound into one penalty the penalties for aggravated offences and the simple penalties. We disagreed with it for two reasons, the first being the in-principle one—you effectively create an automatic discount. The other one was that it was inconsistently applied across the Crimes Act. We need to keep our statute book consistent, and the government was moving away from this.

I am surprised that the government is not prepared to increase the penalty for manslaughter but is prepared to increase the aggravated penalty. But I think it is a step in the right direction. With baby steps, we will make improvements in the statute book.

Amendment agreed to.

Clause 6, as amended, agreed to.

Proposed new clauses 6A to 6E.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.09): I move amendment No 4 circulated in my name, which inserts new clauses 6A to 6E *[see schedule 1 at page 5490]*. I will deal with each of the proposed clauses.

Clause 6A amends the maximum penalty for the offence of intentionally inflicting grievous bodily harm. The effect of this clause is that section 19(1) of the Crimes Act would be amended to raise the maximum penalty for the offence of intentionally inflicting grievous bodily harm from 15 years to 20 years. It is the same amendment to the penalty for this offence as would have been made by the government's Crimes (Certain Penalty Increases) Amendment Bill 2011.

This offence is of the utmost seriousness. In fact, it is one of the most serious offences in the Crimes Act. The DPP has drawn my attention to the potential inadequacy of the current maximum penalty for the offence. The new penalty will create parity between the penalty for this offence and the penalty for manslaughter. It will also create better balance between the penalty for the offence and the new penalties for the culpable driving offences established by the bill.

Clause 6B amends section 19(2) of the Crimes Act to raise the maximum penalty for the offence of aggravated intentionally inflicting grievous bodily harm from 20 years to 23 years. As I have said previously, the government is prepared to countenance a small penalty loading for aggravated offences for the sake of progressing reforms to maximum penalties. The increase to the penalty to the aggravated form of this offence made by this clause is in line with this position.

Clause 6C amends section 21 of the Crimes Act to raise the maximum penalty for the offence of recklessly inflicting grievous bodily harm from 10 years to 13 years. It is the same amendment to the penalty for this offence as would have been made by the government's Crimes (Certain Penalty Increases) Bill, which was defeated by the Assembly earlier this year. When the penalty for the offence of recklessly inflicting grievous bodily harm is considered with other penalties, including proposed new penalties, it becomes 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 moderately from 10 to 13 years.

Clause 6D amends section 22 of the Crimes Act to raise the maximum penalty for the offence of aggravated recklessly inflicting grievous bodily harm from 13 years to

15 years. The increase to the penalty to the aggravated form of the offence made by this clause is in line with the government's position that a small penalty loading for aggravated offences, in this case a loading of two years, is acceptable.

Finally, clause 6E amends section 25 of the Crimes Act to raise the maximum penalty for the offence of negligently causing grievous bodily harm from two years to five years. It is the same amendment to the penalty for this offence as would have been made by the government's Crimes (Certain Penalty Increases) Amendment Bill 2011. This amendment is necessary to retain balance in the ACT scale of penalties for offences against the person.

MRS DUNNE (Ginninderra) (11.12): The Canberra Liberals will be supporting this amendment—some aspects of which are a little surprising—with the exception that we will have an amendment to clause 6B. I move amendment No 1 circulated in my name *[see schedule 2 at page 5491]*.

The amendment seeks to amend Mr Corbell's amendment No 4 by amending clause 6B to increase the aggravated offence penalty that the government proposes from 23 to 25 years—omit the current 20 years for an aggravated offence and make it 25 years. I will address the amendment that I have moved in relation to section 19(2) now and then when we deal with that I will go back and address the other amendments, if that is suitable.

The amendment comes about by agreement between Mr Corbell and me. It is one of the principal issues and I have touched on it a couple of times. It seeks to increase the penalty for the offence of intentionally inflicting grievous bodily harm—the aggravated version of that offence. I think the issue is that, while the penalty for manslaughter is also 20 years, the aggravated penalty for manslaughter is 28 years. The government originally proposed 23. After discussions, Mr Corbell said that he would agree to an amendment from me to increase that to 25.

This is where I see that there is inconsistency in the government's argument. The attorney, in debate today, in discussions that we had earlier in the week and in the debate last week, has consistently equated manslaughter and inflicting grievous bodily harm as essentially equal crimes but, when pressed on this, he does admit that the outcome for manslaughter is more serious. While we are moving in baby steps to recognise that, I think that there is inconsistency.

We now have manslaughter which will have a maximum penalty of 20 years and an aggravated penalty of 28 years and, when this legislation passes, we will have inflicting grievous bodily harm which will have a maximum penalty of 20 years and an aggravated offence penalty of 25 years. There is inconsistency there, but at this stage I will point it out rather than quibble about it.

MR RATTENBURY (Molonglo) (11.16): I think this series of amendments highlights the sad nature of this debate. The government, in their original bill on this in the last sitting period, initially proposed to keep this penalty at 20 years, the level it currently sits at. The Liberal Party, I understand, agreed to that at that point in time; there was no sense of changing this. The government then proposed 23 years, and

now we have got the Liberal Party proposing 25 years. Frankly, this kind of one-upmanship, jumping around and coming up with a number that seems to fit in somewhere and has no real basis of evidence, absolutely exemplifies why the Greens have significant reservations about the way this debate is being conducted. We sit around in offices upstairs going: "Well, what if we make it this? What if we make it that? It somehow fits on a scale."

That is not the way to deal with these sorts of penalty provisions. We have basically ended up with a five-year increase in the penalty as some sort of afterthought that was certainly not contemplated in the initial instance. It appears to have been arrived at by some process of needing to continue to outbid each other to find some appropriate way forward. I just think that it reflects poorly on this Assembly that this is the way that we are doing penalty making in this place.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.17): The government will support Mrs Dunne's amendment. Mrs Dunne's amendment to the government's clause 6B amends section 19(2) of the Crimes Act to raise the maximum penalty for the offence of aggravated intentionally inflicting grievous bodily harm from 20 years to 25 years, instead of 23 years.

The government has not stepped away from its very strong support relating to aggravated offences which involve harm to a pregnancy. Mrs Dunne's amendment takes a slightly different approach in suggesting two extra years. This is not the type of issue that this place should be seen to quibble on. Violence against women, in particular violence where a pregnant woman is involved, should not be tolerated. It is one of the most grievous offences on the statute book. The Assembly should aim to leave no doubt about the gravity of the offence involving harm to a pregnancy in the minds of the courts and the community.

Amendment agreed to.

Proposed new clauses 6A to 6E, as amended, agreed to.

Clause 7.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.19): I move amendment No 5 circulated in my name *[see schedule 1 at page 5491]*.

Mrs Dunne's clause would raise the maximum penalty for culpable driving causing death from seven years to 15 years. The government believes that a maximum penalty of 14 years for this offence is more appropriate than the 15 currently provided for by this clause. A maximum of 14 years provides a better balance with the proposed increases to grievous bodily harm offences and is also better aligned with the seriousness of the offence.

MRS DUNNE (Ginninderra) (11.19): With this and the next amendment the Canberra Liberals are not going to quibble over a year.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.20): I move amendment No 6 circulated in my name *[see schedule 1 at page 5491]*.

If the maximum penalty for the basic offence of culpable driving causing death is set at 14 years, 16 years is a more appropriate penalty for the aggravated form of the offence. As I have said earlier, the government is prepared to support a small penalty loading for aggravated offences and believes that a two-year loading is appropriate in order to ensure passage of these other important reforms.

Amendment agreed to.

Clause 8, as amended, agreed to.

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

Bill, as amended, agreed to.

ACT Policing—operational outcomes

MS PORTER (Ginninderra) (11.21): I move:

That this Assembly:

(1) commends ACT Policing for achieving its best operational outcomes in eight years in 2010-11;

(2) notes:

(a) that there was a 32.7 percent reduction in 2010-11 in burglary;

(b) that there was a 37.3 percent decrease in the number of motor vehicles stolen;

(c) the rate of robbery in 2010-11 is down by 22 percent;

(d) property damage has fallen by 21.8 percent; and

(e) there was a drop of 22.1 percent in other theft;

(3) commends the marked decrease in the number of alcohol related arrests in the ACT between December 2010 and August 2011 with 20.68 percent fewer arrests compared to the same time in the year before; and

(4) congratulates the efforts and close cooperation between ACT Policing and officers from the Office of Regulatory Services in achieving these results.

I am pleased to bring this motion to the Assembly today and advise that ACT Policing has achieved its best operational results in the eight years since the purchase agreement reporting framework was established in 2002-03. ACT Policing has produced a decrease in crime in the 2010-11 year across a broad range of crime types: burglary, reduced by 32.7 per cent; motor vehicle theft, decreased by 37.3 per cent; robbery, down by 22 per cent; property damage, fallen by 21.8 per cent; and other theft has dropped by 22.1 per cent. And very pleasingly, there have been 20.68 per cent fewer alcohol-related arrests between December 2010 and August 2011 compared to the same period in the previous year. These are not just statistics, they are individuals' lives, individuals whose lives are no longer being affected by crime. They are families who are no longer affected by crime. It is our community no longer affected by crime.

These are outstanding achievements by ACT Policing, making a strong contribution towards achieving the government's vision of the Canberra plan: towards our second century. A central strategic theme of the Canberra plan is a fair and safe community. The excellent work of ACT Policing is a clear demonstration of this. ACT Policing's work also supports the government's priorities for 2011-12, in particular priority 8, which is continued improvement in public safety.

The achievement of ACT Policing needs to be acknowledged in the context of the strong working partnership between the Justice and Community Safety Directorate and ACT Policing. Driving this partnership is the five-year policing arrangement. This arrangement enables Minister Corbell to provide general direction on policy, priorities and goals to the Chief Police Officer in the form of a ministerial direction. The 2010-11 ministerial direction identified the following special areas of focus: liquor industry reforms, property crime, mobile technology and road safety.

The policing arrangement also provides for the establishment of an annual purchase agreement. The 2010-11 purchase agreement includes 34 performance indicators that cover the following key areas: crime and safety management, traffic law enforcement and road safety, prosecution and judicial support, and crime prevention.

In the 2010-11 year, ACT Policing achieved or exceeded 29 of the 34 KPIs; that is, 29 of the 34 KPIs were achieved or exceeded. This is an excellent result. It is the best result in the eight years since the existing purchase agreement reporting framework was established in 2002-03. ACT Policing only narrowly missed meeting the remaining KPIs. This is a strong partnership we have with ACT Policing and it is fundamental to ensuring the safety of our community.

ACT Policing's recent outstanding operational performance is a clear indication of the success of its partnership with ACT government agencies. A further demonstration of

ACT Policing's commitment to operating in partnership with the rest of the government can be found in its work with the liquor industry and ORS to reduce alcohol-related violence and antisocial behaviour.

While the ACT is a very safe place to live in, like all communities, we experience crime, crime which affects everyone in our community. It affects individuals, it affects families, it affects the whole community. The results achieved by ACT Policing are important to acknowledge, particularly when they can make a positive impact on our community's perception of crime. Minister Corbell stated recently:

> Perceptions of crime are important. Perceptions of community safety are important. They are important not just from a statistical perspective, but they are important because they impact on a community's wellbeing. If people do not feel safe, even if that feeling is not necessarily entirely based on evidence, they are less likely to participate as broadly as they otherwise would in the community.

Our acknowledgement here today of the outstanding performance delivered by ACT Policing for the Canberra community will make a positive impact on people's perception of crime. As the Chief Police Officer acknowledged recently, there is a gap that occurs between good operational performance and community perception of crime. One way to address this is to tell the community about these good results. As the Chief Police Officer said, "You can have the best police service in the world, but unless you are telling the community about it, you are only doing half the job." Let us in this place draw attention to this great police service we have here in the ACT and the positive impact they are making on driving crime down in our Canberra community.

The government's support of ACT Policing is comprehensive. The government works hard to engage with the community and ACT Policing to develop strategies and initiatives to continue to fight crime. A key way this is done is through the crime prevention and community safety forum convened by the Justice and Community Safety Directorate. The forum is tasked with identifying and prioritising crime and safety concerns and reporting to the government on aspects of community safety, on aspects of crime prevention and on law and order issues. The forum plays an important and pivotal role in driving crime reduction strategies and initiatives, with an emphasis on whole-of-government response to those strategies and initiatives. The forum is currently developing the ACT property crime reduction strategy for 2012-15, which will provide a whole-of-government focus which builds on and cements the good work done by ACT Policing.

ACT Policing's results show a convincing downward trend across a range of crime types, as I have outlined. This, along with the forum's cross-government approach and community focus, takes us even closer to meeting the government's vision for a safer Canberra.

I congratulate members of our police service, and let us not forget the support provided by the volunteers in policing. Our police service deserve our thanks and congratulations on a job well done. The work undertaken by our law enforcement officers is not an easy one. It is often difficult and may be dangerous. Every day they work to make this city a safer place to live in, and I would trust all members in this place would support this motion.

MR HANSON (Molonglo) (11.30): I thank Ms Porter for bringing this motion before the Assembly today. The Canberra Liberals will be supporting Ms Porter's motion. And we welcome the opportunity to publicly commend ACT Policing for their dedicated work and great results over the past year.

I, along with my colleagues, am on the record as supporting the police in the tough job that they do. In the recent annual report hearings before the justice and community safety committee, I joined with the Attorney-General in commending the police on the performance results this year. In October 2010, when speaking to the Greens' failed motion to bring the use of tasers to a debate in the chamber, I am also on the record as stating that I had trust in police to make a sound decision in the interest of public safety about the then proposed wide introduction of tasers.

Being a member of the police force is no easy task. Officers dedicate their time and energy to serving the best interests of the community, often putting themselves in dangerous situations. Police are often forced to put themselves between a member of the community and a person wishing to do them harm. The aim of the police is to increase community safety, to increase the ability of people to go about their daily lives, with little fear for their safety or for the safety of others. Police are an integral part of ensuring that individuals can make daily economic and social choices without the fear of being a victim of crime.

Last year, Zed Seselja, the Leader of the Opposition, and I were given the opportunity to join with some of our local police officers for an evening patrol, and I again thank the Attorney-General for facilitating that opportunity. Joining them on the evening patrol was an informative and interesting experience. I was honoured to join an outstanding group of officers of whom we can all be proud. I saw firsthand the difficult and dangerous situations faced by the officers, especially in Civic on a Saturday night. During my time in the patrol, I was made aware of numerous and varied threats to public safety and to police safety. It was widely reported that these threats to safety are being further fuelled by alcohol and drugs.

It is important to state, when reflecting on the work of ACT Policing over the last year, that we note the commitment officers have made to implement the Canberra Liberals' random roadside drug testing legislation. Any new testing regime is complex to implement and the police enthusiasm for this new tool and dedication to ensuring that it is operationalised smoothly should be noted, and I take this opportunity to thank them for their work so far.

Drugs and the incidence of drugs are having a great impact upon police officers' work and their safety. A recent report from the University of New South Wales National Drug and Alcohol Research Centre stated that 57 per cent of injecting drug users have used crystal meth, commonly referred to as ice, in the last six months. The increased use of ice is concerning, as users tend to show heightened levels of aggression. In annual reports hearings, the Chief Police Officer noted that they had seen incidents and had details of arrested amphetamine users who had shown high levels of aggression.

It was highlighted in the media and in the annual reports hearings that this government is not doing everything it can to support the work of ACT Policing. The *Canberra Times* stated in relation to this issue that ACT Policing would issue more on-the-spot fines for crimes like public drunkenness, vandalism and public urination if the ACT government had an automated infringement system in place. The 2010-11 annual report also states:

> … this is both an administrative and financial burden not normally carried by police agencies.

The Chief Police Officer stated in the annual report hearings that the processing of the on-the-spot fines takes up to 300 man hours a year. I am sure that we are all in agreement that we would prefer to see those 300 hours being spent out in the community rather than sitting behind a desk processing paperwork. Unfortunately, Mr Corbell could not give a commitment to when a system would be operational that would address this issue, even though on-the-spot fines have been in the legal framework for over three years. In fact, this would be an important time to reflect on the original failings of this government in relation to on-the-spot fines.

In April 2008, Mr Corbell announced that the police would have the ability to implement on-the-spot fines for the offences I spoke of earlier. However, it was revealed in 2009, in November, during annual report hearings, that not a single on-the-spot fine had been issued. This was a 19-month delay after the original announcement. This was because the minister, Simon Corbell, had failed to ensure that police actually had the ability to administer the fines. Now, over three years after the minister's announcement, there are still problems for police in using this system and it is still not as effective as it could be.

This is not the only area where the government has failed ACT Policing. I foreshadow that I will be moving amendments to Ms Porter's motion today that address the issue of police assaults. These amendments highlight that there were 48 assaults against police, including 17 incidents of spitting in the last year. As you will recall, Mr Assistant Speaker, and the Attorney-General will recall, we addressed this issue in annual report hearings this year and I take the opportunity to again quote the Chief Police Officer, Roman Quaedvlieg, on this issue:

> … my impressions, from 20 months or so in this role, are that there are instances of what I call mobbing assaults—multiple offenders on one police officer. The issue of spitting on police causes me some grave concern in terms of blood-borne and saliva-borne viruses. I think it is incumbent upon us to understand a bit more how the levels of severity are increasing or otherwise.

We must act to protect those who put their lives at risk to protect the community. The Chief Police Officer obviously holds strong concerns about this issue and I would argue that there is no better authority on the needs of police on the ground than he is. This is why the second amendment circulated in my name calls on the Assembly to increase the penalties for assaults committed against police in the conduct of their duties. This is reflective of the exposure draft bill that was circulated by the Canberra Liberals and that amends the Crimes Act to provide tougher penalties for offences

against police, meaning a number of offences, including assault, manslaughter and threats to kill, would be considered an aggravated offence and have higher prosecution penalties. The legislation applies if an offence is committed against a police officer whilst on the job or in relation to actions taken in their official capacity.

Recently, in a letter to Mr Rattenbury that was also provided to me by the Chief Police Officer, he outlined that while maintaining a bipartisan approach, he broadly supports an increase in penalties. He states:

> I would welcome the provisioning of a specific 'assault police' offence within ACT statutes to enable clearer statistical capture and analysis of this crime type. The safety of frontline police is important, and having an enhanced capability to record and interpret statistics relating to this issue would enable remedial operational strategies to be implemented in order to mitigate the risk.

We cannot continue to congratulate the police on the dedicated work they are undertaking while failing to support them with the tools that they need. The Canberra Liberals will be supporting this motion today and we welcome the opportunity to commend the police on their fantastic results for the last financial year. But we do believe that the police need greater support and greater protections. I seek leave to move the amendments circulated in my name together.

Leave granted.

MR HANSON: I move:

> (1) Insert new subparagraph (2)(f):
>
> "(f) that during the reporting period, ACT Policing recorded 48 assaults against police and experienced 17 instances of spitting;".
>
> (2) Add:
>
> "(5) calls on the Assembly to support increased penalties for assaults committed against police in the conduct of their duties.".

As I said, there are two amendments. One notes the number of assaults against police and the number of spitting incidents, and it is a big number. I note that these numbers do fluctuate, but the point that has been raised by the Chief Police Officer and others is not necessarily the number of assaults but the nature of those assaults and the greater threat that police face in the conduct of their duty with mobbing and other offences conducted against them.

The second amendment is calling on the Assembly to support the increased penalties. It is actually foreshadowing the fact that there is draft legislation circulated in this place and indicates our support as an Assembly for the police in the dangerous work that they do.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister

for Police and Emergency Services) (11.39): I thank Ms Porter for bringing this important motion forward to the Assembly this morning. I take the opportunity to again congratulate ACT Policing on achieving its best operational result in the eight years since the time policing arrangements have been in place with the purchase agreement.

ACT Policing has fought hard against property crime, especially in this last year. Its aggressive crime targeting strategy has included a dedicated volume crime targeting team, a revitalised intelligence collection and analysis effort against volume property crime, targeting known recidivist offenders and enforcing bail conditions on known property crime offenders.

This has been an approach which has achieved significant success. When compared to 2009-10, motor vehicle theft offences have declined by 37.3 per cent. This translates to 1,670 fewer motor vehicles being stolen in 2010-11 compared to the previous year. It equates to 5,147 offences in the 12 months to June 2010, reducing to just under 3½ thousand offences in the 12 months to June 2011. It is a fantastic result and, given that the ACT has previously seen higher than average rates of motor vehicle theft, a very important one.

Burglary offences have declined by 32.7 per cent. This translates to 776 fewer offences in 2010-11 compared to 2009-10. In real numbers, this means 2,080 offences in the 12 months to June 2010 reduced to 1,304 offences in the 12 months to June 2011. For Canberrans, that means 700 fewer homes burgled and businesses burgled during that period.

Property damage offences declined by 21.8 per cent. This translates to 2,003 fewer property damage offences in 2011 compared to the previous financial year. Once again, the 9,328 offences in the 12 months to June 2010 went down to 7,325 offences in the 12 months to June 2011. Property damage is one of the most annoying and most upsetting of crimes. The vandalism and damage to businesses, to personal property, to private residences, remains a concern for many Canberrans, but to see 2,000 fewer offences being committed in this area is a great result and a significant improvement in overall community safety.

Other theft offences declined by 22.1 per cent. This translates to 3,125 fewer offences in 2010-11 compared to 2009-10. It translates to 14,124 offences in the 12 months to June 2010, reducing to 10,999 offences in the 12 months to June 2011. It is a very important achievement in relation to reducing the level of theft in our community overall: 3,125 fewer thefts in our community because of the dedicated and persistent work of ACT Policing.

ACT Policing's multi-pronged approach has continued to produce a strong downward trend in crime. Later this sitting week I will be presenting further downward trends in property crime in the ACT criminal justice statistical profile. These year-on-year results include crime reductions of over 40 per cent for burglary and motor vehicle theft. The Labor government is very pleased to be providing the support needed to ACT Policing for them to deliver this 40 per cent reduction in burglary and motor vehicle theft.

ACT Policing has also significantly reduced the robbery rate in 2010-11, decreasing the number of robberies by 22 per cent. A significant contribution to this result has been the collaborative work of ACT Policing and the Australian Federal Police through Operation Laverda. This operation involved investigations into a number of aggravated robberies committed over the preceding year on clubs and TAB outlets in the territory.

The offenders in these cases would enter business premises armed with firearms and escape with substantial sums of money. The main suspects were arrested in January this year. Operation Laverda also involved investigations into a number of aggravated robberies on fast food restaurants and similar targets in the ACT over 2009-10. Several teenagers were arrested and charged over these incidents.

Another outstanding result, important to us all, is the marked decrease in the number of alcohol-related arrests in our city between December 2010 and August 2011. We have seen a decrease of 20.68 per cent in alcohol-related arrests compared to the same time in the previous year. In real people terms, we saw 1,864 arrests for alcohol-related matters from December 2010 to August 2011, down from 2,350 arrests for the previous period in the previous year. This is a great result for our community. There are fewer alcohol-related crimes being committed in our community, fewer requirements for our police to go and address alcohol-related crime and violence.

Of course, this is driven directly by the reforms that the Labor government put in place with its new liquor licensing laws. The new liquor licensing laws and the associated fee structure have delivered additional resources for our police to ensure that they have the people on the ground to deal with these circumstances. This is the result of government funding for the alcohol crime targeting team.

This 10-person team commenced operation in tandem with the introduction of the Liquor Act in 2010. They have operated together to reduce alcohol-related violence. The changes to the Liquor Act allow for the issuing of criminal infringement notices to individuals for minor street offences. From December 2010 to June 2011, a total of 353 notices were issued to individuals for lower level offences which may otherwise have resulted in an arrest.

The significant reduction in crime could not have been achieved without a robust partnership between ACT Policing and the Justice and Community Safety Directorate. Central to this is the policing agreement which provides for me, as the minister, to make a ministerial direction that guides the Chief Police Officer on his annual policy, priorities and goals. Of note are the special focus areas in the most recent ministerial direction that I signed in June this year, with a particular emphasis on property crime and alcohol-related crime and liquor industry regulation.

I am delighted that the Chief Police Officer and his officers have been very successful in following through on the government's expectations around reductions in property crime and alcohol-related crime and violence, and I congratulate them again on their efforts. However, the government will be building on these significant results. The government is currently finalising a new property crime reduction strategy for the period 2012-15.

This strategy will bring into force a comprehensive and collaborative response from across government, policing and the community sector, with three key objectives: stopping the cycle of offending through justice reinvestment; engaging the disengaged and emphasising the important role of early intervention in preventing people from committing or recommitting crime; and creating a safer and more secure community by supporting the victims of crime, making buildings and public places safer and ensuring that motor vehicles are secure. These objectives will be supported by a comprehensive action plan that brings together a large number of existing programs and identifies a range of new initiatives.

Turning briefly to Mr Hanson's amendments, the government is happy to note—well, it is not happy, but the government acknowledges it is important to note—the level of assaults against police and concerns about that. These are crimes that are particularly serious. Offending against a police officer is an offence against us all and is something that should be appropriately noted. But in relation to the second point about the need to increase penalties, that is not a matter appropriate for this motion. There is a proposal, I understand, to be put to the Assembly by Mr Seselja on these matters and I expect that the government will address those particular circumstances when that bill is before us.

MR RATTENBURY (Molonglo) (11.48): The Greens will be supporting the motion brought forward by Ms Porter today. I think it highlights an impressive set of statistics with downward trends in many crime categories. Ms Porter in both her motion and in her speech has cited those figures. I think they are figures that it is really important the Canberra community has a full appreciation of, because what it points to is the fact that the police have been very successful in making our city safer and giving our community a sense of security that these sort of crimes are falling.

In that context, I would like to add the Greens' support for the good work that ACT Policing has done over that reporting period. I think the statistics are evidence that the ACT is reaping the rewards of the ACT property crime reduction strategy 2004-07. That strategy is a proactive approach to reducing crime before it occurs. The statistics certainly suggest that it has been very effective as it has been rolled out. A new version of that strategy is currently being drafted and I encourage both the government and the police service in the work of redrafting that, or updating it. I am certainly hopeful that it will be released sooner rather than later.

It is worth for a moment reflecting on the principles of that 2004 strategy. I will touch on each of them because I think they are quite instructive. The first was the recognition of the importance of integrated approaches across government and the community in addressing crime and complex social issues that contribute to property crime.

Members might recall an article in the *Canberra Times* probably 12 months ago now. It reflected on the approach police were taking to dealing with a number of recognised families in Canberra that were seen as a key source of many of the property crimes in the city. It outlined the very sophisticated approach that police were taking, not only to catch the offenders but also to work back through the chain and actually work with

those families to address some of the issues that down the line were leading to the execution of those crimes.

The second principle of the strategy was the recognition of the importance of the justice system in identifying high-risk offenders and changing their behaviour through law enforcement and rehabilitation programs. The third point was recognition of the potential for designing crime principles to deter crime and reduce fear of crime. Fourthly, there was a commitment to community capacity building. And fifthly, there was a recognition of the value of using the experience of those who have experienced property crime and who are also most at risk of property crime.

I think it is important to note that nowhere in the strategy does it say that tougher punishment will help reduce the crime rate. We have already had that discussion to some extent in a different context this morning. But the Greens certainly support a smart-on-crime approach, which I think is what this strategy embodies, rather than simply promising to be tougher and to lock people up longer and longer when they do commit a crime.

Again, I have spoken in this place a number of times now about the Justice and Community Safety Directorate's *Guide for framing offences*. Again, that text really indicates the value of the sort of strategies that we have seen rolled out by police under the property crime reduction strategy and more generally in the other areas of work, because I think that culture has infused other areas of policing.

I think the statistics today that Ms Porter has cited in her motion are the concrete manifestation of that approach to crime, the smart approach to crime, where it is actually about not just the end-of-crime solution, picking up the pieces after the fact, but actually stepping back, looking at the underlying causes and seeking to put in place strategies, programs and measures that tackle some of those things. I welcome the fact that that increasingly appears to be the emphasis in the policing mode of operation here in the ACT. I think it is a very good approach and one that I and the Greens very much appreciate.

I particularly welcome the reduction in the statistics for alcohol-related violence. Members will recall that this is an issue I have taken a particular interest in. It is one the Greens feel is very central to a sense of community, that people are able to go out in our entertainment districts, whether it be the city, Manuka, Kingston or various other parts of town—Dickson to some extent—and be able to have a good night out, take their families and not face the fear of alcohol-related violence and the issues that go with that. So I think these figures showing the 20 per cent decrease in the reported period are particularly pleasing in the sense that, I guess as all these figures do, they have a very positive impact on our community as a whole.

When it comes to Mr Hanson's amendments, I would like to seek leave to move the amendments circulated in my name together.

Leave granted.

MR RATTENBURY: I move the following amendments to Mr Hanson's proposed amendments:

(1) In amendment (1), omit proposed subparagraph (2)(f), substitute:

"(f) there were 48 assaults recorded against ACT police in the reporting period, compared to the average of 57, and that 17 of those assaults involved spitting;".

(2) Omit amendment (2).

I will speak briefly to the two suggestions I have made regarding Mr Hanson's amendments. Similar to the attorney, I think it is quite appropriate to reflect the assaults against police. I think that our police officers do an incredibly difficult job and they certainly should not be forced to face threats to their personal safety. In some ways we ask them to do that as part of their job, but I think they should not have to and that reflecting the number of assaults is important.

That said, one of my amendments seeks to actually put it in context. In recent annual reports hearings the Chief Police Officer noted the annual average of 57, which again is a figure that I think is unacceptably high. But it is important to note in Mr Hanson's proposed amendments that we put this in the full context.

It reminds me of a discussion we had in this Assembly probably a good 18 months or so ago now when Mr Doszpot brought in a motion in which he talked about the fact that 52 per cent of crime is happening in the Woden and Tuggeranong police districts. The insinuation was that that was a small part of Canberra facing a disproportionate amount of crime. When we actually looked at the overall context, the Woden and Tuggeranong police districts covered everything south of the lake. So roughly half of Canberra was facing about half of the crime in Canberra. When we are looking at these statistics, it is important to reflect the context in which perhaps a narrow statistic is more broadly encompassed. I simply seek to expand on the point that Mr Hanson makes there.

My second amendment is to omit the point about increasing penalties. Again, as the attorney has noted, this is the subject of a proposal to be brought forward by the Canberra Liberals. I do not think it fits into today's motion. Certainly, that proposal has been put forward as an exposure draft. The way this will be used down the line if we pass this is to say, "Now you have to support our bill," and I am not prepared to do this today.

We do not know exactly what the nature of that bill is going to be, given that it has gone out as an exposure draft. I am reluctant to pass part of a motion today that will then be later used to sort of say, "Hang on, you have locked yourselves into this." There are reservations I have about the way that Mr Hanson's or the Liberal Party's exposure draft is framed and I certainly look forward to having some detailed discussions about the actual provisions of the final bill.

I assume we will see a final bill and I presume it will be brought on for debate, unlike, for example, the infrastructure for Canberra bill which, despite the great discussion it gets, has never actually been brought on for debate. I wonder why that is the case, because if there is so much conviction behind it, presumably you would actually bring it to the Assembly to have a discussion about.

That is the purpose behind my amendments. I commend the amendments to the Assembly. The Greens will be supporting Ms Porter's motion. As I said, we think it is valuable to reflect on good news in this place from time to time. These are welcome statistics for our community. They can increase the community's sense of security and I think it is really important for people across Canberra to know that crime rates are falling and that our police are doing a great job on behalf of our community.

MR SESELJA (Molonglo—Leader of the Opposition) (11.58): The Canberra Liberals will not be supporting Mr Rattenbury's amendments. I will address that first before addressing Mr Hanson's amendments.

We heard some interesting logic from Mr Rattenbury as to why he did not want to support Mr Hanson's amendments and why he is seeking to amend them. It is clearly a statement of principle. The question that Mr Hanson has put—that he is advocating and that we support—is that there should be increased penalties for assaults committed against police officers. It is a simple statement of principle.

If you accept that principle, you could deliver that in a number of ways. You could deliver it through a bill similar to what I have put forward as an exposure draft. You could no doubt do it in all sorts of other ways. But the question before the Assembly today is whether you support that principle—yes or no. If the answer is no, simply say that. If the position of the Greens and the Labor Party is, as it appears to be, that they do not believe there should be increased penalties, they should say that. That is a valid position to hold. It is one we disagree with, but you should be honest about that rather than pretending that you cannot support this today because it might lock you into a piece of legislation that you have not seen the detail of. That simply does not flow. You can support the principle and then argue about how you would put that principle into practice. By voting against Mr Hanson's motion or by amending it and taking that provision out, the Greens and the Labor Party are saying that they do not support that principle.

We think it is a very important principle. We think it is a very important principle that we say this to police officers who go out on our behalf, who are engaging with some of the most violent and difficult people in our community, when we put them in harm's way. Their job is to be in harm's way; most other people in the community can walk away. We would encourage most other people in the community to walk away when they are faced with violent people. Where possible, we would say, "Walk away." But to the police, we say, "Your job is to go and address that, to confront those people and to confront, in some cases, violent offenders."

We believe that it is a very reasonable statement of principle that this Assembly says that we will back them up—because of that, because the police are given that special obligation on behalf of us all. That is what is being put forward by Mr Hanson. I commend him for his amendments. It is a very reasonable approach. The Labor Party and the Greens, in voting against it, are opposing that principle. They should be honest about that. They should be honest about the fact that they do not support that principle of backing up our police when they are in harm's way.

It is worth reflecting on some of the reports. I have quoted these in speeches before, but it is worth reiterating them. We had an article on 31 July entitled "Another attack on police". It said:

> A police spokesman said that at about 4.15 am yesterday, members of the ACT Policing city beats team had intervened in a disturbance outside the London Burgers and Beers Cafe Bar in Civic, in which one man was seen punching the window glass of the premises.
>
> "When police approached the group of four people and sought to move them on, the alleged offender an 18-year-old-man from Page, lashed out and punched an officer in the face" … "Although he was then restrained, he remained extremely aggressive, swearing and violently resisting arrest." Police allege that while the 18-year-old was being held, another member of the group, a 20-year-old woman from Reid, attempted to intervene and kicked the arresting officer.

Another one said:

> At about 2.15 am on Sunday police had approached a small group of people causing a disturbance outside a nightclub, with one man in the group bleeding heavily from his nose.
>
> But when police approached, the man began acting aggressively towards both police and other members of the public. When police attempted to arrest the man, he allegedly deliberately spat blood and saliva at the eyes and mouths of two officers before he could be subdued, handcuffed, and taken to the ACT Watch House.

These are the sorts of things that police are dealing with often—far too often. And that is the other part of Mr Hanson's amendments, talking about the number of assaults. The Greens say, "You have got to put that into context because it is only 48 this year and it was 57 in other years." Let us just put that 48 into some context. Forty-eight assaults on police is almost one a week. This is a regular occurrence. And this is one of those things that may even be under-reported, because police know that it is difficult to get a conviction. Hence the discussion we have about the need to make this clearer.

This happens too often. If you talk to police officers, as I often do—to friends and acquaintances or in a formal way—this is one of the things they raise often. They say to me: "We are happy to do that job. We are honoured to do that job on behalf of the community. What we are looking for is just that the law-makers back us up." Mr Hanson's amendments do exactly that. They say that, as a matter of principle, this Assembly says that they should get better backing than they are getting at the moment.

We support that; the Greens and the Labor Party are choosing to vote against that today. That is disappointing. That is disappointing for our police. That is not the kind of support that they deserve when they go out there on the front line and deal with these violent people—when they deal with these violent assaults and when they deal with these assaults on them, almost one a week.

We will not be supporting Mr Rattenbury's amendments. They are dodging the issue and selling the police out. We think it is serious. We think 48 assaults on police is far too high. We think that should be noted and that we should, as a statement of principle, be saying as an Assembly today that we will back the police. We will back them with tougher penalties. You can debate how you will do that. You can debate the various mechanisms for that. But that is a statement of principle that we believe in very deeply. We would have expected that at least one of the other parties in this place would share that principle.

Question put:

> That **Mr Rattenbury's** amendments to **Mr Hanson's** proposed amendments be agreed to.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Mr Hargreaves	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Hunter	Mrs Dunne	
Ms Bresnan	Ms Le Couteur	Mr Hanson	
Ms Burch	Ms Porter	Mr Seselja	
Mr Corbell	Mr Rattenbury		

Question so resolved in the affirmative.

Mr Hanson's amendments, as amended, agreed to.

MR ASSISTANT SPEAKER (Mr Hargreaves): The question now is that the motion, as amended, be agreed to.

MS PORTER (Ginninderra) (12.09): I thank members for their support in recognition of the fine work of the achievements of ACT Policing and all who serve in it. As I have said previously, it is important that we recognise these good results so that the public are aware of these achievements and are reassured in relation to their safety. In the past, we have seen clear campaigns run by those opposite focusing on the negative and not highlighting the successes that have been and are being achieved.

As Mr Corbell said, these results are not just numbers on a piece of a paper; they are a demonstration of how much safer our community is. Our community is safer because of these achievements of ACT Policing. As Mr Corbell said, this is experienced in a very real way by individuals and families who now feel safer in their own homes.

Mr Corbell also drew attention to the great improvement in relation to alcohol-related crime and the link to our liquor licensing laws. This is a very pleasing result indeed; it goes a long way to making our streets safer for everyone, including our police officers.

As Mr Rattenbury says, there is important work continuing with regard to those who would offend or who have offended, in helping to turn lives around and reducing the

danger of reoffending. This work is also to be commended. Members would know of my strong support of restorative justice in this regard. I look forward to seeing the new strategies currently being developed and the new action plan.

As I said, ACT Policing play a crucial role in our community; our thanks must go to each and every one who delivers this service to us on a daily basis.

Motion, as amended, agreed to.

Roads—T2 lanes and car pooling

MR COE (Ginninderra) (12.11): I move:

> That this Assembly calls on the Government:
>
> (1) to reinstate the T2 lane on Adelaide Avenue; and
>
> (2) to acknowledge that car pooling is an effective means of reducing the number of cars on our roads and alleviating road congestion.

My motion today is a simple one but it is one that I think the vast majority of Canberrans would support. It is one that demonstrates the Canberra Liberals' commitment to local services, to getting on with the job, to core business—to in effect turning the ACT government into being the best local government in Australia.

I am calling on the government to do two things. Firstly, I am calling for the government to reinstate the T2 lane on Adelaide Avenue, and in addition to this I want the Labor government to acknowledge that car pooling is an effective means of reducing the number of cars on our roads, thus alleviating road congestion.

The T2 lane was introduced on Adelaide Avenue in 2008 as a temporary measure in an effort to mitigate the impact of that iconic failure of the ACT Labor government, the Gungahlin Drive extension. In effect, because of the huge traffic congestions that were occurring on a daily basis on the Gungahlin Drive extension, in particular at Glenloch interchange, the ACT government said that the bus lane on Adelaide Avenue should be converted to a T2 lane to try and attract some of the motorists that were going on the Tuggeranong Parkway to drive on Adelaide Avenue. This was a good move by the government. It is a shame that the situation arose because congestion was so severe at Glenloch interchange, but it was a good move that the government took up.

Now the government have told us that the road has served its purpose and they no longer need a T2. In effect what they are saying is that everyone in the south of Canberra is okay getting to work; that there are no traffic jams when you are driving in from Woden, Weston Creek or Tuggeranong; that everyone there has a smooth ride in every single day.

Those on this side of the chamber understand that that is simply not the case. It is not acceptable in a planned city, in a city as affluent as ours, to have a government that

totally ignores the tens of thousands of Canberrans that get stuck in traffic jams on a daily basis. It is not acceptable to have a government that tells us that infrastructure levels in this city are okay.

Minister Corbell tells us that there is no need for motorists to benefit from the transit lane, yet in 2008 this government were lauding the move. There is no logic behind removing the T2 lane on Adelaide Avenue. As a result of this move the car pooling motorist is the loser. Motorcycles, taxis and buses will all still have the right to use the lane, but the humble motorist who is trying to reduce congestion by sharing a ride misses out.

The government and the TWU cite safety as the reason to revert back to a bus-only lane. However, the hazard is still going to be there for buses while taxis and motorcyclists can still share the lane. The lane will still be there and it will still be possible for all motorists to zip in and zip out, albeit illegally. On the issue of safety and speed, if there is a 30 or 40-kilometre speed differential, illegal cars are going to be using the 80-kilometre-an-hour lane and they will do this anyway regardless of whether it is a T2 lane or a bus lane. Even though buses will now have priority in the lane we see no changes in bus timetables. So in effect if the government in introducing the T2 lane thought it was going to slow down buses why did we not see the bus timetables change in 2008? If the bus times are going to improve as a result of reinstating the bus lane, surely all the bus timetables should be updated to reflect this change.

The fact is—and I think you, Mr Speaker, and indeed all Canberrans know—that there are going to be no winners as a result of this policy. The buses are not going to get to the city or Woden any faster, but motorists are going to be caught up on Adelaide Avenue more and more. There are no winners as a result of this change. What we are left with is yet another example of this Labor government impeding Canberrans' use of their cars, without doing anything to change the public transport options. We have an $85 million public transport subsidy with only eight per cent of Canberrans using it. This government needs to do better when it comes to the transport portfolio.

I think it is worth quoting one of many recent emails to my office expressing disgust at the move to change the T2 lane to a bus lane:

> … is indicative of how out of touch I feel that this Government has become. I am not aware of any evidence or publicised statement that the T2 lane was interfering with public transport times, it encouraged multiple occupancy of passenger vehicles and it removed the anomaly that otherwise exists where motorcycles (including very small capacity and slow ones and extremely powerful but inefficient ones) but not cars can occupy these transit lanes. Indeed, I would have thought that what I understood was the success of the T2 lane on Adelaide Avenue supported trial introductions of T2 or at least T3 lanes on many other bus only lanes around the ACT.

He goes on to say:

> It seems particularly odd to remove the T2 lane prior to your consideration of public comments about the ACT's draft Transport Policy.

When he says "your", he is referring to Minister Corbell. He continues:

> Also, if there was evidence that the T2 lane on Adelaide Avenue was interfering with public transport times why didn't you make a statement to that effect as part of the announcement to restore the bus lane and, more importantly, why was there no consideration for other trial remedial measures such as minimum speed limits, T3 lanes or off peak T2 lanes?
>
> I agree that increased bus useage in the ACT would be an optimum environmental outcome. However, removing incentives for multiple vehicle occupancy does not necessarily achieve that objective and is environmentally regressive.

There was another email, this time directed at Mr Rattenbury and copied in to the opposition:

> I am taking the unusual step (for me) of writing to express my concerns regarding the recent decision to cease the operation of the T2 lane on Adelaide Avenue. My wife and I both work in the city and use this road every day. While it doesn't always suit us to take one car due to our various work commitments during the day, we do share as often as possible (most days), and one of the major reasons for this was the convenience of using the T2 lane. The withdrawal of this option merely means one less reason to share travel. I have no doubt that many road users will be in the same position, yet there appears to be absolutely no benefit to be gained by the move.
>
> We have lived in several cities around the world where multi-passenger lanes are common—it is clearly an accepted approach to help reduce car travel and pollution, yet the Administration which you support has seen fit to drop it—I am yet to hear of anyone else reversing the practice!!
>
> If you are serious about wanting to reduce the number of the cars on the road, especially in peak hour, then a simple step would be to reverse this patently illogical decision.
>
> I look forward to either a reversal of this decision or a very solid explanation as to the benefits to be achieved by the decision. Environmentally regressive, patently illogical. This is how the community is describing this decision.
>
> If this government is serious about getting cars off the road they need to encourage people to car pool, and they must also acknowledge that car pooling is indeed an effective method of reducing congestion.

I think these two constituents have hit the nail on the head. When it comes down to it, Canberra was designed for the motor car, and the vast majority of Canberrans will depend on cars to get around this city of ours. Canberra is a great city. We want to make Canberra an even better city. Part of that means improving road infrastructure in the ACT. That means improving arterial roads. That means improving suburban roads. But it also means making sure we have adequate parking in and around our town centres and in the city. It seems to me that this government is determined to do all it can to make it harder for motorists to travel in this city.

It is interesting that we do see amendments being circulated by the Greens. Something we on this side of the chamber did wonder about was whether the Greens would be supporting this. In some ways they are between a rock and a hard place because they never like supporting Liberal motions—never like it—even when they are logical, even when they are rational, even when they make perfect sense and the community is behind them. The Greens have been deathly silent on this issue of the T2 lane. But I am pleased today that the amendments circulated by Ms Bresnan, the Greens' transport spokesperson, do point to the fact that they do want to see the T2 lane reinstated on Adelaide Avenue. They go on to also discuss some other information that they would like from the government, especially with regard to carpooling and the T2, T3 and T4 lanes.

I wonder whether the government's analysis has actually included T4 lanes and whether most ACTION buses could drive in a T4 lane, because what we do know is that the average ACTION day includes 12,000 kilometres of dead running—that is when there is just a bus driver—so not even a bus when it is dead running can drive in the bus lane or the T2 lane. So you really wonder whether the old motorcycle with a sidecar is doing more for our environment than the empty ACTION bus.

It is very interesting that finally we have a position from the Greens. I think it would have been a very difficult one for them to make, but I am glad that it does support the stance that the Liberals have had—that we need to do more for motorists on Adelaide Avenue and that the way to do that would be to reinstate the T2 lane as was in place from 2008 until Monday.

What also would be interesting to see would be how much the government has spent on telling motorists that it was going to be closing down the T2 lane, because we had variable message boards up and we had other communication channels utilised by the ACT government. For a policy which was a bad one, for a policy that this motion calls on the government to overturn, it seems that a fair bit of money, a fair bit of taxpayers' money, has already been spent on conveying a message to Canberrans that car pooling is not a good option, that car pooling is not encouraged in the ACT, that trying to do your bit to alleviate traffic congestion in and around our arterial roads and in our town centres is not encouraged. That is the message that this minister has given.

The minister may say that what we are doing is irresponsible from a safety point of view. I am sure he is going to do that. I am sure he is going to try and cite a whole heap of evidence to say that this is reckless and this is putting people's lives at risk. But the fact is that there is risk when you drive on any road, and most motorists deem it to be an acceptable level of risk. That is why they drive. That is why they hop in their car. That is why they leave their house each day.

We should be doing all we reasonably can to make our roads safer. But we also need to make sure that we are in equilibrium between making our roads safer and making our roads accessible. At the moment when you have a stretch of bitumen that goes for six or seven kilometres and which is only used by a few buses a day, relatively speaking, that is not a good use of resources, it is not a good use of taxpayers' money and it is definitely not a good use of the precious time of Canberrans.

There are so many families in the ACT that face undue strain and pressures because they get caught in traffic jams on a daily basis. How many people are there in Canberra that would rather spend the 45 minutes or an hour it takes them to drive from Gungahlin to the city, or from Tuggeranong to the city, with their family rather than at the wheel? Canberrans are not using the roads because they like going for joyrides at peak hour. They are using their cars because they need to get somewhere. If you are driving to childcare, if you are driving to a school, if you are driving to the shops on the way to work, you are going to add to traffic congestion. What we want this government to do is to acknowledge that the lifestyles of people in the ACT mean that a dependency on cars is essential.

We should be trying to encourage people on to public transport. But we should not be trying to do so by stealth; that is, by making it harder to drive. We should be trying to get people on to public transport because ACTION offers a good service, because it offers a better service. We should not be doing so simply because it is comparatively the better option. There should not be a comparative advantage to using ACTION. It should be an actual advantage to using ACTION.

What this government has is a strategy to drive up the cost of parking, to make it harder to use your car in the ACT and to put more strain on families, thus to force people to use the grossly inefficient ACTION bus network.

What the Canberra Liberals stand for is ensuring that we have the best local government in Australia. We want to make sure that the services we offer are the ones that Canberrans need and the ones that Canberrans want. We are committed to ensuring that we are offering the services that Canberrans pay their taxes, year in, year out, for. I urge the Assembly to support the Canberra Liberals' call to reinstate the T2 lane on Adelaide Avenue.

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

Sitting suspended from 12.26 to 2 pm.

RSPCA—funding
Statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services), by leave: Yesterday I was asked questions by Mr Coe and Mr Seselja about funding for the RSPCA. I have received further information in relation to this matter and I wish to make a brief statement.

In response to an article by the CEO of the RSPCA in the *Canberra Times* that suggested the government provided little if any government funding, I wrote to both the *Canberra Times* and the chair of the RSPCA to correct this information. The information I was provided indicated that an additional payment of $150,000 over and above their base funding of $420,000 had been made in the financial year 2010-11.

Subsequently in the annual report hearings on 1 November this year the Executive Director of Parks and City Services Division in Territory and Municipal Services confirmed this advice by indicating that at the request of the RSPCA an additional amount of $150,000 was provided in the 2010-11 financial year, although she indicated she was uncertain of the date when this payment was made. I accepted this advice and was not provided any information to the contrary.

I have now been advised by the executive director that they have made an error in their advice to me for both the letters written by me and advice provided at the annual reports hearings and had confused this advice with the payment of substantial additional funding of $300,000 made to the RSPCA as reflected as revenue in the RSPCA annual report in 2009-10. To correct that advice I can confirm that no additional payment of $150,000 was made in 2010-11.

However, with regard to the funding support provided to the RSPCA it should be noted that two additional payments totalling $400,000 were made to the RSPCA in 2008-09 in response to a request for funding to meet their cash crisis. These payments were in addition to the service funding agreement, the first payment of which, of $100,000, was paid on 5 February 2009 and the second, a payment of $300,000, was paid on 25 June 2009. This $300,000 payment is recorded as a Treasurer's advance funding or payment and is shown as revenue in the 2009-10 RSPCA annual report.

Under the current service funding agreement signed on 30 September this year cash funding to be paid to the RSPCA in 2011-12 is $570,000. This is $150,000 or 36 per cent more on the cash funding provided to the RSPCA for their activities in the 2010-11 financial year. Two payments have been made, in instalments of $142,500 each, which were paid on 1 July 2011 and 11 October 2011.

I wish to table a table which answers Mr Seselja's question to me yesterday in relation to when payments have been made to the RSPCA, and I wish to apologise to the Assembly for any confusion this error has caused. I table the following paper:

RSPCA Funding—Summary.

Questions without notice

Children and young people—care and protection

MR SESELJA: My question is to the Minister for Community Services. Minister, on 30 August 2011 the Government Solicitor sent a letter to Northern Bridging Support Services that reminded NBSS of the requirement of the Children and Young People Act in relation to authorisation as a suitable entity and of the requirement that a suitable entity must hold a general parental authority. The Government Solicitor told NBSS that it had never been approved in either of these capacities, suggesting that, should it wish to be so authorised, it should make application to the director-general.

Minister, yesterday you tabled in this place a letter from the Solicitor-General advising that your directorate was not in breach of the act by placing children with NBSS. Minister, I seek your clarification. To what extent was it proper for the directorate to place children with NBSS when the Government Solicitor says it held neither suitable entity authorisation nor general parental authorisation?

MS BURCH: I thank Mr Seselja for his question. The legal advice that was tabled yesterday is very clear and I refer you to it. The interpretation of the Children and Young People Act in the interim report, and I am referring to the Public Advocate says there was no breach.

Mrs Dunne: On a point of order, Mr Speaker.

MR SPEAKER: Minister Burch, one moment, thank you. Stop the clocks. Mrs Dunne, on a point of order.

Mrs Dunne: Mr Seselja did not ask Minister Burch for an exposition on the advice provided yesterday. He asked for clarification as to the extent to which it is proper to place children with an organisation who are not suitable entities or who do not have general parental authority.

Mr Hargreaves: On the point of order, Mr Speaker, it is normally the case that the minister answering the question has a certain period of time to answer that question and can actually preamble the answer in the way in which he wants to set the context. Fourteen seconds into the answer does not constitute sufficient time for the minister to set that context.

MR SPEAKER: Mrs Dunne, I am not going to uphold the point of order at this stage. We are only 20-odd seconds into the answer. Minister, I do expect you to come to Mr Seselja's specific question before you sit down.

MS BURCH: Thank you, Mr Speaker. I do appreciate having more than 20 seconds to provide an answer.

It is clear in the advice that the director-general is able to make arrangements to provide safety and security for the children. The letter to which Mr Seselja made reference, dated 30 August—as I understand it, we are looking at the same letter—was making reference to a suitable entity. We have been very clear that NBSS was not ever appointed as a suitable entity. What we have also made clear is that the Solicitor-General's advice provides clarity that the director-general can make placements, and those placements that were made in August and July were lawful.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, to what extent were the best interests of the children held paramount when the directorate placed them with an organisation that had never been authorised as a suitable entity and had never held general parental authorisation?

MS BURCH: I thank Mr Seselja for the continued interest in this. Let us be very clear that the act sets out a whole range of standards around suitability and suitable entities. We also have out-of-home care standards that set a very high standard. In an ideal world all out-of-home care placements will be with a registered out-of-home care provider. Unfortunately there are times when that is just not able to happen. So we have two choices. We have a choice to remove the children from danger or to leave

them in place, at risk. I think that is an unconscionable activity and nothing that I would hope that this Assembly would support that the director-general actually did nothing and allowed children to stay at risk.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why is it all right, according to the Solicitor-General, for the directorate to place children with an organisation that does not have suitable entity status or does not hold general parental authorisation but it is not all right, according to the Government Solicitor, for that organisation to provide out-of-home care without those authorisations?

MS BURCH: Again, I think you are referring to the letter of 30 August. I think you have to look at that in context. It is very clear that the director-general, as territory parent, needs to make some very tough decisions, as do those that are delegated under him each and every day, out in the field, and removing children from risk. The ultimate aim of the territory as parent is to provide safe and secure placements for those children.

Again, I ask those opposite: what is the alternative? Are they suggesting that the director-general turn his back on those children at risk, walk away from them and leave them at risk, or does he provide suitable alternative accommodation? I think that any sensible man and woman in this community would think the director-general should be making sure that the good alternative is better than the worst.

MRS DUNNE: Supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, how is it possible that the government's legal advisers could issue such diametrically opposed advices in such a short space of time?

MS BURCH: I thank Mrs Dunne for her question. The advice on the 30th was not advice that is saying that there was a breach of the act. It makes a comment about a provider not being registered as a suitable entity. Any other comment about how that does not align clearly was not taking into consideration the entitlement of the director-general to make placements as he needs to ensure the safety of the children.

Children and young people—education services

MS HUNTER: My question is to the Minister for Children and Young People and it concerns the youth justice system. Minister, the Human Rights Commission's report recommendation 12.15 recommended that segregated detainees be given equal access to education services. The government response noted the recommendation but in the comments said that it agreed with the Human Rights Commission that it is important that young people have access to education services subject to the particular circumstances and current resources. Minister, what exactly is the government's

position on the provision of education services? Do you agree that what is currently being provided is inadequate, and what are you doing to improve the educational outcomes for detainees if they do have to segregated?

MS BURCH: I thank Ms Hunter for her question. Without finding it in this report, the Human Rights Commission made a comment. The government's response agreed in principle in that all children should have access to education activities, as they should have access to sporting and program activities. The difference is, where it is deemed that a child is required to be removed from a classroom, what level of educational services are provided to that child. This is a small teaching unit. There has never been any more, I think, than 30 children at any time at Bimberi. The average is about 20, so these are small units.

The children are relocated, as I understand, to the Coree unit where they are supervised; there is good oversight and supervision there. They are provided with a level of program activity. It is probably not the same as what is going on in the classroom, and the education unit there is always looking to see how it can better enhance those very few times when a child is removed from the classroom.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Minister, could you please explain what the government is doing in relation to recommendation 12.14, that the Public Advocate and the Official Visitor be notified when a detainee is absent from school for two consecutive days, which you have agreed to in principle, but you then appear to indicate the view that the current process in relation to segregation is adequate?

MS BURCH: I thank Ms Hunter for her question. At the moment the Public Advocate and the Official Visitor have regular visits at Bimberi. The comment here is that we do not agree that it is the role of teaching staff to advise the Public Advocate when a young person is denied permission to attend school for two consecutive days. The senior manager at Bimberi is already required to notify the Public Advocate. So we do have a system in place that already notifies the Public Advocate if a young person is placed in segregation, and consider that this is an appropriate framework.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes Ms Le Couteur.

MS LE COUTEUR: Minister, could you please explain why the government agreed with recommendation 14.14 in relation to segregating detainees and then disputed the basis on which it was made? What is the government's position on this issue? Has the review of segregation directions been completed?

MS BURCH: It is in regard to segregation and our comments. The recommendation was that the directorate cease segregating and that the segregation register must reflect those activities. The government notes the advice and has reinforced the policy and procedures with Bimberi management in line with this recommendation. As I know, there is a project, the IMS project—the integrated management system—that is

looking at all policies and procedures, and it is part of that. So we have agreed with that recommendation, noting that it is a priority and that it has commenced.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, why does the government disagree that young people on remand should not be given the same access to leave opportunities as sentenced detainees, and what has been done to ensure that remandees are individually risk-assessed?

MS BURCH: I thank Ms Bresnan for the question. Every resident that is at Bimberi, whether on remand or sentenced, is individually assessed and appropriate programs are put in place for them.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Community Services. Minister, officials of your directorate, in a briefing on Northern Bridging Support Services given to me on 8 September, informed me that emergency placements of children were made with NBSS, even though NBSS was not authorised as a suitable entity. The Children and Young People Act contemplates such situations, enabling the chief executive to give oral authorisation. In doing so, the act also requires the chief executive to follow up such oral authorisations in writing and to give the written authorisation to the agency. Minister, at any time did the chief executive of your directorate exercise his discretion to give oral authorisation for NBSS to be classified as a suitable entity?

MS BURCH: No, Mr Speaker, and I think those opposite know that if you refer to the Solicitor General's advice that that was not necessary to provide those placements.

MRS DUNNE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why did the chief executive not exercise his discretion to give oral emergency authorisation to NBSS to be classed as a suitable entity, and did he at any time consider that there was a need to do so?

MS BURCH: Again I refer to the Government Solicitor's advice to those opposite that those measures, those responses, were not necessary to make that placement lawful.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: In relation to the question that Mrs Dunne raised, to the minister, is the constant criticism of the NBSS and your own officers having a detrimental morale effect on those charged with looking after our own vulnerable kids?

Mrs Dunne: This question has been asked before. On the question, Mr Speaker, I seek you to rule the question out of order. Mr Hargreaves has asked exactly that same question on a couple of occasions. The standing orders say that a question fully answered cannot be asked again.

Mr Hargreaves: On the point of order, Mr Speaker, the question has been asked in a similar vein but not exactly. Second of all, I would like to see whether the minister has anything further to add to that question, and Mrs Dunne could not possibly know what is in the mind of the minister. She does not know what is in her own mind, let alone that of the minister. I am just sick and tired of it. You just do not like it, do you, being put on the spot.

MR SPEAKER: Order, Mr Hargreaves, thank you.

Mr Hanson: On a point of order, Mr Hargreaves just said Mrs Dunne does not know what is in her own mind. I would consider that unparliamentary and I would ask him to withdraw that.

MR SPEAKER: Mr Hargreaves, I would ask you to withdraw. I think it was an unnecessary contribution.

Mr Hargreaves: Happily, I withdraw.

MR SPEAKER: On the point of order, Mrs Dunne, I think this sits right in the grey zone of this standing order. One can interpret Mr Hargreaves's question as whether something has changed since the last time he asked it, and I think that makes it difficult to rule the question out of order. Minister, in answering the question, if you can give us an update since the last time Mr Hargreaves asked a similar question.

MR HARGREAVES: Could I add to my own question? Has there been any further detrimental effect on the morale of your department?

MS BURCH: I thank Mr Hargreaves for his question. I am quite happy to provide an update to the Assembly about the impact on and the commentary that I have had from members of the care and protection area. Certainly, they have been welcoming of my support to them and they have also appreciated the openness of this government in providing that legal advice at the earliest opportunity, which I did yesterday. They thought that was in the best interests, given that this is an important matter for our society. How do we respond to those most vulnerable? There was a question over that. There was a question about how we responded to the most vulnerable, and we provided the Solicitor-General's advice in this place.

The other comment that I have heard is that if people were given the choice about taking—

Mr Hargreaves interjecting—

Mr Hanson: On a point of order, Mr Hargreaves was just interjecting. I believe the words he used were "shame, shame" and he then said the word "scum". I would ask that he confirm whether that is what he said and, if so, withdraw, please.

MR SPEAKER: Mr Hargreaves.

Mr Hargreaves: I was using it a collective noun but I withdraw it.

MR SPEAKER: Thank you, Mr Hargreaves. Minister, you have the floor.

MS BURCH: The other comment that I have heard is that if people had the choice about taking the legal advice from the highest counsel of this government, the Solicitor-General, or Mrs Dunne, they are erring on taking the counsel of the Solicitor-General. I have also heard that they have recognised—

Mr Barr: Not Judge Judy.

MS BURCH: No, not Judge Judy over there. They have also recognised that, in my comments when I tabled that yesterday, I did not attack the Public Advocate. I did not attack the Public Advocate. I have never attacked the Public Advocate. You have attacked the Solicitor-General. Look at your words yesterday, Mrs Dunne. I have always accepted that there were areas of improvement and the colleagues at—*(Time expired.)*

Members interjecting—

MR SPEAKER: Order, members! Mr Hanson has the floor for a supplementary.

MR HANSON: Minister, in relation to the 24 occasions on which NBSS, without suitable entity status, was asked to care for children, did the chief executive at any time consider whether to exercise the discretion to give oral authorisation of NBSS as a suitable entity? If no, why not? If yes, did the chief executive follow the legislated procedures?

MS BURCH: This will get repetitive, but, under the advice from the Solicitor-General that the placements with NBSS were legal, there was no requirement for the director-general to pursue activity to make them a suitable entity.

Young Canberra Citizen of the Year—awards

DR BOURKE: My question is to the Minister for Community Services. Minister, can you inform the Assembly of the winners of the Young Canberra Citizen of the Year award 2011?

MS BURCH: I thank Dr Bourke for his question. It was a pleasure to be at the 22nd Young Canberra Citizen of the Year awards on the 28th of this month and I did note

that there were a number of members there to celebrate the outstanding young Canberrans that we have here and to listen to their quite inspirational stories, their personal journeys and the obstacles that many young people have overcome. They can certainly be an inspiration for members here, I believe.

The Young Canberran of the Year awards reflect the depth and breadth of young people's involvement in our community. I am pleased to say that there was a marked increase in nominations this year, and I think this reflects the community's appreciation of the contribution of young people and the desire to have these young people recognised for their efforts. Young people were recognised on the night for contributing to our community through volunteering by developing innovative solutions and working in partnership with the government on policy formation. There were awards for five different categories of achievement.

The major award was the Young Canberra Citizen of the Year and I am very pleased to announce that the winner of the Young Canberra Citizen of the Year 2011 was Jessica McConnell. Jessica is currently completing her year 12 certificate in my electorate at Lake Tuggeranong College, where her majors are physics, chemistry and drama.

Jessica has acted as treasurer for the Scouts ACT Solomon Islands 2011 project, managing a budget of approximately $50,000. The Scouts Solomon Islands 2011 project saw a group of Scout Rovers between the ages of 18 and 25 go to the Solomon Islands to carry out maintenance of the Red Cross Development School. Her work with the Scouts was recognised by the Queen's Scout Award, a prestigious award granted to scouts with a strong history of leadership within the organisation and community. Jessica has also volunteered at camps for younger children, as well as the special children's Christmas party for terminally ill and special needs children.

Jessica has also worked with St John Ambulance, where she has spent several hundred hours in support of a wide variety of community events, among which have been Anzac Day, football matches, local shows and fetes. This has involved treating members of the community with injuries including broken bones. Jessica's leadership skills have also been demonstrated by her involvement with community theatre productions through Limelight community theatre and the Scouts Gang Show.

I find this contribution to our local and international community quite incredible. For a young person of only 18 years Jessica is a very deserving recipient of this award, and I offer my congratulations to Jessica. I have no doubt that the winners of the Young Canberra Citizen of the Year awards and future nominees will continue to motivate and captivate our community with their efforts, ideas and enthusiasm, and develop as inspirational leaders.

MR SPEAKER: Dr Bourke, a supplementary question.

DR BOURKE: Minister, who were the other category award winners?

MS BURCH: Young people are the future of the territory and it is important that the community see how much young people have to offer, hear what they have to say and

celebrate their contributions. There were a number of categories recognised on the awards night for the individual and collective achievement of young people in the ACT.

I was particularly pleased to award 21-year-old Sudanese refugee Garang Kuer Bul with the personal achievement award. He has overcome both cultural and language barriers without the support of his family. Since arriving in Australia he has achieved a number of academic and personal goals, whilst volunteering and supporting the Sudanese community in Canberra, including as president and head coach of Eagles sports association, which he founded.

Twelve-year-old Ben Burgess won the youth arts award for his accomplishments as a dancer, singer and actor and has received numerous commendation awards for his contributions to the arts. Mr Burgess has been dancing since he was four years old, training in tap dance, classical ballet and hip hop, and has participated in a number of eisteddfod festivals around Australia. He was also selected for the role of the young Peter Allen in *The Boy from Oz* through the Canberra society.

Twenty-one-year-old university student Mick Spencer, who started his own advertising-merchandising brand OnTheGo, was recognised with the young entrepreneur award. The business turned over $110,000 in sales in its first year and he intends to bring it to $500,000 for his second year.

As a southsider, I was pleased to award the young environmentalist of the year award to the wastebusters group at Orana school. The group aims to educate the public about how to sort their waste. Volunteers attend community events and assist the public in placing their refuse in the correct bin.

Also from the south side was Dance Beyond Barriers, winners of the group award for their role in increasing awareness of sexual abuse, domestic violence, drug and alcohol abuse, child neglect, homelessness, racism and suicide. This fantastic group of Aboriginal and Torres Strait Islander people aims to empower young people and build their self-esteem through dance.

It is clear from the list of the category award winners that our young people in the territory that were nominated were of a very high calibre. I would like to congratulate them all on behalf of the government, including those young people who were commended on the night for each of these categories.

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, what is the role of the Young Canberra Citizen of the Year beyond the award night?

MS BURCH: The Young Canberra Citizen of the Year awards recognise our outstanding young people. The winner has a very practical role to play beyond the award night and is invited to participate in several events throughout the year

including Canberra's young people. I would like to take this opportunity to thank the Young Canberra Citizen of the Year from last year, Mr Anthony Antioch, who has made an exceptional contribution in his roles at functions and activities in supporting and representing young people in the territory over the past 18 months.

Mr Antioch has participated in the government's Youth InterACT scholarship committee, providing advice and recommendations on the allocation of grants for individual young people aged 12 to 25 who wish to attend an activity in a learning capacity or through sports, conferencing or personal career development through participation in various activities, events and courses. I note that the Youth InterACT scholarships are open for the December round, and I encourage young people to consider applying.

Anthony has also participated in the conduct of interviews for the Youth Advisory Council, which continues to provide feedback on important topical issues to the government. I note that nominations are currently open for the Youth Advisory Council, which has provided the government with useful feedback on matters such as body image, young people and entertainment, young people as road users, young people transitioning from care and school, and alcohol and drug misuse.

Finally, Anthony has been involved in the Young Canberra Citizen of the Year committee for this year, assisting in the selection of the final winners and commendations.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, how do I go about nominating my granddaughter Jessie for such an award?

MS BURCH: I thank Mr Hargreaves. Your granddaughter Jessie is a fine young Canberran, and there are many in our great city. I would encourage you to go to the Youth InterACT website and the Community Services website and follow those necessary links to make sure that your Jessica has the information that she needs.

Planning—variations

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and is in regard to his planning decisions announced yesterday. Minister, yesterday you announced that variation to the territory plan 300 for Gungahlin town centre and variation 310 for the inner north have both been notified as final variations, and you also announced that you would exempt the Kingston foreshore precinct from third-party appeals. All of these announcements reduce community involvement in planning.

Given that it has been usual for draft variations to be referred to the Assembly's planning committee for cross-party discussion and community consultation, have you now decided that the planning committee is not the appropriate forum for consideration of draft variations?

MR CORBELL: I thank Ms Le Couteur for the question. The answer to her question is no, I have not. Under the Planning and Development Act, I have discretion as to whether or not I believe it is necessary to refer to the planning committee a draft variation which has been subject to public consultation. I take the view that in relation to draft variations which are highly complex, and particularly where they are highly contested and there is significant diversity of community views on the matter, it is entirely appropriate that the committee provide comment and undertake an inquiry into it.

But in relation to the two variations that Ms Le Couteur has mentioned, both of those have been subject to detailed and exhaustive public comment. There is a high level of unanimity amongst submitters about the outcomes that the community is seeking in relation to the draft variation. In particular, in relation to Gungahlin, it is entirely appropriate that we get on with actually enacting the planning changes needed to address some of the issues that the community, and indeed this Assembly, have been urging the government to address.

For example, I indicated in my comments yesterday in tabling the variation dealing with the Gungahlin town centre that this Assembly, only a month or so ago, resolved and urged the government to take steps to address issues with through-traffic on Hibberson Street and the need to have better traffic management arrangements in relation to the town centre. Part of the solution to that is to enact the variation for the Gungahlin town centre, to create a ring road to provide for the diversion of traffic away from Hibberson Street and improve the amenity and the operation of that central area of the Gungahlin town centre.

So that is why I have moved in the way I have in relation to those draft variations. It is because I believe that is what the community are expecting. They do not want to see another lengthy inquiry. They want to see action on these issues, and they want to see these issues addressed. That is why I have made the variation. But that does not mean that as minister I am not going to refer draft variations to the standing committee. In fact, I think the standing committee plays a very important role in providing further scrutiny and oversight of draft variations to the territory plan, particularly those which are contentious, which are complex and where there is a wide diversity of community views.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, given that the decision to grant an exemption of third-party appeals in the Kingston Foreshore precinct was based on this area—I quote from your media release—being a highly changeable, high value area, will this exemption be extended to all other changing, high value areas in Canberra?

MR CORBELL: No, it will not. These assessments are made on a case-by-case basis. I think it is important to note that, in relation to the Kingston Foreshore, this is an area which has had a very extensive history of planning studies, master planning

arrangements, detailed design and development guidelines because of its nature as a brownfields redevelopment area. Given that and given the very clear objectives that this place and the government and previous governments have put in place in terms of how that area will develop, I do not believe, given some of the current circumstances at Kingston, that it is appropriate that there be the use of third-party appeals to try and frustrate the development intentions of development proponents.

Note that it is similar to the removal of third-party appeals in Civic and the town centres, where we have seen development rivals using the third-party appeals process to frustrate the actions of their competitors. I do not believe that is an appropriate use of the third-party appeals process. Regrettably, we have seen some of that activity in the Kingston Foreshore, and that is why the government has taken the action it has.

MS HUNTER: Supplementary.

MR SPEAKER: Supplementary, Ms Hunter.

MS HUNTER: Minister, in the case of the Gungahlin variation, did you consider whether the variation could have been referred to the planning committee at an earlier stage, given that it has not had any cross-party deliberations?

MR CORBELL: I took all those issues into account but, as I said before, I think that what the community was keen to see here was resolution of the planning arrangements in relation to Gungahlin. I note that self-confessed Greens member and spokesperson of the Gungahlin Community Council, Mr Kerlin, has come out and welcomed the fact that this step has now been taken, because it provides certainty and allows the community, the government and private leaseholders in the area to get on with creating the improvements that the Gungahlin community is looking for in the town centre.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, will draft variation 306 on planning codes still be referred to the planning committee and, if so, when?

MR CORBELL: I am not going to pre-empt my decisions in relation to the referral of draft variations. I would simply draw to Ms Bresnan's attention again my previous answer, which is that I do see real value in the standing committee undertaking inquiries into draft variations, particularly draft variations which are complex, draft variations where there is a wide diversity of community views and where there is a need for further airing and exploration of those views. I will leave members to make their own judgements about whether draft variation 306 falls into that category.

Children and young people—care and protection

MR COE: My question is to the Minister for Community Services. Minister, section 526 of the Children and Young People Act enables you to approve a place

operated by a residential care service as a place of care. If you give that approval, the act requires you to be satisfied that the place of care complies and is likely to continue to comply with the out-of-home care standards. The Barton Highway house, which is a Housing ACT property and which is leased to Barnardos as a residential care service, has been used as a place of care. Minister did you or any of your predecessors at any time exercise your discretion to approve the Barton Highway premises as a place of care for use as such by Barnardos as a residential care service? If so, when did that happen?

MS BURCH: I thank Mr Coe for his question. I think those opposite have misunderstood the "place of care". The Barton Highway house was not a place of care; it was a place where care was provided, but, under the definition, it is not a place of care. Section 225, as I understand it, provides that a "place of care" is where a residential care service complies with and is likely to continue to comply with—yes, you are right, the minister is—

Mr Smyth—You are right.

MS BURCH: You are in the sense that the minister needs to approve a place of care. There is one, and that approval was provided in 2008.

MR SPEAKER: Mr Coe, a supplementary question.

MR COE: Minister, on what date exactly did you exercise that discretion, or did your predecessor exercise that discretion, and what did you do to satisfy yourself that the house complied, and was likely to comply into the future, with the out-of-home care standards?

MS BURCH: If you are referring to—let us be clear—the Barry Drive, it was not a place of care. Under the act it is not a place of care. Marlow Cottage is our recognised place of care here. The property was used by NBSS as a placement for children and there was certainly a less desirable amenity within that. I have not been backward in saying that I found it disappointing that we had a property there that did not meet what I would have thought would be reasonable standards. It was head leased by another organisation. We have pulled that property out because Mrs Dunne has identified it as a place used by care and protection. So we consider it no longer to be safe and we have alternative properties that—

Mr Smyth: It is certainly not safe; it is a disgrace.

MS BURCH: It is not safe after Mrs Dunne has identified it as a care and protection service.

Opposition members interjecting—

MR SPEAKER: Order, thank you!

MS BURCH: They are not interested so I will just leave it there, Mr Speaker.

Emergency services—station relocations

MS PORTER: My question is to the Minister for Police and Emergency Services. Minister, on 2 November you released the ESA station upgrade and relocation plan for the ACT Ambulance Service and ACT Fire and Rescue. In that plan you refer to a range of changes over four phases of the project. Could you please outline those changes, particularly the works to be conducted as part of phase 1?

MR CORBELL: I thank Ms Porter for the question. Yes, I was very pleased to announce details of the first stage of the government's commitment to enhancing fire and ambulance cover for ACT residents through our emergency services station relocation project. Phase 1 focuses predominantly on the northern and southern suburbs of the ACT.

There are proposals to build a new fire station in Charnwood, on Lhotsky Street, adjacent to the existing Charnwood group centre, and for the first time to establish an ambulance station in the same location to service the growing needs of the new developments in the west Belconnen area of the city. This will involve the decommissioning of the existing Charnwood fire station which has reached the end of its operational life.

The government is also proposing arrangements to relocate existing fire stations on Lathlain Street in Belconnen, again in Ms Porter's electorate. This will involve the relocation of the existing fire and ambulance stations on Lathlain Street to a new location on Bindubi Street, adjacent to Canberra high school in Aranda. This will provide for improved service coverage for fire and ambulance services in that area of Canberra.

Finally, there are proposals to improve fire cover in the far south of the ACT residential area in the Lanyon Valley. I know that will be of interest to my colleagues Ms Burch and Mr Hargreaves. The government, for the first time, will be ensuring improved coverage for fire cover in the Lanyon Valley and southern Tuggeranong area with the establishment of a new fire station in the Condor area on Drakeford Drive and adjacent to the entrance through to the Barton Highway. This location will improve fire cover and will involve the relocation of existing fire appliances from the Tuggeranong town centre to that location and with the subsequent relocation of ambulance services from the Kambah site to the Greenway site.

These are important improvements in the delivery of emergency services for the city. The Labor government is proud of the investment it is making and the detailed planning it is undertaking to make sure that one of these primary obligations and responsibilities of government to maintain the safety and protection of our residents is able to be delivered through having our fire and ambulance stations in the right locations to provide the best possible coverage for Canberrans.

MS PORTER: Supplementary.

MR SPEAKER: Supplementary, Ms Porter.

MS PORTER: Minister, why is this upgrade and relocation planning needed?

MR CORBELL: I thank Ms Porter for the supplementary. This relocation strategy is needed to make sure that, as the city grows, we are able to maintain appropriate fire and ambulance cover.

Many of our stations have been in their existing locations for extended periods of time—many decades—but much has changed in terms of the urban layout of the city and also much has changed in terms of the changing demand profile for services such as ambulances as our population ages and as we see increased activities in key centres. For that reason, the government has undertaken, through the Emergency Services Agency, detailed studies to determine the best locations to site all of our fire and ambulance stations.

I add for members that it is important to understand that we cannot look at individual proposals or individual fire and ambulance stations in isolation; we must view them as part of a jigsaw of coverage across the city that ensures that each station is in the appropriate location relative to other stations to provide the maximum and most effective coverage for our community.

The primary drivers for site selection are the science of where ambulance and fire stations should be located to ensure the highest levels of community safety by achieving nationally agreed benchmarks for service response and coverage. We have seen some important changes in where the city has developed, particularly in west Belconnen and in the south Tuggeranong area. Into the future, we will see further changes as development occurs in the Molonglo Valley. All of these changes have been anticipated and taken into account in the station relocation assessments.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, given your previous failures to deliver capital works on time and on budget—things like GDE, the AMC, the busway and the ESA headquarters—will you guarantee that this first phase of the relocation strategy will be delivered on time and on budget?

MR CORBELL: I have every confidence that the station relocation team, which has a very competent staff of personnel engaged on this project, will be working within the budget and within the time frames the government has set out.

MR SPEAKER: A supplementary, Dr Bourke.

DR BOURKE: Minister, how will the community be consulted on these changes?

MR CORBELL: It is important that there is detailed community consultation on these changes. Obviously anybody in our community would be concerned to understand the rationale and the reasons why fire and ambulance stations are being

located in particular areas. For that reason, phase 1 of the strategy has commenced and the consultation phase will continue until 17 December this year.

Neighbouring property owners and occupiers have been contacted, to explain the proposed developments and to answer and listen to any concerns they have. Local community councils and residents associations are also being contacted, as are other groups—for example, sporting groups—that use adjacent ovals and other spaces. These are important discussions as we finalise the planning and detailed design for these new emergency services stations.

There will also be a series of community forums held in both Belconnen and Tuggeranong which members of the public can attend, to ask questions and get further information and of course to provide their feedback. This is, of course, in addition to any statutory consultation processes that may be required such as variations to the territory plan or development applications to allow the station relocation strategy to proceed.

Public housing—energy efficiency ratings

MS BRESNAN: My question is to the Minister for Community Services. Minister, yesterday you tabled the government's costings of the Greens' minimum housing standards bill in regard to public housing. Those costings acknowledge that 10 out of the 12,000 houses in the ACT public housing stock do not have energy efficiency ratings but assume that all unrated houses only have an EER of 2 or below. Minister, how reliable are the conclusions of this document, given that ACT Housing could only estimate the number of houses on an EER of 0, 1 and 2? Was it appropriate to use this data as an indication of costs involved with the bill given that the data was mostly based on guesswork?

MS BURCH: I thank Ms Bresnan for her question. We know that our housing stock is some of the oldest in the country; that is on any record. We have houses that are 20, 30, 40-plus years old. Northbourne Avenue, for example, I think is over half a century old. So it is not surprising that the EER ratings could be quite low on those properties.

As for costings, it is the responsibility of the directorate that is about to be impacted by a bill that is brought into this place that demands minimum standards that will have a financial impact to undertake that work. I would ask Ms Bresnan, if she thinks that those figures are flawed, if perhaps she would like to table for the benefit of community information the costings behind the Greens' bill.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, given that this document acknowledges that at least half of ACT Housing has an energy rating of one star or below and that no heating is provided in at least half of ACT Housing properties, how are these houses being heated and what action will the government take to remedy this situation?

MS BURCH: We have in place a $4 million a year energy upgrade and refurbishment program for public housing properties. I think that is a clear commitment by this

government to ensure that people in housing are supported as we can. But again, if those costings are so flawed, I encourage the Greens to come forward with costings that support their bill.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Minister, why does the data include analysis of providing security windows, security doors and window locks at a cost of $97 million, given there was no provision for security screens in the Greens' bill, nor were they flagged in the discussion paper, and consultation on the bill resulted in the provision of window locks specifically being removed?

MS BURCH: I think I will refer members to *Hansard*, and I do not have it here. But in your comments when you tabled the bill, when you were sitting in this chair and not in that chair, you referred to minimum standards around security. You referred to minimum standards around energy, water, sanitation and the like. And security, we have taken to be secure doors and secure windows. And that is what we costed.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: Minister, why does the data include analysis for installing air conditioners for 5,000 houses given that no such provision was outlined in the ACT Greens' bill and how will installing air conditioners improve energy efficiency?

Mr Hargreaves: Point of order, Mr Speaker.

MS LE COUTEUR: How will installing air conditioners improve energy efficiency?

Mr Hargreaves: A point of order has been taken, Ms Le Couteur.

MR SPEAKER: There is a bit of confusion. Mr Hargreaves on a point of order.

Mr Hargreaves: I listened to Ms Hunter's question and I was poised to receive your ruling on a point of order on that but now I am. Normally ministers are required to answer questions which come within the purview of their responsibilities. Both of these two questions were about items which were absent from the Greens' bill, and the Greens' bill is not within the responsibilities of the minister.

Ms Bresnan: On the point of order, Mr Speaker, the question was in relation to costings for the bill, which were tabled by the Minister for Community Services. Those costings referred to were in that document that was tabled by the minister. Therefore we can ask those questions.

MR SPEAKER: Mr Hargreaves on the point of order.

Mr Hargreaves: I respect what Ms Bresnan is saying except to say that the last thing that Ms Le Couteur actually said was "given that it was not in the Greens' bill". The whole subject was around whether it was in the Greens' bill or not.

Ms Bresnan: On the point of order, we are actually talking about the question. As I said, it was about the document that was tabled by the minister, and that was in the document tabled by the minister.

MR SPEAKER: In the spirit of an earlier ruling, I think that we will focus on the part of the question that the minister is responsible for, just as I ruled with the question you asked before, Mr Hargreaves. Minister, could you focus on the part that Ms Le Couteur asked about that is relevant to your portfolio.

MS BURCH: Again I thank the Greens for their interest in the financial impact to the territory of the introduction of that bill. The bill spoke about energy, energy ratings and minimum standards around EER. We have provided you with up to—let us be clear: it is up to—a $217 million impact on Housing ACT should some of those elements be applied.

As for air conditioning, I regularly get contact in my office with people who are seeking air conditioning in their housing property. Given that I know that that is a request and that some are installed, it is not unreasonable to include it in the costings.

Crime—penalty for manslaughter

MR DOSZPOT: My question is to the Attorney-General. Yesterday in question time you were asked to clarify statements you made in the Assembly on 27 October 2011 that the Director of Public Prosecutions had given evidence to the JACS committee in its inquiry into the Crimes (Murder) Amendment Bill 2008 that, in relation to manslaughter, "the current penalty is appropriate". In response you said you did not have the detail in front of you and you took on notice the range of questions asked. However, in the debate on the Crimes (Penalties) Amendment Bill this morning you repeated the statement. Minister, I ask you again: what were the words used by the DPP in giving evidence to the JACS committee, which were that the DPP considered the current penalty appropriate?

MR CORBELL: I refer members to page 31 of the transcript of the justice and community safety committee's inquiry into the Crimes (Murder) Amendment Bill. The DPP made a number of statements with respect to the examples of the offence of murder and manslaughter. During the hearing Mr Rattenbury asked a question of Mr White in the context of contemporary cases of homicide. Mr Rattenbury's question was:

> The question that has arisen in committee discussions this morning, to some extent, is: is the issue one of the definition of the offence or is the issue more that we have a problem of inadequate penalty?

Mr White said in response, following a preamble:

> There is plenty of flexibility available to sentencing judges in relation to sentences for both manslaughter and murder.

Later Mr White was asked by the chair of the committee:

> In what instances in the past little while has there been either consideration of or actual appeals in relation to leniency of sentences?

Mr White replied:

> Since I have been DPP, there have not been any occasions to consider murder or manslaughter sentences, but we have recently appealed, for example, on a sentence involving sexual assault of a minor …

Those comments and further clarification from the DPP are the matters that I am referring to.

Opposition members interjecting—

MR SPEAKER: Order, members! Mr Doszpot, a supplementary.

Mr Corbell: On a point of order, both Mr Seselja and Mr Smyth have accused me of misleading and consistently misleading the Assembly—

Mr Smyth: No, I said "persistently and wilfully". I did not use the word "misleading". You should pay more attention.

Mr Corbell: I beg your pardon—"persistently and wilfully misleading the Assembly"—in this context. They should be asked to withdraw. They know it is unparliamentary and can only be made by a substantive motion.

Mrs Dunne: On the point of order, Mr Speaker, there is actually a motion that passed in this place that accused Mr Corbell of persistently and wilfully—they are the words of the motion—misleading the Assembly. I think that Mr Smyth is on safe ground when he refers back to that motion.

Mr Corbell: On the point of order, just because there has been a motion adopted in the past does not mean the allegation can continue to be made about every comment I make, Mr Speaker. That is in relation to a matter that occurred I think about five years ago. They cannot continue to use that comment in the context of all of my comments and they should be asked to withdraw it or move a substantive motion.

MR SPEAKER: Thank you, members. Mr Corbell is correct in his assertion that the historical passing of a motion does not provide carte blanche for members to make ongoing comments to that effect. Mr Smyth and Mr Seselja, I did not specifically hear that across the chamber. Would you like to withdraw the comments if you—

Mr Seselja: I am happy to withdraw, Mr Speaker.

MR SPEAKER: Thank you.

Mr Smyth: All I said were the words "persistent and wilful". If you want me to withdraw the words "persistent and wilful" because he feels guilty about it, I am happy to withdraw.

MR SPEAKER: Thank you, Mr Smyth. We are up to Mr Doszpot asking a supplementary to his question.

MR DOSZPOT: Attorney, what further information came to hand since yesterday, when it was not at hand, that would enable you to repeat the claim this morning?

MR CORBELL: Officers of my directorate, in formulating the government's proposal earlier this year in relation to the murder and manslaughter matters and also to increasing maximum penalties for intentionally inflicting grievous bodily harm and culpable driving offences, specifically raised the issue of manslaughter with Mr White. Mr White's response was a nuanced one. Regardless, Mr White's response was he did not have an issue with the penalty for manslaughter.

I am advised that he went on to say that it is completely appropriate for the maximum penalty for manslaughter and intentionally inflicting grievous bodily harm to be the same because they have very similar degrees of seriousness. The consequences of intentionally inflicting grievous bodily harm can potentially be as serious as those for manslaughter. In addition, in the case of manslaughter, a person is grossly negligent about whether death would be caused—

Mr Seselja interjecting—

MR CORBELL: and in the case of intentionally inflicting grievous bodily harm, the person intentionally inflicts the very serious harm.

It is clear from a review of the committee inquiry into the murder bill that the director made very specific statements about the maximum penalty for manslaughter and other maximum penalties, and I reject any assertion that I have misled the Assembly in relation to the director's comments.

Mr Hargreaves: On a point of order, Mr Speaker, Mr Seselja said across the chamber in interjection, "You're making it up." That is unparliamentary. That is insinuating that the minister is not telling the truth. Therefore, he should be asked to withdraw that comment.

Mrs Dunne: On the point of order, Mr Speaker, no-one could construe "making it up" as an accusation of telling a lie.

Members interjecting—

MR SPEAKER: Order, members! Mrs Dunne has the floor.

Mrs Dunne: Mr Barr just made a point in support of my point of order. When someone is on their feet and putting together an argument, that can be construed as "making it up". It is not necessarily pejorative to say that someone is "making it up".

MR SPEAKER: I am looking at *House of Representatives Practice.* I think I have quoted this one before to members, reminding them of this finding from the Senate in

1955, so it is a somewhat historical reference. Paraphrasing, it needs to be looked at in a context. There is a certain level of argy-bargy that goes on across the chamber. So in that context, I think that at this point I am not going to ask Mr Seselja to withdraw, but I remind members that simply insulting other members is disorderly, and I ask you to reflect on your own behaviour.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: We now proceed to a supplementary question by Mrs Dunne.

MRS DUNNE: Minister, in your comments you said that the DPP—

Mr Hargreaves: Now she is making it up.

MR SPEAKER: Mr Hargreaves.

MRS DUNNE: I rest my case, Mr Speaker.

MR SPEAKER: Let us proceed. Mrs Dunne.

MRS DUNNE: In your comments about the DPP's views on manslaughter, you said that his views were very nuanced. Would you care to read from his evidence to the murder inquiry, that you had in your hand, just how nuanced you thought his views on manslaughter and all other matters of sentencing should be, and can you read to the Assembly from that transcript where he said it was not his job to get involved in the policy on these matters?

MR CORBELL: I table the answer, including the relevant excerpts.

Opposition members interjecting—

MR SPEAKER: Order, members. Mr Corbell is tabling the document. Members can access it from the Clerk if they wish.

MR CORBELL: I table the following paper:

> Crimes Murder Amendment Bill 2008—Answer to question taken on notice from Mr Doszpot yesterday.

MRS DUNNE: A supplementary.

MR SPEAKER: Mrs Dunne, a supplementary question.

MRS DUNNE: Minister, did you mislead the Assembly in October and again this morning when you said that the DPP had expressed an opinion about the appropriateness of the manslaughter penalty?

MR CORBELL: No, I did not.

Visiting dignitaries—cost

MR HANSON: My question is to the Chief Minister. Minister, as part of the Queen's visit to the ACT last month what was the initial budget for the event and was this budget exceeded? Also, in relation to the planned US presidential visit, what was the planned budget and has this been exceeded?

MS GALLAGHER: My understanding is that most of the costs associated with the Queen's visit and the President's visit are being met by the commonwealth. There were some costs in relation to Floriade. I understand that was in the order of $60,000, in order to keep the event going a further four or five days. To my knowledge it remained within budget. I have not seen any additional costs associated with the President's visit that are being incurred by the ACT government.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, can you provide for the Assembly any detailed costs that you were unable to provide, so that we can confirm whether costs were exceeded, particularly in relation to Floriade?

MS GALLAGHER: It actually falls within Minister Barr's portfolio, but I am very happy to provide that information to the Assembly.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, how much of the funds was used to monitor the media reporting of the Queen's visit to Canberra?

MS GALLAGHER: I am not aware. I will have a look at whether that was broken down to that level. It would be a very small part. There are about three people in the communications unit in CMD and I would not imagine that it was any significant cost at all.

Mitchell—chemical fire

MR SMYTH: My question is to the Minister for Police and Emergency Services. Minister, late on 15 September 2011 a major chemical fire emergency began at Mitchell. A critical feature of the response to this chemical fire emergency, and indeed for any emergency situation, is the promulgation of timely warnings to the community. There are technologies available to utilise various communications options, such as telephone, SMS, Facebook and Twitter, in promulgating such warnings. Minister, does the Emergency Services Agency have a manual which provides a standard operating procedure for the preparation of warnings and for the promulgation of these warnings?

MR CORBELL: I am not familiar immediately with every detail of the ESA's operational arrangements. I will take the question on notice and provide an answer to the member.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Perhaps the minister might be able to tell us what was the process that was followed in this emergency for the promulgation of the messages.

MR CORBELL: Details about that have been outlined in the report on the use of emergency alert, which has been made publicly available by the government.

MR SESELJA: Supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, how many staff of the Emergency Services Agency are trained in the standard operating procedure for the preparation and promulgation of warnings, and how many of these trained staff were on duty on the night of the Mitchell emergency?

MR CORBELL: Again I would need to take the question on notice, Mr Speaker.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves, a supplementary.

MR HARGREAVES: My supplementary to the minister: in relation to that fire, minister, was it a fire truck that left the fire station to attend that fire?

Mr Smyth: On a point of order, Mr Speaker, the question should be ruled out of order because it is not relevant to the original question. I ask your ruling. Mr Hargreaves has done this on numerous occasions where he soaks up a supplementary by asking a spurious question. You have warned him on several occasions. When will you take action and name him?

MR SPEAKER: I think the question is out of order in the sense that the earlier question was, I think, fairly focused around the communications-related elements of the incident. On the latter point, Mr Smyth, that is something that I would perhaps best take up in a discussion with the administration and procedure committee.

Opposition policies—costs

MR HARGREAVES: My question is to the Treasurer—the best Treasurer that the ACT has seen since Ms Gallagher relinquished it. Minister, what advice have you received on the costs of the policies proposed by the Leader of the Opposition?

Members interjecting—

MR SPEAKER: Order! Sorry, I did not hear the question.

MR HARGREAVES: Neither did I, Mr Speaker, and I was actually asking it. My question was: what advice has the minister received on the costs of the policies proposed by the Leader of the Opposition?

MR BARR: I thank Mr Hargreaves for the question. Members would be aware that at the conclusion of the last sittings—

Mrs Dunne: On a point of order, Mr Speaker, could I ask you to rule on whether this question is in order? To what extent is the Treasurer responsible for costings of the Canberra Liberals' policies?

Mr Hargreaves: On the point of order, Mr Speaker, you ruled against my point of order on a similar subject earlier today. But more importantly, I give to you the first few words. It says, "What advice have you received?" And it really matters—what advice has he received as Treasurer on any subject?

MR SPEAKER: Yes, Mr Hargreaves's point is correct. He is asking specifically about advice that the minister has received from his department. On that basis the question is in order.

MR BARR: As I was saying, members would recall at the conclusion of the last sitting week there was a discussion and a motion moved in relation to the tabling of costings associated with the policy announcements made by the Leader of the Opposition at his Press Club address. I indicated at that time that I would seek formal advice from the Treasury and that I would refer the matter to the Treasury for advice.

I have received that advice and can advise the Assembly that the policies announced by the Canberra Liberals come at an estimated cost to the territory budget of $36.8 million over five years in recurrent costs. The basis for the five-year costing reflects the partial implementation in the first year of the policies and then the full budget outyear impact over four full financial years. There is $3.5 million in capital costs. Mr Speaker, if you exclude the fourth full financial year from that impact, you would subtract $8.926 million from the costing, and then you would have an indication for 3½ financial years, not a full four financial years.

It is worth noting that the financing costs of capital have not been assumed in those total costs. Some of the policies that the Leader of the Opposition has announced have been costed before. The Infrastructure Commissioner was costed at around $600,000 per annum, with an indexed amount into the outyears. Although Treasury advise that the level of detail provided by the Leader of the Opposition is quite limited, the costs of this proposal are largely driven by the secretariat size and the level of activity undertaken. So in this circumstance it appears that this costing would be quite conservative, but it is proper that we have a conservative costing. In relation to Mr Smyth's—*(Time expired.)*

MR SPEAKER: Mr Hargreaves, a supplementary.

MR HARGREAVES: A supplementary to the Treasurer. Treasurer, what would the amount of $36.8 million fund in the current budget perhaps?

MR BARR: Over the full period of the budget outyears, this amount that the Canberra Liberals have dedicated to other particular purposes would go a long way to covering the increased salary costs associated with delivering pay parity for ACT teachers. It has been an issue that the shadow minister has sought to agitate. It would also provide additional ambulance officers—in the order of 60.

Mrs Dunne: Is this a political announcement? Could I seek your direction, Mr Speaker?

MR BARR: As political parties we make choices.

MR SPEAKER: One moment, Mr Barr.

Mrs Dunne: I seek your direction, Mr Speaker. It would be inappropriate for the Treasurer to be making policy announcements in answer to a question. Is it not the case that the minister is now possibly making policy announcements about what he would do with the money?

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

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: I actually asked what this would fund in the current budget. Further, Mr Speaker, I would ask for your assistance because I could not hear the Treasurer's response. Having a soloist singer over there coming at us is one thing, but a full symphony is really difficult to hear.

MR SPEAKER: On the point of order, Minister Barr, I note that the question was about the current budget, not possible future budgets. Minister, perhaps you might restrict your answer to that, given that Mr Hargreaves was very specific in his question.

MR BARR: The question was: what would this amount fund in the budget? The budget, of course, extends over a period of time. One must make—

Members interjecting—

MR SPEAKER: Order! I cannot hear Mr Barr.

MR BARR: Were the Canberra Liberals to win the 2012 election, they would need to deliver a budget that would cover a four-year period in 2013. *(Time expired.)*

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, what fiscal mechanisms would need to be available to fund $36.8 million worth of promises in the outyears?

MR BARR: There would essentially be three options or a combination of those three: to go into deficit, to cut expenditure or to raise revenue in other areas, or a combination of the above. One must wonder when Mr Seselja yesterday launched, in full Eric Cartman style, into his rant about taxation and particularly—

Mrs Dunne: It is disorderly to make pejorative comments about members in this place by likening them to cartoon characters. Mr Barr has form on this and he should be asked to withdraw.

MR SPEAKER: Members, I think we will simply proceed. Mr Barr, you have the floor.

MR BARR: Thank you. In the remaining minutes that I have, given that every part, I note, of this answer has been interjected upon, I indicate that when the Leader of the Opposition went on his particular tirade yesterday, identifying the charges that the shadow Treasurer when he was urban services minister was responsible for, he did give a further indication of the great fiscal difficulty that the Canberra Liberals face. On the one hand they are allegedly committed to abolishing a series of taxes. Each shadow minister has indicated their desire to spend a considerable amount more in their portfolio areas yet they still expect to be able to deliver a budget surplus. It would appear almost impossible, Mr Speaker, to simultaneously cut revenue, raise expenditure and deliver a budget surplus—

Mr Hanson: You are a liar.

MR BARR: unless Mr Seselja has a special money tree that he believes—

MR SPEAKER: Members, order! Mr Hanson, I invite you to withdraw that comment you just made across the chamber.

Mr Hanson: I withdraw.

Mr Barr: I ask that all further questions be placed on the notice paper.

Minister for Territory and Municipal Services
Motion of censure

MR COE (Ginninderra) (3.18), by leave: I move:

> That this Assembly censure Simon Corbell for persistently misleading the Assembly and community about funding of the RSPCA.

It is disappointing that once again this Assembly's time is being taken up by the inaccuracies of those opposite. Once again this place, the Assembly, and indeed the community have been let down by a minister who has not given truthful information

to this place. Once again, we have the arrogance of those opposite thinking they are above fact, thinking they are above the truth. Once again, it is Minister Simon Corbell. How many times does Minister Corbell need to be told by this Assembly that he is ineffective and he is wrong in how he deals with information?

This latest in a long list of errors from this minister is about the RSPCA, one of the most respected organisations in the ACT. It is an organisation which does a lot of the government's work for them, yet it is not funded to do so. It does a lot of work that local governments would do in other jurisdictions. Here—because of its charter, commitment, organisation, fundraising, sponsorship, volunteers, staff, board and leadership—it goes above and beyond. It goes above and beyond, only to be let down by a minister's arrogance—a minister who says that the chief executive officer was incorrect. He goes on to slur the name of the RSPCA and the chief executive officer of that fine organisation. We are not just talking about one occasion here. It is not just on one occasion but on three occasions in the last month that Minister Corbell has misled this place and misled the community.

Before making any of these assertions, you would think that he would do thorough research. And even after making the assertion, if there was any doubt at all, you would think that he would follow up. That is what a good minister would do. That is what a prudent minister would do. That is what a minister of the ACT government should do. When you have a minister as part of a government controlling a $4.3 billion budget, you would like to think that they are asking the questions and ensuring that there are checks and balances before they slur the name of a community group. And that is what he has done. He has slurred the name of the RSPCA and he has slurred the name of the chief executive officer on three occasions. Occasion 1 was on 27 October 2011, in the *Canberra Times*. Minister Corbell wrote a letter saying that the chief executive officer was wrong. He said:

> Last financial year the Government paid an additional $150,000 to the RSPCA over and above the amount agreed in its funding agreement …

This is wrong. I would think that before writing a letter to the *Canberra Times* he would make absolutely certain of his facts—absolutely certain. I know that the members on this side would do that in private communications with a constituent, let alone if they were writing a letter to the *Canberra Times* to be published and forever put on the city's record. It is totally inappropriate that Mr Corbell should slur the name of the organisation without doing thorough checks and balances.

However, he went on. No 2 took place on 1 November, at the annual report hearings. In a question on 1 November, I said:

> Can I quickly ask a question about the RSPCA? It may be that the minister can answer this one. We have heard, minister, that there is an extra $150,000 that the ACT government paid to the RSPCA. Did the money actually get to the RSPCA? If so, on what date and in what form? Was it in kind or was it cash?

Mr Corbell gave an answer. The answer included:

> That is a 26 per cent increase in our cash contribution or approximately a $150,000 increase for the period.

That is the period of 30 September. I went on to ask:

> So your letter in the *Canberra Times* just a few days ago where you said that last financial year the government paid an additional $150,000 to the RSPCA over and above the funding agreement—

Mr Corbell butted in:

> We did.

I asked:

> And that was cash?

Mr Corbell said, "Yes." It was not his advisers, not his department; it was Mr Corbell, the same person who wrote the letter to the *Canberra Times*, the same person that publicly smeared the name of the RSPCA.

After making that kind of assertion and getting a follow-up question like that from the opposition, you would think that when the opposition raises this question, and I did so repeatedly, he would say: "Is Mr Coe on to something? Can you guys just double-check that?" He did not. He was not exercising due diligence as a minister.

It is all very well for him to get up here and blame someone else, as is his form. The fact is that he did not exercise due diligence in getting the information. He is responsible. This new era of open government and accountability that the Chief Minister is advocating surely involves telling the truth. But no; not with Minister Corbell.

At any point he could have written a letter to the committee chair, to the Speaker, to me, to the Chief Executive Officer of the RSPCA or to the *Canberra Times* and said: "Actually, you know what? I made a mistake." But no. The record remained unchecked until today. There was another question yesterday in question time; he had an opportunity in this place to correct the record, but he did not. I asked him this in question time yesterday:

> My question is to the Minister for Territory and Municipal Services. Minister, on 27 October, you wrote a letter to the *Canberra Times* stating:
>
> > Last financial year the Government paid an additional $150,000 to the RSPCA over and above the amount agreed in its funding agreement …
>
> Further to this, in the recent TAMS annual report hearing, you said that $570,000 was paid to the society in the 2010-11 financial year. Do you stand by your comments that $570,000 was granted to the RSPCA in 2010-11?

Mr Corbell said:

> That was the basis of my advice. Yes, Mr Speaker.

On three separate occasions he has made what is in effect a very serious allegation. He has said that the government gave $570,000 to the RSPCA, to a charity, but the charity spent only $420,000. What is he actually saying? What dots is he wanting us to join? It seems to me that not only has he given incorrect information, but he has not sought to find the correct information. It is one thing to not tell the truth; it is another to not want to find out the truth. He is guilty of both.

We know that Minister Corbell has form when it comes to misleading this place. We know that Minister Corbell has form when it comes to mismanagement as the minister. Whether you are looking at the busway, the ESA headquarters or the last time he was dumped as the planning minister, this minister has form. Look at the jail. There was the farce of the "opening" in 2008 when it did not open until months later. He said that the jail had a capacity of 300 and actually it was only 225. He said that it was going to last for 25 years before we got to capacity—but, sure enough, here we are a couple of years in and we are at capacity. This minister has form.

It is up to us as legislators, as elected members of the Canberra community, to say that we expect better from our ministers. If this person is going to be entrusted to handle hundreds of millions of dollars within his portfolios, it is reasonable to expect that he will exercise due diligence in administering those funds. It is reasonable to expect that he would ask the questions, that he would not hide behind a department and say, "No, that is just the advice I got; that is that." It is up to him. It is up to the minister to find out the information.

Before he goes and blames anyone else, as I am sure he will, I ask all in this place to ask the question: is this behaviour befitting of a minister? Is it good enough to slur the name of a charity on three separate occasions—the RSPCA, no less—to slur the name of the Chief Executive Officer of the RSPCA, to mislead members of this Assembly at a committee, to mislead the community in the *Canberra Times* and to mislead this place again in question time yesterday?

How is Minister Corbell going to correct the record? Is he just going to stand up here with some level of anonymity and say, "There was a mistake; I was given bad advice"? Or is he going to publicly correct the record after he publicly shamed an organisation? That is the challenge for Minister Corbell. The challenge for us is to have the courage to stand up and say, "This is not befitting of a minister."

I urge all in this place to think long and hard about whether this behaviour is acceptable. Anything less than a censure, after misleading the Assembly on three separate occasions, with several weeks to clarify the record, would be an absolute cop-out for this place and a cop-out for the 350,000 Canberrans who expect more. I urge those in this place to support the censure of Simon Corbell.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (3.29): At all times I have acted appropriately and consistently with my obligations as a minister, both to this place and in relation to this matter.

I would like to address each of the points that Mr Coe has made in his motion and his speech today.

The first is in relation to the claim where he says that I misled and slurred the reputation of the RSPCA in relation to a letter I wrote to the *Canberra Times* earlier this year. I wrote that letter in response to a letter penned by the Chief Executive Officer of the RSPCA which was published in the *Canberra Times* on 25 October. In that letter, Mr Linke said:

> RSPCA … has little, if any government funding so in essence it is a volunteer service …

I indicated in my letter two things. First of all, I indicated that last financial year the government had paid an additional $150,000 to the RSPCA over and above the amount agreed in its funding agreement with the government. Secondly, I indicated in my letter that the government and the RSPCA had signed a new two-year agreement from 30 September this year which provided for $570,000 a year, which was a 36 per cent increase, in direct funding to the RSPCA from the government. In addition, I indicated that the RSPCA would receive in-kind support to the value of $165,000 a year. I indicated that, as a result of this new funding agreement, the RSPCA is directly supported by ACT taxpayers, to the tune, in both cash and kind, of approximately $735,000 a year.

The purpose of my writing that letter was to address the perception created in Mr Linke's letter that they received little or no government funding. It was simply incorrect. But what was also incorrect was my claim that last financial year the government paid an additional $150,000 to the RSPCA over and above the amount agreed in its funding agreement with the government. That was incorrect.

What steps did I take to address that? This was brought to my attention following question time yesterday afternoon.

Mr Coe interjecting—

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

MR CORBELL: I asked my directorate to clarify exactly what the error was and what the accurate answer was, so that I could provide that to the Assembly and apologise.

I received the final draft of that answer just before question time today. I rang the Speaker just before question time today and asked him to give me leave at the beginning of question time to correct my answer and to apologise to the Assembly. And that is what I did. At the beginning of question time today, in addition to outlining the circumstances, I said to the Assembly:

> I … apologise to the Assembly for any confusion this … has caused.

That is exactly what I should have done as a minister when I found that my answer was in error. That is what I have done.

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER: Mr Seselja, please be quiet.

MR CORBELL: I have to reiterate that before sending this letter to the *Canberra Times* I asked my directorate to confirm that it was factually accurate, which they did. Clearly that is an error that has been made.

Secondly, on 1 November Mr Coe made the allegation that I misled the Assembly committee during the annual reports hearing. I will draw to the Assembly's attention what occurred during that exchange. In particular, I will draw to the Assembly's attention the quote that Mr Coe did not read. The exchange was as follows:

> **MR COE**: So your letter in the *Canberra Times* just a few days ago where you said that last financial year the government paid an additional $150,000 to the RSPCA over and above the funding agreement—
>
> **Mr Corbell**: We did.
>
> **MR COE**: And that was cash?
>
> **Mr Corbell**: Yes.
>
> **MR COE**: An extra $150,000. How much was the total amount of cash given to the RSPCA last financial year?

At that point, Ms Steward answered:

> The original budget allocation was $420,000. At the request of the RSPCA for additional funds, an additional amount of $150,000 was approved by the government, and this was paid. I cannot give you the exact date, but it was certainly paid in the last financial year. That was cash.

Mr Coe went on:

> You are saying that $570,000 cash was given to the RSPCA in 2010-11?

Ms Steward said:

> The 2010-11 financial year, yes.

This highlights that the advice I gave to the Assembly committee was consistent with the advice that my officials were providing to me and which they themselves provided to the committee. It is not unreasonable for a minister to rely on the factual advice provided to him by his directorate, and that is what I did.

Mr Coe: She said it after you, Simon.

MR CORBELL: She said it after me and she confirmed my answer. That answer and her answer are consistent with the written advice given to me previously and provided to me during that hearing.

The third point that Mr Coe makes in his argument against me is in relation to question time yesterday. He says that I misled the Assembly in relation to my answer. What I said yesterday in question time is quite clear. I said that I stood by the advice I had previously received. That is what I said; that is what I answered. Mr Seselja asked for further particulars. I took that on notice and I have provided those further particulars today.

In relation to those questions, because they were taken as questions on notice, I went and sought further information. I received that information, at which time I also received advice from my director-general that the information provided to me consistently on this matter over the last couple of months was incorrect. I received that advice late yesterday. I asked for an accurate answer to be prepared for me so that I could come into this place and provide this place with an accurate answer and correct the record. I did that at the earliest possible opportunity, standing up at the beginning of question time in front of every member in this place to correct the record and provide an apology. That is the entirely appropriate course of action for a minister to take when he realises that an error has been made.

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER: Mr Seselja, please be quiet.

MR CORBELL: That is what I have done. To say that I am disappointed in the advice received from senior executives in my directorate would be an understatement. But regrettably the error has occurred. The key step is to correct the error—

Members interjecting—

MADAM ASSISTANT SPEAKER: One moment, Mr Corbell. Members of the opposition, please be quiet.

MR CORBELL: The key step is to correct the error, which is what I did in my statement earlier today in this place.

If you want to censure me for doing the right thing, for correcting the record, for having the guts to stand up in this place and apologise, then so be it. I have acted appropriately, prudently and consistently at all times, consistent with the advice provided to me by my directorate. There is no case for a censure this afternoon.

MR SESELJA (Molonglo—Leader of the Opposition) (3.38): Mr Corbell does deserve to be censured. When we look at the evidence, even in his response he was not able to explain his behaviour. I will go through that. We have not just one mislead—not just one mislead of the community through the *Canberra Times*—but several misleads in a committee, compounded by misleading this Assembly yesterday.

What Mr Corbell has not dealt with in his response is what happened between the time that Mr Coe put it to him in committee and he took it on notice, saying he would go and check, and the two weeks subsequent. What happened in the two weeks subsequent? We did not hear anything until we asked him again in this place yesterday, two weeks later, and he confirmed the advice.

We have got the RSPCA being slurred publicly through letters to the editor. Mr Coe then brings it to the attention of the minister, offers him the opportunity to provide evidence and puts it to him in the committee. Mr Coe has gone through a number of the quotes. He asks the question about the $150,000 and Mr Corbell confirms. Mr Coe asks him: "Was that cash?" Mr Corbell: "Yes." Mr Coe: "An extra $150,000?" And then Ms Steward goes on. Mr Corbell's defence there was: "Well, Ms Steward said it as well." That is his defence—that Ms Steward also gave misleading information to the committee.

What happens then is Mr Coe pushes the question: "Just confirming, when was the $150,000 additional payment made?" That is what he is asked at the end of this exchange. Mr Corbell then says: "As Ms Steward advises, it was paid last financial year. I am happy to provide an exact date on notice." He is asked to go away and find the date. He is asked to go away and find the evidence, and he does not do it. He does not even bother to look into it. Then he comes back into this place yesterday and we ask him again: "Do you stand by it?" "That was the basis of my advice, yes."

So he has not gone away and checked or he has gone away and checked and he has not told the truth. They are the only two scenarios. Either way, he has not done his job. He has not done his job in giving truthful evidence. He did not just do it once. He could have checked when he wrote the letter. He could have checked when he was in committee. He could have checked when he took it on notice and then before he came back to the Assembly and misled again.

This is not accidental. This is negligent or reckless or deliberate. It has to be one of those things. One of those things is true here. If he has done it deliberately, it is disgraceful. If he has not done it deliberately then he has done it not caring about the truth and not wanting to get the answer. It was raised by the RSPCA. The head of the RSPCA said, "We haven't got that money." Surely that would cause any reasonable minister to raise the question: "Why would Mr Linke be making this up? Let us get to the bottom of this. Let us get to the bottom of why there is a discrepancy between what the RSPCA says they have received and what I am saying they have been given."

He was given the opportunity. He was given the opportunity in committee and he gave incorrect information. He misled that committee. He was then given the opportunity to go away and check again. Mr Coe asked him: "Get us the date. Okay, if you paid them, when did you pay them? You go away and check." "I'll check that; I'll take that on notice." He did not do that. He had two weeks to do it. Then we gave him another opportunity and he gave us another misleading answer in this place.

How low are the standards if we do not censure this minister? How low are the standards when a minister can go time after time after time giving misleading

information in this place and nothing is done about it? This Assembly has a duty to act. This is not accidental. This is negligent, reckless or deliberate, and any of those scenarios mean that this minister deserves to be censured. If he is not censured, the message from this Assembly to ministers, to the government, will be: "As long as we cannot pin it directly on you that you did not have direct knowledge, you can say what you like. You can hide behind your officials."

This minister has to stand by what he said. When he got it wrong, he should have come back. He should have come back very soon after 1 November. He should have been able to figure it out. When he asked his department what was the date—"I've been asked to give a date; what was that date?"—and got no answer on that, he should have persisted and got an answer. He certainly should not have come back into this place two weeks later and confirmed the mislead. He certainly should not have done that. The prudent thing would have been to say: "I'm checking on that. I'm actually not sure now of the advice that I gave and I will give you more information when I have it."

But he did not do that. He came in here and misled this Assembly again. This is not accidental. Anyone who believes, based on those facts, given this minister's record, that this is accidental is either gullible or compromised, in cahoots with this government. Those facts speak for themselves. Either the minister did it knowingly and deliberately or he was completely reckless and negligent as to what he was saying and as to his duties to come into this place and give truthful evidence. Mr Corbell deserves to be censured.

MR HARGREAVES (Brindabella) (3.45): Just very briefly, Madam Assistant Speaker, my understanding of the conversations that have gone on so far and the recollection of events have it—and I read the original letter in the *Canberra Times* from the CEO of the RSPCA—that he actually said that the RSPCA were essentially a volunteer organisation and they were not receiving any funding from the ACT government. That in itself is not right and it has never been right.

Opposition members interjecting—

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

MR HARGREAVES: Thanks very much, Madam Assistant Speaker. It actually goes to the point I wanted to make. They are saying that the minister has slurred the CEO of the RSPCA; therefore he should be censured. I might suggest to the chamber that Mrs Dunne in fact slurred the reputation of the Solicitor-General. So what is good for that lot is good for this lot. I would suggest to you, Madam Assistant Speaker—

Mr Doszpot interjecting—

MADAM ASSISTANT SPEAKER: Mr Doszpot!

MR HARGREAVES: I would suggest to you, Madam Assistant Speaker, that there was nothing in what the Attorney-General has said in relation to the CEO of the

RSPCA which could be regarded as a slur—nothing. He merely went to the newspaper and corrected, as best he knew, what the situation was. He has relied on advice from his department—

Mr Doszpot interjecting—

MADAM ASSISTANT SPEAKER: Mr Doszpot, you are now warned.

MR HARGREAVES: It is the practice that the minister, having received information, if it is challenged in this place, will go back to the department where the resources are to check something. If a minister repeatedly receives the same information, of course, he is going to come in here and do exactly what the attorney did and say that, to the best of his knowledge, on the advice that he has received, this is the case.

When it transpired that that was not the case, Madam Assistant Speaker—and I ask you to remember what the attorney said; he received the advice late last night that the information was incorrect—at the first opportunity he had today to correct that record the attorney stood up in this place, put the story on the table and apologised to this place. That is what we expect anybody who has given incorrect information to this place, whether it be the crossbench, the opposition or the government, to do. The courteous thing ought to be that the moment you know that incorrect information has been given, you correct the record. That happened instantly.

All ministers rely on the advice of their departments. They are working particularly hard, and if they get it wrong and correct the record—fine; we will need to accept that. They do get it wrong occasionally. The opposition are not only casting aspersions on this minister but also casting aspersions on the department. I do not think that is fair and reasonable. You cannot expect any more of anybody in this place—that they would stand up in this place and correct the record and then apologise. I have seen those opposite get it wrong and they have stood up here and corrected the record, but have they apologised? I do not think so. They have not. Mr Corbell said it exactly like that: "I apologise to the house." That, Madam Assistant Speaker, should have been the end of it.

I note that this in fact was all prearranged prior to question time starting. This was all prearranged with conversations between Mr Coe and Mr Smyth and Mr Coe and Mr Seselja before question time started. It was at that time Mr Corbell actually rose to correct the record and to apologise. Their whole scenario was set in train long before Mr Corbell actually apologised for the mislead. On that basis, Madam Assistant Speaker, it made no difference to their position whether Mr Corbell apologised or not. This is rank politics to be dealt with.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.49): The ACT Greens will not be supporting the censure motion today. I find it interesting that we have Mr Coe saying that he wants members to think long and hard about this censure motion when it was placed on our desks five minutes before this debate started. That is hardly time to consider what the issues would be.

I will go to the heart of the matter here and the issues. This censure motion is about the minister, Mr Corbell, persistently misleading the Assembly and the community

about funding of the RSPCA. We started question time with Mr Corbell getting up and clearly apologising to the Assembly, saying that a mistake had been made, that he had been given the wrong information by his department and that yes, he had gone out and had made those public statements in different forums, one of them being an annual reports hearing as well as the *Canberra Times* and so on.

If we go to the ministerial code of conduct, it states quite clearly that being answerable to the Assembly requires ministers to ensure that they do not wilfully mislead the Assembly in respect of their ministerial responsibilities. The ultimate sanction for a minister who misleads is to resign or be dismissed. It goes on to say:

> Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

We have heard that Mr Corbell became aware of this matter yesterday. He went to his department, to his officials, and asked them to look at this matter. It was discovered that he had been given the wrong information, that he had been incorrectly briefed. He took the earliest opportunity to come into this Assembly and correct the record, and that was today. So he followed what is set out here under "Conformity with the Principles of Accountability and Financial and Collective Responsibility". He has apologised for the confusion caused.

At the beginning of this debate I had my office contact Mr Linke, who is the Chief Executive Officer of the RSPCA. Mr Linke, of course, has been concerned about this matter. What he would like to see is a media release, a clear statement sent out publicly that this has been a mistake, and a letter to the *Canberra Times* to correct that mistake so that the public can be informed of the correct information—now that the minister has the correct information that we ensure the public have the correct information.

Minister Corbell was advised consistently by his officials. That advice was wrong on this matter. They gave him the incorrect advice. Once he became aware of that, he corrected the record. That is why we will not be supporting the censure motion today. As I said, we would like to see it put out there very clearly and very publicly that this was a mistake, that the wrong information did go out, because I think it is important that the public have the correct information on this matter. But the fact that the minister has come in, corrected the record and laid out the sequence of events quite clearly for us here does not, for us, warrant a censure on the minister today.

MR HANSON (Molonglo) (3.53): First I would like to commend Mr Coe for bringing this motion before the Assembly today. But I would more particularly like to commend Mr Coe for his investigative work and the hard questions that he has been asking in his pursuit of this issue. Let us not pretend for an instant that if Mr Coe had not been badgering the minister and digging up the truth, asking the hard questions—if you think that Mr Corbell would have come in here and apologised as he has and said "I got it wrong"—we would have seen a correction of the record; of course we would not have.

So let us be very clear about this. The record is being corrected today because of the hard work that the opposition has done, in particular the hard work that Mr Coe has done. And this is not a minister who would willingly come into this place and correct the record if it was not that he was forced to, if there was not an absolute necessity because of the truth that has been uncovered. So let us not have any pretence about Mr Corbell trying to do the right thing here. He has been forced, kicking and screaming, to this point by Mr Coe.

I am disappointed again by the Greens. It gets to a point where you do think that perhaps they will come to the point where they realise that they are being hoodwinked by this government, that they are patsies to the Labor Party and that they need to start holding this government to account. But what we are seeing repeatedly is a pattern of behaviour from the Greens, particularly from Meredith Hunter, who, rather than getting up in this place and holding the government to account, spends most of her time, when these issues come up, attacking the opposition and defending the government. I find it extraordinary that a party that prides itself on openness and accountability, that talks about integrity, actually finds any excuse it can to protect its coalition partner as opposed to actually holding them to account.

We have seen these issues with Mr Corbell before. In fact, there was a motion moved in this place by me last year that the Greens would not even allow us to have debated. Remember, this was about the prison capacity, and the Greens would not even allow us to have the debate. So they were not even interested in hearing the debate, let alone finding out whether they were going to support it or not. So the default position from the Greens, sadly, seems to be one of automatically protecting the ministers.

Mr Coe and Mr Seselja have well outlined the issue of the RSPCA. But this is not a single incident. Perhaps if this was the first incident, we would be more forgiving. But I can count nine—nine instances since I have been in this place—where Mr Corbell has misled the community and misled the Assembly. And we can go through them. The RSPCA is a start.

We have then got the issue of the plastic bags and the amount in the legislation, where he was adamant and was ridiculing Mr Seselja about the legislation and was saying: "No, that was in an earlier draft that we talked about $27,500. It is not in the legislation." He was on the public record. If it were not for the fact that we pursued this issue and we asked him questions repeatedly, he would not have done anything. He squirmed out of it, not in an open, accountable and forgiving way. He then said: "The $27,000 is only if you take us to court. The on-the-spot fine is what we are really talking about." He was using weasel words to try to get out of the fact that the reality was that, as Mr Seselja had been saying, the fine was $27,500. Mr Corbell had denied that. It was not any sort of open, "Yes, I made a mistake." It was simply trying to cover it up by trying to confuse the issue by saying, "There is a difference between the on-the-spot fine and the amount if you do go to court."

We then have the issue that probably has been litigated more times than any other, the jail opening in 2008, on the eve of the ACT election, when Simon Corbell, as the minister responsible, opened a jail which could not receive prisoners, was unable—

Mr Barr: On a point of order, Madam Assistant Speaker.

MR HANSON: Can you stop the clocks, please?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Yes, can you stop the clocks, please. Yes, Mr Barr.

Mr Barr: Whilst we always enjoy a history lesson from Mr Hanson, he does appear to be deviating quite considerably from the motion before the Assembly. There is not an opportunity in this debate for Mr Hanson to recite his list of grievances against Minister Corbell and he should be required to stick to the point of the censure motion.

Mr Seselja: On the point of order, Madam Assistant Speaker, if you look at earlier rulings when it comes to censure motions in this place, they are wide-ranging debates because they are serious charges. And Mr Corbell's history of misleading is highly relevant to a debate about whether he should be censured. The point that Mr Hanson has made is that this is not his first offence. And it is very reasonable that we talk about his history as to whether or not we believe him and as to whether or not this Assembly should believe his assertions that he did not know and he did not have the information.

MADAM ASSISTANT SPEAKER: One moment, members. Thank you. I think I have to agree with Mr Barr's point of order here. The motion is quite specific. It is about the funding of the RSPCA. So I invite Mr Hanson to concentrate on the RSPCA.

Mr Smyth: On your ruling, Madam Assistant Speaker, these are all issues that were canvassed by Mr Coe in his original presentation. It is the whole rationale for the debate. Mr Coe was not ruled out of order because, of course, it is his motion and he is presenting the case that supports the motion. These have been, and traditionally are not only in this place but in all Westminster jurisdictions, wide-ranging debates and I would ask you to review that decision.

Mr Hanson: And if I can add further to the point of order, Madam Assistant Speaker—

Members interjecting—

Mr Hanson: No, Madam Assistant Speaker, I will be brief.

MADAM ASSISTANT SPEAKER: Mr Hanson, are you moving dissent from my ruling?

Mr Hanson: I am making a point of order that—

MADAM ASSISTANT SPEAKER: You do not. Mr Hanson, you can move dissent or you can sit down. If you are not moving dissent, that is fine. You can now continue your speech.

MR HANSON: I will continue my speech.

MADAM ASSISTANT SPEAKER: Concentrating on the matters at hand.

MR HANSON: I will concentrate on the matter at hand and that is whether we should censure Simon Corbell or not. What I was speaking to was the fact that I have got nine issues where he has misled this Assembly, which I believe are all relevant to whether—

Mr Corbell: On a point of order.

MR ASSISTANT SPEAKER (Mr Hargreaves): Stop the clock. Please resume your seat, Mr Hanson.

Mr Corbell: Moving this motion does not allow Mr Hanson to stand up in this place and suggest that there are nine separate instances where I have misled this Assembly. I can assure you, Mr Assistant Speaker, that there is absolutely no basis in the standing orders to permit him making that allegation. The allegation is quite clear in the substantive motion before the Assembly and Mr Hanson should, consistent with Madam Assistant Speaker's immediate previous ruling, confine himself to the matters that are in the motion.

MR ASSISTANT SPEAKER: Mr Hanson, I find that the point of order by Mr Corbell is sustained. Will you please stick to the question at hand. The motion is around the censure of Mr Corbell for statements around the RSPCA. I think you have deviated far enough from the subject. Please come back to it.

MR HANSON: Thank you, Mr Assistant Speaker. I move an amendment to Mr Coe's motion:

> After "RSPCA", add "and other matters".

MR ASSISTANT SPEAKER: You formally move it? You need to formally move it.

MR HANSON: I move that motion, yes.

MR ASSISTANT SPEAKER: There is a formal set of words.

MR HANSON: I move the motion—

MR ASSISTANT SPEAKER: Has it been circulated?

MR HANSON: It will shortly be circulated in my name.

MR ASSISTANT SPEAKER: The question is that Mr Hanson's amendment, as yet to be circulated, to Mr Coe's motion be agreed to. Mr Hanson.

MR HANSON: I did not really want to have to move an amendment. I think it is relevant that we would go to other matters where there have been disputes about Mr Corbell's misleading the community and this Assembly, but now we have the amendment I will continue.

The other matters are highly relevant because they go to whether this is just an isolated incident that we could be forgiving about or whether this is a pattern of behaviour. And this is the point. I do not think it needed an amendment, but I moved it, because this is about a pattern of behaviour.

There was the jail opening in 2008 where prisoners could not be moved into that jail for six months. And this is a government, this is a minister, that knew that. In April 2010, there were prisoner lockdowns, and the minister came out and said there had been no prisoner lockdowns. He then had to come back later in the day, after further questions were asked, and say, "Yes, there were a number of prisoners in lockdown." He misled.

He said in 2007, in an estimates hearing, that this jail would have the capacity for 25 years, and I will read you what he said:

> The government chose to reduce the scale of the project, and in doing so ensured that the budgeted amount would still deliver a functional, world-class prison facility that will meet the needs of our prisoner population well into the future. Yes, it is less than was originally anticipated, but it still provides us with significant capacity into the future. … certainly for the next 20 to 25 years.

Projected planning for the prison in terms of the population—

Mr Corbell: On a point of order, Mr Assistant Speaker, there is a requirement that amendments are provided in writing and signed by the member. Mr Hanson has moved his amendment. Nobody else has seen it, and until we see it he should not be permitted to move it. That is the requirement, I understand.

Mr Seselja: On the point of order, Mr Assistant Speaker, Mr Hanson has complied. He has signed an amendment which has been circulated.

Ms Hunter: No, it has not. No-one has got it.

Mr Seselja: It has been handed up for circulation. So he has done all he can.

MR ASSISTANT SPEAKER: Thank you. Mr Seselja, I understand the point you are making. Please resume your seat. There are two issues at play, members, with this one. The first is that members in the chamber have not received a copy of the amendment as proposed by Mr Hanson. Secondly, the continuation by Mr Hanson in his speech did not address why the amendment was a valid amendment, it was prosecuting the case for an extension of the liberty, if you like, to range across a range of subjects which presumed that that amendment had been successful.

I am going to rule in favour of Mr Corbell and ask you to not address the content of that amendment, had it been moved successfully, because it has not been put before the house. If you wish to continue the rest of your speech, I will ask you to come to the subject and not range past it as your amendment now allows you to. Mr Seselja.

Mr Seselja: Sorry, on your ruling, Mr Assistant Speaker, just to clarify, Mr Hanson has moved an amendment which expands the terms of the motion.

Ms Porter: It has not been passed.

Mr Seselja: Thank you, Ms Porter. He is speaking to that amendment. The amendment is about other matters. He is going to other matters. Is your ruling that he is not allowed to go to the substance of his amendment? Is that your ruling, Mr Assistant Speaker?

MR ASSISTANT SPEAKER: In response to your point of order, Mr Seselja, no, that is not the ruling. The ruling is that Mr Hanson is not permitted to continue his speech, assuming that the amendment that he has moved was successful. It is my ruling that he needs to—

Opposition members interjecting—

MR ASSISTANT SPEAKER: If the opposition want to hear the explanation, fine, otherwise I will give somebody a holiday. I am not going to put up with it. I am not going to put up with the amount of noise that you gave Ms Le Couteur. I am not putting up with it. So you all are being carefully advised: please watch it. I am trying to give you an explanation. And this is the explanation: there has been an amendment moved, which had not been circulated. The amendment was not addressed by Mr Hanson. He had addressed the extension of his argument, assuming that that amendment had been passed by the house, which it had not, because that amendment had not been put.

So he must address the question as though that amendment had not been put. The argument that he needs to advance is whether or not that amendment should be accepted, not to assume that it had. Mr Hanson, you have the floor, and please abide by that or I invite any of you five members, if you wish to dissent from the ruling, feel free. That is the end of that discussion.

MR HANSON: I move the amendment now circulated in my name.

MR ASSISTANT SPEAKER: The question is that Mr Hanson's amendment be agreed to. Mr Hanson.

MR HANSON: Thank you very much, Mr Assistant Speaker. My amendment goes to the point that this is a pattern of behaviour, that this is not an isolated incident. As I was saying before, we have a large number of instances where Simon Corbell has misled the community and has misled this Assembly. And these are cases that have been litigated before. I had got to the point of plastic bags and the jail opening.

We had prisoner lockdowns in April 2010 where the minister went to the media and said there had been no prisoner lockdowns. Remember the incident where prisoners were on the roof? That was proved not to be the case. He said that the jail had capacity for 25 years. It is already full and they are retrofitting with bunk beds. We know that is the case. He said that the jail had a capacity of 300. It does not. It has a capacity of 245. He said that Doug Buchanan left voluntarily, whereas Doug Buchanan, the superintendent of the jail, has disputed that and said that it was not voluntary.

He made the claims, in an answer to a question on notice, that 100 per cent of prisoners were drug tested before entering the jail. That has been proved not to be true. In actual fact, it led to the Hamburger review where that specific issue had to be investigated. It led to a position where Mr Corbell and indeed Mr Stanhope both misled the Assembly and the community about whether drug testing was occurring.

We have a case today where it seems that Mr Corbell has been verballing the DPP about manslaughter, and that is another issue that we will be pursuing.

MR ASSISTANT SPEAKER: Stop the clock. Mr Hanson, I did ask you to keep to the point. You have strayed way away from the subject. You have ignored the request that I made for you not to argue it had that amendment been successfully passed in this chamber. It has not been put. You have assumed that it has been put. I am now sitting you down. Do you want to dissent?

Mr Hanson: Mr Assistant Speaker, on a point of order, I was speaking to Mr Hanson's amendment. I was speaking to my amendment. Whether it has been successfully voted on or not is irrelevant. I was speaking to the amendment. I was making the case for my amendment. You are the one who invited me to speak to my amendment.

MR ASSISTANT SPEAKER: Mr Hanson, resume your seat. Mr Hanson, I have heard what you have said. That is not my interpretation of what you were saying at all. You were actually prosecuting the same argument, not advancing the reason why the amendment should be acceptable. I have now concluded your speech. Thank you very much.

Dissent from ruling

MR SESELJA (Molonglo—Leader of the Opposition): I seek leave to move dissent from your ruling.

Leave not granted.

Suspension of standing and temporary orders

MR SESELJA (Molonglo—Leader of the Opposition) (4.11): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Seselja from moving dissent from the Assistant Speaker's ruling.

I will be brief. In summary, Mr Assistant Speaker, your ruling there was an embarrassment. It bears no resemblance to the standing orders. You have effectively ruled that someone can no longer speak to their amendment to a motion; they cannot speak as an advocate for that amendment until that amendment is passed. It is absurd. It is an absolute embarrassment. I am not going to speak for long because it is just so patently obvious that you have got it wrong and I think your ruling is an embarrassment. If this precedent were to be followed no-one would be able to speak

to amendments anymore. You would have to hope that it got passed and then you could speak to it. I am not going to speak anymore. It is an embarrassing ruling. It should be overruled.

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) (4.11): The only embarrassment here are the Liberal Party, who are making up amendments on the run and then seeking to use those amendments to accuse me of a whole range of other activities such as "verballing the Director of Public Prosecutions".

If anybody in this place deserves to be sat down for an abuse of process it is Mr Hanson. Mr Hanson has proposed an amendment deliberately, and manufactured an excuse, to try and make a whole range of other unsubstantiated allegations against me. It is a serious allegation to say that I am verballing the Director of Public Prosecutions, but that is what Mr Hanson is now attempting to do in this place. It shows the paucity of the Liberals' argument in relation to the substantive censure that they now feel that they have to throw in all of these other nefarious allegations—allegations without any substance, allegations without any basis. Those opposite are an embarrassment. And you have acted appropriately, Mr Assistant Speaker, in simply indicating to Mr Hanson that he is abusing the forms of this place, and he should not be allowed to continue to participate in the debate.

MR SMYTH (Brindabella) (4.13): Mr Assistant Speaker, we should be given leave to move dissent because, unless we get dissent in this motion, debates in this place change for all time. I refer members to the debates that occurred this morning, particularly the debate on Ms Porter's motion on policing. Mr Hanson moved an amendment to a motion before the Assembly. We then debated this before we voted on it. What you are saying now, Mr Hargreaves, is that it is impossible for anyone to speak to their amendment until it is passed. But you cannot speak to it, so how does it get passed? Do we just move motions and amendments to motions and hope that people actually vote for them so that we can then speak to the amended motion? That is a nonsense. You have got it wrong. You should apologise and you should stand down. Mr Rattenbury then moved an amendment to Ms Porter's motion. He spoke to it. Others spoke to it. That would not have stood either.

Mr Barr, this afternoon you foreshadowed an amendment to Mr Rattenbury's motion on marriage equality. Under this ruling you cannot speak to that until the Assembly has agreed to it. That is what this does. You can now not speak to your amendment because Mr Hargreaves, if this is allowed to stand, has just changed the rules. And it goes on: Ms Bresnan, you will not be allowed to speak to your amendment on T2 until your amendment has been passed. That is not how it should work.

Mr Hargreaves, you have got it wrong. You should withdraw. Leave should be granted to have the dissent ruling passed and we then should get on with the ordinary forms of this place where all members are free to move amendments to motions as they see fit—to change the motion, to broaden the motion, to narrow the motion, to put targets in the motion—to do anything they want with the motion as per their amendment.

That is not just the form of this place; it is the form of all Westminster jurisdictions. We should be given leave. We should be able to move dissent. The dissent should be ratified by this place and this ridiculous notion that you cannot speak to a motion until it has been agreed to is just bunkum and should be treated as such.

MR ASSISTANT SPEAKER (Mr Hargreaves): Before we proceed, members, firstly this debate is not on the dissent; this debate is on the suspension of standing orders in order to—

Mr Smyth interjecting—

MR ASSISTANT SPEAKER: I have reflected and I have taken some advice and I believe that my interpretation of where Mr Hanson was going is not shared by the chamber. With that in mind I withdraw that particular ruling and I would invite Mr Hanson to continue his speech and have the amount of time reinstated. There were, I think, three minutes to go—I beg your pardon, one minute, 14.

Mr Seselja, it is your call now. The procedure is, as I understand it, before Mr Hanson can move dissent, you need to either continue with the suspension or withdraw it and you need leave to do so.

MR SESELJA (Molonglo—Leader of the Opposition) (4.16): I seek leave to withdraw the motion.

Leave granted.

MR SESELJA: I withdraw the motion to suspend standing and temporary orders.

MR HANSON (Molonglo) (4.16): In speaking to my amendment, as I said before, it is important to reflect on whether this is an isolated incident or whether this is related to a minister who quite clearly has form when it comes to this sort of behaviour.

Mr Seselja interjecting—

MR HANSON: We have certainly seen that. Some of the issues may be a subject for debate. Whether they are misleads or not—I am sure Mr Corbell would argue they are not—there are some which are irrefutable. There was the case of 100 per cent of prisoners being tested for drugs. He had to come to this place and withdraw it. In fact it led, as I said, to a review by Mr Hamburger. We had the case of the prisoner lockdowns, which led to Mr Corbell appearing late in the afternoon to say to the media, "Yes, I have misled." There are other matters which you could argue are matters of dispute, but not statements like, "This jail will have capacity for 25 years in its current bedding configuration," and then this government puts bunk beds into the jail. It is pretty difficult to refute the fact that that was a misleading statement, a grossly misleading statement—saying that a prison was going to have a 25-year capacity when it had two years. So there is form here and it goes to the point that this minister should be censured for this latest act of misleading this Assembly. *(Time expired.)*

MR RATTENBURY (Molonglo) (4.18): I rise to both echo some of the comments Ms Hunter has already made and explore the standards that we wish to apply in this place. Ms Hunter has quoted from the ministerial code of conduct and has correctly identified that at times, as we are all human beings, we will make mistakes. There will be times when the advice and the research we have are perhaps later shown to be incorrect, that there is something more up to date or simply that a mistake has been made.

The minister, in coming into the chamber today and seeking to rectify the record at the earliest opportunity, has fulfilled the requirements of the ministerial code of conduct and acted with integrity. That is why the Greens will not be supporting this censure motion today. I think all members of this place would recognise that there are times when we wish that we had expressed something differently. The fact is that the minister did come in and rectify the record. If it took a bit of digging from Mr Coe to work that out and for the department to go back and ask the questions again, so be it; these things will happen from time to time.

I think the question we have to ask is: what standard do we want to apply? Mr Seselja put the question: how low are the standards? He alluded to repeated comments. But I would like to explore Mr Seselja's own behaviour on this front, because Mr Seselja has issued a press release again today in which he uses a figure relating to the feed-in tariff—

Mr Coe: A point of order, Mr Assistant Speaker.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Rattenbury, resume your seat, please. Stop the clock. Mr Coe, on a point of order.

Mr Coe: I ask whether Mr Rattenbury's comments about Mr Seselja are relevant to the debate.

Mr Barr: On the point of order, Mr Assistant Speaker, the amendment covers any other matter.

MR ASSISTANT SPEAKER: Through Mr Hanson's amendments Mr Rattenbury has now got as much latitude as "and other matters" would allow.

Mr Coe: On your point of order, it is actually regarding any other matter of Simon Corbell.

MR ASSISTANT SPEAKER: Thank you very much, Mr Coe, but if it is just slack drafting I cannot help that. The matter is the way it is in the amendment, so I am sorry about that. Mr Rattenbury.

MR RATTENBURY: Thank you, Mr Assistant Speaker. To reassure members, what I actually want to explore here is the standard of behaviour which this chamber wants to hold members to, and I am coming quickly to that so that those on the opposite side do not get too distressed. But Mr Seselja has repeatedly used a figure when it comes

to the feed-in tariff that householders will be forced to pay $225 a year for the small-scale feed-in tariff. He has used this figure repeatedly over the last at least six months where he has time and time again suggested that Canberra households will be forced to pay $225 a year for the ACT small-scale feed-in tariff. He has made it quite clear; he has linked it very closely.

That mistake has been pointed out by me, both in this place and in public, and has been pointed out by others. Mr Coe has used the same figure in the same context on ABC radio. Yet none of those members have seen fit to come into this place or to issue a public apology for the figures that they have misused.

It is quite clear that the small-scale feed-in tariff has had a pass-through cost of $27 a year, as determined by the ICRC. This is well documented. It is on the public record. It has been explained. I have said it publicly. I know the minister has been asked questions about this in this chamber. Yet Mr Coe and Mr Seselja have chosen to repeatedly misuse that figure in order to mislead the Canberra community.

Mr Seselja has said before, "It is either negligent, reckless or deliberate." This is what he suggested Mr Corbell was doing. But I would ask the same question: what is the standard the Canberra Liberals want to apply, and when will they start using the correct figures, given that it has now been pointed out to them that Mr Seselja's press release and Mr Coe's public comments patently are not true?

MR SMYTH (Brindabella) (4.22): There seems to be some confusion about the process that is followed when somebody misleads the house and that coming in and correcting the record and apologising—I am going to check exactly what Mr Corbell said, because I am not sure it was a complete apology—somehow exonerates the member. It does not, and it does not deny the house the opportunity to take further action. That is the prerogative of the house, and that is the prerogative that we exercise here today.

Mr Barr: Yes, and I think the house has spoken, has it not?

MR SMYTH: The house might not vote for it, Mr Barr, but that is the choice of the house. To say somehow that an apology is the end of the matter is not always the case. Members should be held to account for what they do. As Mr Hanson made the case so clearly, it is not like Mr Corbell has not been caught out on these issues before. Indeed, Mr Hanson quoted nine instances just recently in the life of this Assembly. I can go back through previous Assemblies all the way back to June in 2004 when the member was censured for persistently and wilfully misleading the house on a number of issues. This is not without precedent from Mr Corbell as minister. As so eloquently put by Mr Hanson and Mr Seselja and Mr Coe, he has form. It is about correcting that behaviour.

Mr Corbell has on three occasions—not once, not twice, but three occasions—since late October asserted that the RSPCA got money that they have not received. On the first day you might say that that was an accident. The second occasion may well just have been careless. But to come back and repeat it in this place on the third occasion yesterday is, in our belief, downright dishonest and misleading the house.

Mr Corbell, in his hearings on 1 October, took on notice the exact date. "I am happy to provide an exact date. I will go and check." The question that has not been answered is: what checking did Mr Corbell do between the first of this month and yesterday when he used that detail again in this place as though it were a fact? He said, "No, they've got the money." It is only through the persistence and the diligence of Mr Coe that we are here today and only because Mr Corbell was held to account by the Liberal Party, not by the Greens. There is no accountability from the Greens on this. The Greens said they were third-party insurance. Well, they are a third-party insurance party for the Labor Party.

Mr Barr: A point of order, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Stop the clock, please.

Mr Barr: I draw your attention to standing order 62—tedious repetition of arguments of previous members—and wonder whether that, in fact, applies now to Mr Smyth.

Opposition members interjecting—

MR ASSISTANT SPEAKER: Order, members! Mr Coe, I do not need your help. You will go the same way Mr Doszpot went shortly. Mr Smyth, I think the minister has a point. I am hearing the same points time and time again. I ask you to be aware of that standing order and be careful how you go from here on.

MR SMYTH: I would be very happy for you to point out what I have tediously repeated since I started speaking today.

Ms Hunter: Most of what you say.

MR SMYTH: No, no, the tedious repetition is in the debate; it is not about whether you repeat something over a period of time.

MR ASSISTANT SPEAKER: Mr Smyth, I have ruled that Mr Barr is correct in relation to the thing. I have just asked you to be careful going forward. Please resume your speech.

MR SMYTH: Okay. It is an interesting ruling, because if you apply that to its logical end, it means you can say something in this place once. Nothing could ever be repeated. If that is the ruling—

Members interjecting—

MR ASSISTANT SPEAKER: No, no—members will not argue across the chamber, thanks.

MR SMYTH: If that is the rule then so be it. We will see whether that standard is applied, because it will not be.

Nobody on the crossbench or in the government is willing to hold Mr Corbell to account. You would hope that somebody would—perhaps the Chief Minister. I notice the Chief Minister is not here to support her colleague, but perhaps she will drag him aside and say: "Stop this. You've got to get your facts right." But the question is: what did Mr Corbell do between 1 November and yesterday when he repeated the assertion that the RSPCA was wrong? We are yet to hear anything. We are yet to hear that he checked. We are yet to hear that he got any advice in that period. It was only when he was asked again, when he was held to account yesterday, that he went away and asked.

That is the breakdown of the ministerial responsibility. The code of conduct covers the inadvertent mistake—come and correct it. But when you have repeated it a second time and then a third time, that is not inadvertent and it becomes either negligent or reckless, deliberate, or all three. That is what we seek to hold this minister to account for today.

We heard that he found this material out late last night. If we had not asked it, none of us would have heard what he came in and said at 2 o'clock today. If we had not done the work then the minister would have continued to repeat that lie, and the minister would have got away with it to the detriment of an organisation that serves this community well.

It really is about respect for this place and it is about respect for the community. It is about getting it right. Everyone in the course of their lives will make mistakes. But it is about fixing those mistakes when they are drawn to your attention instead of repeating them. We saw it with the DPP and the opinion on the severity of sentences. Continually repeats without getting any information, without checking. Continually repeats. He does it time and time again.

It is important that we get this right. It is important that Mr Corbell is held to account. Mr Corbell has said, "Give me the honour of saying I had the guts to come in here and tell you what happened." He had a duty to come in here and tell us what happened. If he had not been held to account by Mr Coe then there would have been no guts because there would have been no correction and there would have been no half-hearted apology. That is what is wrong here. The ministerial code of conduct, as Ms Hunter touched on, says:

> Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

So what happened on 2 November after he made the statement and was held to account in the committee? What happened on 3 November, 4 November, 5 November, 6 November, 7 November, 8 November, 9 November and all the way through to yesterday when he was asked the question? Nothing, it would appear, because the minister blindly and wilfully just got up and repeated the accusation, repeated the mistruth, repeated the lie.

At the same time, in all that he says there is the slur on the CEO of the RSPCA. It will be interesting, Ms Hunter, to see whether the minister writes to the *Canberra Times* with a correction. It will be interesting to see if there is a correcting press release

saying that he got it wrong, that he said it on three occasions without checking—without doing what the code of conduct demands, that everything ministers do in the Assembly is soundly based and they correct any inadvertent error at the earliest opportunity. You do it once, it is inadvertent. You do it twice, perhaps it is reckless, careless, whatever word you want to use. If you do it three times in the space of three weeks, it is persistent and it is wilful and it should be censured, otherwise we set a standard so low in this place that ministers will feel that they can get away with whatever they want.

This is a minister who, over the decade that he has been a minister, has got away with it because, in the main, the Greens have never stood up to hold him to account. He should be held to account. He should be held to account today. I thank Mr Coe for bringing on the motion today. It is a very sound motion based on hard work and diligence, and Mr Coe is to be congratulated on that. The minister can hardly be congratulated on anything, let alone the urge for praise for having told us. He had a duty to come here. He had an obligation to come here. He is bound by the ministerial code of conduct to come here, and eventually he would have been caught out in some other forum, because this lie could not have stood the test. It did not stand up in the initial letter. It did not stand up in the hearing. It did not stand up yesterday. To say he only found out late last night confirms the fact that he did nothing between 1 October and yesterday to confirm his facts and correct the record.

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) (4.31): I simply rise to address one issue that the opposition have raised in their silly arguments today—that is, the answer to the question I took on notice at the annual reports hearing in relation to the date of the alleged payment of $150,000, which has since been identified as an error and incorrect advice.

I simply make the point that my directorate takes on a large number of questions on notice, and they are referred immediately to the directorate for a reply. Once that reply is finalised it is provided to me and signed off under my signature. No such reply has been provided to me at this time, and I simply make the point to the Assembly that the committee provided three weeks for an answer to questions taken on notice during the annual reports hearing. That three weeks expires on 22 November. Therefore, it is no surprise that a substantive answer to that question has not yet been provided to me.

Motion (by **Mr Barr**) put:

> That the question be now put.

The Assembly voted—

Ayes 6		Noes 9	
Mr Barr	Ms Porter	Ms Bresnan	Ms Le Couteur
Dr Bourke		Mr Coe	Mr Rattenbury
Ms Burch		Mr Doszpot	Mr Seselja
Mr Corbell		Mr Hanson	Mr Smyth
Mr Hargreaves		Ms Hunter	

Question so resolved in the negative.

MR SESELJA (Molonglo—Leader of the Opposition) (4.33): Before I get onto the amendment, I will just briefly respond to Mr Rattenbury. Mr Rattenbury, instead of actually dealing with the censure motion, decided that he would question what I have been saying. I thought I would correct the record for him. He is claiming that I have said that it is going to be $225 a year from the small-scale scheme. In fact, that is not what I have said. What I said is that households who cannot afford solar panels will be slugged an extra $225 a year to compensate those who can. I stand by that, because those are the government's own numbers. Households will be slugged $225 a year to compensate those who can put it on their roof in a residential context, for businesses and for large-scale solar.

For Mr Rattenbury to come in here, claim misleading and then give misleading information has a fair amount of irony in it. He heard it publicly and again today. I confirm for him—I note that they are sensitive on this—that it is $225 a year and I have not claimed any different.

I turn to the amendment. There does come a point when eventually the Assembly has to say that enough is enough. The reason we are here today is not because of an inadvertent mislead. It is because of several efforts to mislead the community by Simon Corbell, a minister who has done it so many times over the years. I think Mr Hanson in his amendment and in his speech supporting that amendment outlined just a few of those examples.

I ask members to remember that there used to be Greens in this place years ago who actually would hold Simon Corbell to account when he misled. They actually would, because I believe he was censured in the first term of the Stanhope government when there were eight Labor members. The only way to censure him then was for every non-Labor member to vote in favour of such a motion. He was censured for the persistent and wilful misleading of the Assembly. So we used to have Greens who would hold him to account. We have seen that standard over the last few years now, and particularly in this term, where no matter what is said by this minister—

Mr Barr: Point of order, Mr Speaker. I again draw your attention to standing order 62 and tedious repetition of arguments put by members in this debate.

MR ASSISTANT SPEAKER (Mr Hargreaves): Thank you very much, Mr Barr. Mr Seselja, standing order 62 talks about tedious repetition. Mr Hanson in his speech gave a litany of argument around Mr Corbell's history. Mr Smyth has done the same thing and I have detected so far in your speech that you have been doing it also. I uphold the point of order and I would ask you, please, Mr Seselja, to introduce something new into the debate.

MR SESELJA: So which part was tedious repetition? Maybe Mr Barr could point us to which part was tedious repetition, given he has raised the point of order.

MR ASSISTANT SPEAKER: Thank you very much, Mr Seselja. Please resume your seat.

MR SESELJA: Could we stop the clock?

MR ASSISTANT SPEAKER: We should have the clock stopped if it has not been. Mr Seselja, I thought I had explained that to you already. Mr Hanson indicated a whole litany of suggestions on Mr Corbell's history. Mr Smyth repeated exactly the same history and you have launched into your speech, which is your right, to do exactly—

Mr Barr: You are saying exactly the same—

MR ASSISTANT SPEAKER: Excuse me, minister! You are doing exactly the same thing. What I am seeing is possibly the same litany being offered in speeches for the third time and in that sense I uphold the point of order.

MR SESELJA: Again, thank you, Mr Assistant Speaker, for that ruling. It is interesting that Mr Barr's contribution to this debate has been simply to interject and raise points of order. He has not been prepared to get up and defend his colleague, nor has the Chief Minister.

Members interjecting—

MR ASSISTANT SPEAKER: Order! Members of the government will come to order.

MR SESELJA: What is your excuse? The Chief Minister has an excuse?

MR ASSISTANT SPEAKER: Mr Seselja, resume your seat, please. Stop the clock. I will not have members of the government and members of the opposition having a contest across the chamber. I will not have my request to have order in this place over-spoken by you, Mr Seselja. I will not have it. I am now calling this house to order. Mr Seselja, please resume your speech and there shall be no more bantering across the chamber.

MR SESELJA: So what is the Deputy Chief Minister's excuse? The Chief Minister has a good excuse for not defending Mr Corbell, but the Deputy Chief Minister does not. Perhaps we can speculate that maybe he does not want to defend the indefensible. He will get up and he will take a point of order about tedious repetition, but he will not get up and say—maybe he could tell us what he would have done, faced with similar circumstances, as a minister.

Let us ask the questions. What would another minister do? What would a reasonable minister do? What would you do if you had information given to you and you wrote a letter to the *Canberra Times* saying one thing that was not true? You then had it put to you a few days later in a committee hearing and you are told that in fact it was not true, that the RSPCA, this organisation, said to you it is not true. What would you do? What would a reasonable minister do?

Maybe that is why Mr Barr does not want to get up and speak. Really, does he want to endorse the behaviour of Mr Corbell? Does he really want to endorse the behaviour of

Mr Corbell? Despite getting that information, he did nothing about it. Despite getting that information, he went on and he misled again. Despite saying that he would take it on notice and look into it, wouldn't you actually think that maybe there is some truth in this? Wouldn't he say, "I need to get to the bottom of this; give me answers; I want to see those dates"? That is the way it could have been resolved. Mr Linke says that they did not get $570,000. The department, we are told, claims that they did. Wouldn't you ask, "Well, department, could you please show me when you paid that $570,000?"

That would have been what a good, decent, hardworking minister would have done, but he did not. I guess that is why his colleagues do not want to defend him. That is why Mr Barr does not want to defend him. It is because it is indefensible. He should be censured and we should not believe him. This is the point of Mr Hanson's amendment. We should not believe him because of his past form.

This minister deserves to be censured. What he has done is indefensible. By not censuring him, this Assembly will be saying to ministers that unless there is a smoking gun that shows where you were advised of the incorrect information, you can get away with saying whatever you like. As long as there is some plausible deniability, whether you look into it or not, you will get away with saying anything in this place. That is not good enough and that is why he deserves to be censured.

Mr Doszpot interjecting—

MR ASSISTANT SPEAKER: Mr Doszpot. That is the last time. Next time I hear your voice it is a holiday.

MS BRESNAN (Brindabella) (4.43): I wanted to go to one of the points that Mr Smyth made in his speech about how members conduct themselves and about how community groups are referred to. I think it is interesting that we are talking about irony today. One of the things that Mr Seselja has continually stated in a number of public forums is that the Greens want to ban the sale of puppies. I do not believe that is ever anything we have said. This is in relation to Ms Le Couteur's legislation on the sale of animals in pet stores.

It is ironic because the thing that the legislation referred to proposes that animals would be sold through the RSPCA. I do believe that the RSPCA actually supported the legislation; so it is somehow ironic that we have had Mr Seselja out there saying that the Greens want to ban the sale of puppies. I wonder whether that slur also relates to the RSPCA in that the RSPCA are also saying, because of their support for Ms Le Couteur's legislation, that they want to ban the sale of puppies.

Mr Seselja interjecting—

MR ASSISTANT SPEAKER: Mr Seselja, thanks.

MS BRESNAN: It is somewhat ironic that we are talking about the RSPCA, we are talking about community organisations, we are talking about how members conduct themselves when Mr Seselja is quite happy to get up in forums mislead the public

about what the Greens' legislation actually proposes and actually, in a way, slur the RSPCA because they supported the Greens' legislation. I do not believe we will at any time hear Mr Seselja apologising for that particular bit of information.

Mr Hanson: Mr Assistant Speaker, a point of order. The amended motion reads:

> That this Assembly censure Simon Corbell for persistently misleading the Assembly and community about funding of the RSPCA and other matters.

I just cannot see how it is relevant to be talking about comments that Mr Seselja has made about puppies and the Greens. It is completely irrelevant to the debate. This debate on the motion and amendment is entirely about Mr Corbell and his misleading with regard to the RSPCA and other matters, not to do with Mr Seselja.

MR ASSISTANT SPEAKER: Thank you very much, Mr Hanson. In fact, your amendment merely says that after the words "the RSPCA", add "and other matters". The chair has allowed a very wide interpretation of that, going forward.

Mr Seselja interjecting—

MR ASSISTANT SPEAKER: Mr Seselja, you are warned.

I would also say now, in addressing Mr Hanson's point of order, that the debate so far has gone to the truthfulness of people in the public arena in terms of understandings of people misleading the public and putting out information which, in the opinion of others, has not been true and has been misleading. We have had numerous examples of how that has occurred and I believe Ms Bresnan is quite entitled to put the case for yet another one—thank you very much to Mr Hanson's amendment. Ms Bresnan, you have the floor.

MS BRESNAN: I will wrap up. I think it is somewhat ironic that we are having this discussion today. It is about that point—about how members conduct themselves and about how we refer to community organisations. The example I have been giving is a perfect example of where a member here is prepared to get up and give out information which is plainly not true, to do that on a number of occasions and also effectively slur a community organisation who supported that legislation.

The point I was going to make is that I do not expect at any time we will have an apology from Mr Seselja on that particular information that he has been stating publicly and I do not believe we will probably have him making an apology to the RSPCA for their supporting that legislation. I imagine that that is not something we will see at all. I think it is worth making that point. It is ironic, as I said, that today we are talking about the RSPCA. Here is an example where the RSPCA has been potentially slurred by Mr Seselja. We will not be getting an apology for that, I imagine.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.47): We now are well into the second hour of this debate. We have

heard nothing but tedious repetition of a pretty weak argument from those opposite, essentially that boils down to a personal attack on Mr Corbell. When they cannot sustain that, they fling a few abuses and hurl a few abusive comments across the chamber at the Greens party. That has been the substance of nearly two hours of Assembly debate.

For the record, and in order to respond to the question that was posed of me by the Leader of the Opposition, Mr Corbell has acted appropriately in apologising to the Assembly and correcting the record. He of course maintains the full confidence of the Chief Minister and myself and, indeed, all of his colleagues in this place. Mr Corbell's contribution to public life in this city is greater than the total contribution of the parliamentary Liberal Party in the past and, I imagine, in the future.

Mr Corbell is a man of great integrity who has made a significant contribution and who continues to make a significant contribution to this city. In fact, it is, I think, perhaps a great disappointment that in the context of the last nearly two hours all we have heard from the Canberra Liberals is tedious repetition of tired old arguments. We are nearly two hours into this debate. We have already heard from nearly every member of the Greens party on what their position is. We know the government will not be supporting this ridiculous censure motion. I think it is now time that the Assembly deals with the matter.

Amendment negatived.

MR ASSISTANT SPEAKER: The question now is that Mr Coe's motion be agreed to. I call on Mr Coe to close the debate.

MR COE (Ginninderra) (4.49): There has been tedious repetition on this issue, and the tedious repetition came in the form of questions to the minister. If there had been some tedious repetition in his search for knowledge, we would not be in the situation where an upstanding community group has been slurred. It is interesting that the Greens should each jump to their feet—except Ms Le Couteur, who is, indeed, the shadow for this portfolio—to not only defend Mr Corbell but, by and large, concentrate their attention on the Liberals. That just shows what this relationship is all about when it comes down to it. It is blind faith in the government. Well, if we had blind faith in the government, we would not have found this out, and the RSPCA would be without the $150,000.

That is something the minister still has not answered, and it is something the Greens have not asked either: are the RSPCA ever going to get their $150,000 they were promised last financial year? Nobody has actually asked the minister that, and I wonder why. The Greens have picked the wrong issue to blindly back the Labor Party on. This is meant to be an issue which their base subscribes to, but they have got the politics all wrong. They got the politics wrong and they have got the argument wrong in terms of backing a minister who has misled on three separate occasions.

I would not be at all surprised if the first time since 1 November that Mr Corbell realised that he took this question on notice is when I interjected across the chamber. He said, "No, no, I didn't take it on notice." Then he frantically read *Hansard*, went to

the final page, suddenly discovered it, went across to his advisers and told them about it. That is what happened. That was the first time he realised he took this question on notice. That is negligence, and during this time he had already slurred the RSPCA.

There comes a point when the Greens have to stand up to this government. At the end of the day, they are not on the same ticket next October. I wonder how they are going to be held to account. Do they think they are going to get any love from the Labor Party next year in an election year? It is not going to happen. Do they think they are going to get any love at all in next year's budget? It is not going to happen.

The top of the bell curve in terms of this two-way street has well and truly passed, and those opposite know it. We know it, but there are a handful of people over there that are in denial that this love-in between Labor and the Green is going to kick on next year as well. Believe me, it is not going to happen. At some point the Greens have to stand up for the values that they supposedly espouse and stand up for on behalf of their base. Their base would want them to back the RSPCA. Our base wants us to back the RSPCA. The ALP base wants them to back the RSPCA. All Canberrans, I believe, would want the RSPCA to be shown respect, and that is not something which has happened as a result of Minister Corbell's actions.

It is interesting that the Deputy Chief Minister would rather shut down debate than contribute to it, because that is what happened. He tried to shut it down before he had to be forced to back someone in the other faction, someone it is well known he has arguments with. I would think the Assistant Speaker may understand this as well.

What we have seen today is a pretty shambolic performance not befitting the ACT Assembly and not befitting self-government. What has been good about this performance? We have had withdrawals of rulings. We have had the evidence clearly laid out that three times the minister has given false information about a community group. We saw him take no action on 1 November, when he took the question on notice—no action whatsoever. Yet here we are, and the Greens do not even seek to amend the motion in admonishment. Nothing at all.

You have totally sold out the RSPCA. On other occasions you have watered down motions. Why not do it today? In actual fact, Mr Rattenbury got up and backed the minister without even looking at the transcripts. It must be said that the only reason we are debating this today, the only reason we are going to get some truth to this is that we asked the questions. The Greens agree that the wrong information was given three times. They also agree that it slurred the name of the RSPCA. Do they also agree that the minister did not get the information on 1 November? They must. Only on the third line of questioning by the community did we get the answers.

If there was no case to answer, why are the Greens calling for the minister to write a letter of apology and to put out a media release? Are they going to hold the government to this? How many conditions are going to be in that media release? How many conditions are going to be in that letter to the editor? It is going to be riddled with all sorts of rhetoric—if done at all—that will totally dilute the issue that Minister Corbell misled the Assembly and the community on three separate occasions. As a side note, you have the RSPCA being sold out by the Greens.

Question put:

That **Mr Coe's** motion be agreed to.

The Assembly voted—

Ayes 5		Noes 10	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Dr Bourke	Ms Hunter
Mr Hanson		Ms Bresnan	Ms Le Couteur
Mr Seselja		Ms Burch	Ms Porter
		Mr Corbell	Mr Rattenbury

Question so resolved in the negative.

Rostered ministers question time
Minister for Women

Women's Information and Referral Centre

MS PORTER: Could you inform the Assembly of the range of programs and support services offered by this government through the Women's Information and Referral Centre?

MS BURCH: I thank Ms Porter for her question. The Women's Information and Referral Centre offers free information and referral services on a range of issues. It provides a supportive and confidential environment to enable women and their families to make informed decisions and achieve self-determination.

Services include an information phone line, referral appointments, a drop-in service, free internet access, access to a lending library, support groups, information sessions, personal and professional development courses and access to a wealth of relevant information such as brochures, publications, books and journals. The centre also runs free sessions for women wanting to enter or re-enter the workforce, information sessions on family law and domestic violence support groups.

Additionally, the centre administers the government's return to work grants program, which provides women returning to the paid workforce with assistance to reach this goal. The primary objective of the program is to assist women who are in receipt of low incomes and Aboriginal or Torres Strait Islander women, from diverse backgrounds, young or with disabilities, to increase their financial independence.

WIRC produces a community calendar for women and a biannual publication that provides information on courses, workshops and support programs and events. The publication is widely utilised by service providers and individuals alike. About 6,000 printed copies were distributed to community organisations and individuals. WIRC also produced the 2011 International Women's Day centenary program of events, which listed activities throughout the year to celebrate the 100th anniversary of International Women's Day. The publications, including a directory of women's

organisations in the ACT and an online women's services directory, are available on the Women ACT website.

MR ASSISTANT SPEAKER (Mr Hargreaves): A supplementary, Ms Porter.

MS PORTER: Minister, how are these programs advertised to the wider Canberra community, and what is the success of these support services?

MS BURCH: Each year the Women's Information Referral Centre, WIRC, produces two editions of *What's on for women*. This fantastic publication lists events, groups, meetings and services targeted to women's physical, mental, social and emotional wellbeing. *What's on for women* includes courses and programs provided by the Women's Information Referral Centre as well as those provided by groups and organisations across Canberra. The publication is widely utilised by service providers and individuals alike. As mentioned earlier, about 6,000 printed copies are distributed annually. The centre also advertises its programs widely through brochures and posters, email distribution lists, women's service networks and the Women ACT website.

The services and programs provided by the Women's Information and Referral Centre are very well utilised. Some 124 women attended 12 personal development courses on topics ranging from assertiveness and self-esteem, anger management and effectiveness in the workplace to negotiating with emotional intelligence and the happiness experiment—something we could bring to the Assembly, perhaps, Ms Porter. Fifty-two women were supported through four domestic violence and two separation support groups; 280 women attended a "Thinking Thursday" information session.

The centre works closely with other women's services and agencies. In 2010-11 a pilot project offered women in housing tenancies intensive financial training entitled "Bad debt boot camp". The focus was on women tenants who have been housed due to domestic violence and have ongoing rental arrears issues.

The centre also partnered with Gunyah Women's Housing and community groups to conduct domestic violence support groups which particularly targeted Aboriginal women and women from culturally diverse groups.

Also last year, more than 120 women received a return to work grant for a range of activities and resources, including education and training fees; education expenses for things such as textbooks, computer software and transport to courses and study; and work-related expenses such as expenses for clothing, uniforms, equipment and childcare.

Women's Legal Centre—accommodation

MR SMYTH: Given that the Women's Legal Centre is working in cramped and inadequate conditions and is unable to meet the demand of women for legal services, what impact is this having on the wellbeing of vulnerable women in our community and their confidence in getting access to the wider range of support services that are set up to help them?

MS BURCH: The Women's Legal Centre is an excellent organisation that helps more than 1,000 women a year. The ACT government values the work that it does.

As the Attorney-General informed members in the last sitting, the government has provided some assistance to services located in Havelock House, which includes the Women's Legal Centre, in the form of renovations and fit-out. And the Justice and Community Safety Directorate, I am told, is examining what other assistance might be given to improve communication. The details of their accommodation really sit with the directorate of justice.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, what discussions have you had with the Attorney-General about the inability of the Women's Legal Centre to meet the needs of vulnerable women in our community? If none, why? Otherwise, what were the outcomes of those discussions?

MS BURCH: I have regular conversations with my colleagues across a range of matters, particularly in supporting Canberra women. I also note a motion by you, Mr Speaker, agreed to by the Assembly in the last sitting. And the attorney is examining the feasibility of the establishment of a legal services hub in the ACT; this report will come to the Assembly in March. What I can say about vulnerable women in our community is that they would be much better off under the ACT Labor government than they would ever be under a Canberra Liberal government.

Canberra Hospital—obstetrics unit

MR HANSON: On 24 February, the Minister for Health said in the Assembly:

> However, there has been a long and troubled history in obstetrics in the ACT. It has gone on for far too long. The obstetrics community have not dealt with it across private and public well. My hope out of all of this, out of the damage that has been done, particularly to the Canberra Hospital, is that the war that has existed in obstetrics for in excess of 10 years …

She then claimed that the war was over. Minister, what action have you taken to satisfy yourself that the 10-year war in obstetrics is in fact over, and why has it taken the government so long to fix the problem, given its impact on Canberra's women?

MS BURCH: I am pleased to advise that the government has set in place an ongoing strategy to address problems faced by the obstetrics department at the Canberra Hospital. The Minister for Health—who does have the detail of this, you would appreciate, I am sure, Mr Hanson—commissioned a review into the service delivery clinical outcomes at the public maternity units in the ACT which was undertaken in April last year.

The review found there was evidence that the clinical outcomes at both public maternity services are consistent with comparable hospitals in other Australian and New Zealand cities. However, the review did make some recommendations. The review into the public maternity service steering committee was established and meets

regularly. The committee is chaired by the Director-General of the Health Directorate. It includes representatives from the private maternity sector, Calvary hospital and Canberra Hospital. I am pleased to advise that at this point 60 per cent of the recommendations are finalised and plans are in place for the remaining recommendations.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: What action, if any, have you taken to persuade the Minister for Health to release the secret report into the obstetrics unit at the Canberra Hospital?

MS BURCH: As I mentioned earlier, I have regular contact with my colleagues on a range of matters and I have absolute confidence in the Minister for Health. *(Quorum formed.)*

Community sector workers—equal pay

MS HUNTER: Minister, what is the ACT government doing to support the federal government's announcement to fully support the claim for equal pay for community sector workers?

MS BURCH: I thank Ms Hunter for her interest in this equal pay case. We have certainly not seen any interest from those opposite.

The government welcomes the intention of the Australian government to provide $2 billion in support for increased salaries for community sector employees across Australia. These employees provide vital services to the most disadvantaged in our community. Support for these workers will mean better services to those vulnerable people. The Australian government contribute approximately 30 per cent of the funding to the sector nationally, and confirmation that they will pay their share is welcome.

The government has supported the conduct of the equal remuneration case since its inception in March last year. In our submission to Fair Work Australia in July this year we said that the ACT did not accept a situation which considers that gender forms the basis for decisions about remuneration. Our views on this are unchanged by the Australian government's announcement, and we continue to support the elimination of gender-based factors that limit the remuneration offered to workers in the community sector.

Our determination is reflected in strong government support in the ACT and in better pay outcomes for workers in the ACT in the community sector than in most other jurisdictions. The ACT government have maintained this during the case and will take a responsible attitude of funding the impact of this very important case. Our views on this are unchanged by the Australian government's announcement; our intention remains the same now as it has always been.

The Australian government and the ASU will file their joint submission to Fair Work Australia tomorrow, I understand. We look forward to seeing the detail of their submission. We are also looking forward to the final hearings in this case before the full bench of Fair Work Australia, scheduled for late November and early December, and to a decision that lets us get on with providing to the community sector the support it needs to continue to deliver for the people of the ACT. Our views on this are unchanged.

MS HUNTER: If the agreement is passed through Fair Work Australia, all employees will receive a pay increase in July 2012 that will be phased in over six years. Will you provide funding to the community sector to ensure that we do not have job losses or reductions in services?

MS BURCH: The Minister for Industrial Relations and I have been very clear from the get-go on this that we support the intent of their claim. We have always been very vocal in our support for the community. We have always, though, waited for a decision from Fair Work Australia before we responded. We will do that and we look forward to that.

As far as net lost jobs go, it is not our intention to see that. We will support the sector, but we will enter into a conversation with the sector also about its capacity and its ability to continue to provide services.

Ms Hunter, I again thank you for your ongoing interest in this matter. As I mentioned, we know that those opposite do not believe in pay equity for women. Their spokesperson, Mrs Dunne, has said—

Mr Seselja: Point of order, Mr Speaker.

MR SPEAKER: One moment, Ms Burch.

Mr Seselja: Mr Speaker, it goes to relevance. Ms Burch was not asked about, nor is she responsible for, opposition comments on this matter.

MR SPEAKER: Yes, thank you. Minister Burch, unless you have anything else to add, Mr Seselja's point of order is upheld. No? Okay.

Housing ACT—lease transfers

MS BRESNAN: How many women were supported by Housing ACT in the last 12 months to transfer the ACT Housing lease to their own tenancy following domestic violence, and how are tenants made aware that this support exists?

MS BURCH: I thank Ms Bresnan for her question. In response to the ongoing concerns about domestic violence and its contribution to homelessness for women in the ACT, Housing and Community Services has initiated and implemented a number of programs to support people who have experienced domestic violence. These include changes to the way in which tenant responsible maintenance is managed in

cases of family violence. In addition, the directorate's memorandum of understanding with DVCS has been renewed. These modifications are undertaken when clients and the Domestic Violence Crisis Service support them to remain in their homes. In these cases, the clients have already been a tenant, and additional support mechanisms have been put into place.

In 2009-10, in an expansion of these initiatives, Housing ACT, in partnership with DVCS, piloted a program to help women and children remain in their Housing properties following domestic violence. While the other aspects of this initiative have been successful, the pilot has met a number of constraints and obstacles, and today no perpetrators of domestic violence have been removed from the tenancy agreements.

The key issue identified in the early development phase was that, under the existing residential tenancies legislation, ACAT required final domestic violence orders to be in place before it would rule on changes of tenancy agreements. What we are doing now, Ms Bresnan, is working with the Justice and Community Safety Directorate to examine potential legislative changes that may be required in order that this initiative can be progressed.

MR SPEAKER: Supplementary, Ms Bresnan.

MS BRESNAN: Minister, what supports are in place for women who access this support and, if they have children, for their children to access other government and community sector services in situations of domestic violence?

MS BURCH: There are a range of initiatives that support women and their children who are experiencing domestic violence. We link women referred to the program to government and non-government support options. We have increased training for Housing staff on domestic and family violence. We have expanded the transitional housing program to make more accommodation available. We are continuing with the Christmas domestic violence program and continuing to support DVCS. There are some other Housing initiatives. We support women exiting corrections and the domestic violence Christmas program. We have implemented the domestic violence policy manual and we continue to support crisis accommodation to support women and their children.

Supplementary answers to questions without notice

Youth justice—strip searches
Children and young people—care and protection

MS BURCH: Yesterday there were some questions on segregation in Coree. I would like to provide some additional information regarding that. During the 2010-11 financial year there were two segregation directions involving two young people who were involved in an incident in February this year. In the 2011-12 financial year there has been one segregation when a young person assaulted another young person, resulting in injury. If young people are disruptive during the day or unwell they need to be supervised. They are accommodated in the Coree unit.

Just to clarify, the process of strip searching young people involves four individuals—the young person, the officer undertaking the search, the observer and the CCTV

operator. The observer and the CCTV operator do not have a view of the young person. Their role is just to observe the staff member undertaking the search. To be clear, the searching officer is the person conducting the strip search.

I would like to clarify that staff members conducting a strip search are always the same gender as the young person. If a strip search is being conducted on a female then a female detention worker will be that person. Where possible, we try and have the observing officer of the same sex but, as you would appreciate, sometimes that is not possible, but always that person undertakes their role with a level of regard.

Also, Mr Speaker, just to clarify my response today to questions around a place of care, the section in the Children and Young People Act is 525. I may have said 522 or 252. Unfortunately, I referred to the property as being on Barry Drive, when we all know that it is on the Barton Highway.

Alexander Maconochie Centre—capacity

MR CORBELL: Yesterday in question time Ms Bresnan asked me a question in relation to whether or not there had been any resolution to the situation of long-term detainees of the crisis support unit having access to larger or grassed areas for recreation. I can advise the Assembly that Corrective Services has routinely attempted to provide CSU detainees, when they are well enough, with the range of facilities and programs available at the AMC. The Knowledge Consulting report made a number of recommendations with regard to the CSU, including that detainees have access to open air for recreation and that they be allowed access to programs and activities outside the CSU where appropriate.

Access to large and grassed areas is just one way in which recreation can be provided to CSU detainees. Detainees in the CSU, if they are well enough, are able to access programs, education and a gym. Some programs, such as the cognitive skills program, are made available within the CSU, while other programs, such as the social wellbeing program being run by Winnunga Nimmityjah Aboriginal Health Services, are run outside the CSU in other areas of the AMC. *(Quorum formed).*

Mr Speaker, I was saying that some other programs for CSU detainees, such as the social wellbeing program, are run by Winnunga Nimmityjah and are run outside the CSU in other areas of the AMC. CSU detainees have attended these programs. Education is also made available, as is the gym, both of which have been accessed outside the CSU. It is important to note, however, that CSU detainees' personal circumstances will vary from person to person and possibly even from day to day. This may mean they are often not well enough to fully participate in any activities, including recreation.

Roads—T2 lanes and car pooling

Debate resumed.

MS BRESNAN (Brindabella) (5.22): I would like to thank Mr Coe for introducing this motion today. The Greens agree it is important and timely to talk about transit lanes, car pooling and the way we travel in Canberra. We have long been advocates of

improving public transport and also for improving car pooling opportunities. I will just flag now that I propose some amendments to Mr Coe's motion which I will move later. The issue of transit lanes, bus lanes and car pooling is broader than just the immediate issue of Adelaide Avenue. We have a good opportunity to look at the broader context.

My amendments would call on the government to immediately reinstate the T2 lane on Adelaide Avenue. But the government would then be required to go through a proper, evidence-based assessment of the transit lane on Adelaide Avenue and to report back on the advantages and benefits of the different available options. This would include assessing whether the lane would work best as a T2, T3, T4 or bus-only lane. Unfortunately, this assessment was missing from the decision to make the lane a bus-only lane.

I am hopeful also that the government will agree to my amendments and do the additional work on the pros and cons of the various transit lanes options, paving the way for a future informed decision. I just note on that that we did ask the minister's office a number of questions on the decision around this. We asked what guidelines and rules there were in terms of operating T2, T3 or bus lanes in the ACT. The answer was that there is currently no formal ACT government guideline or rule covering the operations of T2 and T3 lanes in the ACT.

The Greens are asking that the government do a full assessment of the different options and their different impacts. We want to choose the best long-term option for the lane—the one that will bring the best sustainable transport outcomes to Canberra in the long run. We are therefore willing to reassess the options for the transit lane once the government does this work and reports back to the Assembly. This needs to consider all the issues, including car pooling and public transport.

As I noted, there are currently no guidelines or rules that govern when it is appropriate to operate different kinds of transit lanes. Obviously these are guidelines that are required. The guidelines should be compatible with sustainable transport policies. The intention should be for transit lanes to be used in a way that will have a positive outcome. Both car pooling and public transport should be considered in the assessment.

These guidelines should also look at covering the various complex issues surrounding transit lanes, such as when priority lanes are justified, what compliance monitoring and enforcement is needed, whether safety barriers are needed and whether other vehicles such as motorcycles and taxis should be permitted in the lane. Just on that point I note that we also asked whether other vehicles would be permitted to use the new lane. I know Mr Coe has already mentioned this. We did get confirmation that taxis, hire cars and motorcycles would continue to use the bus lane.

As has been discussed, the T2 transit lane was introduced to Adelaide Avenue in 2009. Previously the lane was bus-only. The government has stated that it was intended to be a temporary measure to help alleviate congestion on Adelaide Avenue caused by the construction of the GDE. The completion of the GDE means that there has been a reduction in traffic congestion on arterial roads such as Adelaide Avenue. I do not

actually recall the statement coming out about it being a temporary measure, but I am advised that there was a media release put out. The problem with this is that it was "temporary" for quite some time. People get used to using this sort of lane. It also has an impact on people's understanding of reliability and how the road system, transit lanes and all such infrastructure operate. I think we need to recognise that problem also.

This decision appears to have been taken without any real consideration of the impact it will have on Canberra's transport patterns. Now is the right time to step back and carefully assess the situation on Adelaide Avenue with an evidence-based approach. Will our transport needs be best served by a bus-only lane or by a T2 lane—or perhaps even a T3 or T4 lane? Where is the city placed in terms of car pooling, and how much of a disincentive to car pooling will it be to remove the T2 lane?

In making this assessment the emphasis should be on making Canberra more sustainable. Public transport is critical to making a sustainable transport system. But car pooling also plays an important part in making us a more sustainable city. The Greens have been advocates for car pooling for quite some time—for a long time, in fact—and the ACT Greens transport policy acknowledges the importance of car pooling.

In March 2010 we asked the government what it was doing about car pooling. We referred to a car pooling survey the government conducted of ACT government staff in 2008. The results of that car pooling survey show that there is support for and interest in car pooling as an alternative to commuting by car. Sixty-four per cent of respondents to this survey indicated they would consider car pooling and only 10 per cent of survey respondents said they would not consider car pooling as an alternative to private car use.

The Greens asked the government about conducting a car pool pilot via a central car pooling database that would connect staff who wished to car pool. The government's response was that this appeared to be feasible and noted that most staff have common travel patterns. Its stated position was that it was considering supporting car pooling for government staff in the context of integrated transport planning and a range of funding priorities. That was a year and a half ago and, unfortunately, there has not been any action on this front since.

One of the amendments that I propose is that the ACT government develop options for introducing an ACT government-wide car pooling service. I have also asked that the government investigate how it can make this service available to federal government agencies. Providing this service to federal government employees would have excellent benefits to the ACT—for example, by helping to reduce congestion on ACT roads, decreasing the number of people needing to park and increasing options for people who do not have a licence or access to a work vehicle.

As we know, Canberra is a public service town and there is potential for a government car pooling service to make an important contribution. I note that Tasmania has offered a similar service for government employees called SmartShare. Car pooling can also assist in areas where bus services are not available. This is particularly timely given the government has said that industrial relations issues are affecting its ability to

expand bus services. I hope that this amendment will be agreed to and that we can develop this central car pooling system for the ACT.

One of my other amendments calls on the government to assess options to resolve any road safety issues affecting the T2 lane on Adelaide Avenue. I am aware that the government and the Transport Workers Union have raised safety concerns, particularly about cars cutting into the T2 lane into the path of buses. I think it is appropriate that the lane remain as a T2 lane for now while the government assesses the best way to use the lane and how to address any safety concerns. Enforcement should be a key response, as it is actually illegal for people to cut into the lane over the unbroken line.

I would like to request that the government improve enforcement of the T2 lane and suggest that T2 signs include specific warnings about the penalties for using the lane incorrectly. I would also expect that this lane-cutting concern could arise on any transit lane, and I do not know if it is a reason to never have transit lanes or, particularly, shared lanes in Canberra.

I note that the government did not take any action about apparent safety concerns, despite Mr Corbell saying that the safety issues have been around for some time. As I noted earlier, the actual reason given when the government reverted to a bus lane was that the GDE had been completed. I would just like to note that I have spoken to the Transport Workers Union and I reiterate, as I did to the TWU, that the Greens are not disregarding the concerns that have been raised by bus drivers, but a proper assessment needs to be done.

Shared bus and transit lanes operate in other cities. We can look at what safety concerns have been raised there and how they have been addressed. We should not be negatively impacting on or almost punishing the significant majority of people who do the right thing and use the lane properly without doing the proper work to assess that.

I note that another question we asked was about the number of people using the Adelaide Avenue T2 lane for car pooling. It was noted that around 200 vehicles legally use it in the morning peak period. It appears that some assessment has been done but, again, we need to address those issues of enforcement. We need to see how many people are using it and do a proper assessment of this lane so that we can put it to best use. I often use Adelaide Avenue in the mornings and I understand the frustrations which have been expressed by the TWU that on most mornings there are cars with a single passenger in the T2 lane. Again, that goes to this overall issue of how you police these lanes.

I note that on Monday and Tuesday morning this week there were still the same number of people using the T2 lane as there would normally have been. So people are still using it. On the issue of enforcement, obviously you want to try and get people to use it properly first off without having a big stick approach, but some cities have looked at using a more enforcement-based approach. I read recently that Brisbane had experienced issues again with people using the T2 and T3 lanes against the regulated use. They have recently empowered traffic inspectors to issue fines. That may be something to look at. T2 and T3 lanes, along with park and rides, are forms of

infrastructure and are a part of improving transport and encouraging changes to the way people travel to and from work every day.

Mr Coe earlier in his speech—and it was quite some hours ago—I think gave his begrudging support to my amendments. Just on Mr Coe's comments, the Greens have always been supportive of both buses and car pooling. I think that we need to consider all the issues at play here, as my amendments do. We need to take action to encourage public transport use and also use means such as T2 lanes, car pooling and park and rides to provide people with different options to get to and from work.

Mr Coe said that we do not like to support the opposition's motions. Mr Coe, you might just want to look at the record. We have probably supported you more times than you have supported us, but anyway that is off-topic.

To conclude, I thank Mr Coe for bringing this motion forward today. This is an important issue. It is about the overall way in which we plan transport in the ACT. I think this particular lane has been a perfect example of that. We will be supporting Mr Coe's motion with the amendments that I will be moving. I believe the work we have requested on the transit lane and car pooling is particularly important. If we are to have a proper approach to transport planning in Canberra then this work should be done—not just for Adelaide Avenue but indeed for the whole of the city. I seek leave to move the amendments circulated in my name.

Leave granted.

MS BRESNAN: I move:

(1) In paragraph (1), insert "immediately" before "reinstate".

(2) Omit paragraph (2), substitute:

"(2) to develop and publish Government guidelines for the appropriate locations and uses for transit lanes and bus lanes in the ACT, which have reference to safety, congestion and transport sustainability goals;

(3) to assess options to resolve any road safety issues affecting the T2 lane on Adelaide Avenue;

(4) to assess and publish the advantages and disadvantages of the different options for the Adelaide Avenue transit lane, including using it as a:

(a) T2 lane;
(b) T3 lane;
(c) T4 lane; or
(d) bus only lane;

(5) to acknowledge that car pooling is an effective means of reducing the number of cars on our roads and alleviating road congestion and:

(a) develop options for introducing an ACT Government-wide car pooling service; and

(b) investigate options for allowing Federal Government agencies to utilise an ACT Government car pooling service; and

(6) to report to the Assembly on the above issues during the first sitting week of 2012.".

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (5.35): The government will not be supporting this motion or the amendments proposed by the Greens today. As the Assembly will appreciate, every effort is taken to manage and minimise the impact of roadworks on the Canberra community.

The Glenloch interchange roadworks associated with the recently completed Gungahlin Drive project had the potential to generate considerable traffic congestion and impact in the Canberra community, as members would appreciate. To manage these impacts a proposal was developed to detour traffic from Belconnen to the city via Coppins Crossing Road, Cotter Road and then on to Adelaide Avenue rather than requiring all this traffic to go through the Glenloch roadworks site.

In 2007 the existing bus lane on Adelaide Avenue was converted into a transit lane for vehicles with two or more occupants, to provide some additional capacity. This was always seen as an interim arrangement. The transit lane has provided some minor relief to traffic since it was introduced and typically carried about 200 legal vehicles during the morning peak. As members of this Assembly would know, the roadworks associated with the Gungahlin Drive extension are now fully opened to traffic and the transit lane has been removed with the bus lane only reinstated over the weekend of 12-13 November.

Mr Coe has argued that the transit lane should have remained in place as a means of encouraging people to car pool. I would like to go through the reasons why the transit lane was removed. First and foremost, the government made clear from the beginning that the use of the bus lane as a transit lane was only ever a temporary measure. That was announced when the measure was first put in place. The government is doing what it said it would do from the beginning.

Secondly, while the government supports car pooling and the government encourages more people to do so, it should not be at the expense of the safety of those who choose to use public transport as a means of travel. Car pooling should not compromise the safety of bus drivers who have a large responsibility for the safety of 70 to 90 people that typically can occupy a bus during the peak periods.

Since the transit lane was introduced on to Adelaide Avenue there have been 10 reported crashes in the transit lane. Over the five-year period there was a total of 113 reported crashes on Adelaide Avenue, so almost 10 per cent of all the crashes on Adelaide Avenue are occurring in the transit lane. There were also some crashes in the earlier period, when it was a bus-only lane, with traffic moving into the bus lane. These crash statistics mirror the concerns raised by bus drivers and their industrial representatives, the Transport Workers Union, to the government.

I would like to advise the Assembly of the concerns that have been raised by the union representing bus drivers. Mr Klaus Pinkas, who is an industrial representative of the Transport Workers Union, says:

> The issue TWU members at ACTION buses have with the bus lane on Adelaide Avenue being a T2 lane is a safety issue.
>
> The problem arises when cars cross over the unbroken white line and enter the T2 lane. This occurs mainly when the normal traffic lanes are moving at a slower rate than the speed limit. They enter the T2 lane where buses are travelling at 80km/h, the speed limit. The difference in speed and the lack of attention of drivers of cars changing lanes has led to two incidents (as far as I know) where there was either vehicle damage or bus passengers were injured. There have also been numerous near misses which required buses to brake heavily.

Clearly drivers have concerns about safety and they have concerns about passenger safety if the existing T2 lane arrangements continue as a permanent measure.

Mr Coe argues that a transit lane would encourage car pooling. We see maybe up to 400 Canberrans using the transit lane during the morning and afternoon peaks—as I have said, about 200 cars. What Mr Coe, and regrettably Ms Bresnan, have failed to consider is the number of people who use the T2 lane in buses. Yes, about 200 vehicles or about 400 people use the T2 lane each peak. However, over 2,000 people use the T2 lane each morning and afternoon peak when they travel by bus. Canberra has about 16 kilometres of bus lane in a network of over 3,000 kilometres of roads across the territory.

I would also make the observation that Adelaide Avenue has three lanes for traffic in each direction east of Deakin and that it has two lanes of traffic west of Deakin and equally two lanes of traffic in each direction along Yarra Glen. This is a high capacity road that carries a large number of vehicles and does so with relatively little congestion. Adelaide Avenue is a key public transport route with rapid and frequent public transport services. Segregation of public transport from general traffic is an important consideration in providing efficient, reliable and safe public transport services.

I have to say that I am amazed that the Greens, who persistently and consistently advocate for a dedicated right of way for public transit, are now saying it is all right to put cars into that lane. I just do not understand their position. You cannot be a champion for public transport and giving public transport priority and then say it is all right to put cars into the bus lane. Surely we can in a city, and particularly on a road that has six lanes for motor vehicles along a large part of its length, give priority to buses on that road. If we cannot, I think it really says something about this debate, and particularly about the Greens' position on this debate.

Dedicated bus lanes identify the importance of permanency of public transport corridors and allow us to progressively develop opportunities for future transit-friendly lane use changes and developments. The government's draft transport for Canberra plan has identified opportunities for developing bus stations and stops in the median of Adelaide Avenue and indeed there is money in this year's budget to fund

the investigation of how from a technical perspective we could locate bus stations and stops on Adelaide Avenue at key points such as the Hopetoun Circuit intersection and the Carruthers Street bridge intersection.

Members of the Assembly would appreciate that the T2 lane on Adelaide Avenue was introduced as an interim measure to provide some relief associated with congestion on Gungahlin Drive and to provide motorists with an alternative should it suit their journey to work pattern. Those roadworks are now finished. The government is doing what it said it would do in removing the transit lane. There are obviously concerns about safety and I have outlined those as well.

On balance the government cannot see the justification for retaining the T2 lane with a relatively small number of people using it. We do have safety concerns and we have a large, high capacity road that handles large volumes of traffic pretty efficiently. So for all of those reasons the government cannot support these amendments today.

MR DOSZPOT (Brindabella) (5.43): It is almost inconceivable that we are having this debate today, a debate about a government decision to restrict the number of lanes available for car traffic along one of Canberra's major thoroughfares.

This government has a poor track record in managing traffic and roads, as we and anyone in Canberra who has ever needed to use our roads in peak hour would know. I know that Canberra is the envy of other major city residents and that our peak hour is often referred to as peak minute, but, as those who are often stuck in traffic know, and I am one of them, it can be frustrating and costly—costly to the environment in unnecessary fumes and fuel and costly in terms of lost business and time and productivity. So any strategy to make our roads more effective and efficient should be welcomed.

Indeed the introduction of the T2 lane was welcomed. As my colleague Mr Coe highlighted, Mr Hargreaves said—Johnno, are you listening?—in 2008 in this place:

> We have got additional services, additional routes, additional bus drivers; we have got priority lanes. Who was it that introduced the T2 lane, I wonder? I think it might have been my colleague Mr Corbell who did that.

Mr Hargreaves, you can now say: "Who was it who got rid of the T2? I think it might have been my colleague Mr Corbell as well." Which is the best decision that you have ever made, Mr Corbell? I do not think it is the current one.

I note the recent release of transport options for the future. A public display was staged in this place only recently, and I know a number of people took the opportunity to come and talk about the study and the future options for transport planning. Transport for Canberra is described as:

> … a new policy and action plan for the ACT that aims to reduce the overall cost of the transport system while maintaining high levels of accessibility. Providing convenient alternatives to private cars will shift transport pattern towards more use of walking, cycling and public transport. This in turn will:

reduce traffic congestion
provide health benefits such as reduced road accidents
provide environmental benefits such as reduced air pollution
provide the community with more transport options, and
reduce the cost of building and maintaining transport infrastructure.

So how will removing the T2 lane address the objectives in this new plan? How, for example, Mr Corbell, will it reduce traffic congestion? How does it deliver more transport options? How will it reduce the cost of building and maintaining transport infrastructure? The lane is already built. Surely the more vehicles we can get to use it the more cost effective the road is.

Perhaps part of the strategy to encourage people to get out of cars is to make life even more difficult for those who do drive, because that surely can be the only outcome for pushing more cars on to the existing lanes.

We know the Greens have long had a policy of fewer or no cars in Canberra. But in today's society that is not a practical ideal and in Canberra it simply does not and cannot work. We have come to expect thought bubble ideas from this government, so we can only assume that this one from Minister Corbell is another one. I think he has been taking lessons in ridiculous ideas from Minister Barr.

Minister Barr's solution to traffic congestion some months ago was to stagger school starting times around Canberra. And how did he think that might work? How would a parent dropping his or her child at school before starting work manage that if a school were to start at 9.30 or 10 o'clock? Minister Barr said at the time that getting 60,000 kids to school at the same time as you are trying to get 200,000 workers to work in the one hour is a logistical issue. Yes, it is. The 60,000 kids he referred to belong to homes in which some of the 200,000 workers live, and they often take their children to and from school, so you would simply be moving the peak periods to different times.

On reflection, this is about as ridiculous as cancelling the T2 lane and, I suspect, as much prior thinking and critical analysis was done before the decision was made to cancel the T2 lane as was done on Mr Barr's wonderful new direction before the decision was made.

The announcement earlier this month said that the T2 lane was no longer necessary because Gungahlin Drive was now able to take more traffic. It was suggested that allowing buses to have their own lane on Adelaide Avenue is an important way to help encourage people to take public transport. Is the government seriously suggesting that people are not catching the bus because they car pool and that if car pooling was made less attractive they would catch a bus? Is that the best logic and research that the government can use for this?

How little does the government understand Canberra families? We have to accept that Canberrans use their cars because they need to, not necessarily because they want to. Transport economists call it "trip chaining". Trip chaining is an important and widely recognised feature of travel behaviour. A trip, say, from home to work will often be

interspersed with stops for other purposes such as to collect a child from school or sport, visit the supermarket or the library, catch up with a friend, and so on.

Clearly motor vehicles lend themselves more readily to trip chaining than does public transport in Canberra. Typically a family in Canberra has one or both parents who work. It also has children who attend school in one suburb and play sport or undertake after-school activities in another suburb, and people who want to buy groceries on their way home at some other location. Added to that we have a bus service that does not meet the needs of everyone and, despite the endless direction of funds to build cycle paths, not everyone can or wants to ride a bike, either for pleasure or for transport. It is common sense to encourage the best use of our roads. It is common sense to encourage people to car pool. It is nonsense to suggest that the T2 lane be scrapped.

I thank Mr Coe for his motion that this Assembly call on the government to reinstate the T2 lane on Adelaide Avenue and acknowledge that car pooling is an effective means of reducing the number of cars on our roads and alleviating road congestion, and I commend his motion to the Assembly.

Amendments agreed to.

MR COE (Ginninderra) (5.51): I am pleased to see that this motion appears to be going to pass this place today. I think it is a win for motorists, especially motorists in the south of Canberra that regularly get caught up on Adelaide Avenue in traffic jams.

With regard to the amendments moved by the Greens and which have just been passed by this place, I am confident that the request in the motion can be fulfilled within existing resources; it should not require any additional funds. But what we do want to see as a matter of urgency is the T2 lane reinstated. The will of this place will be known and if this Assembly does indeed call for the immediate reinstatement of the T2 lane we expect this government to do that. I am sure there are going to be a few twists and turns before it actually happens, but it is up to this chamber to make sure that this government is held accountable to this place and that it actually does what I believe the vast majority of Canberrans would want and that is the reinstatement of the T2 lane. I am glad that it looks like it is going to be passed and I look forward to seeing the signs re-erected saying that it is a T2 lane once again.

Motion, as amended, agreed to.

At 5.54pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Sitting suspended from 5.54 to 7.30 pm.

Marriage—equality

MR RATTENBURY (Molonglo) (7.31): I move:

That this Assembly:

(1) supports marriage equality; and

(2) calls on the Commonwealth Parliament to amend the Commonwealth Marriage Act 1961 to provide for marriage equality.

I am very pleased to bring this motion on for debate today. Whilst the text of the motion is quite short in terms of the number of words, it is certainly no reflection on the significance of the subject or the importance it holds for many members of both the Canberra community and the community across Australia. Marriage equality is something I believe in and is a policy the Greens wholeheartedly support. Amending the Marriage Act to remove discriminatory aspects is about showing the respect that is owed to all loving couples regardless of their sexuality.

These are certainly exciting times for the equal marriage campaign. Poll after poll shows that the number of Australians that support the campaign is growing, and certainly it is reflected in the level of public discussion and, I think, the maturity of that public discussion on the part of many people. Certainly we saw in the *Sydney Morning Herald* this week that the most recent Nielsen poll shows that support for marriage equality is on the rise. The polling shows an increase in support in November 2011. Almost 62 per cent are now supporting marriage equality, and that is up from 57 per cent 12 months earlier. Similarly, the number who oppose it has fallen from 37 per cent to 31 per cent.

I think it is interesting, as we discuss this motion in the Assembly today to look to the federal parliament to take action, to look at the breakdown of the alignment of voters and their political affiliation. We see strong support amongst Green voters, with 86 per cent in support and just 10 per cent opposed. Amongst ALP voters, 71 per cent are in support and 22 per cent are opposed. And even amongst the Liberal-National Party voters, there is 50 per cent in support and 44 per cent opposed.

What this points to is that, whilst there are variations across the parties, this is not an issue for which there is an obvious party-political position. I think it is actually about Australians across the board recognising that it is time to end the discrimination that currently exists in the Marriage Act. When it comes to polling figures, in August this year News Ltd conducted a survey of 19,000 Australians, and seven out of 10 respondents supported equal marriage, a similar sort of figure in that very substantial polling in terms of the number of people that were surveyed.

In the context of this growing support, what the Greens hope to do by this motion today is to add the voice of the ACT Assembly to the ongoing campaign. If we pass this motion, we will join the Tasmanian lower house in supporting marriage equality by calling for federal legislative action. I understand that the government intend to support this motion. I believe there will be some amendments, and we will discuss them later, but I welcome that impending support.

It is always customary to talk about the details of the motion. As I say, it is not very long but I will reflect on those details. The motion proposes to do two things. Firstly, it calls on this Assembly to state its support for equal marriage. What we are asking for here is for members to give in-principle support to the concept. Secondly, the

motion calls on the Assembly to urge the federal parliament to make the necessary legislative changes to create equal marriage. As members will be aware, my Australian Greens colleague Senator Sarah Hanson-Young has tabled a bill and is prepared for debate when other members of federal parliament indicate they are ready.

Compared to some of the motions that have passed through this place, the text of this motion is very straightforward and succinct, and it is really two quite short sentences. But unfortunately the history of law reform, when it comes to sexuality and gender issues and equal marriage in particular, is not quite as straightforward. There will certainly be those who disagree with changing the definition in the Marriage Act, and for the Greens' part we remain committed to seeing this important change take place.

There are a number of reasons for our belief in equal marriage. Firstly, the heart of this is the issue of discrimination. To me, the commonwealth Marriage Act is a way of removing discrimination from the laws of Australia. I was somewhat surprised at the prospect of a conscience vote on this question by the two old parties, as has been discussed particularly in the last 24 hours. I just do not understand how an issue of discrimination can be somehow set up as a conscience vote. I do not deny there are times when it is appropriate for a conscience vote to be granted. I am just not convinced that a discrimination matter is the place for it to take place. As I said, for the Greens it is very much a matter of removing discrimination.

Secondly, and the second key reason why we are putting this forward, when we move on equal marriage it will send a clear message that we accept all loving couples in our community regardless of their sexuality. With that acceptance, we can begin to work to reduce the levels of aggression and violence that some people are on the receiving end of. It is the case that some couples are subjected to intimidation because of their sexuality, and I believe parliaments have a duty to stamp that out wherever possible.

Equal marriage is one step to making that happen. By making a strong statement that we reject that intimidation and that we reject that discrimination in the treatment of various couples in some second-class way, we as parliament are making a strong statement that we want a different culture in Australia. We want a culture of acceptance, we want a culture of respect, and changing the definition of marriage to include all couples, I believe, is an important, symbolic and practical way of making that statement.

The third reason for our belief in equal marriage is that the best place for equal marriage law is at the federal level so that the same standard can apply in all states and territories. Here I would echo the comments of Minister Barr that I saw in the media yesterday, that it was not ideal for different states and territories to have different marriage schemes. That is why the motion calls for federal legislative action. I do believe it is appropriate that this be done at a national level. To date, certainly when it comes to civil unions, that has been dealt with at a state level. You see across the country now a bit of a patchwork of, I guess, legal status.

The ACT of course has been at the forefront, and I think that is something we can be proud of. But it is far from ideal for couples to have the ability to formalise their relationship in the way that they choose to be shaped by the geography of where they happen to live or where they end up finding a job or where their family happens to be.

I think these are entirely unsatisfactory ways for this to be dealt with. Moving through the federal parliament, with consistent national law, is clearly the best possible way for this to be dealt with.

It is important, I think, to be very clear that marriage is a legal construct created by parliament. Climbing out of that is the fact that parliaments are invested with the power to change the law, how it is applied and whom it applies to. Again that is why we think it is entirely appropriate for this Assembly to have this discussion tonight and for the federal parliament to be the one who changes this law. To suggest that the federal parliament should not do so, I think, ignores the fact that it is obviously very much the legal construct of the parliament and that we should cede and move on this matter.

I think there is a lot more I could say. I think there is a great deal of this that is about values. It is about respect. It is about acknowledging differences in our community but also acknowledging the many differences we may have. We also still enjoy, as a community, those great moments of celebration, those great moments of ceremony, and marriage of course is one of the great rituals in our society. Not everybody chooses it these days. There is certainly a comment made out there when this debate is had at times. People say: "Why would you possibly want to get married? You can have it." That may be the case for some but there are many in our community for whom marriage is an important rite of passage, and I think that all members of our community should be able to enjoy that rite of passage and share it with their families and their friends in what is so often a very happy occasion.

Let me simply say in conclusion that we are not the first parliament in Australia to debate this motion this year and I certainly hope we will not be the last. As more parliaments debate motions like this in coming weeks and months and they have discussions as matters of public importance, as members talk about this in adjournment debates and as the debate continues through the national media, the momentum for change will grow.

I do believe we are now at the stage where equal marriage is not a question of if it will happen but simply a question of when, and again the attitude of the Australian community, as captured in those opinion polls, underlines that point very clearly. I think that in many ways the political debate is behind our community. Members of our community are well ahead of many politicians when it comes to this issue and I think that some members of parliament are out of step with their own constituency.

Certainly my federal colleague Adam Bandt had a motion passed through the federal parliament earlier this year, asking members of the federal parliament to go back to their communities and talk to their own communities. I would like to think that those parliamentarians took that seriously and I suspect when they went out there they found that the Australian community is very accepting of this notion. I look forward to the day the federal parliament catches up with the broader community, because ultimately the question of timing will be one answered by federal politicians. I hope that by our having this discussion today, bringing this motion forward and ideally passing it, we can bring about that change sooner rather than later. I commend the motion to the Assembly.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (7.41): I thank Mr Rattenbury for bringing this motion forward this evening. It is a timely opportunity for the Assembly to put on the public record its views in relation to marriage equality.

I have circulated a set of amendments to Mr Rattenbury's motion, just to give a bit more detail around what might be contained within an amendment to the federal Marriage Act, that would achieve a significant change in terms of equality for Australians but also go to protect an important element of religious freedom that is often raised in the context of this debate and used as a reason not to support marriage equality.

The amendment that I intend to move would replace the words "provide for marriage equality" with "ensure equal access to marriage under statute for all adult couples, irrespective of sex, who have a mutual commitment to a shared life". These amendments should ensure that nothing in the Marriage Act imposes an obligation on a minister of religion to solemnise any marriage. I also intend to move to include a part (3) to Mr Rattenbury's motion, calling on the Liberal Party to, at the very least, grant a conscience vote to its members of parliament on this particular issue. I will return to that point shortly.

In terms of the fundamental issue of principle in relation to marriage equality, my views on this matter are well known and the views of the ACT branch of the Australian Labor Party are well known. They were most recently ratified in an all but unanimous resolution at our annual conference in July of this year. The ACT branch of the Labor Party has always been at the forefront of progressive law reform; we have seen that demonstrated in this place through more than a decade of substantial law reform to address areas of inequality within territory law.

That goes back to the late Terry Connolly, the Labor Attorney-General in the 1990s, who was responsible for the introduction of the domestic partnerships act in 1994, which was the first of its kind to recognise same-sex relationships. Then Jon Stanhope, in his time as Attorney-General, oversaw two important pieces of legislation in his first term that sought to eliminate discrimination across more than 70 ACT laws.

The debate has, as Mr Rattenbury has indicated, moved on to areas of federal law. I am very pleased again to put on the public record that the Rudd government, in its first term, sought to remove a further 58 areas of legislative discrimination within the federal statute book that covered a range of important things like tax, superannuation and immigration status, amongst others.

The one remaining area of significant legal discrimination in this country is the federal Marriage Act; it is undoubtedly time for that final piece of discrimination to be removed. In order to achieve that, 76 or more members of the House of Representatives and 39 senators will need to step up and vote for equality. It is my view that the Labor Party will provide the bulk of those members and senators, but, if you look at the current composition of both the House of Representatives and the

Senate, it will undoubtedly also require the support of the lower house member from the Greens as well as the senators from the Greens.

I would also imagine that, in order to be successful in this parliament, it would require some votes from the Liberal Party. Hence point (3) in my amendment: that this Assembly take the opportunity tonight to call on the Liberal Party to grant a conscience vote. I suspect that it might be a bridge too far, given the make-up of the Liberal Party, to expect that they would support this en bloc, but I note, as do many who follow this debate, that many members of the Liberal Party are supportive of marriage equality.

I look forward to the contribution of those opposite tonight. Mr Hanson, in particular, in his inaugural speech, made some fairly encouraging statements about his views on equality for gay and lesbian Canberrans. One would hope that that extends to marriage equality. I know that Mr Smyth has marched in mardi gras. I am not quite as proud of his voting record in this place, but I am pleased that he has attended that event.

Mr Smyth: I got the fine fellow award the other day.

MR BARR: I noticed you did—a fabulous award from the AIDS Action Council.

Mr Smyth: Consistency.

MR BARR: Indeed. It is just a pity that your voting record does not quite match that, Mr Smyth. Nonetheless—

Members interjecting—

MADAM DEPUTY SPEAKER: Mr Smyth, Mr Seselja and Mr Barr, we are not having a—

Mr Seselja: There are plenty of members of the gay community who do not support gay marriage.

MADAM DEPUTY SPEAKER: Mr Seselja, remember that you are under warning. We are not having a conversation across the chamber.

MR BARR: Thank you, Madam Deputy Speaker. No, I do not assume that everyone shares my view. I was making the point that there are members of the Liberal Party who are in state parliaments and in the federal parliament who have indicated on the public record their support for marriage equality. The question is whether they will be granted the opportunity to express that by casting a vote in favour of a legislative change.

In the context of where conservative parties are heading on this issue around the world, my attention was drawn to recent comments from the Prime Minister of the United Kingdom, David Cameron, who spoke to the Conservative Party conference earlier this year. Amongst his contribution on that day, he made the following observation that is worth reading into the public record:

> Conservatives believe in the ties that bind us; that society is stronger when we make vows to each other and support each other.
>
> So I don't support gay marriage despite being a Conservative. I support gay marriage because I'm a Conservative.

That was the view of David Cameron, the Prime Minister of the United Kingdom.

It goes to illustrate that momentum is building—as Mr Rattenbury indicated in his opening remarks, across all political parties. I must confess that I would be amazed to meet the 10 per cent of Green voters who do not support this. It is an extraordinary proposition. It would be a very interesting political insight into those voters, but nonetheless they possibly exist.

Mr Rattenbury: We, too, are a broad church.

MR BARR: Yes; so it would seem. It is certainly clear from all of that, and from all of the published opinion polls, that momentum is building. Support amongst younger Australians is now over 80 per cent. So I also agree with Mr Rattenbury's observation that it is not a matter of if but when this legislative change occurs.

It is in that context that a recent visit to the Martin Luther King Jr memorial in the Washington Mall provided another opportunity to reflect on struggles for equal rights. In a few brief moments looking at that memorial, one quote that is part of the display there struck me as being very relevant in the context of this debate. Martin Luther King Jr said, I think in the District of Columbia in 1963:

> Make a career of humanity. Commit yourself to the noble struggle for equal rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.

It is that sentiment that is undoubtedly driving so many Australians in support of marriage equality.

I would like to take this opportunity tonight to acknowledge the work of the Australian Rainbow Labor Network, Labor Party activists from across all states and territories in Australia who have been working diligently to achieve a change to Labor's federal platform at our national conference in December to maintain a position within the Labor Party that matters of equality should not be subject to a conscience vote. I am not sure how that will pan out ultimately in December. I know from my perspective that I will be voting to change Labor's platform and I will be voting against any rule change that enables a conscience vote within the Labor Party. In relation to what happens in other political parties, I recognise that—

Mr Smyth: A conscience vote, but we will vote against it in the Labor Party.

MR BARR: Yes, and I was coming to that point. I recognise that—

Mr Smyth: It is normally called hypocrisy.

MR BARR: No. I recognised that that would be raised. As I said, I do not believe that within the Liberal Party, your party, there is the prospect of adopting a binding position in support of marriage equality. I do not believe that is a likely outcome. I suspect that what will be the outcome in the Labor Party is that we will have a conscience vote; undoubtedly pressure will then build within the Liberal Party to enable Liberal MPs to exercise their conscience on this matter. I do not think that it should be a matter of conscience, but ultimately I am a pragmatist and I recognise where debates are going. It is in this context that I raise this matter tonight.

Obviously it will be a matter for Liberal members to comment on their own personal positions and what they believe their party should do in relation to this matter. I look forward to their contribution later this evening. I hope that amongst the ranks of even the Canberra Liberals there might be one member who might be prepared to put on the public record their support for marriage equality, as I know there are members in other state and territory parliaments who are members of the Liberal Party and who have expressed that support.

I seek leave to move my amendments together.

Leave granted.

MR BARR: I move:

> (1) In paragraph (2), omit "provide for marriage equality", substitute "ensure equal access to marriage under statute for all adult couples, irrespective of sex, who have a mutual commitment to a shared life. These amendments should ensure that nothing in the Marriage Act imposes an obligation on a minister of religion to solemnise any marriage.".
>
> (2) Add:
>
> "(3) calls on the Liberal Party to, at the very least, grant a conscience vote to its MPs on this issue.

I again thank Mr Rattenbury for bringing this matter forward tonight. I acknowledge the support of all of my parliamentary colleagues here in the ACT and Labor caucus for their strong support, expressed at our branch conference earlier this year. In fact, every time this issue or any issue of equal rights for gay and lesbian Canberrans has been brought before this chamber, there has been unanimous support within the parliamentary caucus of the Labor Party in support of equality. That, I know, is warmly welcomed by Canberra's gay and lesbian community; they know that they have a government that supports them in this Labor government. With the support of the Greens, we hope to be able to achieve a significant advance for equality in Australia in the years ahead.

MR SESELJA (Molonglo—Leader of the Opposition) (7.54): The Canberra Liberals will not be supporting the amendments or the motion. I want to start with some of Mr Barr's comments. There was an extraordinary disconnect in what is in his amendments and what he is actually arguing for. On the one hand, his amendments

call on the Liberal Party to allow a conscience vote on this issue while, on the other, he is arguing against the Labor Party having a conscience vote. He wants Liberals who have a conscience position in favour of gay marriage to have a free vote, but he wants Labor Party members who have a conscience issue against gay marriage not to have a free vote. There is just an extraordinary disconnect. He is all into conscience as long as they agree with him, and that is an unhelpful place to be. It is very difficult for you to argue that the Liberal Party should allow a conscience vote because the majority of the Liberal Party is against gay marriage but that the Labor Party, where the majority of you appear to be in favour of gay marriage, should not allow a conscience vote and he is all into denying those people their right to vote how they see fit for whatever reason. I think people can see hypocrisy when it is right there in front of them, and I think that is an example.

I want to touch on some of the arguments put by Mr Barr. He is deriding Mr Smyth, because Mr Smyth supports the gay community and he shows that in all sorts of ways. He derides him, and he says, "He doesn't really support them because he doesn't support gay marriage," as if every member of the gay community is in favour of gay marriage. Well, that is not true, and it is an intolerant attitude to suggest that every gay person in Australia or in Canberra is in favour of gay marriage. It is simply not true. There are many high profile examples of people who do not fit into that category.

I want to quote from Simon Berger, for instance, who has quite a high profile in the Liberal Party as a conservative gay man. He has written extensively not just about his views on issues like gay marriage but also on his experience in the Liberal Party and the Labor Party. He says:

> As a young, feisty, colourful, agnostic, heavy metal fan from the Labor stronghold of Canberra, I have never fitted the conservative Liberal stereotype. When I "came out" five years ago, I became too much of a contradiction for those who like their people pigeonholed.

And he says:

> But contrary to another stereotype, I've encountered far less intolerance from conservatives than from gay activists, starting with the very first guy I dated who ended our brief relationship after learning of my political beliefs.

So do not pigeonhole every member of the gay community by saying, "You are only supported if you happen to support a particular political agenda." People, whatever their background, are free to have views on this issue, and those views should be respected. We see the lack of respect for the alternative views in Mr Barr's speech, both in his argument against the conscience vote for Labor and for Liberal and in his argument that Mr Smyth somehow does not have credibility simply because he does not support the Labor Party line on this particular issue.

This is what Simon Berger says:

> In the absence of widespread consensus or a compelling case for social change, I believe it's a legitimate role of government to protect the privately evolved and traditional definition of marriage and the family from efforts by unelected courts and advocacy groups to change it.

I want to touch on some of what Mr Rattenbury had to say as well and take issue with one of his claims—that is, effectively, marriage is a legal construct created by parliaments. I think there are many in the community who would disagree with that. Marriages in many cultures predated parliaments and, in fact, parliaments have simply recognised what was already an existing institution. That is where there is a fundamental disconnect—it is not simply a construct of parliaments and it is not up to parliaments to simply grant or take away the concept of marriage. We in the Liberal Party believe that marriage does not exist in that space, that it existed before parliaments and that parliaments should recognise what marriage is.

I will come to the other parts of the argument. I wanted to talk about the irony of Mr Rattenbury coming in here and arguing on the stats. In fact, he spent the first few minutes of his case saying, "Well, because there's a Nielsen poll that says 62 per cent are in favour, the law should be changed." It is interesting we did not hear that argument on the carbon tax. An overwhelming majority of Australians on every poll I have seen oppose the carbon tax. Of course, both major parties went to the last election federally promising not to deliver a carbon tax. But the Greens did not particularly care about public opinion or debate or anything like that. They were going to ram their carbon tax through regardless. There is an irony quoting public support for an issue as one of the main drivers from the Greens.

We hear from the Labor Party and the Greens a lot about how the ACT Assembly should be given more autonomy from the federal parliament and that we need to be able to get on and do our own thing. Of course, on private members' day and other times we are given an opportunity to talk about whatever issues we can affect on behalf of the ACT. Tonight we are being asked to debate an issue that we do not get a vote on. It was recognised in Mr Rattenbury's speech and the motion recognises that it is for the commonwealth parliament to make this decision. There is a contradiction there.

If you look at what the Liberals have put forward in terms of private members' day today, they are about local issues that we can, in fact, influence. Of course there will be strong views one way or another on the issue of gay marriage, but this parliament does not get to determine it. It would be far better if we focused on things we can actually affect and change for the people of the ACT. That is certainly the focus of the Liberal Party in the ACT.

I do not agree with gay marriage; I have been very clear on that. I have been clear on that publicly and privately. That is my view. That is the view of my party. That is the view at the moment of the Labor Party federally. That may well change down the track; who knows. But the view of the federal Liberal Party, the ACT Liberal Party and my personal view is that marriage is between a man and a woman. That is not to disparage other relationships; that is not to disparage anyone in our community. What it says is that marriage has a special place. It is unique and it is different. It is not discriminatory to simply say that marriage is unique and it has certain characteristics, and that is effectively what the debate comes down to as to for or against gay marriage.

We have seen all sorts of areas of inequality that have rightly been amended in recent years across Australia.

Mr Barr: And you voted against all of them.

MR SESELJA: No, that is not true.

Mr Barr: It is. The Liberal Party voted against all of them.

MR SELSELJA: Mr Barr interjects. We actually put forward a relationships register a long time ago. When the Labor Party was making no progress on the issue, because it was all or nothing, we put forward the idea of a relationships register, which was rejected. So, again, Mr Barr in his interjections has his facts wrong.

We see a special place for marriage, and we make no apology for that. Whether or not that is the majority view in our community is an issue for debate. But that is what we believe as Liberals. We believe marriage has a unique place. We believe it cannot simply be redefined, and that is why we do not support gay marriage. That is why we will not be supporting the motion tonight. We will not be supporting the amendments. The amendments are objectionable for a number of reasons because they call on the Liberal Party to do something which Mr Barr, on his own admission, does not want the Labor Party to do.

More than that, we have also been asked to vote on something tonight which this parliament does not have jurisdiction over. This parliament does not get a say. My views on it are clear; our views on it are clear. But we also believe we have a responsibility to focus on getting outcomes for our community and not on things we cannot have an impact on in the federal parliament. For all those reasons, the Liberal Party will not be supporting this motion.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.05): I am very pleased to be speaking tonight in support of this motion on marriage equality. I want to pick up on an argument that Mr Seselja just put then. He said that not all members of the same-sex community want marriage. It is not something they are supportive of. I really do not think that is an argument against changing the law. That is the same as saying that, because there are many, many heterosexual people who do not believe in marriage or do not want to get married, we should just get rid of the Marriage Act. It is quite nonsensical.

I thank Mr Rattenbury for bringing this important matter to the Assembly. If marriage equality is allowed, a significant discrimination would be removed and all couples who wanted to would get married. Our community will not fundamentally change. It will have no impact whatsoever on heterosexual marriages. The only impact is that all couples will enjoy the same rights and no longer will same-sex couples be subjected to the existing discrimination.

There are many jurisdictions across the world that now allow same-sex marriage. Ten countries grant full marriage rights—Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden. In the US six states

now permit same-sex marriage—Massachusetts, Connecticut, Iowa, Vermont, New Hampshire, and recently New York State added itself to that list. The District of Columbia and Washington DC also permit same-sex marriage. Additionally, Maryland and Rhode Island officially pledged to honour out-of-state same-sex marriages. Mexico City has legalised same-sex marriage, and there are numerous proposals for changes in parliaments all over the world. There is no shortage of same-sex married couples across the world, and the only thing that has happened to the institution of marriage is that, in some places, it is a more inclusive institution than it previously was.

At the height of this issue is a very simple question of values: is it okay for the laws to discriminate against same-sex couples or is not? The Greens very much believe that it is not okay to discriminate against same-sex couples and that the law should recognise their relationship just as it recognises the relationship of other couples. Not only is this the view of the Greens but it is the view of the majority of Australians, and Mr Rattenbury has touched on some statistics, as has Mr Barr. A Newspoll survey in November 2010 found 65 per cent of respondents had no problem with allowing same-sex marriages. A Westpoll survey from December 2010 shows 62 per cent support in Western Australia. National Nielsen surveys in November 2010 showed support at 57 per cent and in March 2011, 62 per cent.

I have no doubt that these survey results will be replicated in the ACT, and I have no doubt that the vast majority of Canberrans support marriage equality. We are a progressive community and a community that does not want to discriminate against people, a community that recognises that people should be free to choose who they want to share their lives with and that we have no place and no right to tell them that their relationship is any less valid or deserves any less recognition than others.

There really is not much else to say about the issue. Everyone has a right to love whoever they choose and, equally, they have the right not to be discriminated against because of that choice. The argument is that the community is not ready for the change, and I disagree. I think those who do not support it are not ready, but that the majority of Australians and the vast majority of Canberrans are. I have no doubt that, once the change is made, everyone will see just how ready the community is.

I would like to draw to members' attention an article that I came across published by *Forbes* magazine in the wake of the change to the New York state marriage laws, and it is titled, "What to do now if you oppose same-sex marriage". It asks those opposed to it to reflect on their views and why they hold them. The article says:

> It's time to empathize rather than to ostracize, time to imagine what it feels like to be a good person with love in his or her heart who simply wants to spend their life married to someone they love. If you deploy just a little empathy you'll soon see how fundamentally correct was the decision.

I also ask those opposed to this to do the same thing and think about why they want to tell all the loving, same-sex couples in our community that they are somehow lesser and should not be able to marry and why they should not be able to have their day in the sunshine and make the same formal commitment to the person they love.

I hope that everyone will support the motion and that this place will do its bit to put an end to the ongoing fight about this discrimination that has been here for far too long and to make our society a more equal and more respectful place.

MR RATTENBURY (Molonglo) (8.11): I want to indicate the Greens' views on Mr Barr's amendments. We are very happy to support amendment No 1. I think it adds some more detail to what is meant by the term "equal marriage", and I believe that is a positive addition to the motion. The amendment also expresses the desire of this Assembly that the federal legislation amendments ensure that nothing in the Marriage Act imposes an obligation on a minister of religion to solemnise any marriage. The Greens were working on the assumption that the commonwealth would not impose any such requirement in any event, but I think it does no harm to the motion today to spell it out explicitly. Mr Barr's observation around religious freedom was well made. For me, this whole issue is very much about not constraining anybody, not locking people into something they do not want to do, but simply offering all members of our community the freedom to choose the things they would like to do in the context of the Marriage Act.

When it comes to amendment No 2 to add new paragraph (3), the Greens are less supportive, because it asks the Assembly to call on the Liberal Party to grant a conscience vote to federal politicians on the issue of marriage equality. We do not support this part of the amendment because, firstly, at the outset we believe equal marriage is a matter of removing discrimination. As I said earlier, it is incomprehensible to say that removing discrimination is a matter of conscience. For that reason, the Greens do not support a conscience vote for this issue from any party, whether it be the ALP, the Liberals or the Nationals.

The second reason we do not support this amendment is because it has the potential to confuse the motion. What we are seeking to propose in this motion is an expression from the Assembly that we support equal marriage and that we want federal legislation to make it happen. That is the wording of our motion and what we want to achieve. That is the primary focus—it is about us on behalf of our community and our constituents giving an indication to the federal parliament as to what we want.

Mr Seselja talked a little bit about the ACT and what we can and should be involved in. This, for me, is very much relevant to the ACT Assembly because, for better or for worse, we do not have the power to deal with this issue. I accept that. But it is quite appropriate for us to then petition the federal parliament on behalf of our constituents, and there are many of our constituents who want action on this level.

The third reason I have a concern with this amendment is that how individual federal political parties internally decide how they will vote is a matter that I do not believe the Assembly has jurisdiction over. As I just said, it is for us to put a view to federal parliament on the issue, but it is outside our remit to extend into the party rooms and tell parties what method they should use to make a decision. That is certainly beyond the scope of what I intended in putting this motion forward. I will be asking the Assembly to split the vote and that we take each of Mr Barr's amendments separately so that we are able to delineate our views.

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) (8.15): I am pleased to rise in the debate this evening to add my voice to an important motion and amendments which seek to recognise that fundamental principles of equality and of removing discrimination are important in the context of relationship recognition and the application of the civil law of marriage.

It has long been the Labor government's policy to afford the same legal protections and status to those members of the gay and lesbian community who are in loving, caring relationships as those enjoyed by any other couple—the legal protection they need and deserve when making the choice to express their commitment through a legally recognised marriage. This government remains committed to its policy to enable two people, regardless of their gender, to enter into a legally recognised marriage. The ACT has a proud history of working towards the promotion of equal marriage rights. Supporting this motion is just one of the steps we have taken to uphold these vital principles of human rights and anti-discrimination.

The ACT has led the way in recognising same-sex relationships within Australia. The ACT adopted the Civil Unions Act in 2006 that allowed two people, regardless of their gender, to enter into a legally recognised partnership here in the ACT. Of course, as members would know, the Civil Unions Act 2006 was overturned by the commonwealth government in 2006, using its executive veto powers, which were then existent in the Australian Capital Territory (Self-government) Act.

In 2008 this government introduced a bill that became the Civil Partnerships Act 2008, after the 2006 act was quashed. That bill demonstrated ACT Labor's continuing commitment to the legal recognition of same-sex relationships. While the current ACT Civil Partnerships Act provides a way for two people, regardless of their gender, to enter into a formally recognised relationship, it cannot attach the same rights and obligations as those attaching to marriage. In this respect, our act does not deliver substantive equality. It represents an outcome negotiated with the commonwealth at the time.

I am pleased, of course, that the individual discretion exercised by the then commonwealth Attorney-General, the coalition Attorney-General, Mr Ruddock, is no longer available to the commonwealth. On 1 November this year, as members would be aware, the federal parliament adopted historic laws significantly strengthening the legislative rights of the ACT and the Northern Territory when it comes to the laws for those territories. The passage of that legislation means that individual federal ministers no longer have the power to unilaterally veto territory laws. Territory laws can now be overturned only if both houses of federal parliament agree to quash a territory law.

As the Chief Minister has stated previously, this change in the federal law represents progress for the ACT and is something that we should acknowledge. However, it has not affected the ACT's current laws on same-sex relationship recognition. It is time for the commonwealth to reconsider the operations of the Marriage Act, where marriage is defined as only being between a man and a woman, and to address the issue of discrimination within the act so that all Australians can be treated equally.

I was interested to hear Mr Seselja's comments earlier in the debate that marriage is special and marriage is something that goes beyond the power of parliaments to grant. If that is the argument, I look forward to his proposal to repeal civil provisions around marriage and recognise it for the social construct that it is. But I do not think that he is going to be doing that. But I was also interested in his comments because he seemed to suggest that, because marriage was special, because it was different from perhaps other laws that parliaments made, we should not be progressing the reforms that so many people in this place and indeed across Australia yearn for.

If that is his position, why does he also argue against other reforms such as civil partnerships or civil unions? Surely they are substantively different from marriage. So what we see here is a retreat from the conservatives. First of all, they opposed same-sex relationship recognition. Then they opposed legislation that granted legal arrangements to formally allow people in same-sex relationships to enter into a partnership, firstly through civil unions and then through civil partnerships, and when they have been unsuccessful on those arguments, they now rally around the last bastion of their discriminatory world view, which is the Marriage Act. That position, I think, is completely untenable.

We have heard some interesting arguments from those opposite, but fundamentally it is a discriminatory position and a position that suggests that those who are in same-sex relationships are different, that the nature of their relationship is somehow less loving or less caring or less committed than that of those who are able to enter into a marriage and that those people should be denied that opportunity. It is simply a proposition that in the government's view, in this Labor government's view, is untenable.

That is why this motion is important tonight. It is important because we reaffirm the fundamental principles that underpin why reform to the Marriage Act is so necessary—to tackle discrimination, to remove inequality, to recognise that all adults in consenting, legal relationships are able to enter into marriage. That is a simple but fundamental principle that all members of this Assembly should support, and it dismays me yet again that the conservatives on the other side refuse to recognise these fundamental and simple truths.

Ordered that the question be divided.

Question put:

That amendment No 1 be agreed to.

Ayes 10		Noes 5	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mr Hanson	
Ms Burch	Ms Porter	Mr Seselja	
Mr Corbell	Mr Rattenbury		

Question so resolved in the affirmative.

Amendment No 1 agreed to.

Amendment No 2 negatived.

MR RATTENBURY (Molonglo) (8.28): I will speak briefly in closing the debate. I would like to thank Mr Barr and his colleagues for their support for this motion tonight. I welcome that. I think that the Canberra community welcomes that a majority of this Assembly supports marriage equality. I am saddened by the fact that the support is not unanimous in this chamber.

As I said earlier, I do not believe this is an issue about political parties and certainly the figures I cited from the Nielsen poll this week, which indicate that across all the political parties at least half of the people support the right to marriage equality, speak to that fact that across the community there is an understanding and an embracing of equality in our community. That is something that heartens me a great deal about this country, that Australians, even if it is not their thing, recognise that we should give all members of our community the right to celebrate and enjoy the great fun, the tremendous show of affection, that a marriage process is. I think that a time will come when this will happen.

The valuable thing is that this parliament is sending a message to the federal parliament that we want change. I hope that that change comes soon. I hope that today's discussion, today's motion, plays a small part in advancing this very important cause.

Question put:

> That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mr Hanson	
Ms Burch	Ms Porter	Mr Seselja	
Mr Corbell	Mr Rattenbury		

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Weston Creek community festival—funding

MR HANSON (Molonglo) (8.31): I move:

> That this Assembly:

(1) notes:

(a) the Weston Creek Community festival is an annual community event, usually held each year since the 1970s;

(b) in July this year, Weston Creek Community Council (WCCC) applied to the ACT government for funding through the 2012 ACT Festival Fund;

(c) the ACT government rejected the WCCC's request;

(d) the ACT government did not engage or consult with the WCCC prior to rejecting their request;

(e) without some funding from the ACT Government the Weston Creek Community festival may not proceed; and

(f) the government has provided funding for other community festivals across Canberra; and

(2) calls on the ACT government to:

(a) engage with the WCCC and advise of any additional information required to support their funding request; and

(b) review the decision not to provide funding to the WCCC for the purposes of supporting the Weston Creek Community festival with a view to providing adequate funding that would allow the festival to occur.

In the *Southside Chronicle* on 23 November the president of the Weston Creek Community Council, Mr Tom Anderson, is quoted as saying:

> We just want a fair go from the government.

Tom Anderson in the *Chronicle* after this year's budget said:

> The ACT Budget once more has been disappointing for Weston Creek. No Shopfront, No Library, No Swimming Pool, No enhancement or change to Bus Services, No real Seniors Centre, No new Community Facility, No Health Centre, just some new bicycle lanes on the roads that few people want. Once more the District has been forgotten yet there seems to be plenty for Molonglo— a leisure centre feasibility study and a design for a Riverside Park.

We know that we can now add to that long list that Mr Tom Anderson listed in the *Chronicle*. That list now can include missing out on funding to support the Weston Creek community festival.

In July this year the Weston Creek Community Council applied to the ACT government for funding through the 2012 ACT festival fund. Unlike Woden, Tuggeranong and other festivals, they were not successful. After waiting since 4 July, the bad news for Weston Creek residents arrived in the last week of October in a letter dated 28 September, having already been sent to several other addresses instead of the

one it was marked to. At the time of sending the application, Mr Tim Dalton, who is the convener of the subcommittee for the Weston Creek Community Council, spoke to the festival officer and laboured on the fact that he and others would be more than happy to answer any questions that the ACT festival fund cared to ask.

Last year was the first time since 2004 that Weston Creek did not have a festival. Communities@Work, unable to continue their role as event managers, looked for a community body to hand over the task to. Since the horrific 2003 bushfires, Communities@Work had managed the festival in cooperation with local Weston Creek community groups.

Having secured the services of the past festival manager, along with strong letters of support from Communities@Work, the Weston Creek Community Association, the Weston Creek Rotary Club, the Cooleman Court shopping centre and several Molonglo MLAs—I believe including Ms Le Couteur—the Weston Creek Community Council had been confident of some seed money to make this event happen.

The Weston Creek festival is an annual community event held each year in spring. It has had several sites, including the parkland behind Cooleman Court and Weston oval. It has been run in the 1970s, 1980s and 1990s as well as in this decade. The main theme throughout the decades has been one of celebrating our district's community spirit with entertainment, stalls, rides, events and activities for all ages.

An innovative change to the festival proposed for this year, for autumn 2012, was that it be held in autumn rather than spring when many other events are competing for talent, time and resources. The venue that was proposed was Fetherston Gardens, Weston Creek's newly named community park and arboretum which, for those who are unaware, are the former grounds for the School of Horticulture in Weston.

The Weston Creek Community Council sought an amount of $20,000 to support the festival but, sadly, they got nothing. No doubt they would have been grateful for a lesser amount, but they got nothing. What is galling to members of the community council and the Weston Creek community is that, while absolutely no money has been provided to support a community festival, the community has had a monolithic piece of roadside art imposed upon it. The community did not ask for it. The community council did not ask for it. They were not consulted. It was an imposition.

The government ignored the request from the community council for funding to support a community festival. It considers that it is not worth a single cent but sees fit to spend tens of thousands—I would be interested to know what the total amount is; I have heard rumors that it is as much as a quarter of a million, and I do not know if that is true—on a piece of roadside art. If ever you needed an example of how out of touch this government is—the contrast between the community's priorities and this government's priorities—it is that the government has deemed fit to lavish an expensive artwork on the community that it did not want, whilst rejecting the request for community funding for the festival.

I will quote from the *Chronicle* today:

> The Weston Creek community will go without a festival next year after the ACT government declined to provide the event with funds.
>
> The Weston Creek Community Council, who has taken over the management of the festival from Communities@Work, applied for financial assistance through the 2012 ACT Festival Fund.
>
> Festival chairman Tim Dalton said the festival had requested $20,000 in assistance, but would have been happy if they had received $8000 to $10,000.
>
> The Council was notified last week it would not receive any funding.
>
> Mr Dalton said council members were stunned by the snub and council was left without the resources to hold the event.
>
> "We needed some seed money to cover costs like insurance to make sure the event happen, but not one cent has been provided for Weston Creek," he said.
>
> "The people with the festival fund think Woden and Tuggeranong are good enough to give funds to, but not Weston Creek.
>
> "The festival really brings the community together and we had some innovative plans for next year's festival. . . .
>
> "It's really bad that a core community event is being treated this way."
>
> Mr Dalton said the Government needed to rethink its priorities was it was prepared to spend tens of thousands of dollars on a piece of public art in the Weston Group Centre but nothing for a community focussed event.

There is more in the article if you should choose to read it. As an example, if you see the *Chronicle* you will note that there is a photo on the front of it with me and Mr Dalton standing in front of that artwork. As we were standing there a car drove by and a woman leaned out of the window and yelled out, "We didn't want that artwork," and a few other expletives. It was remarkable timing. It was not staged, though it may have looked that way to the media.

We have all been to community festivals across Canberra. We had the Woden community festival just recently and a number of us attended, and the Tuggeranong festival is imminent. We all attend those festivals and recognise how important they are in building community spirit. I think the government does recognise that also. It has provided funding to support festivals.

In the press release rushed out by Andrew Barr yesterday I note that a number of festivals are being supported—the Corinbank festival, the Canberra carp-out, the Canberra harvest festival, the weekend of ideas and the Canberra international music festival. There is a whole range of those festivals. It includes the Woden Valley festival and the Tuggeranong festival. But there is nothing there for the Weston Creek festival, which is disappointing given that it has been such an important part of the community over years.

I do not have the amounts for this year—that was not in the press release—but if you go to the annual reports of 2011 you can see some of the sums provided. For example, the community festival in Tuggeranong was provided $29,000. Woden was provided $19,000. That is great, but it just seems odd that Tuggeranong would be provided $29,000 and Weston Creek not one cent. I think that is a disparity that needs to be explained, and certainly explained to the community.

I have a little bit of deja vu here. I remind members how hard we had to fight for a master plan for the Weston group centre. I moved a motion for a master plan in November last year and the government and the Greens rejected it. The argument was about priorities, as it is here tonight. Mr Barr, in his role then as planning minister, said:

> … there is simply no capacity within the existing budget and within existing human resources to undertake any more master plans in this time period.

But within literally two weeks another master plan was announced for the Hawker shops. On 17 November we had Mr Barr in this place saying, and I will say it again:

> … there is simply no capacity within the existing budget and within existing human resources to undertake any more master plans in this time period.

But two weeks later, on 3 December, the Chief Minister announced a master plan for Hawker to be completed by March this year. I just make that as a point—that we have seen the sort of situation where Weston Creek has missed out before and we may be told that the priorities are elsewhere. In this case $650,000 was applied for but there was only $200,000 available and Weston Creek missed out. There is no doubt that this government can find money when it chooses to, as it did last year when, despite the fact that Mr Barr said there was absolutely no money and no human resources, it managed to find money for its own priorities when it came to it, and that was Hawker.

I do not want to see Weston Creek at the bottom of the list again. I say to Andrew Barr: go to the Weston Creek community and speak with them. This is not a new festival. This is something that is an important part of the community and has been part of the fabric of that community for a long time. It is sad that it was not run last year, but that was through certain circumstances. This is something that the government should be working with the community councils on to make sure it occurs.

I do not know what the reasons for the lack of funding are and whether or not it is a technical aspect of the application, but I think it is beholden on the government, if there is a technical aspect of the application, to work with the community council and the local community to make sure that if it is a community festival that has merit—and I think we all in this place agree that it is—that that organisation is supported in putting forward its proposal, rather than, as it did, simply rejecting it outright. I note that we are running short of time so I will not take up my entire allotted time. I commend the motion to the Assembly.

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

and Recreation) (8.42): I thank Mr Hanson for raising this matter tonight. I have circulated an amendment to Mr Hanson's motion that I will move now:

> Omit all words after "That this Assembly", substitute:
>
> "notes that:
>
> (1) funding is made available annually through the ACT Festival Fund;
>
> (2) all prospective applicants are invited to have a pre-application meeting where all criteria are outlined and explained;
>
> (3) all applications for the ACT Festival Fund are assessed by an independent committee and are assessed against the published criteria;
>
> (4) all unsuccessful applicants are offered feedback sessions on the strengths and weaknesses of their applications;
>
> (5) the 2012 ACT Festival Fund included $220,000 in available funding;
>
> (6) of 31 applicants for this funding, 13 were deemed successful to receive funding totalling approximately $202,000. The remaining 17 applicants were deemed unsuitable;
>
> (7) a second application round of the 2012 ACT Festival Fund has been opened to reallocate the remaining funding pool of $18,000. This round will be open to all previously unsuccessful applicants and new applicants; and
>
> (8) the second round will follow the same application and assessment process as the first round and that of previous years, including the availability of pre and post-application meetings.".

Speaking to that amendment, the amendment has a number of points, and I will speak to each of them in turn. Firstly, there is the statement of fact that funding is made available annually through the ACT festival fund and for the 2012 year that amount is $220,000. All prospective applicants for the festival fund are invited to have a pre-application meeting where all criteria for the fund are outlined and explained.

Point No 3 in my amendment, I think, is the most important point in relation to the assessment process for this fund, and that is that all applications for the fund are assessed by an independent committee and are assessed against the published criteria. And there was a little bit of a thread running through Mr Hanson's contribution that somehow he believes there should be a greater level of political control exercised over this funding process.

When Mr Hanson closes the debate on this matter a bit later—and he is not paying attention at the moment—he may seek to clarify whether he does believe in fact that this festival fund should be allocated by politicians. Presumably, he would be arguing that the minister of the day should just simply go about making allocations on the basis perhaps of which particular events get political patronage and have motions moved in the Assembly.

I do not think that is an appropriate way for festival funding to be allocated. I think it is appropriate that the applications are assessed by an independent committee. And you can imagine the howls of outrage if I had sought to intervene in an independent process and allocate money to one event over another. If as an Assembly we want that level of political control over these sorts of event funds, let us say that in a motion. If Mr Hanson wanted to move a motion that the minister of the day would be responsible for the allocation of all event funding and that that would be a political decision of the minister of the day, let him move such a motion. But instead, what we get is this really snide, underhand attack on the integrity of those who independently assess these applications, that somehow they have a bias against Weston Creek because they happened to recommend funding for 13 other festivals and events. So I do not think that is a fair position to take.

I think it is worth noting, and I go to point 4 in my amendment, that all unsuccessful applicants are offered feedback sessions on the strengths and weaknesses of their applications. This is obviously to enable them to provide better applications in future funding rounds.

The 2012 ACT festival fund has $220,000 in available funding, and I believe that is about a 10 per cent increase on funding that has been available in previous years. The fund was $200,000 before. It has been increased to $220,000. There were 31 applicants for this funding. Thirteen shared in just over $200,000 and there were 17 unsuccessful applicants and one, presumably, that received a partial funding amount. That therefore means that there is just short of $20,000 still remaining within the fund.

I have indicated that there will be a second application round for that remaining amount, which I believe is just over $18,000. This second round will be open to all previously unsuccessful applicants and new applicants. So there will be an opportunity for the Weston Creek festival, together with a number of the other unsuccessful applicants, to have a debrief session with the independent panel and, with the directorate, seek to address the areas within their applications that obviously did not see them achieve the support of the independent panel in making a recommendation for funding. So there will be that opportunity. There will be the engagement that Mr Hanson has stressed.

Again, I presume—and he will have the opportunity to clarify this—that he is not wanting me to personally intervene and guarantee funding for one event over another. I will be interested in Ms Le Couteur's views on that as well, whether she thinks it would be appropriate for the minister to intervene. No. She is shaking her head. I think we might be reaching a consensus that we do not want political intervention in the assessment process. Is that right, Mr Hanson? Or do you think the minister of the day should choose who gets the money? I am posing you a question and I look forward to you expressing a view on it later in this debate.

Mr Doszpot: On a point of order, Mr Speaker, if—

MR SPEAKER: I am not sure that you need to now. Please continue, Mr Barr.

MR BARR: Thank you, Mr Speaker. I will need to indicate, as is the final point in my amendment, that the second round will follow the same application and assessment process as the first round and that of previous years. So there will be the availability of a pre-application meeting.

Mr Doszpot: Yes, because you stuffed up on the first one.

MR BARR: Who stuffed up?

Mr Doszpot: You did.

MR BARR: I had no role in the assessment or the application process at all. Were you not listening, Mr Doszpot? Are you suggesting I should?

Mr Doszpot: No, I did not say you personally stuffed up, but the effect that—

MR SPEAKER: Members, we do not need conversation. Come on.

MR BARR: Mr Doszpot interjects across the chamber that there has been a stuff-up. When I challenge him on it, he asserts no, it was not mine, because he accepts that the minister of the day should not be making these decisions. I am not personally assessing the applications, and you agree with that.

Mr Doszpot: I do agree with that.

MR BARR: Excellent. So you are now casting an aspersion on the independent committee. They have stuffed up, have they? If you are going to make these assertions, Mr Doszpot, you need to back them up. You need to back them up, because it is the integrity of these individuals you are—

Mr Hanson: Mr Speaker, under standing order 42, I would ask that you get Mr Barr to address his comments through you, rather than having this ongoing debate with Mr Doszpot.

MR SPEAKER: Thank you. Mr Barr, let us return to the matter at hand.

MR BARR: Indeed. If members wish to make these assertions then it is appropriate that they do so a little more directly rather than by the snide innuendo that we have been getting through the contributions by way of interjection and in Mr Hanson's speech. But in challenging this, it would appear that no, it is not an attack on the integrity of those individuals who are independently assessing these applications. But I go back to that point, the final point I was making in relation to the final point in my amendment, that there will be the same process, that there will be the availability of a pre-application meeting.

In the instance of the Weston Creek submission, they will have the opportunity for a debrief on why their initial application was not successful and will then also have the opportunity for a pre-application meeting before they put in a subsequent application

for the second round of funding, which will then be assessed independently. But the point I want to stress is that there are other festivals and other organisations who will potentially also submit within that second round.

I have seen circulated an amendment from Ms Le Couteur. I presume she will move it after mine is dealt with, so I will have an opportunity to speak on that at that point.

I think it is important to note the integrity of this process and the fact that the fund has been increased. I think it is always going to be the case that there will be more applications than there is available funding, and this is the case for almost every grants round that any government offers anywhere. There are always more applications; so it will never be possible to meet everyone's needs. It is a competitive process but it is also a process that is built around the prospect of establishing new events.

I was interested and I was pleased to hear Mr Hanson observe that it is seed funding that organisations are seeking. It is not a suggestion that if you are successful in one grants round you are then automatically entitled to ongoing funding for the rest of time. We need to support new events. The idea behind the fund is to provide that seed funding, the opportunity to establish events, but then ultimately what we want to see is those events grow and become self-sustaining. I think that is the best way forward. It is the best way to utilise the limited funds that we have available to ensure that we are promoting a diversity of activity, that we support different events in the city, because there are a wide range of artistic, cultural and community events that receive support.

The festival fund is not the only avenue of government support for events, and I was pleased that a number of applications that came through the festival fund, which also had a tourism element, were successful in the tourism events assistance program. There are other avenues as well. But I note in the case of Weston Creek and the specific motion that is before us tonight that the Weston Creek community festival is a community festival, it is not a tourism event, and so it would not be eligible under that event fund.

But I do encourage the festival committee to meet with the festival fund team to have a debrief on why their initial application was not successful and to have a pre-application meeting. I am sure that the issues that need to be addressed can be and that they can put forward a good and competitive application for the second round.

I am not in a position to be guaranteeing any outcomes for anyone. In fact, as I have said in this place before, my attitude to the sorts of political interventions that we see in this place is to harden against that sort of intervention and say to people that if they seek that avenue to try to guarantee an outcome, to think that I will intervene because there has been a private member's motion moved, that is in fact going to send me further the other way. I do not respond to that sort of intimidation. People have the opportunity to go through an independent process, and that is how it should be.

Trying to influence the minister of the day, using private members' business, is a pretty poor way to get a good outcome for your organisation and I do not think that

that sort of behaviour should be rewarded in independent processes. That is why I do not believe—

Mr Coe: Do not use the Assembly to represent community interests. That is what he is saying.

MR BARR: No, to seek preferential outcome over other organisations, and I think it is a very poor precedent to set. I repeat the point I made earlier: if those opposite believe it should be a political process and it should be about who can get the ear of a member of the Assembly and get a motion up in this place and if that is how all funding should be allocated in this city, if that is the way you want to go, that is a very dangerous path, in my view. That is a very dangerous path and I look forward to hearing statements from further speakers in this debate to indicate that that is not the position that they are advocating.

In closing, I commend this amendment. It is a series of factual statements. I do not think anyone would disagree with anything that is contained within the amendment. There are no political assertions. It is just a series of statements of facts. So when we come to the usual test of amendments on private members' day, statements of fact appear to be supported. Political assertions have less chance of being supported in this place. That has certainly been the practice in the past. So each part of this amendment is a pure statement of fact.

I close by saying that I would welcome a further application, and the government would welcome a further application, from those applicants who were unsuccessful in the first round to apply for funding in the second.

Amendment negatived.

MS LE COUTEUR (Molonglo) (8.56): I will start by moving the amendment that has been circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) the Weston Creek Community festival is a regular community event, usually held each year since the 1970s;
>
> (b) in July this year, the Weston Creek Community Council (WCCC) applied to the ACT Government for funding through the 2012 ACT Festival Fund;
>
> (c) the ACT Government rejected the WCCC's request;
>
> (d) without some funding from the ACT Government the Weston Creek Community festival may not proceed;
>
> (e) the Government has provided funding for other community festivals across Canberra;
>
> (f) community festivals are an important way to build local communities;

(g) not all Canberra districts have local festivals;

(h) demand for the ACT Festival Fund is in the order of three times the funds available;

(i) ACT Festival Funding is allocated annually;

(j) the methodology for determining the order of merit of applications is unclear from public documentation; and

(k) approximately two-thirds of applications received were deemed to be non-compliant and received no further consideration; and

(2) calls upon the ACT Government to:

(a) provide additional funding for the ACT Festival Fund in recognition of the demand for it;

(b) provide clear public information about the methodology for ranking applications;

(c) provide a simplified process for festival fund applications designed to result in lower rates of non-compliant applications;

(d) facilitate group insurance for festival organisers as insurance is often a substantial part of the costs; and

(e) actively engage with the WCCC and other unsuccessful applicants and advise of any additional information required to support their funding requests for the second round of funding.".

I will try to be very brief because I understand we are adjourning in five minutes and I am not sure whether it is going to be possible to get this all finished in the time. But I am in the fortunate or unfortunate position of agreeing to a large extent with both of the previous speakers. Things that Mr Hanson has said about Weston Creek and its need for a community festival and that Featherstone Gardens would be an absolutely lovely place to have one, I have to 100 per cent agree with. I have said to the Weston Creek Community Council that I think that it would be great if they could have a community festival. In the interests of time, could we take it as read that I would say and agree with those things that Mr Hanson said.

I also have to agree with Mr Barr that I think that it is totally inappropriate for the Assembly to single out a particular festival, a particular funding application, and say: "This is our No 1. This is what should be done." I think that there is a reason that we have independent bodies to determine these things. We often talk a lot in this place about accountability and transparency and proper processes and I think that having the Assembly allocating funding for a festival does not qualify as that. It is appropriate that this should be independent.

I agree with most of what Mr Barr said. Certainly in terms of his amendment, as he said, it is factual. The only thing in it that I would probably point out particularly is

(6) where he says that the remaining 17 applicants were deemed unsuitable. Canberra has a very well-educated population, and I find it really hard to believe that the majority of the applicants, 17 applicants, were unsuitable, while 13 were successful. In the briefing I had about this I was told that they were unsuitable because they had not managed to correctly fill out the form. There has got to be something wrong with the process. We have such a well-educated community that it is unbelievable that so many people would be unable to successfully complete the process. I agree it is a competitive process to get funding, but they should be able to fill out the forms unless there is something actually wrong with the forms.

Speaking more about the things in my amendment, I think one of the problems is that the government is too focused on big-ticket events and not enough on community events, small community events. They are the ones that are going begging, things like the Weston Creek festival. That is going begging here. We are not talking about a lot of money for the things that are going begging.

It is clear that the festival fund is not adequate for the demand on it. There was $650,000 applied for, whereas only $220,000 was available. My amendment asks for an increase in funding, because clearly there is the appetite and enthusiasm in the Canberra community to do more of this sort of thing. Festivals like this are great for getting the community together, for community cohesion, for sustainability in its broadest sense—social sustainability. As I said, it is not reasonable that two-thirds of the grants were unsuccessful because of forms not being filled out properly.

So what my amendment is trying to do is look at reforms to see a way of making this go better. We are looking for more money. We are looking for better public information about the methodology of ranking applicants in particular, a simplified process for applications, so that we do not get the majority of them not being compliant.

Particularly we are looking to facilitate group insurance for festival organisers because insurance is often a substantial part of the costs. And this would follow on from the ACT government's successful innovation with community councils whereby the ACT government is in fact acting as a broker and bulk-buying. The typical community council, when I started here, was paying $5,000 a year, basically all their government grant, for public liability insurance. It is now down to about $1,000 a year due to bulk-buying. I would like to see the government look at doing this for festivals because this could substantially reduce the cost.

Almost in summary, I would like to pick up on one of the things that Mr Barr said. He said that the fund was very much focused on new and innovative things. I have to agree that is really important but it is not the only thing. If you look at festivals like Woden and Tuggeranong, and Weston, they are inevitably not going to be that new and innovative. It is the same community every year. And if we are going to have some sort of process that enables the districts of Canberra to run community festivals, we have got to have some different criteria, apart from the emphasis on new and innovative, because it just does not work.

It is 9 o'clock. I commend my amendment to the Assembly and pray we will all be brief.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (9.02): Of the points in Ms Le Couteur's amendment there are a number that the government has no particular issue with. There are quite a few statements of fact in there. Largely all of the points in the first part that are noted I understand and am happy to acknowledge.

But I do have some issue with the Assembly yet again and in the context of question time this afternoon. I was shouted down while trying to make the point, in the context of debates over a cut in taxes and charges in this place, that nearly every time we debate other matters within other portfolio responsibilities of shadow ministers or Greens spokespeople there is always a call for additional funding in a particular area, and here we go again. In principle we would all agree that providing additional funding to community festivals is a good thing. The government has indeed done that, as I have indicated.

With the co-location of territory venues and events, tourism and the community events all within the Economic Development Directorate, there are certainly opportunities, through streamlining administrative processes and in looking at the sorts of events that we fund, to be able to direct some more resources towards local events, noting, though, that there is not a bottomless pit of money. We cannot every time we might want to just throw more money at something when we get this constant desire, at least from those opposite, to cut back almost every revenue line that would indeed pay for these worthy government investments.

I do need, and it was remiss of me to not make this observation in my earlier comments, to remind Mr Hanson of the difference between capital and recurrent expenditure in terms of budgeting. Whilst it might be a cheap debating point to once again roll out the "we hate public art" chorus, it is important to note that that was a capital allocation, Mr Hanson; it is not available as recurrent expenditure but is a one-off capital allocation and so is treated differently in the territory accounts. I am sure that after four years in this place Mr Hanson would be aware of that.

The Canberra Liberals have form on this. They are very fond of trying to convert capital allocations into ongoing recurrent allocations, but they have been caught out on this before. It is important to repeat the point that cheap attacks on public art, whilst entirely predictable, are getting to the point of tedious repetition; a theme we have seen a lot of today. But you cannot use a capital line and bring it over to a recurrent amount and think that that—

Mr Hanson: The grant is not a recurrent amount.

MR BARR: The festival fund is a recurrent allocation, Mr Hanson.

Mr Hanson: Not for Weston Creek it wasn't, though.

MR BARR: It is a recurrent allocation every year.

Mr Hanson: No, they didn't get it every year.

MR SPEAKER: This is not a conversation, Minister Barr.

MR BARR: Thank you, Mr Speaker. The festival fund is a recurrent allocation, so it is not as simple as it may seem for Mr Hanson to make the cheap debating point, have a go at public art and simply say that you could drag a capital allocation across. It would be a one-off allocation as opposed to a recurrent program.

In relation to the other points that Ms Le Couteur has raised in the second part of her amendment, I think the committee would argue that they do have that criterion about clear public information around the methodology, but if it can be made clearer I do not have an in principle objection to that. As for a simplified process for applications, again that may be possible, but you should of course want to have a certain hurdle and a certain amount of information before you allocate funding, so I think we would need to be careful in balancing simplicity with providing enough information to enable an independent panel to undertake a rigorous assessment. The group insurance option I think is an attractive one and I am happy to explore that further if that is not already available. It would possibly depend on the nature of the particular events.

I just want to make one final observation around the point Ms Le Couteur made about new and innovative events. I think it is possible and in fact should be encouraged within existing and longstanding community events to do new and innovative things within the context of the festivals. That is not to say that you have to have a new idea or a new festival every time, but I would have thought we would want to encourage those festival organisers to find new and innovative ways to engage more members of the community.

I think some of the most successful community festivals are evolving ones that respond to changing demographics in particular parts of the city and respond to changing tastes and interests that community members will express over the time. In fact the worst possible thing as an event organiser is to think that you have perfected something and it will never need change. So it is in that context that we still want to encourage new and innovative events.

Having said all of that, whilst I do not agree 100 per cent with every element of Ms Le Couteur's motion, and given the late hour, I am not going to call a vote on it. We will be happy in acknowledging that it would appear that it is going to be supported by Mr Hanson, yes?

Mr Hanson: I am amending it.

MR BARR: You are amending it. In that case I will sit down and wait to hear Mr Hanson's amendment before I declare final support for a position.

MR HANSON (Molonglo) (9.09): I move the following amendment to Ms Le Couteur's amendment:

> Omit paragraph (2), substitute:
>
> "(2) calls upon the ACT Government to:

(a) provide clear public information about the methodology for ranking applications;

(b) provide a simplified process for festival fund applications designed to result in lower rates of non-compliant applications;

(c) actively engage with the WCCC and other unsuccessful applicants and advise of any additional information required to support their funding request for the second round of funding;

(d) review the decision to not provide funding to the WCCC for the purpose of supporting the Weston Creek Community festival with a view to providing adequate funding that would allow the festival to occur; and

(e) report to the Assembly in the December sittings on the progress that has been made on subparagraphs (2)(a), (b), (c) and (d).".

My amendment is pretty simple. Essentially what it does is remove the bit that you had concern with, minister, about providing additional funding for the ACT festival fund. Having noted some of the comments that you made I have removed that. I have added a couple of other elements: to review the decision not to provide funding to Weston Creek Community Council for the purpose of supporting the Weston Creek Community Festival, with a view, not directly, to providing adequate funding that would allow the festival to occur; and for the government to report to the Assembly with the progress on those elements. They are not substantial changes to Ms Le Couteur's amendment but they certainly remove the element of additional funding, which goes beyond the scope of what I intended from my motion.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (9.10): With Mr Hanson's amendment, as I have indicated in my speech, I am happy for us to support removal of 2(a) of Ms Le Couteur's amendment. But it is not for the government to review the decision not to provide funding—it is a decision made at arm's length from government—so I cannot support your 2(d) in that area, and it will not be possible to report on progress to the Assembly in a December sitting, because their application process will not have even closed by the time we come back in a couple of weeks, so I cannot support 2(e) either. I just do not think that is particularly practical. So I would prefer to support Ms Le Couteur's original amendment than I would support Mr Hanson's further amendment in that context.

Mr Hanson's amendment to **Ms Le Couteur's** proposed amendment agreed to.

Ms Le Couteur's amendment, as amended, agreed to.

Motion, as amended, agreed to.

Adjournment

Motion by **Mr Barr** proposed:

That the Assembly do now adjourn.

Order of Australia Association
Trinity Christian school
Royal National Capital Agricultural Society

MR COE (Ginninderra) (9.12): I start tonight where I finished off last night with regard to the Order of Australia Association. The chair there is Len Goodman AO; the secretary, Bruce Trewartha OAM; the treasurer, Brian Acworth AM; the committee members, Diane Karagus AM, Trish Keller OAM, Dr Andrew Lu OAM, Ian Meikle AM, Jennifer Muir OAM and Derek Robson OAM; and the co-opted member is Ray Newcombe OAM.

I would like to conclude this part of my speech by thanking and congratulating Len Goodman on his service as chairman of the Order of Australia Association Canberra Branch. His term expires later this month, when a new committee will be elected at their AGM. I wish them all well for their upcoming meeting.

This evening I also pay tribute to the principal of Trinity Christian school, Mr Carl Palmer. Today I, along with the students, staff, parents and friends, was able to commend and thank him for the exceptional service he has given the school and community since 2000. After 12 years in the role, Mr Palmer will be, quite literally, passing a baton on to a new principal. Today's assembly was befitting of the ethos and values he has demonstrated in his time at the school. It was engaging and heartfelt but a happy forum to acknowledge his commitment.

School captains, Ryan Winslade and Lisa Tredinnick, emceed the events, with Tony D'Abrera, Daniel Leung, Brianna Kimber, Adeline Pfeiffer and Nathan De Meillon offering prayers and readings. Presentations and tributes came from students Zak Steward, Ashley Maxted, Emma McDonald, Alexander Thorpe, Jessica Laudenbach, Adrian Janse van Rensburg and Emily Horsley. Mr Michael Lee, principal of St Mary MacKillop college, spoke of Mr Palmer's legacy at Trinity and beyond.

Today Mr Palmer gave a presentation which included a number of his famous green bags. With a theme, BEST, he gave some practical advice which is applicable to all, even beyond the school boundaries. He said, "B is for being who you are, E is for encouraging others, S is for striving to be the best you can be and T is for trust in the Lord." Mr Palmer is a man of strong faith and he sets a wonderful example for all he knows. He is an exceptional leader and he was ably supported by his wife, Jennie. I wish them both well and thank them for their service.

This evening I would like to pay tribute to the ongoing contribution made to support and promote agricultural excellence by the Royal National Capital Agricultural Society. The RNCAS are responsible for organising and staging the ActewAGL Royal Canberra Show, the Dan Murphy's national wine show of Australia, the *Canberra Times* home leisure, caravan, four-wheel driving and camping show, the ActewAGL Canberra regional wine show, the royal Canberra extra virgin olive oil show, and the royal Canberra national poultry show as well as other activities throughout the year.

In Canberra at the moment the 2011 Dan Murphy's national wine show is taking place at EPIC. I commend those involved, including the head of the national wine show, Mr David Metcalf. The deputy chair is Michele Norris, and members are Andrew Moore and Deanna Riddell. I know the committee would like to make particular mention of the contribution made by Mr Tom Carson who is the outgoing chairman of judges.

I would also like to commend the ongoing contribution made by the current chief executive officer of the society, Mr Garry Ashby, and also acknowledge the work done by the sponsorship manager for the wine show, Ms Cate Versegi. The national wine show advisory panel plays an integral part in the event, and they are: the chair of judges, Mr Tom Carson; the past chair of judges, Mr James Halliday AM; past chair of the national wine show committee, Bill Moore; and members, Tim Kirk and Dr Edward Riek OAM.

The Royal National Capital Agricultural Society is a not-for-profit organisation which originated from the Ginninderra Farmers Union which was established in 1905. The Farmers Union mandate was to aid district land owners in improving their farming methods, with the introduction of scientific ideas, and the very first show was held in 1927. Since then there have been 84 shows and the society continues to support and promote agriculture through events and competition and education.

The RNCAS is made up of 10 staff members, seven board members, 57 councillors and over 1,000 volunteers. The current board of directors is: president Mr Rod Crompton; vice-president, Mr Dennis Algie; treasurer, Mr Frank Wommelsdorf; and Mr Stephen Beer, Mr Michael Kennedy and Mrs Kathleen Harvey.

I urge all members to support the society and to visit www.rncas.org.au for more information.

Mental health—prisoners and detainees

MS BRESNAN (Brindabella) (9.17): I am very disappointed that the Assembly did not have the opportunity to debate my motion on the notice paper today about the proposed forensic mental health unit, but at least by having the motion on the notice paper parties were able to deal with a number of issues through discussions about amendments.

One of my key concerns about the proposed unit was whether or not AMC detainees could receive treatment there. The government has previously stated that patients could include people deemed not fit to plead because of mental illness; detainees held at the AMC who had a significant deterioration in mental health and required therapeutic treatment; and people under involuntary orders who posed great risk but were not involved in the justice system.

However, in the last two briefings the Greens received from both ACT Health and Corrective Services ACT we were advised that the forensic unit would treat only detainees who were deemed by the courts to be unfit to plead. The Attorney-General said in the corrections annual report hearings last week:

> A forensic mental health facility would really be dealing with those individuals who, because of their mental illness, are not fit to plead, not fit to be found to have had the necessary elements to prove particular intent. So they really are in a higher order category than perhaps the types of issues that would be dealt with in the CSU. They are a different category of prisoner.

By eliminating AMC remandees and sentenced prisoners from a forensic mental health unit, it could be argued that a forensic unit would not be financially viable because it would treat only people who were deemed unfit to plead.

The government has today told us that it remains committed to building a forensic mental health unit and that detainees from the AMC will be able to be treated there. It appears that within the government there have been mixed messages about what the policy was, and I am glad that that will now be clarified.

The other key point my motion sought to discuss was that of detainees being held for medium to long periods in the AMC's crisis support unit. The crisis support unit was designed as a low-stimuli environment for detainees who required short stays because of an acute crisis. It has no outside areas, and the existing exercise area has high brick walls and a small mesh open roof. The Knowledge Consulting report stated that one detainee was held there for nine months, three months longer than what would be recommended for an ACT forensic mental health unit.

I have been inside the crisis support unit and I would challenge anyone who would say that staying there for longer than several weeks, without any access to grass or fresh air, would not lead to a deterioration in a person's mental health. Independent statutory bodies have raised their concerns about the unit through the annual reports process, including the AMC Official Visitor and the Health Services Commissioner. The Greens are concerned that throughout recent months we have not seen the government acknowledge the inappropriateness of the unit for people staying there for extended periods.

Until such time as a forensic mental health unit is built, interim options are required for those detainees with a severe mental illness who require mid to long-term care. If detainees with a severe mental illness are to achieve rehabilitation and be able to function once their incarceration has ended, or even just survive, they need to receive therapeutic treatment for the mental illness. The existing situation in Canberra must not continue, as a crisis support unit is not a therapeutic environment and cannot provide mid to long-term mental health care.

Kids Assist program

DR BOURKE (Ginninderra) (9.20): On Friday, 4 November I was delighted to meet the graduating students of the 2011 Kids Assist program. The Kids Assist program is a training initiative which gives year 10 students who are at risk of not completing high school the opportunity to gain firsthand experience in the construction industry. This also acts as an incentive to remain in school.

The Kids Assist program is a collaborative initiative involving a number of ACT high schools, the CIT and the ACT Master Builders group. The program combines

classroom and onsite experiences. It shows students how formal education can benefit them in the workplace. It is a terrific example of how collaboration between industry and schools can work. On completion of the program the students receive a certificate II in construction, another great incentive.

This year students have been involved in the construction of a barbecue at Belconnen high school as well as the construction of circular and rectangular brick planter boxes as part of an Anzac memorial garden at Campbell high school. They have developed skills not only in construction, especially in buttering bricks, but also in their personal development, through linking accredited training with the world of work.

The ACT government has been highly supportive of this industry initiative since its inception in 2002. We recognise the importance of finding alternative teaching methods and environments to encourage students to stay engaged in our education system. We also value the benefits that students derive from vocational education and training. It is outcomes such as these that will ensure that we can develop Canberra as the nation's learning capital, which is the vision of the ACT Tertiary Taskforce. Through the Kids Assist program we are upholding the ACT youth commitment under the national partnership on youth attainment and transitions. The ACT youth commitment was established to engage young people in education and training and to assist young people in making a successful transition from school into further education, training or employment.

A recent graduate of the Kids Assist program has said: "This is a great way to get a taste of the industry if you're unsure whether it is right for you. It will also get you a quick start when you first start out." And teachers were equally positive. They said that students were well behaved and punctual and that students were working well around the school.

The Kids Assist program provides a unique chance for students at risk to engage in their training in a new and challenging way. I congratulate all the graduates and commend them on completing the Kids Assist program.

Legacy South Laurel Club

MR HANSON (Molonglo) (9.24): I rise tonight to talk about the Legacy South Laurel Club. The Legacy South Laurel Club is a group of Legacy widows who provide fellowship for each other, as well as provide support to other Legacy widows through such activities as phone calls and hospital visits. They support Legacy activities such as badge week. They support a number of charities, both indirectly and directly, through activities such as providing comfort packages and food parcels. They provide parcels which they send overseas to serving members and they also provide a morning tea to thank legatees who look after them and provide them with support.

I went to one of those activities last week and the array of food that was put on by the South Laurel club was fantastic. I take this opportunity to seek leave to table a report on the Legacy South Laurel Club that was provided to me by their president, Fay Hird.

Leave granted.

MR HANSON: I table the following paper:

Legacy South Laurel Club—Report by Fay Hird OAM, President.

Fay Hird is a remarkable woman. She has been awarded for her service to the South Laurel club, including the award of an OAM. She has been president from 1984 to 1990 and then again from 1992 to the present. She assures me that she will be finishing up as president in March 2012. It is a remarkable record of service.

I would like to read into *Hansard* the names of members of the South Laurel club: Hazel Alexander, Peggy Bannon, June Betts, Dulcie Blacker, Edna Brill, Agnes Brown, Patricia Buckley, Margaret Cannons, Nea Cummings, Kath Dalling, Irene Dempsey, Nerida Divorty, Eleanor Gibson, Val Ginns, Madeline Grannall, Doreen Grieves, Shirley Groves, Pauline Haldane, Marjorie Hart, Wyn Hayward, Fay Hird, Pat Hooke, Barbara Jeffery, Jane Lee, Flora Little, Agnes McCabe, Joyce McGuire, Elva McKenzie, Nancy McLean, June Malone, Margaret Marris, Lorna Masterton, Joy Maxwell, Betty Medway, Hazel Merz, Sylvia Moss, Mary Parker, Eva-Maria Pruckner, Freda Reid, Pauline Salter, Norma Stacy, Mindy Sutherland, Enid Treadgold, Jean Trotter, Jean Warrilow, Joyce Webb, Marlene Wilson and Natalie Wilson.

To all of those members of the Legacy South Laurel Club, I wish you well with your fellowship and with the support that you provide both to Legacy and to other charities. I look forward to the next morning tea.

Women's health

MS LE COUTEUR (Molonglo) (9.26): I rise tonight to talk about three events that I went to in the break between sittings. All had the same theme: women—in particular, sexual health or lack thereof.

The first was Reclaim the Night on 28 October. It is a rally and a march; it has been held on the last Friday of October every year since it started, in 1977 I believe, in England in response to a spate of attacks against women when police advised women to stay at home at night and not go out. Women's response, quite reasonably, was to say, "We have the right to go out." Women claimed the right to walk alone at night—as we do, as we should, everywhere. This march has now been held for 33 years in Canberra.

Unfortunately, the situation is that one in three women in Australia will experience sexual violence in their lifetime. I suspect that figure is actually a lot higher, given the huge rate of under-reporting. But that is the official figure, and it can only go up from that, not down from that. So it is really important to ensure that sexual violence is kept on the political agenda. Everybody—all people, including women and children—should be able to feel safe wherever they are without fear of violence or harassment. And we need to be clear as a community that violence is not the fault of the victim. Women do claim the right to walk alone at night.

Secondly, I want to talk about the Canberra Rape Crisis Centre. I went to the Canberra Rape Crisis Centre gala fundraising lunch on 10 November. This was held at the CIT, and it was a great event. I think we are all aware of the Rape Crisis Centre. It provides confidential counselling and practical supports for women and children who have experienced any form of sexual assault, either recently or in the past. They have a 24-hour crisis service and a phone line. They have advocacy and information.

Thirdly, I turn to a much more positive event, but one on the same general theme—Sexual Health and Family Planning ACT. Its main problem in life right now, I have to say, is that its name is unpronounceable. When I was a younger woman it was just Family Planning, which had the major advantage that you could pronounce it.

Ms Hunter: SHFPACT.

MS LE COUTEUR: Exactly, Ms Hunter—unpronounceable: SHFPACT. Anyway, whether its name is pronounceable or otherwise, it has the same aims now that it had 40 years ago when it started. I went to its 40-year anniversary AGM. Its purpose is improved sexual and reproductive health for the Canberra community within the framework of feminist social values. It works specifically with the priority populations who have barriers to improved sexual and reproductive health—young people, financially disadvantaged people, culturally and linguistically diverse people, people with disabilities, Aboriginal and Torres Strait Islander people and gay, lesbian, bisexual, transgender, intersex and/or queer people.

So in summary, sexual health and sexual violence are important issues for the Canberra community. It is sad, in a way, to say that we have been having Reclaim the Night marches for 33 years here. But while it is an issue, it is really important that we stand up for it. It has not gone away, and people who think it is a problem should not go away either.

Narrabundah college theatre arts
YMCA Canberra

MR DOSZPOT (Brindabella) (9.31): On Saturday, 5 November I had the pleasure of attending the final night of the Narrabundah college theatre arts production of *Marat/Sade—the persecution and assassination of Jean-Paul Marat as performed by the inmates of Charenton under the direction of the Marquis de Sade*. The play was written by Peter Weiss in 1963, I think. Theatre arts at Narrabundah college has a very high reputation for having produced many creative and engaging shows over the years. Its 2011 production of *Marat/Sade* certainly continued this exciting and fine tradition of high quality theatre.

I would like to congratulate director Nikki Dudgeon and the cast ensemble of Narrabundah college theatre arts on the spectacle that was created—of eccentric characters, lighting, music and song that made for an intense and exciting night of entertainment. The cast included Celia Berry-Smith, Tayler Birch, Lucy Clarke, Hannah Dehelean, Pia Dunlop, Dayne Garani, Kane Gaundar, Tom Hinds, Zoe Hinge, Elle Kromar, Maddie McWilliams, Huxter Nicol, Lindsey Randall, Sam Roberts,

Rose Rutherford, Bennett Schnieder, Sam Sharp, Michael Tran, Ben Walsh and Alex Wu. The lighting was provided by Kristy Truman and front of house by Minh Ngoc.

I had the pleasure of meeting many of the cast and the director, Nikki Dudgeon, after the production. As I said at the outset, it was a very intense play. It showed the talents of a very talented group of young students from Narrabundah college. Once again, my congratulations to Nikki Dudgeon, the director, on putting together the cast as well as the production that they all performed in.

On 2 November I had the pleasure of attending the YMCA of Canberra's RAID basketball program. I would like to pay tribute to the YMCA of Canberra and also to the commitment of people like George Huitker, director of cocurricular at Radford college, and his many students who assist with the RAID basketball project each Wednesday night at Dickson college gymnasium.

The RAID basketball program has been operated continuously by the YMCA since 1984. The program provides an opportunity for around 40 male and female teams and adults with moderate to severe intellectual disability to participate in a weekly basketball competition to benefit from all aspects of team participation in a physically challenging sport. Teams are supported by two paid staff and up to 10 volunteers—young people from Radford college, as I mentioned, as well as some parents and carers.

The health benefits of the program include the development of a sense of belonging and camaraderie by all participants, increased self-esteem through a feeling of a sense of achievement and self-worth and, of course, regular physical activity to help reduce the risk of chronic disease.

Once again, I thought it was a very inspirational evening from a number of points of view. One was to see the enthusiasm and the ability of these young people who are playing basketball to the best of their ability and also the enthusiasm and the assistance provided by the Radford college students. I also once again underline the fact that this work has been going on for a number of years, being carried out by George Huitker, who is well recognised within the education field and also in the disability arena for the contribution that he is making to the understanding of the issues that children with special needs experience.

He is also giving students an opportunity to interact with children with special needs and giving them better understanding of the issues that many in our community have to confront on a daily basis. Once again, it is a great program. It has been carried out for quite a number of years through the YMCA of Canberra. People like George Huitker, his fellow volunteers and the students of Radford college all deserve our plaudits.

Forgotten Australians

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (9.35): Tonight I would like to talk about a gathering that I went to this morning. It was a gathering that recognised the second anniversary of the apology to the forgotten Australians. And

forgotten Australians are adults—many of them at the moment are in their 30s, some are very elderly—but they are the survivors of institutionalised care here in Australia. Of course, this was in the orphanages, the homes and so forth that many children found themselves in. That could have been because they were orphaned, their parents were in prison or they were taken from their parents due to neglect.

In fact, talking to some of the people who were gathered there this morning, it also ranges to children of Germans here in Australia during the Second World War who were interned. The parents were put in one place, the children were put in orphanages. It goes through to children who were born with disability and who were put into institutions and left there.

For many of these children, their experiences were horrific. They were very traumatising. There was abuse of all sorts. There was not enough to eat, there was not proper health care, they were not given the educational opportunities they should have been given. So we do have something like 500,000 people in Australia who went through this system, and for many of them the impact and the effects of that have been lifelong. And, of course, we also must remember Indigenous Australians, those of the stolen generations.

It was, I think, a very important event to go to, to acknowledge what had happened to these people. It coincided with an exhibition that has been opened at the National Museum of Australia. So many of the people who were at the gathering this morning had been flown in from different parts of Australia because they had participated in that exhibition, they had given particular possessions. One was a school uniform from when they had been in the institution. But they also shared their stories and, as I said, these stories are heartrending in many cases.

I do encourage everybody to go to the National Museum of Australia to see the exhibition because I think it is important. We need to raise the awareness of the plight of these people to ensure that they are going to be given the supports and services that they require, that they need, that they are calling for.

There are many groups that have set up across Australia to provide support, but it is important, as representatives of our communities, that we do ensure that the services are accessible for those people who need them. Because of the lack of education, there was a lack of employment and so poor life outcomes. There was poor health and a lot of mental illness. A lot of people had post-traumatic stress disorder. There were also other types of mental illness that many are still suffering from. That is why it is important.

Many of these children were told that if they went out and told their stories they would not be believed, and that stopped them coming forward. And unfortunately, of course, that meant that the abuse and the neglect continued. It is important that we acknowledge the stories of these people, that their experiences were real, and we need to learn in order to ensure that this sort of thing cannot happen again.

Of course, here in this 21st century, hopefully we have moved a long way from the sorts of institutions that we had back then, but we cannot ever neglect to have a look

at what these experiences are, learn from them, and put in place the absolute best system we can to ensure that children who are going to end up in our care and protection system in this century are going to be assured a great education, great health and a very safe and secure place to be nurtured and raised. Again, I was very honoured to have been able to gather with people this morning to commemorate this occasion.

Question resolved in the affirmative.

The Assembly adjourned at 9.41 pm.

Schedules of amendments

Schedule 1

Crimes (Penalties) Amendment Bill 2011

Amendments moved by the Attorney-General

1
Clause 4
Page 2, line 9—

[oppose the clause]

2
Clause 5
Page 2, line 20—

[oppose the clause]

3
Clause 6
Page 3, line 1—

omit clause 6, substitute

6	**Section 15 (3)**
	omit
	26 years
	substitute
	28 years

4
Proposed new clauses 6A to 6E
Page 3, line 5—

insert

6A	**Intentionally inflicting grievous bodily harm** **Section 19 (1)**
	omit
	15 years
	substitute
	20 years
6B	**Section 19 (2)**
	omit
	20 years
	substitute
	23 years
6C	**Recklessly inflicting grievous bodily harm** **Section 20 (1)**
	omit
	10 years
	substitute
	13 years

6D	**Section 20 (2)**
	omit
	13 years
	substitute
	15 years
6E	**Causing grievous bodily harm** **Section 25**
	omit
	2 years
	substitute
	5 years

5
Clause 7
Page 3, line 6—

omit clause 7, substitute

7	**Culpable driving of motor vehicle** **Section 29 (2)**
	omit
	7 years
	substitute
	14 years

6
Clause 8
Page 3, line 12—

omit clause 8, substitute

8	**Section 29 (3)**
	omit
	9 years
	substitute
	16 years

Schedule 2

Crimes (Penalties) Amendment Bill 2011

Amendment moved by Mrs Dunne to the Attorney-General's amendment No 4

1
Amendment 4
Proposed new clause 6B

omit proposed new clause 6B, substitute

6B	**Section 19 (2)**
	omit
	20 years
	substitute
	25 years