Debates

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Legislative Assembly for the ACT

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Thursday, 17 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.

Attorney-General
Motion of censure

MRS DUNNE (Ginninderra) (10.02), by leave: I move:

> That this Assembly censures the Attorney-General for misleading the Assembly in relation to statements the Attorney-General made in the Assembly on 27 October 2011 and 16 November 2011, which he attributed to the Director of Public Prosecutions in respect of the current maximum penalty for manslaughter.

It is unfortunate that we have to come in here again within 24 hours to seek to censure the Attorney-General for misleading. The Attorney-General has a very bad habit of being very loose with his words.

Members interjecting—

MR SPEAKER: All right, members.

MRS DUNNE: He has a very bad habit of being very loose with his words and not being prepared to take back when he makes a mistake. Therefore we will continue to take it up to him and hold him accountable. It is most important that we do this here today.

The Attorney-General, over the period of a couple of sitting weeks, has basically tried to seek succour for his position. It is a perfectly debatable position, and he is entitled to hold his views about the penalties in relation to manslaughter, but he has sought to seek authority from other people when that authority does not exist. He sought to seek authority from the Director of Public Prosecutions when the Director of Public Prosecutions has gone out of his way not to have a view on this subject. It is absolutely improper for members of the government to try and hide behind public officials when they do something wrong.

Mr Coe: Like he did yesterday.

MRS DUNNE: He did it yesterday and he has done it again here today.

The Attorney-General and I disagree about the penalty for manslaughter. It is an arguable point. One can take examples from precedent and other things about why you should do this, but it is not proper for the Attorney-General to attribute to a senior statutory officeholder comments that he did not make.

The litany of this is quite simple and the records are straightforward. On 27 October Mr Corbell spoke in debate here in relation to the Crimes (Certain Penalty Increases)

Amendment Bill. Although he was debating that bill, he spent a lot of time dwelling on the bill that successfully passed yesterday. He said:

> Mrs Dunne's bill proposes to increase the maximum penalty for the offence of manslaughter—

that is true—

> despite the fact that the DPP has said that the current penalty is appropriate …

When I heard that, I thought to myself, "That is unusual; I do not know that I have heard the DPP say that." He went on to say:

> … the current penalty is appropriate, in giving evidence to the very committee inquiry that Mrs Dunne says is the basis for the recommendation to increase the manslaughter penalty. The DPP has since reconfirmed his position that he believes the current penalty for manslaughter is appropriate.

Mr Speaker, you were at the hearing, as were Ms Porter and Ms Hunter, when the DPP appeared at the murder inquiry. It is worth looking at what the DPP said in relation to the manslaughter inquiry. Firstly, he made a submission, which was submission No 2, made on 31 March 2009. The DPP only made passing reference to manslaughter in his submission, saying that manslaughter was always an alternative available to the court as an alternative to the verdict of murder.

He did make a very important point about his status. At the beginning of his submission, he said:

> I am independent of government, and accordingly I must leave matters of criminal law policy to the government and ultimately to the Assembly. However, it will generally be appropriate for me to highlight the practical implications of proposed legislation—

that is, the Crimes (Murder) Amendment Bill—

> particularly in relation to matters which are of obvious importance to my Office.

So at the outset the DPP went out of his way to say: "I am not going to make comment on policy. It is not my job. It is the job of government and it is the job of the Legislative Assembly." You were there, Mr Speaker; you asked him the questions about manslaughter that elicited the answers. But before issues about manslaughter were raised, the DPP, on 22 July when he appeared before the justice and community safety committee, said:

> … I start with a caveat: it is not for me to advise the government or the Assembly on what the law should be, and these are matters of public policy. I see my role more as outlining the relevant considerations, particularly as they have an effect on my office.

That is at page 29 of the *Hansard* of the committee inquiry. You, Mr Rattenbury, asked him questions about the adequacy of penalties. He said in response to that:

> But sentences for manslaughter can range from that sort of range—

he was talking about a particular case—

> right down to, in some instances, bonds, and immediate release without imprisonment, depending on the circumstances of the manslaughter. There is plenty of flexibility available …

You referred to commentary about the level of sentences. I asked a question about whether there had been any appeals on the basis of leniency. He said that there had not been in relation to murder or manslaughter. The main point that he made on this occasion was this. Again he said:

> I have attempted to scrutinise carefully any sentences that are handed down with a view to appealing against any sentences that I thought were inappropriately light. I have done that in a number of instances.

Then he said, and this is the killer:

> I think that is the better way for DPP to give its commentary on level of sentences, rather than to pontificate upon it in committees.

It is quite clear from every word that the DPP said that he had views about the practical application of the murder law, that he had views about the practical application of manslaughter and how they mixed together, and that at no stage did he express a view.

Members interjecting—

MR SPEAKER: Thank you, members. Order!

MRS DUNNE: At no stage did he positively say, "I think the current penalty is appropriate." He went out of his way to say: "Since I have been the DPP, no issues have arisen. If an issue arises, I will take it to the courts."

Mr Hanson: He ruled out making commentary.

MRS DUNNE: He specifically ruled out making commentary and making a comment on whether or not a particular approach on a particular penalty was good policy. The DPP has consistently done that. I have had conversations with him, and other members are entitled to have these conversations with him. I am sure that you, Mr Rattenbury, from your conversations with the DPP, would know that he has gone out of his way to say, "I do not make commentary on policy; I will tell you if something goes wrong." We were in debate back on 27 October and yesterday because the DPP did just that.

In the case of Creighton, I wrote to him. When I wrote to him about the sentence, he said: "I am already on the case. I have already lodged the appeal papers." I did not hear anything from him again until the appeal was brought down. He wrote to the attorney and me in May this year to say: "I have a problem. The appeal court has

created a problem for me." The DPP was as good as his word. He said in relation to murder: "I will not pontificate; I will not express a view on sentences. I will take the matter up in the court, because that is my job. If I have a problem, I will then raise it with the Legislative Assembly." That is exactly what he did.

The attorney made these comments on 27 October. They were so surprising to me that I had to go back and refresh my memory as to what Mr White said back in 2009. There was such a stark contrast between what Mr White actually said and what the attorney claimed he said that Mr Doszpot came in here and asked a question. He asked the minister whether he could point to where the DPP had made this statement. Because the attorney had said that he had subsequently reinforced this view, Mr Doszpot asked whether he could table for the information of the Assembly where the DPP had reinforced this so-called view. Mr Corbell said, "I will take that on notice; that was such a long time ago." The last sitting week was such a long time ago! He said, "It was such a long time ago I cannot possibly answer." He could speak with authority on 27 October about the DPP's views back in 2009, but the day before yesterday he could not.

I was extraordinarily surprised that, when we got to the detail stage of the crimes sentencing bill yesterday, the attorney used almost exactly the same words that he used on 17 October. In the detail stage in the debate on clause 5, he said:

> … 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.

Obviously Mr Doszpot thought that Mr Corbell had gone away after his question and satisfied himself that he was right. He did repeat it, and when he repeated it I was so surprised I actually said across the chamber, "Are you sure you want to repeat that, minister?" He continued to repeat it. Mr Doszpot came in here again yesterday and asked the questions. Mr Corbell twisted and wriggled and tried to get off the hook. And, Mr Speaker, you heard him selectively quoting from what the DPP said in 2009 to the justice and community safety committee.

I have given you a full exposition of what the DPP said in relation to manslaughter. I could read the whole eight or nine pages of *Hansard*, but that would be a waste of our time. The attorney yesterday attempted to selectively quote from the DPP's comments.

Members interjecting—

MR SPEAKER: Thank you, members.

MRS DUNNE: He could not at any stage point to anything where the DPP said that he was satisfied with the current penalty. He could not do it, Mr Speaker. You heard him, Ms Hunter heard him and Ms Porter heard him. He could not do it because the DPP has never done it in public or in private to me. I would suggest that if he has not done it in public, he is not prepared to do it in private. He has, on a number of occasions, expressed the view that it is not his job to have such a view. It is his job to tell us when things go wrong.

We are here today because the attorney made a mistake. I think this is what happened. I have worked in an Attorney-General's office; I know how busy it is. I think that an official wrote a speech and the attorney stood up and read it. He probably had not read it beforehand. He read it and he took it as gospel because the official had written it there. This happens all the time. The Attorney-General is a busy person. But when this issue was raised, he should not have repeated it; he should have come back and withdrawn. What he said on 27 October was clearly wrong. It was clearly wrong. To repeat it yesterday was more than doubling the offence. He knew that it was wrong and he wilfully went out and repeated it.

Mr Speaker, the case is clear; the case is straightforward. Mr Corbell has a track record of saying the wrong thing—overreaching and not being prepared to withdraw. All the members in this place saw his discomfort yesterday when Mr Doszpot challenged him about what was actually said in the inquiry in 2009. We all heard that he could not point to anything where the DPP had expressed a view. The case is clear. The Attorney-General should not have made the comments he did. I am quite prepared to accept that he just read a speech that someone prepared for him. But then he should just say that. He should say, "I read the speech; I accepted that what was in the speech was correct." He was challenged on this on two separate occasions and he did not take the opportunity to correct the record and make it perfectly clear that the DPP was not meddling in policy.

This is what it is about. He is trying to tie himself to the DPP. He is so insecure as the Attorney-General that he always needs some other authority. He needs some other authority; he needs respect. He needs to be treated with respect; he demands to be treated with respect because he is the first law officer. He does not act like one. He does not act with honour; he does not act with integrity. Therefore this minister should be censured.

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) (10.19): There is absolutely no substance to this censure motion this morning. In fact, it is one of the most contrived and fabricated censure motions we have ever seen in this place. Mrs Dunne talked about my having a track record. The only people that have a track record in this place are the Canberra Liberals. They have a track record for fabricating and manufacturing censure motions basically every sitting week in this place for the past three years. And it is because—

Members interjecting—

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

Members interjecting—

MR SPEAKER: Mr Corbell, one moment, thank you. Mrs Dunne was predominantly heard in silence. There were a few interjections, but we have just had four members shouting at Mr Corbell at once across the chamber. It is really beyond the pale. Mr Corbell, you have the floor.

MR CORBELL: They are the ones who have the track record of fabricating censure motions in this place, fabricating outrage, fabricating allegations where none exist.

I appreciate the psychosocial analysis I received from Mrs Dunne earlier but I will take my own counsel about my own approach to life in the world and I will not seek to make comments about Mrs Dunne or others on the other side of this place. It is very interesting that of course when they cannot sustain an argument around the facts, they go for the personal attack, they go for the commentary on my psychological approach to life, they go for some commentary about what I need to feel gratified in life. I know what I need, and I do not need that advice from those opposite. But it just shows how vacuous and absurd this censure motion is today. They do not like it either, I have to say.

Mr Hanson: On a point of order.

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

Mr Hanson: Mrs Dunne's motion deals with a very specific issue. When she gave her speech it was very much focused on the detailed evidence and quotes from *Hansard*. Mr Corbell has had a couple of minutes already and he has not actually gone to the point of the censure. He is not actually talking about the evidence and the detailed case that has been read out. He is simply attacking. I would ask him to be to relevant to the debate. He is essentially verballing in the statements that he made of the DPP and I ask him to be relevant to the case.

MR SPEAKER: There is no point of order. Mrs Dunne saw fit to dwell on the attorney's motivations, and I think it is fair for the attorney to respond to that.

Members interjecting—

MR SPEAKER: Order, members.

MR CORBELL: They can dish it but they cannot take it. It is as simple as that. They can dish it but they cannot take it. And, quite frankly, it highlights the paucity and the weakness of their argument that, when they cannot substantiate the claim and the facts, they have to go to personal attack and the personal commentary on me and my attributes or my psychological motivations. I think the record will speak for itself about the way the Liberals approach these matters.

Let us turn specifically to the claims made by the Mrs Dunne. Yesterday I was asked a question about this matter in question time and I tabled a detailed written answer. I will simply draw members' attention to one element. Indeed it is that quote from the *Hansard* that Mrs Dunne did not read in her so-called detailed exposition from the *Hansard*. But surely not! Surely Mrs Dunne would not not mention this element! But I draw to the Assembly's attention the comment from Mr White in relation to the evidence he gave during the standing committee's inquiry into the Crimes (Murder) Amendment Bill where he said, very clearly:

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

He made quite clear his views about the adequacy of the sentencing options available to judicial officers in relation to those offences. That is a clear and plain statement.

Further to that, as I indicated in the written answer that I provided yesterday, officers from my directorate have been engaged in direct discussions with the DPP. And I advised the Assembly yesterday, in writing—clearly the Liberals have not read it, because if they had read it they would know that their claim of censure today is completely without foundation—very clearly that Mr White's advice to my directorate was that he did "not have an issue with the penalty for manslaughter".

So let us be very clear about the position today. The position today is as I have stated yesterday, is as I have stated previously. The DPP has made very clear his views about the adequacy of the sentencing options in relation to the offence of manslaughter.

I am not putting words into the mouth of the DPP. I am not attributing claims to the DPP that he has not made. I am quoting directly and accurately from the advice that the DPP has given to both the standing committee in evidence and indirectly to officers of my directorate. Where is the argument? There is no argument around this censure, none whatsoever.

Maybe there is some other motivation for two censure motions in two days in this place. Maybe it is because they are embarrassed about other matters that they have to deal with today. Maybe it is because they do not want to get to matters such as the disallowance of the Auditor-General's appointment. Maybe that is a reason to delay bringing that very important matter on today. I do not know what the motivation is, but clearly the motivation cannot be the substantial matter that they claim it is today. Clearly it cannot be cannot be that.

Maybe it is simply that Mrs Dunne is sensitive because she has not been able to convince this place that we should increase the penalty for manslaughter. She has been on that train in relation to increasing the penalty for manslaughter since 2008. She tried to get the committee to agree to it. The committee made recommendations. The government did not agree. And this Assembly has not agreed in relation to the substantive offence of manslaughter. So quite simply, there is no substance to this allegation, none whatsoever.

Mr Coe interjecting—

MR CORBELL: Maybe the motivation is: if you throw enough mud, some of it is going to stick. Maybe that is the motivation. I am sure we are going to see plenty more censure motions between now and the beginning of the caretaker period next year, because clearly the Liberals' agenda here is simply to throw mud, to make unsubstantiated claims. But all they do in these approaches is debase the forms of this Assembly, debase the mechanisms available to this Assembly in relation to real

accountability measures. This claim is without substance, without foundation, and the censure cannot be accepted.

Mr Coe interjecting—

MR SPEAKER: One moment, Mr Corbell. Mr Coe, I have now had to speak to you twice in the last three minutes. You are warned for repeated interjecting. Mr Seselja, you have the floor.

MR SESELJA (Molonglo—Leader of the Opposition) (10.27): In response to Mr Corbell complaining that he is facing another censure motion today, we will do a deal. We will stop moving censure motions against you, Simon, when you start telling the truth. You start telling the truth, Mr Corbell, and we will not move another censure motion. There is the deal, and that is the unfortunate reality with this minister. He has incapacity, it seems, to tell the truth. And we see it time and time again, and that is why we are here again today—not because of some agenda of smearing Mr Corbell but because he keeps saying things which are not true. He says them over and over. He repeats them. He refuses to withdraw them. And it is appropriate that we hold him to account for his statements.

It is appropriate that we hold him to account when he seeks to hide behind the DPP to justify his views. He hides behind the DPP because he cannot substantiate his arguments. That is unacceptable. Argue what you like as to what a sentence should be but do not claim the DPP has said something when he simply has not said it. It does Mr Corbell no credit and it is disrespectful to the Director of Public Prosecutions in the ACT. In fact, the Director of Public Prosecutions has given exactly the opposite indication in his public statements to what Mr Corbell claims. He has said he does not want to give comments on the appropriateness of sentences. So we go to what Mr Corbell has said and then we go and we compare that and contrast that with what the DPP said. The facts are there on the table.

I will get to Mr Corbell's defence in just a moment. Mr Corbell said:

> Mrs Dunne's bill proposes to increase the maximum penalty for the offence of manslaughter, despite the fact that the DPP has said the current penalty is appropriate …

in giving evidence to the very committee inquiry that Mrs Dunne says is the basis for the recommendation to increase the manslaughter penalty. And it goes on:

> The DPP has since confirmed that there is no reason for a change to the penalty for the offence of manslaughter.

Let us look at what the DPP said. Let us put the facts on the table. He said:

> I am independent of government, and accordingly I must leave matters of criminal law policy to the government and ultimately to the Assembly. However, it will generally be appropriate for me to highlight the practical implications of the proposed legislation, particularly in relation to matters which are of obvious importance to my Office.

Then, when asked to give his views on the proposed change to the murder provision, he began with the caveat:

> Again, I start with a caveat: it is not for me to advise the government or the Assembly on what the law should be, and these are matters of public policy. I see my role more as outlining the relevant considerations, particularly as they have an effect on my office.

Under questioning from Mr Rattenbury, he was asked:

> 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? Does the DPP have a view on that?

Mr White said:

> With respect, that is conflating two issues. Cassidy is a good example of a very severe penalty for manslaughter. I think Cassidy was sentenced to 15 years, with 10 years on the bottom, from memory. But sentences for manslaughter can range from that sort of range right down to, in some instances, bonds and immediate release without imprisonment, depending on the circumstances of the manslaughter.

And this is where Mr Corbell has his defence. He says that the DPP said there is plenty of flexibility available to sentencing judges in relation to sentences for both manslaughter and murder. That is his defence. He claims the DPP said something when the DPP did not say it. Those are the facts. The DPP went out of his way to say that it was not his role to give that kind of advice and he was not going to offer a view about the appropriateness of the penalties.

But Mr Corbell, because he could not sustain his argument on its own, decided to conscript the DPP to his views. We believe that is inappropriate. We believe if you are going to claim that a public officer, a public official, a senior public official such as the DPP, has said something, it should be true. It should be based on facts, not on your interpretation of what he may have said. You need to base it on the facts.

The facts are that the DPP did not say it. He did not say that the current penalty is appropriate. Nowhere can Mr Corbell point to it. And it is therefore highly inappropriate and misleading for Mr Corbell to get up and claim that it is. He has shown no respect to the DPP. He has shown no respect to the Assembly. He has shown no respect to the community. He should therefore be censured.

MR HARGREAVES (Brindabella) (10.32): I thank Ms Hunter for allowing me to go prior to her in the normal rotation. There are two issues at play in this motion. One is the claim by those opposite that the Attorney-General has, as it were, misrepresented the statements by the DPP. Indeed, Mr Seselja has just said, "Don't claim the DPP has said something when he didn't." He said he has conscripted the DPP to his view. He went on then to say: "If you're going to quote a public figure, it should be true. This is no respect to the DPP."

This motion was brought on by Mrs Dunne, and my next series of quotes, Mr Speaker, go to the credibility of Mrs Dunne being able to put forward any such accusation about the Attorney-General. You need to understand that this is a view being expressed. If you believe that view, you may think it has some validity. I do not. Just before 5 o'clock on Tuesday, Mrs Dunne, in a discussion in this place regarding the Solicitor-General's advice to the Minister for Community Services, said this:

> What we had this morning was the government solicitor being asked to pull the government out of a hole by some fairly creative—

Mr Seselja: A point of order, Mr Speaker.

MR SPEAKER: Yes, one moment, Mr Hargreaves, thank you. Stop the clocks.

Mr Seselja: The point of order is on relevance. What Mr Hargreaves is talking about has nothing to do with the matter at hand. The matter at hand is what Minister Corbell said in comparison to what the DPP said. It is highly inappropriate and highly irrelevant to be talking about a debate on a completely separate issue.

MR HARGREAVES: On the point of order, Mr Speaker, the usual convention in this place is that on motions of no confidence and motions of censure there is allowed a debate on whether the arguments coming forward have the credibility and validity to be put in this place in the first place. I would like the opportunity to advance that particular view.

Mr Seselja: On the point of order, Mr Speaker, just yesterday it was ruled in this place that it is not as wide ranging as Mr Hargreaves makes out. In fact, the opposition was forced to amend the motion in order to be able to talk in a more wide-ranging manner. If Mr Hargreaves wants to amend the motion, he should feel free, but he is not being relevant to the motion in front of us.

MR SPEAKER: Mr Hargreaves, I remind you to remain relevant to the motion. I assume the point you are making is going to become relevant to the specifics of the motion.

MR HARGREAVES: Yes, it is. Thank you very much, Mr Speaker. Essentially, this is censuring or attempting to censure the Attorney-General for misleading the house and misquoting a public official—namely, the Director of Public Prosecutions. I contend, Mr Speaker, that Mrs Dunne, who is bringing this motion forward, in fact has done just that herself within the last two days, and I wish to put that—

Mr Seselja: A point of order, Mr Speaker.

MR HARGREAVES: Excuse me.

Mr Seselja: On a point of order.

MR SPEAKER: Yes, one moment. Mr Hargreaves, he is allowed to—

MR HARGREAVES: Excuse me, how about you wait until the end of the sentence?

MR SPEAKER: Thank you, he is allowed to take a point of order.

Mr Seselja: If Mr Hargreaves wants to make allegations against Mrs Dunne, there are forms. He can move a motion against her. This is not a motion about Mrs Dunne; it is a motion about Mr Corbell and what he said. He is being irrelevant. He should be asked to be relevant, and if he wants to move a substantive motion, he should do so.

MR HARGREAVES: I would like to just complete the sentence, if I can, Mr Speaker, because it goes to the point that Mr Seselja is trying to make to you.

MR SPEAKER: Before you continue, I suspect you are about to try and draw this together. Let us just make sure that we stick to the matter of the motion.

MR HARGREAVES: Certainly, Mr Speaker. Since those opposite seem intent on not allowing me to put my view on this issue forward, I seek the permission of the chamber to truncate what I was going to say at this point to consider drafting an amendment to the motion, circulating it and then asking permission to rejoin the debate. Alternatively, I will just go to the credibility of what is being put forward. That is contained in *Hansard* of 15 November, and I draw people's attention to that *Hansard*. It is at page 54 of the uncorrected proof of 15 November, where Mrs Dunne, in fact, verballed the Solicitor-General and has no right, therefore, to do that in this place.

Mrs Dunne: On a point of order. Mr Speaker, you have already ruled on this and Mr Hargreaves is flouting your ruling.

MR HARGREAVES: I have finished.

Mrs Dunne: Whether he is finished or not, what he has said is in contravention of your ruling, and I think you should do something about it.

Mr Hargreaves: On the point of order, Mr Speaker, you asked me to keep to the point or sit down, and I have just done that.

MR SPEAKER: Thank you. There is no point of order.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.38): Quite honestly, this is just getting ridiculous. This censure motion was delivered to my office at 9.47 this morning. Then at 9.53 we got 13 pages around the claim. At the very last minute we are getting information about a censure motion. If people were serious about their censure motions, surely they would be taking the time to come around, to have a discussion about it and to put the case clearly on the table.

These are serious matters. We used to feel as though we had a censure a week; now it appears to be a censure a day. I can only assume that the Canberra Liberals are not taking this very seriously and that they have never considered that, in order to be able

to get support, they need to come and put their case to us and not with about seven minutes to go before we are coming into this house. As I said, this is an incredibly serious matter. It should be dealt with seriously, and I cannot help but feel a lack of a serious approach is being taken by the Canberra Liberals.

On the argument being put forward about the meaning of the public statements made by the DPP, this is not an argument about the behaviour of the Attorney-General in regard to misleading the Assembly. It appears to boil down to the meaning of one word—flexibility. What did the DPP mean when he said to the committee on 22 July 2009 that there is plenty of flexibility available to sentencing judges in relation to sentences for both manslaughter and murder?

We are having an argument about what the attorney takes that to mean and what Mrs Dunne takes that to mean. Really, this is boiling down to a different interpretation from two members. There are comments on the public record, and political interpretation can always be applied to what things mean. But it comes down to a simple matter of interpretation—a different interpretation between the Attorney-General and Mrs Dunne.

This difference of opinion on the interpretation of the evidence given by the DPP to the JACS inquiry is a political matter; it is not a matter of contempt of the Assembly. It is hard to feel that this is anything more than politicking that we are seeing this morning. I wonder about the timing, also, as to why this has been brought on at this time when we know there is a very full agenda this morning with some extremely important matters on the table.

We have high expectations about the government as far as how they will take or use statements made by public officials or statutory office holders is concerned. We need to be very careful about how that information is restated or how it may be used. We should value their evidence and use it very carefully, but we must be very cautious about how we use that evidence to support our respective political positions.

In this case, though—and I put it quite clearly—I do not believe the Attorney-General's interpretation is in any way unreasonable. I believe it is a reasonable interpretation. Some may say that it pushes a boundary. But, at the end of the day, it is a reasonable interpretation. But let us be clear—this is a difference of opinion between two members about the interpretation of a statutory office holder's statements to an inquiry.

We will not support this censure. Mrs Dunne has talked in her speech about wasting our time, and on a day that is so full, where there are so many important matters to get to at this time, we are sitting here debating a difference of opinion on interpretation between two members, which, as I said, is a political matter. It should not be used in this sort of way.

The Greens will not be supporting this censure motion. We will get to the business of the Assembly today, and if this is some sort of tactic to try and put off what is on the table, I can tell you that the Greens are prepared to stay here until all the business is done.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (10.44): I will speak briefly to support the comments of the Attorney-General. I think the attorney has been very clear in explaining his answers to Mr Doszpot's questions and providing those answers in writing to the opposition, clearly clarifying the comments he has made. I think Ms Hunter is correct—there is a different view about the word and the intention of the word "flexibility" that Mrs Dunne has taken to suit her political cause here this morning. What we find is another day, another censure motion, and it is quite concerning that the Canberra Liberals are adopting the tactics of the Liberal Party of Australia—obviously watching events up on the big hill—on how to disrupt and wreck the normal proceedings of a very busy parliament. They tried it yesterday, they will try it today, and they will probably try it the next sitting day as well. Pushing forward with censure motions without substance is trivialising the processes of this parliament.

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja, you are skating close to the edge.

MS GALLAGHER: They are probably quite happy to do that, but it is reaching a point where the Assembly needs to take a stand. We are not going to waste hours of precious Assembly time listening to whether or not the intention behind the word "flexibility" was one thing or another. The standards we apply as ministers in correcting the record need to be shared more broadly across the other side of the chamber. If we want to get down to scouring *Hansard* and having a view about the intention behind particular words, I am sure that we also could move a censure motion in this place every single morning.

Indeed, I am still waiting for Mr Seselja to correct the public record on the misleading comments he made on radio. I am still waiting for Mr Hanson to correct the record on misleading comments he made on the radio and which he repeats from time to time. If this is a game people want to play in here, and we will go through and find words and take a particular view about what they mean and then move a censure motion, the entire Assembly's time will be spent this way.

This is a waste of the Assembly's time. We have got a number of important pieces of business before the Assembly today. Yes, we will all be here to finish that, but it does not help when we have silly, petty, wrecking censure motions that are designed to suit the Liberal Party's particular purpose. The Assembly deserves more respect than that. The attorney has been clear in clarifying the record. You disagree, and that is fine. You can continue to disagree, but it is not worthy of a censure in this place. The attorney has clarified the comments in question time and in writing, and this censure has absolutely no substance at all.

MR SMYTH (Brindabella) (10.47): The Chief Minister says the Assembly deserves better, and she is right. The Assembly does deserve better from the ministry. As Mr Seselja said so succinctly, start telling the truth and we will stop having to move censure motions. We are here as guardians of what goes on in this place. If we allow the standard that Mr Corbell applies to truth and honesty then that will be a very bad, very sad, reflection on this place.

The case has been made that we are using up valuable time, that the government has got work to get through. This place rose at 10 minutes to 11 on Tuesday because the government had run out of work for that day. So let us not run this line that we have got so much to do that we should not be doing this. We should do what is right and just for this place.

I look forward to getting to the privileges committee's report in a few moments because I am the one that called for that committee. I am quite happy to get to the disallowance when we get to it as well because I am the one that put it on the notice paper. The opposition are the ones who have always said, "Let's sit for as long as it takes to do our business because that's our function in this place." But it is those opposite on the crossbench who are always happy to go home.

It seems to be that the word "flexibility" is the key point in Mr Corbell's defence. But members need to read what Mr Corbell said yesterday in his answer to a question on notice. Let me read you the final paragraph:

> It is clear from a review of the committee inquiry into the murder bill that the director made very specific statements—

I repeat: statements—

> about the maximum penalty for manslaughter and other maximum penalties …

Where are these statements? Mr Corbell has quoted one word, "flexibility". Mr Corbell, we will give you leave to stand again and quote all of the statements that you care to quote. You will not, because you cannot, because they are not there. Mr Corbell said, "Mrs Dunne didn't read the sentence before the sentence she read." Well, Mr Corbell did not read the paragraph before that because it does not suit his purpose; it does not make his case. It is quite clear. You, Mr Speaker, asked a question and at the end of the paragraph you say, "The issue is more that we have a problem of inadequate penalties." You say:

> Does the DPP have a view on that?

What is the answer? I quote:

> With respect, that is conflating two issues. Cassidy is a good example of a very severe penalty for manslaughter. I think Cassidy was sentenced to 15 years, with 10 years on the bottom, from memory. But sentences for manslaughter can range from that sort of range right down to, in some instances, bonds, and immediate release without imprisonment, depending on the circumstances of the manslaughter.

Here is Mr Corbell's defence line:

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

Yes, there is flexibility but it does not say whether at the top end it is adequate. The DPP actually goes on to say:

> I prefer to do any commentary on the level of sentences through the courts.

He does not back Mr Corbell up. Mr Corbell comes into this place and twists these words, as he does so often. The word "flexibility" is ambiguous at best. In the full context of the paragraph it says, "Yes, you can get off or you can get 15 years." He does not say whether that is adequate or not. The flexibility in this case refers to the range. Indeed, in that regard the DPP is right—there is flexibility for judges, but he offers no comment.

As he does so often, Mr Corbell comes in and twists his way out of these charges. I draw this to the attention of the Greens. Have you read what he tabled yesterday? Have you asked him, for example, for the other statements, the specific statements? There is nothing specific in the only line that Mr Corbell can point to because it does not exist. That is the problem. He hides behind public servants when he gets it wrong. If it was an accident, let him apologise and move on. We saw yesterday the three occasions with the RSPCA. We now have numerous occasions where Mr Corbell twists what the DPP says and the Greens let him off.

Ms Hunter, you can speak again and show me where the specific statements are. You cannot do that because they do not exist. That is why Mr Corbell must be censured. I got censured for a press release because "the vibe" in a press release was wrong. That is the standard. If I get done for "the vibe", what does a minister get done for in this place? Apparently nothing. That is the problem. The standard here is set so low that in effect there is no standard now. These ministers will not be held to account by the Greens.

We will endeavour in opposition to do the best that we can. Mr Corbell, you can have as much time as you like to come and quote the specific statements that you refer to in this answer written to the Assembly yesterday—or indeed you have misled again. That is the problem, Mr Speaker. We will not resile from moving motions of censure on ministers who mislead. The motions of censure will stop when the minister tells the truth.

Minister Corbell has the worst record in this place for persistent and wilful misleading of the Assembly, and it continues. The Greens aid and abet in that continuance of denigrating the integrity of this place. This place deserves respect. Mr Corbell does not. Mr Corbell, again in his answer yesterday, lied to this place and it was a bald-faced lie. He cannot point to a single statement that is specific and he should withdraw this as well.

Mr Hargreaves: On a point of order, Mr Speaker, Mr Smyth has just indicated across the chamber that yesterday Mr Corbell lied to this place. There was a motion debated yesterday and that has concluded. At best, that is a reflection on a vote in this place. He is debating points of yesterday. That debate has concluded and he should therefore withdraw that comment.

MR SMYTH: Just to clarify, where I said he lied is in the statement that he tabled yesterday. Mr Hargreaves is confused over the RSPCA motion as opposed to Mr Corbell's answer on the issue that he tabled yesterday.

Mr Hargreaves: On the point of order, Mr Speaker, there is a difference between giving incorrect information which was provided to the minister and telling a lie. The nuance between those two is quite clear to the ordinary man in the street. Mr Smyth knows that and should be asked to withdraw it.

MR SPEAKER: Members, it is quite clear that even in the space of a censure motion unparliamentary words remain so. Mr Smyth, I would ask you to proceed and be careful with your words and not delve into the ground of unparliamentary language. Thank you.

MR SMYTH: Thank you, Mr Speaker, I will finish. I will go back to the point because clearly Mr Hargreaves either does not understand or chooses not to understand. The last paragraph in a written answer to a question on notice that Mr Corbell tabled in this place says:

> 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 …

He did not. He made a statement about flexibility in sentencing, which we all agree upon. Judges have flexibility in sentencing from the maximum penalty to release. Nobody is quibbling on that point. That is not the DPP saying that sentences were adequate. Mr Corbell compounds the mislead by writing this and tabling it as some sort of justification without any proof. Again, Ms Hunter, you can speak again and show me these statements that exist. You cannot because they do not, and that is why Mr Corbell should be censured. The censures will stop when the minister starts telling the truth.

MR HANSON (Molonglo) (10.56): Mr Speaker, I was not intending to speak until Ms Gallagher did. I think what she said has essentially condemned Mr Corbell. I ask Ms Hunter to listen closely to what I say to you because she will probably make the decision about the vote here. What Ms Gallagher said—and I will quote it—is that she took the word "flexibility" to suit her political cause and she was alleging that that was what Mrs Dunne had done: she had taken the word "flexibility" to suit her political cause. Ms Gallagher pointed to that as a crime that Mrs Dunne had committed in this place.

This is the whole point of the argument—that in fact it was not Mrs Dunne that did that. Mrs Dunne has litigated a case to point out that it is Mr Corbell that has done exactly that—that, in Ms Gallagher's words, somebody has taken the word "flexibility" to suit their political cause. That is exactly what Simon Corbell did. He chose to take the words of the DPP that there was flexibility and allege that that meant adequate, when it is clearly the case that the DPP did not mean that. In fact, the DPP ruled that out when, at the start of giving evidence to the committee in question, the DPP said:

> I start with a caveat: it is not for me to advise the government or the Assembly on what the law should be, and these are matters of public policy.

Ms Gallagher has correctly identified the crime that has been committed here, but it is an offence which has been committed by Simon Corbell—that is, in Ms Gallagher's words, to take the word "flexibility" to suit his political cause. As much as we can have debates about the detail of this motion, when it comes down to it, Ms Gallagher herself has identified that that is exactly what has occurred. I would ask the Greens—in this case I would implore them—to look at the facts in black and white. This is not a matter for interpretation. It is quite clear that Simon Corbell has verballed the DPP. The DPP has specifically ruled out providing advice. It is in the *Hansard*. The DPP has had his words taken and used for a political cause exactly as Ms Gallagher has alleged.

MRS DUNNE (Ginninderra) (10.59), in reply: It is telling that the attorney had so little to say in his defence. He had a great deal to say about the opposition but could not bring himself, for a considerable amount of the time that he spoke, to actually address the substantive issues. The substantive issue is about telling the truth. The ministerial code of conduct and the expectations and conventions of the Westminster system require us to tell the truth. They also require that if we do not tell the truth, either advertently or inadvertently, we come in here at the earliest possible opportunity and correct the matter.

What we have had here over the course of two sitting weeks is the minister perpetuating an untruth and misleading the Assembly about the views of the DPP on a particular policy matter. When I went back and reflected upon what the DPP actually said after the minister made these comments on 27 October and discussed it with my colleagues, we decided to ask a question to give the minister an opportunity to set the record straight. The minister, first of all, took it on notice: "I can't possibly remember what I said last sitting week. It was too long ago." But the previous sitting week he had a very clear idea of what the DPP had said three years ago. So it was very surprising that, when the Canberra Liberals put him on notice that there was a problem, he would come in yesterday and repeat the mistruth.

Mr Doszpot again challenged Mr Corbell yesterday. The attorney made an accusation that I selectively quoted from the DPP and that the line that he quoted about flexibility I did not quote. In fact, they are clearly in my notes and I have a clear recollection of using the word "flexibility" when I read from them. I turned over the page because it is highlighted in my notes. The things that are highlighted I read out:

> … sentences for manslaughter can range from that sort of range right down to, in some instances, bonds, and immediate release without imprisonment, depending on the circumstances of the manslaughter. There is plenty of flexibility available to sentencing judges in relation to sentences for both manslaughter and murder.

The important issue is:

> I prefer to do any commentary on the level of sentences through the courts.

That has been the consistent view of the DPP. Mr Corbell said on three occasions, and I think he repeated it again today, that his officials have spoken with the DPP who has subsequently said that he did not have an issue with the penalty of manslaughter. I have had conversations and communication with the DPP on the issue of sentencing in a range of areas, including manslaughter. The DPP has said to me that he has never expressed a view about the sentence for manslaughter. That is pretty much a "he said, she said" thing and I am not proposing that we embarrass the DPP by bringing him to the bar of the Assembly or anything like that to set the record straight.

What the DPP has said to me in private communication and private conversation is that he has never expressed a view on manslaughter. That is borne out by his public statements in the committee that you, Madam Deputy Speaker, attended, where he said: "I will not pontificate. I will begin with the caveat that I am a public official and it is not my job to express a view on policy. That is a job for the government and essentially the Legislative Assembly." He said it over and over again. He said: "I will not pontificate. I will not raise my views here in the committee. If I have a problem I will raise them in the court." And he did not.

It is not about what "flexibility" means. It is about what he said and what he did not say. He clearly did not say that he had a view about the penalty for manslaughter. That is what this boils down to. The attorney had an opportunity after Mr Doszpot raised the question to set the record straight. He could have come in here and said: "I read a speech. I didn't check it. And yes, Mr Doszpot, there is doubt."

But he did not do that. He chose to repeat it and he then chose to table a document which is in itself misleading, which is in itself wrong, because he claims in that document that the DPP, in the committee that you attended, Madam Deputy Speaker, made specific statements that back up what the attorney said. We all know, especially those members who were present, that he did not make those. I commend the motion to the house. It is quite clear that the attorney has misled and he should be censured for that misleading.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Privileges 2011—Select Committee
Report

MS BRESNAN (Brindabella) (11.09): Pursuant to the order of the Assembly of 20 September 2011, I present the following report:

> Privileges 2011—Select Committee—Report—*Possible improper interference with an Assembly committee in the exercise of its authority,* dated 16 November 2011, including additional and dissenting comments *(Mr Seselja)*, together with the relevant minutes of proceedings.

I move:

> That the report be noted.

First off, before I go to the findings of the report, I would like to acknowledge the other committee members, Mr Corbell and Mr Seselja. I would particularly like to thank the Clerk, Tom Duncan, the secretary to this committee, and Janice Rafferty, the assistant secretary, for their extreme assistance to this committee and also for their forbearance.

As stated in previous privileges committee reports, the practice of the Assembly and of the commonwealth houses has been to use their powers to investigate and punish contempt sparingly. The Senate privileges committee has generally confined its investigations to serious matters potentially involving significant obstruction of the Senate, and now regarded as a culpable intention on the part of the person concerned, as essential for the establishment of contempt. It should be noted also that since the passage of the Parliamentary Privileges Act in 1987, some 24 years ago, the House of Representatives has only made one finding of contempt.

In terms of this inquiry, after receiving the reference the committee wrote to each of the members of the Standing Committee on Public Accounts seeking submissions on the inquiry. It also wrote to the Chief Minister and the nominee for the position of Auditor-General, now the appointed Auditor-General, to seek a submission. All submissions were authorised for publication, with one initial exception.

In the opinion of the committee, one of the submissions received contained possible adverse mentions. So in accordance with standing order 264A, the committee wrote to those persons giving them an opportunity to respond to any possible adverse mention. Once those responses had been received, they were authorised for publication along with the submission that contained the possible adverse mentions.

In addition to seeking submissions from those involved in the terms of reference, the committee wrote to the Standing Committee on Public Accounts to obtain copies of all documents authorised for publication, which it subsequently received. After receiving the documents authorised for publication by the Standing Committee on Public Accounts, the committee wrote again to the chair of the public accounts committee seeking all documents relevant to that committee's consideration of the

nominee for the position of Auditor-General. The committee subsequently received a copy of relevant extracts from the minutes of the committee which, at the request of the Standing Committee on Public Accounts, were not authorised for publication.

The committee discussed extensively whether it would hold public hearings. It noted that of the eight previous privileges inquiries the Assembly has conducted since self-government, three had been conducted using only written evidence and five committees had conducted public hearings. As the committee considered that it had sufficient evidence to determine whether a contempt had been committed, it resolved not to hold public hearings.

I think it is worth going to practice and custom in terms of the operation of legislatures, which I think is relevant to this matter and it is listed in the report. The practices and procedures of the legislature are governed by its constitution. In the Assembly's case, this is the Australian Capital Territory (Self-Government) Act 1989, the standing orders and any other relevant legislation.

However, the legislation and the standing orders cannot hope to cover all aspects of the legislature's operation. As stated in *May*:

> Even today, however, when more and more detail is written into the standing orders of the House of Commons, much the greater part of that existing practice is still not to be found there.

Therefore, as it says in the report:

> … where the law or the standing orders are silent on what should be done recourse is made to practice and precedent.

I think that goes to the very heart of this matter we are looking at. I turn to the matters under investigation. The first matter was:

> … the announcement by the Chief Minister, in a press release, of the government's proposed nominee for the position of Auditor-General;

The committee was asked to investigate whether there had been improper interference with the free exercise of authority by an Assembly committee. Again, referring to Assembly practice on this matter, standing order 278(c) requires any privilege committee to consider whether a person who committed any act which may be held to be in contempt knowingly committed that act or had any reasonable excuse for the commission of that act.

In assessing this issue, the committee considered that whilst the issuing of the press release prior to the finalisation of the consultation process with the relevant committee was unprecedented and unhelpful, there was no evidence before it that suggests the action was an attempt to improperly influence the Standing Committee on Public Accounts.

Therefore, having regard to all the evidence before it, the committee considers that the issuing of a press release by the Chief Minister prior to the Standing Committee on

Public Accounts concluding its consideration of the nominee for the position of Auditor-General of the territory was not a contempt.

The committee went on to consider that, notwithstanding its findings and based on the evidence given in this inquiry, there would be benefit in clarifying the policy in relation to these matters. The process applied in this instance was unhelpful and the committee notes that if a formal process is not developed it will lead to further problems with future appointments.

It should be recognised that due to the relevant sections of both the Legislation Act 2001 and the Auditor-General Act 1996, both the legislature and the executive have an important role to play in ensuring that the process for appointing territory officials is sound and well understood by everyone involved.

Whilst it appears that the executive wants to reform the process to ensure greater transparency and accountability, such reform must occur with the support, understanding and cooperation of both branches of government. It is incumbent on both the executive and all members to respect the processes in place. Therefore, two recommendations have been put forward in this report. Recommendation 1 states:

> The committee recommends that (a) the Chief Minister and the Speaker (in consultation with committee chairs) develop a resolution of continuing effect on how the executive and the legislature should deal with the consideration of statutory appointments with the aim of assisting both branches of government to conduct their respective roles in a respectful and an effective manner and (b) until the resolution is agreed to, the executive not release publicly the names of any person that is to be considered by an Assembly Committee.

Recommendation 2 states:

> The committee recommends that the Government examine section 8 of the *Auditor-General Act 1996* and, following consultation with the Standing Committee on Public Accounts, suggest possible amendments to give better clarity to this section.

The second matter referred to the committee was the approach made to the Chair of the Standing Committee on Public Accounts by the nominee for the position of Auditor-General of the territory and whether that was a contempt. Having considered the evidence, the committee does not believe that there was any attempt by the nominee to influence the chair of the committee or the committee as a whole in its consideration of the nominee by the executive to the position of Auditor-General.

Whilst the situation was no doubt awkward for both of the participants in the conversation, it does not amount in the committee's opinion to a contempt. Therefore, finding 2 states in full:

> Having regard to all the evidence before it, the committee considers that the approach to the Chair of the Standing Committee on Public Accounts by the nominee for the position of Auditor-General of the Territory was not a contempt.

The third matter for the committee to consider was the question of whether the approach made to the Chair of the Standing Committee on Public Accounts by the Chief Minister constituted a contempt. I think it is worth noting that in the report there is a time line provided for the consideration of the appointment of Auditor-General. I will not read that out, but it is worth noting and worth looking at in terms of the back and forth in the committee on this particular decision.

After analysing the evidence, it is the committee's opinion that the visit by the Chief Minister to the chair of the committee was not of the nature of trying to influence the consideration of the appointment of the new Auditor-General. Rather, it was an attempt to address some of the concerns that had been raised in the chair's letter the previous day. Therefore, finding 3 states in full:

> Having regard to all the evidence before it, the committee considers that the approach to the Chair of the Standing Committee on Public Accounts by the Chief Minister was not a contempt.

I now actually want to go to the dissenting comments from Mr Seselja. This issue of the approach from the Chief Minister to the chair of public accounts is the primary issue Mr Seselja has raised in his dissenting comments in terms of not holding public hearings in relation to Ms Le Couteur's evidence and her submission.

As I have noted, all involved parties were given the opportunity to make submissions and all those submissions have been made public. Nothing has been hidden. I completely trust Ms Le Couteur's submission. I believe that she has told the committee exactly what she wanted the committee to know. As I have already noted, on the basis of that information the Chief Minister's approach did not reach the threshold for contempt.

Mr Seselja has also raised that both Mr Smyth and Mr Hargreaves said they would be happy to appear before the committee on the issue that I have just raised. On the main issue that Mr Seselja has raised on the approach to Ms Le Couteur, both the other members of PAC have stated that they could not really comment on the approach as they were not there and could only make assumptions from what Ms Le Couteur has said had happened.

On the overall tenet of Mr Seselja's comments, I have now been chair of two privileges committees and I am chair of a standing committee. No member of any party, until now, has raised issue with the way I have conducted committee business or hearings. No member has raised issue with my objectivity or integrity. I took this committee referral extremely seriously and believe a privileges matter is one of the most serious matters that a committee will have to deal with. We are dealing with people's reputations and livelihoods. In this instance, we are not just dealing with members of the Assembly. We are dealing with claims against a public official.

Mr Seselja had no issue with my interpreting when he elected me as chair of the committee. He had no issue when I did not agree to a matter of privilege being raised against Mr Smyth. He had no issue with my integrity when I mentioned that the

committee, on my suggestion, wrote to people who had been possibly adversely mentioned in another member's motion.

I am also concerned, based on Mr Seselja's dissenting comments, that he has listed the approach by the nominee for Auditor-General to Ms Le Couteur in the list of issues that inappropriately impacted on the public accounts committee decision. Mr Seselja actually agreed with the finding of the committee on this matter and also to each of the report's recommendations.

I believe that even Mr Seselja would have to agree that as chair I tried to work to agreement on the overall content of the report and the recommendations in particular, even though he obviously disagreed with two of the findings. It was disappointing that Mr Seselja voted against the whole of the report.

This has been a very difficult process. This is something I have not included in the report, but as chair it has been quite frustrating through this process to deal with comments from other members which have not been helpful while the committee was dealing with the issue at hand and also the behaviour of some members.

We have had a great deal of talk this week about respect. It is incumbent on all members to respect committee processes and other members. I state again that I took this matter extremely seriously. To have suggestions made that this was not the case, that I lack integrity, is frankly offensive and unsubstantiated. I commend the report to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (11.21): I will speak a little about the overall process and also my dissenting comments. Unfortunately, what we had here was a very poor process put in place by the Chief Minister in relation to the proposed appointment of the Auditor-General. I think that, unfortunately, that very poor process has been compounded by the way this committee process has been conducted.

Before I get into the detail, I would like to correct one of the terms; I think it is on page 2 of my additional and dissenting comments, where I refer to "PAC's failure to condemn". I was intending to refer to the privileges committee's failure to condemn, so I correct that for the record.

It was a poor process that was compounded by a flawed, secret process in the privileges committee. I think that is the unfortunate thing. There was no-one on the committee who could actually claim that it was a good process that had been put in place by Ms Gallagher. Some words are used by the committee such as "unhelpful" and the like, and there was much debate about exactly what language to use. But I do not think anyone was arguing that this was well done. The argument became about how serious that lack of process, or that failure to follow a good process, was.

But this also—and I think this is where we see the sensitivity from Ms Bresnan—comes down very much to who you believe. In those circumstances, when we have two accounts of a conversation, one from Ms Le Couteur and one from Ms Gallagher, and they are giving differing accounts of the same conversation, I think that it is incumbent upon a committee that is seriously interested in getting to the bottom of it

to actually examine those witnesses. When you have Ms Le Couteur saying one thing and Ms Gallagher saying another thing, the reasonable thing would have been to call them as witnesses, to ask them further questions about their evidence and about what went on in that meeting.

For me, that is a critical part of what the committee have to look at, and in my opinion the committee failed in doing that. There seemed to be an absolute reluctance from the start to actually call witnesses and examine witnesses. Perhaps that is because it would have been embarrassing for Labor and Greens members to have that play out. But I think that those differing accounts are critical to this issue.

The other particularly embarrassing thing for Ms Bresnan is that it does come down to who you believe and, having not even bothered to cross-examine or call these witnesses, Ms Bresnan has decided that she agrees with and she believes Ms Gallagher. She believes Ms Gallagher over Ms Le Couteur, over her Greens colleague Ms Le Couteur.

Let us look at the overall process and then let us look at how it came to those differing accounts. We had a number of problems. We had the Chief Minister publicising the appointment of the newly proposed Auditor-General in a media release headed "New Auditor-General for ACT". There was the delivery of a letter at about the same time, with the conclusion noting, "I would appreciate your favourable consideration of the nomination." There was the inappropriate meeting between the Chief Minister and Ms Le Couteur, where the Chief Minister allegedly stated that Dr Cooper would be the new Auditor-General. And there was the approach by the Auditor-General to Ms Le Couteur on 31 May at an evening function, as well as media appearances by Dr Cooper.

All of this together led to an untenable position for the committee. When the precursor to this legislation was debated in this place, it was made clear that we did not want to have a confirmation-style hearing process for these appointments. The only way to avoid that is for the process to be properly followed. I repeat the point—and this is made clear, I think, through this process—that what Ms Gallagher did was unprecedented. No previous Chief Minister had followed a process like that. No previous Chief Minister had followed this flawed and poor process that the Chief Minister did in this case. And you have to ask the question: why? Why did she act in the way that she did?

As I said in my additional and dissenting comments, I gave particular weight to a couple of areas. One was—in fact, this was rejected by other members of the committee—that I gave weight to the fact that PAC itself felt it had been interfered with. If we are going to look at whether there has been a contempt due to interference with a committee doing its job, I would have thought that the majority views of that committee might be taken into account. And when I specifically moved a motion to endorse the statements of PAC, that was rejected.

Again, we saw Ms Bresnan and Mr Corbell rejecting PAC's findings in relation to the fact that they felt they were interfered with. We did not bother to actually call them as witnesses to ask them why they particularly felt interfered with, to give them that

opportunity, but the Labor Party member on the committee and the Greens member on the committee rejected what had been found by PAC. I gave that a lot of weight because it was PAC that was actually making the decision, it was PAC that was dealing with the undue influence and it was PAC that was dealing with the inappropriate pressure.

The other thing that I gave particular weight to was the meeting between Ms Gallagher and Ms Le Couteur, and I gave weight to the evidence of the two. It is interesting to read the two accounts of that meeting. Ms Le Couteur's claim I think is critical to what was going on here. We had already had it inappropriately publicised, we had already had inappropriate media commentary and then we had the Chief Minister going to the chair of the committee and saying—and this is what Ms Le Couteur says happened:

> My memory is that Ms Gallagher also stated that Dr Cooper was the Government's nominee and that she (Dr Cooper) would be the new Auditor-General.

How is that for a rubber-stamp process—that Ms Gallagher decided this was going to happen? She went and laid down the law. She said: "Here it is. My nominee's out there, she's already being called the Auditor-General in the media, she is the government's nominee and she will be the Auditor-General. Like it or lump it." That was the message that was given, and in fact Ms Gallagher in her evidence does not actually address this point. So we have differing accounts of the same meeting. Ms Gallagher says:

> … I spoke to the Chair to reassure her and the PAC that no disrespect was intended by the press release.

That is Ms Gallagher's version of events. She does not actually address that claim. In fact, if we had had the opportunity to call them as witnesses, we of course could have asked Ms Gallagher about that claim by Ms Le Couteur. And we could have asked Ms Le Couteur about her claim. But given the evidence we had, given all of what had gone before, given the pattern of behaviour by the Chief Minister on this issue, when Ms Le Couteur says that Ms Gallagher went into her office and said, "She is the nominee; she will be the new Auditor-General," I believe Ms Le Couteur. I believe Ms Le Couteur when she says it. There was nothing presented to the committee that would cause us to not believe Ms Le Couteur when she says that. And if you believe Ms Le Couteur then you have to find that Ms Gallagher was seeking to pressure her inappropriately.

What was the intent of Ms Gallagher going into that meeting and saying: "Here's the nominee. She's the nominee. She will be the new Auditor-General"? Why would Ms Le Couteur make that up? I do not believe she did. I believe she is telling the truth, which leads us to the question: why would Ms Gallagher behave in that way? Why would she publicise it when it has not been publicised in the past? I believe this was a concerted effort by the Chief Minister to put pressure on the public accounts committee. I believe that concerted effort was highly inappropriate. I believe it was contemptuous of that statutory process and of that committee. It interfered with their ability to properly do their job.

One of Ms Gallagher's first actions as Chief Minister was to take this unprecedented action and act in this highly inappropriate way. And when I was faced with the evidence, Ms Le Couteur's version and Ms Gallagher's version, Ms Le Couteur's is the far more credible.

Why Mr Corbell and Ms Bresnan chose to believe Ms Gallagher over Ms Le Couteur is a question for them. They have not adequately explained it. They have not adequately addressed it in the report itself. But they will now have to answer as to why they do not believe Ms Le Couteur's evidence is believable. They have not addressed the point. And if you accept that Ms Le Couteur's evidence is believable, as I do, you have to find that it was highly inappropriate, that it was clearly designed to place pressure on Ms Le Couteur as chair and, in turn, on that committee.

What other conclusion could any reasonable person draw out of statements like that, in a meeting such as that? It follows on from the process which the committee agrees was at the very least unhelpful and which no-one has been able to defend. So you had a poor process. You can debate the words but no-one debated it in the committee and said that it was a good process. No-one claimed it was a good process.

You had a far less than adequate process—in my opinion a very poor process—designed to place maximum pressure on the committee. Then you had a highly inappropriate meeting between Ms Gallagher and Ms Le Couteur where Ms Gallagher sought to lay down the law. She went in there with the force of her office, the force of the alliance between the Labor Party and the Greens, and said: "Look, get on with it. Here is our nominee. It's going to happen. Let's just get it done."

That is not how these things operate. That is not appropriate. That is a contempt of the process and of the committee, and that is why I have found that Ms Gallagher indeed was in contempt in the way she handled it. She has handled this completely inappropriately. She has failed a test of judgement and a test of character on this question. She could have gone through the proper process and we would not be here.

But I do, unlike other members of the committee, believe Ms Le Couteur. I do, unlike other members of the committee, take account of and accept the version of events that has been put to us by a majority of the PAC committee where they felt they were interfered with. For those reasons I have found that Ms Gallagher committed a contempt.

The Labor Party and the Greens members will have to explain why they have chosen to disregard Ms Le Couteur's evidence, to not believe what she has said, and therefore to protect Ms Gallagher from what clearly was an incorrect and contemptuous process.

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) (11.34): This has been a detailed and very considered inquiry by the Select Committee on Privileges where we have received very detailed and very clearly set out written submissions from all of the parties involved in this matter.

I think it is particularly pleasing that the committee has concluded that the Chief Minister did nothing that would constitute a contempt either in the issuing of the media statement or in the discussions she subsequently had with the chair of the public accounts committee. Clearly, the committee has made a very reasonable assessment that, based on all of the submissions put to it, there simply is no contempt and the Chief Minister has no case to answer.

This really highlights, I think, what the government and the Chief Minister have said from day one. There was no maliciousness, there was no intent in any way to impact upon the decision-making role that the public accounts committee had to play in relation to the appointment of the new Auditor-General. And this Select Committee on Privileges puts those questions beyond doubt. It is beyond doubt that there was no improper role on the part of the Chief Minister. It is beyond doubt that there was no improper role on the part of the proposed appointee and now Auditor-General, Dr Cooper. That is very clear.

What is clear also is the need to clarify the way this will operate in the future. What is clear is that there is nothing improper in the issuing of a media statement, but that it clearly raises concerns about past practice and convention. Therefore there needs to be a discussion about those matters; therefore there needs to be a new settlement about how these issues will be handled in the future. And that is what recommendations 1 and 2 go to the heart of. I think they are sensible and constructive recommendations, and recommendations that we should all welcome in this place.

What I do not welcome are the dissenting comments from Mr Seselja where he seeks to suggest that in some way Ms Bresnan and I acted in some sort of concert to try and prevent this inquiry from being conducted appropriately. That is a malicious imputation and one which I think is most regrettable in the context of the operation of the Assembly's committees.

The Assembly's committees operate in a very robust and in a very fair and independent manner. For Mr Seselja to suggest that in some way Ms Bresnan and I acted in some manner because we were unwilling to get to the bottom of what occurred is simply false. It is malicious and it is without any foundation. But regrettably it is the sort of accusation we are all too used now to hearing from the Leader of the Opposition when he does not get his way. I will leave other members to reflect on the fact that Mr Seselja has been unable to convince the committee of his arguments and therefore he seeks to personally attack my credibility and that of the chair of the committee.

This has been a demanding inquiry, a difficult inquiry, and there is only one other point I would like to make before offering my thanks. The first is in relation to the issue of the bar that is set in relation to matters of contempt. It is outlined very clearly in this committee inquiry that in the last two to three decades the federal parliament has only on one occasion found that a finding of contempt has been necessary. The bar in relation to contempt is very high, as it should be. It is a serious allegation and it needs to be substantiated by serious and credible claims. And we did not see that in this case.

I think it behoves all of us in this Assembly to reflect on the circumstances in which we make allegations about contempt and recognise that it should only be left to the most serious and, indeed, the most premeditated of actions before we contemplate those sorts of accusations. That is consistent with the views and the findings of privileges committees in the federal parliament, which we should rely on for some guidance in these matters. To do otherwise is simply to subject ourselves to an increasingly frivolous and debasing process that will debase the whole concept of privileges processes in this place.

Finally, can I thank the committee chair, Ms Bresnan, for her chairing of this committee. It was at times a robust process that we had to work through and I think at all times she showed dignity and great level-headedness in managing the inquiry. So I would like to thank Ms Bresnan for that. Can I also indicate my thanks to the committee secretariat, the Clerk and the Deputy Clerk, for their assistance. As always it was a very valuable and important contribution. I commend the report to the Assembly.

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

Order of the day—postponement

Ordered that order of the day No 2 Assembly business be postponed until a later hour.

Gaming Machine Amendment Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.41): I move:

> That this bill be agreed to in principle.

I present the Gaming Machine Amendment Bill 2011, which introduces a number of changes to the Gaming Machine Act 2004. The bill I present today proposes amendments to the act that would introduce a medium to longer term target of 4,000 machines for the ACT, formalise an automatically reducing gaming machine cap to help reach this target, allow multi-venue club groups to move machines between their venues, and introduce a $250 per card per day withdrawal limit for automatic teller machines in gaming venues.

The government has long held the view that there are too many gaming machines in the territory. As a jurisdiction, we have the highest number of gaming machines per capita in Australia. A number of studies indicate there is a clear link between access to gaming machines and problem gambling. The government is committed to creating an environment in which no additional gaming machines will be operating in the

territory above the current cap of 5,024 machines. The government believes that, over time, the total number of machines operating in the ACT should be reduced.

This bill introduces a statement of intent that outlines a medium to longer term target for the gaming machine cap of 4,000 machines. To reach this target, the bill proposes that the gaming machine cap will be reduced automatically whenever gaming machine operators return machine licences or licences are cancelled. This will allow the number of machines to be reduced over time without requiring direct government intervention. By seeking to achieve a reduction in gaming machine numbers through natural attrition, this reduction method recognises the significant contribution to the community made by ACT clubs and some of the challenges facing the industry.

In light of the proposed change to gaming cap mechanics, the bill also introduces a scheme for the internal transfer of machines for multi-venue club groups. This scheme will allow improved flexibility in machine allocation for club groups that can demonstrate excess demand for gaming machines within one of their venues. It will allow club groups to transfer machines from a venue with low utilisation to a venue with potentially higher utilisation, thereby increasing efficiency in the industry. This will be beneficial for the club industry and will be achieved without an increase in the overall number of machines in the ACT.

Importantly, the current consumer protection measures within the act will be maintained to ensure that the proposed scheme does not lead to an excessive concentration of machines within a smaller number of venues. Transfers will be subject to the current social impact and needs assessments required by the act and administered by the Gambling and Racing Commission.

In addition to the internal transfer scheme, the bill also introduces the option for a club or a multi-venue club group to transfer some of their existing gaming machines to a new club venue on a greenfield site. Any licence amendment application made under this category will still be subject to the social impact assessments of the commission. The criteria on which the commission must base its decision will be expanded to include consideration of the contribution that a new club will make to the community.

The changes would provide increased flexibility to approve an application for a new club venue when it is clear on balance that there will be a positive impact on the community. This amendment will help enable the establishment of new clubs in Canberra without a corresponding increase in the overall number of machines operating in the territory. This is especially important for the newly developed and developing parts of our city, which currently have limited or no club facilities but for which there is or will be in the future demand for new club venues.

In addition to the amendments outlined above, the bill also introduces a $250 per card per day ATM withdrawal limit for gaming machine venues. The government recognises that introducing the withdrawal limit will take time. As a consequence, the commencement date for this section of the bill is 1 January 2013, which will give operators sufficient time to ensure their ATMs are compliant with the legislation. The Productivity Commission recommended this in its 2010 report on gambling and concluded that such a limit could help those experiencing harm from their gambling.

Limiting the cash amount that can be withdrawn during a 24-hour period within a gaming venue can help minimise harm by providing problem gamblers added opportunity to reflect on their gambling expenditure. This measure is broadly consistent with measures to combat problem gambling undertaken by other Australian jurisdictions. The government expects that this will have minimal, if any, effect on recreational gamblers and non-gambling patrons of venues.

In conclusion, this bill will give clubs the ability to transfer machines between venues and create a source of gaming machines for greenfield venues, and these important reforms will be achieved within an overarching policy setting that enshrines into legislation a reduction in the number of gaming machines operating in the territory over time. It will also contribute to the government's continued efforts to combat problem gambling through the introduction of ATM withdrawal limits. I commend the Gaming Machine Amendment Bill 2011 to the Assembly.

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

Public Accounts—Standing Committee
Reference

MR SMYTH (Brindabella) (11.48): I move:

> That the Gaming Machine Amendment Bill 2011 be referred to the Standing Committee on Public Accounts for inquiry and report.

I have not had time to read this bill, but I understand it is the intention of the government to bring it on in the December sitting. We only have a two-week gap before that occurs. This is a very important bill about the future of the club industry in the ACT. I know some of these matters have been around for a long time. The transfer scheme has been in the offing for something like five years. The minister can answer why that has taken so long, but I think the undue haste with which this is tabled today and the fact that it is expected that we pass it in the next sitting week does not give the industry that is so important to the ACT the time it needs to read this bill, digest this bill and convene the various board meetings they might need to convene to come to a position on it. If we are serious about reforming poker machines in the ACT and getting it right, we need to do this properly. It would be appropriate to send it off to the committee.

I had a briefing on this yesterday. In fact, I had a briefing on the bill, but I was not allowed to see the bill. I think it is the first time in this place that I have been offered a briefing and then not been allowed to see the bill. Again, that approach concerns me. The three areas that are current are the cap, the transfer scheme and the limit on ATM withdrawals, They are important issues. We need to get this right. There are some enormous implications, from my understanding of what I was told—again, I repeat, I was not given an opportunity to see the bill and I have not had a chance to read it today.

One of the implications may mean that no new club—not a new site for an existing club—can get poker machines. If people in northern Gungahlin wanted a club and

they wanted some poker machines to assist their community, they will not get it under this bill. Say a Molonglo Rugby Union club started and they wanted to enjoy the success of previous clubs, for instance, like the Vikings Group, and have a club with poker machines to provide resources for their community; they cannot have it. That is my understanding under this bill. That is an enormous decision to take in two weeks or three weeks.

We need to talk to the club industry about it. For instance, if you want a new club in Molonglo, either somebody has to gather up the poker machines from their existing premises and move them to Molonglo under approval, or—if I have got it right, and I say again that I have not had the chance to read it—they need to move an entire premises. So shut one club down and move it to Molonglo or northern Gungahlin. Indeed, we do not know what other town centres may be in this position. Ten, 20, 30 years from now, Kowen may get up. If this act is still in place at that time, what will happen there?

We need to address these serious issues. I had a brief conversation with the Greens, but I am not sure where they are on this. I do not see that PAC would take an inordinate amount of time. I apologise to colleagues—I thought someone else was handling it and then it changed. Without pre-empting what a committee might do, I am sure PAC could reasonably convene and do a hearing early in February and report in either late February or early March. We could still pass the bill reasonably quickly.

Much of this has been waited for for five years. Much of it does not start until 1 January 2013. There is time for a quick but thorough process by a committee to look at a serious issue with serious implications for a very large industry in our city. I want to ask for members' agreement that we send this bill off to the committee.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.52): Ultimately, of course, the timing of the passage of a piece of legislation is a matter for the Assembly. The government has been working closely with the industry and, indeed, key stakeholders on this legislation for quite a period of time, as Mr Smyth indicated.

I am relaxed about this matter. If the public accounts committee wishes to conduct an inquiry, so be it. Ultimately the Assembly will determine whether the legislation is considered sooner or later and is amended or not. That is a matter for the Assembly in its infinite wisdom.

Mr Smyth raised a number of issues, and I recognise, having had the benefit of one briefing at this stage, it would be difficult for him to be across the detail of everything that is proposed. I think it is important, though, to respond to one element—there is a cap on the number of machines in the territory. To the extent that there is a cap—and the legislature has spoken previously on that—that obviously restricts unlimited growth in the number of machines in the territory. The issues that Mr Smyth raised are pertinent under the current circumstances as much as they are under changes proposed in this legislation.

The point I made in my introductory speech—and it would appear, once again, that no-one ever listens to them in this place—was to point out that this bill facilitates new clubs in greenfield areas. Again it would appear that the concept of actually listening, even to the introductory remarks on a piece of legislation, is beyond some in this place. Such is life, and we will see how the Assembly chooses to deal with this matter.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.55): The Greens have no problem with this going to the PAC committee for some investigation. The bill proposes some significant changes, many of which the Greens are very supportive. I know from having discussions with ClubsACT that transferability of machines between clubs has been an issue for some time, and this legislation goes to addressing that particular issue.

I think, though, we need to be careful about coming in here to do all of these referrals without having had some consideration of the workload of particular committees or having some discussion with those committees. I do not believe a discussion was held with PAC. From what I know, PAC have a very busy timetable. Mr Smyth, of course, would know that, as a member of PAC. The Greens support the idea of there being a committee process around legislation, but we do need to be mindful of the size of this Assembly and the available resources. They are quite limited; therefore, we need to be careful and considerate of those resources and the time that needs to go into these various inquiries.

Yes, we will support this. As a matter of principle, we support pieces of legislation being examined by committees, but we need to be aware, as I said, of the resource implications. Of course that should not stop us having proper investigation, but it is a little note around having that discussion beforehand with the chairs of the committees so that discussion at least can be had. The Greens will support the referral to PAC on this matter.

MR HARGREAVES (Brindabella) (11.57): I can count and realise that the referral is going to go ahead to the PAC. I need to put my views on the record, however. All standing committees have the power of self-referral. It really was not necessary for a motion to be brought to this chamber to have it referred to PAC. What we are seeing, however, is a discourtesy to other members of PAC. I am now the deputy chair of PAC, because Mr Smyth resigned from that position because he could not get his political will through it.

I feel this is an appalling position. This practice of a member of a standing committee bringing forward a motion to refer a matter to that same standing committee is oppressive and I am not particularly in favour of it. A process or discussion about whether a standing committee will pick up an issue and have an inquiry into it or not is usually done behind closed doors within that committee. If it is concluded that they do not do so, there are reasons put on the minutes for that. If they do so then the Assembly is advised via a 246(a) statement that that is going to be picked up.

Very little time would have elapsed for Mr Smyth to have brought that matter before the PAC and given Ms Le Couteur, the chair of that committee, and me as the deputy

chair, the courtesy of considering it. In all probability, it would have been picked up by PAC and instantly an inquiry could have started within the time frames Mr Smyth has asked for. I do not recall us having a disagreement on whether an inquiry would go ahead to such a degree where a member was upset. Usually, the practice is that if a member of a standing committee is so keen on an inquiry going on, regardless of whether the other committee members are ambivalent or not, that inquiry goes on.

Mr Hanson: A bit sensitive about pokies, are you, Johnno?

MR HARGREAVES: Madam Deputy Speaker, I am heartily sick of the discourtesy from Mr Hanson coming across the chamber. I wish he would either do what we do—hear someone in silence—or go away. That would achieve exactly the same thing, because it has exactly the same effect on me, and he is becoming rather boring with his tedious repetition of that stuff.

The only thing left for me to do is to underscore how strongly I feel about this. This is an unnecessary motion. In my view it is just an exercise in grandstanding which was totally unnecessary. We will just see how it transpires. I have to say that the vigour with which people throw themselves into inquiries is often created by the environment in which the inquiry emerges. I am happy to accept a referral from the Assembly to do an inquiry, but nobody can force me to do something with vigour. I have to say to you, Madam Deputy Speaker, that Mr Smyth will have to put an enormous amount of energy into this inquiry off his own back, and we will see how it goes.

Mr Coe: You're going to be half-hearted, are you?

MR HARGREAVES: I am a bit fed up with hearing young people squawk across the chamber.

MR SMYTH (Brindabella) (12.00), in reply: I apologise to Mr Hargreaves for not having had the opportunity to speak with him. It was my intention to do so, and if he had been here when I moved the motion, he would know that I did say I had not had time to consult with my colleagues. First and foremost, I shut the bill down as the shadow responsible for it, and I move to the committee in the role of shadow. That is part of that problem we have with a small Assembly and membership of various committees.

I only had the briefing at lunch-time yesterday. I then had some discussions with relevant people. I spoke to Mr Rattenbury, as I thought he would have had carriage of the bill, and asked him to consider it. There is no point going to committees and doing things if you do not think it is going to get up. I thought I was saving people time. Ms Hunter apparently will have carriage of this; there was a decision in the party room.

I think I apologised when I made my introduction that I had not had the time to do that, because it has come on quickly. I only had the briefing yesterday, I had not seen the bill, and we were told that it was to come on in December. That was the reason, so that people were quite clear about what was to happen with this bill.

With that, I thank members for their support in sending the bill to the committee. Mr Hargreaves, I look forward to discussing it with you behind closed doors in the committee.

Question resolved in the affirmative.

Corrections and Sentencing Legislation Amendment Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (12.02): I move:

> That this bill be agreed to in principle.

Today, on behalf of the Attorney-General, I introduce the Corrections and Sentencing Legislation Amendment Bill, which contains a series of legislative amendments to enable ACT Corrective Services to provide services more efficiently and effectively.

The government is concerned to ensure ongoing review, revision and improvement of corrective services in the territory. This bill is a part of this process.

ACT Corrective Services and the Sentence Administration Board operate in accordance with a legislative framework that includes the Crimes (Sentencing) Act, the Crimes (Sentence Administration) Act and the Corrections Management Act.

The government is bound to ensure that people found guilty of breaking the law are themselves treated lawfully. Limits on the fundamental rights protected by the Human Rights Act 2004 are permissible only if the limits are authorised by a territory law and are reasonable and demonstrably justifiable in a democratic society. The government has ensured that amendments made by this bill accord with human rights requirements.

The bill will amend the Corrections Management Act so that where a detainee is only being transferred to another correctional centre for one day or less—for example, the detainee is transferred to the court transport unit for appearance in court—the director-general is not required to review a segregation direction that applies to the detainee. This will enable a detainee to be transferred to attend court and returned to the AMC on the same day without the need for review of segregation directions which will continue in force if the detainee is returned to custody by the court.

This amendment may engage the right to liberty and the right to freedom of association. However, the government is satisfied that appropriate safeguards exist for any limitation of these rights, as the Corrections Management Act provides that a detainee can request that the director-general review a segregation direction or apply

for a review of a segregation direction at any time. The director-general may also review the direction at any time on their own initiative.

The bill also amends the Crimes (Sentence Administration) Act. The amendments clarify that performance of two days of periodic detention discharges seven days of an offender's sentence of imprisonment. Such clarity will be useful, for example, in circumstances where the court is resentencing the offender and seeks to determine how much of the sentence has already been served.

Minor amendments will also be made to enable the Sentence Administration Board to more effectively execute its functions. The amendments include allowing the board to accept a certified copy of a doctor's certificate from an offender applying for approval not to perform a period of periodic detention, and clarifying what circumstances the board must consider in determining whether an offender is unlikely to be able to serve their sentence by periodic detention.

The bill will also amend legislation to allow the deputy chair of the board—not only the chair—to sign a warrant for an offender's arrest for recommittal to full-time detention where the offender's periodic detention has been suspended or cancelled. The deputy chair is a judicial member. This amendment may engage the right to liberty in the Human Rights Act. However, the government considers that extending the category of persons permitted to sign recommittal warrants to the only other judicially qualified member of the board does not unreasonably place any further limitation on the right.

Amendments proposed in the bill enable the board to give full effect to non-disclosure provisions, ensuring the confidentiality of board documents. For this purpose, the bill will make amendments so that "giving" a board document includes the oral disclosure of the information in that document. The bill clarifies that corrections officers are required to report a breach of licence obligations.

The bill will amend the Crimes (Sentencing) Act to ensure that interstate assessors can prepare pre-sentence reports for ACT courts. A minor amendment will also be made so that ACT courts are only required to provide written pre-sentence reports to parties at least two days before an offender is sentenced where the report is received by the court itself within that time frame. A flow-on effect of this minor amendment is that the practice of on-the-spot assessments by Corrective Services officers for the purpose of written pre-sentence reports will be able to continue.

As part of ongoing review of corrective services in the territory, this bill will make a number of other minor amendments. Together, these amendments will result in greater clarity and efficiency for both providers and recipients of corrective services in the ACT.

The bill will enable ACT Corrective Services, including the Sentence Administration Board, to provide services more effectively in the territory, to the benefit of the entire ACT community.

On behalf of the Attorney-General, I commend this bill to the Assembly.

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

Freedom of Information Amendment Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (12.09): I move:

> That this bill be agreed to in principle.

I am pleased, on behalf of the Attorney-General, to present the Freedom of Information Amendment Bill 2011. This bill amends the Freedom of Information Act 1989. It gives partial effect to the government response to the Standing Committee on Justice and Community Safety's inquiry into the Freedom of Information Act 1989.

This bill supports the government's policy on public sector transparency and open government. It amends the objects of the FOI Act to reflect these principles and underscore the government's desire to facilitate public access to information held by territory government agencies.

The bill before the Assembly today represents another significant milestone in the progression of this government's ongoing commitment to open government.

Members will be aware of the significant recent media attention given to the question of public access to government agency held information. The Chief Minister responded to that media attention with the advice that the government has been progressing a number of initiatives to enhance access to information. The Freedom of Information Amendment Bill 2011 represents a cornerstone of that work.

The Standing Committee on Justice and Community Safety conducted an inquiry into the FOI Act during 2010 and tabled its report on 7 April this year. The standing committee made 19 recommendations to reform the FOI Act. The committee recommended that, amongst other things, the FOI Act be amended to reflect, as far as possible, the recently updated commonwealth Freedom of Information Act 1982.

On 23 June this year, the Chief Minister delivered a statement on open government, detailing the government's policies and objectives on transparency and openness. That statement extended to reforming all areas of governance to better promote open government principles. It also included a commitment to reform the FOI Act in line with the commonwealth act.

On 25 August this year, the Attorney-General tabled the government's response to the standing committee's recommendations in the Assembly. The government's response

agreed in full to 11 of the recommendations of the standing committee and agreed in part to one recommendation.

Six key changes are incorporated in this bill. They deal with the following areas. Firstly, there will be a requirement to publish on the internet documents provided under the FOI Act. Secondly, the FOI Act is amended to adopt, as far as possible, the key features of the newly updated commonwealth FOI Act. Thirdly, the objects clause of the act will clearly state that government held information is a public resource. Fourthly, the act will clearly distinguish between exempt documents and conditionally exempt documents. Fifthly, there will be a single public interest test that applies to conditionally exempt documents. Finally, conclusive certificates issued prior to the 2009 abolition of most powers to issue such a certificate will be revoked.

Mrs Dunne: We get to see all those school closure documents.

MR BARR: Importantly, this bill will implement within the act a "push model" of information release in the ACT.

Mrs Dunne: I can hardly wait for that.

MR BARR: It is all on the My School website, Vicki.

In response to recommendation 3, the bill introduces an enhanced framework to facilitate the proactive release of government held information. Most notably, the bill introduces a legislative requirement to publish materials disclosed under FOI applications on the internet. This publication must occur within 15 days of the material being released to the applicant.

The government has already introduced a policy of publishing materials produced under FOI applications on the new Open Government website. This bill makes compliance with this policy a legislative requirement.

This push model is further embodied by the implementation of a presumption in favour of releasing documents to the community. The amended act will provide that documents must generally be released, unless there is a compelling reason to withhold them.

The right to seek, receive and impart information provided for in subsection 16(2) of the Human Rights Act 2004 is given effect to, enhancing the ability of people seeking access to territory government held information to obtain documents under the FOI Act.

The amendments also ensure that the right to privacy under section 12 of the Human Rights Act, and the right to take part in public life under section 17, are respected in the administration of the act.

I note that, as part of the Chief Minister's statement on open governance on 23 June this year, the government's support for a push model for release of information is not limited to the application of the Freedom of Information Act.

The presumption in favour of release of information represents a whole-of-government policy that applies across a range of government information, not just information requested under the FOI Act.

Members would be aware that, on 17 October, the Open Government website was launched. This website not only will be the medium for the publication of FOI materials, but also provides the public with easy access to government summaries of cabinet outcomes, ACT government contracts and—I am sure the shadow treasurer will be particularly interested in this—strategic plans.

To strengthen the clarity of the FOI Act, the bill changes the categories of exempt documents. It rearranges the exemptions from access into two distinct parts. This is designed to make it clear which documents are generally exempt, and which are conditionally exempt subject to a public interest test. These amendments align the ACT with the recent changes to the commonwealth Freedom of Information Act 1982.

The first category of exempt documents deals with generally exempt documents. That is, their exemption is not subject to a public interest test. Documents will be exempt if they satisfy the criteria in any of the categories in this part.

The second category deals with documents that will only be exempt if it is contrary to the public interest for them to be disclosed under the act. This category will work in conjunction with the public interest test applying to all conditionally exempt documents.

Previously, documents could be exempt on the basis that it would be contrary to the public interest for the document to be disclosed or that it was proved that it would be in the public interest for the document to be disclosed. The bill provides that, under the amended act, all conditionally exempt documents should be disclosed unless it would be contrary to the public interest for this disclosure to occur.

The public interest test set out in this bill provides a single test to determine whether disclosure would be contrary to the public interest. The public interest test will set out factors favouring the release of documents and factors that cannot be taken into account when determining whether disclosure would be contrary to the public interest. Underpinning the push model for information release, the test will make it easier for applicants to access documents than under the previous exemption framework.

The bill also removes several ineffective or redundant provisions. The removed provisions include the protection from an action for copyright infringement, which is redundant, and several exemptions that are unnecessary because they are already covered by other exemptions.

The bill splits the current exemption for documents relating to business affairs into two separate exemptions. This was done to maintain alignment with the commonwealth Freedom of Information Act.

The portion of the current business affairs exemption relating to documents disclosing trade secrets or commercially valuable information has been separated from the

remaining elements of the exemption and categorised as generally exempt. The portion of the current business affairs exemption relating to documents that would disclose a person's business or professional affairs has been categorised as conditionally exempt and subject to the public interest test.

The bill also revokes the operation of certain conclusive certificates. The Freedom of Information Amendment Act 2009 removed the capacity to issue conclusive certificates other than those issued pursuant to the exemption for documents affecting national security, defence or international relations. However, conclusive certificates that were issued prior to this act remain in force. In line with recommendation 15 of the standing committee inquiry, the bill revokes these certificates.

The Attorney-General proposes to introduce another bill in a later sitting to implement the remaining elements of the government response. Due to the complexity of drafting, further technical amendments to the objects clause are required in order to better reflect the detailed amendments in this bill. In addition, a subsequent bill or regulation will make the Office of the Auditor-General an exempt entity.

The bill demonstrates the government's commitment to improving the performance of government agencies in responding to FOI requests and providing greater public access to government held information. In pursuing that objective, the government has already taken steps to require the publication of materials produced under the FOI Act. The Freedom of Information Amendment Bill 2011 gives this element of the open government policy legislative status.

Other elements in the bill significantly enhance the clarity of the obligation to release information and the circumstances in which the obligation does not apply.

Conclusive certificates, in all but the most exceptional of circumstances, will be a thing of the past. The government has confirmed its commitment to that important change in direction by providing for the repeal of existing certificates.

This bill takes the ACT a very significant step further along the path to true open government. On behalf of the Attorney-General, I urge members to give it their support. I commend the bill to the Assembly.

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

Electricity Feed-in (Large-scale Renewable Energy Generation) Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (12.21):

I move:

That this bill be agreed to in principle.

I am pleased today to table the Electricity Feed-in (Large-scale Renewable Energy Generation) Bill. This bill provides for a scheme for the territory community to support the development of up to 210 megawatts of large-scale renewable energy generation projects and to commence our transition to a carbon neutral economy.

The Assembly will recall that in September last year Minister Corbell announced the expansion of the feed-in tariff scheme. The expansion provided for the introduction of a new medium category of renewable energy generator, for installed capacity caps of 15 megawatts for each of the micro and medium categories, and the development of a scheme that would ultimately deliver a further 210 megawatts of large-scale renewable generation. This bill delivers on that undertaking, establishing a landmark new scheme. This scheme is the first of its kind in Australia.

In developing the scheme, the government has drawn on international best practice. It is consistent with national energy market frameworks and presents significant innovations that reflect the desire of the government to pursue large-scale renewable energy generation in a way that ultimately delivers the greatest value for money for the ACT community.

There is no escaping the fact that the way we use energy and the way we generate electricity need to change. The overwhelming weight of scientific evidence tells us that the world's atmosphere is warming and this is driven in large part by our burning of fossil fuels. Our region is not immune to these changes, and we will, as a community, face higher temperatures, reduced rainfall and more frequent extreme and damaging weather events, including days of extreme fire danger. This challenge for our own community is at once challenging but yet also surmountable.

On one hand, Canberra is the most carbon intensive city in Australia. On the other hand, we are a relatively affluent, educated and caring community. Our capacity as a community to address this challenge is reflected in Canberrans already being Australia's largest consumers of renewable energy, through the national green power scheme, as well as the community's embracement of our ambitious greenhouse gas reduction targets. Weathering the change draft action plan 2 establishes a process to further engage the community on specific measures to achieve our targets, with renewable energy being an important dimension.

As previously mentioned, the legislation seeks to work within the confines of the national energy market law but it also reflects the commerciality of the solar industry. In our interactions with them, the industry have told us they require a long-term feed-in tariff support arrangement rather than up-front capital grant funding. The scheme delivers this through a distributor-funded feed-in tariff, similar in operation to those already in place for smaller scale systems.

Rather than offering a fixed price, however, the legislation provides a facility for developers to compete for the right for a feed-in tariff. This competitive tension will

elicit the best feed-in tariffs the market can offer. The government can then ensure that any entitlement granted to a large-scale renewable energy project developer represents a fair market price and value for money for the community.

The other important dimension to this legislation is that it provides developers with certainty as to their revenue over the life of the generation asset. The structure of the feed-in tariff ensures that rather than developers receiving windfall gains due to expected future increases in wholesale electricity prices, any such gains will be received by the ACT community in the form of reduced price support payments. By providing revenue certainty to the project developer, the legislation reduces market risk and cost for capital and ultimately delivers lower costs of generation to the community.

I am also pleased to table today a draft instrument which would establish, under the Electricity Feed-in (Large-scale Renewable Energy Generation) Act, the first competitive auction process for the development of up to 40 megawatts of solar renewable energy capacity within the ACT. I table the following paper:

> Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2011—Draft disallowable instrument.

In tabling the amendments to the legislation in February this year, Minister Corbell also noted the government was keen for investment in larger scale generation, because that is where the most efficient generation is. That is where the real opportunities are to make Canberra the solar capital of Australia and, importantly, to achieve the greatest level of abatement from our investment.

This bill enables those benefits to be achieved and confirms our commitment to a cleaner and more sustainable future. These commitments to large-scale renewable energy generation and solar energy in particular are also reflected in the government's recently released sustainable energy policy. Forty megawatts of solar energy generation capacity should generate up to 56,064 megawatt hours each year, enough to power 6,900 Canberra homes. And this will, over the life of the scheme, avoid 850,000 tonnes of greenhouse gas emissions. There is no doubt that 40 megawatts of solar energy generation capacity will make the ACT Australia's solar capital. On a per capita basis, we will be comparable with Germany, which is generally recognised as being the world's leading solar proponent.

As I am sure members are aware, the cost of solar generation technologies has come down substantially in recent years due to high demand and new economies of scale being achieved in production. This, combined with a strong Australian dollar, provides an opportunity to bring forward a robust competition to determine solar energy's current market price. A comprehensive package of information is being prepared for industry, to be released at the commencement of the auction. Indeed, through an industry briefing process undertaken earlier this year, the government is already aware of strong local and international interest. Following the first auction process, we will have firm information about the prospects for solar energy contributing further to our energy generation mix and its cost. The legislation itself, however, provides flexibility to pursue other renewable energy sources, such as wind and biomass, in the future.

Today marks another important milestone in the territory's pursuit of a low carbon, renewable energy powered future and on behalf of the Minister for the Environment and Sustainable Development I commend this bill to the Assembly.

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

Sitting suspended from 12.29 to 2 pm.

Ministerial arrangements

MS GALLAGHER: The Attorney-General is absent from the Assembly on ministerial business. I will be happy to take the questions that cover his portfolio responsibility.

Questions without notice

Taxation—GST revenue

MR SESELJA: My question is to the Treasurer. Treasurer, as I am sure you are aware, earlier this year the commonwealth government announced a review of GST distribution. In light of this announcement, the former Treasurer, Katy Gallagher, stated on 31 March 2011:

> The ACT Government has lost over $100 million in the last three years under the Commonwealth Grants Commission formula …

She went on to say:

> We will be putting enormous energy into arguing the ACT's case as part of this review.

Treasurer, submissions to this review were due on 14 October 2011. Has the ACT government lodged a submission on this review?

MR BARR: Yes.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Treasurer, when was it lodged and why is it that the submission is not publicly available when all other state and territory governments have made their submissions public?

MR BARR: It was lodged recently. I will have to check the exact date but it has been through cabinet and approved. I cannot answer as to why it is not available on someone else's website. It certainly has been lodged.

MR SMYTH: A supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, will you now table the submission in the Assembly by the end of today?

MR BARR: Yes, I am happy to do so.

Multicultural affairs advisory body

MS HUNTER: My question is to the Minister for Multicultural Affairs and concerns multicultural advisory bodies. The ACT currently has a Muslim advisory council and a refugee, asylum seeker and humanitarian committee. However, it does not have a general ministerial advisory council on multicultural affairs. The ACT had such a council but the government disbanded it in 2006 and it has not been re-established. Minister, what reconsideration or review have you done on options for reinstituting a permanent ministerial level advisory body on multicultural affairs which would represent the diverse interests of the community?

MS BURCH: I thank Ms Hunter for her question. We do have a very strong and vibrant ministerial advisory council for our Muslim community, and broadly the broad multicultural community I think is ably represented through the Canberra Multicultural Community Forum. It is not constituted as a ministerial advisory council but it does function very successfully across the whole range of our communities in Canberra and provides very good service.

As I regularly talk with the chair and other members of that group they provide quite detailed information about what is happening in the communities and about various stress points and points that may need support. For example, it was through them and the Sudanese community that I now will hold a roundtable for the Sudanese community with the business sector here in Canberra, to make a better connection with these new and emerging communities as they come into Canberra and be more embedded in our society.

So there is no formal structure at the moment but I believe that I am ably in many ways supported through the Multicultural Community Forum.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Minister, why does the Australian Multicultural Advisory Council have a representative from every jurisdiction in Australia except for the ACT, and what are you doing to address this?

MS BURCH: I think we need to be represented on various forums, as other states are. It is something I will look at and work with the Office of Multicultural Affairs about how we can best progress that.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given that the reason for disbanding the council in 2006 was apparent internal conflicts, have you given weight to the fact that the multicultural landscape in Canberra has changed and that a ministerial advisory council on multicultural affairs may now be appropriate?

MS BURCH: I thank Ms Bresnan for her question. There was some level of concern in 2006. It certainly predates my time in this place. We have a very strong and functioning Multicultural Community Forum. We have a ministerial advisory council from the Muslim community. We have very strong representation with a multicultural women's advisory group as well. So there are multiple groups and registered associations that I have regular contact with.

It was only a couple of weeks ago that I hosted here in the Assembly a Diwali for the Indian community. It is something that I take very seriously—that is, how I communicate with groups. I do not necessarily think that all of that is achieved through an advisory council. Advisory councils no doubt have a role to play. I have a number of advisory councils, but first and foremost it is about making myself available, and my open door policy, to those community groups.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: To the minister, has the Multicultural Advisory Council been successful in preventing the anti Islamic sentiment, which has been so evident in New South Wales, emerging in the ACT?

MS BURCH: I do thank Mr Hargreaves for his question. The Muslim Advisory Council is a very significant council here in the ACT and works with government across all agencies of government to ensure that we here in the ACT remain a peaceful, calm, welcoming society. At one of my most recent meetings with the council there were also representatives from our Australian Federal Police that were talking with them about matters of law reform. It was a very good, open discussion and it was an absolute pleasure to see our Muslim brothers and sisters talking with the Federal Police on matters that serve us best and our community well.

Auditor-General—appointment

MR SMYTH: My question is to the Chief Minister. Chief Minister, on 1 June 2011 you had a meeting with the chair of the public accounts committee about the announcement of the proposed appointment of the new Auditor-General. Chief Minister, the submission to the privileges committee from the chair of the PAC said, "My memory is that Ms Gallagher also stated that Dr Cooper was the government's nominee and that she"—Dr Cooper—"would be the new Auditor-General." Chief Minister, did you say this to the chair of the public accounts committee?

MS GALLAGHER: Yes, at my request when I heard that the chair was unhappy, or the committee was unhappy, with the media release going out I did request a meeting. My office called Ms Le Couteur's office. I popped down to see her and certainly

during that meeting I said that Maxine Cooper was the government's nominee for the position of Auditor-General. We had a discussion.

As I have said a number of times in this place, my intention behind that meeting was to apologise for any distress that I had caused the committee. But I was certainly very clear in that meeting that Ms Maxine Cooper was the government's proposed nominee for the position of Auditor-General.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Chief Minister, you failed to answer: did you say that Dr Cooper would be the new Auditor-General and was that appropriate?

MS GALLAGHER: Everything I said to Ms Le Couteur was appropriate, and indeed—

Mr Seselja: Did you say it?

MS GALLAGHER: My memory of the meeting was—and I cannot remember exactly every word that was said—that the intention of my visit to Ms Le Couteur's office was to apologise for any distress that was caused by the publishing or the issuing of a media release, that it was not intended to be disrespectful to the committee process and that the government was being very clear and open about the proposed nominee and who we wished to be approved by the committee as the Auditor-General.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Chief Minister, why were these statements not included in your 60-odd page submission to the privileges committee?

MS GALLAGHER: I do cover off the meeting with Ms Le Couteur in that submission, Mr Speaker.

MR SESELJA: A supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Are there any aspects of Ms Le Couteur's submission that you disagree with?

Mr Hargreaves: On a point of order, Mr Speaker, it is normally the case that questions are asked of ministers on items within their portfolio responsibility. The question here is around Ms Le Couteur's submission.

MR SESELJA: It is about the appointment of the Auditor-General, which is clearly the Chief Minister's role.

Mr Hargreaves: On the point of order, the question was quite specifically around Ms Le Couteur's submission.

MR SPEAKER: Thank you, members. I think the question is out of order. It relates to the contents of Ms Le Couteur's submission, and it is not the Chief Minister's responsibility to comment on that in the context of her ministerial responsibilities.

Economy—impact on business and families

DR BOURKE: My question is to Mr Barr. Can the minister—

Members interjecting—

MR SPEAKER: Order! I cannot hear Dr Bourke. Can you start again, Dr Bourke.

DR BOURKE: Of course. Minister Barr, can you please provide an update as to how the ACT's strong economy is impacting on businesses and families.

MR BARR: I can indicate that the government is committed to maintaining a strong economy and a balanced budget over the economic cycle. An important part of achieving this balance is maintaining fiscal discipline and a sound revenue and expenditure policy about targeting scarce resources to areas where they can achieve the most good for the community.

The government has a strong record when it comes to economic management and fiscal discipline. Some would say that we have been a model of countercyclical fiscal policy in recent times, showing expenditure restraint, delivering strong budget surpluses in good times and providing stimulatory responses in more challenging economic periods. We have invested in productive infrastructure to grow the economy. This is important not just in a theoretical economic sense but because it has a real impact on the lives of Canberrans. A strong economy means more people in jobs, and in more secure jobs.

The recent ABS labour force statistics show that we continue to have very low unemployment—the lowest trend unemployment in the country. These statistics also show that we continue to have a very high labour force participation rate. And, importantly, they show that the labour force grew whilst at the same time the number of unemployed fell. A large labour force and lower unemployment mean more people in jobs, and this is great news for Canberra.

I can advise that ABS statistics released today show that the ACT's trend average weekly ordinary time earnings increased by 1.4 per cent in the most recent quarter. This means that we now have more people in jobs, and those people are enjoying higher wages. A strong economy means more money flowing through it—and through to our businesses, assisting them with their trading margins.

ASIC data indicates that the number of registered companies in the territory has risen over the last five years, from 26,000 in 2006 to 31,000 in 2011. It might interest members to know that, despite our very high growth of small businesses in the ACT,

the business-related insolvency level is low when compared to the number of businesses. This is despite a significant feature of the small business sector globally being a very high exit rate. It is notable given the composition of small businesses in the ACT, with our relatively high concentration of enterprises in the retail, accommodation and hospitality sectors.

A strong economy provides the public sector with sufficient revenue to operate high-quality services, to invest in productive infrastructure and to pay down debt. Each of these activities contributes to economic growth and services providing a productive, healthy and happy community; productive infrastructure to generate economic returns and meet future community needs; and paying down debt to balance the budget and remove the interest call on government revenue.

A strong economy generating strong returns to the community combines with an effective government policy to create a virtuous circle of public policy. This circle provides for productive and competitive businesses and a healthy and productive community.

MR SPEAKER: Dr Bourke, a supplementary question.

DR BOURKE: Can the minister give an indication as to what practical indicators are saying?

MR BARR: Whilst there is often a lot of talk in this place and in the commentariat around major economic indicators such as the consumer price index, unemployment rates and economic growth, it is important always to remember what this means in a practical sense out there in the real economy. There are a number of indicators which point to what is going on in the real economy and how this affects Canberrans.

Recent bankruptcy figures show a 25 per cent drop in the 2010 financial year compared to 2009-10. This is a good, practical indication of the level of pressure on Canberra households and businesses. It is particularly noteworthy that the level of non-business personal bankruptcy fell by a particularly large margin, falling to 130 from 215 in the previous financial year.

Retail trade figures have staged a recent rally and given an indication that there are signs of strong economic recovery. Given the Canberra population's high disposable income, again, another good indicator of what is going on in the real economy. I should note, though, that the retail figures are based on retail trade growth and that the Canberra base is particularly high in this regard.

Consumer sentiment is also a practical indicator, although I should caution that, by any definition, it only considers sentiment and not actual conditions. Such measures can be very dependent on the methodology by which they are collected. But with those caveats, it is worth noting that in the recent Westpac Melbourne Institute survey, consumer sentiment went up 6.3 per cent nationally, and the ACT is, of course, a contributor to that.

All in all, practical measures as well as a range of theoretical ones indicate that the Canberra economy remains strong and healthy.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, what policies does the government have to keep the economy strong and are there are alternatives?

MR BARR: I again state the government's commitment to innovation and focusing our attention in economic policy on areas that count—areas where we have a comparative advantage. Our business sector is strong on exports and those exports are world-class. The government will continue to focus on these areas, including when we release our contemporary industry development strategy next year. We will continue to emphasise our key priority areas of advantage, particularly in government services, education and tourism.

I can inform the Assembly that the government's strategy will not contain a multitude of individual sectoral development plans, as some have urged. It will not contain a plan to cut 12,000 jobs from the ACT economy, removing almost $1 billion of expenditure immediately and having a devastating impact on Canberra families and businesses. That is an alternative plan put forward by another political party and it is a plan that this government will continue to oppose.

We certainly will not be putting forward a plan to punish Canberra businesses by extending the time the government takes to pay its invoices. The government's policy is to pay invoices within 30 days. I am very pleased to advise that in around 85 per cent of invoices this is the case and we will continue working to improve this. It is interesting that the policy position put forward by the Leader of the Opposition would in fact have no impact on the budget bottom line, as costed by Treasury, because the costs would be passed on to small business by taking an extra 15 days. So no cost to government but very costly to small businesses who rely on that cash flow. I can say it is not a policy that the government will be adopting.

MR HARGREAVES: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Treasurer, will the continued negative comment from those opposite have a detrimental effect on the economy going forward?

MR BARR: Whilst it is seemingly standard practice—

Mrs Dunne: Point of order, Mr Speaker. Can I seek your clarification and ruling on the question that Mr Barr is not responsible for the policies of the Canberra Liberals and the tone of the question was about—

Members interjecting—

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

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: I did not refer to the policies of the Canberra Liberals. Mrs Dunne has done that herself. I merely referred to the negative comments from those opposite, not their policies.

MR SPEAKER: Members, I think we have had questions like this one before. As long as, Minister Barr, you can restrict your comments to matters relating to the impact on the economy, and not run a commentary on the policies of the Liberal Party, we will let you have the floor.

MR BARR: Thank you, Mr Speaker—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order! One moment, thank you, Mr Barr. Stop the clocks, thank you.

Mr Hanson: I ask you to explain to me; I am confused because we have had a question ruled out of order that was specifically about the appointment of the Auditor-General and about a letter that Ms Le Couteur had written. It was very relevant to the minister's portfolio and it was ruled out of order by you. We then have a minister being asked about comments from the opposition and that is ruled in order. It seems that there is a glaring inconsistency in your rulings and I would ask if you could explain the difference between the two and why it is that one was ruled in order and one was ruled out of order.

MR SPEAKER: Thank you, Mr Hanson.

Mr Hargreaves: On the point of order—

MR SPEAKER: I think I have made my position clear. Minister Barr has the floor.

MR BARR: Thank you, Mr Speaker. As I was saying, it is obvious that in the economic policy debate there will be a variety of views. It is important to note that as part of a robust community debate how those views are interpreted and the impact they have will often be a reflection of the intellectual capacity behind the views and the level of interest that the community might have in the views being put forward by particular public policy proponents. It would appear that no-one is particularly interested in the views of those opposite, so it may well be that their constant carping on economic policy has had no impact on the territory economy. *(Time expired.)*

Fitters Workshop and Megalo Print Studio

MS LE COUTEUR: My question is to the Minister for the Arts and is in regard to the Fitters Workshop and the associated Kingston foreshore precinct. On 27 October the Assembly debated establishing an inquiry into the Fitters Workshop. Minister, you then issued a media release which said:

> The Canberra Liberals and ACT Greens have trampled on the plans and reputation of Megalo Print Studio.

During that debate I said:

> We do not want to do anything to disadvantage Megalo.

Ms Hunter said:

> Megalo is a fantastic organisation. I have known Megalo since its … early days … It has some fantastic programs. It is an organisation that the Greens are totally committed to supporting.

Mrs Dunne said:

> It is important that this Assembly expresses its support for Megalo and the good work that Megalo does.

Minister, what evidence do you have that the Liberals and the Greens have trampled on the reputation of Megalo?

MS BURCH: I thank Ms Caroline Le Couteur for that question. I do not have it in front of me but I know there was a letter sent to Ms Hunter and to the Greens in which they articulated their views very firmly. They pleaded with you, implored you, not to proceed—

Ms Le Couteur: On a point of order, Mr Speaker, the minister is referring to a letter which was sent to Ms Hunter. It is not related to the Liberals' or the Greens' views.

MR SPEAKER: Minister, let us try and focus on the question, thank you.

MS BURCH: Mr Speaker, I have four minutes to answer the question. I have had 20 seconds, so I will get there.

MR SPEAKER: Order! Minister Burch, sit down for a moment, thank you. I do not need a free lecture from you. I asked you to stick to the question at hand and if you operate in that manner you will simply sit down. You may now continue.

MS BURCH: Thank you, Mr Speaker. In that letter they implored you not to proceed with that inquiry and not to halt or stall their plans. They had made it clear that that decision would impact—they forward plan 18 months out—on their forward planning. For any organisation that has national and international regard and that cannot put their good programs in place, their reputation is impacted upon, Ms Le Couteur.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, do you share the former Chief Minister's view, as reported in the *Canberra Times*, that musicians who have an interest in the Fitters

Workshop are—and I stress that I am quoting—"like a pack of wild dogs cocking their legs at buildings"?

MS BURCH: I think everyone who read the *Canberra Times* would have read that comment. It was not my comment, Ms Le Couteur.

Opposition members interjecting—

MR SPEAKER: Order! Ms Hunter has a supplementary.

MS HUNTER: Minister, given that the government's response to the estimates report this year said that Megalo would not be able to move into the Fitters Workshop until 2013, where did the government anticipate Megalo would be located from July 2012, when their lease ends?

MS BURCH: I would have to go back to the estimates *Hansards* to check that. But certainly we had a development application. That is in place, it is closed and a decision is yet to be made on that. We had always planned, we were very clear, that the relocation movement would have commenced in 2012, and it is certainly my conversation with the directorate that they were to be there at the end of 2012—mid to the end of 2012. So I am not quite sure where 2013 comes in. I am happy to go back, Ms Hunter, and check the *Hansard* on that.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, will you now apologise to the Liberals and the Greens for falsely alleging that the Liberals and the Greens had trashed Megalo's reputation?

MS BURCH: I have made it quite clear, and I have made it clear here today, that the decision by the Canberra Liberals and the Canberra Greens has impacted negatively on Megalo. That is the conversation—

Opposition members interjecting—

MS BURCH: I have no doubt that if you had spoken with Megalo since your decision they would have shared that with you. It is certainly the conversation they have shared with me.

Children and young people—care and protection

MR HANSON: My question is to the Minister for Community Services. Minister, what interaction has occurred between your directorate and Northern Bridging Support Services since it was reinstated to the directorate's provider list for care and protection transport and supervision services?

MS BURCH: The directorate worked very closely with NBSS with regard to their being reinstated and about matters of outstanding accounts. I know that they continue to work with NBSS as and when required, as they would do with any stakeholder.

MR HANSON: A supplementary.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, how many clients has the directorate referred to NBSS for transport and supervision services?

MS BURCH: It is also agencies. The government is not the only one that refers, on my understanding, a client base to NBSS. The non-government sector, who also require transport services, are also able to refer clients.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what have you done to satisfy yourself that all transport and supervision service providers are meeting the required levels of service standards? Are there any clients redirected from other service providers? If yes, why were they redirected?

MS BURCH: I thank Mrs Dunne for her question. Transport services are available to kinship carers through the directorate but also through foster carers, through non-government organisations, out-of-home-care organisations and other agencies that need that service. The question is: how many services have been referred and what standards.

There is an expectation about and standards around vehicle safety, child restraints, licensing of drivers, their suitability and checking of these drivers that provide these services. That has always been the case. We as a directorate are embarking on a model that we are hoping to put out to tender where these things are clearly set out and that we would have a panel of providers that different agencies can use those services from.

MRS DUNNE: Supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, were any of the clients that have been received by Northern Bridging Support Services clients that were redirected from other service providers? If so, why were they redirected?

MS BURCH: I think those in this room would know that I would have no list, and nor should I, of any client base of any provider that provides transport services.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Community Services. Minister, yesterday in question time you stated:

> The Barton Highway house was not a place of care; it was a place where care was provided …

You went on to say:

> There is one, and that approval was provided in 2008.

You later said:

> Marlow Cottage is our recognised place of care here.

Minister, given the number of vulnerable and at-risk children and young people in the care and protection system, it would be impossible for Marlow Cottage to accommodate them all, and Marlow Cottage is not suitable for children under 10. Why have you not approved any other place as a place of care?

MS BURCH: A place of care has a defined and unique place in accommodation and support services and care services for out of home care providers. Marlow is our place of care, but that does not say that there are other properties where care is provided. There is a standard about properties. There is a standard for out of home care providers. There is a standard for our providers.

Mrs Dunne, across the chamber, again is referring to the condition of the Barton Highway property. We accept that that was less than ideal but you do not need to be the echo. People are going on and on about this, Mrs Dunne.

MRS DUNNE: A supplementary question.

MR SPEAKER: A supplementary, Mrs Dunne.

MRS DUNNE: Minister, in light of the state of the Barton Highway house, leased to Barnardos, do you think that you should have sought to approve it as a place of care before sending vulnerable, at-risk children there for residential care? If no, why? If yes, when will you do so?

MS BURCH: Mrs Dunne, a place of care, as I have said, is a unique place. There are other properties where out-of-home care providers care for children. There are residential services in households across Canberra that provide care for children. We have an accommodation standard. Since we became aware of the condition of Barton Highway, certainly the directorate has reinforced and reinvigorated that conversation with out-of-home care providers to make sure that properties are maintained to a suitable level.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, in light of the case of another house also leased to Barnardos at which the stove could only be turned on with the use of a knife, do you think you should have sought to approve it as a place of care? If no, why? If yes, when will you do so?

MS BURCH: There are over 100 properties that support places for children to be cared for. What the Canberra Liberals seem to be inferring is that Barnardos, a well-regarded organisation, failed to provide adequate and suitable accommodation for those in their care. I think that is a bit of a sleight on Barnardos, and I do not hold that view. There are two properties among many, many properties across the territory where there were matters to be improved on. Housing ACT responds to maintenance requests. I encourage all out-of-home care providers who have properties to put those maintenance requests in.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, why are you prepared to allow vulnerable, at-risk children to be accommodated in places where care is provided but which are not approved as places of care and which clearly do not comply with the out-of-home care standards?

MS BURCH: We have heard of two properties today—one where the stove was less than adequately maintained as far as being able to use its handle, and another property that had some problems with its electricity supply, with its power box, and its hot-water system. In regard to the stove in one of those two properties amongst many, the maintenance has been fixed. Once we were alerted to that, that has been fixed. In regard to the other, a hot-water service, once it was brought to our attention, has been replaced. The electricity is being remedied. The broken window—that can happen at any time to any property anywhere in Canberra.

Canberra Institute of Technology and Australian Education Union—enterprise bargaining negotiations

MS PORTER: My question is to Minister Barr as minister for education. Can he update the Assembly on where negotiations between CIT and the AEU are up to on their EBA? There are a lot of acronyms in that, aren't there?

MR BARR: I am pleased to report that the Canberra Institute of Technology and the Australian Education Union have reached an agreed position in their 2011-13 enterprise bargaining agreement negotiations. The next stage in the process now is a CIT teaching staff vote on the draft EBA document, expected to be conducted in mid-December. Subject to a majority vote of support it is expected that staff payment will occur in February-March of 2012. This is good news for the CIT and for teaching staff, who can continue to deliver high quality tertiary and vocational education to students. The two-year agreement includes two salary adjustments of 3.5 per cent, the first applying from 18 August this year and the second from 1 July 2012.

I would like to thank the CIT and the dedicated teachers and staff who have made a significant contribution to vocational education and training in the territory. Proof of this can be seen in the ACT's recent strong performance in the COAG Reform Council report. In both 2009 and 2010 the ACT, compared to other jurisdictions, had the lowest proportion of 20 to 64-year-olds without a certificate III level qualification or above, the highest proportion of VET course completions at certificate III level or above, the highest proportion of VET graduates employed after completing training,

and the highest proportion of VET graduates reporting improved employment status after their training.

Significant changes in the ACT's performance included the number of 20 to 64-year-olds without a certificate III level decreasing from 39.1 per cent to 33.9 per cent, and the number of higher qualification completions at the diploma and advanced diploma levels increasing by 22 per cent between 2008 and 2009.

Other improvements in the territory's performance include the proportion of VET graduates employed after completing training increasing from 85 per cent in 2008 to 88.7 per cent in 2010, the proportion of VET graduates unemployed after completing training dropping from six to 5.6 per cent, and the proportion of VET graduates reporting improved employment status after training increasing from 64.3 to 68.3 per cent over the reporting period.

I would again like to thank everyone at the CIT for their contribution to such strong student outcomes in the territory. It is indeed great news that there has been an agreement reached on the EBA and we look forward to it being put to a staff vote in December.

MS PORTER: Supplementary.

MR SPEAKER: Ms Porter, a supplementary.

MS PORTER: Minister, what are some of the benefits for both CIT staff and the government in this agreement?

MR BARR: The new agreement includes a new arrangement to tie movement through the salary increment scales to the possession or gaining of basic vocational education and teaching qualifications, particularly a certificate IV in training and assessment. The CIT will ensure that teachers are encouraged and supported to obtain these qualifications by the establishment of an internal funding pool. The agreement includes the introduction of a teaching only contract option as an alternative to casual employment. This contract option will offer recreation and personal leave provisions that are not available under the casual employment arrangement. The agreement also includes a new clarification for teaching staff of their expected workplace contribution and attendance. There will also be amendments to existing EBA clauses on overtime, workplace health and safety, streamlining the recording of teaching hours whilst on leave, and teacher training provisions.

MR DOSZPOT: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Doszpot.

MR DOSZPOT: My question is to the minister for education. Minister, in what way will the proposed CIT and University of Canberra merger affect the working conditions of the CIT teaching staff?

MR BARR: It will have no impact during the course of this EBA. Future arrangements, depending on the nature of new institutions that may be formed, would

be impacted. But as all of the participants in the working group towards a new institutional structure have indicated, protection of existing conditions under existing EBAs is an important part of that process.

Of course, there are different industrial conditions that apply currently to the tertiary sector as opposed to the vocational and education training sector. Over time if there is, as is anticipated in Australia, a greater blurring of the roles between the traditional VET providers and higher education providers in the university sector, then you will see conditions evolve over time as the nature of these institutions evolves.

Children and young people—care and protection

MR DOSZPOT: My question is to the Minister for Community Services. Minister, in March this year, an officer in your directorate drew to the attention of a senior manager the risk that Northern Bridging Support Services was not authorised as a suitable entity. As you know, the directorate had placed and continued to place vulnerable at-risk children in the care of NBSS for residential care services. Minister, after more than seven months, why has your directorate done nothing—and still has done nothing—to assess the status of NBSS as a suitable entity?

MS BURCH: NBSS is used through the out-of-home care sector as a transport agency, and I think, as we have said here before, the advice from the Solicitor-General is that we can use NBSS as a matter of last resort when there are no other alternatives for providing services and care to children.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: The minister has not actually answered my question, Mr Speaker. Can I have the question answered before I ask a supplementary?

MR SPEAKER: No, you can ask your supplementary.

MR DOSZPOT: Minister, knowing as you did since at least March this year that NBSS was not authorised as a suitable entity, why did your directorate continue to place children in the care of NBSS for residential care services?

MS BURCH: I think I have answered that. In those placement times, we went to the out-of-home care sector. There were no placements available, so we went to NBSS, which were often known to these families. We thought that that was a sound, suitable alternative, other than leaving them where they were, which was at risk.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, did your directorate just simply ignore the warning given internally in March this year about the risks that NBSS was not authorised as a suitable entity? If yes, why did it ignore those warnings? If no, what was the government's response to those warnings?

MS BURCH: There was no ignoring of anything. We continued to work through the out-of-home care sector for a range of places. You are referring to a number of places through NBSS, forgetting that through that period there were places made in other organisations. In the places where we used NBSS we also worked with an oversight agency, a recognised out-of-home care organisation, to provide oversight. So we did not do nothing. We did as we ought, and that is to strengthen the oversight to those organisations.

MRS DUNNE: Supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, how many times must your directorate place children with an organisation that does not hold an authorisation as a suitable entity before it takes action to ensure that authorisations are given?

MS BURCH: We work with the out-of-home care sector. We have used NBSS; we are not denying that. But we also have produced evidence that those opposite refuse to believe. They refuse to believe the opinion and determination of the Solicitor-General that the director-general can place—

Mrs Dunne interjecting—

MS BURCH: That is just an absurdity from Mrs Dunne. They can place in alternative arrangements when there is no out-of-home care provider available.

Housing—supported accommodation

MS BRESNAN: My question is to the Minister for Community Services and concerns housing for people with disabilities. Minister, one of the problems with measuring unmet demand is that the government does not keep a waiting list for people with disabilities and mental illness requiring supported accommodation. Minister, how does the government measure this unmet demand, and what are the current levels?

MS BURCH: I think from your question you are implying that we do not have a gauge on the numbers of people that would be seeking group accommodation or accommodation. I know that we do, because I am in conversation with families and the directorate about their accommodation needs. So to imply that we do not have any understanding or awareness of any people that are seeking accommodation I do not think—

Ms Bresnan: On a point of order, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

Ms Bresnan: I was not intimating what the minister suggested. My question was: how does the government measure unmet demand, and what are the current levels?

MS BURCH: We know only what we know, and if people do not let us know that they need accommodation, I am not quite sure how we are to know that. But I am quite happy to bring back the number of families that we are currently working with to find suitable accommodation for either themselves directly or their children.

MR SPEAKER: A supplementary, Ms Bresnan.

MS BRESNAN: Minister, how many people with disabilities or mental illness are there currently in supported accommodation, including group homes, in-home support and shared accommodation with people who also provide care and support, and what is the cost of this to the government annually?

MS BURCH: There is a lot of detail in that. I would have some information about disability, but if you want it for mental health, I will bring it back to you, Ms Bresnan.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: To the minister, how have we been working with the federal government to make sure that we have disability-specific housing for those members of our community, our ACT community?

MS BURCH: I do thank Mr Hargreaves for his question. We have been working very strongly with the federal government about supporting people with a disability and those that need supported accommodation. I will just use two streams. One is the federal stimulus money that invested $87 million-odd into the territory. We complemented that significant contribution through land and other assets as well. That has brought on line over 420 properties. A lot of those, nearly 300 older persons units, are class C adaptable that allow ageing in place but also allow us to support people with a disability.

Within the last month I went to two units, one in O'Connor and one in Narrabundah, a small block of flats up to about eight or 10 units, and both of those contained class C adaptable units for those with a disability. I had the pleasure of meeting a fellow who was moving into one of those units and he was quite excited because it was within easy access, distance to the O'Connor shops, and he was very much looking forward to establishing himself in his new community and making those connections for himself.

The other property is at Narrabundah where we have put in young people from residential aged care. That was jointly funded through the commonwealth and the state. That has, I think it is, four or five young residents who have been moved out of residential aged care into their own purpose-built and certainly quite good accommodation.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: Minister, how many new supported accommodation places does the government budget for annually and what percentage of the unmet need does this meet?

MS BURCH: I will roll that into the other question for Ms Bresnan and bring back what I can around unmet need, projected growth and those elements around supported accommodation.

RSPCA—funding

MR COE: My question is to the minister for TAMS, but in his absence, the Chief Minister. Chief Minister, yesterday the minister for TAMS retracted his claim made publicly in the *Canberra Times* that an additional $150,000 was paid to the RSPCA over and above the amount agreed in its funding agreement. Will you now assure the RSPCA that they will in fact receive the additional $150,000 in the 2010-2011 financial year?

MS GALLAGHER: I thank Mr Coe for the question. I think the intention very much—in fact, the extra appropriation was provided for the RSPCA. So it has been appropriated and it will be provided to the RSPCA.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: According to the table that the minister presented yesterday, I believe the $150,000 was for this financial year rather than for 2010-11. Would you please clarify whether there will be $150,000 extra for this financial year as well as for 2011?

MS GALLAGHER: There has only been one extra amount of $150,000—that is my understanding—and that is appropriated in the budget that has just been passed. I will check, but my understanding is that there was an extra $150,000 in the 2011-12 budget.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SPEAKER: Chief Minister, will you ensure that Minister Corbell writes a letter to the *Canberra Times* correcting the record and issues a press release correcting the record and giving an apology? If not, why not?

MS GALLAGHER: I believe that he has written to the *Canberra Times* to correct the letter to the editor, and he has made public comments in this place, on the radio and through social media, correcting—

Mr Smyth: So there will be no press release?

MS GALLAGHER: I am not sure. He has made a public apology. He has corrected the record. I think that is more than adequate in terms of what is required in the ministerial code of conduct. He is required to correct the record; he has done just that.

I do not think it is up to other members of this place to instruct other members about when and where they should issue media releases. If that is going to be the new standard, I look forward to the media releases from Mr Hanson and Mr Seselja about things that they have said that are incorrect.

MR SMYTH: A supplementary, Mr Speaker.

Members interjecting—

MR SPEAKER: Order! Mr Smyth has the floor.

MR SMYTH: Chief Minister, what actions will you take to ensure that the minister does not wilfully and persistently mislead the community into the future?

MS GALLAGHER: The minister does not wilfully and persistently mislead the community. Like all of us, being human—and including every single one of you over there—when you make a mistake, the right thing to do is to correct the record. And the minister has done just that. Whenever it has been brought to his attention, and, indeed, for any of us, where a comment that we have made is incorrect, the responsibility is to come and correct the record. It is a shame that the obligations under the ministerial code of conduct do not seem to be applied or indeed are not included in the members' code of conduct, because there are members in this place that do not have the same standards applied to them that are applied to ministers.

Public housing—Northbourne flats

MR HARGREAVES: My question is to the Minister for Housing. Minister, I am aware that last week you announced that John Wardle Architects were the winner of the design competition to revitalise the Northbourne flats. Can you provide the Assembly with some detail about the benefits this plan will bring for public housing and the broader Canberra community, please?

MS BURCH: I thank Mr Hargreaves for his question. I was pleased to announce last week that John Wardle Architects had been chosen as the winner of the national design competition to redesign the public housing complex in Braddon and Turner known as the Northbourne flats.

The Community Services Directorate has already started discussions with the architects to engage them in developing their ideas into a scheme that can form the basis of a development application. The entry titled "Weave" was chosen from a field of 40, and the jury was unanimous in its decision to award first prize to John Wardle Architects.

I do not know how many members took the time to visit the entries which were on display or view the entries online, but Weave is an excellent addition to Northbourne Avenue, which is Canberra's primary entry. It integrates with the surrounding streets and with Haig Park, a major green space in north Canberra. Weave shows approximately 900-plus units built on blocks of land which are presently occupied by 248 units. The scheme shows some of the existing buildings being retained and

extended. The buildings that are retained in the final development will be comprehensively refurbished and may be modified.

I believe the scheme will bring many benefits for public housing and the broader Canberra community. Firstly, I would like to state that the tenants in Northbourne flats will remain as public housing tenants—that is, they are assured of accommodation, whether it be on site or at another location.

As I have previously indicated, 10 per cent of the dwellings will be retained for public housing. Housing will be found for all current tenants, and I expect some tenants will use this project as an opportunity to find housing closer to where they work, study or where their families live.

The broader Canberra community will benefit through higher residential densities and more people supporting a major public transport route. Higher levels of housing close to the city will encourage people to walk, cycle or catch public transport to where they want to go. Increasing the quantity of housing along our principal road corridors is critical to achieving a sustainable transport system for our community.

Northbourne flats were constructed in the late 1950s to accommodate the influx of public servants moving to Canberra. Weave provides the opportunity to create homes that are fit for the second century of Canberra, and it will create a greater social mix and richness in the Braddon and Turner areas.

MR SPEAKER: A supplementary, Mr Hargreaves.

MR HARGREAVES: Could the minister please reaffirm that all of the moneys realised from this project will go into public housing, and could she tell us how current housing stocks compare to historic levels?

MS BURCH: The government has a record on public housing and our record is a strong one. Through our investment and the unprecedented investment provided through the federal government stimulus package investment, the current public housing stock is significantly higher than when we came into government in 2001.

As indicated last week, while the Northbourne flats redevelopment will result in a slight reduction in public housing on that site, the ACT government will see public housing stock levels are maintained, and we will achieve this by investing in new housing in other locations. This is in keeping with the ACT government's policy of breaking down the concentrations of public housing in our larger housing complexes, which we know lead to poorer social outcomes for residents.

I am pleased to say that Housing ACT is closing in on 12,000 properties. I would like to say that this is an all-time high since self-government, but unfortunately I cannot. As those members in this place with long memories may recall, at one point we had over 12,000 properties for Canberra's vulnerable families. In fact, since self-government the ACT peaked at 12,500 properties in 1996, but between 1996 and 2001 we saw more than 1,000 properties in our housing stock removed. It is perhaps no coincidence that this also corresponded with the period that the Canberra Liberals were last in government.

Going back to the question on how our stock compares historically, I refer members to question on notice No 358 from 2001, which tells us that between 1997 and 2000 alone the Liberal government sold off 1,116 ACT properties. Even with acquisitions, this was a loss of over 600 properties. *(Time expired.)*

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, in relation to this issue you made public comments about Greens' concerns about public housing tenants—

Mr Hargreaves: Point of order, Mr Speaker. That is a preamble and this is a supplementary.

MR SPEAKER: Yes. Cut straight to the question.

MR SESELJA: Given those comments in relation to the Greens and concerns about moves to places like Tuggeranong, did you want to comment about the desirability of public housing tenants moving to places like Tuggeranong?

MS BURCH: As Mr Seselja knows, I am a proud resident of Tuggeranong. I think we share the local Coles; so we occasionally see each other down there. I think it is important that public housing stock and social housing stock are in all aspects of Canberra's community so that we do not have areas that are concentrated with disadvantage.

That is what our modelling is all about. That is what our refurbishment and re-investment is all about. It is breaking down areas of disadvantage and ensuring that people within public housing—social housing—have the ability to live in suburbs as they do in areas of high density, which Northbourne Flats are. So I would be very pleased to support people moving from Northbourne Flats into Belconnen, where I know Ms Porter and Dr Bourke live. They are proud residents of their suburb. I know that I would welcome people from anywhere to move into Tuggeranong.

MS BRESNAN: Supplementary.

MR SPEAKER: Ms Bresnan has a supplementary question.

MS BRESNAN: Minister, will the—

Opposition members interjecting—

MR SPEAKER: Members, really!

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, you are now warned. I have asked for some silence so Ms Bresnan can ask her question. Ms Bresnan, you have the floor.

MS BRESNAN: Thank you, Mr Speaker. Minister, when will the ACT Housing asset management strategy be delivered and will it actually be this year as you said it would be?

MS BURCH: Yes, it is on track to be delivered this year.

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

Supplementary answers to questions without notice

Taxation—GST review

MR BARR: It has been drawn to my attention that I am a couple of days ahead of myself. In response to Mr Seselja's question, I indicated that I would be able to table the government submission to the GST review. It has been brought to my attention that it will be discussed further in cabinet on Monday. So I would apologise. I apologise. Yes, I have provided incorrect information and I apologise to the Assembly. We have received an extension of time to lodge a submission. I will make it public next week but cabinet does need to have some further discussion on the matter, which I believe will be held on Monday.

Visiting dignitaries—cost

MS GALLAGHER: Yesterday I was asked a question by Mr Hanson in relation to financial costs associated with the Queen's visit to Canberra. I answered that question by saying that the majority of the cost related to maintaining the Floriade site, and that is correct. Maintaining the Floriade site has been costed at $62,326. There were a range of other costs, which have only just been finalised. I am interested that Mr Hanson might be in a position where he has received information prior to the government receiving information. Nonetheless, costs that fell across TAMS, tourism and CMCD relating to event infrastructure, advertising the royal route and media monitoring, total $158,302, with the Floriade site as part of that. So that is the final, compiled list. I am happy to table that for the information of members. In relation to—

Mr Smyth: What was the original estimate?

MS GALLAGHER: That is in line with my answer yesterday where I said the majority of costs related to the Floriade site, and they did. They were in the order of $60,000. There were a range of other costs across TAMS, tourism and CMCD which have now been compiled. I have provided that information to the Assembly. It is a total of about $158,000.

We have not done the final costings, obviously, for President Obama's visit. When they are finalised I will be happy to provide them to the Assembly as well.

Mr Smyth: What was the original budget?

MS GALLAGHER: There was not an original budget. There was about a $60,000 cost for Floriade and that is included in that.

MR SPEAKER: Members, let us not have a debate about this. Someone can take it up as a motion if they wish.

MS GALLAGHER: It is the largest single cost.

MR SPEAKER: Ms Gallagher, thank you.

MS GALLAGHER: I am trying to explain it for them, Mr Speaker. They do not understand. I table the following paper:

> Queen's visit to Canberra—Associated financial costs—October 2011.

Mr Smyth: Yes, but it is not the majority. No, $60,000 is not the majority cost.

MS GALLAGHER: It is the largest component of the cost.

MR SPEAKER: Order, members.

Papers

Mr Speaker presented the following paper:

> Canberra Institute of Technology—Proposed merger with University of Canberra and Bradley Report—Letter from the Minister for Education and Training to the Speaker, dated 9 November 2011, pursuant to the resolution of the Assembly of 20 October 2011.

Government—payment for goods and services
Paper and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): Pursuant to a resolution of the Assembly of 26 October 2011, I present the following paper:

> ACT Government—Payment for goods and services—Outstanding ACT Government Invoices, as at 31 October 2011.

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

Leave granted.

MR BARR: On 26 October, Mr Smyth brought forward a motion to the Assembly regarding payment for goods and services. An amended resolution was passed by the Assembly requiring the tabling by 17 November of a list of the number of current invoices by directorate that have been outstanding for more than 30 days, together with the average value as at 31 October 2011. In addition, the amount of interest paid to entities which have not been paid on time during the last and current financial years was also required to be tabled.

I am tabling the government's response to 2(d) of the resolution. As I have previously stated in the house, the government recognises the importance of the small business sector in the territory and is committed to sound business practices which support our suppliers.

The government paid over 300,000 invoices in 2010-11, which equates to approximately 25,000 invoices being paid every month. As at 31 October, 1,502 invoices were overdue for payment. Of these invoices, the vast majority were overdue by less than 30 days.

Around 85 per cent of invoices are paid on time. For those invoices not paid by the due date, there are usually good reasons for the delay, reasons according with sound financial management practices. There have been instances where invoices have been received from suppliers after their due date, and in some instances invoices are received for work that has not been completed either in accordance with the agreed milestones or to the satisfaction of the directorate. In accordance with sound financial management practices, an invoice is only approved for payment if it is correctly rendered and the good or service has been provided as required. That said, the government continues to work hard to improve payment processes and to increase the number of invoices paid on time.

In response to 2(e) of the resolution, analysis indicates that no interest payments have been processed through Oracle Financials. Therefore, it could be concluded that no interest penalties have been paid by directorates for late payment of invoices.

Gaming Machine Act—Gambling and Racing Commission
Report

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (3.07): For the information of members, I present the following paper:

> Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Report by the ACT Gambling and Racing Commission—1 July 2010 to 30 June 2011, dated 24 October 2011.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Ms Gallagher, on behalf of **Mr Corbell**, presented the following papers:

> ACT Criminal Justice—Statistical Profile—September quarter.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—Civil Law (Wrongs) South Australian Bar Association Inc Scheme 2011 (No 1)—Disallowable Instrument DI2011-283 (LR, 24 October 2011).

Public Place Names Act—Public Place Names (Casey) Determination 2011 (No 2)—Disallowable Instrument DI2011-284 (LR, 24 October 2011).

University of Canberra Act—

University of Canberra Council Appointment 2011 (No 1)—Disallowable Instrument DI2011-279 (LR, 20 October 2011).

University of Canberra Council Appointment 2011 (No 2)—Disallowable Instrument DI2011-280 (LR, 20 October 2011).

University of Canberra Council Appointment 2011 (No 3)—Disallowable Instrument DI2011-281 (LR, 20 October 2011).

University of Canberra Council Appointment 2011 (No 4)—Disallowable Instrument DI2011-282 (LR, 20 October 2011).

Social housing—renewal
Discussion of matter of public importance

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

The importance of social housing renewal in the ACT.

DR BOURKE (Ginninderra) (3.08): Every member of this place would agree that social housing is critically important to the economic and social wellbeing of our city. Social housing provides the basic foundation on which thousands of Canberrans are given the opportunity to lead stable, healthy and productive lives, linked to employment, education, health and other services. Social housing provides some of the most vulnerable people in our city with an opportunity to reach their potential, to make a contribution and to share the benefits of our community. This is why this Labor government has always been so committed to growth and renewal of our public housing stock. It is what we stand for as a party and what we stand for as a government.

It is important to make the point that the public housing system in Canberra is not just about housing, but also about providing services and support.

Members interjecting—

MADAM ASSISTANT SPEAKER: Excuse me, Dr Bourke, for just a moment. Members, the level of conversation in the gallery is so loud that I cannot hear Dr Bourke. Can you keep it down, please?

DR BOURKE: It is also about providing services and support, about working with our community partners to assist the unemployed, disabled and disadvantaged in our community to break out of a cycle of poverty or homelessness. So it is extremely important that we as a government and community remain focused on social housing renewal.

As members of this place should be aware, most of the public housing in Canberra is drawn from housing that was constructed by the commonwealth to accommodate public servants transferring to Canberra in the 1950s to the early 1980s. This presents some challenges. Today, more than 50 per cent of our public housing stock in the ACT is over 30 years old. In addition to having the largest number of public housing properties in the country per capita, this figure means also that we have the oldest public housing portfolio in Australia and it does require high levels of repairs and maintenance.

There are other challenges. Over time, the accommodation requirements for people wanting public housing have changed. On the one hand, there has been a large increase in the demand for housing with four or more bedrooms. Meanwhile, there is still a very strong demand for properties with two or fewer bedrooms, which is in line with the forecast increase in single-person households. Recent data show that 53 per cent of applicants seek one or two bedrooms, with 26 per cent searching for three bedrooms and 20 per cent looking for four or more bedrooms.

To give some context, in terms of our existing stock, only 8.5 per cent are four or more bedrooms, 42.3 per cent are three bedrooms and 30.5 per cent are two bedrooms. Overall, the number of people wanting one or two and four-plus bedroom housing is growing, while the number of those seeking three bedroom housing is falling.

However, there are also some very positive elements to our housing stock. The presence of public housing spread right across the territory is one of these very positive features. Currently public housing accommodates and supports just over 23,000 people across the territory. Of the total housing stock, 64 per cent are houses, with 22 per cent being flats. Of the flats, 83 per cent are located in multi-unit properties.

This government does not shy away from providing public housing in the suburbs. It is a primary goal. And we know that this salt-and-pepper approach is vastly preferable to the outdated model of concentrating multi-unit properties in certain areas, a method that many describe as concentrations of disadvantage. We know there are better outcomes from integrating public housing into the suburbs, and the tenants know it too.

Indeed, public housing tenant satisfaction surveys consistently refer to this as a source of high satisfaction levels. Conversely, the rate of tenancy turnover in the large multi-unit complexes is significantly higher than in the rest of the portfolio. Multi-unit properties are generally subject to higher vacancy rates and refusal rates than other housing properties.

As public housing applicants are increasingly accessing support services prior to allocation, many community-based agencies will advocate that clients who have experienced domestic violence, have mental illness, drug and alcohol issues, clients with children or older people are not allocated multi-unit properties. Not every public housing tenant should live or wants to live in a multi-unit property around Civic. Many Canberrans, like me, love living in places like Belconnen.

But let us not focus solely on public housing when talking about renewal and community benefits. This government is committed to ensuring that the social housing system of both public housing and community housing provides sustainable and flexible options for those in housing need. Therefore, in developing a strategy for public housing in the ACT, the government's objective to expand community housing is also very important.

The government is equally committed to the expansion of the community housing sector and has put in place initiatives under the affordable housing action plan to support the growth of that sector. Community housing presents a housing option which is complementary to public housing, in that it primarily offers a higher level of tenant participation in management, while also providing another avenue through which the diverse needs of individuals can be met.

Since 2007, the implementation of the affordable housing action plan has tackled the problems of declining home ownerships, rising rents, dwindling rental supply and the provision of community and social housing through a comprehensive package of measures.

Under the affordable housing action plan, Community Housing Canberra Affordable Housing has entered into an agreement for a $50 million revolving finance facility to provide 1,000 affordable housing dwellings in 10 years—1,000 affordable housing dwellings in 10 years. CHC Affordable Housing also received 132 public housing dwellings to provide community housing in the ACT and increase their asset base. This is social housing renewal in action.

But back to our public housing: it is important to note that a large part of the success this government has had in renewing our stock over recent years has been due in part to assistance provided by the commonwealth. The development of age-specific housing is a great example of the successful outcomes from this partnership. These new housing options for older tenants, on sites scattered across Canberra, have been remarkably effective in providing sustainable, low maintenance, accessible housing that supports tenants ageing in place close to existing networks and supports.

One such development that is a good example of this initiative is the development I helped launch in Florey a few months back, alongside my colleagues Minister

Joy Burch and Mary Porter. This site at John Cleland Crescent was previously a greenfield site provided by the ACT government. It has been transformed into a development that consists of 33 two-bedroom units and a three-bedroom unit. It has energy efficiencies and accessibility features that match or better anything currently offered in the private market. These features include gas-boosted solar hot-water systems. All units have met the six-star energy efficiency guidelines set for stage 2 of the economic stimulus package construction phase. Most units on this site have scores of 6½ stars and above.

Then there are the water efficiency measures. Each home has a 2,000-litre water tank, which is plumbed back to the laundry and toilets and can be also used for irrigation. This is in addition to the 25,000-litre underground water tank for irrigation of the common areas.

So this particular example of renewal has resulted in an excellent outcome in terms of sustainability and built form but much more, as well, for the tenants that now call it their home. And I know from speaking to a number of them on that day that they were very impressed that they hardly needed to use the heating during winter and that the height adjustable kitchen benches, designed to permit wheelchair access, meant that these homes would accommodate all their future independent living needs. I have heard that nearby residents have asked how they can become eligible to live in one of these desirable properties. Gone are the days when public housing was instantly identifiable and sometimes stigmatised accordingly.

This is a government that has always been, and will always be, absolutely committed to social housing renewal.

MR COE (Ginninderra) (3.19): It was another special speech by Dr Bourke, one that I will happily follow and discuss what is a very important issue. It is an issue that by and large has been a policy-free zone for many years in Canberra. What we have seen is just more of the same—more of the same with tenancy agreements, with the management of public housing, with regard to property construction and with how they deal with problem tenants.

The problem is that the people that do the right thing in this system get totally jaded by the handful of people that do the wrong thing. It is up to this minister and this department to clamp down on the problems in this area. I think that our Minister Burch does know what the problems are, and I think that people in the department know. But at some point she and her cabinet need to step up and actually say: "Enough is enough. We are going to start to enforce tenancy agreements." That is something that I know they would speak about privately, but are they actually going to do it publicly? Are they going to say that we want to stand by Housing ACT properties and stand by Housing ACT tenants that are doing the right thing?

Where possible, public housing should be a transitional arrangement. I do not think that, if it can be avoided, it should be a house for life. There will be some circumstances where it will be. However, if it can be avoided, it should be a stopgap until someone is able to get back on their feet.

We are going to see increased demand for social housing in the ACT when we have property prices the way they are. We have a tax on units going up to $50,000 and we have the land prices that we are seeing in Molonglo and Gungahlin. We have delays in planning and all the other restrictions and burdens that are put on the property sector in the ACT. It is no wonder that people cannot even get into the rental market, let alone the homeownership market. They are therefore forced to go into the social housing market.

There are many great providers of social housing in Australia, and we are very privileged to have a number here in the ACT. I have spoken in this place before about the very good work that Havelock Housing do; let me reiterate that I think they do a superb job. It would be appropriate for this government to look into ways that they can be engaged more and to discuss with them what support they need to grow into being a bigger housing provider here in the ACT.

One of the issues that I thought we would be discussing in some detail—maybe the minister will be doing so later if she does address this MPI—is the redevelopment of Northbourne Avenue. She may have reserved that issue because she thought it was a good juicy one and a good exciting announcement for her to make. However, we have to have a good think about the merits of the whole proposal. It is not to say that I am against it, but we really have to think about whether knocking down existing multi-unit dwellings and replacing them with, in effect, Housing ACT constructed dwellings is the right thing to do.

The designs look very good and I have had a look at the winning concept, the design "Weave". It looks very impressive in the artist's impressions that you see on the website. But we need to look at the philosophy underpinning that style of housing and whether that is appropriate. It may well be that this Assembly or the community decides that it is, but I do not think we have necessarily had that debate, because the government are in a position where they are unwilling to make tough decisions on social housing. As I said, we have a policy-free zone; we have more of the same. We are knocking down multi-unit dwellings to replace them with multi-unit dwellings. We have to ask whether that is necessarily going to be the best use of taxpayers' money. It may well be that it will not cost taxpayers very much, because of private investment if it is a mixed housing arrangement. However, there is still an opportunity cost, and that is something that we should be exploring further.

Let me give the Assembly an understanding of what I mean in terms of some of the problems with social housing, especially with multi-unit dwellings. Very early in this term I had a telephone call from a very distressed 19-year-old girl. She called from a public house she was living in in Belconnen. She had an ex-partner who had burnt out her car a couple of times. Her partner somehow had a set of keys and was letting himself in. The windows were regularly getting broken; the house was getting graffiti-ed. It was absolutely diabolical. She called up, and she was in tears as she was telling me the situation. She said: "I'm having trouble getting through to Housing ACT. Can you help me?" I happily did that. Then she said to me, "However, I don't want to go to one of those multi-unit housing blocks on Northbourne, or in the city or Red Hill, because they are much worse." Here we had a situation where this poor teenager was living in horrific circumstances, yet she knows that it can be even worse, here in our city.

When it comes down to it, it is because the ACT government are unwilling to make the tough decisions regarding the tenancy agreements and behavioural standards. They need to do a service to all the tenants that do the right thing—the 90-something per cent of tenants that do the right thing, look after the property, pay their rent and obey the law. Instead, they all get dragged down because this government is unwilling to make the tough decisions and say to those problem tenants, "Enough is enough."

This is an area that the Canberra Liberals think is a very exciting policy space. It is an area that has so much opportunity. It is an area that affects 10,000, 11,000 or 12,000 tenancies, a huge portion of our budget and a huge asset base. We are very excited about the work that we are doing and the opportunities that we are going to be able to present. It is something that Canberra needs. It is something that many Canberrans talk about. But it is not reflected in the will of this government.

MS BRESNAN (Brindabella) (3.26): I thank Dr Bourke for bringing this MPI to the Assembly today. Housing is an essential prerequisite to social equity, and public housing provides an important safety net for people who cannot compete in the ACT housing market. The renewal of social housing, and public housing specifically, is an important issue given the nature of stock in the ACT. Tenants should not be in a situation where the government-provided house they live in is of a quality that causes negative health or financial impacts.

About 75 per cent of people who appear before ACAT because they cannot afford their energy bills are public housing tenants. Part of the reason for this is understandably because some tenants have difficulties managing their finances, but it is worth noting that some tenants rent a government house that is either too hot or cold and therefore requires significant heating or cooling to regulate the temperature. If public housing stock, or any housing for that matter, has adequate insulation, air flow and window coverings, that has a significant impact on heating and cooling needs and associated bills.

The public housing asset management strategy guides the direction of the ACT housing stock. The last strategy was from 2003 to 2008. The following strategy is now three years overdue, but the Minister for Community Services has assured us that this will be provided publicly by the end of this year and she reiterated that in answer to a question I asked today. I do hope we see that strategy before the end of year is out.

The previous strategy had some interesting points which I would like to discuss. When the strategy was written in 2003, it stated that about 9.5 per cent of all ACT residential dwellings were public housing properties. The ACT currently has just over eight per cent. The housing that the government owned in 2003 had an average age of 27 years and was the oldest public housing stock in Australia. The age and structure of the portfolio presented considerable challenges for the rejuvenation of the stock. The public housing asset management strategy stated that it was the government's key objective to sell the older stock whenever possible. It also said, however, that, as stock aged, difficulties in acquiring new stock would become more difficult because revenue raised from sales would need to be spent on maintenance and capital upgrades.

In 2002 ACT Housing had a fair spread of properties across Canberra. There were 27 per cent in Belconnen and Gungahlin; 27 per cent in the inner south, Woden and Weston Creek; 20 per cent in Tuggeranong; and 26 per cent in the inner north. Page 10 of the strategy said:

> … the spread of stock right across the Territory is one of the positive features of the portfolio. The areas with the highest stock age (Inner North and Inner South) are also the areas where housing for elderly residents and young people, who are reliant on public transport and other services, remain priorities.

I am looking forward to seeing Housing ACT's next public housing asset management strategy and will be interested to see where stock is currently located and how it has changed over time.

I, like the Minister for Community Services, am honoured to represent the electorate of Brindabella. All members and ministers make decisions which affect all residents of Canberra, particularly if it is a portfolio they look into. As a Brindabella MLA, I will act on behalf of Tuggeranong and Woden constituents, but I also act on behalf of people in public housing across the ACT.

It is also about giving people choice about where they live. As I have stated on this issue, some people in public housing will want to live in suburban and outer suburban areas; others will want to stay in Civic. I had an older woman contact my office who had lived in the Northbourne flats for around 25 years; she did not want to move and was quite distressed about this particular issue.

The government's decision to redevelop the ABC and Northbourne flats is more than welcome. The Greens, however, are disappointed that, while redeveloping the flats, the government will remove about 423 public housing dwellings from those sites. As I have noted, feedback that I have received from a number of constituents in the Northbourne flats is that they do not want to move. They want to stay and be a part of the redeveloped site.

The minister said on Tuesday that she did not have estimates about the revenue associated with the redevelopments. However, given that the government assumes that each new dwelling costs about $400,000 to purchase, the government needs to be clear about the $170 million from the two redeveloped sites, to be able to replace the stock.

The government has also explicitly said that any resident who wants to stay at Northbourne flats will be able to. But given that the government is planning to have about 90 public housing dwellings on the redeveloped site, a question does need to be answered: what will happen to the more than 90 households who want to stay, and what will happen to future tenants?

The Greens agree that social housing should be spread across Canberra so that public housing tenants can have a choice about where they live and therefore there should be an equal distribution across Canberra.

An excellent example of public housing redevelopment that we have highlighted before is the K2 development in Melbourne. Before the government announced the design competition for the Northbourne flats, I moved a motion in the Assembly asking that the government commission a design competition for the Currong flats with K2 in mind. This motion was voted against by the government and the Canberra Liberals; obviously, this idea was then used by the government for the Northbourne flats.

The K2 apartments are designed to last for a significant amount of time, generate their own power, use less than half the usual amount of water, and provide an adaptable array of housing for 150 public housing residents. Since K2 opened in 2007 it has won national and international awards, and been a social success for its tenants.

ACT's public housing stock appears to have a poor level of energy efficiency. Documents that were tabled by the Minister for Community Services on Tuesday show that the government does not have the data on the energy efficiency ratings of its public housing stock—the reason the Greens did not undertake that type of modelling. We knew the data was missing because we had already asked the government to provide it to us. We knew that their modelling would not be accurate and would not mean anything. The government have aimed to estimate the EERs of the housing stock—the 9,500 they do not have rated. At best, they have estimated that none of them are higher than two stars. That is quite concerning.

What is even more concerning is that the government do not have a strategy to address this situation and do not seem to believe that they have an obligation to provide energy efficient housing. It is important to be clear about what we are talking about here. EERs of two and below indicate housing that is cold in winter and hot in summer. These are houses that are expensive to heat. What kind of situation is it where we leave our most vulnerable households in hard to heat houses that are expensive to run? While we did support the increase in the energy concession rebate, there is no point in ensuring that people stay dependent on it by not addressing the underlying causes of high energy bills.

In the parliamentary agreement the Greens ensured that the ACT government doubled the amount of funding on the retrofitting of properties from $2 million to $4 million per annum. That was allocated in the last budget. However, we want to see that funding continue into the future. Unfortunately, it looks like that money has only doubled for the 2011-12 financial year, and will return to $2 million in the year 2012-13.

Not all public housing dwellings have pelmets for curtains. That is one practical way to address heating costs. As a part of the current retrofitting program, the government has been installing pelmets in single standing housing, which is good to see, but not in any apartments. I hope that this will be reconsidered.

The Conservation Council suggested prior to the last election that a curtain bank be established where people from public housing could donate or borrow curtains. I understand that the Conservation Council did request some assistance from the

government for this to occur, but no assistance was provided at the time. I hope that the government will rethink their position on what seems like a very practical and worthwhile idea.

A further housing item in the parliamentary agreement is the requirement that universal design be mandated for new social housing, making houses suitable and adaptable for people with disabilities and older people. I am very pleased, and I think the government should be congratulated, that this has been achieved and that it will continue this policy into the future.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (3.36): I thank Dr Bourke for bringing this matter of public importance to the Assembly today. There is no finer example of renewal of the ACT's public housing stock than our commitment to embark on the revitalisation of the Northbourne Avenue precinct and, indeed, the ABC flats.

It is the case that the sites along Northbourne Avenue are largely underutilised. They also sit next to a major town transport corridor which serves as a major entry point into Canberra. If we are to have a truly sustainable public transport system, particularly in the inner city, making the best use of this important transport corridor is important. The broader Canberra community would benefit through higher densities around public transport routes. Housing close to the city encourages people to walk, cycle or catch public transport to where they need to be.

Increasing the quantity of housing along our principal corridors is consistent with the government's public housing asset management strategy. As has been commented on here today, we are on track to deliver that by the end of the year. In particular, the asset strategy will be developed around the following principles. The public housing portfolio will be aligned to ensure that stock is well located across the city, in areas where people choose to live and where there is employment, education and services.

It will provide sustainable tenancies and build inclusive communities. There will be sufficient flexibility of stock to respond to ongoing and emerging social housing needs, including provision for clients with special needs. The portfolio will be maintained to agreed condition standards to ensure appropriate amenity and safety for tenants and to preserve the value of the asset. The public housing system will be managed efficiently and cost-effectively, providing best value to the government.

Of course, this strategy is part of the government's broader planning policies and objectives. Focusing on redevelopment along transport corridors and around centres can create diversity in dwelling types, sizes and character. This goes to the heart of the Northbourne Flats redevelopment.

The winning design "Weave" provides a combination of passive and active design principles which underline its sustainability strategy. Among the sustainability features are the solar orientation of buildings, photovoltaic panels for the rooftops, a mini-wetland to assist passive stormwater treatment and the use of materials to reduce carbon emissions associated with the project.

There are also gardens, including a community veggie garden, which allow people living in the units to mix and interact while gardening, thus building the community spirit. Providing increased housing choice makes it easier for people to move to a home that better accommodates the changing circumstances for all stages of their life. Therefore, the range of community services will create a more resilient community. More affordable living opportunities can be created through a variety of mixed use developments, with diversity in housing choice and variety.

Madam Assistant Speaker, last week I indicated that the Northbourne Flats redevelopment will retain a proportion of public housing in keeping with our commitment with the Labor-Greens Parliamentary Agreement, which outlines an aspirational target of 10 per cent of all dwellings in the ACT being public or social housing. In addition, the ACT government commits to ensuring our public housing stock levels are maintained and we will achieve this by investing in new housing in other locations.

I turn to some of the comments by Mr Coe. He just referred to "more of the same" and he said that it was a policy-free zone. Mr Coe clearly has not been paying attention because I will remind those in this chamber of some of our initiatives. We have introduced this year through Housing ACT a 75 per cent affordable rental scheme. We have introduced through Housing ACT this year a 75 per cent lease licence. Both of those now provide accommodation opportunities and a model of accommodation that is a very new product brought to our market.

We have increased community housing. The site down at Conder, for example, is managed through Argyle Community Housing. That is a good investment, because we know social housing needs to be a mix of a strong, vibrant community housing sector as well as a public housing sector.

Mr Coe ignores the reforms through Gateway Services and the central access point that is being developed and that is providing extraordinary services from conservation house. Mr Coe also ignores the support services provided through the sustaining tenancies team, which is managed through a partnership of non-government organisations. It supports public and social tenants and also private tenants that are experiencing some rental or mortgage stress. Mr Coe has failed to read the budget paper, which clearly outlines a budget line for an antisocial behaviour team that is coming on line. He seemed to think that all social housing tenants are a blight on public housing and he ignores the fact that we recognise those tenants as needing extra help. We have responded as such.

We have nearly 12,000 properties. Information provided to me shows that we have less than 30 antisocial reports per week. That is not to say that it is something that we can overlook. I think the fact that we have put in a team to support tenancies shows that this is something we take seriously. Mr Coe also seems to forget our shared equity product and our sale to tenants scheme. Mr Coe, the shadow for housing, seems to forget a handful of initiatives that have come in the last 12 months into the public housing sector.

Mr Coe and the Canberra Liberals also seem to think that social or public housing is not the answer. It is quite clear from those opposite that it is the policy of the Canberra Liberals when they were last in government—for example, back in those good old years from, I think, 1996 to 1997—I think on the sign off by Mr Smyth, but I could be mistaken on that—

Mr Smyth: You need to get your facts straight.

MS BURCH: I will refer to the question if you like. I will bring that question on notice down here. The Canberra Liberals, when they were last in government, sold off 1,116 properties. That is the Canberra Liberals' policy on social housing. They flog it off. They flog it off. They boot out those that need our help.

Mr Smyth interjecting—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, Mr Smyth!

MS BURCH: That is their policy position for those vulnerable Canberrans. When the Canberra Liberals were last in government they created a net loss of hundreds and hundreds and hundreds of public housing properties. But also, the Canberra Liberals website lists their achievements when they were last in government. It is a riveting document. I look at their achievements under housing. Their great policy achievement under housing—this area ripe for policy development according to Mr Coe—was to build 200 old person's units. You flog off 1,116 and you build 200. So this is certainly a policy free zone—clearly a policy free zone for the Canberra Liberals.

I have a final comment on the Greens' residential bill, because it was brought into the conversation by Ms Bresnan. This bill does have the potential, on information provided to this chamber, to impact on Housing ACT to the value of $217 million. Ms Bresnan seems to criticise those costings. I would ask them, given that they intend to bring that bill into this place for debate, to provide the costings for that bill, because we know that there will be a financial impost to the community with that.

It is not to say that we should not do all we can with social housing properties to support security and energy efficiency, but let us be very clear that when you bring a bill into this place, you need to bring appropriate costings. We are supporting our social housing tenants, our public housing tenants, as we can. There is $4 million on the table for energy efficiencies, but all new properties now that we build will certainly be energy efficient and of high standards. The properties that we brought on line through the commonwealth stimulus package show that that is where we need to be.

I will end on the strong record of this government in promoting, supporting, maintaining and increasing public housing. I thank Dr Bourke for bringing the matter on for debate. I will commit and recommit again, as I have said here today, to bring the public housing management asset plan to this place by year end, but it is worth noting that while the Greens and Canberra Labor want to increase public housing stock, the last time the Canberra Liberals were on record, they diminished the stock. *(Time expired.)*

MADAM ASSISANT SPEAKER: There seems to be no more interest in the matter of public importance.

Planning and Building Legislation Amendment Bill 2011 (No 2)

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (3.46): I move:

> That this bill be agreed to in principle.

It is with a sense of deja vu that I stand to present a planning and building legislation amendment bill—this time amendment bill No 2.

Mr Smyth: We want you back, Andrew; we want you back.

MR BARR: Thank you, Mr Smyth. This is the second bill to be created under the government's omnibus Planning and Building Legislation Amendment Bill—PABLAB—process. This PABLAB process applies to legislation relevant to planning issues, the built environment and the natural environment. The process provides a way of consolidating minor, technical and minor policy amendments into one place. This makes the amendment process more efficient, user-friendly and accessible for the community, industry and government. The first PABLAB bill was passed by the Assembly in June this year and through that bill eight acts were amended. This bill demonstrated the effectiveness of the PABLAB process as a tool for making a number of minor changes across multiple acts.

PABLAB No 2 delivers on the government's commitment to introduce legislation this year to firstly improve pre-development application consultation and to provide more accessible information to the community on new building projects. In the debate on PABLAB No 1, I welcomed discussion with both the Greens and Liberal members. I am advised again that we briefed the Greens MLAs on the provisions relative to pre-DA consultation and Minister Corbell considered their comments in finalising PABLAB No 2.

I now turn to the content of this bill—PABLAB No 2. The bill covers two main areas—that is, firstly, pre-DA community consultation and, secondly, signs on building sites. I will speak first on those amendments about a requirement to display a sign on a building site. The proposed amendment will require a physical sign to be displayed on the street frontage of a building site, with the sign to include a description of the project and the names and contact details of the licensed builder and the building certifier, as well as other information.

The need for a sign has come about because the government has been listening to concerns raised by people in the community, including our emergency services staff. Firstly, community members do not have necessary contact details to discuss what is happening on the building site. This could be about the nature and scope of the work, but it could also be about letting the builder know if something remiss is happening on the site.

Secondly, neighbours sometimes do not know and are surprised when building work commences next door to them and they have no idea what is happening. Lastly, emergency services staff on occasions experience time delays when responding to emergency calls, especially in new estate areas, because often there is no street signage available to assist emergency staff to locate the site of the emergency.

PABLAB No 2 will require a sign to be displayed in two circumstances—when building work is being undertaken and, for certain types of developments, before the building work even commences. A licensed builder will be required to display a sign for the period that building work is being undertaken. Generally, a building site will have a sign on the block from the first day of construction until the last day of construction. However, if building work is done in stages—for example, in the case of large multi-unit developments—the regulation will be able to require the sign to be displayed at relevant stages only. The requirements are at clause 5 and 6 and form the first part of the regulatory framework by amending the Building Act.

Clause 7 inserts new sections 30A and 30B in the Building (General) Regulation and forms the second part of the regulatory framework. New section 30A provides what information the sign must contain and includes the name of the builder and certifier, their licence number and contact number and details about the building work and the building site. This can be the street address if the site is in an existing urban area or the block and section number for sites in new estates. The sign will also need to provide details about the development approval or whether no development approval was required because it was exempt development.

The information to be displayed on the sign about builders and certifiers is already available to the public. Telephone contact numbers for certifiers and the name and licence number of the licensed builders are currently listed on the Planning and Land Authority website for the information of the public. This is authorised by the Construction Occupations (Licensing) Act 2004 and the Construction Occupations (Licensing) Regulation. Therefore, these amendments are not compelling licensees to display any information on the sign beyond what is lawfully accessible to the general public on the register.

The new requirement to display a sign at a building site will have several benefits. The sign will inform neighbours and the wider community of the nature of the building work. People will know what is happening at the site and what the outcome will be. The sign will provide contact numbers for people who wish to find out more information. For example, a person could contact the licensed builder for an up-to-date estimate of when the project is likely to be completed. This contact information will also allow neighbours and others to contact the builder or certifier if they feel

there is a problem with the conduct of the building work. For example, a neighbour could contact a licensed builder if they feel that the building work is commencing too early in the morning or if there is an excessive amount of dust.

The sign in this circumstance will also permit emergency services staff to quickly find and identify the site when they are responding to an emergency call and make phone contact with the licensed builder or building certifier if necessary. These are benefits which address community concerns about lack of accessible information and lack of contact points that I referred to earlier. While of less significance, it is also worth noting that licensed builders will be able to include their company logo on the sign and so contribute to their public profile.

There are important exemptions to the requirement to display a sign. A sign need not be displayed if the building work must be carried out urgently to prevent a risk of death or injury to a person, serious harm to the environment or significant damage to property. This allows necessary building work to commence without delay. For certain specified types of development the sign must be put up before the building work starts. This requirement applies to building work that is a DA exempt single dwelling, a DA exempt large garage and a DA exempt demolition of a single dwelling or large garage.

New section 30C, in the Building (General) Regulation, provides that the sign must be displayed for seven consecutive days, in a two-month period, before commencing work. This sign will, in effect, provide advance notice to neighbours about the types of exempt developments proposed. Because this type of development is exempt from needing development approval, and as such no DA notification is required, the sign will be the first notice to a neighbour ahead of work actually commencing on the site.

The display of a sign will provide information that will allay some of the concerns that neighbours have when building work seems to commence "unexpectedly". The building sign will therefore benefit the community by providing information about the type of development proposed and who to contact if they wish to discuss the development. An important part of this initiative will involve ensuring industry is aware of and has time to become familiar with the new regulatory requirements. The Environment and Sustainable Development Directorate will develop an industry information package for all licensed builders and peak organisations. As a result, these new requirements are not likely to be commencing until early 2012.

Another important part of this package of amendments relates to the pre-DA community consultation process. The pre-DA community consultation is consultation undertaken by the developer before an application for development approval is made. It is separate to, and not part of, the development application assessment process where a neighbour is notified about a proposal and can make a representation on the proposal. Pre-DA consultation provides an interactive opportunity for the developer to engage with the community during the concept phase of the project before the development application is lodged.

The amendments in PABLAB No 2 deliver on the government's commitment to bring forward a model for community consultation that balances the rights of the lessee to undertake development that is consistent with the planning laws while maintaining the

integrity of the Development Assessment Forum's best practice model. The model proposed for the pre-DA community consultation builds on the trial process that has been in operation since October 2010. Through this trial, industry has become familiar with and demonstrated a willingness to undertake this kind of pre-DA community consultation.

The pre-DA community consultation process enables developers of large scale developments to engage with the community without the constraints imposed at the development application and assessment stage of the development process. There are several benefits that flow from this type of consultation. Through effective and early community engagement, issues can be identified and resolved ahead of the formal development application process. Community consultation engages the community and promotes a sense of involvement with the project. Early and timely community consultation provides time for both the developer and the community to work through issues and finalise the project concept. A project that has gone through this process is more likely to reflect community needs and aspirations.

The benefits of early community consultation also flow through to the subsequent development application and assessment process. For instance, a community that knows and has contributed to the thinking behind a new project will have a good understanding of that project. Discussion at the development application stage will be more focused and allow the DA process to continue in a timely manner. Finally, a community that feels like it has been engaged with and listened to is more likely to understand and accept the decision on the development application. This means, hopefully, that there is less potential for appeals or litigation.

An effective pre-DA community consultation process that has informed and provided the community with the opportunity to have a say in the project has the potential to save the developer both time and money. Time saved means holding costs and other costs are reduced. The bill recognises the importance of pre-DA community consultation by mandating the practice in certain cases.

In summary, the bill requires pre-DA community consultation for large multi-unit developments in all areas other than in an industrial zone or a greenfield estate. For these developments the bill requires the developer to engage in community consultation before proceeding to make the development application. The form and extent of the consultation must be consistent with any guidelines made under new section 138AF. The new process will require a developer to consult with the community and provide a written notice about that consultation before being able to lodge the development application for the prescribed development.

The bill is a balanced measure. It strikes a balance between improving pre-DA community consultation while leaving intact the now widely accepted and highly efficient track-based development assessment framework. In short, the new requirements improve pre-DA consultation without imposing undue cost, undue delay or undue complexity.

This balance is achieved in several ways. Firstly, the new requirements will not apply to all development. The requirements will only apply to relatively large developments.

Clause 13 inserts new section 20A which applies the new requirements to building works that have one or more of the following features. The requirements apply to buildings that are three or more storeys high, involve 15 or more dwellings, have a gross floor area of more than 5,000 square metres, or include structures that are more than 25 metres above ground level.

The new requirements will not apply in greenfield areas. New section 20A excludes greenfield areas as outlined in the maps in the new schedule 1B in the regulation. It is appropriate that development can proceed in greenfield areas without requiring further consultation. These are new estate areas where there has already been an opportunity to comment through the territory plan variation and estate development plan processes. These are areas which are widely understood to be going through significant change and significant new development. These new requirements will not apply to industrial zones as defined in the territory plan as further community consultation is not warranted in these areas given the relative absence of residential dwellings.

Also to be clear, Madam Assistant Speaker, the new requirements will not apply to a development that is exempt from requiring development approval. These parameters mean that the new measures are appropriately targeted at those projects that are likely to be of significant interest or concern to the wider community. These are projects where both the local community and the developer are likely to reap significant benefits from early community consultation.

The new requirements are also balanced in the sense that they will leave the developer of a new project some flexibility as to how the community consultation is to be conducted. New section 138AE will require the consultation to be conducted in a manner consistent with the relevant guidelines. The guidelines are a notifiable instrument made by the Planning and Land Authority under the new section 138AF. Subject to further consultation, the intention is for these guidelines to set out meaningful minimum requirements while leaving the developer with some flexibility to determine how they will go about the consultation for a particular project.

For instance, the guidelines might specify that for a large multi-unit development in a town centre the developer must consult with the relevant community council and give notice to neighbours. The guidelines might at the same time leave room for the developer to determine the manner of consultation with the community council. For example, the developer might elect to write to the community council as well as meet with the council to discuss the proposal. It will be possible for the guidelines to include information on best practice consultation, as well as setting the minimum requirements.

I wish to emphasise that the government intends to consult with the industry and the community on the content of these guidelines and, further, that this is to be done before the commencement of the new requirements. The bill provides that the provisions can be commenced by a day fixed by the minister by written notice. This will allow the government to consult with industry and the wider community on the substance of the guidelines for pre-DA community consultation as well as industry on the new regulatory requirements for displaying a sign on the building block.

As well as the two chief initiatives that I have outlined extensively, PABLAB No 2 also makes a minor amendment to a piece of environment legislation. Clause 16 of the bill contains a minor technical amendment to section 5 of the Plastic Shopping Bags Ban Regulation 2011. This regulation defines that biodegradable plastic bags are defined according to Australian standard 4736-2006 as in force from time to time. This amendment makes it clear that changes to this standard do not need to be notified on the ACT Legislation Register.

This bill is another example of the government providing practical and expedient responses to issues. This bill is part of the government's ongoing efforts to improve the territory's planning system to meet the needs of the local economy, industry, the environment and, most importantly, the community. The bill is another important building block in the continuing development of modern and accessible planning laws that are at the leading edge in Australia. It is vital that we continue to implement the highest standard of planning policies, laws and principles to ensure that Canberra grows successfully into the future. With that little sojourn back into planning nerd-dom, Madam Assistant Speaker, I commend the bill to the Assembly.

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

Auditor-General—appointment
Motion to disallow

MR SMYTH (Brindabella) (4.06): I move:

> That Disallowable Instrument DI2011-155, being the Auditor-General Appointment 2011 (No 1), be disallowed.

This is a very important disallowance motion, and I urge all members to consider the validity of the case that I am about to present. What we have had in this whole sorry saga is poor process. Indeed, the poor process is validated by the report this morning that was delivered by the committee, where the committee says in the first of its recommendations that we:

> ... develop a resolution of continuing effect on how the executive and legislature should deal with the consideration of statutory appointments …

It goes on to say:

> … until the resolution is agreed to, the executive not release publicly the names of any person that is to be considered by an Assembly Committee.

I think that is a condemnation, nicely phrased, of the process that has been followed. Recommendation 2 also says that we should look at section 8 of the Auditor-General Act, which relates to the powers the public accounts committee has in relation to this matter. No matter how this is looked at—and it is not about the candidate, and I am sure this will be characterised as some sort of attack on the nominee—this is about the poor process the Chief Minister followed, some of her actions and the discussions that

then followed in the public accounts committee and the concerns that were raised in the public accounts committee.

For 22 years this Assembly has had a process that has allowed the selection of the Auditor-General without any fuss attached to it. I have participated in a number of those. What changed? What changed is the actions of a Chief Minister, who acted impetuously without thinking about the consequences of her actions, and then exacerbated those actions by the way she attempted to address what had been done.

Madam Assistant Speaker, as you are well aware, the public accounts committee was reported in the *Canberra Times* as being "miffed", which I think is a polite presentation. But I refer to the letter from the committee to the Chief Minister where it says:

> Secondly, I refer to your media release—"New Auditor-General for ACT"—issued today, Tuesday 31 May 2011. The Committee is of the view that it would have been courteous for you to have waited until its views had been received, in accordance with the *Auditor-General Act 1996,* prior to making a public announcement. Furthermore, the Committee notes there is also a discourtesy to the proposed nominee as it has yet to consider and provide its view in accordance with the *Auditor-General Act 1996*.

Madam Assistant Speaker, this is part of the problem. We had a process that used to work very well. I am not aware of any nominee to a statutory appointment ever being leaked in 22 years of that process—never. The process allowed committees to conduct their business in privacy—not in secret, but in privacy—and it protected all nominees in the event that they were rejected by the committee or concerns were raised. Because we were able to do it privately—not secretly, I say again—people were able to put their names forward without having the embarrassment of being rejected by a committee or by the Assembly. Because of the movement away from the process that has worked so well and served this community so well for 22 years by this Chief Minister, we find ourselves here today.

It is well known to all, given some of the previous discussions that we have had, that some of the things that occurred in the public accounts committee, some of the meetings had and some of the words that were said to various individuals led me to seek precedence and to be granted precedence by this place to set up a privileges committee to investigate the actions of the Chief Minister. That is a pretty serious thing to happen to a Chief Minister. The report presented this morning is interesting. It makes no significant findings, and we will get back to the discussion of that report later—

Ms Gallagher: No, it does. It makes some significant findings.

MR SMYTH: Well, it does not make significant findings. What is says is that, "With the evidence before us, we make this finding." What happened, though, was the committee did not go and seek additional evidence, even though a number of members had said they would like to appear and put their case. There is particularly the glaring case of the conflicting evidence about whether or not the committee was pressured, and it is very pertinent to refresh the minds of members about that.

We have a 60-page document from the Chief Minister addressing some of this process. In that document the Chief Minister says, "Yes, I had a conversation with the chair of PAC and it was just to apologise and assure her that I was not being discourteous." But the chair of PAC says:

> My memory is that Ms Gallagher also stated that Dr Cooper was the Government's nominee and that she (Dr Cooper) would be the new Auditor-General.

Of course, Ms Gallagher's version of that conversation is simply, "I spoke to the chair to reassure her and the PAC that no disrespect was intended by the press release. Yes, in the absence of any additional evidence or any discussion or any investigation or any attempt to resolve the contradiction of those two statements—and only one can be right—we are here today. The problem is that the committee has not had public hearings, which I think is to the detriment of the process and to the detriment of the committee and to the detriment of this place. This was, in fact, done in secret. What the committee was asked to do was done in secret, and that is unacceptable.

The committee has sided with the Chief Minister and not with the head of PAC. The head of PAC, with the support of PAC, when asked by the Speaker about the issue of precedence, wrote back and said, "There are two issues here. On the first one we believe we were interfered with. We cannot determine the degree of interference. But on the second issue, yes, we were interfered with. It is a serious interference if it is allowed to stand into the future."

That says this process was not a good process, and we should not accept the fruits of a poor process. We do not know who may well have been thrown up as a different nominee by the government for this position of Auditor-General because of the process, and I will go to some of that process.

As we debated this inside the public accounts committee, a number of issues were raised, and not all by me. They were raised by various members, and some of that was about the independence of the office of the Auditor-General when the Auditor-General comes from within the organisation. The point was made that private sector companies will not appoint an internal auditor because the internal person may well have been part of the problem. It is a valid point, and perhaps that needs to be addressed in the act.

I certainly then had some concerns, primarily about the government's process. Firstly, I would like to go to the advertisement that the government placed. The government asked that candidates have appropriate tertiary qualifications—they are a prerequisite. As is always the case with this government, you need to ask what it means. I think most people looking at the advert for a new auditor-general would think appropriate tertiary qualifications might mean you were somehow qualified in auditing. Apparently not.

The new standard of this government is that appropriate tertiary qualifications for somebody in a senior position is that they hold greater than a bachelor degree. That is

right—a bachelor degree. I do not think we would allow that standard to be applied to a doctor or to a nurse or to the chief engineer of the ACT or the chief architect of the ACT. But apparently you can become the Auditor-General with a degree better than a bachelor degree.

We are also told that it was not the traditional interview process; it was more of a fireside chat. That concerns me. The office of the Auditor-General is, in many ways our upper house—the person we send things to be reviewed. Our Auditor-General was discovered by a fireside chat. You have got poor process there. You have an unclear advertisement, and I am sure if people knew you only needed greater than a bachelor degree to become the Auditor-General of the ACT, a whole lot more people would have applied. But that was not clear. That you just need better than a bachelor degree is amazing.

There is also some question about the ability of the selection committee to make the selection. In 2004 when we went searching for an Auditor-General, the gentleman who is currently the Auditor-General of the Commonwealth of Australia was on that selection panel. He was on that selection panel because he had expertise in the field. The selection panel that made this selection was the head of Chief Minister's, the head of Treasury and another Treasury official. I am not aware of their qualifications in audit process. Remember, the Auditor-General does performance audits, but the statutory responsibility, the overriding responsibility in that regard, is the financial audits.

We have not said, "We need somebody who is capable of doing financial audits." We were told, "We just need somebody who can think at a higher order." I am sure we all know people who hold PhDs who think at a higher order. But as you all turn to your favourite quirky PhD holder, I wonder whether you think they would be a good auditor-general because they have a higher order of thinking? I think most of us know people who would not qualify in that regard, and that is the problem.

I have problems with the appointment of an individual who does not have the necessary audit or financial background to the position of Auditor-General. As the letter from the public accounts committee to the Chief Minister said, this is a discourtesy to the proposed nominee that we are having this discussion in this way, but it is brought about by the process that the Chief Minister launched. We need to look at qualifications, because we need to have confidence that the person in the job can fulfil the role. It is not a case of, "We might grow into it," or "We'll be good in year seven or whenever." It is from the start. You need to be able to do the job.

There is, of course, the question of the nominee in the media. There is the discourtesy to the public accounts committee, again, through flawed process. A letter was dropped into the in-tray of the office of the private member who happens to be the chair of the public accounts committee. Normally all that correspondence goes straight to the committee office. At the same time, quite coincidentally, a press release goes out, and then almost within minutes there is the nominee on the radio.

That puts members under inordinate pressure, because they have to stand up and say, "No, I don't agree with that appointment," whether they like the person or not,

whether they know the person or not or whether they think the person can do the job or cannot do the job. For the record, I was the environment minister when Dr Cooper was appointed to the ACT public service and I have worked with her for a long time. It is not about that. I am sure it will be characterised as that, because that is the only defence those opposite will have. But it is about getting this right. It is about respect for the process, for PAC, for the position of auditor-general and, indeed, for the people of the ACT.

One of the other things raised was both the Chief Minister and the preferred candidate inappropriately approaching the chair. We all need to be careful about that conflict of interest. Committee members are often reminded that if they have a conflict of interest, they need to make it known to members. Indeed, Ms Le Couteur rightly stood aside when a Greens bill was referred to the public accounts committee because she had worked for a firm that was involved in the process. Regardless of whether she had a conflict of interest or not, to avoid the perception of a conflict of interest, she very generously stood aside, as was appropriate, so that there could be no taint of the process.

In this whole process Ms Le Couteur comes out of this very well, and I commend Ms Le Couteur as the chair of the public accounts committee for the way she has conducted this process. We had to go to unprecedented steps of writing to the Chief Minister for an extension of time, seeking an in camera hearing and requesting more documents because we had doubts. That is all because of the poor process that followed. None of this would have happened if the Chief Minister had not set that flawed process in train.

The point then comes down to what happened when the Chief Minister approached the chair of PAC. When the committee called for submissions, I think initially there were about four submissions on the committee website. There are now about 11. Some of them are other members putting in their version and other people coming forward and saying, "Well, this happened to me," or "I believe this is what happened." I have never seen the number of submissions grow like that. That indicates to me there is a problem as well. But none of those who put in a submission and offered to speak—Mr Hargreaves offered to speak to the committee, I offered to speak to the committee, I think the Chief Minister offered to speak to the committee—were invited to speak.

I am not sure what the committee was afraid of, but I know that, at the heart of this whole discussion about whether or not there was inappropriate influence, is the contradiction between the two statements from Ms Le Couteur and the Chief Minister. One said, "I apologised," while the other said, "She came and told me Dr Cooper would be the Auditor-General." That is undue influence, and that is inappropriate. I will conclude here. I will have further things to say, but I commend this motion to the Assembly.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (4.22): Mr Smyth started by saying that this disallowance motion was not about an individual. He then spent a large part of his speech, I think, casting doubt about the capacity of the Auditor-General to fulfil the responsibilities by

questioning qualifications, for example. So I do not think it is fair to say this is not about the individual occupant of that position. I would also say that this disallowance motion and the issues that Mr Smyth has raised are quite separate from the issues that have been examined and reported on today through the privileges inquiry.

The process for the appointment of the Auditor-General was a thorough one. We have provided all the information that was sought by the public accounts committee, including a private briefing to answer questions that they may have had. The position was advertised widely. It was advertised nationally. A selection process was undertaken by very senior public servants sitting on that panel. Indeed, the most senior public servants in the territory sat on the panel and interviewed candidates.

Whilst Mr Smyth might not agree with the process, I do not think there are any grounds to say that it was not a thorough and robust process. We went through that process. The requirements of the act required consultation with the public accounts committee. That has been undertaken. The public accounts committee has approved the appointment of the Auditor-General and the Auditor-General is now in place.

It is important that Mr Smyth acknowledge that the gripes that he has with me issuing a press release are legitimately quite separate to the process that was undertaken for the recruitment and appointment of the new Auditor-General for the ACT. This is not the way to get the political outcome that Mr Smyth wants, which is obviously to attack me—and that is fair enough; I have got the capacity in this position to defend myself. Mr Smyth has used the avenues available to him to protest and complain about my actions, and it should have ended there. There is absolutely no reason—obviously it was with the support of Mr Seselja—that this motion should have been brought to this place today.

It is unfortunate because we have a very senior, capable appointment to the Auditor-General's position. That appointment has taken effect. That person is in the job and doing what the Auditor-General needs to do. This is very much about sandpit politics, I think, and needs to be seen as such. We need to recognise that the person that the Liberal Party are trying to get and damage is me, but in the process they are prepared to demean and wreck the position of the Auditor-General.

Mr Smyth, you predicted that I would have this view, and I do have this view, because your target in this over-exaggerated political campaign is me. It is actually not the Auditor-General. It is not the role of members in this place, I do not believe, to necessarily have a view—well, you can have the view—that the selection process was flawed without any grounds. The qualifications of the current Auditor-General meet the requirements.

You cannot come in here and all of a sudden start yelling out about the qualifications issue and not say that you are not attacking the individual who is in the job. You simply cannot have it both ways. There is a process in place for the appointment of the Auditor-General. The appointment was advertised. There were applicants for the position. There were interviews conducted. We have met with the public accounts committee to discuss additional information that they sought. There is no prerequisite in terms of particular types of qualifications required for the position of the Auditor-

General. If that is something that members of this place think is important then I suggest they make changes to the act that would reflect that. There is no requirement for particular qualifications, Mr Smyth, and we have been through this in the private briefing.

The candidate selected and nominated by the government met all the requirements for the position. An extremely highly qualified, professional, career public servant has moved into that job, supported by the majority of the public accounts committee members. It is simply a campaign that has gone one step too far. I was your target. The privileges committee was your process. The privileges committee has not given you the outcome you wanted, so what do you do now? You escalate it into something completely unrelated and seek to demean and bully the position of the Auditor-General. The opposition are prepared to demean and identify senior public servants in an attempt to politically attack the government.

We have seen you do it to care and protection workers and we have seen you do it to chief executives. This week we have had other examples of questioning the veracity and independence of the Government Solicitor. Every time you want to get to the executive you are prepared to pull down people in your way. It is a failure of leadership from Mr Seselja to actually allow his deputy to bring this disallowance motion to this place today. It is clear that Mr Seselja has no control over Mr Smyth and his antics as he is prepared to allow this kind of behaviour to go on and to move a disallowance of this nature.

This disallowance is an important one, in the sense that, to my understanding, it has never been sought to be done before. As I said, the target of your political campaign is me. You have sought to prosecute that argument through various channels—and I am able to defend myself through those channels. But this is not about privileges not giving you the outcome that you wanted, that you desired. This is actually about the appointment of the Auditor-General. The claims that you make around the selection process being flawed and the lack of appropriate qualifications are incorrect. There was a very thorough process undertaken. We have an extremely highly qualified public servant who was moved into that position. That person needs to be allowed to complete their job without you seeking to attack me and thereby trample on the Auditor-General in the process.

This is a completely separate matter to the issuing of a media release, which has been considered thoroughly by a committee of this place. This is just Mr Smyth going one step too far and allowing this to sit on the notice paper. Frankly, the length of time you have allowed it to sit on the notice paper shows exactly what political mileage you have sought to get. This is a political activity. It is aimed at me. You are prepared to bring anyone down in your quest.

Mr Smyth interjecting—

MS GALLAGHER: That is exactly what you are doing, and you need to be called on it. We need to protect individuals that do not have a right to defend themselves in this place when they have their reputations besmirched, when it is clear that the opposition, the would-be alternative government, want to behave in this way and are prepared to

trample on highly qualified professionals in the way that they do through this disallowance today.

This is not about the Auditor-General. This is about a political attack on me and the fact that you disagree with me issuing a media release. That is where this has got to. It is disgraceful, because you are setting a precedent here. I think that is very dangerous. It will impact on other people's decisions about going for important positions in the ACT. If this is the sort of fun and games that you are going to have every time you disagree with something the government does, that you are prepared to take this sort of action, it really sends a message about how desperate you are and where you are prepared to go in order to achieve what you see as a political gain. That is unfortunate.

The government will not be supporting this disallowance. We strongly support the appointment of the Auditor-General and we strongly support her continuing in her job. This Assembly needs to support the work of the Auditor-General. It should not be seeking to sack the Auditor-General.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.32): I would like to start my remarks by saying that this debate is about whether Dr Maxine Cooper is an appropriate or acceptable appointment for the position of the Auditor-General of the ACT. The question is not whether the process of arriving at her selection or the way that nomination was communicated to the public accounts committee or the broader community was appropriate. The question is whether Dr Cooper, on her merits, should be appointed as the Auditor-General.

Effectively, this debate is a merits review of the appointment of Dr Cooper. The process and alleged deficiency in that process, which has been considered by the privileges committee, is not relevant at this stage. For today's debate we should ignore that issue. Approving Dr Cooper's appointment does not offer any indication on any views on the manner of appointment. The privileges have made their findings on that issue.

Any views on the manner of appointment should not in any way colour or cloud our judgement about the appointment of Dr Cooper. To do this would be a particular disservice to the office of the Auditor-General, trust placed in that office and also personally to Dr Cooper. It is an independent office—the act makes that very clear—so to attempt to assert that somehow the role will not be properly fulfilled for the next seven years because you have doubts about the process does a great injustice to the integrity and stature of that office.

The only question is whether or not Dr Maxine Cooper is a suitably qualified person to fulfil the role. Nothing else is relevant at this stage. In moving the disallowance the Canberra Liberals are saying that they do not believe that Dr Cooper is suitably qualified or has the necessary skills to fulfil the role. The Greens do believe that Dr Cooper is an appropriate appointment, consistent with the requirements of the act and our expectations of the requirements to fulfil the role.

It is our view that she does possess the necessary qualifications and skills to be the Auditor-General. I do not believe that she will approach the role in anything other

than an independent and impartial manner, and the only interest she will seek to further in the role—

Mr Doszpot: Does she have any accounting skills?

MS HUNTER: is the broader public interest of ensuring that the government is accountable for its actions and responsive to the needs of the community. Mr Doszpot is making it very clear to all of us that he has absolutely no confidence in the Auditor-General.

Mr Doszpot: I'm asking: has she got accounting qualifications?

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

MS HUNTER: The ACT Greens are confident that she will provide a frank and fearless account to the parliament and that she will be diligent in performing her functions. She has been the commissioner for the environment—

Mr Doszpot interjecting—

MADAM ASSISTANT SPEAKER Mr Doszpot, if you continue, I will warn you. Ms Hunter, you have the floor.

MS HUNTER: She has been the commissioner for the environment for the past four years and there is no evidence to suggest that she has not acquitted that role well and fulfilled all the tasks required of her in a manner consistent with the requirements of the Commissioner for the Environment Act and consistent with the expectations that we have of all of our statutory office holders.

Previously the Greens have expressed some concerns that the requirements for the position of Auditor-General should be clearer. That is a matter that we will revisit at another point in time. However, that should not be taken in a way that suggests that we think that Dr Cooper is somehow not up to the job. Rather, it suggests that we think there needs to be a more general consideration about the requirements of the act.

No matter who is appointed, I think all members of this place are entitled to have some concern that they will do the job well and some level of apprehension that they do a good job, because it is an incredibly important job. We know how critical this role is. We entrust the Auditor-General, as an officer of the parliament, to exercise a very important role on our behalf—to ensure the probity of executive action. No reason has been given for us to suspect that Dr Cooper would do anything other than her best to provide this Assembly with an objective, independent account of what has happened and measures to ensure the continual improvement of government processes. The Greens look forward to working with Dr Cooper to ensure the best outcomes for our community, and we will not be supporting this disallowance motion today.

MR SESELJA (Molonglo—Leader of the Opposition) (4.38): I will be brief. I support the motion brought forward by Mr Smyth, I think Mr Smyth has set out very well and very comprehensively our concerns over the appointment, both the manner

of the appointment and, indeed, our questions around the qualifications of Dr Cooper in terms of this role. There is no doubt that the cavalier handling of this by the Chief Minister has put the entire process into doubt. From the fireside chat and the publication of the nomination to the inappropriate interference with the chair of the public accounts committee, there is no doubt that the cavalier attitude of this Chief Minister reflects very poorly on her and has undermined this process.

We also believe that the Auditor-General of the ACT should, ideally, either be an auditor or have very strong financial qualifications and a financial background. That is not an unreasonable thing. If you look around the country, that is the way these things are done. So we make no apology for raising our concerns. We are doing what the legislation allows us to do. Ms Gallagher's argument seems to be that, despite the fact that the legislation allows this, we should never, ever have these debates.

We are putting on the record not only our concerns about the cavalier way in which Ms Gallagher handled this—and I have made clear some concerns about the way in which Dr Cooper handled the process—but, more importantly, that we believe it is reasonable to expect that the government will appoint someone as Auditor-General who is, ideally, an auditor or at the very least has very strong financial qualifications and a financial background. For those reasons we believe this disallowance should be supported. I commend Mr Smyth for bringing it forward and I commend it to the Assembly.

MR SMYTH (Brindabella) (4.40), in reply: As I predicted, the defence put forward by the Chief Minister is that we are attacking the individual concerned. We are not. The point here is that the government would now have you believe that disallowable instruments—they are called disallowable instruments so that this place can have oversight of those activities of the government—should never be questioned. That is the position put forward by the Chief Minister: how dare we use the process that allows this place to question something the government does by challenging a disallowable instrument? If you do not want disallowable instruments challenged, then change them. Just call them government instruments. Change the law. But that is the law as it stands, and that is the law as it has stood since this place began.

There seems to be some question about what PAC might do in this. PAC is also the oversight committee on behalf of this place, in this place's relationship with the Auditor-General. It is entirely appropriate for a member of PAC to exercise the ability to question a disallowable instrument and seek to have it overturned.

Ms Gallagher says that this is all about her. In a way, yes, it is all about her, because it is her poor process. She started this by breaking from convention, for reasons unknown. I am not aware of any case where the confidentiality of a statutory appointment has been broken—not ever. Indeed, there was a slur in Ms Gallagher's letter—either a letter to PAC or a conversation with you, Ms Le Couteur, as the chair of PAC—that in some way this might leak. That is a reflection on the public accounts committee, and I absolutely reject that. It has never leaked before. If you have got examples of the public accounts committee leaking anything you gave them, Chief Minister, put it on the table.

When you say, "I put it out because I was afraid it would leak," you have to question why this nomination would leak. What were you afraid of? In 22 years in this place, I am not aware of a statutory appointment leaking. So maybe you are right: maybe it is about you and your poor process. And this is the culmination of where your process has led us.

I can count the numbers; the process will leave with this appointment being confirmed. Those on this side of the house will work with the Auditor-General, as we have done with the last Auditor-General and the one before that. We, like the government, when we were in office, had some reports that we were perhaps less than happy with, but we supported the Auditor-General. Indeed, on many occasions I have been the lone voice in this place willing to vote in favour of extra resources for the auditor and more performance audits from the audit office so that we get the value that auditors bring to modern government by saving the government costs and by improving services.

The problem here is that the Auditor-General has been let down by you, Chief Minister—by your failed attempts to change the process. The committee today said, "Obviously, what we are going to have to do is quantify and somehow define what the process should be in the future." That is because of this mess that you have landed us in. It basically directs the government not to release the names of any more statutory appointments—that the executive not release publicly the names of any person that is to be considered by an Assembly committee. That is a rebuff to you and it is a rebuttal of your poor process.

This is about getting it right for the people of the ACT. The Auditor-General, as I have said in this place many times, and auditors-general around the world, now have a large amount of evidence that says that for everything they do, for every dollar you spend on the auditor, you will make a saving of about 10 in government. That is why this position is so important. It helps reduce the cost of living on the ordinary taxpayer because we get better value for money and we get better delivery of services. In tight fiscal times, both of those objectives are to be commended.

We have no guarantee of that in this process, because apparently the qualifications required for the position of Auditor-General are now simply anything greater than a bachelor's degree. If people think that is okay, that is fine; put it in the advert. But the advertisement said "Appropriate tertiary qualifications". If that was an advert for a medical doctor at the hospital—if we want doctors: a gynaecologist or oncologist—everybody would say that they probably need to be a doctor. If you are applying for the position of chief architect of the ACT, people would probably think that, if you needed suitable qualifications, you might be an architect. If you were going to be the chief engineer of the ACT, I suspect that most people, looking at that ad, would think you would probably need an engineering degree to apply for that job.

The job advert here says, "Appropriate tertiary qualifications are a prerequisite." It does not say, "Advanced thinkers or lateral thinkers required." It says "Appropriate tertiary qualifications". To say that an appropriate tertiary qualification for the Auditor-General of the ACT is anything better than a bachelor's degree is to demean the position. It is an incredibly important position. It has statutory requirements,

things that must be done under law. And we get those reports. We get the audited financial statements here every year. The previous auditor did a lot of work in helping agencies, particularly small agencies, through her financial background and her understanding of how public service works—helping people improve, helping the small agencies improve.

There is a requirement under the law, under the Corporations Act. I will tell you what the qualifications for an auditor under the Corporations Act, under section 1280, are. It says that you must have obtained "a degree, diploma or certificate" and "passed examinations in such subjects" as:

> (i) … accountancy (including auditing) of not less than 3 years duration; and
>
> (ii) … commercial law (including company law) of not less than 2 years duration …

It goes on:

> (c) has satisfactorily completed a course in auditing prescribed by the regulations for the purposes of this paragraph.

The next clause in the Corporations Act says that anybody appointed as Auditor-General is deemed to have those qualifications. It is like having a first law officer who does not have a law degree but who wants the respect of the community because he is the first law officer.

The Corporations Act, which we cannot overrule because it is a federal act, says, "If you get the gig, you are deemed to have those qualifications." It does not make you an auditor; it does not give you those qualifications. That is what we are saying here today: because of the flaws in this process, and it is a dreadfully flawed process, the problem for the community now is that we have got a report from the privileges committee that says we need to now formalise this process. It seems that we have a problem, a problem created by the Chief Minister herself. The problem is that—as the letter that you signed, Ms Le Couteur, says—it puts the nominee at a disadvantage. That disadvantage is being played out well and truly here today.

The problem is that we have had a flawed process. The problem is, and I will be quite happy—

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): One moment, Mr Smyth. Mr Doszpot and Ms Burch, we are not having a conversation. Mr Smyth, the floor is yours.

MR SMYTH: Thank you, Madam Assistant Speaker. I do question the lack of qualifications. I am entitled to question that lack of qualification. In fact, as a member of the oversight committee, I think I am obliged to question that lack of qualification. That is what has led us here today.

At the end of the day, it is the process where I believe the Chief Minister went out of her way to put undue pressure on the committee that has brought us here today. There was the early release of the press release. It is not just a press release announcing the nominee; it is a press release that announces the new Auditor-General. That is how it is headed "New Auditor-General for the ACT". It does not say "nominee". It says "New Auditor-General for the ACT". It is very clear what the purpose of putting that press release out was—very clear.

And there is the fact that it was followed up by a visit from the Chief Minister to the office of the head of the public accounts committee and what the head of the public accounts committee was told. She said:

> My memory is that Ms Gallagher also stated that Dr Cooper was the Government's nominee and that she (Dr Cooper) would be the new Auditor-General. I do not remember us discussing the merits of the appointment or the candidate.

"Don't worry about the merits. Don't worry about the appropriateness of this person. She will be, because I have so desired. I have said so; it will be so." That is not how it works. That is why PAC has not—

Mr Seselja: They fell into line.

MR SMYTH: The Greens did fall into line. The Greens abandoned the Greens member of the PAC committee today because they voted for the Chief Minister's view of the world instead of voting for the truth. The question is: what is in this statement for Ms Le Couteur? There is nothing except that Ms Le Couteur tells the truth, and she told the committee that throughout the entire process. This motion should be supported. *(Time expired.)*

Question put:

> That **Mr Smyth'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
		Ms Gallagher	Mr Rattenbury

Question so resolved in the negative.

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

Election Commitments Costing Bill 2011—exposure draft
Reference to select committee

MS BRESNAN (Brindabella) (4.55), by leave: I move the amended motion standing in my name:

> That:
>
> (1) pursuant to standing order 214, the exposure draft of the Election Commitments Costing Bill 2011, tabled on 10 March 2011, be referred to a select committee for inquiry and report by the last sitting day in March 2012;
>
> (2) the committee shall be composed of:
>
> (a) the Treasurer;
>
> (b) one Member nominated by the Crossbench; and
>
> (c) one Member nominated by the Opposition;
>
> (3) nominations must be provided to the Speaker by the end of this sitting day; and
>
> (4) appropriate resources from the Government and Parliamentary Counsel be provided to assist the committee in the inquiry.

I will speak to the reason for the amendment to the motion first. Basically the original motion on the notice paper had 4 pm in (3). Obviously we have passed 4 pm. So I needed to change that to "the end of this sitting day".

On the motion itself, members will recall that I moved a very similar motion on this issue some months ago. Today's motion to refer the Election Commitments Costing Bill 2011 to a committee is revised from that previous motion in that it proposes the creation of a select committee that includes the Treasurer and a member nominated by the opposition and a member nominated by the crossbench. As I set out in my comments on the previous motion, this initiative is about the ongoing evolution of the committee process.

As members will be aware, there are a number of initiatives within the parliamentary agreement that seek to make the committees more collaborative and develop the way we use the committees in this Assembly. Members will also be aware that those proposals did raise a number of concerns and given those concerns, today's motion represents an alternative initiative that has been used in other jurisdictions and is one that we believe will help improve our legislative process here in the ACT.

Members will recall that some time ago all members received a letter from the Speaker regarding the proposal for the Assembly committees to meet collaboratively with the executive to progress legislation in the Assembly. The letter included a paper prepared by the Secretariat providing some information on other jurisdictions,

national and international, which have established a model for collaborative committees. The paper suggested there were features from collaborative models in other jurisdictions that could have a role for committees and legislation development in the ACT.

A number of parliaments in other countries involve committees in the review and development of legislation, including New Zealand, the United States Congress and Scotland. The Scottish parliament in particular provides a useful model for us to consider and there is evidence that the legislative process in Scotland involves a high degree of census and agreement of all parties.

A proposal was put to the committee chairs meeting that ministers would identify proposed laws that would go to an Assembly committee for consideration, working collaboratively with the executive. In the first instance, the executive would identify proposed laws that could be referred to committees, when the Chief Minister tables the autumn and spring legislation programs.

When a law was identified and nominated, the responsible minister would move a motion in the Assembly referring the bill to the relevant standing committee and appoint the relevant minister for the inquiry's duration. Secondly, it would provide for relevant departmental officers to assist the committee and, thirdly, arrange for drafting assistance from the Parliamentary Counsel's Office. The committee would then progress the inquiry. Once completed, it would draft a report on the inquiry and views proposed on the bill, along with a draft bill and explanatory statement. The committee would report to the Assembly with a copy of the bill. The process could also apply to private members' bills. The committee chairs meeting supported trialling the process and the suggestion was that the exposure draft Election Commitments Costing Bill 2011 be nominated and referred to the relevant committee.

This particular bill does represent a good opportunity to trial the process, as we obviously will all be particularly affected by the bill and its impact is, in one sense, restricted to the political parties involved in the process. This is a good chance to see how this process works and I hope it takes some of the adversarial politics out of an area where it otherwise might be particularly acute.

Following some discussion and reflection, the Greens' view is that a select committee is the best model for this. The proposed time frame for the committee report is March next year, which gives the committee a reasonable time frame in which to do the work and would then allow the Assembly to debate the bill in sufficient time before the election period. The Greens very much look forward to working with both parties on the development of the bill and hopefully on others in the future if this process proves to be successful.

I will quickly go to Mr Smyth's proposed amendment and speak to it now. As I already mentioned in my speech, this process was outlined in a letter from the Speaker. The Secretariat provided information on other jurisdictions where ministers sit on collaborative committees and where these sorts of models work well. A proposal was put to committee chairs, who supported trialling the process, and the suggestion was that the draft Election Commitments Costing Bill 2011 be nominated as the appropriate bill. That is why this process has been put forward.

MR SMYTH (Brindabella) (5.01): I move:

> Omit subparagraph (2)(a), substitute:
>
> "(a) one Member nominated by the Government;".

The explanation that I have just heard for having a minister on a committee is the most astounding thing I think I have ever heard in this place, that having a minister on the committee will take the adversarial nature out of the committee. A lot of the adversarial nature of this place—I am looking of course at Mr Barr, who would be on this committee, and I am thinking, "Because Andrew will be there, this will be less adversarial?" Call me a sceptic, but I am not convinced of the case.

The claim is that this is the evolution of committees. I think that is countered by the claim that we get so often from the government that the ministers are overworked. Obviously Mr Barr is not overworked if he has got time to be on a committee. So there is that contradiction there and I am surprised the government will support this.

I hope they will support my amendment, because if the claim is we need more ministers because the ministers have too big a workload, adding to that workload, where reasonably a backbencher could perform that function, contradicts the statement. So ministers are either overworked and overburdened by the portfolios that they have got or they are not. If we are going to add to their workload by putting ministers on a committee, then clearly ministers are not overworked. Clearly they are not overworked.

I think the committee system works perfectly well without necessarily having ministers in. And there is a separation issue here. A minister will undoubtedly appear before this committee to present the government's case on the bill or the government's position on the bill. Given this is the Election Commitments Costing Bill and, as we have already seen, because Mr Barr stood up over the last couple of days to proudly put on the record their costings of our policies, the person in this case who is responsible for the department that will administer this bill is now going to sit on the committee. If we are going to put the poacher inside the huntsman's lodge, it is illogical.

Mr Barr: I cannot think of any of you as hens, I am sorry.

MR SMYTH: No, I was not going near "hens", believe you me. Chooks and hens were not part of my consideration, although there are a couple of chooks perhaps that might be floating around. But it is illogical to say that a minister who has sat in cabinet where a bill has gone through will normally then be on the select committee so that it takes the adversarial nature out of the process.

Members interjecting—

MADAM DEPUTY SPEAKER: Members, please do not carry on conversations across the chamber.

MR SMYTH: It is daft. It is the daftest thing I have ever heard. Consequently I have moved the amendment circulated in my name deleting the words "the Treasurer" and putting in the words "one member nominated by the government". And I look forward to the government supporting this, because if they do not, then it puts the lie to this notion that they are burdened. "We make mistakes because we are overburdened by the diversity of our portfolios and how much work we have got to do."

Mr Seselja: Four ministers tells a story too, doesn't it?

MR SMYTH: It does tell the story. There are four ministers, which means there are three backbenchers. Obviously there is plenty of capacity on the backbench or you simply do not trust the backbench to represent the government appropriately on the committee. So there is a vexed question here for the government. I look forward to them supporting my amendment. That said, the opposition will be supporting the select committee.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (5.05): The government will not be supporting the amendment.

Mr Smyth: So you are not overworked? Interesting.

MR BARR: I will, in response to Mr Smyth's concern about my—

Members interjecting—

MADAM DEPUTY SPEAKER: Can you sit down, please, Mr Barr. Stop the clock, please. We are not having conversations across the chamber. This is not the way it works. Mr Barr has the floor. Will you please all be quiet and listen to him in silence.

Mr Doszpot: They are talking to us as well, Mary.

MADAM DEPUTY SPEAKER: I said "across the chamber", Mr Doszpot. Again, we actually do not need advice. I heard conversations coming from both sides of the room to each other. I have asked for it to stop. When you have all finished—have you all finished?

Mr Hargreaves: Madam Deputy Speaker, I heard Mr Doszpot's conversation just now referring to you by your first name. It is customary in this place to address the chair by your title, Madam Deputy Speaker. I would like Mr Doszpot to continue to do that properly, please.

Mr Doszpot: Madam Deputy Speaker, I do apologise for that.

MADAM ASSISTANT SPEAKER: Thank you, Mr Doszpot.

MR BARR: Thank you, Madam Deputy Speaker. As I was going to observe, whilst I am touched by Mr Smyth's concern for my work-life balance, I am prepared on this

occasion to make the ultimate sacrifice of devoting some time to this particular task. I think the idea of greater collaboration between executive and non-executive members is one that has been talked about in this place for some time. I recognise that there will obviously be a degree of scepticism from those opposite.

Mr Smyth: There is a conflict of interest.

MR BARR: I am not sure that that actually is the case. If members choose to approach this process in the spirit in which it is being put forward, then I think there is every prospect of a good and agreed outcome across all parties represented in this place. So for that reason, the government is happy to participate in this process in this way.

I recognise that this would be a first, although not the first time that a member of the executive has sat on a committee within the Assembly. I have had that pleasure once before in relation to a privileges matter. My colleagues have observed that I have not spent enough time working on committees, so—

Mr Smyth interjecting—

MADAM ASSISTANT SPEAKER: Mr Smyth, you will be on a warning soon.

MR BARR: Thank you, Madam Deputy Speaker. My colleagues have observed that I have not spent enough time working on committees in this place. So I look forward to that process in relation to the specific task before us. But I think in the context of Ms Bresnan's motion, this is a specific task. It does relate to a specific piece of legislation.

I understand that in working through the detail of how this proposal would work—its origins go back to the parliamentary agreement between Labor and the Greens party—there has been some evolution in thinking and that rather than having executive members sit on the standing committees, adopting a select committee approach on a specific issue was felt to be the best way to progress this collaborative arrangement.

So I think in the context of this proposal—the Election Commitments Costing Bill is a specific piece of work; it is there as an exposure draft—the process could work to develop a piece of legislation that all parties could agree to. I think that is a laudable goal, to at least begin the process, and I hope that the committee will be able to function effectively and deliver the Assembly with a piece of legislation that can be supported. I note the opportunity to discuss the exposure draft has been there for a little while and that some people have obviously already had some thoughts in relation to that.

We are happy to support the motion as amended by Ms Bresnan and will not be supporting Mr Smyth's amendment.

Amendment negatived.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Reference

MRS DUNNE (Ginninderra) (5.11): I move:

That this Assembly:

(1) notes:

(a) the motion of 18 November 2010 calling for a review of liquor licensing fees;

(b) the Government's Review of Liquor Licensing Fees—Final Report tabled on 22 September 2011;

(c) the Liquor Amendment Regulations 2011 (No 2)—SL2011-29 and the Liquor (Fees) Determination (No 1)—DI2011- 295 came into effect on 11 November 2011; and

(d) the public concern about the new liquor licensing fees; and

(2) refers the Review of Liquor Licensing Fees—Final Report, the Liquor Amendment Regulations 2011 (No 2)—SL2011-29 and the Liquor (Fees) Determination (No 1)—DI2011- 295 to the Standing Committee on Justice and Community Safety for inquiry and report by the first sitting day in March 2012.

It is a year tomorrow since this Assembly passed a motion calling on the government to review its liquor fee determination which came into effect on 1 December 2010. This determination heralded the government's new liquor licensing regime which started also on 1 December last year. There has been widespread criticism from the industry about the liquor licensing regime with business owners and representative organisations alike critical of the new fees regime.

There has been extraordinary red tape and there has been a lack of critical information that has come from the government. The general level of criticism about the lack of consultation and the hefty increases in fees resulted in what I think was not the perfect outcome last year. But there was a review of the liquor licensing fees, which the minister undertook to bring back to the Assembly in October. The minister did bring back a review of the liquor licensing regime and there had been a high expectation when that happened that the community would see a draft of the new liquor fee schedule for the coming year. We did not see that until last week, some seven weeks after the report first saw the light of day.

I think that this has caught many on the hop. There have been substantial changes to the liquor licensing regime. There have been some winners. Some people will see their fees go down but a substantial number will see their fees go up. In addition to the substantial changes and the huge impost that some liquor licensees will incur, we have seen the Australian Hotels Association pointing out that nightclubs—pound for pound, square meterage by square meterage, occupancy by occupancy—are paying the

highest fees of any nightclubs in the country. It seems quite preposterous that it is more expensive to open a nightclub in the ACT than it is in the Melbourne or Sydney CBD in terms of licensing fees.

These are some of the issues that have come to our attention. There are other issues. We have seen the spectacular backflip from the government last week when immediately after the liquor licensing regime was brought in, there were phone calls being made to, I understand, about 20 liquor licensees to say that the licensing authority did not believe that they had the appropriate licence and that they were going to demand a change to their licences for this new period without consultation.

There is clearly a lack of understanding about what "predominant use" means in the liquor licensing regime. It is not suitable and appropriate for the minister to just palm that off by saying: "The industry, the opposition and the Greens wanted more delineation in the licensing regime. Now we have got it we are going to charge people accordingly." We have to actually look at the predominant use and make approaches. But when there was an outcry, there was an immediate backtracking on that matter.

It shows that there is very little understanding of what is involved in running a liquor licence because there is so much uncertainty provided by the government on these things. We have also seen some lack of clarity, for instance, in the issues relating to whether quarterly payments are available and whether the quarterly payments are themselves legal. I notice that the fee notifications that have gone to liquor licensees allow for quarterly payments dated 30 November this year, then 28 February next year and so on. I cannot remember the other dates but you can work it out from there.

There are problems with that because at the same time this is not set out in regulation. If it is not set in regulation, the Legislation Act would require that all quarterly fees that are paid quarterly are paid on 1 January, 1 April, 1 July and 1 September; so there are some issues there. But that is only a minor issue. What we have seen is a lack of clarity and a lack of warning. These were the same issues that I was talking about a year ago tomorrow. So I am having a deja vu experience here. It is a time warp. It is time that a clear and thorough look at the liquor licensing fees and the regime that hangs around them is undertaken by someone other than the government, because the government has failed in transparency when it comes to this issue.

The reasons for this have had a considerable airing in the community. I know that we are short on time. I commend the reference. The motion does not refer just to the fee schedule but also to the regulations. The document was tabled in September for review and report. My office has had a conversation with Mr Rattenbury's office. They are proposing an amendment which is a very good amendment. I commend Mr Rattenbury for the amendment because it requires the government to report within three months. I know that that is standard practice, but reviewing the list on the committee's website today, in this Assembly only 25 per cent of government responses have been made available within the three-month period.

With the shortened sitting pattern next year because it is an election year, I think Mr Rattenbury's amendment to require a reporting within three months and to require that to be published out of session is laudable. I congratulate him on it and we will be

supporting the amendment. I commend the reference to the justice and community safety committee. I commend Mr Rattenbury for his amendment.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (5.18): The government will not be supporting this motion. Members will be aware that a lot of time has been spent reviewing, meeting and consulting since the new liquor laws commenced late last year. We do not believe it is time for yet another review and inquiry.

The new liquor laws were passed by this Assembly in August last year after a lengthy period of community and industry consultation and feedback. The new laws commenced operation on 1 December. The Attorney-General made the liquor fees determination on 19 October last year and a disallowance motion by the Liberals on the new fees was debated on 18 November. The fees are required to offset the additional budgetary costs of 10 new police officers and additional ORS staff to address alcohol-related violence and antisocial behaviour.

The motion was amended to instead require a report on the impact of the new liquor fees on market participation in the liquor industry, an evaluation of the impact of using the $100,000 threshold test and additional risk factors for setting liquor licence fees. The timing of the review was agreed in the Legislative Assembly last year as part of the process of developing risk-based fees under the new liquor licensing laws requiring the Attorney-General to table a report by 1 October this year. The government had already committed to a two-year review of the operation of the act which is still expected to take place.

There has been extensive work and consultation in undertaking this review just six months after the reforms commenced. The consultation process received 22 submissions from the public, the liquor industry and the Greens, including two roundtables with key liquor stakeholders, which the Attorney-General chaired. Letters were sent to all licensees inviting comments on the review and a draft options paper was publicly released in July inviting further submissions on the optional fee models presented in the options paper which culminated in the final report.

The government has continued its evidence-based approach to charging fees and now has greater flexibility to ensure that those who pose a greater risk to community safety pay more for their licences than those who choose to close earlier and run a boutique-style establishment.

The review found that rather than seeing a flight from the marketplace over the six-month review period from 1 December 2010 to the end of May this year, there has been little change in the number of liquor licences since the new liquor fees were introduced when compared with previous years. For example, in December 2010, 636 licensees applied to renew their liquor licences compared with 592 in 2009-10, 612 in 2008-09, and 601 in 2007-08. The review found that the current trend in the liquor industry indicates a relatively stable liquor market with a slight upturn in participation rates with a number of new licence applications received by ORS this year. The statistics speak for themselves.

Since the new fees were introduced last year, up to the end of August this year, there has been a 21 per cent decrease in alcohol-related arrests, a 12 per cent decrease in the number of alcohol-related assaults and a 17 per cent reduction in the number of people taken into protective custody for drunk and disorderly offences. The government accepted the findings of the review and the Attorney-General tabled the final report in the Assembly on 22 September 2011. The review process has taken nearly the whole of this year. It has involved extensive work by the Justice and Community Safety Directorate who are also undertaking a range of other government priorities and a substantial part of the Assembly's legislation program.

In response to recent media relating to a small number of licensees who were contacted by ORS about the status of their licence, I would like to provide some additional information for the benefit of members. Since the commencement of the Liquor Act in December 2010, ORS has become aware of a small number of licensees who appear to be trading in a manner that is not wholly consistent with the subclass of licence that they identified when they applied to be licensed under the new act.

In conducting out-of-hours licence inspections, ORS inspectors have observed that some venues with restaurant licences appear to be undertaking functions that are also consistent with being categorised as a bar or a nightclub. Inspectors have observed that some venues with bar licences appear to be undertaking functions that are also consistent with being categorised as a nightclub. Section 37 of the Liquor Act permits the Commissioner for Fair Trading to initiate action to amend a licence. The act provides for notice to be provided to the affected licensee.

Testing whether venues have appropriate licences is part of the compliance activity conducted by ORS. The Liquor Act and the fees place a great deal of emphasis on risk. It is important that venues are properly categorised to enable ORS, the police and the community to know that licensees have in place the appropriate risk management plans and pay the appropriate fees according to the activities carried out on their premises.

ORS will develop criteria to assess which subclass is appropriate for a venue. ORS will consult with the AHA and the Liquor Advisory Board in the development of these criteria. It is anticipated that the criteria will include considerations such as how the premises are marketed to the public, the type of events advertised by the licensee, the frequency of change in activity-business type and the proportion of trading time during which the activity occurs,

We now have in place in the ACT an evidence-based risk approach to the fees structure which self-funds the new alcohol crime targeting team of 10 new police officers and additional regulatory officers to administer and enforce these new liquor laws. There is absolutely no need for an additional three-month review. What is it going to find in addition to the work that has already been undertaken extensively and information already provided to members in this place?

The new fees structure through the final report has created a fairer, more equitable system whereby two-thirds of licensees will pay less for their licences and one-third

will pay more. The one-third who will pay more represent the larger venues trading late past midnight where police resources are most needed. What we have now is a fairer fees structure which apportions fees in accordance with that evidence-based risk analysis. Why should we introduce uncertainty, which is what will occur from having this referral to a committee today?

Standing and temporary orders—suspension

Motion (by **Mr Hargreaves**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent the Assembly completing its consideration of notice No 3, Assembly business, and the orders of the day, Assembly business, relating to the resumption of debate on the motion to take note of the Report of the Standing Committee on Privileges 2011 and the presentation of Report 7 of the Standing Committee on Education, Training and Youth Affairs.

MS GALLAGHER: The government has undertaken a substantive, exhaustive review of the liquor fees, has undertaken a rigorous analysis of the ACT liquor market using primary source liquor data obtained from key government agencies including ACT Policing, the ACT Treasury Directorate, the ACT Civil and Administrative Tribunal and the courts and from the key liquor regulator, the Office of Regulatory Services.

The government cannot support this motion, particularly given the already substantial consultation that has occurred with the community and the liquor industry and the rigorous, comprehensive review already undertaken by the government. I think Canberrans quite rightly believe that sufficient resources have been put into this area. To put additional resources into reviewing the review, I think, would be a waste of the Assembly's time and the additional resources required. As I have said, the government will not be supporting this motion.

MR RATTENBURY (Molonglo) (5.26): The Greens will be supporting this motion today. We will be supporting it on a number of grounds. First and foremost, the establishment of this process will provide an opportunity for industry to share their views on how the new system is rolled out and also share their experiences. To give the stakeholders the opportunity to talk directly to the Assembly about that is valuable.

I certainly hear the point that the Chief Minister has just made around committing resources to this, but I think the overhaul of the Liquor Act was so substantial that there is some real value in us having that opportunity to have a formal engagement process with the stakeholders, particularly those who are applying the laws on a regular basis.

The Greens support the direction that the recent determination has gone in. It is a significant improvement on last year's. I have made public comments that I felt that last year's determination was a little blunt. This year's determination goes some distance to improving that system. But that said, there is room for further improvement. This is an opportunity to do some of that work now, and do it in an early and timely manner so that it is well and truly done before next year's determination.

That brings me to my amendment. I move:

> Add:
>
> "(3) calls on the Government to:
>
> (a) provide its response to the Committee report within three months; and
>
> (b) if the Assembly is not sitting when the Government provides its response, send the response to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its publishing and circulation.".

My amendment seeks to simply add the element of time to Mrs Dunne's motion. She has alluded to this already. There is a level of frustration around the late announcement of fees this year, for the second year in a row. The time line Mrs Dunne has set out in the motion is designed to ensure that this examination is done quite quickly so that issues that arise can well and truly be incorporated into next year's fee structure.

In adding the addition in the amendment I do not want to see a process where it drops off the government's radar and we end up in a situation next September where we do not have a response, we go into caretaker mode, the fees have to be determined again and suddenly we are in the same situation we are in this year, and were in last year. This year, we ended up with the fees announced three weeks before they were due to be paid; last year it was six weeks. This is unsatisfactory and unfair when it comes to, frankly, creating anxiety and uncertainty which are entirely unnecessary for those that have to pay their fees. That has been unfortunate and it has been unfair.

In that vein, I also indicate that the Greens will be moving to amend the liquor laws to require that any time a minister wants to make a new fee determination—bearing in mind that it does not have to be done every year; acknowledging that, we drafted the amendment in this form—and announce new fees, it must be done three months in advance of the fees taking effect.

I think that is an entirely reasonable requirement. It seems a shame to have to do this; it should be an administrative matter that fees come out in a timely manner. But after two years of experience when they have not, and in a situation where it has got worse this year rather than better compared to the year before, it is timely for the Assembly to move to require the minister to give industry players a decent amount of warning. I foreshadow now that I will be drafting that and looking to bring that into the Assembly at an appropriate opportunity.

While I am on that topic, let me say that I think that 1 December is an odd time to renew fees. It is a very busy time of year for the hospitality industry, particularly those who are running small businesses. I simply offer the thought that the minister, via his department, might consider whether that could be adjusted to some other time of year when the industry is not so busy.

Mr Smyth: 1 March.

MR RATTENBURY: Yes, 1 March, or 1 July. There is a whole series of possibilities there. I know that it seems like a small matter, but some of these matters are family owned and there are few people involved. These administrative burdens do matter. I simply suggest that there might be a better way to do this. That is why I intend to frame my amendment as a three-month thing. If the minister does move it and we spelt out 1 September, that would be awkward, so I will be framing it in those terms. But that is for another day. I will come back to that, but I wanted to simply indicate the Greens' frustration and our intent to offer a solution to hopefully get a better outcome in the future.

In summary, we will be supporting the motion and I commend my amendment, in addition, to the Assembly.

Amendment agreed to.

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

MRS DUNNE (Ginninderra) (5.32): I thank Mr Rattenbury and the Greens for their support. As I have said before, I thank Mr Rattenbury for his thoughtful amendment.

The Chief Minister, on behalf of the minister, has put up a not very spirited defence as to why everything is rosy in the garden. It is not. The whole thing is that yes, it is unfortunate that we have to review this again, but it is really because the minister cannot get it right. He just cannot get anything done. He has a problem. He cannot listen to people.

He makes commitments. He made commitments to the industry that he would bring out a draft fee schedule so that they could see it well in advance. It did not happen. He made commitments to them about the sorts of things that would be in the fee schedule. They are not there. There are significant problems with the fee schedule. We are having to review it, irrespective of the fact that the minister has just undertaken a review, because it is not a very good review and the community is extraordinarily unhappy.

The people who employ young people in the hospitality industry, the people who keep pubs, bars, restaurants and hotels going, are unhappy. They are an important employment sector in the ACT. They serve people locally, the same as the Canberra Liberals serve people locally. We will be looking to ensure that our local industry gets a fair go. We and this inquiry will be ensuring that these local people, these local employers, get a fair hearing, and that that fair hearing is open and anyone can listen to what they have to say.

If the committee does not report accurately on what they say and the conclusions that they come to, they will be able to hold us to account. They have not been able to hold this minister to account. The only way they can do it is through an inquiry such as this. It is very disappointing that the government does not see the merit of this. I understand that the clubs and hotels had started to have fruitful discussion with the

government about the merit of this inquiry. It is very disappointing that the government has not come on board.

I undertake that we will be working expeditiously, we will be working openly and we will be giving a forum for our local employers in this very important industry. I commend the motion to the Assembly.

Question resolved in the affirmative.

Privileges 2011—Select Committee
Report

Debate resumed.

MR SMYTH (Brindabella) (5.35): This is an important report. I want to remind members what I sought when I sought precedence and then moved that this committee be established. I refer to my speech. I said:

> What I am asking you to do today is to send this matter to a committee for a committee to determine and make recommendations back to this place so that we get this right for the future, so that this does not happen again, so that committees are not interfered with by the executive and, indeed, so that committees are not interfered with by the Chief Minister, who should set the example.

In the main, that is exactly what the committee has done, and I thank the committee for it.

The committee found that there were problems with the process. In recommendation 1, the committee recommended that the Chief Minister and the Speaker, with the chairs, work out a system so that this does not happen again. That is probably why the committee says in paragraph 5.10 that the process followed by Ms Gallagher was unhelpful. Paragraph 5.9 says:

> In assessing this issue, the committee considered that, whilst the issuing of the press release prior to the finalisation of a consultation process with the relevant committee was unprecedented and unhelpful, there is no evidence before it that suggests that that action was an attempt to improperly influence the Standing Committee on Public Accounts.

We had the committee come to the same conclusion that I had come to—that what happened was unprecedented and unhelpful. They have come up with a suggestion that we get the process better. In that regard, I thank the committee.

Paragraph 5.9 says in relation to the committee:

> … there is no evidence before it that suggests that that action was an attempt to improperly influence the Standing Committee on Public Accounts.

Why didn't the committee ask those who were willing to come and speak to the committee? The Chief Minister even said that she would be willing to participate.

Mr Hargreaves wanted to participate. He raised concerns, as did I. It is easy to say, "With the evidence we've got, we couldn't find anything." Perhaps you should look a little bit further than the end of your nose. That is the problem with this. We had serious issues raised, and we had a half-hearted attempt by the committee to go about finding out what had actually happened.

Unfortunately for Ms Le Couteur, the downside of this is that Ms Le Couteur has been hung out to dry by two members of the committee, including Ms Bresnan, her own Greens colleague, because Ms Le Couteur raised serious concerns. In paragraph 5.9, the committee says:

> … there is no evidence before it that suggests that that action was an attempt to improperly influence the Standing Committee …

The committee said this in response to a question by you, Mr Speaker. You said, "Have you been interfered with?" They said, "Yes, we were." So the committee did not look very hard at all. Even in the evidence they had, the committee said, on the first count, yes, there had been interference. They said, "We couldn't determine, because of the nature of the committee, how strong that interference had been."

But on the second count there was strong interference and the potential for strong interference into the future. The committee addressed that, but do not acknowledge it in the report. It is a shame that they try and say in paragraph 5.9 that there was no evidence, because there was plenty of evidence if you cared to look in the documents that you had, in the comments that people made to you and indeed in the willingness of people to participate in the hearing. That was never explored. That is a shame.

That is why we have this unresolved issue of the conflict between Ms Le Couteur and the Chief Minister. It is a failure of the leadership of the chair of the committee. She can say what she wants. She can say, "I'm a good committee chair." But my mum always used to say that self-praise is no recommendation. There is a fundamental question as to why we did not get to the bottom of the nub of the matter where Ms Le Couteur says:

> My memory is that Ms Gallagher also stated that Dr Cooper was the Government's nominee and that she (Dr Cooper) would be the new Auditor-General.

She did not say she would like to be; she said "would be". It is improper to say to the chair of a committee, "You will make my nominee the new Auditor-General."

It is interesting that Ms Gallagher does not mention that in her 60-page submission. There are a couple of paragraphs—I think it is paragraphs 39 and 46—where she looks at that meeting. It mentions the apology—"I didn't want to offend anybody"—but she does not go to the nub of this. When the Chief Minister speaks—I hope she speaks, though she failed to answer this question in question time; she sidestepped it, as she does so often—I hope she does. For those who have not read the Chief Minister's submission, paragraph 39 says:

> When aware of the Chair's concerns, I spoke with her directly and apologised. In addition, I responded in writing to the PAC Chair (on 3 June 2011) that no

> discourtesy or disrespect was intended and if any was taken I unreservedly apologised. In that letter, I was careful to acknowledge the powers and capacity of the PAC to veto the Government's proposed candidate.

But read on. It is not until you get to paragraph 46 that the submission says:

> The third matter referred to was a stated approach by myself to the Chair of PAC. As I indicated earlier I spoke to the Chair to reassure her and the PAC that no disrespect was intended by the press release. I assume this is the 'approach' referred to by Mr Smyth. Clearly the personal courtesy to clarify the intent of my action with the Chair was not an attempt to influence the Committee. If anything it was a means of emphasising my concerns that the press release was misconstrued.

There was not a single mention of the fact that she told the chair of the committee inquiring into the appointment that her nominee would be the Auditor-General.

Why is that omitted from this statement? It is an interestingly constructed statement. There are 60-odd pages worth of material. There are 69 paragraphs that I suspect were written by a lawyer and legalled by somebody. What is glaring are the omissions from this statement. Why didn't you tell the full story? The Chief Minister refused to answer the question properly in question time. I think it is a shame.

Let us go to motive here. Why would Ms Le Couteur invent such a conversation? What is in it for Ms Le Couteur to say that the Chief Minister told her that Dr Cooper would be the new Auditor-General? What possible purpose would the chair of PAC have? Ms Le Couteur has been abandoned by the committee, left to hang out to dry by Mr Corbell and her Greens colleague Ms Bresnan—disregarded. There was the statement "We do not take what you say as factual. We believe the Chief Minister over you." What is in it for Ms Le Couteur?

Ms Le Couteur has acted honourably in this entire process, and she has been a good chair of the public accounts committee. When approached by Dr Cooper on the night of the Monday, she went back to her office, I think at 9.41 at night, and said, "Members, you need to be aware …" And she detailed what happened. She was aware of the implications of somebody speaking to the chair of the committee that would decide their future. She was aware of those implications, and she did the right thing by informing Mr Hargreaves and me—and the secretary of the committee, I think, as well—that she had had this meeting. After she had spoken to the Chief Minister, she came and told us at the next meeting that she had had a conversation with the Chief Minister where the Chief Minister had told her these things.

We never made that public. We continued on with our process. But it is interesting that it is omitted in the very carefully worded submission that the Chief Minister made to the privileges committee. It is very curious. And it hangs. It will still hang there. It is now the elephant in the room as to whom we believe. Do we believe the Chief Minister, who would like us to believe that this conversation never took place? "All I did was go down and say, 'Sorry; my press release got misconstrued.'" No mention of the fact that she went down there, laid down the law and said, "Well, there you will be; she will be the new Auditor-General." All the Chief Minister says in her address

is: "I went to reassure her and PAC that no disrespect was intended by the press release." That charge is still there.

The committee has clearly decided without having a hearing, without testing the veracity of either side of the story, without asking people directly. I ask you directly, Chief Minister: did you go down and say these words to Ms Le Couteur? Did you go down and tell the chair of the committee that she would make the new Auditor-General the nominee that the government had put forward? That is the question. It is very simple. I am surprised that you did not answer it in your submission.

I am surprised that the committee did not feel like testing it. I know that Mr Seselja wanted hearings; he told us this morning. He asked for hearings. I am surprised that Mr Corbell, the first law officer of the ACT, who apparently understands the law, and Ms Bresnan, who assures us that she is a good chair, did not think that it might be worth while testing what is in the submissions. And then, without any testing, they have accepted one submission over another and come to their conclusions, come to their findings.

It leaves a question mark over the findings, because nothing has been tested. That is not the standard we expect of this place, and that is certainly not the standard that a privilege committee should put in place. Members, if you have not read the submissions, you should read the submissions. They make for very interesting reading.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (5.45): I will speak briefly to this report today. I have not actually had time to read it in its entirety, as I have had other commitments today. But I certainly welcome the finding of the committee that I was not in contempt of the public accounts committee, either when I issued a press release saying who the government's preferred nominee for the position of the Auditor-General was or when I spoke to the chair of the public accounts committee. I also welcome the committee's findings in relation to the conversation held between the nominee for the position and the chair of the public accounts committee, Ms Le Couteur.

As yet, as I have just said, I have not had time to read the full report but I note that there are two recommendations for further action and I look forward to examining these in more detail. At first appearance and knowing what I know now about the experience of the distress caused by the media release, they appear to be sensible and constructive.

I did take this episode extremely seriously, both in the submission to the privileges committee and in my preparedness to work with the committee on whatever way they chose to conduct their inquiry. It does seem to me that the Liberals are unable to accept the decision of the committee and it is a decision, I note, of the committee with some dissenting comments from one member of the committee. But I think we do need to acknowledge that the committee has found that no contempt occurred.

As to the issues around the media release, as I have said in this place a number of times, knowing what I know now and the flow-on effects of issuing the media release, I would have chosen to do things differently. I stand by those comments. I would not

have issued the media release, knowing what I know now. I have already apologised for the effect that that had on the public accounts committee. But I will look at this report closely. I will read it in detail and if there are further comments to make, I will make them at that time.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee
Report 7

MS BRESNAN (Brindabella) (5.48) Pursuant to the order of the Assembly of 18 August 2011, as amended on 18 October 2011, I present the following report:

> Education, Training and Youth Affairs—Standing Committee—Report 7—Human Rights Commission Report into the ACT Youth Justice System—Implementation of Report recommendations 4.3, 4.15, 4.16 and 15.1, dated 17 November 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I will speak briefly to this. First I would like to thank my fellow committee members, the deputy chair, Mr Hanson and Dr Bourke, and Andrew Snedden, who is our new committee secretary, for assisting in getting this done in a fairly tight time frame so that we could report to the Assembly within the time frame. As I have noted, the committee was referred recommendations 4.3, 4.15, 4.16 and 15.1 of the Human Rights Commission report, *ACT youth justice system 2011*, and that was for inquiry and report on how best the standing committee may have an ongoing role in the implementation of the Human Rights Commission report recommendations and oversight of the youth justice system in the ACT.

The committee held a hearing with Alasdair Roy, the Children and Young People Commissioner, and Dr Helen Watchirs, the Human Rights and Discrimination Commissioner, on 14 November. This was to discuss their views on the recommendations in the report on the youth justice system, which had been referred to the committee.

I will go to the committee's recommendations and read them out. They do outline the committee's views on how we see the way forward on implementing the recommendations that were referred to us. There are four recommendations which relate to each of the recommendations that was referred to us from the report.

Recommendation 1 in relation to 4.5 of the report's recommendations is:

> … the Committee accepts the overall perception of the development of a reporting and scrutiny mechanism for the Report framework, and considers that the Report sees this role for the Committee as a description of a wider scrutiny and accountability role. The Committee also recommends that this Report

> recommendation for the Committee be accepted and that the reporting and consultation mechanism which is spelled out in recommendations 4.15 and 4.16.

Recommendation 2 is in relation to 4.15 and basically the committee sees this specific proposal contained in this recommendation as being able to be incorporated through the regular scheduling and the committee's ongoing program and agrees that initially this hearing will be programmed every two years. It continues:

> The Committee considers that the hearing would be include the Directorate; the Commissioner for Children and Young People; the Public Advocate; and the Official Visitor and accepts the recommendation.

Recommendation 3 is in regard to a recommendation that was made about joint formal reporting by the Public Advocate, the Official Visitor and the human rights commissioner, and the committee sees this as being something which is desirable and we can see this being done in the form of a formal, combined report or whatever way will be practicable for those agencies who are mentioned. The committee did acknowledge that this joint reporting will be very much dependent on the resources of the agencies and that the annual reports may actually be the appropriate mechanism for this reporting, but that will be obviously dependent, as I said, on the resources of the agencies if they do choose to report jointly, and that will also be accepted by the committee.

Recommendation 4 is in relation to 15.1. The committee proposes that this recommendation will be implemented by the committee writing each year to relevant stakeholders, including those listed in recommendation 15.1, to raise relevant and current issues. The committee believes this can and should be done in connection with the two-yearly review process recommended in the report and accepted by the committee as a desirable way of going forward.

Those recommendations will be progressed by the committee and I commend the report to the Assembly.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (5.52): Thank you for this report. I think that I am on record that I am very committed to making sure that my directorate, me as minister, this Assembly and society as a whole do better for our vulnerable youth and those most particularly within youth justice.

Having just received the report, Ms Bresnan, I will read it with interest. But in the main I think you would be aware that I am quite supportive, very supportive indeed, of the involvement of the Assembly in the committee structures. I wrote to you a number of weeks ago, probably months ago now, around the involvement of the committee and to seek your views on a number of the recommendations within the commissioner's report that sought broader engagement and participation in this matter. I think, in essence, all of us in this place would agree that this is something that we, as a society and its various components, whether as members of the community or members of this Assembly, should be involved with.

So I thank the committee for its interest in this. I will read the report and provide comment as necessary.

Question resolved in the affirmative.

Education Amendment Bill 2011

Debate resumed from 27 October 2011, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR DOSZPOT (Brindabella) (5.54): I advise the Assembly that the Liberals will be supporting this bill. As the minister has already outlined, the bill amends the Education Act 2004 as a consequence of two changes in public preschool education. Public preschools in the ACT have been amalgamated with public schools and included in the national quality framework following the introduction of the Education and Care Services National Law (ACT) Act 2011. The Education and Care Services National Law Act 2011 implements the national quality framework across the majority of education and care services in the ACT and for the first time ACT public preschool units will be licensed and regulated under this legislation.

Under the act, public preschools were previously excluded under the definition of schools. These amendments remove that exclusion. ACT government preschools are delivered and funded by the ACT Department of Education and Training. The non-government preschool sector will continue to be licensed and accredited as they currently are through the Community Services Directorate. They will transition to the Education and Care Services National Law Act and will not be impacted by the Education Amendment Bill.

We have been advised that there are no unintended consequences as a result of these amendments, particularly childcare rebates for children in preschool and long day care.

The legislation is, as indicated, quite straightforward but I would not wish such approval to be misinterpreted. There are some issues in education, particularly the preschools, and more broadly the management and administration of education in the territory. Since my election in 2008, I have championed education issues for both the government and non-government school sectors.

Education has not been treated well under the current administration and, it has to be said, not well under ACT Labor administration spanning nearly 11 years. There has been hardly a month when there has not been an issue that has highlighted the continued lack of consultation by this government and in particular this minister.

In my short time, we have seen ongoing trauma and angst on a range of issues. Let me list but a few of the issues: school closures and the poor communication and consultation that surrounded it, the lack of support for school principals while constantly espousing the notion of school autonomy, the failure to support special needs education, the reduction in the number of teachers for the visually and hearing

impaired, the failure to support disabled sports programs in schools, the failure to deliver needed services in our special schools, the endless buck-passing between Health, Community Services and education, the failure to negotiate well and effectively with teachers over pay and conditions, over administrative matters, over everything and anything basically.

Who would have thought that you would have read in a union magazine words like "Disgust at the failure of government to address salary injustice" when describing a Labor government? There has been a failure to communicate with parents over any number of issues, the most recent example being the Weston preschool. I regret that on so many issues the performance of those on the government benches has been found wanting. After 10 years in power, the government have stopped listening, and one wonders whether they ever listened.

They did not listen when communities begged for their local schools to not be closed. They did not listen when parents and teachers pleaded for support to address bullying. They did not listen when NAPLAN results showed that Canberra students were lagging behind interstate schools. And they paid no attention when Canberra families, having lost faith in the government, took their children out of the public school system in large numbers.

For years, Canberra families have heard that the ACT has the best education system in the country. The Minister for Education and Training's mantra that the ACT continues to lead the nation in education and training is not totally supported by the evidence. We have an array of challenges, so many of them caused by government inactivity or inattentiveness. The shortage of appropriately qualified teachers in science and maths, the shortage of librarians in schools, issues of bullying, vandalism and violent attacks on school grounds have all combined to create a level of distrust and confusion for parents in the public education system. The February 2011 ACT schools census brought that distrust into stark reality when for the first time enrolments in Canberra public high schools dropped below enrolments in non-government schools All this is a consequence of Labor's agenda of so-called progressiveness.

The latest progressive initiative, changes to preschool classes at Weston, combines all that ails in this government. To refresh the Assembly, enrolments for the Weston campus of Arawang preschool opened in May this year. Like most parents, the parents of children in the Weston area considered their choices. For many in the Weston area, they chose to enrol in Weston preschool.

In August of this year, parents received a letter from the Arawang primary school to advise that the school principal and board had decided to change the mix and, instead of two mainstream preschool classes at Weston preschool, the early intervention unit was to move from Waramanga to Weston and one preschool class was to move from Weston to Waramanga. For half the 2012 enrolment, this meant their campus had changed, and until that letter in August this was the first time that parents had heard of the changes. And the government wonder why they get so many people offside.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR DOSZPOT: The experience with Weston preschool parents typifies how this government delivers education policy in Canberra. The usual modus operandi applied: decision announced, public disquiet, lack of consultation realised, then a change of direction. It did not plan, it did not communicate, it did not listen. And because of that, the government had to do yet another back-track or Barrflip, as I have come to call them. But perhaps even worse is that, while it is a reversal of policy, there is a reluctance to recognise it as that. The decision is only deferred for the next 12 months, so the angst and debate will have to be had all over again next year.

It was the same as the debate about the need for a full-time nurse at Woden—months of delay, months of denial, to finally agreement for a full-time nurse, but again, only until the end of the year. The situation for students with special medical needs will be no different next year and neither will be the campaign to have a full-time nurse.

The government has announced its desire to bring more public preschools on stream, and with Canberra continuing to grow, we need a strong education sector. We need to deliver choice, and Canberra families deserve quality education for their children. Whether it is a public education for the entire school life of a student or a mixture of public and independent, whether it is a single-sex school or co-educational, whether it is a school that offers boarding, one that offers strong religious values education, languages-focused curriculum or one more suited to sports and the arts, the choice and quality should be available for all Canberra families.

But it must be underpinned by clear direction and planning, true consultation, true partnerships with parents, respect for teachers. Education policy is too important to only get it right some of the time.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (6.03): The Greens will be supporting the bill this afternoon. As the minister said in his speech, the amendments are very minor in nature. Indeed, the amendments effectively just change the definitions within the Education Act such that preschools are incorporated within the definition of "schools".

But the impact of those changes is significant for two reasons. Firstly, it reflects a move to include preschools in the broader school program, with all the benefits that being attached to a primary school bring for the preschool, both in terms of facilities and in terms of the community continuity that comes with being in the same location.

The second part of the amendment is that it reflects the education and care services national law and the national quality framework that we passed last sitting. The Greens, of course, supported that initiative and very much believe that we should be providing the best quality care and early learning opportunities that we possibly can.

The Greens are happy to support the changes which, whilst they are minor, do facilitate a significant change for the better.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport

and Recreation) (6.04), in reply: I thank Ms Hunter and Mr Doszpot for their contributions. As is becoming customary in these debates, Ms Hunter focuses on the issues at hand in the legislation and presents her party's case; Mr Doszpot decides that he wants to have a bit of a whack at everything in general. He spent very little time at all on the actual matter before the Assembly. But we have come to expect this approach. I thank members for their support and look forward to this bill passing the Assembly in a matter of moments.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Statute Law Amendment Bill 2011 (No 2)

Debate resumed from 20 October 2011, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR RATTENBURY (Molonglo) (6.05): The Greens will be supporting this bill today. It amends 60 acts and regulations to update and streamline the ACT statute book. The changes are relatively minor when looked at in isolation, but certainly, when taken as an entire package, the bill is a substantial piece of work and does improve the quality of laws that apply in the ACT. As I have said before in this place, the statute law amendment bills are a good initiative because they improve the law in an ongoing manner.

The individual amendments are of a minor nature, and I think that the explanatory notes through the bill do a very good job of outlining what those amendments cover, so I will not replicate that work.

One matter I would like to comment on relates to the amendments to the Exhibition Park Corporation Act 1976—the much discussed Exhibition Park Corporation Act. The Greens will support the government's proposal to change the size of the EPIC board.

Mrs Dunne: So that even Andrew Barr can work it out on the fingers of one hand.

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! Mirth is fine; conversations are not.

MR RATTENBURY: As members of this place are aware, the governance structure of EPIC has taken up quite some time in the Seventh Assembly, but it seems we are now starting to move forward with some agreement, at least. The board is currently sized between seven and nine members, and the proposal is to reduce it to three to five members.

Given the size of the organisation, five does seem to be a good number for the board. However, we were concerned that the board membership could drop down to three and that this would be too small a size. However, for the board to remain within its statutory obligations, the membership needs to remain above three. It then becomes sensible for the minister to keep the numbers of people on the board up around five, so that if a member does resign then the board can continue to function properly and be able to operate within the law.

Earlier in this Assembly, the Financial Management Act was amended to ensure that more than one public servant could not be appointed to a board with a membership under six. So it will follow that this new board structure will only have one public servant in its new form.

Given this, the opportunity to quickly replace a member should there be a vacancy will not easily exist; therefore it is likely that it might take some time to identify and appoint a new member. This, I believe, suggests that the government should keep the board membership above three, so that they are not compelled to rush an appointment process in order to keep the board operational. I would, in fact, encourage the government to keep the membership at five so as to also get the best benefit of the expertise that board members can provide.

I do appreciate that we have had some useful discussions with the minister's office over this matter, and also with Mr Smyth's office. I think the sense is that there is a common purpose here, in that all members recognise the efficiencies in having a smaller board and also the advantages in operating above the minimum, so that we do not end up with a board in a state where it cannot operate effectively.

Certainly, in our briefing with EPIC management on this bill, we have been pleased to see that a number of areas identified for development at EPIC are progressing well, and we certainly wish the revised board and the management team all the best in advancing these projects.

In conclusion, and taking the bill as a whole, the Greens are supporting the bill this evening.

MRS DUNNE (Ginninderra) (6.08): The Liberals will be supporting the second Statute Law Amendment Bill 2011. The bill amends a range of acts and regulations for statute law revision purposes. Usually the amendments made in these kinds of bills are contained in four schedules. Schedule 1 provides for minor, non-controversial amendments initiated by government agencies. In this bill, seven acts and regulations are amended.

An amendment to the Domestic Animals Regulation 2001 makes a decision by the registrar to revoke a permit to keep a cat or dog that is sexually entire a renewable decision. I had to say that, because Mr Coe wanted me to say "sexually entire" in the speech.

An amendment to the Exhibition Park Corporation Act 1976 reduces the board from seven—which takes more than the fingers of one hand—but not more than nine, to no

more than five, so that Mr Barr can count on the fingers of one hand how many people should be on the board.

The remaining five acts pick up on the amendments relating to the change in terminology for bankruptcy made previously in a number of bills of this kind. Schedule 2 provides for minor, non-controversial amendments to the Legislation Act initiated by the Parliamentary Counsel's Office. This bill amends the act's dictionary to include definitions of "CrimTrac" "national electricity (ACT) law" and "national electricity (ACT) regulation".

Schedule 3 provides for minor or technical amendments initiated by the PCO. In this bill, 55 acts and regulations are amended but I will highlight just three. A number of acts and regulations are amended to cross-reference the definitions introduced to the Legislation Act.

The bill also revives the Financial Sector Reform (ACT) Act 1999, which was repealed in 2002. The revival becomes effective immediately after the time of the repeal. The purpose of this is to ensure that appropriate provisions remain in force to facilitate the transfer of the business of authorised deposit-taking institutions from the ACT to the commonwealth under the commonwealth's Financial Sector (Business Transfer and Group Restructure) Act 1999. This is in connection with the transfer of the regulation of building societies and credit unions to the commonwealth, facilitated at that time.

The bill makes two amendments to the Work Health and Safety Act 2011 as a consequence of amendments to the national model law. These are minor amendments but are worth mentioning since the Assembly passed its version of the bill only in September and it is not yet operating, but we are already amending the act. Schedule 4 usually provides for routine appeals but there are none in this bill.

Once again, this bill is testament to the work of the Parliamentary Counsel's Office. In supporting this bill I am pleased to record the opposition's appreciation for their great work.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (6.11): This bill carries on the technical amendments program that continues to develop a simpler, more coherent and accessible statute book for the territory through minor legislation changes. It is an efficient mechanism to take care of non-controversial, minor or technical amendments to a range of territory legislation, while conserving resources that would otherwise be needed if the amendments were dealt with individually.

Each individual amendment is minor, but when viewed collectively they are a significant contribution to improving the operation of effective legislation and the statute book generally. For example, the Exhibition Park Corporation Act 1976 is amended to reduce the size of the board to make it a more appropriate size for the volume, nature and complexity of its business. A number of the other acts are amended to standardise the meaning of "bankruptcy". This continues a process begun in 2009 in the Statute Law Amendment Act 2009 (No 2) with the insertion of a definition of "bankruptcy" in the Legislation Act dictionary part 1.

On behalf of the Attorney-General, I would like to express my ongoing appreciation for members' continuing support for the technical amendments program. The technical amendments program is another example of the territory leading the way and striving for the best—in this case, a modern, high quality, up-to-date, easily accessible statute book.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Election Commitments Costing Bill 2011 Exposure Draft—Select Committee
Appointment

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Speaker has received notification in writing of the following nominations for membership of the Select Committee on Election Commitments Costing Bill 2011 Exposure Draft: Mr Rattenbury and Mr Smyth.

Motion (by **Ms Gallagher**) agreed to:

> That the Members so nominated, and the Treasurer, be appointed as members of the Select Committee on Election Commitments Costing Bill 2011 Exposure Draft.

Adjournment
RSPCA—funding

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (6.14): I move:

> That the Assembly do now adjourn.

Just briefly, in question time today I said that the Attorney-General had corrected the record publicly in writing and on social media. I have been advised that the Attorney-General had not corrected the information about the RSPCA on social media. I just correct the record. In response to a question from Mr Coe around RSPCA funding, I did undertake to clarify the answer to the question and I am doing that. I am advised that I will be able to do that in writing to members probably tomorrow.

Movember
White Ribbon campaign

MR RATTENBURY (Molonglo) (6.15): I rise tonight to reflect on two important campaigns that are taking place at the moment, between now and the next sitting.

Both of them have a bit of a theme, I guess. They are men-related campaigns. One, of course, is that it is now the time of year when moustaches have begun to sprout on the faces of thousands of men in Australia and around the world—some sprouting better than others—and this is all in the cause of the Movember campaign.

Since its humble beginnings in Melbourne—and I suspect those humble beginnings were over a couple of beers, because it seems like the great Australian thing where a couple of mates sit around and say, "Wouldn't it be cool if we did this?"—Movember has grown to become a global movement, inspiring more than a million participants, of whom, as members have obviously noticed, I am one this year.

The aim of Movember is to raise funds and awareness for men's health, specifically prostate cancer and depression, with program partners the Prostate Cancer Foundation of Australia and beyondblue, the national depression initiative. In 2010, $25 million was raised in Australia, with $72 million raised globally.

Movember mo bros, as participants are known, raise funds by seeking out sponsorship for their mo-growing efforts, starting the month with a clean shaven face and devoting the next 30 days to developing the fine art of moustachery. Mo bros effectively become walking, talking billboards for the issue of men's health. I can say from personal experience that has been the case. It has certainly been a conversation starter or sometimes a laughter starter, but so be it. If that is what it takes to raise some awareness and start the important conversations then I think it is well worth it, even if the itchiness does get the better of you some days.

I certainly would encourage members to locate their nearest mo bro and offer to sponsor them because it is such a good cause. Of course, they may have already done so. Certainly, I got roped into it by my friends. A few of my mates were saying, "Let's have a go at this." When they asked I felt I could not refuse. Anyway, we will make it to 30 November and I look forward to the shaving process at the end.

Ms Gallagher: We all will.

MR RATTENBURY: Fair comment, Ms Gallagher. Another important campaign that culminates next week is the White Ribbon campaign, a national campaign run by men to prevent men's violence against women. Members may recall that I spoke about this last year because, along with a number of my colleagues in the Assembly, I am an ambassador for the campaign. The White Ribbon Foundation asks men to take the White Ribbon oath never to commit, excuse or remain silent about violence against women and to lead by example through challenging existing sexist behaviour, to talk with their mates about it and to help grow the campaign.

I recently read about a program in New South Wales for domestic violence offenders that is having great success in reducing recidivism. It seems the key strategy in this program is teaching men practical life skills to help them understand their emotions, control their behaviour and learn that they have choices in how they behave. These are the kinds of programs we need to help troubled men get through situations when they might otherwise have got out of control.

I invite my male colleagues particularly to show leadership in modelling respectful behaviour towards women and to take a public stand against violence against women. I also invite you to join me at the annual White Ribbon breakfast barbeque next Thursday, 25 November at 8 am, this year in Garema Place. It is moving this year and I think that will be a good move. I know Mr Hanson has been there in previous years. Civic Square has been a great spot in some senses, but perhaps it does not get the passing traffic that might raise a bit more awareness. So I think the move to Garema Place is a good one.

The real essence of the White Ribbon campaign is men speaking up on this issue. The idea of peer discussion, peer pressure, peer responsibility, is perhaps the real gem of the White Ribbon campaign. I know all of the ambassadors and those that are supporting the campaign are very enthusiastic. I really appreciate the work that they have all put into it.

Members of the Australian Federal Police and the SES are some of the most high profile supporters. The men in uniform will be out on Saturday morning in shopping centres across Canberra supporting the White Ribbon campaign. If you do see them and you do not own a white ribbon already, take the opportunity to stop and talk with our men in uniform about the campaign and make a contribution to the campaign.

Peter Cullen Trust
Megalo Print Studio open day

MRS DUNNE (Ginninderra) (6.20): On 4 November I had the privilege, along with a range of other people, including Dr Bourke, to attend the Peter Cullen Trust graduation of 2011 fellows and fundraising dinner, although, with other commitments, I was not able to stay for the dinner. The graduation of the 2011 fellows in the Peter Cullen Trust was an extraordinary event. The graduates provided a hypothetical on coal seam gas. In half an hour or so of lively presentation, the participants in the room learnt more about coal seam gas than they have from a vast amount of public discourse on the matter, some of which may, in fact, be uninformed.

I want to place on the record the Canberra Liberals' gratitude to a great Australian, Peter Cullen, who was the head of the environment advisory committee established by Gary Humphries when he was the environment minister. He was not just a great Canberran but a great Australian. The Peter Cullen Trust aims to bridge the communication network between scientists, policymakers and stakeholders in the area of water systems management and to enable scientists to work effectively with policymakers and help policymakers understand scientists' thinking. This was Peter Cullen's great strength, and his memory and the work of his bequest is to continue that work.

I want to pay tribute to the board of the Peter Cullen Trust—Professor John Thwaites, Robert Purves AM, Professor John Langford, Mike Logan, Dr John Williams, Dr Sarina Loo and Dr Sandra Hinson, who is the chief executive officer. Other notables at the graduation ceremony were the Hon Tony Bourke, the federal minister, who spoke very eloquently on water issues, and that great stalwart of rural and regional Australia, the Hon John Kerin, who also contributed to the evening.

Major sponsors are the University of Canberra Institute of Applied Ecology and the Australian National Water Commission along with Sinclair Knight Merz, Actew, the Victorian Department of Sustainability and Environment and the Upper Murrumbidgee Catchment Coordinating Committee. There are other sponsors as well: the Goyder institute, the Wentworth group, the CSIRO, Griffith University, eWater CRC, the Australian Water Association, the Murray-Darling Basin Authority and the Melbourne Sustainable Society Institute.

I am concerned, and I have put a question on notice as to whether the ACT government has ever been approached. It appears not to be a sponsor of the trust. Given the contribution of Peter Cullen to this territory, I think that is something that is missing. I commend the trust and its work to members.

In addition, on Saturday various members of the Legislative Assembly, including Mr Doszpot, Ms Le Couteur, Dr Bourke, very briefly, and I attended, amongst others I am sure, the Megalo open day. It was a good opportunity for people to see the great work, and the great facilities Megalo has and the depth and breadth of the practice of the printmakers of Megalo. When I said to a staff member that I was going to the Megalo open day, they jokingly asked whether I needed a bodyguard. I want to put on the record that, no, I did not need a bodyguard.

The people at Megalo welcomed us with great courtesy. The people at Megalo are not happy with the outcome of the debate here, but they actually understand it. They were courteous to us. They put forward their position on these issues, and there was no ill will and no perception that the members of the Legislative Assembly who supported a reference to a committee trashed the reputation of Megalo, as was so outrageously said on a number of occasions by the minister.

I pay tribute to Alison Alder and the committee of Megalo for the great work that they do. I took away a purchase—an extraordinarily beautiful screen print as part of their centenary project. It is a large-scale reproduction of a commemorative stamp that was printed in 1927 for threepence to commemorate the opening of the provisional Parliament House, as it was at that time. I am looking forward to having it mounted appropriately so I can display it, because it is an extraordinary piece of printmaking. I congratulate Megalo for their great work.

Warehouse Circus
Festival of Young Ideas

DR BOURKE (Ginninderra) (6.25): Mr Speaker, have you ever been to the circus and marvelled at the skill of the performers? Perhaps like many children, you once wanted to run away to join the circus. Recently my wife and I attended Warehouse Circus's performance at the Belconnen Community Theatre. It was a great occasion and we thoroughly enjoyed the energy, the creativity, the team work and the high level of performance achieved by all the participants, especially the younger children.

Warehouse Circus is a not-for-profit organisation. It is dedicated to improving the mental and physical health of young people in the ACT through the unusual medium of social circus. Warehouse Circus has been providing social circus classes in

Canberra since 1990. They have a host of programs, including core circus programs starting with beginners, adult classes and school holiday programs. They also arrange workshops and performances for community festivals and other events. They teach many circus skills, including tumbling, stilt walking, unicycling and juggling.

On the night we attended we were amazed at the wide range of talents that were showcased. I loved the little kids who threw knives at each other—seemingly with no fear of being hurt. Or were they real knives? They certainly looked real to me. The aim of Warehouse Circus is to foster cooperation rather than competition. We could see the spirit of friendship on display throughout the evening.

This was particularly evident during the occasional fumble, but the show went on—the real circus spirit. I congratulate everyone who participated and assisted in the staging of this exciting event. I know that it meant heavy commitments in time and effort. However, the end result for us as audience members was spectacular. I am looking forward to attending more performances.

Earlier this week I presented awards at another occasion featuring young people. This was the Festival of Young Ideas, an exhibition which celebrates the dreams and the visions of young people for a sustainable Canberra for 2020 and beyond. The festival was organised by SeaChange which, like Warehouse Circus, is a not-for-profit organisation. SeaChange is committed to inspiring, informing and supporting action to reduce Canberra's ecological footprint. The exhibition is still on display in the exhibition room in this building. If you have not already had a look I would encourage you to do so.

Have a look at the giant dinosaur out on the balcony, which has been made out of recycled two-litre milk bottles. As you will know, these plastic bottles are manufactured using a fossil fuel—oil. That is appropriate given that dinosaurs are also now fossils. The dinosaur was made by one of Canberra's newest schools, Namadgi school in Kambah. Think about its message: dinosaurs are extinct. If we do not learn to live with our planet, will we too become extinct?

The ACT government has a sustainable energy policy for managing the social, economic and environmental challenges faced by Canberrans. Young people are vital to this sustainable future becoming a reality. Our education systems are the springboard for innovation and change. Sustainable development is now an integral part of school curricula and student culture. The Festival of Young Ideas has given students an opportunity to show what they think about the issues and they have risen to this challenge. Please go and have a look for yourselves.

Festival of Young Ideas
Megalo Print Studio open day

MS LE COUTEUR (Molonglo) (6.28): I will be very brief as the things I want to speak about have already been touched on by other members. Dr Bourke has just been talking about the Festival of Young Ideas. Hopefully everyone here has seen it, but for those people who go up and down the members' entrance stairway and may not have, may I point out to you that it is at the public entrance stairway, and it is great.

My favourite is probably the dinosaur. That is now my view out of my window. I went around there before it opened because I was trying to work out what on earth this thing in the courtyard was. It is made out of, I believe, 300 milk bottles. It says on it that it is going to become extinct because we will not have enough petrochemicals for it. So it will go the way of all dinosaurs.

But it is great fun and it is good to see that the young people were seriously interested in different urban forms. I am very impressed that they have a tower. There are going to 13,000 units in this one tower and it is next to a workers tower. I can imagine the flying fox in between. I think it would be really great. There is a sustainable board game as well, if you feel like playing it.

I highly recommend it to everyone and I hope that we will see more of these ideas in the future. Clearly, if we are going to address our environmental problems, the kids are incredibly important in it—possibly the most important people in it.

As Mrs Dunne mentioned, she and I, along with others—I understand later yourself, Mr Speaker—went to Megalo's open day at the weekend. As she said, it was a very pleasant and courteous event. Like her, I had had people tell me that I should take a bodyguard with me, but that was definitely not in any way needed. I am very glad that the level of angst that we have sometimes had in the Assembly about the issue has not permeated all the way in to Megalo. This is really great. I think that one thing that Megalo do appreciate from this is the high regard that everyone has for them, because we have all been saying this. I think that is one of the more positive things to come out of it.

McHappy Day
St Francis Xavier college

MR COE (Ginninderra) (6.31): I rise this evening to acknowledge McHappy Day, which was held last Saturday, 12 November at McDonald's restaurants across the country. This year marks the 20th anniversary of the initiative which has managed to raise over $18 million for Ronald McDonald House charities. The funds go towards the provision of much-needed assistance to families of sick children. The target for this year's event—$3 million—which I am told has been well and truly exceeded, included $31,646.65 from the Belconnen and Gungahlin stores.

I believe that McDonald's is a great company, a company that promotes community activism, invests in staff skill development, employs many people, especially youth, and provides a safe place for families to congregate. I was very pleased to help out on the day at the Charnwood McDonald's restaurant, which is one of the five stores owned and operated by Mr Hani Sidaros. I thank him for the risks he takes and the investment he has made in Canberra. He is one of Ginninderra's largest private sector employers.

I would like to use this opportunity to thank the local community for their generous support and especially thank the Canberra Raiders, Brumbies, Scouts Association, Lisa Buchanan, coach of the Jazzy Jumpers junior olympian skippers, Nicole

Gieorgiou and her team of dancers from the Dynamic Dance Studio, local DJs Mitchell Bannick, Joe from 3D Entertainment and DJ Nate, to name a few for their generosity.

The Charnwood, Belconnen Lake, Belconnen food court, Gungahlin and Gold Creek stores are managed by some very dedicated staff members who also ensured that the McHappy Day was a great success. They are: Jono Buchanan, the manager of Charnwood; Paul Lysik, the manager of Belconnen Lake; Matthew Bolton, the manager of Belconnen food court; Jack Abdel Malak, the manager of McDonald's Gungahlin; and Adam Bowen, the manager of Gold Creek. Finally, I would like to congratulate Lauren Ferns, the marketing manager of the stores, who put a lot of hard work into making sure the day was a success.

Mr Speaker, I also pay tribute this evening to St Francis Xavier college in Florey. Founded in 1976, the school has gone from strength to strength. It has approximately 1,200 students enrolled in years 7 to 12. The school advocates living the truth, leading with courage and learning for life. Further to this, the mission at St Francis Xavier college is: we seek to be truthful and courageous people who nurture right relationships, value learning and celebrate Christ's life-giving presence among us.

Good schools are not so by chance. It is through the commitment and dedication of the staff. Whilst there are many elements that contribute to the success of a school, it is the leadership, values and ethos, as demonstrated in the teachers and support staff, that make everything else possible. I commend the college principal, Mr Angus Tulley, for his dedication to the school community.

I pay tribute to the parents and friends association, which is an integral aspect of the school. In particular, I thank president, Stuart Bonner, vice-president, Paul Crowley, secretary, Ursula Jamieson, treasurer, Anne McKenna, and the APFACTS representative, Kirsten Wilkinson.

Last Friday, I was very pleased to attend the final assembly for the year 12 class of 2011. As part of that assembly, the leadership team for 2012 was formally welcomed by the outgoing college leaders. The incoming college captains for 2012 are Chloe Kelly and Nick Mahoney. Vice-captains are Courtney Bonner and Riley Catherill. The house captains for Dullugal house are Sarah McCluskey and Josh Buitendam; Gariwang house, Matia Ryan and Samuel Ryan Baker; the Irin Irin house, Hannah Woodford-Smith and Cameron McDonald; the Korilla house, Amy Webb and Elwyn Stannard; and Pindari house, Rachel Watson and Josh Commons.

Specialist captains for SFX in 2012 include Jessica Barancewicz for liturgy and spirituality captain; the social justice captain is Allyse Sharp; the captain for arts and culture is Victoria Constable; and the sustainability and the environment captain is Daniel Kinnish.

I wish these students well in their year of leadership and pass on my congratulations to the outgoing year 12 cohort of 2011.

Canberra United Football Club

MR DOSZPOT (Brindabella) (6.35): As shadow minister for sport, I take great delight in being able to see some of our junior and senior sporting teams in action each weekend. Last weekend, after visiting the Megalo printers open day, as Mrs Dunne has already spoken about, it was my pleasure to attend the Canberra United soccer match at McKellar oval.

Last Saturday's match saw Canberra United moving five points clear at the top of the Westfield Women's League after narrowly defeating Melbourne Victory 2-1, thanks to goals from Ashleigh Sykes and Taryn Hemmings. United led 2-0 at the half-time break and survived a late Melbourne Victory surge to retain their lead at the top of the Westfield Women's League competition with their fourth consecutive match in a row under former Czech Republic national player, Jitka Klimkova.

This weekend Canberra United play host to the Newcastle Jets at McKellar oval. I invite all of my colleagues here in the Assembly and the Canberra community to come and support this team that is doing wonders for women's sport in Canberra on the national scene at the moment.

The team is made up of Lydia Williams, Caitlin Cooper, Georgia Yeoman-Dale, Christine Walters, Kahlia Hogg, Caitlin Munoz, Ellie Brush, Haley Raso, Grace Gill, Snez Veljanovska, Michelle Heyman, Sally Rojahn, Nicole Sykes, Ashleigh Sykes, Sally Shipard, Ellyse Perry, Taryn Hemmings, Jennifer Bisset and Aroon Clansey. I wish the team and the coach all the best for this weekend's match—Canberra United against Newcastle Jets at McKellar oval.

Royal Australian Regiment Foundation

MR HANSON (Molonglo) (6.37): I rise tonight to talk about the Royal Australian Regiment Foundation and mention a dinner that I attended with members of the foundation on 27 October. The Royal Australian Regiment Foundation was established by the then Colonel Commandant of the regiment, Major General Alby Morrison, in 1991. He is a legend of the Royal Australian Infantry Corps and the Royal Australian Regiment. And it is notable that his son, David, is now the Chief of Army. I would also like to pay my respects to his widow, Margaret Morrison. Alby Morrison recognised that the regiment was lacking a supporting structure that could work for the betterment of the regiment and consequently the Australian Army, of which the Royal Australian Regiment forms a major part.

The foundation is a charitable body, and all ranks from general to private soldier who have had the honour of serving in the regiment in peace or in war are eligible to subscribe. The foundation was incorporated under the requirements of the Australian Securities Commission in 1992 and had a number of objectives, which included the making of loans or grants to the regiment or to a battalion of the regiment, securing funding or supplementary funding for amenities, recreation and comforts for the regiment, making, under certain conditions, welfare grants to the widows of members of the regiment who have died while on military service in peace or war or to the

families of serving members where the need to help alleviate hardship exists, and grants and bursaries to help educate children of members of the regiment who have died while serving in the regiment. There is a list of all the grants provided on the foundation's website.

Sadly, you will note that a number of widows have been provided grants, and I fear that, given the large number of members of the Royal Australian Regiment who have died on active service in Afghanistan, we will see that continue. It just highlights the importance of the foundation.

The directors of the foundation are Major General Adrian Clunies-Ross, Brigadier Mark Bornholt, Brigadier Kevin Cole, Brigadier John Sheldrick, Major Ken Kipping, Mr Ian Smith, Lieutenant Colonel Craig Johnston, Warrant Officer RSMA Stephen Ward, Brigadier Chris Appleton, Brigadier John Essex-Clark, Brigadier Michael Moon, Brigadier Adam Findlay, Warrant Officer Class 1 Kev Woods and Lieutenant Colonel Trent Scott.

The members of the foundation who attended the dinner on 27 October were a very notable group of infantrymen. They were really stalwarts of the regiment, both past and present, and included commanding officers currently serving and regimental sergeant majors currently serving in battalions of the regiment. They included Major General Clunies-Ross, Brigadier Moon, Brigadier Sheldrick, Major Crosland, Brigadier Bornholt, Mr Kipping, Brigadier Findlay, Lieutenant Colonel Hoebee, Mr Smith, Lieutenant Colonel Hocking, Warrant Officer Class 1 Stonebridge, Colonel Grierson, Brigadier Dunn, Lieutenant Colonel Lenaghan, Warrant Officer Class 1 Russell, Commodore Clinch, Captain Hohnen, Mr Weir, Brigadier Shelton, Mr Boag, Lieutenant Colonel Scott, Colonel Simeoni, Major Farmer, Corporal Woods, Lieutenant Colonel Morrison who is the Chief of Army, Colonel Goodyer, Lieutenant Colonel Lowe, Warrant Office Class 1 Murch, Captain Foster, Brigadier Essex-Clark, Colonel Wainwright, Brigadier Cole, Major Kearns, Captain Martin, Colonel Stothart, Major Daniels and Mr Cusack.

Thank you to all those members of the foundation, particularly those who are serving, to Brigadier Mark Bornholt who is a very active member locally in the foundation, and I would like to pay my acknowledgements to Lucy Jamieson, the office manager of the Royal Australian Regiment Foundation. I commend all those members for the great work that they are doing to support the infantrymen of the Royal Australian Regiment, the Regular Army component of the infantry in the Australian Army, the soldiers who bear the brunt of any conflict.

Fitters Workshop and Megalo Print Studio
Multicultural advisory body

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (6.41): During question time today I was asked a series of questions by the Greens with regard to my comments on the Greens and Liberals "damaging the reputation". I refer to a letter that was sent to the Greens that said:

> If the process of relocation is delayed it will put our programming in disarray, causing loss of income, reputation and instability.

That is the loss of reputation. This was a letter sent to your party, Mr Speaker. The decision has been made. It is the right decision. Megalo feels, rightly, that its interests are not being considered. That is where I got my comments about its reputation. It was from Megalo itself.

Another one was with regard to the Australian Multicultural Advisory Council. I would like to inform members that I wrote to the Minister for Immigration and Citizenship back in the latter part of last year. I informed him that the ACT was the sole jurisdiction without representation on the council and I considered the council's strength to the Australian community to be diminished by our omission. I noted that we were at the forefront of many decisions and sought membership to that council, and clearly that we were well placed to participate. I offered to send him a list of distinguished and experienced nominees. He replied saying that the geographical distribution of members does not reflect on the achievements of any state or territory. He noted that the term of the council expired on 30 June 2012, and that if a new council is appointed its membership could be reviewed at any time by the Australian government.

I am quite happy to table those two letters. I am happy to table the one that I sent to the Hon Chris Bowen, the Minister for Immigration and Citizenship, advocating on behalf of the ACT for membership to the Australian Multicultural Advisory Council. I am also quite happy to table the letter in return where, unfortunately, he said, "No membership at this stage." I will continue to prosecute the case, Mr Speaker. I table the following documents:

> Australian Multicultural Advisory Council—ACT representation—Copies of letters from—
>
> > The Minister for Multicultural Affairs to the Federal Minister for Immigration and Citizenship, dated 30 September 2010.
> >
> > The Federal Minister for Immigration and Citizenship to the Minister for Multicultural Affairs, undated.

Question resolved in the affirmative.

The Assembly adjourned at 6.44 pm until Tuesday, 6 December 2011, at 10 am.

Answers to questions

Sport—facilities
(Question No 1730)

Mr Doszpot asked the Minister for Tourism, Sport and Recreation, upon notice, on 17 August 2011:

(1) In relation to Estimates question taken on notice No 875 concerning the Sportsground Facilities Improvement Program, for the Outline of works provided for 2009 10 and 2010-11, can the Minister detail the cost of each project.

(2) What is the schedule of works to be completed in 2011-12 and the budgeted cost of each.

(3) What was the total revenue collected from sportsground and oval fees in 2009-10 and 2010-11 and what is the estimated revenue to be collected for the years 2011-12 to 2014-15.

Mr Barr: The answer to the member's question is as follows:

(1) The 2009-10 Facilities Improvement Program consisted of:

• Ainslie District Playing Field floodlighting	$ 84,233
• Reid Oval irrigation system replacement	$147,106
• Dickson Pool Children Water Park design and purchase of equipment	$230,000
• Jamison Enclosed Oval perimeter fence replacement	$ 82,910
• Equestrian Park electricity supply upgrade	$ 47,017
• Sportsground aluminium bleachers	$ 18,920
• ACTAS gymnasium equipment upgrade	$ 19,932
• Manuka Pool cafe design work	$ 11,850
• Weston Archery seating	$ 5,088
• Narrabundah Ballpark upgrade preliminary works including electrical design and costing	$ 62,000
• Equestrian Park toilet block upgrade	$ 36,024
• Cylinder mower for Ballpark	$ 68,891
• Civic Pool Diving Board	$ 9,160
• Forward design of irrigation systems for Water Demand Management Program	$ 42,675
• Computerised irrigations system upgrade	$201,605
• Narrabundah Ballpark upgrade construction works (supplementation – Rolled over to 2010-11)	$243,000

The 2010-11 Facilities Improvement Program consisted of:

• Narrabundah District Playing Field floodlights	$257,000
• Dickson Pool Children's Water Play construction	$260,000
• Kaleen District Playing Field pavilion upgrade and extension completion of works	$795,258
• Design of Mint Oval pavilion	$ 25,000

- Design of Wanniassa District Playing Field toilet block $ 15,000
- Narrabundah Ballpark upgrade construction works (additional Supplementation) $253,691

(2) The planned program for the 2011-12 Facilities Improvement Program, with preliminary cost estimates is:

- Kaleen Enclosed Oval pavilion refurbishment and extensions and construction of new senior cricket practice nets $789,000
- Gold Creek School Nicholls toilet block modifications to support the Nicholls synthetic football field $300,000
- Floodlight installation Harrison Neighbourhood Oval $ 82,000
- Floodlight installation Downer Neighbourhood Oval $ 84,000
- Wanniassa District Playing Field toilet block $287,000
- Mint Oval pavilion $456,000

NOTE: The number of projects exceeds the assigned budget and projects will be commenced progressively as the budget permits and more detailed costings become known, with any incomplete works pushed forward to the 2012-13 program.

(3) Please refer to the table below relating to sportsground fees and charges and revenue collected and estimated revenue for future years based on a 3% annual increase.

Year	Revenue Collected	Estimated Revenue
2009-10	$1,507,853 gst inc	
2010-11	$1,557,737 gst inc	
2011-12		$1,604,469 gst inc
2012-13		$1,652,603 gst inc
2013-14		$1,702,181 gst inc
2014-15		$1,753,246 gst inc

You Are Here festival 2012 (Question No 1756)

Ms Le Couteur asked the Minister for the Arts, upon notice, on 25 August 2011 *(redirected to the Acting Chief Minister)*:

(1) In relation to the answer to question on notice No 1630 that the Centenary Unit was scheduled to evaluate the 2011 You Are Here – URBANcITY pilot initiative by 30 June 2011 and also make a decision regarding the 2012 programming of the festival (a) what evaluations have the Centenary Unit made of the 2011 You Are Here festival and (b) what decisions have the Centenary Unit made regarding the programming of the 2012 You Are Here festival.

Mr Barr: The answer to the member's question is as follows:

(a) The Centenary Unit completed a post-event evaluation of the 2011 *You Are Here* pilot on 3 June 2011. An evaluation meeting was held on 12 May 2011, with the Centenary Creative Director, the Executive Director of Culture and Communications and Centenary team members involved in the initiative. A representative from Procurement Solutions also attended the evaluation.

A number of reports were prepared or received to inform the evaluation of the *You Are Here* pilot. These reports included:

- Creative Producer's Artistic Report
- Financial statements
- Marketing Report
- Sponsorship feedback
- Debriefing meeting notes

The total audience attendance during the 2011 pilot was 12,695, with an additional 662 artists/ participants. The *You Are Here* Wordpress blog received 7,652 visits over 36 days, from 17 February 2011 to 24 March 2011.

The key findings of the evaluation included:

- the event was regarded as a success by sponsors, participants and audiences;
- there were no safety issues or incidents;
- the project was delivered within budget; and
- there were no contractual issues.

In addition, the *You Are Here* pilot was recently recognised by the Australian Business Art Foundation (AbaF) at its State/Territory awards for 'Good practice in partnering' in 2011.

The evaluation panel recommended that the initiative be continued, feedback from the evaluation be provided to the Creative Producer, and consideration be given to the timing, delivery model and target audience for future events.

(b) The Centenary Unit is currently working with the Creative Producers for *You Are Here* in 2012 on program scoping, development, sponsorship and contracting.

Public service—boards and committees (Question No 1786)

Mr Smyth asked the Treasurer, upon notice, on 20 September 2011 *(redirected to the Chief Minister)*:

(1) How many boards, committees and similar organisations exist within the ACT public service and how many of these organisations have been established by statute.

(2) What are the names of each organisation which exists within the ACT public service.

(3) What is the legislation by which an organisation has been established, if an organisation has been established by statute.

Ms Gallagher: The answer to the member's question is as follows:

1) Information on ACT Public Service boards and committees is provided in Directorates' Annual Reports. Under *Internal Accountability* (see section C of Annual Reports), directorates are required (as per the Chief Minister's Annual Report Directions) to report on:

- senior management committees, their roles and membership; and
- the names of significant committees and details of membership.

For Authorities with a governing or advisory board that provides advice to the Minister, the Annual Reports of these authorities are annexed to the respective directorate's Annual Reports.

2) See response to 1.

3) The associated legislation is identified in the Annual Reports. A copy of the legislation can be found on the ACT Legislation Register at www.legislation.act.gov.au.

Taxation—revenue (Question No 1788)

Mr Smyth asked the Treasurer, upon notice, on 20 September 2011:

(1) In relation to Taxation – 2011-12 Budget Paper No. 3, Table 3.1.2, p 50, what are the components which comprise (a) general rates, (b) land tax and (c) conveyances.

(2) What revenue has been collected from the components of general rates, land tax and conveyances in each of the five years to 30 June 2011.

(3) What staff, funds and other resources are used in administering the collection of revenue in each of components of general rates, land tax and conveyances.

(4) How much revenue was outstanding in each of the components of general rates, land tax and conveyances, as at 30 June 2011.

Mr Barr: The answer to the member's question is as follows:

(1) The components which comprise (a) general rates, (b) land tax and (c) conveyances are as follows:

a) General Rates

- Commercial
- Residential
- Rural

b) Land Tax

- Commercial
- Residential

c) Conveyance

- Commercial
- Residential

(2) The revenue from the components of general rates, land tax and conveyance outlined in (1) above for the last 5 years is as follows:

a) General Rates

Year	Commercial General Rates $m	Residential General Rates $m	Rural General Rates $m
2006-07	$25.6	$138.6	$0.1
2007-08	$27.7	$144.8	$0.1
2008-09	$30.0	$154.1	$0.1
2009-10	$31.0	$162.7	$0.1
2010-11	$33.8	$170.4	$0.1

b) Land Tax

Year	Commercial Land Tax $m	Residential Land Tax $m
2006-07	$30.8	$36.5
2007-08	$36.7	$36.4
2008-09	$44.4	$42.0
2009-10	$50.9	$47.6
2010-11	$54.8	$55.0

c) Conveyance

Year	Commercial Conveyance $m	Residential Conveyance $m
2006-07	$67.5	$163.7
2007-08	$91.0	$173.2
2008-09	$49.8	$146.2
2009-10	$72.9	$210.4
2010-11	$38.4	$233.3

(3) Treasury is funded for the cost of administering the Government's taxation revenue as part of Output 1.3 Revenue Management (see 2011 12 Budget Paper 4 page 149). It is not possible to detail this into resources used in administering each of the components outlined in (1) above.

(4) The gross amount of receivables outlined in (1) above as at 30 June 2011 is as follows:

a) General Rates $20.8m
b) Land Tax $14.3m
c) Conveyance $39.2m

A further breakdown of this information would require a significant diversion of resources from Treasury's ongoing business which I am not prepared to authorise.

Finance—government revenue (Question No 1789)

Mr Smyth asked the Treasurer, upon notice, on 20 September 2011:

(1) In relation to Other Revenue – 2011-12 Budget Paper No. 3, Table 3.1.11, p 66, what, if any, are the components which comprise the categories of fines of (a) traffic infringement fines, (b) court fines, (c) parking fines and (d) other fines.

(2) What revenue has been collected from the components in each of the categories of fines referred to in part (1) in each of the five years to 30 June 2011.

(3) What staff, funds and other resources are used in administering the collection of revenue in the components of each of the categories of fines referred to in part (1).

(4) How much revenue was outstanding in the components of each of the categories of fines referred to in part (1), as at 30 June 2011.

Mr Barr: The answer to the member's question is as follows:

Question 1:

(1) These are the components required by Treasury for reporting purposes.

(2) This information is available in the published annual financial statements of agencies.

(3) The value of staff, funds and other resources used in administering the collection of revenue in each component cannot be reliably identified as a number of staff may be involved with the administration of more than one revenue component, as well as in the day to day operations of the Directorates.

(4) Revenue outstanding as at 30 June 2011 is published in the annual financial statements of agencies.

Finance—government revenue (Question No 1790)

Mr Smyth asked the Treasurer, upon notice, on 20 September 2011:

(1) In relation to Other Revenue – 2011-12 Budget Paper No. 3, Table 3.1.11, p 66, what, if any, are the components of revenue which comprise the categories of revenue of (a) superannuation contribution, (b) rents and commutation, (c) contributions, (d) other miscellaneous revenue.

(2) What revenue has been collected from the components in each of the categories of revenue referred to in part (1) in each of the five years to 30 June 2011.

(3) What staff, funds and other resources are used in administering the collection of revenue in the components of each of the categories of revenue referred to in part (1).

(4) How much revenue was outstanding in the components of each of the categories of revenue referred to in part (1), as at 30 June 2011.

Mr Barr: The answer to the member's question is as follows:

(1) These are the components required by Treasury for reporting purposes.

(2) This information is available in the published annual financial statements of agencies.

(3) The value of staff, funds and other resources used in administering the collection of revenue in each component cannot be reliably identified as a number of staff may be involved with the administration of more than one revenue component, as well as in the day to day operations of the Directorates.

(4) Revenue outstanding as at 30 June 2011 is published in the annual financial statements of agencies.

Finance—government revenue (Question No 1791)

Mr Smyth asked the Treasurer, upon notice, on 20 September 2011:

(1) In relation to Sale of Goods and Services – 2011-12 Budget Paper No. 3, Table 3.1.7, p 60, what, if any, are the components which comprise each of (a) fees for regulatory services, (b) sales, (c) service receipts, (d) miscellaneous and (e) user charges – ACT Government.

(2) What revenue has been collected from the components of each of the categories of sales referred to in part (1) in each of the five years to 30 June 2011.

(3) What staff, funds and other resources are used in administering the collection of revenue in the components of each of the categories of sales referred to in part (1).

(4) How much revenue was outstanding in the components of each of the categories of sales referred to in part (1), as at 30 June 2011.

Mr Barr: The answer to the member's question is as follows:

(1) These are the components required by Treasury for reporting purposes.

(2) This information is available in the published annual financial statements of agencies.

(3) The value of staff, funds and other resources used in administering the collection of revenue in each component cannot be reliably identified as a number of staff may be involved with the administration of more than one revenue component, as well as in the day to day operations of the Directorates.

(4) Revenue outstanding as at 30 June 2011 is published in the annual financial statements of agencies.

Roads—parking infringements (Question No 1798)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 21 September 2011 *(redirected to the Attorney-General)*:

How many parking infringement have been issued to motorists parked in or near Russell offices by month and location since January 2011.

Mr Corbell: The answer to the member's question is as follows:

Since the question was somewhat non-specific an analysis was undertaken of infringements issued in the Russell precinct (which includes Russell offices and Constitution Ave to Anzac Parade), the Majura precinct (which covers the Campbell offices precinct) and the Campbell precinct. The latter two are precincts which, geographically, abut the Russell precinct:

Russell

• January 2011	56
• February 2011	48
• March 2011	39
• April 2011	24
• May 2011	84
• June 2011	140
• July 2011	78
• August 2011	163
• September 2011	233
Total	**865**

Campbell

• January 2011	3
• February 2011	36
• March 2011	10
• April 2011	6
• May 2011	12
• June 2011	30
• July 2011	10
• August 2011	32
• September 2011	41
Total	**180**

Majura

• January 2011	7
• February 2011	4
• March 2011	2
• April 2011	8
• May 2011	0
• June 2011	0
• July 2011	7
• August 2011	1
• September 2011	8
Total	**37**

Planning—short-term rentals (Question No 1819)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 21 September 2011:

(1) What regulations are in place for short-term furnished accommodation rentals in relation to (a) public liability insurance, (b) innkeepers liability, (c) payment of GST, (d) selling of liquor, (e) commercial utilities rates, (f) grading schemes and (g) building code classifications for (i) hotels and (ii) motels.

(2) Why are hotels and motels not regulated uniformly in relation to (a) public liability insurance, (b) innkeepers liability, (c) payment of GST, (d) selling of liquor, (e) commercial utilities rates, (f) grading schemes and (g) building code classifications.

(3) What inspection-on-demand mechanisms are in place for agencies like ACT Health to assess the standards of short-term rentals.

(4) What mechanisms are there to capture complaints and grievances for tenants of short-term rentals.

(5) Does the Government have plans to change the Territory Plan or planning system in relation to short-term rentals, and if so, what will the Government change.

(6) What discussions has the Government had with the Australian Building Codes Board in relation to short-term rentals.

Mr Corbell: The answer to the member's question is as follows:

(1) (a) There are no regulations in place. This is a matter for the private market.

(b) ACT law makes provision for traveller accommodation providers liability in Part 11.1 of the Civil Law (Wrongs) Act 2002.

The Act applies to the owners of hotels and motels (known under the common law as 'innkeepers'). It states the common law position (namely, strict liability imposed on a common law innkeeper for failing to safeguard property of the innkeeper's guests) and makes provision for a hotel or motel owner to limit the liability by giving certain notice to the guest and providing safe custody facilities.

(c) GST requirements are a matter for the Commonwealth.

(d) If liquor is being sold from short-term furnished accommodation rentals then the *Liquor Act 2010* will apply and the Office of Regulatory Services (ORS) will take action to ensure that compliance with the requirements of the Liquor Act are being met.

(e) The Independent Competition and Regulatory Commission (ICRC) regulates utilities under the Utilities Act. The Utilities Act provides for regulated prices for franchise customers in relation to electricity and water. If the customer of the utility is not a franchise customer the pricing of the utility service is left to the market. In the case of short-term furnished accommodation rentals the tenant may not be the utility customer and the cost of the utility service may be included as a component in the rent.

Where the cost of supplying electricity is passed on to a tenant section 98 of the Utility Act limits the amount that can be charged.

(f) The Building Code of Australia, which is applied in the ACT through the *Building Act 2004*, provides for minimum energy efficiency levels in buildings.

Section 11A of the *Residential Tenancies Act 1997* requires that for leased premises, an EER statement must be included if one exists for the rental property. The requirement would not apply to an agreement that is not characterised as a residential tenancies agreement, such as an occupancy agreement.

(g) i and ii

The ACT Building Act 2004 references the National Construction Code (NCC). Volumes 1 and 2 of the NCC provides for the classification of buildings. The residential component of hotels and motels are classified as class 3.

(2) (a) This is a matter for commercial decision-making by motel and hotel owners.

(b) The provisions in force in the ACT (which limit the strict liability of 'innkeepers') apply to both hotels and motels. These provisions, or provisions similar to them, exist in most Australian and overseas jurisdictions.

(c) This is a matter for the Commonwealth.

(d) ORS endeavours to uniformly regulate all liquor licence types bearing in mind some differing legislative requirements dependent on the licence type.

(e) As advised under (1) (e) above, the ICRC regulates utilities under the Utilities Act. The Utilities Act provides for regulated prices for franchise customers in relation to electricity and water. If the customer of the utility is not a franchise customer the pricing of the utility service is left to the market. In the case of hotels and

motels the hotel guest would generally not be the utility customer and the cost of the utility service would be included as a component in the tariff.

(f) The Building Code of Australia, which is applied in the ACT through the Building Act, provides for minimum energy efficiency levels in buildings. Section 11A of the *Residential Tenancies Act 1997* requires that for leased premises, an EER statement must be included if one exists for the rental property. The requirement would not apply to an agreement that is not characterised as a residential tenancies agreement, such as an occupancy agreement.

(g) All buildings in the ACT are classified uniformly under the NCC.

(3) The Health Protection Service undertakes routine inspections of licensed boarding houses, to assess the public health standards of these premises. These inspections cover the general hygiene of the premises, including sleeping rooms, the kitchen (if applicable) also the swimming pool (also if applicable).

Additionally, inspections are carried by a Public Health Officer in response to complaints from a member of the public. A complaint from a member of the public can be received in a variety of means such as, telephone, letter, facsimile or email (either directly to the Health Protection Service or via the Health Directorate or Canberra Connect). Additionally a complaint can be submitted through the Health Directorate website.

(4) Complaints can be lodged with the ORS Advice and Complaints Unit. ORS will investigate accordingly or refer the complaint to the appropriate agency for investigation.

(5) The Government has no current plans to change the Territory Plan or planning system in relation to short-term rentals.

(6) None, noting that it is the use of the building which determines the class of the building and there are building classes which cover this type of use.

Treasury Directorate—advertising (Question No 1826)

Mr Seselja asked the Treasurer, upon notice, on 21 September 2011:

(1) What was the total expenditure by the Directorate on advertising in (a) 2008 09, (b) 2009-10 and (c) 2010-11.

(2) What is the funding allocation for advertising for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

Mr Barr: The answer to the member's question is as follows:

(1) Treasury Directorate's (including Shared Services, ACT Insurance Authority, Home Loan Portfolio, Superannuation Provision Account and Territory Banking Account) total spend on advertising was as follows:

Year	$ 000s
2008-09	$230
2009-10	$220
2010-11	$254

(2) The Directorate does not specifically budget for advertising.

Taxation—revenue (Question No 1827)

Mr Seselja asked the Treasurer, upon notice, on 21 September 2011:

(1) Does the ACT Government have any taxes remaining to be abolished under the Inter-Governmental Agreement on the Reform of Commonwealth-State Financial Relations (IGA) that introduced the GST in 2000, and if so, (a) what is the total revenue from these items for the years (i) 2011-12, (ii) 2012-13, (iii) 2013-14 and (iv) 2014-15 and (b) when are these taxes scheduled to be abolished.

(2) What current taxes administered by the ACT Government were subject to review in 2005 under this agreement and what is the total revenue received from these items for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

Mr Barr: The answer to the member's question is as follows:

(1) No.

(2) Duty on non-residential conveyance.

The projected revenue from non-residential (commercial) conveyance is as follows:

Year	Commercial Conveyance $m
2011-12	64.2
2012-13	65.2
2013-14	69.2
2014-15	68.1

Housing—residential property transactions (Question No 1828)

Mr Seselja asked the Treasurer, upon notice, on 21 September 2011:

(1) What was the number of residential properties transactions in (a) 2008-09, (b) 2009-10 and (c) 2010-11 that paid stamp duty.

(2) What is the projected number of residential property transactions to pay stamp duty in (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

(3) What was the total revenue received from residential property stamp duty in (a) 2008-09, (b) 2009-10 and (c) 2010-11.

(4) What is the projected revenue for residential property stamp duty to be received for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

(5) For the years (a) 2008-09, (b) 2009-10 and (c) 2010-11, how many residential property transactions paying stamp duty were for properties valued in the range of (i) $300,000 to $400,000, (ii) $400,001 to $500,000, (iii) $500,001 to $600,000, (iv) $600,001 to $700,000, (v) $700,001 to $800,000, (vi) $800,001 to $900,000 and (vii) above $900,001.

(6) For the years (a) 2008-09, (b) 2009-10 and (c) 2010-11, how many first home buyer grants were paid to residential property transactions valued in the range of (i) $300,000 to $400,000, (ii) $400,001 to $500,000, (iii) $500,001 to $600,000, (iv) $600,001 to $700,000, (v) $700,001 to $800,000, (vi) $800,001 to $900,000 and (vii) above $900,001.

Mr Barr: The answer to the member's question is as follows:

(1) The number of residential property transactions that paid duty are as follows:

Year	Number of Residential Property Transactions
2008-09	10,526
2009-10	12,901
2010-11	13,258

(2) Treasury does not specifically predict the number of residential property transactions.

(3) See answer to QON 1788.

(4) The projected revenue for residential property duty is as follows:

Year	Projected Amount of Residential Property
$m	
2011-12	$229.8
2012-13	$233.1
2013-14	$236.4
2014-15	$239.6

(5) The number of residential property transactions for each value range are as follows:

Property Value	Number of Residential Property Transactions		
	2008-09	2009-10	2010-11
$300,000 to $400,000	3,332	3,393	3,219
$400,001 to $500,000	2,464	3,107	3,529
$500,001 to $600,000	1,161	1,664	1,872
$600,001 to $700,000	552	922	1,046
$700,001 to $800,000	270	466	525
$800,001 to $900,000	127	263	311
Above $900,001	239	478	568

(6) The number of first home owner grant transactions for each value range are as follows:

Property Value	Number of First Home Owner Grant Transactions		
	2008-09	2009-10	2010-11
$300,000 to $400,000	1,517	1,399	998
$400,001 to $500,000	660	848	833
$500,001 to $600,000	167	249	289
$600,001 to $700,000	39	65	73
$700,001 to $800,000	7	24	25
$800,001 to $900,000	5	9	9
Above $900,001	1	7	5

Hospitals—elective surgery
(Question No 1847)

Mr Hanson asked the Minister for Health, upon notice, on 18 October 2011:

(1) How many occasions of elective surgery were provided in the Queanbeyan Hospital, that were funded by the ACT Government, in 2011 to date.

(2) How many of the surgeries referred to in part (1) were provided to residents of (a) the ACT and (b) NSW.

(3) What is the average cost, per occasion, of surgery that was provided in the Queanbeyan Hospital provided by the ACT Government.

(4) In what health specialities were these surgeries performed.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) Negotiations for the ACT to use Queanbeyan Hospital facilities are still underway. Whilst those continue, no operations can be performed as safety, legal and privileging matters need to be resolved first.

(2)

(a) As above.

(b) As above.

(3) As above.

(4) As above.

Roads—safety
(Question No 1849)

Ms Bresnan asked the Attorney-General, upon notice, on 18 October 2011 *(redirected to the Minister for Territory and Municipal Services)*:

(1) Is the Government developing a new road safety action plan to replace the ACT Road Safety Action Plan 2009-2010; if so, when will this be completed.

(2) What traffic calming projects has the Government completed in the last three years.

(3) When did the Government last review speed limits on the ACT's arterial road network and what recommendations came from this review.

(4) How have each of the recommendations referred to in part (3) been implemented.

(5) What specific action has the ACT Government taken to combat the public perception of safe speeding.

(6) What changes have occurred in the level of police traffic speed enforcement in the last three years and has it decreased or increased; if it has increased or decreased, by how much.

(7) Where does the ACT use electronic speed feedback signs and variable message signs and what plans are there to expand their use.

(8) What work has the Government done, in the last three years, to improve the collection and analysis of speed and crash data and how has this informed road safety actions.

(9) When and where will point to point cameras begin operating in Canberra.

(10) What is the proposed process for rolling out more point to point camera sites and (a) where will these sites be, (b) how are the sites determined and (c) when will they begin operation.

Mr Corbell: The answer to the member's question is as follows:

(1) The Government is currently finalising the ACT Road Safety Strategy 2011 2020 and ACT Road Safety Action Plan 2011-2013. It is expected these documents will be tabled in the Assembly in the November 2011 sittings.

(2) A Traffic calming scheme was recently installed on Flinders Way in Griffith to reduce travelling speeds. Also rubber speed cushions have been installed on Loftus Street, Yarralumla (School safety); Macpherson Street, O'Connor (School safety) and on Hibberson Street, Gungahlin and Corinna Streets, Woden (as part of the trial of 40km/h zones around Town Centres).

(3) The last review of arterial road speed limits was undertaken in October 2010. The study found that, in the majority of cases, the current speed limits were adequate and recommended changes to speed limits at a number of locations:

Road	**Existing Limit**	**New** Limit
Flemington Road (Randwick Road - Sandford Street)	80 km/h	70 km/h
Cotter Road (west of Eucumbene Drive)	60 km/h	80 km/h
Taverner Street (near Forlonge St/ Newman Morris Circuit intersection)	60 km/h	80 km/h

Woodcock Drive (Tharwa Drive – Jim Pike Avenue)	80 km/h	60 km/h
Paddys River Rd (South of Cotter – Vanity's Crossing Rd)	100 km/h	60 km/h
Paddys River Road (North of Tharwa – within township)	60 km/h	50 km/h
Brindabella Rd (Uriarra Settlement – Paddys River Road)	100 km/h	60 km/h
Mugga Lane (Narrabundah Lane – Long Gully Rd)	80 km/h	70 km/h

(4) All the recommendations were implemented by February 2011.

(5) The ACT Road Safety Strategy and Action Plan are based on using a range of engineering, enforcement, education and encouragement measures to encourage motorists to travel at safer speeds. Specific actions to date have included implementing trials of 40 km/h speed limit zones in Gungahlin and Woden Town Centres, expanding the sites used by mobile speed camera vans, introducing point to point safety cameras, and implementing awareness campaigns on speeding in residential areas and school zones aligned with police enforcement programs. Speed management will continue to be emphasised as a critical component of road safety efforts under the ACT Road Safety Strategy 2011-2020 and ACT Road Safety Action Plan 2011-2013.

(6) ACT Policing continues to enforce traffic laws and to promote safer behaviour on ACT roads to reduce the number of crash fatalities and injuries to members of the community. The table below shows that the number of ACT Policing targeted traffic incidents has increased over the last three financial years. In addition, the second table below provides a breakdown of information for the number of Traffic Infringement Notices (TINS) issued in relation to speeding over the same reporting period.

Number of Traffic Targeting incidents - 01 July 2008 to 30 June 2011

Incident type	**Date reported**		
	2008-09	**2009-10**	**2010-11**
TRAFFIC – TARGETING	2333	2729	3320

Number of TINS by month by TIN type - 01 July 2008 to 30 June 2011

TIN Type	**2008-09**	**2009-10**	**2010-11**
NON-SCHOOL ZONE EXCEED SPEED LIMIT < OR = 15 KM/H	2205	1866	2454
NON-SCHOOL ZONE EXCEED SPEED LIMIT > 15 BUT < OR = 30 KM/H	3408	3082	3616
NON-SCHOOL ZONE EXCEED SPEED LIMIT BY > 30 BUT < OR = 45 KM/H	492	537	597
NON-SCHOOL ZONE EXCEED SPEED LIMIT BY > 45 KM/H	144	161	160
SCHOOL ZONE EXCEED SPEED LIMIT BY < OR = 15 KM/H	490	358	514

SCHOOL ZONE EXCEED SPEED LIMIT BY > 15 BUT < OR = 30 KM/H	433	309	470
SCHOOL ZONE EXCEED SPEED LIMIT BY > 30 BUT < OR = 45 KM/H	37	28	41
SCHOOL ZONE EXCEED SPEED LIMIT BY > 45 KM/H	2	4	1
Total Speeding TINs	**7211**	**6345**	**7853**

(7) The ACT is currently using speed feedback signs on Hindmarsh Drive as part of the Point to Point Camera installation. There is currently no program in place to provide speed feedback signs. However individual contractors can and have previously used these signs as part of temporary traffic management arrangements.

(8) Reports on traffic crashes are produced yearly to highlight crash types and patterns. This information is used to identify locations for treatment and also trends which are used to identify the need for encouragement and education programs. Most recently, smart forms have been produced for use by the community to report on traffic crashes. This has enabled the speedy availability of data for use as described above.

Speed data collected on roads is used to identify locations for treatments under the warrants system (to identify traffic calming projects) as well as locations for the deployment of cameras. New technologies are being used to improve the data collection of speed data.

(9) The first point to point safety cameras, located on Hindmarsh Drive, will commence operation in mid January 2012.

(10)

a) Funding is currently only available for the implementation of P2P cameras at two sites. Hindmarsh Drive is already installed.

b) The determination of P2P sites is based on a number of traffic (such as traffic volumes/ traffic speeds) and safety (traffic crashes) factors.

c) The cameras on Hindmarsh Drive will begin operation around mid January 2012.

Roads—Majura parkway
(Question No 1851)

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 18 October 2011:

(1) What consideration has the Government given to including a bus only or high occupancy vehicle lane as part of the new Majura Parkway project, either as (a) an additional lane, for example, two standard lanes and one bus lane or (b) replacing one of the proposed standard vehicles lanes, for example, one standard lane and one bus lane.

(2) What modelling has the Government done on how the configurations referred to in part (1) would impact on future travel patterns on the parkway and by how much would these configurations reduce the number of vehicles travelling along the parkway.

(3) How does the Government intend to use the Majura Parkway for routes as part of the ACTION bus network.

(4) What near and long term plans does the Government have to improve the public transport network linking Gungahlin to (a) Canberra Airport and Majura Park, (b) Fyshwick, (c) Hume and (d) Campbell.

Mr Corbell: The answer to the member's question is as follows:

(1) A bus only or high occupancy vehicle lane was not included in the design of the Majura because the Parkway is not part of the inter-town public transport corridor. The projected traffic volume on Majura Parkway, even after allowing modal shifts towards public transport in accordance with the ACT Sustainable Transport Plan, will require two traffic lanes each direction.

(2) The modelling work that was undertaken considered more uptake of public transport in the medium and long terms. The modelling took into account the public transport corridors in the network and the overall transport strategy. The Majura Parkway's predominant roles are to provide peripheral (ring road) options for the traffic to take traffic away from key public transport spines such as Northbourne Avenue and provide an alternative route for freight movement. The configurations that were modelled reflect Majura Parkway's intended roles.

(3) The Majura Parkway can form part of the peak express routes that service directly from Gungahlin to Fairbairn/ Majura/ Brindabella Parks.

(4) In the near term:

a. Canberra Airport and Majura Park: peak express routes will be planned for commuters to provide fast services.

b. Fyshwick: Red Rapid transit services will provide 15 minutes or better frequent services, throughout the day, from Gungahlin to Fyshwick. The travel time will be minimised by constructing a bus lane on Canberra Avenue and Flemington Road.

c. Hume: assess the potential public transport demand and consider in the Network 13 planning.

d. Campbell: coordinated services with the Red Rapid linking Russell.

In the longer term:

a. Canberra Airport and Majura Park: peak express routes with direct and fast services. Additional frequent services (15 minute) from City coordinated with segregated, rapid and frequent public transport between Gungahlin to City may be considered.

b. Fyshwick: Red Rapid transit services will provide 15 minutes or better frequent and rapid services, throughout the day, from Gungahlin to Fyshwick. The travel time will be minimised by constructing segregated public transport on Flemington Road, Northbourne Avenue and Canberra Avenue.

c. Hume: assess the potential public transport demand and consider future peak express route planning.

d. Campbell: Coordinated services with the Red Rapid linking Russell, with segregated rapid and frequent public transport.

Teachers—training
(Question No 1852)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 19 October 2011:

(1) What is the average daily cost to a school for a classroom teacher to attend a full day of professional training and development.

(2) What is the funding allocated to each teacher per year for professional training and development.

(3) How many days of professional training per teacher does the funding referred to in part (2) allow.

(4) What is the total funding allocated to professional training and development for each year from 2011-12 and 2014-15 and does this funding include provisions for engagement of casual teachers in addition to course costs or is this met elsewhere.

(5) Is the funding allocated for professional training and development subject to enterprise bargaining negotiations.

Mr Barr: The answer to the member's question is as follows:

(1) Costs for teacher professional learning vary according to the speaker fees, venue costs and other inputs. On occasions where a school makes the decision to backfill with relief to cover classes, the cost of one relief teacher day is $430.

(2) The Teacher Professional Learning Fund (TPLF) was established to support teacher professional learning. Funds are allocated on a calendar year basis. In 2011, the fund has provided:
- $580 000 for strategic projects
- $35 000 for a leadership conference
- $250 000 for teacher scholarships
- $400 000 for distribution to schools.

These amounts total approximately $1 265 000, or the equivalent of $435 per teacher.

Other sources of funding include allocations of funding by School Boards of individual schools, provisions within budgets of sections within Central Office and funding from external sources such as Australian Government National Partnerships.

(3) The number of days will vary with budget provisions agreed by school professional learning committees, the School Boards of individual schools and the nature of the professional development being engaged in.

(4) The total funding allocated through the TPLF to teacher professional learning for 2011-12 is outlined above. The total funding allocated to professional learning under the professional learning fund is expected to be $1 250 000 in each of the years 2012-13 to 2014-15, subject to confirmation of arrangements through enterprise bargaining. Some of this funding is used to provide for engagement of casual teachers to cover classes of participants in professional learning, but not the majority of the funding. The remainder of the cost for casual relief is met by the school.

(5) The funding for the Professional Learning Fund's contribution to professional learning is subject to enterprise bargaining negotiations. Other funding sources are outlined above.

Schools—students with disabilities (Question No 1853)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 19 October 2011:

What is the actual and estimated number of students with a disability attending government schools for each year from 2010-11 to 2014-15.

Mr Barr: The answer to the member's question is as follows:

Actual enrolments (August 2010)	1995
Actual enrolments (August 2011)	1993
Estimated enrolments 2012	2029
Estimated enrolments 2013	2073
Estimated enrolments 2014	2094

Education—administrative on-costs (Question No 1854)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 19 October 2011:

What are the standard administrative on-costs for a (a) classroom teacher, (b) school counsellor and (c) school librarian.

Mr Barr: The answer to the member's question is as follows:

1) The Treasury model recommends a standard figure of $16 140 be applied for administration on-costs for 2012-13 budget. The standard administrative on-costs for a (a) classroom teacher, (b) school counsellor and (c) school librarian are included in the table below.

Administrative On-costs	**$**
Information Communication Technology	4 443
Training	2 000
Other Admin	1 949
Corporate Component	1 971
Total*	**10 363**

*Excludes the fit-out on-cost for accommodation ($5777)

However, depending upon the nature of the initiative, if accommodation is required then the on-cost of $5777 will be factored as part of the costing.

Schools—libraries (Question No 1856)

Ms Hunter asked the Minister for Education and Training, upon notice, on 19 October 2011:

(1) In relation to staffing of Building Education Revolution (BER) libraries, how many (a) government primary, (b) government secondary and (c) joint-use schools have, in charge of their libraries, (i) dual qualified teacher librarians (teachers with a library qualification), (ii) teachers-in-charge of libraries (teachers without a library qualification), (iii) librarians (qualified librarians without teacher training), (iv) library technicians (qualified but not in teaching or librarianship), (v) library officers (unqualified officers), (vi) volunteers and (vii) unstaffed libraries.

(2) How many (a) new BER libraries have been built in ACT government schools and (b) refurbished government school BER libraries are there in the ACT.

(3) How many of the new BER libraries in government schools have, in charge, (a) dual qualified teacher librarians (teachers with a library qualification), (b) teachers-in-charge of libraries (teachers without a library qualification), (c) librarians (qualified librarians without teacher training), (d) library technicians (qualified but not in teaching or librarianship), (e) library officers (unqualified officers), (f) volunteers and (g) unstaffed libraries.

Mr Barr: The answer to the member's question is as follows:

(1)

a) For the purposes of this response specialist schools, early childhood schools and P-10 schools have been included in the 'primary schools' category.

i) Fourteen.
ii) Six.
iii) Nil.
iv) Nil.
v) Two.
vi) One.
vii) Nil.

b)
i) One.
ii) Nil.
iii) Nil.
iv) Nil.
v) Nil.
vi) Nil.
vii) Nil.

c) There are no BER joint use libraries.

(2)
(a) Seven
(b) Seventeen

(3)
(a) Five.
(b) Two.
(c) Nil.
(d) Nil.
(e) Nil.
(f) Nil.
(g) Nil.

Public service—executives (Question No 1878)

Mr Seselja asked the Chief Minister, upon notice, on 20 October 2011:

What is the total number of Chief Executives (Directors General) and Executives in the ACT Public Service employed at each level from 1.1 to 3.12.

Ms Gallagher: The answer to the member's question is as follows:

At 24 October 2011, the numbers requested for each level are:

Directors-General

Level	**Number**
3.10	6
3.11	2
3.12	1
Total	9

Executives

Level	**Number**
1.1	8
1.2	32
1.3	79

2.4	27
2.5	14
2.6	15
3.7	3
3.8	2
3.9	0
3.10	0
3.11	0
3.12	0
Total	**180**

Roads—construction costs (Question No 1880)

Mr Seselja asked the Treasurer, upon notice, on 20 October 2011 *(redirected to the Minister for Territory and Municipal Services)*:

What is the standard formula used by Treasury to estimate the cost of constructing a road.

Mr Corbell: The answer to the member's question is as follows:

There is no standard formula used to establish the cost of constructing a road. The cost estimate is dependent on the standard of road; the number of structures and services and the risks associated with the development and delivery of the project.

Health—funding (Question No 1882)

Mr Hanson asked the Minister for Health, upon notice, on 20 October 2011:

(1) In relation to question on notice No 1711, how is the Health Funding Envelope funded.

(2) Is the Health Funding Envelope met from a new appropriation or is it funded by another provision in the budget.

(3) If the Health Funding Envelope is not funded by a new appropriation, what line item in the ACT Budget are these expenses transferred from to "Government Payments for Outputs".

(4) Do the health measures met from the Health Funding Envelope impact on the budget bottom line when announced in the annual budget.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The Health Funding Envelope is funded from general growth in ACT Government revenue. The major sources of revenue for the ACT Government are Commonwealth Grants (including GST) and Own Source Revenues as detailed in the Budget Papers.

(2) Yes. The Health Envelope is funded each year from new appropriation as per the Appropriation Bill debated in the Assembly.

(3) Not applicable.

(4) Yes.

Health—chronic disease management (Question No 1888)

Mr Hanson asked the Minister for Health, upon notice, on 25 October 2011:

(1) What is the total budget allocation for Chronic Disease Management for the financial years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

(2) In relation to the total budget allocation referred to in part (1), what is the total amount spent through the non-government sector for the financial years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The Health Directorate does not budget for chronic disease management. Chronic diseases by nature are complex and cut across multiple programs.

Economic Development Directorate—consultants (Question No 1893)

Mr Seselja asked the Minister for Economic Development, upon notice, on 27 October 2011:

(1) Of the $12.8 million budgeted in 2011-12 for consultant's fees, how much of this funding is allocated to the LDA.

(2) Of the $5.6 million budgeted in 2011-12 for advertising, how much of this funding is allocated to the LDA and how much to ACT tourism.

Mr Barr: The answer to the member's question is as follows:

(1) Of the $12.8 million budgeted in 2011-12 for consultant's fees, $5.7 million is allocated to the LDA.

(2) The budget for advertising in 2011-12 is $4.58 million (not $5.6 million as quoted in the member's question). $1.45 million is allocated to the LDA and $2.95 million to ACT Tourism.

Schools—student suspensions (Question No 1894)

Ms Hunter asked the Minister for Education and Training, upon notice, on 27 October 2011:

(1) What number of students in ACT schools were suspended for (a) one day, (b) two to four days (inclusive), (c) five to 14 days (inclusive) and (d) 15 days or longer for the period (i) 1 February to 31 December 2010 and (ii) 1 February to 30 September 2011.

(2) In the case of any suspension in 2010 and 2011 for five days or longer, was the Department of Education and Training advised of the suspension.

(3) For the period 1 February to 30 September 2011 (a) how many of the (i) students suspended and (ii) parents or carers of the students suspended were engaged with the Suspension Support Team; (b) what support was given to students suspended who were not referred to the Suspension Support Team; and (c) how many of the (i) students suspended and (ii) parents or carers of the students suspended did not take up the offer to attend the Suspension Support Team.

Mr Barr: The answer to the member's question is as follows:

1) The number of students suspended in ACT Public Schools from 1 February to 31 December 2010 and from 1 February to 30 September 2011 is as follows:

	1 Feb - 31 Dec 2010	1 Feb - 30 Sept 2011
(a)	706	558
(b)	705	485
(c)	172	76
(d)	3	2

Please note that the same student may appear in more than one category as they may have been suspended several times with differing lengths of suspension.

2) Yes.

3) Between 1 February to 30 September 2011:

(a) (i) 26 students actively engaged with the Suspension Support Team
(ii) 25 parents/carers actively engaged with the Suspension Support Team

(b) Support provided to students who were not referred to the Suspension Support Team involved developing a plan in the suspension re-entry meeting to support the student engage in schooling. The plan is based on individual student need and can include referral to counselling, identifying a staff mentor, development of an individual learning plan to address learning difficulties, restructuring a student's learning program, a behaviour monitoring contract, referral to a community agency e.g. respite care, and referral to a small group to work on social skills or anger management.

(c) (i) two students who were referred to the Suspension Support Team did not actively engage.

(d) (ii) one parent/carer who were referred to the Suspension Support Team did not actively engage.

Arts—programs (Question No 1909)

Mrs Dunne asked the Minister for the Arts, upon notice, on 27 October 2011:

What is the breakdown of all Arts programs, including initiatives, run by the ACT Government and the budget allocation for each program for the years 2011-12 to 2014-15.

Ms Burch: The answer to the member's question is as follows:

Chart:

Funding Categories	2011-12	2012-13	2013-14	2014-15
	$'M	$'M	$'M	$'M
Key Arts Organisations (Arts Organisations supported in 5 year funding cycle to provide critical art infrastructure)	4.01	4.11	4.22	4.32
Program (Incorporated organisations presenting annual programs of activity)	0.34	0.34	0.35	0.36
Community (Communities working with professional artists)	0.06	0.06	0.06	0.07
Project (One-off arts activities and arts development projects for single applicants)	0.64	0.65	0.67	0.69
Out of Round (Professional Development opportunities with $2K maximum per applicant)	0.03	0.03	0.03	0.03
Start Up (Opportunities for emerging artists to undertake projects with $500 maximum per applicant. Assessment includes representatives from relevant KAO's)	0.01	0.01	0.01	0.01

Fellowships (Recognition of 1 significant artist per annum as Arts Fellow to undertake research, development and or presentation of their work)	0.05	0.05	0.05	0.05
Book Award (ACT Book of the year)	0.01	0.01	0.01	0.01
Poetry Award (4 Poetry Prizes)	0.02	0.02	0.02	0.02
Special Initiatives (Government initiated arts priority projects)	0.16	0.16	0.17	0.17
ANU Community Outreach Program	1.60	1.64	1.68	1.72
Canberra Glassworks	0.60	0.62	0.63	0.65
Belconnen Arts Centre	0.30	0.31	0.32	0.32
Total ACT Arts Fund	**7.82**	**8.02**	**8.22**	**8.43**

Government—community councils (Question No 1912)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011:

(1) What are the current contractual arrangements between the Government and the community councils and when do these contracted arrangements expire.

(2) What resourcing does the Government provide to the community councils for their community representation and engagement services.

(3) What discussions have there been in regard to further Government support – financially, administratively, or otherwise.

Mr Corbell: The answer to the member's question is as follows:

1) Two deeds for grants to the community councils are prepared between the Government and the. One is through the Chief Minister and Cabinet Directorate (CMCD), and a second through the Environment and Sustainable Development Directorate (ESDD), at the beginning of each financial year.

Prior to payment of the grant, community councils are required to formally acquit their previous financial year's funds, and provide an audited financial statement and a brief summary of their activities for the year to the Government. These funding arrangements are ongoing.

CMCD also coordinates public liability and voluntary workers insurance arrangements on behalf of the councils to ensure premiums are as cost effective as possible.

2) The Government provided each community council a total of $11,020 in 2010-11. Each year the amount is indexed against CPI.

3) The Government has held no discussions with the Councils in relation to further Government support. The deeds however provide for an opportunity to review the grants and arrangements between the government and the councils.
