



# Debates

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**Wednesday, 15 February 2012**

**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.

## **Animal Welfare Legislation Amendment Bill 2012**

**Ms Le Couteur**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MS LE COUTEUR** (Molonglo) (10.02): I move:

That this bill be agreed to in principle.

Today I present the Assembly with a bill to address animal welfare issues for companion animals here in the ACT. Although the bill I am tabling today is largely the same bill that was debated and unfortunately defeated in 2011, I believe that there is good reason to debate this issue again.

The problems that the bill addresses are simply not going away and they are simply not improving. According to their 2010-11 annual report, the RSPCA cared for 1,747 dogs and 2,842 cats; of these, 105 dogs and 825 cats were euthanased. Domestic Animal Services also care for lost dogs and they found homes for 92.6 per cent of the 1,397 suitable dogs that were presented to them. DAS euthanased 210 dogs in 2010-11. This makes 1,140 domestic animals—dogs and cats—euthanased in just one year. In addition, the number of animals euthanased by pet stores is unknown, as pet stores are not required to report this.

So each year we have a total of 5,986, nearly 6,000—or 16½ dogs and cats a day, and that is every day; I am not taking days out for weekends—which are being presented to DAS and the RSPCA. Some of these are lost and are quickly reunited with their owners. Thankfully, due to the hard work of the RSPCA, DAS and the hundreds of volunteers, most of them are rehomed. But over a thousand domestic dogs and cats are killed in the ACT each year. This is a tragedy and it is one that my bill seeks to address.

This is a bill that will improve the lives of animals in the ACT, in particular companion animals such as dogs and cats. When we debated this bill in May last year the government agreed “that there is benefit in reviewing the current arrangements for the breeding and the sale of dogs and cats within the ACT”. Unfortunately, the government have not reviewed the arrangements. Neither party offered arguments or amendments as to what should happen. They just voted the bill down. The government stated they could not agree to anything because they had asked the Animal Welfare Advisory Committee to look at the subject and that they would like to introduce a code of practice. This request was apparently made two years ago and there is still no public result of the request. Nor is there any result on a promised

discussion paper about broader companion animal issues, which I believe was first promised to be released by October 2010.

One of the issues that this bill covers is puppy farms or puppy mills. Puppy mills are commercial dog-breeding facilities which produce puppies for profit. The conditions in puppy mills have been compared to those of battery cage hens, as the breeding dogs are kept in cages or pens for their entire life, with the sole purpose of producing puppies for sale at pet shops, on the internet or even in overseas markets. These dogs can remain in cages for their entire life. Problems in puppy mills include over-breeding, lack of basic care or veterinary care, poor hygiene, lack of space and generally poor housing, lack of companionship, either human or canine, and lack of regard for animals' behavioural needs.

While no puppy mill has been convicted in the ACT, we are still connected to this practice because many puppies sold in the ACT were bred in them. While the ACT has done nothing about puppy mills, other jurisdictions are acting. Both the coalition government in Victoria and the Labor government in Queensland are acting against puppy mills. The Victorian legislation includes significant increases in maximum penalties for puppy farm operators, including a ban of up to 10 years for those who are found guilty of operating unregistered puppy farms or breaching the code of practice.

I would note that there is an Australia-wide movement against puppy farming. It includes the RSPCA and a whole host of groups which have come up focusing on this issue; they also usually focus on rehoming animals which have been abandoned as a result of this cruel trade.

In the ACT there are many ways to sell companion animals and they are not well regulated. Pet stores do not have to report where they are sourcing their animals from. They are not subject to a mandatory code of practice as to how they keep and treat animals. They do not have to say how many of their animals are euthanased and, while desexing is mandatory for adult dogs and cats in the ACT, puppies and kittens are sold without desexing. They may then go on to breed in an uncontrolled fashion, thus perpetuating the problem. Pet shops can advertise as they please, often promoting impulse buying, and they can sell to children.

As well as in pet shops, animals can also be sold at markets and fairs and, according to animal welfare groups, these are places where some unscrupulous breeders do sell pets. Breeders can also advertise as they choose in newspapers, flyers or on the internet. An analysis of the *Canberra Times* showed over 5,000 puppies and kittens offered for sale annually in the ACT.

In the ACT, cat and dog breeders are unregulated and do not need a licence. There are no checks on their premises. We do not know the conditions in which animals are bred, nor do the sellers of animals need to microchip or desex the animals they sell. This combination of an unregulated breeding environment and unregulated selling is ideal for bad breeders looking to make a quick buck by breeding and selling animals, with their only motive being profit. The result of having animals bred or sold in these conditions is that animals suffer and often have mental and physical development

problems. The lack of socialisation leads to behavioural problems, which in turn often leads to abandoned animals. Pets bought on impulse are also more likely to be abandoned.

The Greens would like to see every pet purchase as a planned purchase. When we have animals that are not desexed, as I mentioned, we will get accidental litters, and these tend to end up on our streets or in our shelters or pounds. The Greens believe that animals are sentient beings that should be respected, and this is why we support strong animal welfare policies. The ACT was a leader in animal welfare laws for a long time, but we are now lagging behind other jurisdictions. This bill is one way of turning this around.

The explanatory statement goes into greater detail of what the bill does, but in summary a key feature of the bill is a scheme for a mandatory licensing of breeders of cats and dogs to ensure that only licensed breeders may breed cats and dogs for sale. The new licence requirements will ensure that breeders in the ACT meet appropriate standards of animal welfare, do not exploit or over-breed animals and that the public, regulatory authorities and animal rescue organisations have a reliable guide to determine which animals are being bred in appropriate, ethical conditions. This part is similar to the new Victorian legislation in that it proposes regulation of puppy farm breeders.

A breeding facility must be inspected before it is awarded a licence. To get a licence it must meet strict ethical breeding criteria. These include specific requirements such as adequate opportunities for exercise and socialisation for physical and mental wellbeing, appropriate space and cleanliness et cetera, as well as consideration as to whether or not the breeders are likely to be able to find homes for all the animals they are breeding. The intention is to get rid of breeders, regardless of whether they are puppy mills or just small-scale backyard breeders, who compromise the welfare of animals.

As well as breeding, the other major area the bill deals with is the sale of animals. The bill restricts the selling of cats and dogs to a limited group of approved sellers. These are licensed breeders, animal welfare organisations and the government's Domestic Animal Services agency. There are exemptions for people rehoming a rescued animal or making a one-off sale of their own pet. The bill specifically bans the sale of cats and dogs from stores and markets, again with limited exceptions for animals being sold on behalf of animal welfare organisations and shelters. This, I believe, will encourage pet stores to establish relationships with animal welfare organisations and to facilitate the rehoming of abandoned animals.

Some pet stores already have moved away from selling cats and dogs on principle and they use this model. Regulating sales is important to ensure that the new breeder licensing legislation regime can be enforced. If selling is not regulated, pet stores or markets can continue to sell animals that have been bred in other states where breeding is not regulated. Another important reason to restrict sales is to reduce impulse buying of animals by not displaying animals for sale in store windows, which can also be stressful for animals on display, by provision of care information in advance and by not selling animals to children.

In terms of the care information, the bill introduces the requirement that when you sell an animal you need to ensure that potential pet owners are aware of what they are taking on when acquiring a pet. It is not just a cute ball of fur. Sellers need to provide care information which covers specific needs of different species and breeds of animals. Consumers who are not aware of the realities of caring for an animal are more likely to abandon that animal.

The bill also regulates advertising. It limits advertising to authorised or approved sellers. Again, there are exemptions for people rehoming rescued animals or making a one-off sale of their own pet.

Another advance in the bill is an improvement to the current system of microchips. The bill will require the original breeders of the animals to microchip the animal they breed and to record their own details in the chip. This will ensure that all cats and dogs can be traced back to their original breeders, something which cannot always be done at present. It is an important change which the RSPCA, as well as other welfare organisations, have asked for. If there are dogs or cats with actual medical problems, genetic problems, they can be traced back to the original breeder and thus the issue addressed.

The bill takes the important step of requiring desexing of dogs and cats at the point of sale. Of course desexing is already a requirement in the ACT for grown animals, but dogs and cats are typically sold before the age of mandatory desexing. Desexing stops unplanned litters and thus stops animals ending up at DAS or the RSPCA and it lowers euthanasia rates. Any cats and dogs which are sold below the legal age for desexing must be sold with a redeemable desexing voucher. As part of implementation of this bill it would be sensible for the government to help establish a list of veterinary surgeons who will redeem the desexing vouchers. The government could look to the Gold Coast, where the council has worked with vets to establish a network, and I understand it is working well.

As well as these specific requirements to improve trading in companion animals, this bill will improve the ACT's animal cruelty laws. The bill would increase the available maximum fines for animal cruelty and aggravated cruelty. Currently we have the lowest fines for animal cruelty in the country. The changes would make ACT penalty options consistent with other Australian jurisdictions and also make available a greater range of penalties for cruelty offences. The option to fine is important, as in practice jail terms are uncommon in animal cruelty cases. The maximum fine is also an important deterrent to bad behaviour for people whose cruelty offences are part of their business and who weigh up the ability to make profits with the risk of being caught and paying a fine.

Given the importance of reducing animal cruelty, there is a new requirement for vets to report suspected cases of animal cruelty to the authorities and a clarification to the animal welfare provisions around codes of practice. At present, many animal cruelty issues go undetected and thus unprosecuted.

One of the major complaints when I presented and we debated this bill last year was that we had not done enough consultation. In fact the Greens have spent a lot of time in community consultation on this. I began meeting with stakeholders early in 2010. At the end of 2010 I released an exposure draft of the legislation in the Assembly for community consultation. I received around 40 submissions during the consultation process. The version of the bill I presented last year was amended to reflect the submissions and other feedback that I received. The version today is essentially the same as the version last year, minus the work on banning sow stalls. It also creates a strict liability offence for the mandatory reporting of animal cruelty.

One of the reasons I am re-presenting this bill, why I am persisting with this bill, is that the majority of the feedback I received on it was very positive from both the community and experts who work in animal welfare. The RSPCA said, "The legislation proposes a comprehensive approach to animal abandonment problems, covering issues such as breeding, selling, desexing, microchipping and advertising." They went on to say that "in a lot of ways it mirrors the RSPCA's ideal policy on the breeding, sale and licensing of companion animals".

Other supportive submissions have come from Dogs ACT and the Animal Sanctuary Rescue and Foster Group, as well as groups outside the ACT such as the Animal Welfare League of Queensland, the National Desexing Network, Hunter Animal Watch, and Dogs Homes of Tasmania, which is that state's largest dog welfare organisation. Support for the bill has also come from a number of major NGOs that work on animal welfare and protection, such as Animals Australia and Voiceless, who have said that this bill, if passed, would constitute much needed reform in the area of animal protection in the ACT.

Since the bill was debated last year I have continued to receive a steady stream of supportive emails and phone calls on the subject. I will acknowledge that there has been some opposition to the bill from the pet industry but, importantly, not all the pet industry. There are parts of the industry who do take animal welfare seriously, who are already acting consistently with the bill and who are supportive of the ideas of the bill.

One issue with the legislation which has been suggested, particularly by some representatives of the pet store industry, is the possibility that, if the bill was passed and the sale of cats and dogs from pet stores was regulated, pet stores would be destroyed. There is absolutely no reason to believe that this will happen. A number of pet stores in the ACT already operate successfully just selling pet products and accessories. One is PETstock in Fyshwick and Belconnen, but there are other stores in Phillip and Belconnen. I am sorry; I probably should not mention a commercial name, but I just wanted to say that we were not talking about imaginary stores; they exist. It is the fastest growing franchise of its kind in the country and it does not sell animals anywhere in Australia. I think that might be slightly wrong; I think it might sell some goldfish, but it certainly does not sell cats and dogs. The argument that businesses would be destroyed if pet shops were not able to sell kittens and puppies is wrong, and these stores are proof of that.

The only interest groups I have not received any useful feedback from, unfortunately, are the Liberal and Labor parties and I would very much welcome feedback from these groups.

I was disappointed that my bill was not supported last year. In reintroducing it this year I am aware that the composition of the Assembly has changed, and hopefully the government's process is nearing an end. I am hopeful that the government is now, or soon will be, in a position to support real change in companion animal welfare. Of course I am aware that there is still considerable public interest in animal welfare.

The main reason I am presenting this bill again is that the problem of unwanted dogs and cats, unwanted animals, is still here in Canberra. We are, sadly, euthanasing over a thousand animals each year. This should stop, and if this bill is passed it would certainly reduce that number. I commend the bill to the Assembly.

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

## **Commissioner for the Environment Amendment Bill 2012**

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

Title read by Clerk.

**MR RATTENBURY** (Molonglo) (10.20): I move:

That this bill be agreed to in principle.

Today I am pleased to be tabling the Commissioner for the Environment Amendment Bill 2012. In summary, there are three primary elements to this bill. The first is that it inserts an objects section into the act. Secondly, it seeks to reflect in law changes that have already occurred in practice—namely, the expansion of the commissioner's functions to include sustainability monitoring and reporting. This expansion of functions has evolved over several years and has received support from both the government and the community, yet appropriate legislative changes have not been made, despite the government noting three years ago that they would be.

Thirdly, the bill aims to address loopholes in tabling and responding to the commissioner's reports. The current legislation lacks appropriate time frames for reports other than state of the environment reports to be responded to by the minister. It also enables the minister to sit on reports before tabling them in the Assembly. This is not compatible with the government's stated commitment to open government, and nor is it consistent with best practice environmental reporting or the furtherance of the ACT's sustainability goals.

In terms of the background of this, particularly on the expanded role, whilst the Commissioner for the Environment legislation has not kept pace with the evolving nature of environmental matters in the territory, practical discussion and steps to expand the commissioner's role have been unfolding for several years. It helps to



summarise this evolution in order to highlight just how outdated the legislation has become.

In 1993 the Commissioner for the Environment Act created the position of Commissioner for the Environment. Under the act, the commissioner's functions centred on the investigation and monitoring of environmental management issues within the territory.

In 2003-04 an independent review of the office recommended that the government consider assigning responsibility for sustainability reporting to the commissioner and changing the title of the office and position to reflect this expanded role. The review also found a high level of regard for the commissioner's work and recommended that resources for the office be increased. Whilst the review was endorsed by the government, no additional resources were provided to the commissioner.

Since the act was introduced in 1993 numerous legislative, institutional and structural changes have occurred which are relevant to the commissioner's functions and which extend the boundaries of traditional "environmental issues" to encompass broader sustainability matters, in which economic, environmental and social sustainability overlap.

These changes include the enactment of the Environment Protection Act 1997, which defines "environment" broadly; the enactment of the Public Health Act 1997, requiring the Chief Health Officer to prepare biennial community health reports; and the enactment of the Auditor-General's Act 1996, which requires the Auditor-General to, where indicated, account for ecological sustainability concerns when conducting performance audits.

The fourth area of change has been the government's commitment as part of its 2009 sustainability policy to monitor and report on progress towards sustainability goals in each term of government. Finally, there has been the establishment of other independent entities, including the Flora and Fauna Committee, the tree adviser and Natural Resource Management Advisory Committee, to provide advice on and investigate matters related to the environment. Despite the implications of these developments for the commissioner's functions, no legislative changes have been made to account for their presence.

In August 2007 a further review of the commissioner's role was undertaken, this time by former commissioner Mr Darro Stinson, who recommended that the commissioner be involved in reviewing government agency sustainability action plans. In September 2007 the government announced that the commissioner's role would be expanded to explicitly include sustainability, that the position would become full time and that further work in defining the role and any required legislative changes would be pursued.

In November 2007 the Assembly noted that the government would amend the legislation to reflect the commissioner's expanded role and that it would consult widely on the scope of legislative change required. Throughout 2008 and 2009 an extensive process of community consultation took place, led both by the government

and by then commissioner Maxine Cooper. Whilst the feedback unanimously indicated that the role should be expanded to include sustainability matters, no legislative changes were made.

Despite this absence of legislative change, the extent of the commissioner's sustainability-related work has grown. The past four state of the environment reports have all contained chapters on sustainability and have used the national headline sustainability indicators, whilst the 2007 report included an update of the ACT's ecological footprint.

In short, the ACT government has, since the commissioner's office was enacted, increased the scope of its sustainability work. A considerable portion of this work has been assumed by the commissioner and, in recognition of this, the government and community have been in agreement for several years now that the commissioner's functions should be expanded in practice and law to include sustainability matters. That the legislation has not been updated to parallel these changes is an oversight addressed by this bill.

I would now like to turn to the background to the tabling and response requirements, because the second area that the bill seeks to resolve is the presence of loopholes within the act relating to the tabling of and responses to the commissioner's reports. Under the existing legislation, all reports produced by the commissioner are tabled in the Assembly via the minister within 15 days of their being presented to the minister. However, this procedure has contributed to significant tabling delays.

A recent example is the case of the commissioner's audit of government environmental performance reporting. Presented to the minister in October 2010, this report was not tabled in the Assembly until 6 December 2011, 13 months later. The report revealed significant inconsistencies and inaccuracies in government agencies' environmental monitoring and reporting procedures, and yet 15 months since its completion none of its recommendations have been responded to.

Similarly, a range of reports regarding the expansion of the commissioner's role have been prepared over the past several years. However, these have not been tabled in the Assembly. Had these reports been tabled, the legislation may have been amended sooner to more accurately reflect the commissioner's expanded role. By imposing more stringent tabling obligations upon the minister, these delays are more likely to be avoided.

The current act also lacks comprehensive requirements for the minister to respond to reports from the commissioner. A six-month response time frame is required only for state of the environment reports. Time frames for all other reports are not specified. This effectively enables the minister to ignore any findings and recommendations made by the commissioner which are made outside the state of the environment reporting framework.

As it currently stands, the Commissioner for the Environment Act is not consistent with the government's stated commitment to the principles of open government. It is similarly inconsistent in ensuring that the findings and recommendations made by a

statutory authority bestowed with such important functions are appropriately followed up.

Turning to the specifics of the bill, in relation to the expanded role, the bill seeks to appropriately reflect the commissioner's sustainability functions in a number of ways. It amends the name of the office and commissioner to the Commissioner for Sustainability and the Environment. It inserts an objects section, absent from the current act, which clearly outlines that the commissioner is bestowed with functions to monitor, evaluate, report and educate on issues of ecologically sustainable development in addition to environmental management issues.

It also requires the commissioner to address within the state of the environment reporting framework specific sustainability criteria, including the evaluation of, firstly, the territory's resource use and the impact of this upon the ACT's biodiversity; secondly, the total quantity of waste generated and recycling undertaken by the territory; thirdly, the government's carbon neutrality efforts; fourthly, the government's use of sustainability decision-making tools; and, finally, the ACT's progress towards sustainability goals.

Improving the tabling procedure for reports, the bill requires that state of the environment reports be tabled in the Assembly not by the minister but by the Speaker on the sitting day immediately after they are received. As for reports on investigations commissioned by the minister or initiated by the commissioner, otherwise known as special reports, the bill requires that these still be presented to the minister rather than the Speaker. Maintaining this procedure recognises that the minister will have initiated a number of these reports, hence it is appropriate that they be given to him or her in the first instance.

That said, the bill requires the minister to table special reports on the very next sitting day after they were received rather than 15 sitting days later, as is the current requirement. This is to ensure equal access to all members of the Assembly, creating greater transparency around reporting procedures and removing the potential for information to be overlooked. Further, if the Assembly is not sitting at the time a special report or state of the environment report is received, then the bill requires the Speaker to provide copies to all members of the Assembly in a similar way to how Auditor-General's reports are circulated.

As for reporting procedures, the bill sets mandatory six-month time frames for all reports to be responded to, including special reports. Judging six months to be ample time in which to respond to any report prepared by the commissioner, the bill also removes the existing option for the minister to submit an explanation of why a response has not been provided within this time frame. As such, it seeks to ensure that reports are responded to in as timely a manner as possible.

In conclusion, this bill is the legislative fruition of several years of discussion, consultation and evolution of the commissioner's functions and reporting procedures. It simply reflects in law what the commissioner is already doing in practice and it strives to strengthen the commissioner's work through the removal of legal loopholes which could otherwise result in such work being overlooked. This bill is a reflection

of the times; a reflection of the fact that triple bottom line sustainability considerations can no longer be omitted from the work of any environmental authority, and that sustainability monitoring and reporting is critical to ensuring the realisation of our sustainability goals.

I look forward to discussing this bill with the other parties in order to achieve the improvements that are necessary for the legislation governing the commissioner, and I commend the bill to the Assembly.

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

## **Crimes (Offences Against Police) Amendment Bill 2012**

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

Title read by Clerk.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.31): I move:

That this bill be agreed to in principle.

In August last year I presented to the Assembly and the community an exposure draft of a very important bill that addresses a very important and increasingly troubling issue. At the outset I want to remind the Assembly what this bill is about. It is about headlines like “Another attack on police” from July last year. It is about revelations that police officers in the ACT are being assaulted at a rate of nearly one a week or situations such as the police officer who was grabbed in a headlock and hit repeatedly. It is about stories like the one entitled “Another weekend attack on police” from last August. It is about saying “enough”. It is about recognising the unique difficulties faced by our police, the extraordinary courage we ask of them and our responsibility to offer exceptional protection for them as recognition of the exceptional protection they provide to the community.

There has been much discussion about this matter before in this place. There have been legal and constitutional debates. There have been bills and motions. What I want to address today is a reality, and that reality is that the current laws are not working. We can tell from the reports in the media and from our interactions with police officers that the current laws are unworkable or ineffective.

Presently there is only a choice of assault upon a commonwealth officer, which is technically difficult to raise and practically impossible to establish, or there is common assault, which is easier to establish but has been shown through precedent and application that it amounts to charges and sentences that are inadequate. It sends the message that an assault on a police officer is a less serious offence.

We do not believe an attack on a police officer doing their duty is a less serious offence. We need to send a message that this Assembly treats assaults on our officers as a very serious offence. This bill does that. It does it reasonably and sensibly and does, I feel, strike the right balance between the message we want to send and the issues that have been previously raised.

One of those issues is that this bill will create a special class of victim. The Canberra Liberals believe that, in certain limited circumstances, the creation of a particular offence for particular assaults is justified and necessary. In fact, the territory has already passed legislation relating to aggravated offences with respect to pregnant women. These aggravated offences were created in recognition of the fact that, according to that bill's explanatory statement, some forms of crime are worse than others. Knowingly attacking a police officer when they are doing the job we require them to do is something we should be telling the community is different and will be treated seriously.

It is also important to note that the bill adds to the list of options available to the courts. These are not mandatory offences. They are available options. They are options that are simply unavailable to the courts currently. Therefore, the bill intends to create a full suite of options. This bill gives the courts the ability to judge each case on its individual merits and act accordingly, again reinforcing a balanced, reasonable solution rather than the simple but inadequate or adequate but unworkable options which are available now.

Importantly, the legislation is balanced by the provision that the offence is not an aggravated offence against a police officer if the defendant proves, on the balance of probabilities, the defendant did not know and could not reasonably have known that the person was a police officer. Therefore, this bill adds to the options a court can use. It does not insist on any outcome in any particular case and it provides for exceptions in appropriate cases. It is a reasonable change but a necessary one.

The police do and are required to do what others cannot or will not do. They put their own bodies, their own safety, their own health on the line so that the rest of us can walk the streets safely. It is necessary that we recognise that unique request that we make of our police, to get in harm's way when the rest of us can walk away. It is necessary to stand up for justice and order when others are intent on assault and violence. The police do all that is asked of them and more. And all they ask of us, when they have been assaulted, is that the perpetrator face an appropriate penalty. Today we seek to redress that wrong.

Currently we, as legislators, have let them down. We have sent them out into the streets without the full protection the law can and should provide. I want to send the message that we, as a community, stand by our police as they stand up for us. It is not just a run-of-the-mill occurrence when you attack a police officer. It is and will be treated as a very serious matter.

I am very proud of the work our police officers do and I am very proud to bring forward this bill that in some small way shows some recognition, respect and protection for the job our police officers do. I hope this bill gains support in this Assembly from across the spectrum. The protection of our police should not be a matter for politicking but a matter of priority. I commend this bill to the Assembly.

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

**Public Advocate (Official Visitors) Amendment Bill 2012—  
exposure draft  
Papers and statement by member**

**MS BRESNAN** (Brindabella), by leave: I present the following papers:

Public Advocate (Official Visitors) Amendment Bill 2012—

Exposure draft.

Explanatory statement to the exposure draft, dated January 2012.

I seek leave to make a brief statement, noting some of the key proposals in the bill which are highlighted in the discussion paper which accompanies the exposure draft.

Leave granted.

**MS BRESNAN:** The key proposals of this bill, the Public Advocate (Official Visitors) Amendment Bill 2012, are to ensure the independence of official visitors by having them resourced and located within the Office of the Public Advocate rather than the current scenario where official visitors are resourced by the directorates they investigate and to ensure all official visitors address complaints in a manner that is considered to be best practice, by standardising for all official visitors the current requirement of the Official Visitor for Children and Young People, as set out in the Children and Young People Act 2008. This is one issue where we have received some feedback and I flag that it is something we are considering in what will be the final draft.

It will create two new categories of official visitors—an official visitor for people with disabilities and an official visitor for people experiencing homelessness. It will also ensure there is an official visitor for children and young people specifically and for children and young people of Aboriginal and Torres Strait Islander descent and ensure there is an official visitor for corrections, especially for detainees of Aboriginal and Torres Strait Islander descent. Currently these two areas are not guaranteed in legislation but through policy, and we feel we need to have those assurances that they are guaranteed.

It will expand the role of the official visitor for mental health by tasking that person with the oversight of people who are experiencing a mental illness and are under a community care restriction order and are in facilities run by non-government organisations, including step-up, step-down facilities or other places of long-term supported accommodation, and increase the level of certification and safety of disability accommodation places.

The Greens have already received a number of submissions on the exposure draft and have met with the Human Rights Commission, the Public Advocate and the current official visitors. We have also met with the government and have offered to discuss the bill with each of the relevant Liberal spokespeople. We look forward to having these discussions on the bill with both the Labor and Liberal parties and also continuing discussions with the community about this bill.

## **Hospitals—nurse-led walk-in centres**

**MR HANSON** (Molonglo) (10.41): I move:

That this Assembly:

(1) notes:

- (a) that in 2008, Katy Gallagher promised that if elected “ACT Labor will establish three new walk-in centres”;
- (b) that this promise has not been fulfilled and only one walk-in centre has been opened, located at The Canberra Hospital (TCH);
- (c) that, on 12 December 2011, Katy Gallagher announced that if re-elected in 2012, her government “will expand the nurse-led walk-in centre model to Belconnen and Tuggeranong”;
- (d) that the public and the media were falsely given the understanding that “two new” centres were in addition to the current facility at TCH;
- (e) that, after questions were raised, Katy Gallagher subsequently admitted on 23 December 2011 that her preferred option is to close the existing nurse-led centre at TCH;
- (f) that Katy Gallagher’s stated fallback option to closing the TCH centre is to provide only lesser “satellite” centres to Belconnen and Tuggeranong;
- (g) that the funding for the existing centre at TCH has been provided by the Commonwealth only until financial year 2013-2014;
- (h) that, on 12 December 2011, Katy Gallagher announced funding to be \$10 million over four years, sufficient to fund only one additional centre; and
- (i) that, in order to fund two centres for four years, an additional \$8.9 million would be required from 2014 that has not been identified in the policy announcement; and

(2) calls on the Minister for Health to:

- (a) clarify what her nurse-led centre policy is and what it would cost in full;
- (b) explain to the Assembly why on 12 December 2011 she misled the media and the public by concealing the fact that as part of her policy she intends to close the TCH walk-in centre;
- (c) explain how two walk-in centres would be funded over the four years, given the Commonwealth funding finishes in 2014;
- (d) assure the Assembly that future election promises will not be so misleading, will not omit major aspects of the policy and will be fully funded; and

- (e) apologise to the Canberra community for breaking her 2008 promise of “three new walk-in centres”.

I rise today to talk about the Labor Party’s first election promise of the 2012 election that was made on 12 December last year. I want to make the case that what we are seeing here is a rehash of a broken election promise from 2008. When the election announcement was made, it was made in such a way that it was utterly disingenuous and gave the deliberate impression to the media and to the community that something was happening that was not.

There was a significant omission and the omission was that Katy Gallagher plans to close the current walk-in centre. I also want to know where the money is coming from for this, because that has not been made clear in the election announcement. She needs to point to where the entire funding will come from for this proposal.

The first element of this is that this is a broken election promise from 2008. I refer members to the Labor Party website and the health policy from the Labor Party back in 2008. I refer to page 6 of that election policy statement. What it says is “ACT Labor will establish 3 ‘new walk-in centres’”. It goes on to refer to the first one opening in 2010 to fill the gap in the provision of health services, blah, blah, blah. Let me reiterate: “ACT Labor will establish 3 new ‘walk-in centres’”.

They did not, they have not and they will not. As I will show you later, they do not intend to ever establish three new walk-in centres. What we saw in 2008 was a promise that has not been delivered and will never be delivered by the ACT Labor government. It is a broken promise. It is no different from the broken promise that we saw in relation to the secure adult mental health facility.

The health minister has just arrived. I do not know if you heard me quote from your promise in 2008, health minister, where you said, “ACT Labor will establish 3 new ‘walk-in centres’.” I just reiterate the point that, no, you will not and, no, you have not. Your promise has not been delivered. You have delivered one and you do not even intend in the term of the next government, if you were to be re-elected, to open three.

It is no different from the secure adult mental health facility, which was also promised in this document. It is no different from the misleading statements that you made that all your plans are on the table, while at the same time you had written to the Little Company of Mary asking for a heads of agreement to be signed on 20 August 2008. Before the ACT election, you said that you wanted a heads of agreement signed before the caretaker period. Again, another broken promise, another mislead from this health minister.

Then what occurred was that on 12 December, in announcing all the new candidates, of whom one, as we know, was Ms Gallagher’s health adviser, Ms Gallagher made the commitment that she was going to expand the nurse-led walk-in centres to Belconnen and Tuggeranong. She said that she had worked hard to deliver innovative solutions in health.



She raved on at great length about the wonderful service that has been provided at the Canberra Hospital walk-in centre. This was not just one simple statement. She referred to health care where you need it and to two new nurse-led walk-in centres for Belconnen and Tuggeranong. She said that they were going to expand the health service. This is on Katy Gallagher's website. There are 570 words about how they are expanding the service and that there were going to be two new centres.

We saw this on ACT Labor's website—that they are going to expand the service. We saw it in the press release that was put out. We saw it all over the place. In every single one of Katy Gallagher's statements to the media, in all her discussion on that day when she announced her new team, all of the talk was about two new centres and expanding the service.

There was not one single comment, not a single one, that they were actually going to close the one at the Canberra Hospital or that these two new centres were actually going to be half centres. They were not going to be like the one at TCH. They were just going to be half centres.

All of the media—and I have spoken to lots of people in the media—and certainly the community were under that impression. I said, "She has promised \$10 million for this, but two new centres cost about \$10 million each. They should cost \$20 million. So where is the missing centre?" They all thought that there were going to be three walk-in centres as a result of this. They were misled—totally misled, Mr Speaker.

My understanding is that the media then went back to her and asked: "Is it your intention to close the walk-in centre at the Canberra Hospital? What is going on? Why did you not say that? Why did you not say that on 12 December?" Katy Gallagher's response was, "No-one asked me." She said, "No one asked me."

She went out on 12 December trying to give the impression to the community that she was going to keep her promise from 2008, that there were two new centres. She raved on about the current centre and she omitted from all of those statements, from her press release, from the Labor press release, from what she said to the *Canberra Times*, to the ABC, to WIN news, to 2CC, to the FM stations the fact that her policy also includes her plan to close the current centre.

At best, you do not get two new centres. What you get is one new centre and one centre relocated from the Canberra Hospital to either Tuggeranong or Belconnen. The media then dug this to ground. They asked, "Is this true?" They spoke to Katy Gallagher. It turns out that it was true. Peter Jean in the *Canberra Times* found this out and said, "Govt could shut hospital's walk-in centre." The article stated:

Chief Minister and Health Minister Katy Gallagher wants to close the popular nurse-led walk-in clinic at The Canberra Hospital when two more centres open at Belconnen and Tuggeranong.

Ms Gallagher announced last week that a re-elected Labor Government would provide an additional \$10 million over four years ... to support the expansion of the walk-in clinic services.

Oh, dear! The article continued:

Ms Gallagher said it made sense not to have a walk-in clinic on the hospital grounds ... “There are a couple of options—you could move it off-site and have two \$5 million clinics—

that is half clinics; if a clinic costs \$10 million, then \$5 million is half a clinic—

or ... you could keep the Canberra Hospital going ... My own view is that’s not the preferred model.”

That is not the preferred model. No, she wants to move it. She wants to close it down at the Canberra Hospital. That was Peter Jean in the *Canberra Times*. “Walk-in clinic election promise ‘misleading’” was the title of the ABC media report. Again, it litigated the point that although Katy Gallagher had been out there spruiking the expansion of the service, she had omitted the little detail that she was going to close down the centre at the Canberra Hospital. Whoops! You would have thought that that might have been a pertinent detail that she would have put forward.

How about another media report? “ACT government backtracks on walk-in clinics.” Mr Speaker, what has happened here is that the government promised three walk-in centres at the last election. It was a black and white election pledge. They delivered one. They then tried to say to the public: “We are expanding the service. Here are the two new ones.” It turns out that two new ones are not two new ones. It is one new one and one relocated—or if Katy Gallagher gets her way, what she gets is two half clinics. There are two half clinics, because they only cost \$5 million.

These are words in black and white. This is the health minister we are being asked to trust—“Trust me. I never tell a lie.” This is a health minister who told us that we would have a secure adult mental health facility. It does not seem to bother Ms Bresnan. She is always talking about the need for mental health services, but she just lets that one slip. She does not hold Katy Gallagher to account.

Then we have the issue of funding, of where the funding is coming from. This is another question that I have. I will quote from the press release from the federal government when this was opened:

The Rudd Government has provided \$10 million in recurrent funding for the first four years, while the ACT Government has provided \$2.175 million in capital funding.

When you look at the budget papers, you see that Katy Gallagher did not release any costings on this. They demand all this sort of information from the opposition. We have got to go through the wringer if we put anything out. There is the demand for scrutiny. But there is nothing, absolutely nothing, in terms of costings. It was just, “It is \$10 million.” That is how we have worked out that it is actually one centre, not two.

The funding from the commonwealth goes, based on the press release, until 2013-14. In that year there is not the full amount. It is about half the amount. So I have a

question for Katy Gallagher. I believe she said that it is in the forward estimates. I look forward to seeing where that is because she has not provided it in any of her documentation that came out with this policy announcement. It is a paper-thin policy announcement based on a broken promise.

Where is that in the forward estimates? Perhaps it is, but it is buried, if it is there at all. I have looked through the budget lines and I cannot see it. I invite her when she speaks to explain in detail where that funding is. I look forward to seeing that because, as I said, it was missing, utterly missing, from any of her documentation she released on 12 December.

I think that what I am asking the minister to do today is pretty reasonable. What am I asking her to do? I am asking her to explain why on 12 December she misled the community. I am asking her to do a number of things. Firstly, I think it would be nice to know what the policy is. Is the policy to have one at the Canberra Hospital and two satellites? Or is it to have none at the Canberra Hospital and two in Belconnen? Are they going into the health centre or are they going into the community?

I ask members to imagine what would happen if I released a policy that was that vague. Can you imagine the response from Katy Gallagher if it was that vague? Can you imagine what she would say? She would be up in arms.

*Members interjecting—*

**MR HANSON:** And the Greens—the Greens chirp up; they would be supporting it because they love Katy Gallagher.

*Members interjecting—*

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

**MR HANSON:** Then what happens is that on 12 December she misled the media and she misled the community. She went out and she said nothing. She said that there would be two new centres, without any mention of the one at the Canberra Hospital being closed down.

She could explain why the health minister and Chief Minister went out and omitted that from the policy. Why did you? Why did you forget to mention that, minister? I look forward to hearing from you, because when I spoke to the media they felt that they had been lied to. I spoke to members of the media and they felt that they had been lied to, that they had been conned. You need to explain why it is that you went out and said something about a policy and omitted about a third of the policy announcement.

Then I would ask you, if you could, to show us where the funding is that goes from 2013-14, which is only part funded. I would ask you to show me in the forward estimates, the budget line in the budget papers, exactly where that funding is of approximately \$8.9 million that takes it through for the four years of this election commitment that you have made.

What I am also asking Katy Gallagher to do, and I think that this is also reasonable, is to assure the Assembly that future election promises are not misleading, because this was. It misled the community. The *Canberra Times* picked it up. They ran a story. The title of the ABC report was “Walk-in clinic promise ‘misleading’” and “ACT government backtracks on walk-in clinics”. The *Canberra Times* title was “Government could shut hospital’s walk-in clinic”.

They would not have run that story if it was not a big surprise to them. That ran for about a week and a half or two weeks after the 12 December announcement. It is pretty clear that the media had been fooled by Katy Gallagher, had been conned by Katy Gallagher because they made the mistake that a number of people in this community make. They trusted her.

We have grown a bit wise to her antics here in the ACT Assembly. We know that when she says something it is not necessarily so. But there are people in the media now that probably know when she makes future election commitments to be a little bit more sceptical.

I think that she should do something when she makes future promises. I am happy to agree with this; I think that we should all agree to this. We should assure the Assembly that we are telling the whole truth, that we are not omitting bits of policy announcements. I think that is a pretty reasonable thing to be asking. When you make an election policy you should show us where the money is. Show us where the money is coming from so that we are not scurrying around having to dig things up. If you are saying it is funded, show us where it is funded. I think that is pretty reasonable.

Finally, what is quite clear out of all of this is that she has broken the policy from 2008. She promised this community three walk-in centres. She has delivered one. So that is a broken promise before you even start. Then what we now know is that if she is re-elected, all this community is going to get is two walk-in centres or one and two half centres. Whichever way you look at it, she broke the promise and she should apologise.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.56): The government will not be supporting Mr Hanson’s motion today. I have circulated an amendment which I now move:

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

“(1) notes that:

- (a) in the lead up to the 2008 election, the Labor Party committed to establishing three walk-in centres;
- (b) since that time, extensive consultation and negotiation has taken place with the relevant stakeholders and professional bodies to develop an acceptable model;
- (c) in response to that consultation, the Health Directorate implemented the first walk-in centre located at The Canberra Hospital (TCH);

- (d) the Government committed to reviewing the service after one year and released the independent evaluation of the walk-in centre in August 2011;
  - (e) based on that evaluation, the Minister for Health announced on 12 December 2011 that, if re-elected in 2012, her Government would establish nurse-led walk-in centres in Belconnen and Tuggeranong;
  - (f) funding for the existing centre at TCH has been provided by the Commonwealth until part way through financial year 2013-2014; and
  - (g) the ACT Government will take over funding in full from 2014-2015 and has accounted for this expense in the forward estimates; and
- (2) calls on the Health Minister to:
- (a) clarify what her nurse-led centre policy is and what it would cost in full; and
  - (b) explain how the walk-in centres would be funded over the four years given the Commonwealth funding finishes in 2013-2014.”.

The amendment notes that in the lead-up to the 2008 election the Labor Party committed to establishing three walk-in centres. That was the commitment, and we intend to deliver on that. Indeed, I believe over time, as the walk-in centre model is embedded in the community, we will examine future opportunities for further walk-in centres based on appropriate geographic location and suitable consultation with the necessary health professionals.

Since that time we have undertaken extensive consultation and negotiation with relevant stakeholders and professional bodies to develop an acceptable model. As Mr Hanson would be aware, this is a new model of care that has not altogether been embraced by some of the professional bodies that work in the health system. That consultation and negotiation is crucial to any successful expansion of the nurse-led walk-in centre.

In response to health professionals’ concerns, a walk-in centre was opened at the Canberra Hospital. As was said at the time, this was not the preferred location for the walk-in centre as these centres have been very successful in community-based settings, but in order to deal with some of the concerns of the professional bodies it was felt that the walk-in centre could get up and running at the Canberra Hospital site.

As part of that we committed to reviewing the service after one year and we have indeed released the independent evaluation of the walk-in centre in August 2011. Based on that evaluation and, I think, the extensive feedback that we have been provided by the community, I announced on 12 December that, if re-elected in 2012, we would establish nurse-led walk-in centres in Belconnen and Tuggeranong. We made some funding commitments around that, as outlined in our policy statement.

Funding for the existing centre at Canberra Hospital has been provided by the commonwealth until partway through the financial year 2013-14. It was always intended, and indeed if Mr Hanson had actually shown up at the briefing that we had on growth funding—

*Mr Smyth interjecting—*

**MS GALLAGHER:** The head of Health, the head of our finance area and I turned up for a meeting on growth funding in health which Mr Hanson did not come to—and he did not provide any notice that he was not coming—to explain how growth formula works because, indeed, it was one of the embarrassing slip-ups, one of many, in the previous 2008 campaign where the Liberals did not understand how the growth formula worked. They did not allocate \$200 million of the growth funding because they did not actually realise that it compounded over the forward estimates period.

It was always intended that the ACT government, through our allocation of growth formula, would take over the funding in full for the nurse-led walk-in centre. This expense has been accounted for across the forward estimates and, indeed, that information is provided to the Assembly through the budget process every year. We have made some commitments. We are very proud of them. The service opened its doors in May 2010 and, by the end of January this year, the walk-in centre has seen a total of 27,016 Canberrans, which I think is very strong evidence of good community support. That is certainly the feedback that we got through the evaluation.

One of the reasons we did not establish more than one walk-in centre immediately was in response to some of the health professionals' concerns—the fact that they wanted it evaluated and they wanted to get the model of care right. Our commitment to walk-in centres remains. It is strong and we have been the supporters of this. Indeed, the ACT government has led this initiative across the country. There are no other publicly led, nurse-led walk-in centres anywhere in Australia. We have been the ones to champion it and we will be the ones that take it out to the community.

In terms of the decisions that will be taken about the Canberra Hospital walk-in centre, those decisions have not been taken. They will be taken, but they will be taken in consultation with the professional bodies and staff who work in the walk-in centre over any amendments to the walk-in centre model. Those amendments may include scope of practice. Some of the feedback we have had is that the scope of practice is restrictive for nurse practitioners—that it is really an advanced practice nurse model. So we need to take some decisions about, when we move this to the community, are they going to be advanced practice nurse models or are they going to be true nurse practitioner models? Those discussions need to occur.

From my discussions with general practice, following the announcement of our intention to expand into the community—and we understand that this is a challenge for GPs in terms of understanding how they fit into the integrated model of primary health—the GPs want to be involved in those decisions and in talking with us about the opportunities there. So yes—to answer Mr Hanson's questions—there is the opportunity to have the nurse-led walk-in centres operating out of the community

health centres. Scope has been built into the design of those health centres in Belconnen and Gungahlin for the provision of primary healthcare services. We have done that.

However, it may be that a GP comes to us and says, “We would actually like to have this service provided alongside our clinic.” I have said back to the GPs that the three requirements for me are that they are open seven days a week, that they are open extended hours and that they are free of charge. We are not going to be supplementing a service within general practice that does not provide those key requirements of the model that has been successful.

If it turns out that that is the way that GPs in that area would find the model acceptable, the government is open to that. If, however, we cannot reach agreement with the local GPs about how to integrate it into their own service provision then there is the opportunity for the government to operate them by ourselves in the community health centre and the provision we have made there.

In relation to the costings of the centre, the Canberra Hospital centre is roughly a \$10 million operation. However, our intention was not to replicate exactly that model in the community, because you would not need a lot of the senior management that is provided and embedded in those costs at any clinic that ran outside that. In a sense, we are paying fixed costs for senior management and, therefore, the costings for the new centres have been based on the fact that we would be funding the front-line staff only. Those backend supports—the senior management, the clinical governance; all of those things that are embedded in the costs of the Canberra Hospital—are being met through the one at the Canberra Hospital.

There is no funding black hole. The requirement would be that it operates seven days a week, from 7 am until 11 pm, and that it is free of charge for the community. That is the way the Canberra Hospital model runs and that is the way that it will run in the community. As I said, if it can run alongside general practice and supplement the services that they provide—because we know that there are some benefits from having it next to pathology and imaging: that certainly came out through the evaluation—well and good. General practice, Medicare Local and the government are all working together to look at the best way of providing primary health care.

The model has not been determined. I have had some good meetings with general practice already about some possible ideas that they have about how they could integrate the nurse-led model into the services they already provide in those community settings. Those discussions will continue before we make a final decision. But, at the end of the day, what the government is saying is that we want out-of-hours access for low acuity conditions, seven days a week, free of charge in a community setting. That is what the policy outlines and that is what we will deliver.

In relation to the Canberra Hospital walk-in centre, as members would know, where they are currently located is very much part of the redevelopment of the hospital. That area where they are, in the future—several years down the track—will form part of a construction site. So there will be a need to move that centre. If the decision is taken not to have that centre in operation but perhaps move that to the Phillip health centre then that is an option before us as well, but none of those decisions have been taken.

I can tell you that what we are doing here is doubling the resources going into nurse-led walk-in centre facilities across the ACT. A total of 27,000 people have already used this facility. The feedback from them is extremely positive. We need to look at the appropriate model of care and how it operates. We need to seriously answer whether it is a nurse practitioner model or an advanced practice nurse model. But the funding is there to see it continue as it is, and we will provide more funding—in fact, double the funding—to increase the provision.

In terms of Mr Hanson, who is so capable of coming in and spraying and pointing the finger and complaining, we wait. We do not hold our breath because that would have serious health consequences, but we wait for the first policy announcement from him in the Health portfolio. He is very quick to complain and very quick to point the finger, but indeed three years down the track he has no ideas about what they would do—none at all.

When he comes in and talks about vague promises—and he can put his own spin on that—our promises are very clear: doubling the funding that is currently going in, expanding the provision into the community centre, into the community, and actually working with health stakeholders about how you best spend this money to deliver what you want—what a shock that must be to the Liberal Party—and then taking some decisions based on that.

Mr Hanson, in terms of whether that is vague, there is a lot more detail about that than any idea that you have ever had in this place in relation to health. We wait with bated breath for any idea. Indeed, on the issue of the nurse-led walk-in centre, a model that is so popular in the community, I think Mr Hanson's real gripe is that he did not get in first. He did not get in first to actually promise the expansion of such a popular service that has been innovative. It is the first one that has ever opened in Australia to provide that level of care, to give nurses the opportunity to expand their scope of practice and to actually deliver services in an autonomous fashion with the opportunity to grow that.

This is what we have done. It has been hard because it challenges the status quo of the health system, and the politics within it are complex. But we have no doubt that if we work in partnership with general practice in the north and south of Canberra, we will come up with a very efficient, effective new service for access to primary health care out of hours and free of charge for those presenting with low acuity conditions. I would support the amendment that I have moved. The funding provided is in full in the forward estimates.

**Mr Hanson:** No, it is not.

**MS GALLAGHER:** Yes, it is, Mr Hanson. If you had actually turned up—

*Opposition members interjecting—*

**MS GALLAGHER:** I cannot help you if you do not understand how the growth in health funding is actually presented across the forward estimates. It is there. Perhaps if



you had given us the courtesy of your presence at that meeting you would understand how that funding flows. There is no black hole, unfortunately for Mr Hanson's argument this morning. The funding is there. It is guaranteed. And guess what, Mr Hanson? We are doubling it.

**MS BRESNAN** (Brindabella) (11.10): Innovation in primary health care is an important topic and the Greens support the establishment of nurse-led walk-in centres in the ACT. This is an approach to the delivery of primary health care that has been highly successful in other countries, particularly in the UK, and it provides the community with another avenue for accessing health care. This is one of these models which we need to start to consider. It is one that has a lot of support in the community, a lot of support from a variety of different groups. While there might be some medical practitioners who do not support it, I think it is worth expanding on in the ACT. It is worth making that point.

Election promises are also important to the community, and it is valid to address whether a government has implemented those promises and, if not, why this has not occurred. The Minister for Health did promise, in the lead-up to the last election, to establish three walk-in clinics if elected. To date only one has been established at the Canberra Hospital, and that has taken a significant amount of time, effort and consultation to establish, largely due to concerns raised by medical practitioners. This is also largely why the walk-in centre was located at TCH.

As a result of the process leading up to the establishment of the walk-in centre, the government conducted a trial and evaluation process. I recognise that the issues that emerged in establishing the first centre probably could not have been identified at the start. The most important point from this process is that it has been a success for consumers and has had significant support from the people who have used it and can now be duplicated elsewhere in Canberra.

The Greens provided a submission to the discussion paper on the proposed expansion of the walk-in centre on 30 September 2011. In that submission we said that we would like to see the nurse practitioners' scope of practice expanded to recognise their skill set. We also said we would like to see the clinic expanded and/or moved to other sites in the community, particularly those with high concentrations of social disadvantage.

A number of groups have stated that the walk-in centre should be relocated from TCH. In fact, the Greens believe that it probably would have been better for it not to have initially been located at TCH. Obviously there has been quite a lot of discussion about why it was located there, but we do believe that the relocation of it should be something that is considered along with that expanded scope of practice.

When the Minister for Health announced in December that the Labor Party, if re-elected, intended to establish walk-in clinics in Tuggeranong and Belconnen, the Greens were fully aware that this could involve the relocation of the walk-in clinic from the Canberra Hospital site. We knew this because it was noted in the media release accompanying the release of the discussion paper and is also noted in the discussion paper.

On the same day in the chamber, the minster also made it clear that the walk-in centre could move. In response to a question without notice from Dr Bourke, the minister said, “I think one of the challenges will be not to have it”—that is, the walk-in centre—“at the hospital site.”

In a media release from Medicare Local on the consultation, they stated on this particular issue that they wanted the walk-in centre to be relocated to a GP practice. Obviously there is a different take on where they think it should be relocated, but again it is something that has been noted by other stakeholders in relation to this issue.

The media release issued on the ALP website under Ms Gallagher’s name could have been somewhat confusing to someone who had not followed the debate, and it probably should have been clearer. The *Canberra Times* article issued the next day was, however, quite clear, in my mind. Perhaps it is a case that other parties were more aware of the subject matter than the Liberals were, and that is why they understood the content.

With regard to the funding matters Mr Hanson has raised, I have to say that it seems strange to be criticising the government for not having appropriated a budget for something when they have not yet actually decided on the full model.

While the Greens have been satisfied with the progress on this first walk-in clinic to date, the making of an election promise does beg the question of whether Labor knew they were promising more than they could actually deliver. I do acknowledge, as I did earlier, that the sort of concerns raised by medical practitioners could not necessarily have been envisaged, but again it is an issue worth noting and worth discussing, as Mr Hanson has raised. In hindsight, we could say that the government promised more than it could deliver.

I am unclear, however, as to what is the Canberra Liberals’ policy with regard to nurse-led walk-in clinics. We have not actually heard any statement about that as yet. Does Mr Hanson think the ACT should have walk-in centres at all? If so, where should they be located? The motion today does not have any of that content in it and I did not hear any of it in Mr Hanson’s speech. We are waiting to hear about that. While Mr Hanson wishes to critique the government for not having already established three walk-in centres, I have not yet heard anything about whether Mr Hanson actually wants any walk-in centres. Mr Hanson needs to say what he would do differently and whether he supports the idea at all.

It is also worth raising some of the promises made by the Liberals during the 2008 election. I distinctly recall that at a Mental Health Community Coalition election forum Mr Smyth committed the Canberra Liberals to the target of 12 per cent of health funding going to mental health. However, since that time the Liberals have done nothing but attack the target that the Greens included in the parliamentary agreement and make claims to the effect that the Greens want to take nurses away from hospitals and that sort of thing, which ignores the fact that they themselves committed to that goal.

On the amendment proposed by Ms Gallagher, we will support it. I will be making some amendments to it, however. I seek leave to move the amendments circulated in my name.

Leave granted.

**MS BRESNAN:** I move:

(1) Omit subparagraph (1)(g).

(2) Insert new subparagraph (2)(aa):

“(aa) clarify the status of the TCH walk-in centre;”.

Ms Gallagher has talked about the funding and how that has been made clear. I do agree with Mr Hanson on point (h): that is not clear. With my amendments I propose to delete that.

In the second amendment that I have proposed, I have added that we need to clarify the future of the walk-in centre at TCH. I do appreciate what Ms Gallagher said in her speech on that—that there is still some uncertainty around that. I recognise that, but I think it is worth clarifying for the community what the future of that will be. I understand that there are a number of factors which come into play with that—that is, whether or not we have stand-alone clinics established in the community if the Canberra Hospital one is relocated to Phillip. I know there are a number of factors there, but I think it is worth noting in the motion that that should be clarified.

And I note that it is inserting this point; it is not taking out the other point about explaining how the funding for the walk-in centres will be funded beyond when the commonwealth funding finishes. I think it is important to clarify that; that point is staying in there. I hope that is clear in the amendments I have circulated. I wanted to make that clear.

We will be supporting the amendment, but with those that I have circulated, because it is important that we clarify some of those points. The motion will still note some of the issues that are noted in Mr Hanson’s motion, but we need to be clear about the future of the Canberra Hospital clinic.

As I said, I was always aware of the fact that it could be relocated. That is something which was noted in the discussions about the consultation paper and it was noted in the media release. I think it is something that people should have been aware of, because, particularly when you look at some of the submissions on the consultation paper, it is something that a number of groups note—as did the ACT Greens in their submission on this issue.

**MADAM DEPUTY SPEAKER:** The question is that Ms Bresnan’s amendments to Ms Gallagher’s amendment be agreed to.

**MR HANSON** (Molonglo) (11.19): I am not overly surprised that we would see Greens support for a Labor amendment that waters down a Liberal motion. We have got quite used to that in this place. What we are seeing from Katy Gallagher's amendment is essentially a watering down of the motion and an attempt to make excuses for breaking her election promise—trying to say that this is all in the health funding envelope, when it is not in the budget paper. You can go to budget paper 4 of the 2011-12 budget, page 234, and look at the budget policy adjustments; and you can go to 2014-15 and look at all that growth funding there—growth in cancer, growth for demand in surgical services and women and children's hospital operating costs, growth in demand for acute services, increased critical care capacity and all that sort of stuff. But there is no walk-in centre, so—

**Ms Gallagher:** That is because we are not in that financial year yet.

**MR HANSON:** No, but it is in there—the 2014-15 estimate. So it is in the growth; it is in there. The point is, and this is the thing that is instructive—

*Ms Gallagher interjecting—*

**MADAM DEPUTY SPEAKER:** Ms Gallagher, you may talk to the amendments yourself later.

**MR HANSON:** This is the element that is instructive from the Greens' proposed amendments: whereas Katy Gallagher said in her amendment that the ACT government will take over funding in full from 2014-15 and that this has been accounted for in this expense in the forward estimates, the Greens have omitted that. That is about the only thing they have omitted, but they looked at what the government said in terms of the budget and said, "We can't come to that because we see no evidence"—just as the Canberra Liberals see no evidence. They are quite happy to support the government on a number of things where they can follow the government's excuses, but when it comes to black and white and where it is in the budget—where the funding is, literally, "Show me the money"—even the Greens cannot force themselves to agree with Katy Gallagher on that one, because the evidence simply is not there.

Katy Gallagher has attacked me personally for not attending a meeting that occurred on the health funding envelope. Let me explain what occurred. It was at 0800 in the morning. An issue arose with my family and I had to look after my children. That was explained to Katy Gallagher's staff at that meeting. My senior adviser said, "Jeremy has a family matter and cannot attend." We sent three staff—three staff, Madam Deputy Speaker. Katy Gallagher knows that I could not attend because of a family issue, because it was at eight in the morning and a situation arose where I had to look after my children that morning—in fact, take them to school. My staff apologised for my absence and explained that it was a family matter. And three staff attended.

Just imagine if Katy Gallagher did not turn up to something because she had a family issue on and I started attacking her. Just imagine the outrage that would come from the other side then if Katy Gallagher explained that there was a family issue and she

had to look after her children that morning. Just imagine the outrage that would come from Katy Gallagher and the claims of sexism that she has levelled at me before. But when it is on the other foot—when I cannot attend something because I have to look after my young children—she comes into this place and she attacks me. This is what you see—the rank hypocrisy from Katy Gallagher. I had three staff attend that meeting. Is she calling them liars? She is saying that issues were discussed. I have spoken to two of those staff and I have looked at the budget papers.

We are seeing the sort of grubby politics from Katy Gallagher that she accuses us of. When there is a family issue, when she is advised that it is a family issue, she is quite happy to come to this place and throw accusations at me. But if the shoe was on the other foot, I know that there would be a press release claiming that I am sexist, because that is what she has done before when I have criticised her over her ability to manage the Health portfolio. She called me sexist. But in this case, she can attack me on family issues. I just point out that little piece of rank hypocrisy before we go any further.

Let me look at the Greens' amendments to the Labor amendment. Essentially the Labor amendment is a bunch of excuses. She has admitted that she broke her 2008 election policy. She has admitted that and she is trying to make excuses for it in her amendment. She has not explained why she omitted to clarify the issue of the Canberra Hospital centre when she made her announcement on 12 December. She has failed to provide the details of any health funding. There is no explanation. We are still asking for an explanation. She cannot provide one. And she is coming here with this sort of rank attack on me when she was advised that I could not attend because of a family issue. That is what we have seen from Katy Gallagher—again, evasiveness.

What we are again seeing from the Greens, sadly, is that much of Amanda Bresnan's speech is about apologising for Katy Gallagher, trying to make excuses for Katy Gallagher, and then turning her attack on the Canberra Liberals. I am not overly surprised; that seems to be the form in this place. But it is instructive that even Amanda Bresnan cannot go as far as saying yes, the money is there. She and her staff looked, and they cannot see the money either.

If the money is there, Katy Gallagher at the very least stands accused of not being able to explain where it is. We have asked her office. No-one in her office knows what is going on either. We have been trying to find out from her office what is happening, and none of them know. None of them could point us to any of them.

I will support Ms Bresnan's amendments, but only because they make what is an appalling amendment from Ms Gallagher slightly better. I foreshadow that we will support Ms Bresnan's amendments, because she is not going to be at this stage taken in by the funding spin, but I foreshadow that we will not support the Katy Gallagher amendment that is due to be amended, because what we are seeing here is just watering down and excuses.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (11.26): Mr Hanson has just finished saying he will support Ms Bresnan's amendments to my amendment but then will not support my

amendment. Ms Bresnan's amendments are to my amendment; so if you do not support my amendment, Ms Bresnan's amendments do not amend my—

*Mr Hanson interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Hanson.

**MS GALLAGHER:** Anyway, it is unusual. It is an unusual position.

But in relation to the growth funding, as we have explained a number of times in this place, in estimates and annual reports hearings, in questions on notice and, indeed, in the growth funding briefing that had been arranged with Mr Hanson that his staff attended, as we have explained in all of those meetings, the growth formula is allocated each year. The budget papers that Mr Hanson has in front of him show the allocation of the funding in that financial year that is embedded in the forward estimates. So across the forward estimates there is an average of about 6.2 per cent growth funding that will be allocated to health. Then when that growth year comes, the initiatives where that growth is allocated are identified in the budget paper.

When we take over funding in 2014-15, a percentage of that 6.2 per cent growth will be allocated to the walk-in centre and will be clearly shown in the budget papers, as Mr Hanson knows, the way it is done now. That is the way that it has been done every year. What? Every year, when we announce the growth funding, you do not believe it is there? That is a new level to the conspiracy theories that exist in this place.

*Mr Hanson interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Hanson, please remain silent.

**MS GALLAGHER:** We have taken the responsible decision around growth funding. The Liberal Party never acknowledged that health was going to grow faster than any other area of government and that it should be embedded in the forward estimates of every year.

*Mr Smyth interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Smyth, remain silent.

**MS GALLAGHER:** It should be embedded. It should not come as a surprise to budget cabinet every year that you have to allocate over and above the normal indexation arrangements to government.

What we have done, and I will explain it again for Mr Hanson, is: every year the growth funding for that year is allocated. It grows in addition—

**Mr Smyth:** Yes, we know that. I started it.

**MS GALLAGHER:** Mr Hanson does not understand. This is what I am trying to say. Yes, the forward estimates cover the 2014-15 year, but the growth has not been allocated, and it will be in that budget year.

*Mr Hanson interjecting—*

**MADAM DEPUTY SPEAKER:** Stop the clock please, Clerk. Resume your seat for a moment, Ms Gallagher. Ms Gallagher is attempting to explain the process. Unfortunately, because you are not listening, obviously you are not understanding it. It seems to me that she cannot get her voice heard, and that is why we are having this difficulty. That is what it appears to me. So I would like you to just listen to Ms Gallagher's explanation, please, in silence, so that we can all understand what she is saying. I am having difficulty hearing. Ms Gallagher.

**MS GALLAGHER:** Thank you, Madam Deputy Speaker. The growth funding for the 2014-15 year will be allocated, as it has been done for the last five or so years, or six years, in the 2014-15 budget, as we have done with all of the new services that come on, as we did with obstetrics, for example, where we increased funding to that. That was allocated in that financial year.

In terms of clarifying the status of the TCH walk-in centre, I think I did cover that in my speech. The decisions around the TCH walk-in centre are yet to be taken. There are differing views about what needs to happen. At some point it will have to move from where it is now because it is part of the hospital redevelopment site, but there are other options, if we are to keep one in the Woden valley, of where that could be located. Those decisions are yet to be taken.

In relation to my comments about the growth funding meeting, I have no problem with people not showing up to meetings at all. I have no problem with family circumstances. What I do have a problem with is the fact that I had no notice about that at all and the fact that I tied up—

**Mr Smyth:** That is not true.

**MS GALLAGHER:** No, no notice.

**Mr Smyth:** That is not true.

**MS GALLAGHER:** No, it is true.

**MADAM DEPUTY SPEAKER:** Ms Gallagher and Mr Smyth, please do not carry on a conversation.

**Mr Smyth:** So you are now in denial?

**MS GALLAGHER:** No, I am not. I have no problem with family circumstance. I do have a problem with tying up the head of Health, the head of finance and me in a meeting which did not really progress any issues, as far as I can see. It looks like we will need to reschedule the meeting, which I am very happy to do, to talk Mr Hanson through the basics of how growth funding is allocated across the forward estimates. And that is the problem I have. A phone call a quarter of an hour before could have solved a whole lot—

**Mr Smyth:** So you did not get a—

**MS GALLAGHER:** No, I did not get a phone call. That is the point. There was no notice. We turned up to a meeting and—

**Mr Hanson:** Often the case with family matters, is it not?

**MS GALLAGHER:** In 15 minutes, I think we could have sorted it out and actually rearranged it so that it could be useful for you. That is what I am saying. We missed the opportunity. I am happy to reschedule it, because you still do not understand the growth formula issues. But the government will happily support Ms Bresnan's amendments to my amendment. I have clarified the status of the TCH walk-in centre. The funding is there in full from 2014-15 and has been accounted for in our planning going forward across the forward estimates in health.

**Ms Bresnan's amendments to Ms Gallagher's proposed amendment agreed to.**

**MADAM DEPUTY SPEAKER:** The question now is that Ms Gallagher's amendment, as amended, be agreed to.

**MR HANSON (Molonglo) (11.33):** We will not be supporting this amendment. It is an amendment full of excuses that, as I said before, does not explain—

**MADAM DEPUTY SPEAKER:** Mr Hanson, are you closing the debate?

**MR HANSON:** No, I am talking to the amendment. I spoke to Ms Bresnan's amendments to Ms Gallagher's amendment. I am now speaking to Ms Gallagher's amendment as amended. Like the Chief Minister, you, Madam Deputy Speaker, seem not to understand the way this process works. In this case Ms Gallagher moved an amendment, which is not a good one. It is an E-grade amendment, and I have simply supported Ms Bresnan's amendments because they slightly improve Ms Gallagher's amendment, knowing as I do—because I have been advised—that the Greens will be supporting this amendment. Ms Gallagher understands that. If she does not, I do not know what she has been doing in this place for the last 10 or 11 years.

**Ms Gallagher:** Working hard. As opposed to you, Jeremy.

**MR HANSON:** Not hard enough to understand the process. Let me explain it for you again, Ms Gallagher, because you seem not to understand. You put in a dud amendment. The Greens have amended that to make it slightly better. So, knowing that the Greens are going to support your amendment, I have supported the Greens' amendments and I will not be supporting yours.

**Ms Gallagher:** But you didn't vote for it.

**MR HANSON:** It went through on the voices. It is interesting, Madam Deputy Speaker, because you have allowed Ms Gallagher here to make constant interruptions in the last two minutes that I have been speaking—interjections, questions and



heckling—and ignored it. But when we were doing something similar—I accept that we were—you gave us a bit of a school ma’am speech. Now you are ignoring me. All right, I will get on with explaining why we will not be supporting Ms Gallagher’s amendment as amended. Ms Gallagher thinks we are trying to form some sort of conspiracy against her here.

**MADAM DEPUTY SPEAKER:** Excuse me, Mr Hanson. I am advised that, because you spoke to Ms Bresnan’s amendments to Ms Gallagher’s amendment, you are deemed to have spoken to Ms Gallagher’s amendment as well. This is taken from the *House of Representatives Practice*, so you actually have spoken to this amendment and you cannot continue to speak now.

**MR HANSON:** So your advice is that if it is an amendment to an amendment you cannot then speak to the motion?

**MADAM DEPUTY SPEAKER:** That is right, because you have already spoken. I am sorry, Mr Hanson, you can no longer speak to that. Do you wish to close the debate now?

**MR HANSON:** If you are happy to restart the clocks then I will.

**MADAM DEPUTY SPEAKER:** The question is that Ms Gallagher’s amendment as amended be agreed to.

**MR HANSON:** In closing, the reality is that it would appear we are going to pass a motion that largely excuses Ms Gallagher for breaking an election promise, for going out to the media and creating the impression that she was doing something somewhat different from what she did. The fact that the Greens are not supporting parts of her motion probably acknowledges there is a funding gap of \$8.9 million in her budget policy.

Although Katy Gallagher is saying, “Oh, it’s in the funding; I’ve got this in the funding envelope,” we have not seen a single mention or announcement from this government that they were going to take over funding of the walk-in centre at the Canberra Hospital. You would have thought that, if that was their plan, at some stage they would have announced that. You would have thought that when Katy Gallagher announced that she was incorporating that money into her election policy—which is the reality of what she has done because she said it is only \$10 million moving forward and it would require the additional \$10 million to run the second centre—she might have mentioned it then.

There are a couple of explanations. Perhaps she forgot entirely about the fact that this was funded by the commonwealth and had not remembered that someone needs to pick up the gap in the funding from 2013-14 and the full amount onwards. That is one explanation. What are other explanations? I am struggling to find another explanation. Perhaps she had done it and perhaps she was just not briefed on what was going on. Perhaps that was the plan in the Health Directorate and they had forgotten to tell the minister. Or perhaps the minister is not across her brief. That might be another explanation, and that would not be of particular surprise. I think we have seen that

before. She did not know where the funding was coming from and she forgot to mention it, because it certainly was not included in her policy announcement.

I am disappointed that this motion will not be passed and that we will have the amendment. I think what I asked for was reasonable, and I think all the points I made are reasonable, and I will go through them briefly in summary.

In 2008 Katy Gallagher promised that, if re-elected, ACT Labor would establish three walk-in centres. Page 6 of the policy document in 2008 says that in black and white. Therefore, this is a broken promise, pure and simple. “Why are we amending it,” I asked the Greens and Katy Gallagher, “to take that out, to water it down?” It is in black and white. We know that because only one centre has been built at the Canberra Hospital. The next promise, even if it is fulfilled, even if she does not break this next promise, will only deliver a total of two. So whichever way you cut it, 2008 was a broken promise.

She then went out on 12 December saying that she was going to expand the service. She was going to expand into Tuggeranong. She was going to expand into Belconnen. Her own media statements, her own press release, the ACT Labor website, media statements to the ABC, WIN, 2CC, everybody, contained not a single mention of the fact that “Oops, we’re going to close the current one down,” or, “What we’re going to deliver in Belconnen and Tuggeranong is only half a centre.” That is quite an omission. You would think the health minister might have mentioned that. Why did she not? Was she again not across what was going on, or was she trying to play a bit of tricky? We have seen this before from this minister. She is shifty, and I think that is what we are seeing in her language. This is a bit like her excuse of why she has not built the three walk-in centres. It is all a bit shifty, is it not? A little bit like Julia Gillard.

So the media were fooled; they were conned. They believed Katy Gallagher, and we saw that in the response in some of the headlines that came out from the ABC and the *Canberra Times*—“Walk-in clinic election promise misleading”. Having spoken to the journalists involved, I know they felt conned. I believe one of them asked: “You know, why didn’t you tell us? Why didn’t you tell us you were going to do this?” And the response was, “Well, nobody asked.” You know, come on. Have a lend of us!

The funding issue is where we get to a bit of a grey area. Katy Gallagher is saying: “Oh, it’s in there. Trust us. It’s in the mix. Trust us. I’ve not said anything about it. I have made no commitment. My office didn’t know anything about it. They couldn’t explain it. My staff have had to go and speak to Ron Foster”—the head of finance for the Health Directorate—“to try and dig up what’s going on. There’s conversations going backwards and forwards. Yes, it’s in there. We’re thinking about it. It’s sort of in the mix and you might see it in the next budget.”

What you are seeing here is that this government are going to be playing catch-up. They have forgotten to put this in their policy announcement. They have forgotten to make any sort of statement that they are going to take over the funding of one of these walk-in centres. Now we have raised this question of an \$8.9 million black hole, all of a sudden it is “Trust us. It’s in the mix. We were going to take that over. Of course we

were. We were going to take that over.” Well, there is no evidence of that. There is no proof of that, and there has been no statement to that effect.

The reality is that the election promise when made by Katy Gallagher had an \$8.9 million hole in it. She might come out with some retrofitting to that, but the reality is the promise had a big black hole. So what we have asked her to do—I do not think we have heard this from Katy Gallagher—is to tell us what the policy is. We still do not know, because she is saying: “Oh, we might close the one at the Canberra Hospital. We might. The ones at Belconnen might be half a centre or a whole centre. It might be in the health centre, or it might be somewhere else. We’ll look at it and we’ll let you know.”

The headline election promise she made in health when announcing the 17 Labor candidates has been bungled. It has been mangled. At the least, it has been misleading. It is also incoherent because we still do not know what the promise is. I have asked Ms Gallagher to explain why she misled the community and the media. There is still no satisfactory explanation. There is still no explanation from Katy Gallagher as to why she omitted it. Sorry, she did say, “Nobody asked.” That is her excuse—nobody asked. That is a hell of an excuse.

I have asked her to assure us in the future that she will provide the costings for a policy. That is pretty reasonable, is it not? “Will you provide those costings?” Well, she said no. So this is a new standard, and it is good to know. The Liberals and the Greens will probably take this into consideration. What she is saying by cutting that out of this motion today is that when you provide an election promise, you do not need to provide the costings with it. No, you can provide a bit of a vibe that it will cost about \$10 million. Of course, it is not actually \$10 million and it is actually a \$20 million policy, of which \$1.1 million has already been funded. So you can provide a bit of a vibe—she is only about 50 per cent out. You do not need to provide any detailed costing. By taking that out of this motion today, that is what Katy Gallagher is saying.

I have asked her to assure us that it will be fully funded, and she said, “Don’t worry about it.” Then I asked her to assure us that she will not be misleading. No, she is not going to assure us of that. No, she still wants that up her sleeve. Then I have asked her to assure us she will not omit major aspects of policy. No, she wants that cut out too, because who knows what she is going to announce? Maybe half a hospital at some stage! We just do not know what she is going to be providing in the future because she will not have that in the motion.

She will not sign up to the commitment today that you tell the truth. She does not want that. She does not want that you tell the whole truth. No, you are allowed to omit things. She does not want to provide the costings. No. They are the three things Katy Gallagher does not want. They are the three things the Greens have allowed her to take out, so the Greens support that position. The Greens think that is acceptable as well. So there is a new standard for Katy Gallagher and ACT Labor, and the Greens support that. They think it is a good idea. They do not want to be held to account on any of those sorts of things either.

I have asked her to apologise. She broke her promise. She said she would build three walk-in centres—in black and white—and that was a lie, because she did not. No two ways about it. How can it not be a lie?

**MADAM DEPUTY SPEAKER:** Mr Hanson, I ask you to withdraw.

**MR HANSON:** Okay, I withdraw it. I will use other language—it was misleading, it was not the truth, it failed to be delivered, it was a breach of trust. We can use any language we like, but we know what the meaning is. Katy Gallagher said one thing and she did another. You can look in the dictionary for what that word means because I am pretty clear what it is.

I encourage members of this Assembly to support my motion, and I foreshadow we will not be supporting the amendment from the Labor Party. (*Time expired.*)

Question put:

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

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

## **Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011**

Debate resumed from 24 August 2011, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.51): The intention behind this bill is noble. No-one, I would hope, could disagree with the idea of making ACT rental housing better, safer, more energy efficient and generally more liveable. The government certainly does not. However, the government cannot support this bill today. While we welcome moves to improve the quality of rental stock in the ACT and the stated aims of this bill, there are ways that ACT rental stock can be improved that will not have the serious negative effect that this bill is likely to have on the ACT's private rental market.

As I mentioned last year when the exposure draft of this bill was first released, this bill is a blunt instrument. It imposes significant costs throughout the ACT private rental market that have the potential to seriously and adversely impact on tenants by pushing up the cost of renting in the ACT. Firstly, this bill imposes a direct cost on all lessors. Under the proposed changes, lessors would need to advertise a current EER report whenever the property is advertised for rent. Given that the penalties that apply for not advertising an EER or for advertising an EER that is false or misleading and given that a range of factors can impact on the EER of a property, many lessors are likely to obtain, at cost, a new report whenever the property is re-let. This cost, typically around \$150 for a unit or \$300 for a larger house, is likely to be recovered through an increase in rents.

More importantly, however, the bill imposes a direct cost on lessors who need to improve their properties to meet the proposed new energy efficiency requirement of three or more stars by 1 January 2016. Some homes that do not meet this required level may be able to do so through modest renovation, such as through installation of ceiling insulation and weather sealing. Homes that are energy inefficient and have a poor aspect will almost certainly require much more substantial renovations, such as replacing existing windows with double glazing, installing ceiling and wall insulation, removing trees that shade the property in winter and, for units, adding a second skin.

There is no data available about the energy efficiency of rental properties in the ACT. So there is no evidence base to firmly and accurately estimate the cost to the ACT of this proposed scheme. However, it is estimated that one-third of Housing ACT's stock would require the more substantial renovations I have just mentioned, while a larger proportion would require the more modest renovations, to meet the proposed new energy efficiency standards. It is possible, and using Housing ACT stock as a guide, that this could be representative of the state of rental properties throughout the ACT more generally.

Therefore it is likely that lessors will seek to recover this cost burden from tenants in the form of increased rents. To illustrate this, if a rental home with a poor aspect requires a capital investment of \$10,000 to meet the proposed minimum of three stars, a rental increase of \$190 per week would be needed to recover the cost of the improvements within one year or an increase of \$65 per week to recover the cost over three years.

In addition, if the tenant is on a periodic lease, it is likely that the lessor will need to serve a 12-week notice to vacate on the tenant, to be able to carry out the more substantial renovations. That is right. This bill could result in people being evicted from their premises, having to vacate their premises, because of the requirement to upgrade to meet the new energy efficiency standards. Of course, after that the lessor would then be able to lawfully increase the rent, as I have described.

Mr Rattenbury, in presenting this bill, mentioned that a household energy bill can be halved by increasing the EER from zero to three stars. Although improving the star rating of a property could be expected to decrease the energy needed for heating and cooling, energy use is affected by many other factors. And these include personal

preferences in relation to heating and cooling and the tenant's financial capacity to use and pay for the energy.

Even assuming that a tenant's energy bill halves as a result of this bill, the savings accruing to tenants from reduced energy use need to be weighed against the likely rental increases. Remember, we are talking about a possible up-front increase of up to \$190 per week. Are we really going to see energy savings of that order or greater to offset the increased rental costs? The government does not think so.

Another concern is that the increase in rents in relation to properties requiring improvements is likely to increase rents throughout the entire rental market. This is because the increases in rent in the affected properties will increase the rent component of the housing group of the consumer price index for Canberra. This is the index used to determine appropriate rates of rental increases by the Civil and Administrative Tribunal. This would be in addition to the usual increase for the year. The index increase for rents in the ACT in 2010 was already over seven per cent.

The other way that the entire rental market may be affected by these amendments is that some lessors may be unable or unwilling to afford the renovations necessary to bring their property up to the required standards. As we know, the rental vacancy rate in the ACT is already very low. It was 1.7 per cent in the ACT in the last December quarter. A contraction of even a small percentage of rental stock would cause rents to rise considerably, as tenants compete for the resulting further undersupply in housing. This may also cause the bargaining power of tenants to be diminished, where tenants may not be able to assert their rights for fear of not being able to secure rental accommodation in an even tighter rental market.

So let us be clear. The risk is that if landlords, if property owners, if lessors are unwilling or unable to afford the improvements required for their rental properties, they may simply withdraw that property from the rental market because it does not comply with the law. And that results in a further reduction in the amount of rental supply available in the territory. It is a serious risk. It is a risk the government is not prepared to take.

The government is committed to ensuring an adequate and diverse range of housing options to meet the changing needs of Canberrans, including affordable housing for rental. The affordable housing action plan includes 84 initiatives designed to increase the supply of affordable homes in Canberra. The action plan identifies a need to increase the supply of private rental accommodation, particularly to assist those lower income households who are not eligible for public housing but who find accessing the private rental market unaffordable. It would be contrary to the government's priorities and would introduce a requirement that would increase costs for private renters in an already tight rental market.

The government has developed a suite of measures to buffer low income households against the cost pressures associated with the long-term impacts of climate change and rising electricity bills. Current measures include a significant increase in energy concession payments, reviewing the utilities concession regime and ensuring that low income and other vulnerable households are the recipients of targeted government

assistance in energy efficiency and water efficiency programs. ACT government assistance measures include energy concession arrangements that are currently helping 22,000 low income households in Canberra. The Civil and Administrative Tribunal promotes the social and equitable supply of energy by dealing with hardship cases on an individual basis. The government is continuing to help reduce energy bills through services such as the home energy advice team, which provides rebates and advice to householders on reducing their energy use.

The recently expanded outreach program and the WEST plus program provide free retrofits of measures that do not require lessors' permission, including removable window pelmets, blackout curtains, efficient lighting and removable essential appliances such as fridges and washing machines. A significant obstacle that tenants encounter in taking advantage of ACT government incentives, however, is that for more substantial sustainability measures, such as ceiling insulation, the permission of the lessor is required. This split incentive, as it is often known, is an issue that requires further action.

The government believes that a review of the Residential Tenancies Act would be a more appropriate place to consider whether minimum standards of rented premises should be introduced. Such a review would enable us to consider whether the act strikes an appropriate balance between the rights of tenants and lessors more generally and could also undertake a more rigorous survey of the costs and benefits involved in rolling out government strategies to improve sustainability in relation to the residential housing stock. This survey could provide confidence around the flow-on effect of mandating or incentivising the uptake of measures such as those proposed in this bill. A review of the act could also examine whether other options could be considered that would remove impediments to tenants retrofitting measures, including energy and water efficient measures, into rented premises.

As environment minister as well as Attorney-General, I am committed to measures that improve sustainability in an equitable fashion. But the measures contained in Mr Rattenbury's bill come at potentially too great a cost to those whom it is designed to benefit. So for that reason, the government will not be supporting this bill today.

**MR COE** (Ginninderra) (12.03): It will be no surprise to the Assembly that the opposition will not be supporting this bill today, and the main reason for that is that we care about the cost of living that Canberrans are facing.

At the end of the day what this bill represents is another financial burden on lessors, who will have no choice but to pass on the costs to tenants, therefore increasing rents in an already undersupplied market. Ultimately it is the tenant who will lose if this bill is passed. The tenant will lose the ability to choose what kind of property they want to rent and they will ultimately lose money as well.

The bill imposes less choice for renters; some renters are happy to rent at a lower cost a property that might be relatively basic but provides everything they need. It will also impose rent increases in an already undersupplied market. These increases will mostly affect those least able to afford the cost of living as it is. The bill also gives the minister ultimate power to change minimum standards at any time and the power to

exempt properties if the cost is too unreasonable for the lessor. How will this unreasonableness be measured? It is putting far too much discretion in the hands of the minister.

Let us be very clear that this bill does not require owner-occupied properties to make any changes at all, so we are not looking at all properties in the ACT. This bill discriminates against those who want to buy a house. Under the terms of this bill it would be okay to buy a house that had not reached the minimum standards, but not okay to rent it out.

Let us look at the practicalities, something the Greens tend not to do overly well. There will no doubt be an impost on tenants when work is carried out, and some of this work could be quite extensive. We are talking in some cases of full bathroom refits, all despite the fact that the tenant might have been very happy with the property the way it was and the price of the property the way it was. In addition to that, potential investment buyers in the market will no doubt start avoiding the purchase of older properties on larger blocks, leaving a big gap in the rental property market for larger families and families with pets. There will also be more and more likelihood that tenants and lessors will enter into more informal rental agreements to avoid compliance with the legislation, therefore pushing the rental market underground.

This bill also has the potential to increase the workload of the already overburdened ACAT. Under the requirements of this bill, all rectification requirements can be referred to the commissioner and ultimately ACAT if they are disputed by either party.

When it comes down to it, what the Greens are doing now is what we have seen throughout their time in this Assembly, in past Assemblies, in other jurisdictions and in fact all over the world: they are trying to impose their world view on everybody. It is arrogance on the part of the green movement, of those on the crossbench, and sometimes those opposite, to have this world view that they are morally superior and they have to morally impose their values on everybody else. They struggle to comprehend that some people do not want to live the lifestyle that they are trying to impose on them. It is a very arrogant point of view and it is something that we on this side of the chamber will always fight against.

What we on this side of the chamber believe is that a government should be telling people what not to do, not telling people what to do. There is a big difference, a very big difference. We believe that people should be able to live their life as they wish, as long as it does not harm others. Instead, what the Greens are proposing here, and what Labor sometimes propose too, is a case of “it’s my way or the highway”. Instead of leaving a raft of options open to someone, they say, “You have to go down this path.” And that is something that we will always fight against. It is this restriction of freedom, this restriction on taxpayers to do with their money as they wish, which I think is quite unreasonable.

The changes that some lessors might have to make and which will incur significant costs, especially in older homes, would be things such as dual-flush toilets, maximum-flow showers, insulation—perhaps blackout curtains, draught and weather sealing—and many other things. If a property had to have each of these done, in addition to



other retrofits, that would be tens of thousands of dollars, perhaps more. What about if the ACT government had to comply with this through Housing ACT? What would be the cost then? The cost would simply be met by that particular renter, or, in the Greens' fanciful world, the lessor would take on the cost and not pass it on. But not only would it be passed on to renters in those particular properties; the entire ACT taxpaying public would have to pay for the retrofit of potentially thousands and thousands of homes through Housing ACT.

We are not against encouraging or allowing for landlords to improve the quality of homes. But this is doing so with a stick, and that is not something that we will support. We support Canberra families that are already struggling with house prices that are seemingly out of control. We support Canberra families that are already struggling because of electricity prices, because of water prices, because of rates, because of the costs of car parking, because of the costs of public transport and much more. These people in Canberra are already struggling.

Here we have a very out-of-touch crossbench, in an election year, trying to impose even more costs on these Canberra families. We on this side of the chamber will not stand up for that. We on this side of the chamber will stand up for the Canberra families that are struggling as a result of this Greens-Labor coalition and the costs that it is imposing on all Canberra families.

Both owner-occupiers and tenants want choice and affordability. This bill delivers neither. This is an ill-thought-out bill, typical of the Greens, and we will not be supporting it today.

**MS BRESNAN** (Brindabella) (12.10): I commend Mr Rattenbury for putting up this bill and I would like to speak in support of it and highlight a number of the issues that have led to this bill.

We have talked about the costs of living and I think it is worth making some points about issues, including social equity and health, that need to be considered and that have resulted in this bill.

On the cost of living, Canberra has the highest rents in the country, after the Northern Territory. Renters should not also have to pay more for energy bills—this is the whole crux of this bill—just because their house is not insulated properly. That is a really key issue. It is about that long-term affordability of housing for people, particularly people who are the most vulnerable in our community. We know that Canberra's large temperature ranges make heating and cooling expensive if there are not appropriate energy efficiency measures.

On social equity in particular, people on low incomes who have the least capacity to pay for high energy bills are likely to be left to rent the most inefficient properties; we know that happens. It is unfair for renters to be paying around \$450 a week when they have to live in one room in winter because they cannot afford to heat the whole house. We have heard stories from various groups about this and we know it is happening. The bulk of residential energy consumption stems from infrastructure that tenants cannot change—heating and cooling and hot water systems. In the face of increasing

gas and electricity charges, it is important that people's bills are manageable. That is something that has been raised time and time again by various groups on this issue.

Insufficient heating obviously also has an impact on people's health. It is something that should be looked at as a preventative health measure. Having adequate warmth during winter improves people's physical and mental health—we know that—and there is also a strong link between a sense of security, through minimum security standards, and mental health. These are all things which need to be taken account of.

I have to say that we have heard much about the costs of living from both the Labor and Liberal parties. Here is a bill that would have a significant long-term impact—long-term impacts on the cost of living have been raised time and time again by various groups as being a key issue that we have to consider for some of the most vulnerable people in the ACT, and that is who we are talking about here—yet neither the government nor the Liberal Party will support this bill.

I think it is worth pointing out that this bill has come about in response to campaigns by the Victorian Council of Social Service, a group which I think is highly applicable to refer to in this debate as it is a group that has direct contact with people in vulnerable positions every day. This is something they have been calling for, and the Tenants Union ACT, ACTCOSS here in the ACT, the Brotherhood of St Laurence and the Consumer Utilities Advocacy Centre are all groups who have that day-to-day contact with some of the most vulnerable people in the community and who are calling for this sort of bill.

Mr Corbell said no-one would disagree with the aims of the bill, but then went on to say that this bill is a blunt instrument. It would have been good if the government had engaged on this bill and worked with the Greens to support legislation that would help some of the most vulnerable people in our community. As I said, it is those people who suffer the most when it comes to substandard rental accommodation, who are in the least position to have any say or any choice in their accommodation and who need to have some assurances that the properties that they rent or that they go into will have appropriate standards of heating, cooling et cetera.

I do not really know where to start on what Mr Coe said in his speech—I will probably let Mr Rattenbury comment on most of what Mr Coe said—but he completely neglected to acknowledge and discuss one of the issues that has the biggest impact on people's costs of living, which is living in substandard accommodation that is expensive to heat and cool. He somehow suggests that this is okay; that people can choose not to rent such properties. But the least vulnerable people cannot choose, because they are the only properties that they can afford to rent. He has completely neglected that in his speech.

As he has done on a number of occasions, particularly on Ms Le Couteur's bill on companion animals when we debated it, he has failed to understand the detail or the substance of the bill. I think it is worth reiterating the groups that support this bill. I know I have just listed them, but it is groups like ACTCOSS and the Brotherhood of St Laurence in particular, who have that day-to-day contact with some of the most vulnerable and disadvantaged people in our community. They are calling for this bill,

for this sort of legislation. They are the sort of people Mr Coe says he has an understanding of, but he quite clearly does not or he would be supporting this legislation; he would be supporting groups like the Brotherhood of St Laurence, ACTCOSS and VCOSS, who are calling for this sort of legislation.

Mr Coe said the Greens were out of touch. It is quite clearly Mr Coe who is out of touch because he has obviously completely ignored or failed to even look into the fact that these sorts of groups have supported the legislation. They have been calling for this for quite some time. As I have said, he has disregarded that and has not even seemed to pay any attention to the detail of the bill.

It is a great shame that we are not seeing either Labor or Liberal support this. We hear a lot about costs of living. Here is something that would have a huge impact on the cost of living and we are getting no support from them. I commend Mr Rattenbury for bringing this bill to the Assembly, for listening to the groups who have that direct day-to-day contact with some of the most vulnerable people in the community and who want this sort of legislation. It will be of great disappointment to them that we are not getting any support from the major parties on this legislation.

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (12.17): The government will be opposing this bill. I echo the Attorney-General's comments about the intention of the bill. Let us be clear that if this was passed the impact on the ACT rental market would be significant and public housing would not be immune from that. This bill comes with a \$200 million price tag, because we have done the costings. The Greens say that our numbers are wrong, but they are yet to provide any costings to actually counter our costings. As has been said in the *Canberra Times* recently, the criticism is often made of the ACT Greens that they are savage for openness and transparency, but for others. With a bill that has been in this place and circulating for some time that has the potential, on our numbers, of a \$200 million-plus impact, it would have been nice for the proponent to actually bring their costings forward. But we have seen nothing; we have not seen a thing. They say, "We will tell you how to spend the money, but you can just work out how to pay for it."

As I have said, the bill comes with a price tag of over \$200 million. Housing ACT currently owns close to 12,000 properties—11,860, I think it is. An estimated 2,000 of those would have energy efficient ratings to the level demanded by this bill. It would cost approximately \$3 million to obtain an EER on the remaining properties, each costing around \$300. The assessment reports themselves would not have a direct impact on the tenants' quality of life or utility bills. It would only serve to confirm what we already know—given their age, the majority of ACT Housing's constructions do not meet a three-star standard.

But that is just the start. A \$100 million price tag for energy efficiency improvements would mean that the entire maintenance budget would have to be diverted to meet the 2016 deadline. Ceiling insulation, wall insulation, floor insulation, draught sealing, shuttered exhaust fans, pelmets, thermal curtains, hot water systems, pipe insulation and double glazing are all very well, but to pay for them no public housing tenant

would get their toilet fixed, their carpet replaced, their kitchen upgraded or their stove repaired for the next three years—or we could sell 200 to 300 properties to fund the program, or we could just appropriate the extra money and have other areas of the directorate just simply do without. Then there are the water efficiency standards—the new showerheads and toilets—that would cost \$300-plus. Heating standards, over \$2,500; security measures, deadbolts, \$200-plus—keyed window locks, security doors, security windows—and this does not include the cost of any remedial work required at the same time.

I am sure that the Greens will say that the bill does not cover all these things, but it is their bill. If they are to propose a law to enforce higher security standards, higher energy efficiency, then they should spell out exactly what that is. I want to quote from Mr Rattenbury in the *Hansard*:

... the bill is to set specific minimum standards for energy efficiency and water and then create a requirement for the minister to set other minimum standards in a range of other areas such as security, sanitation and drainage, ventilation and protection from damp.

He went on to say, “It is fair enough that properties should be well ventilated, have flyscreens and deadlocks.” Mr Rattenbury then went on to say:

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

I also paid attention this morning to the explanatory statement, and I will refer to that. The bill covers energy efficiency, water efficiency, security, construction and safety of premises, sanitation and plumbing, ventilation and protection from damp and electrical safety. When I went to the process around rectification it goes on to say that the lessor, the tenant, has a right of appeal or to seek rectification should a property not meet these standards. Remember that Housing ACT is estimating about 10,000 properties would require some work. It goes to ACAT and then we will be provided 90 days to fix the problem—90 days to retrofit and fix 10,000 properties.

*Mr Rattenbury interjecting—*

**MS BURCH:** Well, it is in here. Perhaps you can define the rectification period and how long people then have to fix that. The provision outlines a range of orders that are available to ACAT should either the tenant or the commissioner apply for an order. It states:

ACAT are able to make one or more of the following orders:

- ...
- an order that rent should be paid into the ACAT until the premises comply with the stated minimum standard;
- an order directing payment out of any amount paid into ACAT as appropriate;
- an order for the rent payable to be reduced until the stated minimum standard is met ...

The ACT government does have a mind to supporting those on low incomes and the requirement for them to have reduced costs over time to further support them and their families in their accommodation. The ACT government is also responding to the effects of rising energy costs for public housing tenants. We have increased our energy concessions significantly in the last budget. Ms Bresnan has made mention of disadvantaged groups, tenants that are on low incomes across Canberra households. Disadvantaged groups on low incomes comprise a large proportion of the tenancy of Housing ACT and through social housing, our community housing sector, as well.

Rest assured that we are continuing an ongoing program of improving our properties either through the sale of low energy rating properties or the acquisition of high energy rating properties. We are also undertaking a range of energy efficient improvements to existing ACT public properties. Just recently, in the last budget, we expanded our ongoing energy efficiency program from \$2 million to \$4 million per annum in this financial year. The government will reach \$10 million in expenditure on energy efficiency improvements early in the new year.

It is worth noting on concessions that for a mother and father with two children on an income of \$45,000 a year, in terms of their combined eligibility for a range of concessions, about 28 per cent or 29 per cent of their income is provided by this government in concessions and assistance with their household bills. We have offered this support in a sensible and responsible way and in a way that the government can afford, without the need for this uncoded and unsustainable bill. This government, as noted by the Attorney-General, will not be supporting the bill.

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

**Sitting suspended from 12.26 to 2 pm.**

## **Questions without notice**

### **Australia Day—protest**

**MR SESELJA:** My question is to the minister for Indigenous affairs. Yesterday you refused to answer a number of questions about your office's involvement in the protest at the Lobby Restaurant on Australia Day, and in fact continually referred to a scripted statement relating to events surrounding Australia Day. Yesterday you said that your office received a telephone call from the Prime Minister's office. Minister, when did you learn that the Prime Minister's office was trying to contact you?

**DR BOURKE:** As I said yesterday, and I thank the Leader of the Opposition for his question, my office was contacted on that Thursday, Australia Day, seeking a media contact, and was referred on to Ms Sattler. My awareness of that did not happen until the day after.

I am particularly interested in the fascination of the Canberra Liberals in this matter about the tent embassy. And I can only draw two conclusions about that. One is that they are interested in the tent embassy, and I would be curious as to what their policy

is on the tent embassy. I would like to hear what it is. The second is that this is a trawling exhibition initiated—

**Mr Smyth:** Normally it's an expedition, not an exhibition.

**MR SPEAKER:** Thank you, Mr Smyth.

**DR BOURKE:** A trawling expedition initiated for the benefit of Tony Abbott.

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

**MR SESELJA:** Minister, how did the Prime Minister's office contact your office?

**DR BOURKE:** Could I have the question again, please?

**Mr Seselja:** How did the Prime Minister's office contact your office?

**DR BOURKE:** By telephone.

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

**MR SMYTH:** Minister, in what capacity were you being contacted? For example, were you being contacted as a member of the ACT government or as the minister for Indigenous affairs?

**Mr Hargreaves:** On a point of order, Mr Speaker, the standing orders are quite clear: ministers cannot be asked about the motives of another party. That other party has to actually—

*Opposition members interjecting—*

**Mr Hargreaves:** I have not finished, Mrs Dunne. Do not be so rude, thank you. Mr Speaker, the question was clear: in what capacity was the minister called? He cannot possibly know what the motives of the caller were.

**Mrs Dunne:** On the point of order, Mr Speaker, Mr Hargreaves's point of order is a complete furphy. We are not asking Dr Bourke to speculate or to attribute any motives to anyone else; we are asking him to impart information. When someone rang him, what was he told about why they were ringing him? Were they ringing him because he was the minister or for some other reason?

**MR SPEAKER:** On the point of order, I will allow the question. I think the question needs to be framed in the context of whether Dr Bourke is aware of what capacity he was called in. That fits within the framework.

**DR BOURKE:** Thank you, Mr Speaker, and I thank the member for that question. Nobody from the Prime Minister's office called me.

**MR SPEAKER:** Mr Smyth, a supplementary question.

**MR SMYTH:** Minister, which of your staff made the decision to refer the PM's office to Ms Sattler? Do you agree that that was the appropriate referral?

**DR BOURKE:** I thank the member for his question. I am not going to name members of my staff. It is the role of my office to answer inquiries. We get frequent inquiries from federal ministers and it is our role to be helpful.

### **Youth justice—blueprint**

**MS HUNTER:** My question is to the Minister for Community Services and relates to the youth justice advisory panel. On 7 December 2011 the Assembly passed a motion calling for the establishment of a youth justice advisory panel to assist in the development and implementation of the blueprint for youth justice. Minister, in your tabling statement yesterday you did not mention the panel. There is also no mention of the establishment of the panel in the brief blueprint consultation paper. Minister, can you advise when the panel will be appointed?

**MS BURCH:** The establishment of the panel was as a result of a motion in this Assembly. I have every confidence in the implementation group that is working towards the blueprint. It is in the middle of quite a broad community consultation on that. The directorate and the implementation panel are working on how we can best implement and pull together the membership of the panel.

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

**MS HUNTER:** The question was not answered, but I will move on. How will the panel be involved when it is established—if you can give us a date for that—and how will it then be involved in the development and the implementation of the blueprint?

**MS BURCH:** The notion of the panel is around having expert advice and input into a range of matters that have clearly been set out in the blueprint. As far as absolute end machinations about how that will happen, that is yet to be determined. But there is certainly merit in having the implementation group and the community input into our blueprint, being supplemented and advised and, in many ways, guided by an expert panel, of which the membership is yet to be determined and of which the final process, a model, is yet to be determined. When I have that information I am more than happy to bring it back to the Assembly.

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

**MS LE COUTEUR:** Minister, can you advise if any experts in child and youth psychology, vulnerable families, trauma, abuse and youth justice have been approached to be on the panel to assist in the development and implementation of the blueprint for youth justice?

**MS BURCH:** I am aware that the implementation panel in the directorate is having a conversation about the final membership, the model for that, and how it is intersecting and relating to the development of the blueprint and the work of the implementation

panel. I am quite happy, as I answered previously, to bring that, when it is finalised, back to the Assembly.

**MR SPEAKER:** A supplementary question, Ms Bresnan.

**MS BRESNAN:** Thank you, Mr Speaker. Minister, have the members of the Youth Justice Implementation Taskforce been formally informed of the proposed appointment time frame and role of the youth justice advisory panel? If not, when will this happen?

**MS BURCH:** I think I have indicated in a number of answers just now that there is no definitive date or model. When that happens, I will bring that back.

### **Australia Day—protest**

**MR COE:** I have a question for the Minister for Indigenous affairs about your office's involvement in the protest at the Lobby Restaurant on Australia Day in terms of the circumstances leading to it. Minister, why did your office refer the Prime Minister's office to Kim Sattler?

**DR BOURKE:** I thank the member for his question. Because they asked for a media contact.

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

**MR COE:** My supplementary question is: was your office attended on 26 January, that being a public holiday?

**DR BOURKE:** I thank the member for his question. In this day and age, mobile phones are useful forms of communication, and that was what was used on this occasion.

*Members interjecting—*

**MR SPEAKER:** Order, members! This matter will be taken up elsewhere. Mr Hargreaves has the floor.

**MR HARGREAVES:** Is it not true, minister, that Ms Kim Sattler is, in fact, quite a leading member of our Indigenous community here in the ACT and has a very, very strong and long record of advocacy on behalf of her community?

**DR BOURKE:** I thank the member for his question. I was not aware that Ms Sattler was a member of the ACT Indigenous community. As far as I know, her role as secretary of UnionsACT has been the same as other previous incumbents of that office for many years, which has been to provide support to the tent embassy.

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

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



**MR HANSON:** Minister, does your office telephone number divert to a mobile phone number?

**DR BOURKE:** Could I have the question again, please, Mr Hanson?

**Mr Hanson:** I am asking whether the office phone number that you have as a point of contact diverts to a mobile phone or whether it goes to message bank, to clarify the point there. Does it divert to a mobile phone?

**DR BOURKE:** I thank the member for his question. I have not exactly investigated the options for telephone routing in my office. I do know that we have cards on which we have our mobile numbers and our office numbers.

### **Australia Day—protest**

**MR HANSON:** My question is to the minister for Indigenous affairs. Yesterday you refused to answer a number of questions about your office's involvement in the protest at the Lobby Restaurant on Australia Day, and in fact continually referred to a scripted statement relating to events surrounding Australia Day. Yesterday you said that your office had received a telephone call from the Prime Minister's office. Minister, did the Prime Minister's office contact your office landline or a staff member's mobile phone?

**DR BOURKE:** I thank the member for his question. I presume it was a mobile.

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

**MR HANSON:** Did the Prime Minister's office contact your media adviser as listed on the press releases?

**DR BOURKE:** I thank the member for his question but I am not going to work through the members of my office in a game of 20 questions to work out where you want to go. I am not going to divulge names of people in my office.

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

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

**MRS DUNNE:** Minister, did you personally speak with your staff member before the Prime Minister's office was referred to Ms Sattler?

**DR BOURKE:** I refer to my answer yesterday: no.

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

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

**MRS DUNNE:** Minister, did the Prime Minister's office contact your senior adviser responsible for Indigenous affairs?

**DR BOURKE:** I refer to my previous answer, Mr Speaker. I thank the member for her question but I will not be naming members of my staff.

### **Health—staff numbers**

**MS PORTER:** My question is to the Chief Minister in her capacity as the Minister for Health. Minister, while the government continues to upgrade and expand our health infrastructure, as a former registered nurse and midwife I am interested to know if you can advise the Assembly about increases in front-line health jobs over the past 12 months.

**MS GALLAGHER:** I thank Ms Porter for the question and for a question about a very important matter that affects all Canberrans. One of the key priorities for this government is our continued investment in jobs and making sure that we have the staff available to provide the front-line services we need to deliver those quality services to all Canberrans. As the Treasurer has outlined in comments he has made in the last few days around the budget update, one of the key responses from the government is to ensure that we remain a strong employer in the territory and that we send out messages of confidence about our ACT economy and the strength of our budget.

Obviously the health workforce is one of the areas where we are seeing continued growth in our staff numbers and we expect to see that growth continue. Health staff, as forecast in the budget, have increased over the last 12 months from November 2010 to November 2011. These figures include permanent, temporary and casual staff but do not include the Calvary public and contract staff such as visiting medical officers.

What we have seen are increases in the workforce across all classifications, including professional officers, allied health professionals, technical officers—like rehab workers and instrument technicians—general service officers, admin officers and of course, very importantly, junior doctors and graduate nurses. The increases demonstrate our commitment to growing our public health workforce and maintaining and growing services to the community.

Over the year to November 2011 the nursing workforce has increased by 84 full-time equivalent employees. This is an increase overall of four per cent. Professional officers have increased by 40 full-time equivalent employees, again an increase of just under five per cent. This group is made up of speech pathologists, physiotherapists, dieticians and medical radiation therapists.

I am also pleased to advise that in 2012 all junior doctor positions have been recruited. In fact, just last month around 200 health graduates began what I hope will be long and satisfying careers in our public system. Seventy medical interns, more than 20 allied health professionals and 120 graduate nurses have joined our workforce in 2012.

We think these are sensible investments, growing our health services. What we need to keep an eye on as we move through some of the pressures on the budget is to make

sure that our workforce overall across the public service does not increase but that we have room in order to grow our health workforce and other areas of growth within the ACT public service where we want to see those key services delivered.

**MS PORTER:** A supplementary.

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

**MS PORTER:** Minister, can you advise the Assembly about additional training support programs and the areas in which the workforce is being upgraded?

**MS GALLAGHER:** This is a very exciting area in health, not just in the ACT but across the country. As members would know, Health Workforce Australia was established by all governments in order to do the very detailed planning and responses that would be needed as the health system across the country grows. Never before did we have a dedicated agency to provide that level of detail.

Last week I met with the Health Workforce Australia chief executive and the chair of the board to discuss priorities and the presentations that they will be making to health ministers in March about workforce plans, workforce training, clinical training and also their estimates of workforce shortage or areas where workforce and training actually met demand.

We have also, of course, our very successful graduate program for nurses where there is a 12-month structured syllabus that incorporates up to three rotations within clinical placements in acute medical and surgical wards, community nursing, alcohol and drug nursing, mental health, oncology, aged care, rehabilitation and ambulatory care. Last year I visited the presentation day where graduate nurses are able to travel through the different areas within the hospital and get presentations. It was a very competitive environment where you have glamour areas like the emergency department and intensive care up against some of the less glamorous in the presentational sense but important areas of nursing. It was fantastic to see the staff in those areas really excited and recruiting those graduate students to be part of their clinical placement.

We have also got a very sophisticated junior doctor program in place which supports new doctors and junior doctors entering. Of course, many of those graduates are now home grown. (*Time expired.*)

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Minister, are you committed to resolving collaborative issues so that private midwives and women in Canberra can access the relevant Medicare rebates?

**MS GALLAGHER:** This is a new area for Health, and one which I have taken an interest in, and I acknowledge Ms Bresnan's interest as well. I have looked at the Queensland model, where it has been successful. We are in the process now of discussing with our clinicians a way forward and seeking their views about whether

they think opportunities for private midwives can be provided through the public health system.

As Ms Bresnan would know, this will require the support of the practising obstetricians. We have not reached that at this point. However, I have met with the clinical director of the area and talked with him about having some further consultations around this within the directorate and within his staff areas to garner some support. I see my role in this area at the moment as a bit of a facilitator of those discussions. At the end of the day these will be decisions taken by the clinicians themselves.

**MR HARGREAVES:** Supplementary.

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

**MR HARGREAVES:** My question is to the Chief Minister and Minister for Health. In the context of your answer on the Health portfolio, Chief Minister, are there any other similar areas of critical government service where jobs have been expanded?

**MS GALLAGHER:** Thank you, Mr Hargreaves. I again go back to the issue that we have been talking about for some years now, around how we contain staffing numbers but allow growth to occur in key areas of service delivery. There is a commitment from the government that we will need to constrain any growth overall in the ACT public service, but there are key areas where we expect continued growth. They are in what we would see as obvious areas like health and education, but we are also seeing growth in areas like community services, child protection, and therapy—the therapy assistance program. What we are keen on doing, and we will do this through the budget process in responding to some of the challenges presented in the budget update, is making sure that where new funding goes it is going to those front-line services and that overall our allocations of staff remain static.

We are very pleased as a Labor government to be supporting jobs in the territory. We want to see confidence maintained in our economy. Our economy is very strong. We have a very strong balance sheet. Our budget overall is robust. We have a role to play. The ACT public service and the ACT government have a role to play in ensuring that jobs are at the forefront of every decision we take.

### **Australia Day—protest**

**MRS DUNNE:** My question is to the minister for Indigenous affairs. Yesterday you refused to answer a number of questions about your office's involvement in the protest at the Lobby Restaurant on Australia Day and you have failed to answer a number of questions today. Minister, did the Prime Minister's office contact Mr Garrett Purtill of your office?

**DR BOURKE:** I thank the member for her question. I am not going to be naming members of my office in this matter.

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

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

**MRS DUNNE:** Minister, if the Prime Minister's office contacted Mr Purtill, was he contacted in his capacity as an adviser in your office or was it because he was the president of the ACT Labor Party?

**Mr Hargreaves:** Point of order, Mr Speaker. Almost all questions posed in this chamber which start off with the word "if" are hypothetical. I would ask you to rule that out of order.

**MR SPEAKER:** Could I have the question again, Mrs Dunne, please?

**MRS DUNNE:** If Mr Purtill was contacted, was it because he was the president of the ACT Labor Party or a member of your office?

*Opposition members interjecting—*

**MR SPEAKER:** I will allow the question to proceed.

**DR BOURKE:** I thank the member for her question. It is noteworthy that in the last two days we have had more questions on Indigenous matters from the Canberra Liberals than we had in the previous 12 months.

**Mr Seselja:** Mr Speaker, I raise a point of order.

**MR SPEAKER:** Order! One moment, Dr Bourke, please. Stop the clock, thank you.

**Mr Seselja:** It is on both standing order 118(b), in terms of debating the question, as well as relevance—direct relevance. He has been asked, "Was it the president of the Labor Party or not?" It is a very simple question. If he cannot answer it, he should sit down. But he should answer the question.

**Mr Hargreaves:** On the point of order, Mr Speaker. You have got plenty of time left to satisfy the curiosity of that lot over there.

*Members interjecting—*

**MR SPEAKER:** Order, members! Minister Bourke, you have the floor. You do have some time left, but let us try and focus on the question at hand, thank you.

**DR BOURKE:** I will attempt to do that in the next minute and 35 seconds, Mr Speaker. I will not be naming people from my office.

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

**MR HANSON:** Why is it that you are refusing to answer questions about whether Mr Garrett Purtill, who is the president of the Labor Party and who works in your office, was the individual responsible for taking phone calls on Australia Day from

the Prime Minister's office that led to the incitement of a protest that threatened the security of the Prime Minister?

**DR BOURKE:** I thank the member for his question. I do not think it is appropriate to name the members of my office as they are doing their work.

**MR HARGREAVES:** A supplementary.

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

**MR HARGREAVES:** Minister, is the person referred to by those opposite in fact employed in your office solely in the capacity as an adviser to you as the minister?

**DR BOURKE:** I thank the member for his question. Absolutely, yes.

### **Government—environmental performance reporting**

**MS BRESNAN:** My question is to the Minister for the Environment and Sustainable Development and concerns an October 2010 report from the Commissioner for Sustainability and the Environment, entitled *Report on an audit/assessment of ACT government agencies' environmental performance reporting* and the Commissioner for the Environment Act 1993. Minister, given that there is currently no response time frame written into the act regarding a report of this nature, can you advise if and when the government intends to respond to this report?

**MR CORBELL:** I thank Ms Bresnan for the question. The Environment and Sustainable Development Directorate, at my direction, is currently giving close consideration to and is involved in the preparation of a government response to that report. As soon as that response has been agreed to by the government as a whole, it will be released.

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

**MS BRESNAN:** Minister, given that you are legally required to table reports provided by the commission within 15 days of having received them, can you advise what the agreed conventions were that led to the tabling of this report in the Assembly being delayed by over 12 months?

**MR CORBELL:** My understanding is that the tabling time frame only applies in relation to certain reports and not other reports. Nevertheless, I will seek further advice from the directorate on this matter, and I am happy to provide further information to the member.

**MS LE COUTEUR:** A supplementary, Mr Speaker.

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

**MS LE COUTEUR:** Minister, can you advise on the current status of the government's target to have all resource management plans finalised by government

agencies by 2009, given that the commission's report found in October 2010 that it still had not been met?

**MR CORBELL:** I thank Ms Le Couteur for the supplementary. The government is working very hard on the development of a framework for carbon neutral ACT government operations. This is driven by the government's commitment to the Climate Change and Greenhouse Gas Reduction Act, which sets out the targets for greenhouse gas reduction for the territory as a whole. A draft carbon neutral ACT government framework is currently in consultation with all government directorates.

In response to comments on the draft framework from government directorates, more detail on the likely cost of achieving carbon neutrality by 2020 is currently under development. Also, that framework is allowing for further work to occur in relation to the overall cost to the government as a whole. This advice will be provided to the government as a whole to allow the carbon neutral framework to be finalised as soon as possible.

The key elements of the draft framework include focusing on directorate resource management, staff culture, buildings, the use of data centres, health services, schools and education, public lighting and events, transport provision, waste recovery and sustainable procurement. It is a comprehensive framework and work is well developed.

**MS HUNTER:** A supplementary.

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

**MS HUNTER:** Minister, can you advise whether any measures have been taken in response to the commissioner's recommendation that a whole-of-government approach to environmental resource use be urgently developed?

**MR CORBELL:** I thank Ms Hunter for the question. I simply draw Ms Hunter's attention to my previous answer. A draft carbon neutral ACT government framework is currently under development. It is being informed by the work undertaken by the commissioner and it deals with those areas which I have just mentioned. There is everything from resource management within directorates, staff culture, building management, data centre management, health services, schools and education, public lighting and events, sustainable transport, waste recovery and sustainable procurement. It is a comprehensive framework. It is under close and detailed development and I think the policy will be all the stronger for the very effective work currently being put in place by my directorate.

## **Minister for Aboriginal and Torres Strait Islander Affairs Motion**

**MR HANSON** (Molonglo), by leave: I move:

That, given Dr Bourke's repeated refusal to answer questions regarding his office's involvement in the Australia Day protest, that by the close of business

today he table in the Assembly the name of the staff member who referred the PMO to Kim Sattler and in what capacity he made that call and for what purpose.

I do not rise lightly today to seek this information. The first point to make very clear is that this is a very serious issue. The events that unfolded on Australia Day that led to a direct threat to the Prime Minister's security and to the security of the Leader of the Opposition have caused significant embarrassment on a national and indeed international scale and—I think of great interest to the minister for Indigenous affairs—have used the protesters at the Aboriginal tent embassy as a political tool. We have seen Indigenous leaders involved with the Aboriginal tent embassy come forward to criticise the Labor Party and criticise the actions of the Prime Minister's office for what they did, and that was to incite the protest, that led to a security threat, for a political end. We have seen that that was what occurred.

What has happened over the last two days is that we have repeatedly asked quite reasonable questions of Dr Bourke, to explain his role and the role of his office in this very grubby affair, and what we have received from Dr Bourke is stonewalling—his scripted responses and refusal to clarify what happened, what his link in the chain was. What we know is that the Prime Minister's office rang somebody who works for Dr Bourke. We want to know why that was and we want to know who that was and we want to know why that person then rang Kim Sattler.

We saw the direct consequence of that on the *7.30 Report* last night when Kim Sattler was shown to be the person who essentially incited the Indigenous tent embassy participants to go and storm the Lobby Restaurant. What was the intent of that phone call that was made by a member of Dr Bourke's staff to Kim Sattler? And why is it that Dr Bourke is refusing to give us a satisfactory explanation?

Another matter that we want clarified, because he is refusing to tell us who it was, is: was it Mr Garrett Purtill? Garrett Purtill is the president of the Labor Party and he works for Dr Bourke. That leads to a deduction that this Labor Party staffer in the Prime Minister's office who has tried to incite a political protest, who is obviously motivated for political purposes to attack the Liberal Party, then rang somebody in the Labor Party in the ACT to facilitate that. And we want to know who that is. Who was the person in Dr Bourke's office who facilitated what occurred? Let us be in no two minds about this: that is what occurred, because if Dr Bourke's office had inquired about why these calls were being made and had found out reasonably what was being proposed they should have stopped this. But they did not, because the consequence for the Indigenous people in the ACT, and indeed in the nation, has been very negative; there is no question about that.

So the minister is refusing to tell us who took the call and why that call was made, and he is saying that he is not going to name a staff member. But what we have seen from those opposite, both in the media and in the Assembly, is a willingness to name Liberal Party staffers whenever they want to. They are quite happy for John Hargreaves or for Katy Gallagher to go out into the media naming Liberal Party staffers, but when it comes to the Labor Party, they are not going to divulge this very important information, because they are hiding behind the fact that "Oh, we never name staff."



This staff member has been named. This staff member is Mr Garrett Purtill, the president of the Labor Party. So all that Dr Bourke needs to do today is stand up and say, "It wasn't Garrett Purtill." If he refuses to do that, it raises serious questions.

I have asked for some information from the minister. What I want to know is who that staff member was. No doubt it is a member of the Labor Party who was responsible for inciting this. If it was not, let us make sure we clear them. Why did they refer that call? What was their purpose for referring this call and in what capacity? Did they make it as the president of the Labor Party? Did they make it as a member of the Labor Party? Or did they do it as the representative of Dr Bourke? If so, maybe Dr Bourke has to answer to the members of the Indigenous tent embassy why he helped facilitate what happened on Australia Day.

Dr Bourke has an opportunity here. He can clarify this issue right here and now. But if he refuses to then this Assembly needs to know. What we hear from Katy Gallagher is "open and accountable government". I have heard that ad nauseam. And the only reason they are refusing to provide us this information—the one, slim thread that they use—is "we are not going to name staff members". But we have seen over the last few days that that is hogwash, because this is a party, this is a minister, this is a Labor Party that will name names at will. They are trying to hide behind that pretence, and let us acknowledge that that is what it is.

Members, I implore you: let us find out what has gone on here. If you do not and if the Greens refuse to allow this to occur then what we would be seeing, again, would be rank hypocrisy. What we would be seeing is allowing this government to go unscrutinised, and we would be saying, "It's okay to attack the Liberal Party but not the Labor Party." It would be saying: "We don't care what happens in Dr Bourke's office. We don't care if a member of his staff or a member of the Labor Party incited those protests or helped facilitate the incitement of those protests at the tent embassy. We don't care. All we want to do is protect our Labor mates."

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (2.38): As I have said previously, my office was contacted on the day. It was about a media contact. They were referred to Ms Sattler. It is not my policy to name my people in my office in here, but I will tell you that it was my chief of staff.

**MR SESELJA** (Molonglo—Leader of the Opposition) (2.38): It is interesting that Dr Bourke has said that his policy is not to name names, but he has now come out and named Margaret Watt. The question remains: what was the purpose of that call? These are the facts as we know them. We know that the Prime Minister's office contacted Dr Bourke's office. We know that Kim Sattler was then contacted by Dr Bourke's office, or through Dr Bourke's office Kim Sattler was then notified, and we saw the footage last night on 7.30 of Kim Sattler then going and spreading false information directly before there was a near riot at the tent embassy.

There are questions outstanding as to what was the purpose. When the Prime Minister's office called Dr Bourke's office, was the conversation, "Oh, look, we just need someone to comment"? Or was it: "We need to get to the people on the ground at the Aboriginal tent embassy false information about what Tony Abbott is alleged to have said. We want to get to people at the tent embassy information saying that Tony Abbott has said that the tent embassy should be torn down"—information that was false?

So did they have all the false information? Were they told the rationale of the Prime Minister's office for wanting to get in touch with someone on the ground at the tent embassy and wanting to get that information to them? Dr Bourke still has not explained that. He has not explained the purpose. He has not explained the nature of that call. He has not explained what they were asked to do. He is simply trying to brush it off as being asked for media comment. It simply does not wash.

Why was it then that his office decided that Kim Sattler would be the person? Why would they have called the minister for Indigenous affairs and then it was decided that it would be Kim Sattler? Was it because she was seen as someone who could incite things? Was it because she was seen as someone who would say inflammatory things? Or was it simply because she was a Labor mate who could be trusted to deliver the falsehood that was being peddled by the Prime Minister's office? These are the questions that remain unanswered. These are the questions that Dr Bourke will have to answer.

**MS LE COUTEUR** (Molonglo) (2.41): I think this is a colossal waste of time. We should actually be spending our time here talking about the affairs of the ACT government.

*Opposition members interjecting—*

**MR SPEAKER:** Order, members! You will have your chance in a moment.

**MS LE COUTEUR:** Whatever the rights or wrongs of whatever may have been said—obviously I have no information as to what anyone may have said to each other in this—it does not appear to be the business of the ACT government.

*Mr Doszpot interjecting—*

**MR SPEAKER:** Mr Doszpot, thank you.

**MS LE COUTEUR:** However, the whole question I have to say has been somewhat blown up. As I have said publicly on Facebook—if that is regarded as public—I was there as part of the march from Civic to Parliament House. I in fact observed whatever you want to call it. It certainly was not a riot. I was on my way home. It looked like it was about to rain. I could hear the noise. So like any other curious human being, I went and had a look at it.

I think this is not a reasonable thing to interrupt question time for. We actually have a job to do here. What we should be doing is scrutinising the government and continuing question time rather than interrupting for something that is totally out of the purview of the ACT government.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (2.43): There are absolutely no grounds for this motion. Dr Bourke has cut the legs completely out from under the Liberal Party. What does the motion ask for? The motion asks for Dr Bourke to identify the staff member who took the phone call from the Prime Minister's office. He has done so. He has done so. They got it wrong, Mr Speaker. They got it wrong. They got it wrong because they thought it was somebody. Dr Bourke has just stood up and told them that they are wrong. They are wrong. It was Dr Bourke's chief of staff. He is on the record as saying that it was his chief of staff.

There are no grounds any more for the motion. Let us make that point. But let us also make the point about the other questions that the Liberal Party want to raise about this matter. They want to know why Ms Sattler was referred to as the contact point. Anyone who understands how the Aboriginal tent embassy works would know that UnionsACT is the designated liaison point for engagement between the media and the government authorities and the—

*Opposition members interjecting—*

**MR SPEAKER:** Order, members!

**MR CORBELL:** It has been a longstanding practice. It is a longstanding practice.

*Members interjecting—*

**MR SPEAKER:** Order, members! Order, Ms Gallagher and Mr Seselja. I cannot hear Mr Corbell over the catcalling across the chamber. Given that Mr Corbell has a strong voice, that is quite a reflection on all of you. Mr Corbell, you have the floor.

**MR CORBELL:** Mr Speaker, it is a longstanding practice that when it comes to liaison with the Aboriginal tent embassy and its inhabitants, it occurs through UnionsACT. UnionsACT have taken the decision that they are the body interested in securing—

*Mr Seselja interjecting—*

**MR SPEAKER:** Mr Seselja, thank you.

*Mr Doszpot interjecting—*

**MR SPEAKER:** Members, I ask for some silence so I can actually hear Mr Corbell. I will start warning people in a moment. Mr Corbell, you have the floor.

**MR CORBELL:** Thank you, Mr Speaker. Surprise, surprise! When an inquiry was made as to who would be an appropriate contact to liaise with the tent embassy, Ms Sattler's name, who is the secretary of UnionsACT, was nominated. There was no great conspiracy, no great mystery. In fact, the only thing it displays from those opposite is ignorance—ignorance of the way the tent embassy operates and how it liaises with the broader community and with government, both federal and local, here in the ACT.

Further, what this motion and this line of questioning from those opposite really demonstrates is the failure of those opposite to even understand the important role that the Aboriginal tent embassy has played in the history of Australia and in the advancement of Indigenous interests here in Australia.

*Members interjecting—*

**MR CORBELL:** Dr Bourke, unlike those opposite—

**Mr Hargreaves:** On a point of order, Mr Speaker, you threatened a warning; it is there.

**MR SPEAKER:** Thank you, Mr Hargreaves.

**MR CORBELL:** Dr Bourke was on duty on the Thursday, Australia Day. He was representing the ACT at the march to commemorate the 40th anniversary of the establishment of the tent embassy. He was doing his job as a minister, which is more than can be said for most of those opposite.

*Mr Doszpot interjecting—*

**MR SPEAKER:** Mr Doszpot, you are now warned.

*Mr Doszpot interjecting—*

**MR SPEAKER:** Order! Mr Doszpot, I have just warned you. I have asked for the interjections to be stopped and you have interjected repeatedly. Mr Smyth, you have the floor on the motion.

**MR SMYTH (Brindabella) (2.46):** Mr Corbell asks why we proceed with this motion when the name of the person responsible, the chief of staff to the minister for Indigenous affairs, has been revealed to this Assembly after two days of questioning. The reason that we proceed is that they were the link in a chain that led to the behaviour that has brought Indigenous people in this country into disrepute and indeed has brought the whole country into disrepute overseas.

It is interesting what was said as a consequence of the phone calls made to Dr Bourke's office and then to Ms Sattler. Ms Sattler got up and said—and here is the quote:

Kim Sattler, Secretary, Unions ACT: Barbara... Barbara... Do you want me to give you the details?

Barbara Shaw, Aboriginal activist: Yeah.

Kim Sattler: They're both in a reception at the Lobby Restaurant which is just up the corner, and Abbott's just made a statement to the press that the tent embassy should be pulled down. He's over there.

Now, is that important? I think it is important. I will tell you somebody else who thinks it is important: Mr Anderson has been a long-term supporter and indeed one of the originators of the Aboriginal tent embassy. Mr Anderson of the Aboriginal tent embassy says:

The fact is that somebody tried to gain political mileage here, for maybe, the Prime Minister or the Labor Party itself.

We now have a link in the chain that says a member of the Labor Party, the chief of staff of the minister for Indigenous affairs in this place—apparently without his knowledge, or so he tells us—made the call that “the person you need to speak to is Kim Sattler”. We are told it is a media inquiry. What media inquiries to Kim Sattler originate from this phone call? I do not think there are any media inquiries.

**Mr Seselja:** Only after.

**MR SMYTH:** Only after the fallout and after everyone's story changed. Everybody's story changed. Ms Gillard: “Nothing to see here.” The press sec: “Oh, didn't do anything wrong.” Ms Sattler: “I didn't say that.” Everything has changed, so everything is open to question. It is reasonable to clear the air in this place and the part of the minister—and thank you for that, Mr Corbell—who was acting in an official capacity and was there as the representative of the ACT government on this day. Remember what the code of conduct says: “Staff act at our behest”. So the minister for Indigenous affairs in the ACT believes it was entirely appropriate to give Ms Sattler's name to the press sec at the Prime Minister's office. There is therefore a question that can be asked, and should be asked: what was the question to his chief of staff and why did his chief of staff choose Kim Sattler? They are reasonable questions.

Thank you very much, Mr Corbell. It is very rare that Mr Corbell is so obliging in putting the context on a thing so clearly and succinctly. He was on official duty. He is always, as we all are, represented by our staff, a point many made quite clearly yesterday. So we now know that the chief of staff, a member of the Labor Party, on behalf of the minister did the directing. The directing led to a lie being told about Tony Abbott's statements that led to the near riot—call it whatever you want—that saw the appalling scene of an Australian Prime Minister being bundled from a reception on Australia Day to escape the anger of that group that moved to the Lobby Restaurant.

That is why it is important. That is why we should have an answer. That is why it is appropriate to ask this question, and that is why all members should support Mr Hanson's motion. More importantly, the barb is thrown across the way, "Don't you understand the value of the Indigenous embassy?" Yes, I do. I have been there many times. I have had conversations with many Indigenous groups in this place. I am currently in conversation with Indigenous groups on how we keep that history alive and how we commemorate it. So this side of the Assembly does have an interest in it and we do understand the importance. The sad thing is that because of the actions that occurred on that day, disrepute has now been heaped upon the Indigenous people of this country because of a lie that they were told.

Lies grow out of lies, so the questions are these: what did the Prime Minister's press secretary say to the minister for Indigenous affairs' chief of staff that led her to make the decision to refer that phone call to Kim Sattler? We hear it was for a media comment. I am not aware of any media comment being given, except the crowd being told something that Tony Abbott did not say, attributed falsehoods and lies to Mr Abbott, and it resulted in the debacle that became Australia Day 2012. That is why, in the new era of openness and accountability under the Gillard—under the Gallagher government—

**Mr Hanson:** A Freudian slip.

**MR SMYTH:** Yes, a Freudian slip. They behave the same way so often—say one thing and then change your story. That is why, in this new era of accountability and openness under the Gallagher government, it would be appropriate to get the answer—and it is appropriate, now that we know, according to Mr Corbell, that the minister was on official duty, representing the people of the ACT in the march and at the embassy on that day. So in his capacity as minister for Indigenous affairs—and it is curious; this lot over here have been saying long and hard, "Well, you can't ask him that question; he wasn't responsible." Mr Corbell knew right from the start that he was responsible, as did we, as did all reasonable people. It is appropriate that we have this motion. It is appropriate that we get an answer and it is appropriate that this full story is known so that it never happens again.

**MR HARGREAVES** (Brindabella) (2.52): I am reading this motion that Mr Hanson has put down here. It calls on the minister to name the staff member. The Leader of the Opposition did that. It also asks him in what capacity was the call made. Dr Bourke said it was the chief of staff. It then says for what purpose, and that was to respond to a request for a media contact. As far as I can see, all three questions here have been answered. What we are seeing happen across the chamber at the moment, I think, is the building up of a straw man, the building up of a state of hysteria, to detract from their own troubles at home. I think that is really where it is. It is about saying: "We're in a bit of trouble here in the community, so what we'll do is we'll invoke the theory of the state of fear. What we'll do is we'll create an issue." The issue in fact—

**Mrs Dunne:** No, I think Kim Sattler did that.

**MR HARGREAVES:** You don't think at all, Mrs Dunne. You are incapable of it. I am sick and tired of this, Mr Speaker.

**MR SPEAKER:** Mr Hargreaves, thank you. I invite you to withdraw that, Mr Hargreaves.

**MR HARGREAVES:** I withdraw what I said about Mrs Dunne today. Mr Speaker, this issue is about an episode that happened in the parliamentary triangle, an episode involving a private citizen, and the only involvement of anybody from the ACT Legislative Assembly was to respond to a phone call. That has been made crystal clear in this chamber.

*Opposition members interjecting—*

**MR HARGREAVES:** Those opposite, muttering away like the chattering classes that they are, say: “We need to know this. We need to know. The community’s got the right to know.” The community has got the right to know about all of those questions that were asked in this place yesterday, and we look forward to the answers tomorrow, because I believe that what we are going to see over the next little while is such a furore about their behaviour that they need to create a whole series of smokescreens. And this is just a smokescreen. It is nothing more than that. These guys have been sprung. They got it wrong. It was not the Labor Party, it was not this side of the house, that threw the first name across the chamber in the debate yesterday. It was not. It was those opposite.

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

**MR SPEAKER:** One moment, Mr Hargreaves. Stop the clocks. Mr Coe on a point of order.

**Mr Coe:** I have a couple of issues. I wonder whether he is relevant and also whether he is reflecting on a vote.

**MR HARGREAVES:** On the point of order, Mr Speaker.

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

**MR HARGREAVES:** I am responding to an accusation that came across the chamber about the putting of names in the chamber.

**Mrs Dunne:** On the point of order, it would be disorderly to respond to an interjection, Mr Speaker.

**MR HARGREAVES:** Mr Speaker, I vouch for Mrs Dunne’s experience on disorderly conduct in this chamber. She is a far better practitioner of disorder in the chamber than I could ever be.

**MR SPEAKER:** Mrs Dunne, I apologise for my “unspeakably” behaviour in laughing at your point of order. I was just somewhat amused.

On Mr Coe's original point, I do not think Mr Hargreaves is irrelevant at the moment, in the sense that the issue of various staffers has been brought up in this conversation so I think there is a bit of latitude there. Your second point was—

**Mr Coe:** Reflection on a vote.

**MR SPEAKER:** I do not think Mr Hargreaves is adversely reflecting on the vote, but I would ask you to be mindful of your comments, Mr Hargreaves.

**MR HARGREAVES:** Thanks very much, Mr Speaker. I am sorely tempted, but I will take your advice quite willingly.

Mr Speaker, it was not this side of the house that introduced names into this parliament yesterday; it was those opposite. Those opposite named Mr Purtill here yesterday and invited us then to return fire and name people in their scandalous behaviour as reported in the debate yesterday. They then throw it across the chamber here, saying, "It's okay for us to be naming people; why can't the minister do it?"

The minister is doing exactly the right thing. He has advised this chamber, not only in response to this but in answers to questions already. He has told this chamber that it was a request for a media contact. That is the reason. If the reason does not suit you, suck it up, buttercup. Bad luck. If in fact the question is about which member of his staff it is, he has said, "No, not going to do that." And now, because you want to go formal about this, he has identified the title. He has also indicated that, by not knocking it back, Mr Seselja has in fact named the staff member.

What else do people want? What they want is to create this smokescreen, this little hide in the wetlands so that they cannot be seen. They are under the spotlight. They are under the blowtorch of accountability, and they do not like it because they are blistering. They are blistering badly. You can tell by the body language. This is nothing more than a smokescreen. This motion has been satisfied. It has been satisfied.

*Members interjecting—*

**MR HARGREAVES:** Right? All right. There is a deafening silence. Wonderful stuff, isn't it?

**MR SPEAKER:** Let's not encourage them, Mr Hargreaves.

**MR HARGREAVES:** This motion—the questions contained in this motion—have been satisfied. We should get on and vote for it or against it.

**MR HANSON** (Molonglo) (2.58), in reply: In closing, Mr Speaker, let us be very clear that it is naive to believe that this was a call from Tony Hodges, who has since resigned, to find a simple media contact. We have seen that it was not. We have seen that it was a call to find someone that would stir up trouble. That is what Tony Hodges wanted to do. That is what the Prime Minister's office wanted to do—stir up trouble at the tent embassy and get people to go down and cause trouble at the Lobby Restaurant.



What Dr Bourke's chief of staff did was find that person to stir up trouble. You can see what happened here. Tony Hodges rang up Dr Bourke's chief of staff and said, "We need someone to stir up some trouble for us at the Aboriginal tent embassy." That is the way it looks. Kim Sattler was not answering media questions. This was not a media inquiry. This was a call to Kim Sattler to say: "Stir up some trouble for us. Get all those protesters down. Tell them that Tony Abbott is down at the Lobby Restaurant and let's get a protest going." What Dr Bourke's chief of staff has done is facilitate that stirring up of trouble. And it is naive, I would have thought, to believe that this was simply "Oh, I just need a media contact". Is that what happened?

I think a number of us can make some pretty clear deductions here, because, when you look at what happened on the ground, Kim Sattler was not responding to media inquiries. We saw on the ABC 7.30 report last night exactly what Kim Sattler was doing. So what we know is that, at the very least, Dr Bourke's office has facilitated the Prime Minister's office or a member of the Prime Minister's office finding someone to incite protests at the Indigenous tent embassy. The question that we have and why we have moved this motion today is we want to know what happened in those phone calls.

Was it simply Tony Hodges ringing up saying, "I need a media inquiry; that's all I want," end of conversation and that phone call was referred, or was there more to that? Did Dr Bourke's chief of staff become aware that what Tony Hodges wanted was someone to stir up some trouble? Because it is quite clear that that was the intent of Tony Hodges, and that is exactly what Kim Sattler did.

Let us not buy into this furphy from the Labor Party that this was just some media inquiry, because what it was a deliberate act by the Labor Party to stir up trouble, and Dr Bourke's office has facilitated that.

It would appear that this motion will not be supported, because the Greens are saying it is a colossal waste of time. But if you listen—I say this to the Greens—to what the Indigenous leaders of this country are saying and what the Indigenous leaders of the territory are saying, you will hear that they blame the Labor Party for setting them up as political tools. The Indigenous leaders have said that they have been set up. Dr Bourke's office has been found to have been part of the chain of events that facilitated that.

I will quote from what Michael Anderson said from the Aboriginal tent embassy:

The fact is that somebody tried to gain political mileage here, for maybe, the Prime Minister or the Labor Party itself.

Dr Bourke's office, his chief of staff, facilitated that. You think that is not an issue? You think that is a colossal waste of time, Ms Le Couteur? Well, we do not. We think people have been vilified. We think people have been incited. We think the Indigenous people of the tent embassy have been used as political pawns. We want to know what role the Labor Party here had in that, and we want to know what role Dr Bourke had in that and what role his chief of staff had in that. I think it is entirely

reasonable for us to ask those questions, because although we have the name of the individual who facilitated those calls, let me remind you that we had to ask repeated questions in this place for that to occur. It was only revealed to us after I had to move a motion demanding that information. Dr Bourke is still refusing to answer significant questions about the purpose of that call.

If people in this room and if people in the community still believe this is some simple media inquiry, then they are either extraordinarily naive or stooges of the Labor Party. In closing, I urge members of this Assembly to demand of Dr Bourke that he present to the Assembly the facts of what happened—that is, the purpose of those calls. Why were the calls made that incited the events at the Indigenous tent embassy?

Question put:

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

The Assembly voted—

Ayes 6

Noes 11

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Mr Smyth

Mr Barr  
Dr Bourke  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher

Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

## Questions without notice

### Budget—deficit

**MR SMYTH:** My question is to the Treasurer. Treasurer, yesterday you presented the budget review of the 2011-12 ACT budget. In telling the ACT community that the budget deficit had blown out from \$36 million to \$181 million, you said:

The deficit is temporary, not structural.

Treasurer, how can you say that the increase in the ACT's deficit is temporary when it has occurred because of such fundamental factors as changes in the way GST revenue is distributed and changes in the nature of the ACT property market?

**MR BARR:** It is insightful from the first question from the shadow treasurer on an economic matter for some time—his failure to even understand the basic cyclical nature of—

*Mr Coe interjecting—*

**MR SPEAKER:** Thank you, Mr Coe. You are now warned for interjecting.

**MR BARR:** to understand even the most basic of economic concepts, the difference between a structural deficit and otherwise. I was particularly amused by the outstanding level of ignorance displayed by the shadow treasurer this morning on ABC radio in relation to GST relativities. It would appear that the shadow treasurer does not understand the basis of the GST or the basis of the calculation of GST relativities. To suggest, as he did on ABC radio this morning, that we get back “1.15 of what we put in” is a fundamental misunderstanding of the GST relativities process as to be so embarrassing for the shadow treasurer that I suggest some remedial classes are necessary and that all commentary from the shadow treasurer in relation to the establishment of the GST—

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

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

**Mrs Dunne:** Mr Speaker, the question was about structural changes or temporary changes in the ACT budget, and a critique of Mr Smyth’s performance on radio is not a relevant answer to the question. I would ask you to get the Treasurer to answer the question.

**MR SPEAKER:** The point of order is upheld. Mr Barr, we do not need a commentary on Mr Smyth—on the budget position would be sufficient, thank you.

**MR BARR:** Thank you, Mr Speaker. The question of structural or temporary deficits relates particularly to the question of GST revenue, undoubtedly. Mr Smyth in his question in fact referred to that—

**Mrs Dunne:** Amongst other things.

**MR BARR:** amongst other things. There are a number of factors in relation to the revenue side of the budget that are cyclical in nature. One would hope that the shadow treasurer would understand that but it would appear not, and his comments this morning demonstrated that.

**MR SPEAKER:** Mr Barr, the matter at hand.

**MR BARR:** Which is the matter of whether the deficit is temporary or structural, and the point that I am making is that the question itself displays a particular ignorance of those economic concepts, and we saw that demonstrated in the commentary this morning.

I repeat in relation to GST relativities that they are determined by the Commonwealth Grants Commission on the basis of a state or territory’s capacity to deliver an average level of services, that these relativities are adjusted on an annual basis and that nothing can be inferred in the way that Mr Smyth did in relation to future projections from the commonwealth in their midyear update as to the annual deliberations of the Grants Commission.

So Mr Smyth is wrong in his assumption and wrong in his statements on ABC radio this morning. Any economist worth their salt knows that—in fact a number of them contacted me this morning to say what rubbish was being spouted by the shadow treasurer—and the basic misunderstanding of those concepts was alarming from someone who wants to be the treasurer of this jurisdiction.

In relation to the other elements of revenue that are variable, the cyclical nature of the housing market is indeed one—

*Mr Smyth interjecting—*

**MR SPEAKER:** Mr Smyth!

**MR BARR:** The government, through its tax policy settings, seeks to raise revenue to deliver services to the people of the territory. Revenue will vary from year to year, and in this instance some revenue lines have decreased.

**MR SPEAKER:** Now your supplementary, Mr Smyth.

**MR SMYTH:** Thank you, Mr Speaker. Treasurer, how is it possible for you to describe the reduction in GST revenues as temporary when the ACT's GST relativity is being reduced from 1.27 in 2009-10 to 1.12 in this financial year and 1.05 in the 2014-15 year?

**MR BARR:** It is not. Mr Smyth is wrong on that point. He knows he is wrong, or I hope he knows he is wrong in making that point. He may be correct about the relativities from 2009-10 to 2010-11 but the future projections are not accurate. It is not correct for him to say that our relativities have been adjusted, because that has not occurred. Equally, the shadow treasurer should be aware that the size of the GST pool can vary from year to year and he should also be aware that in making calculations about the relativities you cannot assume that all things remain equal in all other states and territories.

The debate that we are having as a nation at the moment, particularly in relation to the changed circumstances in Western Australia and the continued reduction in their relativities, goes to the revenue-raising capacity of that government. There will be various changes in the other states and territories that will impact on the ACT's relativity over time.

This assessment is undertaken by the Grants Commission. It is not one that is interfered with by politicians. The outstanding amount of ignorance that has been displayed by the shadow treasurer is a real worry for the people of the ACT if he believes that this process can be distorted by politicians.

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

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

**MRS DUNNE:** Treasurer, what action have you taken to attempt to change the dramatic reduction in the ACT's GST relativity and, if you have done nothing, why?

**MR BARR:** The government presents to the Grants Commission as part of that process—

*Mr Seselja interjecting—*

**MR BARR:** I think the Leader of the Opposition is failing to understand the distinction between future policy reviews and an ongoing process. There is a GST policy review and then there is the Grants Commission process in relation to relativities. You are conflating the two—deliberately, I presume. I think you are smarter than that. I will give you the benefit of the doubt. But there are two issues. One relates to the Grants Commission's allocation of GST revenues and then there is a broader policy debate that is occurring and is the subject of further policy discussion. In fact, the federal Treasurer recently revised the terms of reference for the group who are looking at this issue and has invited further submissions that the ACT government will be partaking of. Yes, the ACT government and the Chief Minister participated in that process when she was Treasurer and the process continues. The process continues in relation to further submissions on this matter. I have spoken with my federal colleagues in relation to these issues and will continue to do so.

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

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

**MRS DUNNE:** Minister, why has the Grants Commission decided to reduce the ACT's GST relativity so dramatically?

**MR BARR:** As I said, the process is an annual one where the Grants Commission makes determinations on the basis of a jurisdiction's capacity to deliver an average level of services. From time to time, due to the various impacts of the financial position of other jurisdictions, the GST relativities are adjusted. As we have seen in recent times, due to the resources boom, the relativities, for example, of the state of Western Australia have continued to reduce, reflecting that jurisdiction's capacity to raise more revenue at a local level.

The Grants Commission goes through the process and assesses the revenue-raising capacity, the level of service provision that is required within a jurisdiction, that jurisdiction's capacity to raise revenue and the relative size of that jurisdiction—so questions of economies of scale come into play. There are a variety of factors that the Grants Commission takes into consideration when making those determinations. The relativities are just that—relative to other jurisdictions. So actions and activities that occur in other jurisdictions also impact on the Grants Commission's final determinations.

**Planning—Kingston foreshore**

**MS LE COUTEUR:** My question is to the Minister for the Environment and Sustainable Development and is in relation to the development of the regulation which exempts the Kingston foreshore from third-party appeals. Minister, why did you not simply call in the Quayside development if you wished to avoid further appeals on it, rather than creating a blanket loss of third-party appeal rights across the Kingston foreshore?

**MR CORBELL:** The government and I as the minister have regard to the desirability or otherwise of third-party appeals in relation to this particular precinct. The government was aware that there was a repeated pattern of objection to developments that had been approved in the Kingston foreshore by commercial rivals. Let us be very clear about it. It was one developer objecting to a development from a commercial rival. This had been occurring repeatedly. That is not the purpose of the third-party appeal system. It is not the purpose of third-party appeal to allow one commercial rival to gain some sort of commercial advantage by delaying or hindering the development of a rival's proposal. If it meets the requirements of the territory plan, if it is consistent with the relevant development controls that are in place, then it should be approved and it should be allowed to compete with other developments in the precinct.

At Kingston we have a comprehensive planning framework, a comprehensive development control framework, that has been put in place following an exhaustive and lengthy public discussion about what the nature of redevelopment should be at Kingston. So in those circumstances I believe it was entirely appropriate that the government adopt the same approach at Kingston that it has adopted in Civic and at town centres, which is to recognise that it should not be the role of the planning appeal system to allow commercial rivals to seek to obtain some sort of commercial advantage over their competitors.

**MS LE COUTEUR:** A supplementary question, Mr Speaker.

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

**MS LE COUTEUR:** Minister, what criteria does the government use for determining when such an exemption regulation should be introduced?

**MR CORBELL:** I think I have just outlined that, Mr Speaker, in my previous answer.

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

**MS HUNTER:** Minister, was the time frame for making a decision on the Quayside development held up by the use of the stop-the-clock provision in order for the regulation to be prepared?

**MR CORBELL:** I am not familiar with the procedural specifics of that matter. I would need to seek some advice from the planning authority. I will do so. I am happy to provide an answer to the member.

**MS BRESNAN:** Supplementary.

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

**MS BRESNAN:** Minister, what coordination was undertaken within ACTPLA to ensure that the decision to approve the development application for Quayside in Kingston was notified after the regulation was notified?

**MR CORBELL:** Again, in terms of coordination within ACTPLA, I would need to seek advice on that matter. I am aware, however, that ACTPLA were aware that the government was giving consideration to the making of a regulation, and they took that into account when it came to the particular matter Ms Bresnan has raised.

### **Budget—lease variation taxation**

**MR DOSZPOT:** My question is to the Treasurer. Treasurer, the consolidated financial report for the December quarter 2011 reveals that revenue from the lease variation tax is significantly below budget. Rather than \$11.2 million, revenue for the first six months of the year totalled only \$4.7 million.

**Mr Barr:** Where is the question?

**MR DOSZPOT:** Thank you, Mr Barr. I was waiting for you to digest the question itself. The question is—

*Members interjecting—*

**MR SPEAKER:** Thank you, members. Mr Doszpot has the floor.

**MR DOSZPOT:** Are you ready, Mr Barr?

**Mr Barr:** I am ready.

**MR DOSZPOT:** Treasurer, what analysis have you undertaken of the reasons for the shortfall in revenue from the lease variation tax and what does this analysis show?

**MR BARR:** I am delighted that Mr Doszpot got to his question finally. I am pleased to be able to advise the Assembly of some updated figures in relation to the lease variation charge. On 24 January—the latest date, so beyond the reporting date for the December quarter consolidated report—I can confirm that now \$6 million has been paid on 72 applications: 29 residential, 24 commercial, eight industrial and 11 mixed use applications. So I can update those opposite on those figures.

I can advise that a further 94 applications have been determined, totalling \$15.5 million: 61 residential, 16 commercial, four industrial and 13 mixed use. That gets us very close—I think less than \$500,000 away from the budgeted target for the financial year.

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

**MR DOSZPOT:** Treasurer, why have you maintained your estimate for revenue from the lease variation tax when you have reduced the estimate for revenue from conveyances?

**MR BARR:** It is pretty embarrassing to then read the follow-up question when I have just answered both. Because, Mr Speaker, \$5.996 million has been received on 72 applications, and a further 94 applications have been determined, totalling \$15.5 million. That takes us, as I said in my previous answer, very close to the \$22 million estimate for the financial year, hence that remained in the midyear review.

**MR SESELJA:** Supplementary.

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

**MR SESELJA:** How much of the estimated revenue received so far this year comes from applications that were made prior to the new tax coming in, and how much is post the new tax coming in?

**MR BARR:** I will need to take advice on the individual applications but, as I say, I can advise that as of 24 January the Revenue Office has received just \$4,000 short of \$6 million in relation to applications already paid and that a further 94 have been determined. I will get some information for the Leader of the Opposition in relation to the lodgement dates for those particular applications, but one would presume, given that so many have come in in this financial year, that they were clearly determined after the lease variation charge was put in place.

### **ACT Ambulance Service—recruitment**

**MR HARGREAVES:** My question is to the Attorney-General in his role as Minister for Police and Emergency Services. Can the minister please advise the Assembly on the progress in implementing the government 2011-12 budget announcement to recruit additional ambulance personnel to meet demand for the ambulance services?

**MR CORBELL:** I thank Mr Hargreaves for the question. The Labor government is giving priority to investment in and enhancement of our vital ACT ambulance services. In the most recent budget, the government allocated \$21.1 million to ACT ambulance services over the next four years. This is additional funding, with \$4.669 million allocated for the recruitment of 30 additional staff to front-line ambulance operations and six additional staff to headquarters support functions.

This is the largest ever increase in resources for ambulance services and follows on from previous commitments of \$19½ million in recurrent and capital expenditure between 2007 and 2011 to recruit 44 additional staff to areas including front-line operations, communications, non-urgent patient transport, specialist flight operations through Snowy Hydro SouthCare, and general management. It also follows additional



recruitment for ambulance funding announced in 2010-11 of \$5.113 million to enhance the capacity of the Ambulance Service to respond in a timely fashion to the ever growing number of 000 emergency calls.

The Ambulance Service is anticipating to meet the recruit target of an additional 30 front-line staff by May this year. The 2011-12 budget is delivering a range of recruitment strategies, including 15 new student paramedics commenced in May last year, six ambulance paramedics commenced in October last year and nine graduate paramedic interns commenced in November last year as well.

In addition, we have seen the establishment of a new quality, safety and risk management unit with all six headquarter positions in the Ambulance Service filled. This demonstrates that the government is getting on with the job—investing in services for our community to meet growing demand and recognising that our community needs additional ambulance crews on the ground to meet the ever growing demand we see in our community.

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

**MR HARGREAVES:** Can the minister advise the Assembly what steps the government is taking to improve attraction and retention of ambulance personnel in the ACT?

**MR CORBELL:** I thank Mr Hargreaves for the supplementary. I am pleased to advise the Assembly that, in the most recent report on government services released by the Productivity Commission this January, the ambulance service of the ACT recorded their third annual consecutive reduction in operational staff attrition rates. In 2007-08 our attrition rate was over 10 per cent. In 2008-09 it was at 10 per cent. In 2009-10 it was 7.2 per cent, and in 2010-11, the most recent reporting year, it has dropped to 4.6 per cent.

This government is doing the right thing in reducing the attrition rate, retaining our skilled, trained and highly professional ambulance staff and making sure they are available to meet the needs of the community. This attrition rate is now comparable to the Australian operational staff attrition rate of 4.5 per cent, so it is very close to the Australian average. This is despite a continuing national shortage of ambulance paramedics holding that intensive care ambulance qualification.

These staff are highly mobile. They have highly desirable skills, and they can really pick and choose where they work, whether it is in the public sector or in the private sector. A number of factors in my view are contributing to this excellent result. It includes, of course, the highly recognised professionalism and skill base of our ambulance intensive care paramedics, which has been recognised with their reclassification and determination of new work value and pay scales announced in April this year. We have seen record investment in ambulance services providing greater career opportunity and better support, and, of course, we are seeing strong investment in employee counselling and support to make sure that ambulance officers can compete and maintain their skill set.

This is great news for our ambulance service, keeping the ambulance service strong for the ACT community.

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

## **Rostered ministers question time**

### **Minister for Gaming and Racing**

#### **ACCTAB—status**

**MR SMYTH:** What is the status of ACCTAB as a going concern operated by the ACT government?

**MS BURCH:** The question about the operations of ACTTAB should be directed to the Treasurer. However, I am happy to inform members that on 16 December last year the Treasurer advised the public accounts committee that the government would review the future ownership of ACTTAB and that no decision would be taken before the end of this year.

**MR SMYTH:** Minister, what does the government intend to do with ACTTAB, in light of changes to the various pools in which it participates?

**MS BURCH:** The financial operation of ACTTAB is the responsibility, as I understand it, of the Treasurer under the TOC Act. But as I have indicated, this government has an interest in ACTTAB, its place in the ACT community, but also in understanding its viability in the broader gaming environment.

#### **Gaming machines—policy**

**MR SPEAKER:** Mr Doszpot.

**Mr Hargreaves:** Mr Speaker, on a point of order, I would like your ruling with respect to Mr Doszpot's question. I have before me a copy of the actual letter submitted for rostered ministers question time. The first paragraph says that Mr Doszpot would like to ask the following question, on 15 February 2012, of the Minister for Industrial Relations. The rostered questions actually pertain to the minister for gaming. It is not the Minister for Industrial Relations. I suggest this is because the template from yesterday had been brought forward. It does not really cut it for me. This is a rostered question for the minister for gaming. I would ask you to rule this question out or would you, in ruling it in, therefore reward incompetence?

**Mr Smyth:** Further to the question, how is it that letters to the Speaker's office are in the possession of Mr Hargreaves?

**MR SPEAKER:** Yes, we will come to that in a moment. On the point of order, I intend to apply what in legal circles is called the slip rule. I do not believe that the error in Mr Doszpot's question is fundamental. I think that the question itself is perfectly in order and I intend to allow the question to proceed.

On Mr Smyth's question, it is the practice of the Assembly that if somebody goes to the Clerk's Office and asks for copies of the questions they will be given them.

**Mrs Dunne:** Just to seek clarification, the questions that are drawn out or all the questions, Mr Speaker?

**MR SPEAKER:** I do not know. One moment.

**Mrs Dunne:** Thank you. If you could get back to the Assembly with that?

**MR SPEAKER:** Just the drawn-out ones.

**Mr Hargreaves:** Mr Speaker, on that chain of thought and therefore on the point of order, I would like your advice too. Can members actually satisfy themselves that an examination to rule questions in order or out of order has actually occurred before they are put onto the roster? Is that the go?

**MR SPEAKER:** Yes. The practice I have operated is that the Clerk reads the questions each morning before they are drawn. I do not personally examine them. I think it is more appropriate that I do not. Some of them are not drawn. The Clerk checks them to be in order and then any question that would be found out of order would be withdrawn before the draw takes place. That is the procedure I have operated. If members have a concern with that, I would be happy to receive feedback perhaps.

**Mrs Dunne:** Could I ask you, Mr Speaker, probably not now, to come back to the Assembly because this practice of getting access to questions is new to me. Seeing I was on admin and procedures at the time, I would like some clarification about the practice, how it came about, what was the impetus for it and how many times it has been used.

**MR SPEAKER:** Yes, I will give you a fuller answer on that and come back to you sometime in the chamber.

**Mrs Dunne:** Thank you, Mr Speaker.

**MR SPEAKER:** Mr Doszpot, you might proceed with your question.

**MR DOSZPOT:** Thank you, Mr Speaker. My question is to the Minister for Gaming and Racing. Minister, the club industry has raised concerns about how the proposals for reforms to gaming machine policy will affect the establishment of new clubs in the ACT. Minister, how would a club, which does not currently have a presence in the ACT, establish itself in a new area such as Molonglo?

**MS BURCH:** I will just answer as the Minister for Gaming and Racing and not the Minister for Industrial Relations, which is an interesting take on the responsibilities of my colleague Dr Bourke. The Gaming Machine Amendment Bill, for the purpose of the shadow minister perhaps for gaming and racing, but perhaps not, includes a

number of reforms aimed at reducing the impact of problem gambling in the community. As part of these reforms, existing pooling arrangements that allow unallocated machines to be available for distribution to clubs will be removed. It will be replaced by a scheme that provides more flexibility for existing clubs to move machines between venues, and this will ensure that the number of machines in the territory contracts towards the target of 4,000 machines.

**MR DOSZPOT:** Now for the unscripted question, minister. Minister, how would such a club develop a suitable business case for a new club building if the reduced cap on gaming machines is implemented?

**MS BURCH:** I have just explained that. The new proposal is around being able to transfer and allow flexibility of movement of machines between venues. As members will be aware, the bill is currently before the Assembly public accounts committee for consideration. So I will take careful note of the recent hearings of the committee and the evidence provided, and the government will carefully consider the recommendations of that inquiry. I do not propose to anticipate any recommendations yet.

### **Gaming machines—pre-commitment technology**

**MS LE COUTEUR:** My question is: what discussions has the ACT government had with the commonwealth government about the trial of mandatory pre-commitment technology on poker machines in the territory?

**MS BURCH:** There have been a number of discussions between ACT and commonwealth government officials in recent weeks, and I have recently met with Minister Macklin to discuss aspects of the proposed trial and the ACT involvement. The government and officials have consistently conveyed the view that we welcome a pre-commitment trial in the ACT, provided agreement can be reached with the ACT clubs about how that trial could be operated.

**MS LE COUTEUR:** Minister, what additional or alternative harm minimisation measures has the government considered or evaluated, and particularly has any work been done on the effectiveness of the \$1 maximum bet value in the ACT?

**MS BURCH:** The ACT government has developed a number of reforms that help to tackle the issue of problem gambling. The problem gambling assistance fund, which commenced in July of last year under the Gaming Machine Act, provides for around \$1 million per year to assist with problem gambling. This support will be operated through Mission Australia, and some of those support services include provision of gambling and financial counselling, linkages to other counselling or support services and self-help techniques to assist people control their gambling activity.

**Ms Le Couteur:** On a point of order, Mr Speaker, I simply asked about the \$1 maximum bet, and the minister has not yet touched on that.

**MR SPEAKER:** Minister, if you could answer Ms Le Couteur's question.

**MS BURCH:** The question was around harm minimisation strategies, including the \$1 bet, and I have answered the question.

### **Racing industry**

**MR SESELJA:** Minister, the Independent Competition and Regulatory Commission reported on its inquiry into the ACT racing industry in April 2011. What consultations has the government undertaken in considering this report and what were the results of those consultations?

**MS BURCH:** The government is finalising its response to the Independent Commission and Regulatory Commission report. The response will take into account the views of the three racing clubs. I have recently met with the Harness Racing Club and Thoroughbred Park and will shortly be meeting with the Greyhound Racing Club. And those discussions have been valuable and will inform the government's consideration of the ICRC report.

**MR SESELJA:** Minister, when will you announce the outcome of the government's deliberations on this report?

**MS BURCH:** Those considerations are being finalised. I look forward to meeting with the Greyhound Racing Club shortly, and once I have met with all three groups I will finalise the consideration and put it before cabinet.

### **Clubs—ATMs**

**MRS DUNNE:** Minister, at recent public hearings held by the public accounts committee a number of witnesses raised concerns about proposals to change the way in which ATMs in clubs can be used. A particular concern related to proposals from both the ACT government and the federal government which would affect the use of these ATMs. Minister, have you given any consideration to seeking to align the two proposals for changes in the way in which ATMs are used in clubs? If not, why not?

**MS BURCH:** The Gaming Machine Amendment Bill includes reforms aimed at reducing the impact of problem gambling in the community. One such proposal is to restrict the amount of cash that can be withdrawn from an ATM located in a gaming machine venue. The proposed restriction in the ACT is to allow a maximum cash withdrawal of \$250 per day. This is the same amount as provided by the federal government. The ACT proposal will commence in January 2013. Whether there are any significant differences between our proposal and that of the federal government will not be known until we see the federal legislation.

**MRS DUNNE:** Minister, what negotiations has the ACT government had with financial institutions regarding proposals to change the way in which ATMs can be used in licensed clubs and what has been the outcome of those negotiations?

**MS BURCH:** Our proposal is that a withdrawal of \$250 per day will be maximised and we have ongoing discussions with the gaming venues about how this will be introduced. That would include some amendments perhaps, perhaps not, to their machines, to their ATMs in these sites, in their clubs.

## **Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011**

Debate resumed.

**MR RATTENBURY** (Molonglo) (3.40), in reply: I rise to close the debate on this legislation and remark on some of the comments that have been made about it. Let me start by simply reminding the chamber of why this bill is important. We know that around 30 per cent of houses in the ACT are rental properties. There are certainly a proportion of them that are poor quality. The data that is contained in the so-called modelling that was provided by Minister Joy Burch demonstrates that, for example, around one in five government houses in the ACT are zero-star rated. The estimate—bear in mind that no-one actually knows because most of the properties are not rated—is that around 2,500 government properties are zero-star rated. That is an issue in itself. It raises a whole set of questions as you go through this document about the actual quality of the government housing stock in the ACT.

We have got another 3,500 properties estimated to have an energy star rating of one. So there we have 6,000 properties that are at the absolute bottom of the heap when it comes to their energy efficiency. That raises a whole lot of questions about the quality of housing that people are actually living in. It has an impact on their quality of life, on their health and on their energy bills. But that is a discussion for another day—about the state of the government's housing stock.

This bill is about improving the quality of life of Canberrans who rent a property in this city. It is also about reducing their energy bills. This came up in the earlier debate. I have mentioned this before: the information supplied by the home energy audit team in 2005 indicates that lifting an EER from zero to three, which is the intent of this bill, can halve a home's energy bills, which is significant in the context of electricity price rises that we have seen in the ACT in recent years, and undoubtedly will continue to see as the cost of electricity rises, particularly as we need to upgrade the grid infrastructure, as we are going to need to do in coming years.

And the intent of this bill is to reduce the ACT's greenhouse emissions. We know that a very significant portion of the territory's emissions comes from stationary energy use, which is essentially buildings. With 30 per cent of ACT houses being rentals, this is a significant proportion of that set of greenhouse emissions.

As Ms Bresnan mentioned in her remarks earlier today, this proposal has significant support. Certainly the intent of it has significant support from a range of community organisations across Australia who have been talking about the need to create minimum standards for rental properties—organisations such as the ACT Council of Social Service, the Brotherhood of St Laurence, the Consumer Utilities Advocacy Centre and the Victorian Council of Social Service.

We have also seen positive comments about this legislation from the Tenants Union. That is a particularly telling observation in the context of the comments that have been made by the other two groups in this chamber about what a negative impact this

would have on tenants. We have the Tenants Union, the biggest single advocate for tenants, saying, “We really need legislation like this.” The people who work with tenants every single day of the year, who spend their entire time battling for the needs and the rights of tenants, are saying: “We need something like this. We need this kind of legislation because tenants are getting a raw deal. Nothing can be done.” Tenants are in a weak bargaining position. It is a lessor’s market out there and the tenants have no capability to get these improvements to their properties.

That is why the Greens have brought forward this legislation. We have been told by the people in the community who work with tenants every single day, who work for those people that are suffering disadvantage, that because of the power imbalance between the landlords and the tenants we need these sorts of standards, these minimum standards, to be legislated.

It is important to recognise that we are talking about minimum standards here. From the way this debate has gone on in some places, both in the media before today and in some ways through the chamber today, you would think we were talking about gold-plating the quality of rental houses in the ACT. This is not what we are talking about. We are talking about going from a zero-star rating to a three-star rating. This is not six or seven stars. This is not nine or 10 stars, when you are getting towards a carbon-neutral house. This is a basic standard of ensuring that houses are warm in the winter and cool in the summer so that people are not getting sick in the winter because they are so cold, and not suffering a terrible quality of life because they are cold, and not sweltering in the summer or having to close everything up and turn on an air conditioner at considerable expense.

We talk about the cost of these things. We have seen the data that comes out of Queensland and the impact of air conditioners: every time a new air conditioner gets installed in Queensland, that is a cost to the taxpayer of \$1,500 in grid upgrades. Mr Coe talked earlier about the impact for taxpayers across the territory; these are the sorts of hidden costs that Mr Coe’s right for everybody to have an air conditioner starts to lead to when it comes to looking at the true cost of things.

**Mr Coe:** Are you going to ban air conditioners?

**MR RATTENBURY:** Mr Coe seeks to verbal me again. I have never suggested that we should be banning air conditioners. What I am saying is that we should not necessarily require everybody to have an air conditioner. And if we built our houses properly, people would not need them. I have not turned my air conditioning on once this summer, because I have insulated my house. That is the sort of advantage that you can achieve if you do not live in the sort of cave that Mr Coe lives in.

The true cave dwellers in this chamber are the ones that do not understand these facts. They have not lifted their heads out of the caves long enough to look. It is possible to do it in a different way, a way that is beneficial to the entire community and does not push the hidden costs on to all of those who are not participating. That is what is going on here, and it would do you well to lift your head out of the cave some time, Mr Coe.

Let me come back to the comments that were made about the legislation earlier. Mr Corbell made an interesting speech. I disagree with many of the points that he made, but I appreciate that he put them in a considered way. The whole line of questioning about whether rents will go up under this kind of legislation is an interesting one. I think that is a very debateable point. Certainly the advice we have been given is that rents will be what the market can bear. That is why we are seeing rents go up so much in the ACT at the moment: people are charging whatever they think they can get. I think that that is the real factor here. There has been a lot of discussion about what will drive the rents up—that landlords will have all of these costs. There are a whole series of factors going on here.

There was some talk about why we had not provided modelling. What we provided when we put this legislation forward was a significant background paper. In that background paper we identified a range of the likely costs that individual properties might face. But we know that nobody actually knows the data on the state of properties in the ACT. There is not a singular tally of the energy efficiency rating of every property in this territory. That comes through in the government's own data on ACT government housing properties. It does not actually know. So for us to produce modelling would have been guesswork, just as the government has undertaken an exercise in guesswork. And that is all its modelling is—an exercise in guesswork.

If you actually look at the rental market and the style of properties that are available, there is a whole range. And there is a range of types of landlords out there. There are going to be landlords, often investors, who have just bought a brand-new six-star rated apartment, say in Lyneham or anywhere else in the inner north. That person is probably going to have a huge mortgage, because there is a fair chance that they have borrowed nearly 100 per cent of the property, but they do not have change to their cost structure, because their house is six-star energy rated and it is going to have most things already. So they are not going to need to change their rent at all.

At the other end of the spectrum, probably similarly in the inner north, suppose you have got a zero-star rated house that has been there for a long time: it is old; it is one of those classic Canberra nasty houses; it has been owned, perhaps, for 25 years. The owner has long since paid it off; they have no cost structure other than actually keeping the property and probably gaining a significant capital advantage every single year, as we have seen the way the ACT has run in the last few years.

Let us look at what would happen if they had to put, say, \$5,000 of upgrades into their property. And suppose they are renting it out at \$450 or \$500 a week. That is pretty standard, if not a bargain, in the inner north. That is 10 to 12 weeks of rent to cover those upgrades. The property has had an increase in its capital valuation because of those upgrades. Out of the non-existent cost structure—there is land tax and there are a few other bits and pieces—it is 10 or 12 weeks of rent to offset those upgrades. And now we have got a tenant living in a decent quality property and the landlord has got a better property when they come to put it on the market.



So this simplistic analysis of what is going to happen to the rental market belies the fact that nobody actually knows.

Mr Coe raised an interesting issue about us discriminating against owner-occupiers because we are only doing this to rental properties. I am more than happy to enter into a discussion with the Liberal Party about bringing in similar legislation for every property in the ACT if that is where they would like to go. I am an even-handed kind of guy; I do my best to be. If we wanted to do it for every house in the ACT, I think that would be beneficial for this entire city. We would certainly be willing to have that conversation with the Liberal Party if that is their policy direction.

There has been a whole lot of speculation about what would happen in the rental market if this sort of thing came in. Mr Corbell suggested that some owners would get out of the market. That may be the case, but then what assumption do we draw about what would happen next? That would mean that there would be more houses on the market. This may increase supply. This may even drop the price a little bit. This may enable some people who are currently renting to get into the buying market.

I have no doubt that there would be a level of churn, but whether that churn is a negative consequence or a positive consequence is one that, frankly, nobody knows the answer to. What I do know is that if we go ahead and pass this legislation we will improve the quality of housing in the ACT, and that would be a positive thing.

When it comes to the comments of Ms Burch, probably the less I say about them the better—other than simply to observe that, as I noted at the time, Ms Burch really sought to scaremonger on this. She said, “The ACT government has 10,000 properties that may not meet the standards, and the legislation has a requirement, where there is a dispute, where it might have to fix up 10,000 properties.” And that is once there is a dispute, because the parties could negotiate openly and collaboratively. But if there is a dispute, there is a 90-day time line to resolve it. She said, “We might have to fix up 10,000 properties in 90 days.” She ignored the fact that this legislation has a three-year lead-in period—up to 3½ years, depending on if and when it was debated.

We are always open to discussion. If the government had said, “Actually we need another year; we reckon we can get it done in four years, but not three years,” we would have been open to having that discussion. It would never have been 10,000 houses in 90 days. It was simply a preposterous suggestion, and it is an insult to this chamber and a poor reflection on the minister that she has sought to distort it in that way.

That highlights another flaw here in the unfortunate process around this bill. We put this bill out in good faith. We released it last April as an exposure draft. We put it to community consultation. We actually listened to that community consultation and we adjusted the bill in a number of places regarding feedback that we received. We welcomed that feedback. We accept that there were some good suggestions put forward to us.

I then retabled the final bill last August. I stood in here and I again said, “We are open to discussions on this.” I personally raised with the minister our willingness to have this conversation. I suggested that we have a meeting with officials to brief them on the intent of the bill and to discuss specific areas of concern. That offer was never taken up. That is why, in the government’s bodgie costings that came forward, they have done things like costing full-grade security screens for every government house, something we never proposed.

**Ms Burch:** Where are your costings?

**MR RATTENBURY:** If you had listened to my speech, Ms Burch, you would understand the answer to your own question. You should listen.

The government brought forward a set of bodgie modelling because they never even bothered to engage in a conversation about dealing with 30 per cent of the housing stock in this city. That is a poor reflection on the Labor Party, and I think it is a real let-down of this significant group of constituents.

Let me turn to why this bill is important. When I tabled this speech last August, I read out a number of emails that I had received from people who would be affected by the benefits of this legislation. We had an email from an Evatt resident saying, “I am no longer a renter but I longed for this sort of legislation when I was renting.” There are other ones along these lines. This is perhaps the most telling of them, from a Kambah resident who said:

My partner and I are in a rental property (an old government house) in Kambah, with zero insulation, wooden floors and sheer curtains. The floors are admittedly OK in summer but for at least six months in the cold seasons they are really not okay. There is no insulation between them and earth outside. There is no insulation full stop.

The constituent then goes on to talk about how she has had to use bleach to get rid of the mould and how the landlord is completely unwilling to upgrade the property in any way to make it more liveable.

That is exactly why this bill is important. That is why it is an absolute shame that this Assembly has not taken it more seriously, that there has not been some discussion about it. I hope that members will walk away today wondering what they are going to do, and taking seriously what they are going to do, to improve the lot of renters in this city.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 4

Noes 13

Ms Bresnan  
Ms Hunter  
Ms Le Couteur

Mr Rattenbury

Mr Barr  
Dr Bourke  
Ms Burch  
Mr Coe  
Mr Corbell  
Mr Doszpot  
Mrs Dunne

Ms Gallagher  
Mr Hanson  
Mr Hargreaves  
Ms Porter  
Mr Seselja  
Mr Smyth

Question so resolved in the negative.

## Roads—T2 lanes

**MR COE** (Ginninderra) (3.58): I move:

That this Assembly calls on the Government to:

- (1) immediately convert the bus lane on Barry Drive to a T2 lane; and
- (2) acknowledge that car pooling is an effective means of reducing the number of cars on our roads and alleviating road congestion.

Today I bring before the Assembly a motion which is about delivering a tangible benefit to the residents of Canberra. It is about delivering on local services. It is doing what I believe is the core business of the ACT Assembly. What I am talking about is basic infrastructure. I am talking about the travel times of people going to work.

As it stands at the moment there is a bus lane on Barry Drive. From a question that I put on notice last year and from an answer I received—I think it was question on notice No 1910—the road carries approximately 27,000 cars per day. When you consider that out of 27,000 cars a fair few would be carrying two or more passengers, the actual number of people that are using that road on a daily basis is considerably more than 27,000. It is perhaps 40,000, even 50,000, in private motor vehicles. By encouraging people to car pool with two or more people, we would be having a positive impact on the number of cars driving on that road and, indeed, having a positive impact on the environment.

We have seen the positive response from the general public to our successful motion last November which resulted in the reinstatement of the T2 lane on Adelaide Avenue. We know that the commuter, the person that car pools into town, welcomed the move that makes their journey to work just that little bit faster and easier. We saw last year when this government chose on a whim to revert the T2 lane on Adelaide Avenue to a bus only lane that it was a short-sighted decision. The decision effectively removed an incentive for people to car pool, what is by far and away the easiest and most efficient way to get multiple people to and from their destination. That is by far and away an easier cultural shift than to get people onto public transport.

Currently the bus lane on Barry Drive is just that—for buses only. Anyone who uses that route to travel into the city on any given morning will face the frustration of an empty lane unable to be used by the motorist and at best in peak times used only by a handful of buses—perhaps just once every seven or eight minutes. For the other seven or eight minutes, the bus lane is pretty much unused except for perhaps the odd taxi. The motion we have here today opens up Barry Drive just that little bit more for the residents of Belconnen that choose to travel into the city by car.

It opens up that road to the residents of Belconnen that are forced to travel in by car because they have got to do errands beforehand, because they have got to drop their kids off at school, because they have got to drop their kids off at childcare, because they have got to drop into the shops on their way to work. These are very real scenarios that Canberra families in my electorate of Ginninderra face on a daily basis.

When it comes down to it, ACTION buses are not suitable for everyone, but we would like to encourage people to car pool. With that, as I said earlier, it is an easier cultural shift than to get people onto public transport and it is a cheaper, if not free, cultural shift than the hugely expensive ACTION bus network which is in operation at the moment.

It is important to note that absolutely everybody who drives on Barry Drive at the moment would win as a result of turning the bus lane into a T2 lane because if there are fewer cars in the two main lanes, the two open lanes of traffic, because some of the cars that were in those lanes are now in the current bus lane, in the T2 lane as it would be if this motion was successful or if the Liberals are successful in October, it would mean that there would be fewer cars in the other two lanes. The bitumen which is currently reserved as a bus lane would be far better utilised than it currently is. That would be a better return for the taxpayers who constructed that road.

Regardless of the success of this motion, this is an initiative of the Canberra Liberals and we intend to carry it out. We saw in November last year that the Greens agreed that opening up the Adelaide Avenue bus lane was a good idea—that opening that up as a T2 lane was a good idea. Why? It was because it encourages people to car pool, it is a better utilisation of that infrastructure and it poses no serious concerns. The only concern it posed was to the stubbornness of the ACT Labor government.

I hope the Greens today are going to support this motion. It is a motion in favour of the motorists of Canberra who are forced to use their cars, not because they like going on joy-rides but because they need their car to go from A to B and quite often to C, to D and to E. A person who uses their car in Canberra is often doing multiple things before getting to their ultimate destination and for that reason, the ACTION bus network is not appropriate or convenient for them in many scenarios.

I look forward to the Chief Minister reporting to the Assembly tomorrow on the T2 lane on Adelaide Avenue. It will be interesting to see whether she puts any spin on it or she does acknowledge that that was the right policy. It was the right policy when they implemented the T2 lane a few years ago, yet suddenly it was not the right policy in November. It seems from some of the press releases that we saw put out by the

department and, indeed, mentioned by the minister on occasion, that they are almost taking responsibility for the fact that the T2 lane is back on Adelaide Avenue, in spite of the fact that they spoke against it.

Let us see whether they support the T2 lane being implemented on Barry Drive. Unlike the government, we on this side of the chamber have spent this term focusing on getting better local services and at lower cost to the community, lower cost to taxpayers. This transport initiative is a great example of our commitment to turning Canberra into being the best local government in Australia.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.06): I welcome the opportunity to speak on this motion today and I move the amendment that has been circulated in my name:

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

“notes that:

- (1) the Assembly passed a motion in November 2011 for the Government to, among other things, develop and publish Government guidelines for the appropriate locations and uses for transit lanes and bus lanes in the ACT, which have reference to safety, congestion and transport sustainability goals;
- (2) the Minister for Territory and Municipal Services will be providing a report to the Assembly on T2 related issues on Thursday, in accordance with the Assembly motion of 16 November 2011; and
- (3) Mr Coe’s motion is premature and inappropriate in terms of the Assembly motion that he supported just three months ago.”.

At this point in time we would support this motion once it is amended. Really, I think Mr Coe has gone to the issue where he actually welcomes the tabling of a report tomorrow, yet trying to move this and ask the Assembly to agree to this today without the benefit of that information. Indeed, I was not aware that Mr Coe was a road engineer or, indeed, that the Liberal Party had been able to conduct the necessary investigations into the appropriate use of converting bus lanes to transit lanes.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order! Mr Coe, you are on a warning. You were on a warning here at 3 o’clock.

**MS GALLAGHER:** But there you go. The policy lightweights have dreamt up a policy just to try to get ahead of the actual expert advice that will be provided to the Assembly. So the government will not support the motion. We have moved an amendment. We believe the motion as written by Mr Coe is both premature and uninformed.

Just three months ago Mr Coe supported an Assembly motion that called on the government to develop and publish government guidelines for the appropriate

location and uses for transit lanes and bus lanes in the ACT. The guidelines are to consider traffic safety, congestion and transport sustainability goals. So there was an acknowledgement three months ago that in order to determine appropriate use of transit lanes, there was a need for guidelines to be established to consider traffic safety, congestion and transport sustainability goals.

I am sure all of those are covered off in Mr Coe's announcement that Barry Drive should immediately be turned into a T2 transit lane! Here we are being asked to convert a bus lane into a T2 transit lane without the benefit of those guidelines, without any information about traffic safety, congestion or other factors and without having considered its implications against an integrated transport strategy.

The government's draft transport for Canberra strategy is to increase priority for public transport on key bus corridors. The report by our consultants advises that the benefits of the Barry Drive bus lane are expected to continue to increase over time and that the installation of a T2 lane would see the average speed of buses reduced. So the government wants to ensure that its work on improving bus travel times and bus frequency is not compromised by uninformed calls such as this motion today.

In response to the Assembly's motion of 16 November, I will be providing a report to the Assembly on T2-related issues tomorrow. I will be outlining the work that has been done to date on both the guidelines and on bus lane and transit lane options. I do not think it is helpful in considering this issue when we are asked to take knee-jerk actions without having all of the information available to the Assembly. The government released its comprehensive draft transport strategy late last year and we will be considering a final version following community input as part of the consultation on the transport for Canberra strategy.

The AECOM report, which will be tabled tomorrow, will identify links on the frequent rapid bus network and provide advice as to the suitability of the link for implementation of a bus or transit lane based on their three key criteria: numbers of lanes, levels of service for traffic and level of service for buses. The TAMS Directorate would use this advice when planning for future improvements in traffic management along these corridors.

For example, Eastern Valley Way is identified as potentially being suitable for a T2 transit lane. This is because one general traffic lane and a T2 lane would potentially move people more efficiently than its current two general traffic lanes. The report to the Assembly tomorrow will also respond to the issues around high occupancy vehicle measures like car pooling.

Transport for Canberra, which was released as a draft, details the government's approach to planning and delivering transport for Canberra. Amongst other policies designed to create a safer, more efficient, more sustainable, more equitable city, transport for Canberra includes a network of rapid corridors, the transport corridors on which public transport will now and into the future be given priority over general traffic and a travel demand management approach, which means traffic lane space should be prioritised to move more passengers with less congestion, rather than simply managing the number of vehicles per lane. This approach encourages car pooling.

Transport for Canberra also includes specific incentives and actions to help increase the number of people per vehicle, such as car pooling, including continuing the “three for free” parking scheme in the city and town centres, expanding car pooling across the ACT public service, investing in an expansion of the program to include federal government departments, combining car pooling with workplace travel planning for ACT government facilities, and providing support and templates for community, public and private sector workplace travel planning.

The TAMS and Environment and Sustainable Development directorates are working together to produce a guideline on transit lanes that will include safety, congestion and sustainability goals consistent with our transport for Canberra policy and consistent with the motion of the Assembly.

We are not in a position, and I do not think the Assembly is in a position, to be supporting this ill-timed, piecemeal motion from Mr Coe. The government bases its decisions on informed policies and guidelines. This is what we will do with the transit lanes and bus policy. Indeed, it will be how we approach an integrated transport plan for Canberra, not just singling off 2.2 kilometres of traffic to suit some personal gain.

**MS BRESNAN** (Brindabella) (4.12): The Greens will not support this motion from Mr Coe. It is an ill-thought approach to transport planning, and I will go to Ms Gallagher’s amendment later, which we will support. This motion does not even seek to investigate the issue of bus and car traffic in Belconnen and the city. It simply asks for the bus lane on Barry Drive to be immediately converted to a T2 lane, which would be a significant change to one of the main transport corridors of our city. The Greens support a strategic and evidence-based approach to transport planning. If we were to support this motion, we would essentially be supporting a whim that has not been properly thought through.

Supporting this motion today would also ignore the previous resolution on T2 lanes that the Assembly passed in November last year—with the support, I would add, of the Canberra Liberals. If we are to have respect for the resolutions made by this Assembly and the processes we agreed to put in place, we should not now support contradictory motions. This motion essentially circumvents the process we agreed on.

As I said, I think this motion is a whim that has had little thought put into it. What would be the result of immediately changing the Barry Drive bus lane into a T2 lane? What would be the impact on bus travel times, for example? Would this change mean that adjustments need to be made to the bus timetable? I do not think the Liberals know the answer to this. In fact, I note that Mr Coe’s knowledge of the relevant bus routes seems to be lacking in this respect.

He said in his media statement that closing the third lane to nothing but buses and buses that are not that frequent is a massive waste and poor planning. Actually, the buses on Barry Drive are frequent. The Blue Rapid line has a frequency of every five to seven minutes. The Blue Rapid line is the key bus line in Canberra, and the Belconnen to city route is one of the most patronised routes in the whole of the city.

I wonder if Mr Coe has considered whether it is the lack of a car pool lane causing congestion issues or whether it is other issues such as the intersections on Barry Drive or the section of Barry Drive where the bus and car lanes merge into each other. I note that the government is prioritising the extension of the bus lane along Barry Drive, which is likely to make a much bigger difference for both buses and cars.

I would hope Mr Coe has noticed that there are bus stops along the Barry Drive bus lane and the upgrading of the Belconnen to city transit way also involves constructing new bus lanes at Barry Drive and new bus stops. This raises another question: do bus stops mean there are safety issues that need to be addressed if the lane was to also allow car travel since buses will be pulling in and out of the lane? Incidentally, this is one of the major differences between Adelaide Avenue and Barry Drive—Adelaide Avenue is an uninterrupted section of road with no stops, meaning buses are not stopping and starting.

I also would ask why Mr Coe has decided that it is only Barry Drive that should have the T2 priority and not the entire route from Civic to Belconnen. The government has been working on the Belconnen to city busway, and much of that has been built so that there is a dedicated busway connecting to Barry Drive, including Belconnen Way. Is it the Liberal Party's position to turn this busway into a car pool lane for the entire length from Belconnen to the city, or is it just Barry Drive? If so, why is it only Barry Drive? This just highlights the ad hoc nature of this proposal.

I have to say it is quite concerning to think that Mr Coe would apply this approach to transport or planning if he was the minister. He would see that there was some busy traffic on a road with a bus lane—

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order! Mr Smyth, Chief Minister, please. That will be enough.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe, your name is on here. It might be on a leave application shortly. Ms Bresnan, you have the floor.

**MS BRESNAN:** Thank you, Mr Assistant Speaker. He would see that there was some busy traffic on a road with a bus lane and just decide on a whim to change it to a car pool lane. There is much more that needs to go into a decision like that rather than this ad hoc, thought-bubble approach.

As I mentioned, the motion presented today pre-empts work the Assembly has already asked the government to do on bus and transit lanes. We called for this work in a resolution by the Assembly in November last year. I remind the Assembly of that resolution. It asked the government to:



... develop and publish Government guidelines for the appropriate locations and uses for transit lanes and bus lanes in the ACT, which have reference to safety, congestion and transport sustainability goals ...

The Chief Minister has already mentioned what we could expect to see in that report. That is a sensible, evidence-based approach. At the time, the Canberra Liberals voted for that approach. In fact, as everyone knows, the government is scheduled to report back to the Assembly tomorrow on its progress on this resolution and the development of transit lane guidelines.

It does not make any sense for the Liberal Party to agree on one day that the government should develop an evidence-based approach to transit lanes and bus lanes and then a few months later suddenly propose that a well-established bus lane be immediately converted to a T2 lane.

I would also like to point out that the Greens are supportive of the Belconnen to city busway project. This is a key public transport corridor. Prioritising public transport in this area is an important way to increase the speed and reliability of the bus system for a large number of patrons, as well as to create other benefits such as transit-oriented development. This is something the Greens believe is important for the future of our city.

One fact about congestion that is often overlooked is that Canberra's congestion can be significantly eased by creating a corridor transit system of public transport priority. This is documented clearly in independent studies on Canberra's transport opportunities. The Kellogg Brown and Root study in 2005, for example, said that congestion projections are significantly improved by the creation of a corridor transit system, including from Belconnen to the city. The study warns that if Canberra does not create the population densities in the right places and with the right public transport, it will face a real and serious transport problem.

This is one of the issues I have with Mr Coe's motion. The bus-only lane from Belconnen to the city is a key public transport priority lane that will contribute to transit-oriented development as well as easing reliance on a car and also reducing congestion for people who need to travel by car. It is also my understanding that work has been done on a Belconnen to city bus lane. The projection is that, as Gungahlin in particular grows in population, a bus-only lane will become more and more valuable and effective.

Lastly, I want to briefly address some of the differences between the Adelaide Avenue situation and the motion today, which is focused on Barry Drive. The Adelaide Avenue transit lane was already a T2 lane that the government proposed changing to a bus-only lane. We knew the T2 lane had been working effectively on Adelaide Avenue for a number of years. What the Greens agreed to in November was to keep the lane as a T2 lane while the government investigated the evidence about the best use of the lane.

I will repeat some of the speech that I gave on the Adelaide Avenue transit lane motion:

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

As I noted, there are currently no guidelines or rules that govern when it is appropriate to operate different kinds of transit lanes. Obviously these are guidelines that are required. The guidelines should be compatible with sustainable transport policies. The intention should be for transit lanes to be used in a way that will have a positive outcome.

That is the key thing today. We need to do that work so we make sure that what we do to transport infrastructure in this city is done in an appropriate way.

To conclude, I would like to emphasise that this does not appear in my mind to be a serious motion. No analysis has been done of the impacts of immediately converting Barry Drive bus lanes to T2 lanes. This includes the impacts on bus travel, car drivers, safety, long-term sustainability and congestion. This motion also comes right after the Assembly—including the Liberals—agreed to a resolution on T2 lanes calling on the government to develop and publish guidelines for the appropriate locations and uses for transit lanes and bus lanes in the ACT, with reference to safety, congestion, and transport sustainability goals.

As to Ms Gallagher's amendment, the Greens will support it. It reflects what I have said in my speech. This work is already underway. We need to do that work properly so that we can get the best out of transport infrastructure in the ACT and so that it can do the best for the city itself for all commuters and all travellers. The amendment recognises that and also that we will be getting that report soon. It is pre-emptive to move this sort of motion when we do not have the report yet. We need to do transport planning in a proper way in this city. If we do it in ad hoc way, it will have negative impacts on this city and on all travellers. This has to be done properly.

**MRS DUNNE** (Ginninderra) (4.22): I want to congratulate Mr Coe on the work he has done in bringing forward this policy initiative and his attempt today to try to have this government do something about addressing the transport needs of the people of Belconnen—the people that Mr Coe and I serve. The people of Belconnen have suffered for years with poor transport links because of the mismanagement of this government and its predecessors. We have suffered through two builds of the Gungahlin Drive extension because they could not get it right the first time. Now we are still in a situation where we have choke points across Belconnen caused by bad planning in relation to the Gungahlin Drive extension.

I have drawn the minister's attention on a number of occasions to the exit from the Gungahlin Drive extension onto Parkes Way. Parkes Way is a car park most mornings from about 8 o'clock. William Hovell Drive way back to Coulter Drive is usually a car park well beyond Parkes Way most mornings from 8 o'clock onwards. The transit

through the southern reaches of Belconnen is very difficult, and anyone from the north-western reaches of Belconnen who would use Gungahlin Drive to go to Civic is in a difficult position because of the choke points.

Mr Coe, because this is his job, has been talking to people and addressing the issues of delivering good local roads. One of the approaches he has come up with—which has been endorsed by my colleagues—is that we should look at the transformation of the current T2 lane into a transit lane replicating the conditions that apply on Adelaide Avenue. The use of Adelaide Avenue has been a success, and that has been admitted by most people here. It was a success for quite a long time during the building and rebuilding of the Gungahlin Drive extension. The merits of a transit lane in that area are there for all to see. What Mr Coe is doing by his policy announcement and by this motion here today is trying to create that reality for the people of Belconnen.

It is obvious from the attitudes of the government and the Greens that the people of Belconnen will have to wait until after the October election when a Liberal government will deliver this, because the current government is unprepared to address and meet the needs of the people of Belconnen. It is most interesting that the Labor members for Belconnen—Dr Bourke and Ms Porter—are not present here today. It appears they will be having no say about the transport needs of the people of Belconnen. That will not go unremarked in the electorate.

Ms Porter likes to talk about how she is the best local member in this place. She is good at writing letters, but she is actually not very good at standing up to the government and saying, “Look, it’s just not good enough.” The people in Belconnen are now confronted with car parks on William Hovell Drive, car parks on the Parkes Way exit from the GDE and car parks on Belconnen Way. Mr Coe, after consultation with the people who live there, with the electors, has come up with a partial solution. It is not the silver bullet, but it goes some way to addressing local services in our electorate.

What we have got here today is this dismissive put-down amendment, which is a disgrace. We are not going to talk about it today because the Chief Minister is not ready. “I’m not ready; I want to do it tomorrow,” she said. “And it is very naughty of Alistair to want to do it today, because I want to do it tomorrow and I am the Chief Minister and I will hold my breath and I will stamp my feet and I will do it in my time.”

This is the tenor of the amendment. The tenor of the amendment is dismissive and discourteous. To call Mr Coe’s motion “premature and inappropriate” is dismissive and discourteous to the people of the ACT. If you are ready to speak about this tomorrow—this has been through cabinet—your speech is written, the documents are prepared. You could have come—

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Through the chair, please, Mrs Dunne.

**MRS DUNNE:** Mr Assistant Speaker, the Chief Minister could have come down here today and really contributed to this debate. We may have disagreed—I do not know—

but she could have made a real contribution as the minister for urban services to this debate. She could have come down and said: “I was going to do this tomorrow, but Mr Coe has been proactive. He’s been working with his electorate, and the people of Belconnen deserve an answer from this government. Although I was going to table this tomorrow, I will table it today for the information of people, and I will address the issues in Mr Coe’s motion in light of the statement I was going to make tomorrow. But I’ll show how flexible I am—how cool and laid-back I am—and I won’t say, ‘Well, I was going to do it tomorrow, and I’m going to continue to do it tomorrow.’ I will work with everybody and we’ll actually have an informed debate.”

But what we have got is putting it off because Ms Gallagher does not want to deal with the substantive issue. It is easy for her to come up with this discourteous, dismissive amendment—“let’s delete all words after ‘that’”—to put down the people of Belconnen and to put down the member who has worked for the people of Belconnen, because “I’m not ready”.

The amendment is shameful. If Ms Gallagher as the minister for urban services was interested in the transport issues of the families of Belconnen who are crying out for decent local roads, she would address this issue now. I congratulate Mr Coe on his policy initiative. I congratulate my colleagues on agreeing to this policy initiative. I congratulate Mr Coe on his attempts today to get better transport services for our constituents in Belconnen.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (4.29): I join with my colleague Amanda Bresnan in noting that this really has not been a well-thought-through or well-considered idea at all. In fact, I was a little taken aback then when Mrs Dunne said that it was a policy announcement, because, if this is a policy announcement, I would have expected far more research to have gone into it. It is almost like Mr Coe woke up and had a bit of a thought bubble one morning.

*Mr Hanson interjecting—*

**MR ASSISTANT SPEAKER:** Mr Hanson, that will do, thanks.

**MS HUNTER:** Ms Bresnan clearly laid out a number of issues.

*Mr Hanson interjecting—*

**MR ASSISTANT SPEAKER:** No. When somebody else is here, not while I am here.

*Mr Doszpot interjecting—*

**MR ASSISTANT SPEAKER:** Mr Doszpot, that is the last time. Next time I am going to name you. I will not put up with it.

**MS HUNTER:** Thank you, Mr Assistant Speaker. Ms Bresnan clearly laid out some of the practical issues and realities about Barry Drive that are very different to Adelaide Avenue, and one of the clear ones that she did lay out was the fact that there are bus stops. There are buses stopping in that bus lane and that, of course, would be a

major issue around safety if you wanted to also put cars in that lane. Quite frankly, I am not quite sure how that would assist people to be able to get to a place quicker. It just really has not been well thought out at all.

Back in November we did support the motion around the change to the Adelaide Avenue T2 lane. We said yes, we think it should be reinstated while we do investigate where we should have these lanes and how we can promote car pooling across the ACT. Mrs Dunne has just attacked the Chief Minister about not coming in here with all that information today. Quite frankly, the motion made it very clear that the reporting date was not today, that it was tomorrow, and that they would have a full report on all the options. So it is premature to be coming out now.

I do take on board that there are transport issues in Ginninderra. There are transport issues right across Canberra and they are not going to go away. We do need to meet the challenge of what we are going to do to reduce congestion, to reduce pollution, to make more affordable options for people so that they do not have to buy a second car.

If we provide choice, that really could help people with their household budgets. And that is why many people who live in Gungahlin were delighted when we, through the parliamentary agreement, pushed for more frequent bus services and the Red Rapid service was put in place. Those people, many of them families who were buying their home, had recently moved into their new homes, and transport was being made affordable. They were going to be able to make those mortgage payments, because there was a bus that went every 15 minutes from 7 am to 7 pm, five days a week. That meant that they did not have to buy a second car. Therefore, that was what made their mortgage payments possible.

We have also obviously not just focused on the Gungahlin issues around transportation. We have also very much been pushing out in Ginninderra. What we have got in Ginninderra so far, from pushing through the last budget, is a Blue Rapid service. This was to extend a very regular, frequent service that runs from Kippax and goes into Belconnen. And this again will be one that proves to be very popular.

What we know is that it is about frequency and reliability. They are the key things. What we also need, which needs to go hand in hand with frequency and reliability, is infrastructure. And that is dedicated busways. It is also giving priority to buses at traffic lights. These are the sorts of things that also mean that people see it is a viable option. If we start messing around with that, then that is a real issue around how we are going to build that transport system into the future that people are going to need to be able to get around our city, not only to get around the city with ease but also in an affordable way.

I understand that Mr Coe has listened to constituents about their frustrations about traffic jams and choke points, but this is not a well-considered, well-thought-through response. That is why we cannot support this motion today.

We have also pushed for park and rides. I know that there have been comments that not everybody can have that Blue Rapid or the Red Rapid right outside their front door, and that is absolutely true. That is why the Greens have also pushed for park and

ride services. This allows people to drive their car to a park and ride, have it secure for the day and then get onto a rapid service. Again, this is the Greens pushing for solutions and the sort of infrastructure you need to go along with those solutions.

We have already achieved a number of park and rides. Mawson and Mitchell are already built and they are operating. Others are on the way at Calwell and Erindale. And I know that the Liberal Party thinks these are good achievements because their 2008 election policy spruiked the importance of park and rides.

Last year, when we also pushed for the Blue Rapid line, I had been advocating a proper park and ride at Kippax. I had a number of conversations with the former Chief Minister and we exchanged correspondence. I have also been out to have a meeting and talk with the owners of the Kippax shopping centre about that park and ride. So again, this is looking at the solutions we need around the infrastructure we are going to need to go along with more frequent services.

Mr Coe talked about car pooling. Because of the amendments that we made to the motion last year, the government also now needs to develop options for introducing an ACT government-wide car pooling service and investigate options to allow federal government agencies to utilise an ACT government car pooling service. So that is another real and practical achievement on this front. Of course there are the millions of dollars saved when we pushed through the parliamentary agreement to get more money into pedestrian and cycling infrastructure.

All of these are improvements that benefit people commuting by car as well as travelling by public transport. As I said, good public transport is the key to reducing congestion. Therefore, of course, it frees up road space for those essential car trips or for easier travelling for those who do not have any other reasonable transport option available to them.

What is actually happening with this motion is that it appears Mr Coe and the Liberals, as I said, have just had this thought bubble and have gone out with something they really have not properly researched and investigated. Otherwise I think there would have been a far more comprehensive approach than just pulling off one road within a whole electorate and deciding that suddenly you are going to make it a T2. I think we would have seen a far more considered and comprehensive approach to the transport needs of Belconnen.

Mrs Dunne raised in her speech the car parks and the commuting times across Ginninderra. This is a really unfortunate thing. If you go way back seven years to a SMEC report—and SMEC was commissioned to do a report around the GDE—at the time, the SMEC report said that once you get this full lane, every lane operating, what is going to happen is that it will be full from day one and you will have choke points. It names the choke points.

**Mr Hanson:** That is right. It was one lane. How has it gone from—

**MS HUNTER:** No, it was not to do with the one lane. It said once you build all of the lanes and you put in the full road, from day one you will be backed up coming off the

GDE onto Belconnen Way and you will be backed up coming off the GDE onto Parkes Way and onto the Tuggeranong Parkway as well. The only way to deal with all of that is to extend the lanes on all of those roads. And it amounts to what? The experts in transport across the world tell us that if you build a road, it will fill and that this is not going to be the smart, clever way to address the transport needs of this city in this century. That is why we need to be considered, we need to look at the evidence and we need a much better plan than Mr Coe's.

Question put:

That **Ms Gallagher's** amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr  
Dr Bourke  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher

Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

**MR COE** (Ginninderra) (4.44): "T2 and T3 lanes, along with park and rides, are forms of infrastructure and are a part of improving transport and encouraging changes to the way people travel to and from work every day ... I would like to request that the government improve enforcement of the T2 lane and suggest that T2 signs include specific warnings about the penalties for using the lane incorrectly. I would also expect that this lane-cutting concern could arise on any transit lane, and I do not know if it is a reason to never have transit lanes or, particularly, shared lanes in Canberra."

They were the words of Amanda Bresnan last year, on 16 November. It is interesting that she should say that then, yet today Barry Drive is very different, according to the words of Ms Hunter. It is very different, because the difference is that the member for Brindabella, who does not live in Brindabella, though she lives vaguely in that direction, would use Adelaide Avenue perhaps on a daily basis, whereas the member for Ginninderra, again a bit of synergy here, does not live in the electorate and never, ever gets stuck on Barry Drive in the morning. I do not know how it would be possible that she could be stuck on Barry Drive in the morning, unless she took a pretty big deviation from the inner north.

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Excuse me, Mr Coe, for just a minute. Stop the clock, please. Would members of the Greens decide to have their conversation outside or lower the volume, please. Thank you. Mr Coe, the floor is yours.

**MR COE:** We heard the Greens today say that there are safety concerns. We heard the government say that there are safety concerns. Yet last year, the Greens voted to put in place a T2. The government foreshadowed last year that there were some potential safety concerns on Adelaide Avenue. Why does that argument have stock today but it did not have stock in November?

It is a bit inconsistent of the Greens but we are getting used to that, three years into this term. We are beginning to see that there is bit of political opportunism in the way the Greens operate. Perhaps where they live is an indicator of how they are going to vote. And that is why Belconnen gets such a raw deal when it comes to their Greens local member. If they were advocating for a T2 lane going from Lyneham into the city we might have more success, but this member for Ginninderra, who does not understand the traffic bottlenecks which occur on a daily basis on Barry Drive, simply does not understand the frustration of being caught on that road, at a near standstill, for 15 minutes every morning while you have this strip of bitumen to your left which seemingly nobody is using.

We hear people say that there are buses that use it so frequently. There are 217 buses each day that use that stretch of bitumen, according to the ACTION timetables. There are 27,000 cars which use that road on a daily basis. Here is a very practical way to reduce the number of cars, by having car pooling. We have got a bus lane and it is not working because we still have not got very high patronage for ACTION buses. So why not try something else? Why not throw a T2 into the mix? Why not? Because this government is so stubbornly behind the old busway project which they blew a fortune on that they are determined to implement that project, inch by inch, with Simon Corbell gradually getting his way on the busway project which was a failure then.

It was such a failure that they had to chuck it out, just like they chucked him out as transport minister. Yet, a bit like so many other ministers in this government, he came back. And so do the bad projects, so do the bad ideas, so does the wasteful spending, so does the hypocrisy. They come back. If this government knew the frustrations experienced by the people in cars stuck on Barry Drive each day, the frustration of seeing that bitumen down the left, which would be a great incentive to car pool, a free incentive to car pool, then this government might think differently.

They have talked about travel times and how travel times will significantly change if this were a T2. Did they significantly change when the T2 was removed from Adelaide Avenue for that week? No. There were no changes to the ACTION bus timetables. When the T2 was reintroduced because of the Canberra Liberals' motion, did the bus timetables change? No, they did not. Did the bus timetables change three years ago when the T2 lane was introduced on Adelaide Avenue? No, they did not.

Then we had Ms Hunter say: "That is different because the bus lane on Barry Drive is entrenched. It has been very well established." The bus lane was only finished last year. How well established is this bus lane? What it actually comes down to is perhaps how well established Ms Bresnan is in her electorate, because she is willing to look at a populism when it comes to Adelaide Avenue and turning that into a T2, willing to do a bit of populism. But because Ms Hunter is a little more confident about



her position, a little more arrogant, she does not think she needs to cave in to what constituents actually want. So it is for that reason that we saw Ms Bresnan last year, in November, going with what the community actually wants and why now you have Ms Hunter saying, "No, we can afford to reject what the community actually wants."

Ms Bresnan also touched on bus lanes in general, saying that they will help transport-orientated development. I wonder where on the Barry Drive bus lane you would like to have this transit-oriented development. Would you like to cut into the Aranda bushland perhaps? That might be a great place. I look forward to letterboxing Aranda, saying, "O'Connor Ridge and the Aranda bushland are prime parcels of land for a transit-oriented development." I think it would be superb. I would happily go and letterbox that to the good folk in Aranda that Ms Hunter supposedly represents.

It is a special year, this one. It is an election year. Because of that, it is possible that Ms Hunter may visit Ginninderra. I am not sure, but we will wait for the media release. I am sure it will happen at some point. And when she does, I just hope she is not coming back from the electorate at about 8.45 am. If she does that, she will be stuck in Ginninderra for far too long. She will be stuck in Ginninderra for a very long time in fact, because getting out of Ginninderra every morning is a very difficult thing to do. When you look at the road infrastructure for people in Belconnen, it really is quite substandard.

There simply are not the arterial roads that are required to service the population of Ginninderra, including Gungahlin, and then of course all the other traffic that comes from outside of Canberra or outside of the ACT from the north-west. Because of that, you have to make the most of the arterial roads that are already there. Making the most of Barry Drive will not be by having 217 buses using a stretch of bitumen, it would be by allowing just a few of the 27,000 cars which travel on Barry Drive every day to go in that lane if they are contributing to solving a problem by car pooling.

It is a very reasonable position that we are putting forward here, yet those opposite have no interest in doing this. I wonder what Dr Bourke would think of this. He is a resident of Aranda, a suburb which actually borders on Belconnen Way. I wonder what Dr Bourke would have to say about this, whether he would be supportive of allowing people to get stuck in the traffic jam or whether he would take the opportunity to free up their day for them. Instead, what we are seeing from those opposite is a commitment to their ideology that the car is a bad thing, whereas we on this side are committed to delivering local services to Canberrans, local services to taxpayers. We want Canberra to have the best local government in the country, and this initiative is part of that. (*Time expired.*)

Question put:

That **Mr Coe's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

Motion, as amended agreed to.

## Planning—lease variation charge

**MS PORTER** (Ginninderra) (4.57): I move the motion on the notice paper in my name regarding the lease variation charge:

That this Assembly:

(1) notes:

- (a) that the Lease Variation Charge captures fair value for the ACT community relating to the changed use of land that is owned ultimately by the ACT community;
- (b) that the Government's 2011-2012 Budget contained generous remissions for the Lease Variation Charge to allow industry time to adjust to changed arrangements;
- (c) that funds raised through the Lease Variation Charge will be put towards maintaining and improving the city through the Urban Improvement Program; and
- (d) that these arrangements are important to protect the amenity, equity, and economic sustainability of our Territory; and

(2) calls on the Assembly to:

- (a) support the ACT community receiving fair value for the changed use of land;
- (b) support these arrangements for protecting the amenity, equity and economic sustainability of our Territory; and
- (c) commit to retaining the Lease Variation Charge and the associated Urban Improvement Program over the next term of the Assembly.

**Mr Smyth:** On a point of order, Mr Assistant Speaker, I just wonder whether the motion is out of order because it purports, I suspect, to have the next Assembly, over

which we have no control, take some action. I wonder whether it is out of order under the standing orders.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Mr Smyth, I would understand that that is part of the substance of the debate on whether you wish to or wish not to support the motion. I do not think the motion is out of order in that it can ask for something to occur. Whether it does occur or not is another matter. I will allow Ms Porter to continue. Ms Porter, please continue.

**MS PORTER:** Yes, but I did not quite hear what was supposed to be—

**MR ASSISTANT SPEAKER:** Mr Smyth was asking whether or not the matter was in order because it seeks to get the following Assembly to take a particular course of action and we have no right to direct another Assembly to do that. I ruled that that is for the Assembly to do in the context of the debate. The floor is yours. Resume the clock.

**MS PORTER:** My motion today, regarding the lease variation charge, goes to the heart of the territory's land and planning system. As we know, developers make large profits when allowed to redevelop land, and it is only fair that they put something back to ensure Canberrans continue to have a great place to live. The ACT is the only Australian jurisdiction with a leasehold land tenure system. In effect, the land belongs to the community as a whole. In such a system, the community has expectations about how the land will be used.

Of course, the community has an interest in any change in the rights attached to a lease. For instance, the granting of additional development rights will almost always add value to land. It makes sense. If you can do more with the land then it is worth more. But this value does not come from any hard work on the part of the leaseholder. It comes from the legal rights. We have long recognised this. Betterment charges, the change of use charge in place in the territory for more than 40 years, and now the lease variation charge all seek to capture this additional benefit for the community that has come about not through the hard work of leaseholders, but through a legal change.

The capture of gains from a lease variation, these unearned windfalls that attach to land owned by the community, is a fundamental principle of our system. It is only fair that the government recovers some of this windfall gain to the leaseholder and distributes it to the community. Otherwise, all of this unearned value would sit with a few at the expense of many. That, I think you would all agree, would not be a fair outcome for the community.

It is correct, and it is important, to charge the market value for the additional development rights. Otherwise, the community will lose out. The lease variation charge, or LVC, is only fair. It is right and it is just. It means that the government can take some of the proceeds of the changes to the lease and reinvest it in the community. It makes sure the community as a whole gets a fair share and gets tangible benefits from what is, essentially, a technical legal change.

To ensure this is recognised, my motion calls for support for the application of the charge towards the urban improvement program. This is to be a program of investment in the urban infrastructure to support a very important policy—namely, reinvestment of the proceeds of these benefits back to our city. It is not just fair; it is economically sound. The report from ACIL Tasman, advisers to the Select Committee on Estimates for the 2010-11 budget, states that the change of use charge has a very strong basis in economic theory. They also said that the rationale for the change of use charge would be in keeping with the recent Henry tax review.

As members would be aware, the government announced the codification of the change of use charge in the 2009-10 budget. This improved transparency in the system is a good outcome for our community. A further benefit is that developers are now able to determine up front the charge that they will be required to pay for undertaking their redevelopments. This has provided further certainty and clarity to the industry and increased efficiency in the territory's planning system.

There has been a lot of noise from those opposite about the LVC, but let us run through how the system works. The framework is underpinned by 10 core principles which apply to the entire lease variation charge system. These are effectiveness, simplicity, transparency, fairness, growth, timeliness, certainty, exclusivity, stability and universality. These are important principles and ones that will underpin the lease variation charge system now and into the future. I am sure that no member could reasonably disagree with these principles,

The key element of the codification system is that the schedules are based on current market values and accurately reflect the changes in the territory's property market. For the residential sector, the lease variation charge is calculated on a "per additional dwelling" basis for all ACT suburbs categorised according to the density of the development. For commercial and industrial sectors, the lease variation charge payable is calculated on a rate per square metre of gross floor area. The schedules are calculated annually by the Australian Valuation Office, through reference to its land value database for residential, commercial and industrial redevelopments in the territory.

To smooth out any sharp movements in market values, the Australian Valuation Office uses a market rate index averaged over three years. Importantly, to enhance transparency around the charges payable further, the schedules are annually reviewed by a panel of experts prior to their release. This panel is chaired by Professor Des Nicholls of the Australian National University and includes representatives from the Australian Valuation Office, the Australian Property Institute and the government.

In addition, there are a series of remissions to allow industry certainty to deal with the transition from change of use to lease variation charge arrangements. These are generous remissions, because the government listens. We recognise that change is often best achieved over time.

The government has recently announced its urban improvement program, which will be funded from the funds raised through the lease variation charge. This program will

make investments in the territory's urban infrastructure to improve the amenity and support the growth of the city. This will be funding over and above the \$120 million provided every year for municipal services and local infrastructure upgrades.

I know how important this is to all Canberrans. It is something my constituents talk to me about frequently at my mobile office. Importantly, every cent developers pay will go into improving the look and feel of Canberra. Labor is re-investing the returns from development back into the community. This is fair, this is focused, and this benefits everyone. The fund will mean more parks, more playgrounds, more mowing, more shopping centre upgrades, better footpaths and more repairs to roads.

I call on the Assembly, and in particular those opposite, to support this very important revenue source for the ACT government—a revenue source that has a strong basis in economics, that is both fair and efficient. I also call on the Assembly to support the government's urban improvement program because, as I said before, this is fair, this is focused and this benefits everyone. Certainly, I can see no reason why this motion should not have the support of the whole Assembly.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.06): It is difficult to know where to start with this one because there are so many errors and so many falsehoods in the arguments that have been put forward by the government.

**Mr Barr:** So many favours owed to your property sector donors.

**MR SESELJA:** Sorry; could you speak up, Mr Barr? I could not hear the interjection.

**Mr Barr:** So many favours owed, Mr Seselja.

**MR SPEAKER:** Just continue with the speech, thank you, Mr Seselja.

**MR SESELJA:** The Labor Party fund their campaigns on the backs of problem gamblers. How many people have lost their homes, do you think, in Belconnen to fund Andrew Barr's campaigns? What a joke the Labor Party are. Ms Porter in Belconnen: there are a lot of poker machines there funding her campaign.

*Opposition members interjecting—*

**MR SPEAKER:** Thank you, members. Mr Seselja, let us focus on the debate, thank you.

**MR SESELJA:** I digress but I will get back to the dodginess of both the announcement and this tax. You have to ask: apart from riding on the backs of problem gamblers, what it is about home buyers and renters that the Labor Party hate so much? Why do they insist on making it so much more difficult for Canberra families to rent a place in this town? What is it about those people—those second-class citizens, as Mr Barr has described them; the two-class Canberra? You want to keep them there—and taxes like this do exactly that.

**Mr Smyth:** Keep them down.

**MR SESELJA:** Yes, keep them down. The Labor Party, maybe 50 years ago or maybe 100 years ago, stood for battlers—but no more. It has been a long time since they cared about people doing it tough. And that is who this tax will hurt. With this tax the government are saying to the first home buyers, who are already paying a lot of rent and who want to try and get ahead and save money while paying rent in an apartment: “You are going to have to pay a little bit more because we are going to whack a \$50,000 tax on virtually every unit that is built in this city.” If you whack a \$50,000 tax on virtually every unit that is built in this city, guess what? That has an impact. It is going to impact on rents and it is going to impact on the purchase price of units. Any pretence otherwise is simply that.

So the Labor Party in Ms Porter’s motion today are about saying to renters and people who want to purchase, first home buyers in particular: “You’re going to have to pay more. You’re going to have to pay more because this government cannot get their act together.” That is because this government, as we have seen just this week, cannot manage the budget. The deficit that we are now expecting is \$180 million—a blow-out of \$150 million—despite the government having put in large new taxes such as the lease variation tax.

With this government it does not matter—

*Mr Barr interjecting—*

**MR SESELJA:** I did not hear the interjection.

**MR SPEAKER:** Mr Barr, order! Let us just continue.

**MR SESELJA:** He does not want his interjections on the record, does he? He would rather mumble under his breath and say some rubbish, because the last thing he would want is for us to be able to respond to whatever are his spurious arguments. Before, of course, he was highlighting just where they get their money from for their campaigns—from problem gamblers, people who lose their homes.

**MR SPEAKER:** Mr Seselja, relevance, thank you.

**MR SESELJA:** Mr Barr continues to interject, and if he is called to order I will not have a need to respond.

**MR SPEAKER:** He has been called to order.

**MR SESELJA:** But he does continue to interject. I will continue. In relation to this tax, if you place a massive burden on people through taxes like this it shows that you are a government bereft of ideas. The massive blow-out in the deficit that we saw yesterday shows that no matter how many new taxes they put on they cannot manage the budget. This government will spend it. They will find ways of spending it and they will not spend it well; you can guarantee it.

Ms Porter's other point was around the announcement from the Labor Party about the fund to deliver a \$22 million benefit for all Canberrans. Really? There is a \$22 million benefit? There are a couple of points on this so-called fund. First, after more than a decade in government, the message from Labor when they made their announcement was: "If you want municipal services you will have to vote for us again. We have not delivered for the last 10 years."

**Mr Smyth:** Which you have already paid your rates for.

**MR SESELJA:** You have paid your rates, which have gone up 75, 80 per cent in the time that Labor has been in. Let us just reflect on that. The Labor Party have increased rates since they came to office by an average over 75 per cent. In many parts of Tuggeranong people are now paying over 100 per cent more than they were paying in 2001. So Canberra families who are paying double the rates that they were when Labor came to office are now being told, "The only way we can deliver on municipal services is if we whack a \$50,000 per unit tax, if we slug first home buyers and if we slug renters."

What does that say about this government's priorities—that, only after 10 years, they have discovered that maybe they should consider things like mowing the lawns, looking after our neighbourhoods and looking after local services. No-one believes you. No-one believes you, and nor should they, because you are not going to deliver an extra \$22 million if you are re-elected. Of course you are not. In fact where is this money coming from—because all of the money that you are due to receive from the lease variation charge is allocated? You have got the money for the next year's budget. Where are you taking that money from? Is it going to be a \$22 million larger deficit—or are you taking it from other aspects?

This money was already accounted for. It was accounted for in the budget. You are now claiming, "We've magically got an extra \$22 million." You have already budgeted to receive this money. This is not new money. So there is a question for the government to answer as to exactly what this means. But punters are sceptical. Punters are certainly sceptical, and we saw some of the responses when this was announced. I will give a little bit of the flavour: "OMG the hide of them. These are the sorts of services most towns and cities in Australia receive from their local councils as part of the day-to-day local government administration, but not in Canberra. We wait for an election year and suddenly there is money to mow grass and fix footpaths."

**Mr Barr:** Signed T Faulkner, 221 London Circuit.

**MR SPEAKER:** Thank you, Mr Barr.

**MR SESELJA:** Again we see the arrogance of Andrew Barr: anyone who would dare criticise the Labor Party must be a member of the Liberal Party. He thinks one must be a member of the Liberal Party to be criticising the fact that a government that for 10 years ignored these things are now saying, "Gee, it's an election year and the Liberals have been talking about this, so we're going to magically find \$22 million—money we have already allocated." They will have to explain where this money is going to be moved from.

This is a government that cannot be trusted to deliver on this. Does anyone really believe that if Labor come back into office they will have a newfound commitment to local services; that, after 11 years of ignoring these things, of slugging people extra in taxes and not being able to deliver on these services, they will now magically have a commitment to do it? Will it be like the promise Katy Gallagher gave us in 2004 that they would not close any schools? And then after the election she started closing schools within six weeks. This government tell lies before elections; that is one thing we can guarantee. And here is another one: “Believe us this time.”

**Mr Barr:** Mr Speaker—

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

**Mr Barr:** The Leader of the Opposition has just said that the Chief Minister tells lies. He should be asked to withdraw.

**MR SPEAKER:** He did actually say “the government”. I think we have had quite a discussion in this chamber, though, about the use of the word and I think the general practice is that we do not. So I would ask you to withdraw, Mr Seselja, and find another set of words.

**MR SESELJA:** I withdraw, Mr Speaker. It is interesting, isn’t it, that Mr Barr got up? He thought I was talking about the Chief Minister. And why would he think that? Why would he think, when I use that word that we must not utter, that I would be talking about the Chief Minister? Maybe it is because she does. Andrew knows, because Andrew has seen—

**MR SPEAKER:** Mr Barr.

**MR SESELJA:** Mr Barr, before the 2004 election, saw Ms Gallagher not telling the truth, deceiving the community, about education. In fact he was the one who came in. She was prepared to close only one school; he was prepared to close the rest. He was prepared to complete the breach of faith that was started by Katy Gallagher after the 2004 election. And of course Andrew Barr would have seen Katy Gallagher before the 2008 election saying that all of her health plans were on the table. Of course he would have known that she was not telling the truth at the time, because I am sure that, as a member of cabinet, he would have also known about the secret plan to buy Calvary hospital—the debacle that that was, and it fell over.

Coming back to this fund, can we really trust that this government, if re-elected, will suddenly have a new-found commitment to local services and to the delivery of local services? Of course not. They are not credible; they are not to be believed. We saw the overwhelming response, comments all over the place, when this announcement was made. People do not believe you. This should be the core business of government. You should have been focusing on this the whole time. When you were slugging people an extra 75 per cent on their rates, you should have been able to deliver these kinds of things.



Do you not think that the young family in Tuggeranong that has probably had to pay maybe \$15,000 in tax, in stamp duty, when they bought their first home, to the ACT government, and have paid their rates, which have gone up by maybe 100 per cent in some cases—in some cases about 130 per cent; so they are paying hundreds of dollars extra a year in rates—deserve to have got some of these services by now? Do you not think they deserve a government that would have sought to deliver these things? Of course they do deserve that. Whether they are in Tuggeranong or Belconnen or Weston Creek or anywhere else in Canberra, they deserve better than what they have got. They deserve a government that focuses on the basics, on delivering these services. This is a government that is now seeking a smoke and mirrors trick in an election year, and it is not credible, and it will not be believed.

We also should not see a situation where you continue to pile taxes on first home buyers, where you continue to pile taxes on people in the rental market. This government continue to make it harder for first home buyers. They seem to have no shame in the way that they place burden upon burden upon burden on Canberra families.

So no, Ms Porter, we will not be supporting your motion, because it is a demonstration of your disdain for home buyers and renters in Canberra. You are backing this deception by the Labor Party where they are now going to claim that they are committed to local services. We do not believe you, Ms Porter. We do not believe this government. And I think Andrew Barr has let the cat out of the bag.

**Mr Smyth:** He doesn't believe the Chief Minister.

**MR SESELJA:** He does not believe the Chief Minister, and nor do we, and we will not support the motion.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.20): I thank Ms Porter for moving the motion this afternoon; it does indeed deal with some very important matters for the territory and our community.

The motion calls for support for a charge that is an integral part of the territory's land tenure system. In fact, it supports a very fundamental principle of that system—that any windfall gains from the granting of development rights belong to the community. It is a charge that is economically efficient, a fact well recognised by eminent economists. Perhaps most importantly, though, it is a charge that is fair. The administrative arrangements for the charge are fair and efficient, particularly after the recent reform that codified the system.

The motion from Ms Porter also calls for support of the application of the charge towards an urban improvement program—a 16 per cent boost in funding for urban improvements across the city. This is to be a program of investment that will support some critical policy objectives, namely increasing the capacity of urban infrastructure, supporting further densification within the existing urban footprint and improving urban amenity. These are all very worthy policy objectives.

It is difficult to envisage any reasonable basis on which the motion could be opposed. The charge is economically sound and fair; its administration is efficient; it will be applied toward investment in infrastructure that supports important public policy objectives. But it perhaps comes as no surprise that the mini-Abbott who currently occupies the position of Leader of the Opposition would choose to oppose it.

Ms Porter referred to the ACIL Tasman report on the 2010-11 budget in her speech. It is worth quoting it a little more extensively just to make the point more fully so that the economic illiterates on the other side of the chamber can get a better sense of the economic reality. ACIL Tasman said:

The CUC—

change of use charge—

has a very strong basis in economic theory. Economic rent is defined as an excess distribution to any factor in a production process above the amount required to draw the factor into the process or to sustain the current use of the factor. True economic rent can be collected by governments for the purpose of public finance without the adverse effect caused by taxes on production or consumption.

In this circumstance, the economic rent is the uplift in value through no effort of the leaseholder but, rather, simply through a change in legal status. ACIL Tasman went on to say:

The CUC appears to be an attempt to isolate and tax economic rents. To the extent that it is successful in isolating and then taxing those rents, it should have no impact on production and consumption decisions.

This is, I think, very sound advice and goes entirely contrary to the populist nonsense of the Leader of the Opposition. We will examine whether his claims have been borne out in fact. We will have that opportunity, Mr Speaker. The ACIL Tasman report goes on to say:

... from the standpoint of trying to isolate and then subsequently trying to tax the economic rents, its rationale is on the strongest economic policy grounds.

Those who do not agree with this statement have no understanding of basic economics.

Let me be clear: the government remains committed to the developers charge and to ensuring that the benefits of the additional development rights are returned to where they should be returned, the Canberra community—and then reinvested for the community's benefit.

Ms Porter reminds us that the government has put in place a very generous remissions program to allow industry to transition. We did this when we introduced codification on 1 July last year. These transition arrangements provide for an automatic remission of 75 per cent in the 2011-12 fiscal year, decreasing by 10 per cent in each of the next

two fiscal years and decreasing by a further 15 per cent for each of the following two years. After a four-year transition period, the remission rate will be 25 per cent. This four-year transition period provides a significant subsidy to industry of around \$45 million over four years, compared to paying 100 per cent LVC.

The size of these generous arrangements demonstrates the government's commitment to allowing the industry time to adjust to the changed arrangements. Remission is also a sensible way of providing incentives to industry to achieve good social outcomes for the community. The government will provide a 75 per cent remission for environmental performance around the retrofit and reuse of office stock in town centres. This will allow for the conversion of old C-grade and D-grade stock to residential use, reinvigorating town centres.

We have heard a lot of noise from the Leader of the Opposition in relation to the developers charge. He has talked about it being a new tax. Actually, the charge has been in place in the territory for almost 40 years. Fears were raised that this sensible reform, a reform which provides certainty for industry, would crush the supply of dwellings. Fears were raised about crashing land prices and a massive increase in dwelling prices. The facts are otherwise. The actual experience to date shows that the system is working efficiently. The community is now getting the returns to which it is entitled. And let us remember that taxing economic rent means no change to production or consumption decisions.

Has this been borne out, Mr Speaker? Under the old change of use charge regime, the territory would have received around \$5 million in the 2010-11 fiscal year. Instead, the territory received \$14 million in revenue from the lease variation charge. That was \$9 million more than it would otherwise have received; that \$9 million would have been lost to the Canberra community.

This uplift in the amount of revenue received demonstrates that the territory is now receiving revenue from the lease variation charge which accurately reflects the actual values of the development rights being granted to developers. This significant increase in revenue demonstrates that the LVC has not stopped the property market, as has been suggested by some. The ACT community is now receiving a fair share of the revenue to which it is entitled.

In question time today, Mr Doszpot asked me a question in relation to current lease variation charge collections. I have data in front of me up to 24 January. Since question time I have asked for some more information. I can advise that from 24 January to the new updated date of information, 8 February, \$6.5 million has been collected on 82 applications. That is a further half million dollars that have come into the ACT Revenue Office in the two weeks between 24 January and 8 February. This includes, on these 82 applications, in total, \$1.6 million from residential developments from 282 units, \$2.3 million from commercial sector redevelopments and \$2.6 million from industrial, mixed and other redevelopments.

I should point out, as I did in question time today, that there are currently 86 applications in the system that have been determined, with \$15.2 million still to come. This is revenue that the territory has not yet received, but it will flow through the

territory's revenue. The revenue to date demonstrates that construction activity in the territory did not stall due to the introduction of codification. I think that was one of the predictions that were made by those opposite. The property market has continued as normal.

The numbers do not lie. The market is not changing its production or consumption decisions. The basic economics have proven sound. The government has taken the responsible course to ensure that the community receives fair value.

The government announced last week that in the forthcoming budget we will establish the urban improvement fund to inject this extra \$22 million into maintaining and upgrading the urban amenity of our growing city. The improvement fund will be directly funded from the lease variation charge. This extra \$22 million will mean more funding for parks and playgrounds, more shopping centre upgrades, better footpaths and more repairs to roads.

The government recognises the important contribution that is made by developers through commercial developments and through new residential accommodation, but it is only right that this money be put back into the community for all to enjoy. The gains should accrue for all Canberrans; by hypothecating this revenue into an enhanced municipal services program, we are able to deliver an even better city for people to live in.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.30): The Greens will essentially be supporting the motion today, but we do have an important amendment. I move:

Omit subparagraph (1)(d) and paragraph (2), substitute:

“(d) that revenue generated through the Lease Variation Charge is important for delivering government services and protecting the amenity, social equity, and economic sustainability of our Territory;

(2) expresses its ongoing support for:

(a) the ACT community receiving fair value for granting additional development rights through the Lease Variation Charge; and

(b) ongoing improvements in urban amenity, social equity and economic sustainability; and

(3) calls on the Government to finalise the Lease Variation Charge remission instruments set out in the *Planning and Development Act 2007* by 1 May 2012.”.

The amendment keeps the general principles of Ms Porter's motion. The Greens agree that it is very important that the community gets a fair return when additional rights are granted to develop land in our community. Certainly the government has provided generous remissions and a phase-in period for the revised charge.

I take the opportunity at this point to talk about the numbers and what we have seen so far after the introduction of the revised charge. We are now on track to achieve the estimated revenue target this year, and I must say that that does not really surprise me: the 75 per cent discount is very attractive and, given that industry does have the certainty of knowing that that discount will be reduced on 1 July, it obviously makes business sense to lodge applications and to continue to pursue redevelopments.

This charge has been extensively considered, evaluated and debated in this place. I think it is worth while reflecting on the history of the issue just briefly. First of all, as Mr Barr has said, this is not a new charge. It has been around for decades. But we did see the industry wanting to codify the previous change of use charge. This was, of course, a very sensible proposal; it made the scheme administratively much easier to operate for the government and provided certainty for the industry. The only downside for the industry was that it became clear that very modest amounts were being paid on developments and that they were not in any way linked to the area where the development was being undertaken. A flat fee was being charged whether your development was in the outer parts of our city or the very inner city areas. It was not meant to be about paying fair value for the development rights that the community was granting developers in an open, transparent manner, so it really became apparent that this issue had to be moved forward.

At that point, the property industry realised that yes, they would have to pay fair value for something that they had previously enjoyed, as I said, with that flat fee, which really was quite modest. It depended on where the development was, obviously, but generally across the board I think that many in the industry accepted that it was quite a modest charge.

What happened then, as I said, was this. The industry were on board. They did want this codified, but in these matters the devil is always in the detail and it came down to a difference of opinion over the schedules that were produced. Extensive research, consultancies and so forth were undertaken by the government to carefully look at this matter.

The Greens' view remains the same as it was last year: we are happy to record our support for what is a fair charge that does provide important revenue for the territory and that allows us to ensure that vital government services are properly resourced.

It is concerning that the Liberal Party keep saying that the charge should not be imposed, yet we have not heard from them what their alternative policy is. They also—

**Mr Barr:** I would not hold your breath for that.

**MS HUNTER:** Yes; thank you, Mr Barr. And there is no alternative source of revenue to deliver the services that Canberra depends upon if we take this away. Again, we just do not know how they would plug this gap, despite the fact that they would need to explain why they do not think it is fair that the community gets a benefit from the extra development rights that are being granted.

Instead of seeing this charge as a great burden, we should see it as an additional lever that can be used to ensure that property development gives a return to the community and is done in a manner that is consistent with our planning objectives. Primarily, that is about making Canberra a more sustainable city so that we can face the challenges of the 21st century. Development should not be imposing future costs on the community through low quality buildings or poor development sites that are then difficult to service. Instead, development should be helping us to respond to the challenges we face, and that will inevitably impose enormous costs on the community if we do not plan for and implement measures to address these challenges.

It was for this reason that the Greens created the mechanisms to ensure that we build in a coordinated approach to these planning challenges and set up a financial incentive for developers to do so. I am referring, of course, to the lease variation charge remission instruments that we ensured went in at the time that this scheme was introduced.

It means that the benefits of this do not stop with the developers. These incentives have the capacity to significantly help our construction industry and create demand for new green skills that will ensure the ongoing sustainability of that industry, help protect jobs and give workers new skills that will give them a competitive advantage. It will help other associated industries such as those involved in the manufacture and design of energy efficiency products and systems. It will help our public transport system and reduce costs on future governments and future Canberrans.

Given the extent of the debate we have had previously on this issue, I do not think I need to go on at great length, as the Greens' position on this is clear. I will just turn to the last part of the amendment that, I just explained, is about the lease variation charge remission instruments. Ideally we would have these instruments in place now. These instruments were, as the name suggests, about remissions that could be sought for the LVC. There were remissions that could be sought for heritage; that would be around protecting a particular heritage aspect on the site of your development. There were instruments that related to location, so particular areas could be prescribed zones, if you like, where there would be a greater density of housing—this is about building a denser city—but it could attract remissions. Sustainability was another. This could be about a building being more efficient, for instance, having some particular thing about the building or the site that would attract remissions.

There was also one around community facilities. In fact, these are already in place. It is in relation to childcare, GPs and community housing. If there is some way you are including that in a development or there is some relevant aspect to the development, you can apply for a remission for your LVC.

The only thing here has been that with some of the ones that I first mentioned, it is complex. It is a complex area of work. I know that the government has been working to get these instruments ready, but we have been concerned about the delay and the time that it is taking. That is why my amendment refers to a date for those instruments to be put in place. We really want those instruments sooner, because it ensures that we are going to provide the property sector with some certainty around those

incentives—those remissions if you like—and the flow-on positive impacts for the building industry.

We are proposing 1 May as the date. This was after discussion with the government. We recognise, as I said, that the issues are quite complex and complicated. We understand that there are limited resources and that it is incredibly important to get these instruments right. We have accepted the minister's word that these will be completed by 1 May, and that this is a reasonable time line, considering, as I said, the resourcing and also the complex nature of putting together the instruments for what they can achieve. We expect the government to work in good faith to deliver these instruments as soon as possible, and I am satisfied that that will be the case.

With these amendments in place, we will support Ms Porter's motion this afternoon. As I said, we look forward to seeing those lease variation charge remission instruments in place. We have gone out to let the industry know that they will be an aspect of the new system; therefore it is important that we do that in as timely a way as possible. As I said, things have gone on longer than the Greens would have liked. But we do have a date now; it is in my motion.

I am pleased that the government will be supporting my amendment to Ms Porter's motion this afternoon.

**MR SMYTH** (Brindabella) (5.41): The press release from Ms Gallagher and Mr Barr says that they will inject an extra \$22 million into the 2012-13 budget for more parks and playgrounds, more mowing, more shopping centre upgrades, better footpaths and more repairs to roads—an extra \$22 million. This raises a number of questions as to where this extra \$22 million is coming from. Apparently it is coming from the funds that will be raised from the great big tax on property. But that money has already been accounted for in the budget. It is in the budget documents already. It is included in the revenue. It is included in the total taxation. So it is already a part of the deficits that we have in the outyears. But apparently you can spend it twice. Having already been accounted for, it will now be spent again in the 2012-13 budget. Perhaps the minister would like to explain where the money is actually coming from. Is he expecting a bigger deficit or is he reducing services somewhere else?

The second question then, of course, is this: is this ongoing money? It is ongoing. Every year from there on in we will be spending all of that money. In the outyears, in budget paper 3 on page 50, it is already accounted for in the revenue.

**Mr Barr:** You assume provisions are not made, Mr Smyth, for other expenditure.

**MR SPEAKER:** Let us not have a conversation, gentlemen.

**MR SMYTH:** There we go: "we are assuming". The minister needs to explain. Here is an ongoing commitment for an extra \$22 million. I think the minister said he has hypothecated this charge. So it is not just 22 in the outyears; one therefore can assume it is 25 and then 26 and then 27.

**Mr Barr:** Correct.

**MR SMYTH:** The minister says “correct”. I think the minister needs to explain how that will be covered—how the hole that that creates in his budget will be covered. It has already been accounted for. These numbers are already in the figures here. I assume they are already in the deficits that you have predicted in the outyears, but we get to spend the money again. That is the problem with the Labor Party. They can always spend the money again, but they cannot tell you where it will come from. That is the problem here. The minister says the purpose of this tax is to give the community back value, put it back into the community, give it back to the community. But the minister is taking it from the community.

**Mr Barr:** No, I’m taking it from the economic rent that is accrued from the uplift.

**MR SMYTH:** This is good: “We’ll blame the developers; we’ll hang all this on the developers. This is the logic.

**Mr Barr:** So you say there is no economic rent that is achieved from that charge?

**MR SMYTH:** No, this is the economic rent. But if this is such a perfect tax then why do you need remissions? If this is the perfect tax that has no effect—

**Mr Barr:** Because there’s a transition period, Mr Smyth.

**MR SMYTH:** But if it does not have an effect, why do you need a transition period? You have said it will not increase land prices and it will not increase rent—it is the perfect tax. The minister would have you believe that he alone of all treasurers in the world has found the perfect tax, the tax that has no effect. Previously when we quizzed the minister about taxes in hearings I recall him saying: “Every tax has a drag. Every tax has an effect.” Except for this one, apparently. Where does this money come from? It comes from the community, yet again—

*Mr Barr interjecting—*

**MR SPEAKER:** Thank you, Mr Barr.

**MR SMYTH:** to pay for things they have already paid for. We pay rates to cover municipal services. That is the usual assumption here, but not in this case. If you want—

*Mr Barr interjecting—*

**MR SPEAKER:** Mr Barr, I have asked you several times now. You are warned for repeated interjection.

**MR SMYTH:** So, having found the perfect tax to offset his inability to control the spending of his colleagues and to cover their failure to deliver their obligations under the rates that are already paid for properties, whether they be private or commercial, the minister has now discovered the perfect tax. This is where the logic falls down. This charge will now be applied to the renewal of a property. It is the owner of the



property who will lose. The banks are not going to allow this charge to be passed on through the development. There has to be a squeeze here somewhere, and the squeeze will come at the owner end. If you have lived in the inner north for 40, 50 or 60 years and this is your retirement block that you are going to sell, you have just had it diminished by the value of the government surcharge depending on what suburb you live in. That is the problem with this argument. That is the reason we will not be supporting this motion today.

I think the motion is disingenuous at best and downright—I think we are not allowed to use the word “deceitful” but I will use it anyway; you can make me withdraw it if you want—deceitful at worst. It creates this illusion that the government have found a tax that has no effect and that now magically, having that tax, they are going to hypothecate it to a service they should already have been delivering. Lo and behold, just before an election is called, we are going to see a mammoth effort of mowing grass and sweeping streets and fixing footpaths and fixing up local parks—things that should have been done.

If a member of the Labor Party had bothered to turn up at Tuggeranong Community Council the other night they would have heard what people said they wanted done in the election year. They said that they wanted the local things done better. They want their roads maintained better, they want their parks maintained better, they want their urban amenity maintained better and they want their lake foreshore maintained better. They want these things because the government have failed in delivering them. Here we are, 11 years into their term, and they have suddenly woken up to the fact that they have not maintained the city to the level that it should be.

You just need to drive in from, say, the airport to Parkes Way and the new Kings Avenue flyover. The airport bit of those roads is particularly well maintained. The new Parkes Way overpass is beautifully maintained—mainly because it is new, I guess—but the bit in the middle is a disgrace. The main entrance from the airport into the city is overgrown with weeds. The grass is long and overgrown. The amount of rubbish there is dreadful. The road is a patchwork, a veritable quilt of bitumen, because the government have not, over the years, properly allocated and spent their funds. They suddenly suggest that this extra money will fix it. I do not believe they know how to fix it. I do not believe they know how to manage their funds. I do not believe they know how to deliver good services for people at the local level.

I say again: had they been at Tuggeranong Community Council—and we will get to that shortly—they would know what people are saying. They are saying that they want the local services delivered better. Their hope is that the next election will deliver them a government that will pay heed to what they want, where they want it, when they want it, as opposed to this malarky that we get here today.

It is important that we get this right. It is important that we do not just get motherhood statements like “these arrangements are important to protect our amenity, equity and economic sustainability”. The amenity has gone to pot, the equity in the two-class system that Mr Barr has created has gone to pieces and indeed, as to the economic sustainability, yesterday economic sustainability went from a deficit of \$36 million to \$181 million. I am sure that members would agree that (1)(d) simply needs to be

deleted because the government have not delivered amenity, equity and economic sustainability for our territory, and they have no idea how to do it.

You would almost think this was some sort of thought bubble: “Let’s just call it the fund to look after the urban amenity, the urban improvement fund, and we’ll just pop \$22 million in it.” If only it was that easy. That money needs to be accounted for. The minister needs to explain where it is genuinely coming from, whether they will raise taxes to cover it or shift money from other areas, which will therefore suffer, or cut services to cover this debt. Simply, what you cannot do is trust this government or this minister when it comes to delivering these things.

I will just go back to the point again: if this is the perfect tax that apparently has no impact then why would you have any remissions? The minister says it is the transition phase. If it is the perfect tax that does not have any effect, no matter how many documents you want to read, there is no need for a remission. The very fact that the government are bringing this in step by step clearly indicates that they do not believe the rhetoric. They know the true impact that it will have.

It interesting that the minster was able to get some updated figures for the period from 24 January to 8 February, but he still has not told us how many of these developments are developments that have been assessed under the old regime and how many have been assessed under the new regime. Is this money coming from the old system, because we had this enormous draw forward where people sought to be assessed under the old system rather than under the new, and is there a trough that is about to appear in the government’s finances?

Amendment agreed to.

**MS PORTER** (Ginninderra) (5.51): I thank members for their contribution to the debate. Of course, one could hardly call Mr Seselja’s and Mr Smyth’s rants a contribution. Mr Seselja masquerades as a champion of those who are first home buyers and renters. He trots out his cronies’ criticism of the government’s fair and economically sound reinvestment in municipal services and infrastructure, a reinvestment that my constituents applaud.

Municipal services are important and, of course, this government takes them very seriously and delivers on a daily basis. Those opposite like to call into question the work of our municipal workers. This is not new. Over time they have called into question our health workers, our teachers and our child protection workers—and the list goes on. And now our hardworking men and women who deliver our municipal services are being criticised. These are services that Mr Seselja and Mr Smyth indicate are so important, yet they will not support the motion that will take the benefits that are accrued through the LVC and re-invest them on behalf of the community.

Those opposite intensely dislike the LVC, no matter that the minister has reiterated it has a very strong basis in economic theory. I thank Ms Hunter for her support and her considered remarks regarding both the LVC and the urban improvement program. We were happy to support her amendment as it did not materially alter the motion. I look forward to the motion passing this afternoon.

Motion, as amended, agreed to.

## **Planning—Tuggeranong**

*At approximately 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.*

### **Sitting suspended from 5.54 to 7.30 pm.**

**MR SMYTH** (Brindabella) (7.30): I move:

That this Assembly:

(1) notes:

- (a) that the planning of Tuggeranong and the maintenance of Tuggeranong appears to be low in the priorities of the Gallagher Labor Government;
- (b) that the quality of the water in Lake Tuggeranong has deteriorated to the extent that the lake is closed for extended periods because of algae;
- (c) that there is always a considerable volume of rubbish in the water of Lake Tuggeranong and that rubbish continues to accumulate along the foreshore of Lake Tuggeranong;
- (d) that the Gallagher Labor Government had to be persuaded to undertake planning for the Tuggeranong Town Centre, Erindale Group Centre and other regional commercial and shopping centres;
- (e) the significance of the village of Tharwa to the overall planning of Tuggeranong, in terms of the tourist and recreational values which are added to Tuggeranong; and
- (f) the importance of appropriate planning for the development of Hume, given the proximity of Hume to Tuggeranong; and

(2) calls on the ACT Government:

- (a) to coordinate all the planning activities that are required for the appropriate development and redevelopment of Tuggeranong and the adjoining regions;
- (b) to implement appropriate maintenance programs, as a matter of urgency, for Lake Tuggeranong;
- (c) to implement measures to mitigate the amount of rubbish which enters Lake Tuggeranong; and
- (d) to develop plans to manage the run-off of water into Lake Tuggeranong and the Murrumbidgee River.

At the recent meeting of the Tuggeranong Community Council the council turned over the entire meeting to the issue of what as a community Tuggeranong residents wanted in the upcoming election. Starting the year in this way was a particularly good idea, I thought. I acknowledge that Ms Bresnan was there and indeed Mr Seselja was there. Unfortunately, there was no-one from the government.

It is a shame there was no-one from the government at this meeting because what came out of it was quite a litany of things that people are concerned about and, surprise, surprise, they were all mainly local issues. They were interested in the state of where they lived, they were interested in how where they lived looked, how it functioned and how safe they felt there. They came up with quite a long list and I will read through the list. This is my summary. Minutes were taken and when they come out I am sure it will be a far more accurate summary than the things I managed to jot down. But it does cover the whole gamut of looking after where we live.

The first issue raised was parking at the Tuggeranong town centre, followed closely by parking at Erindale, and indeed somebody then raised parking at Chisholm. There was the issue of illegal dumping: why don't we have a free collection of bulky goods, and indeed why don't we have a green bin? The issue of core parking at the Jolimont Centre was raised for when people go to pick up relatives. There is no parking in Civic and it is very difficult.

The conditions of the sportsgrounds were raised and how that affected the community, and indeed the cost of hiring the grounds. There was concern over a debt recovery office and the inability of the government apparently to collect longstanding debts. The issue of safety on roundabouts was raised. The issue of waste in the solar panels project was raised. There was a great deal of concern about overgrown properties: why weren't people keeping their properties in a reasonable condition so that people did not have to walk off the footpath to go around a certain block, or get their heads knocked off as they try to duck under a hedge? With that also was: why isn't the government maintaining their properties?

Lake Tuggeranong came up and it was topical, given some of the articles that have appeared: the conditions of the lake, the surrounds, the debris in the lake, the smell emanating from the lake and algae in the lake. Particular issues were raised about Mortimer Lewis Drive—there is a public meeting tomorrow night for those that are interested—issues that I think have been driving the residents crazy but they are still waiting for answers on. Enforcement of building controls—that you build what you plan and have had approved and that you do it in a timely fashion—was raised. There was a general discussion on water quality and how what goes into Lake Tuggeranong then gets into the Murrumbidgee. Issues were raised about the western side of the Murrumbidgee and then the water quality downstream of the Murrumbidgee.

Charity bins, which I think we are all quite aware of, are an issue. The large government office block was raised and people were quite sad at the waste of the money and the backflip. A rapid transport system was spoken of—Tuggeranong to Civic direct and quickly. A tertiary education facility for Tuggeranong was raised, given that we seem to be the only town centre that does not have a tertiary education

facility of significant size. There were discussions about more youth involvement in the process and about more things for youth to do. The issue of a walk-in clinic for Tuggeranong was raised; fancy that. Stormwater/wetlands were raised: can we restore some of the stormwater drains that we have to wetlands to minimise the flows that might come through? People particularly remember the damage done to the stormwater drains in Richardson and Isabella Plains in the downpours over Christmas a couple of years back.

Ashley Drive duplication was raised. Where is it? What is happening? Why has nothing been done? The issue of the pre-purchase report on a home was raised. One chap said there are more exclusions and disclaimers in the report than the report itself. There was the issue of whether or not we would get light rail. There was the issue of pedestrian safety: how can people feel safe when they are out walking? The future of Tralee was raised: would the people of Tuggeranong have to suffer through aircraft noise? Where is the southern cemetery; what has happened? We are aware of the planting of the trees but not much else.

Bike paths came up—maintenance, cleanliness and the ability to ride on one unimpeded. Land release in Tuggeranong: what land was there, what would be released, how would that go? The state of the parks and playgrounds in particular was raised. People did not feel that they were being maintained in the way that they should be maintained. Law and order issues were raised; indeed, support for Neighbourhood Watch. There were some concerns about sentencing of recidivist prisoners and prostitution in the suburbs. There were concerns over the statements that Mr Hargreaves made that he thought it would be more than okay for people to work in the same house in prostitution.

That is just a summary of what was raised. As one can see, this is about where we live, how we live and about amenity. It is about a safe place for our kids. It is about growing old gracefully, loving where you are and being able to move freely around your suburb. That is why I have moved the motion today. The motion is about all of Tuggeranong. There is a bit of a focus in the motion on the lake—it is topical—but it is really about the planning of Tuggeranong and the maintenance of Tuggeranong. People did have a feeling that we were low in the priority stakes under the Gallagher government, particularly after some of the comments that the former Chief Minister had made about Tuggeranong and the fact that it took him, I think, some years to get to Tuggeranong, to come to a community council meeting and meet with the people of Tuggeranong.

That was paragraph 1(a) of the motion. Paragraph 1(b) notes that the quality of water in Lake Tuggeranong has deteriorated. The lake is now closed for extended periods. I think we have all seen the articles. The issue of the smell from the lake was something that people did not expect in a city like Canberra. The issue of debris in the lake, as I said, was raised and people were quite concerned that a considerable volume of rubbish accumulates in the water of Lake Tuggeranong and then it is deposited along the foreshores. There does not seem to be a program that addresses that.

Paragraph 1(d) notes that the Gallagher Labor government has been forced to undertake planning for Tuggeranong town centre and Erindale group centre and some regional centres.

I am pleased with the interest in this motion. The Greens have some amendments that look like praising the Greens and all the things that the Greens have done. Mr Corbell of course has the standard government line: we did it all. But people will remember that Mr Corbell as planning minister resisted any master plan for the Tuggeranong town centre and Erindale, saying that they were not required, that the centres were not old enough and therefore you had to compound your mistakes before it could get better. But I will give Mr Barr his due: Mr Barr saw that it was reasonable to do it, and I think everybody is grateful. Ms Bresnan moved the motion; well done to her. But it is interesting that that politic had to happen before the people of Tuggeranong got the service that they required and that they deserved.

The motion also looks at some of the surrounding areas, because they do have impacts on Tuggeranong and on how Tuggeranong residents see themselves. It notes the significance of the village of Tharwa to the overall planning of Tuggeranong. We have had the travails of poor Tharwa: the bridge, the closing of the school and the closing of the preschool, the damage done to the area through the fire and ongoing concerns about Cuppacumbalong. Tharwa is important. It is an area close to particularly southern Tuggeranong and it has got enormous tourist potential and recreational values which are an addition to Tuggeranong. The motion also notes the proximity of Hume and how the planning of Hume will impact particularly on that eastern side of Tuggeranong. It is an important place for employment if you are a Tuggeranong resident; it is quite close and we need to get that access to Hume right.

What the motion does is to call on the government to coordinate all the planning activities that are required, to make sure that we do get the best out of Tuggeranong. It is interesting how the master plans for Erindale and Tuggeranong town centres have come together to say, "Yes, we all understand how Tuggeranong developed and grew but here is an answer to address some of that."

The motion calls on the government to implement appropriate maintenance programs as a matter of urgency for Lake Tuggeranong, and I acknowledge that the Tuggeranong Community Council has now set up the lake as their area for Clean Up Australia on the first weekend in March. I have got a site set up for Tuggeranong town park so there will be a bit of a crossover there and that is a good thing too.

We want to see plans to mitigate the amount of rubbish which enters Lake Tuggeranong, given that we do have a changing pattern. Tuggeranong is often colder, hotter, drier and wetter than elsewhere. It rained here in Civic yesterday but we had got virtually none when I got home to Tuggeranong; I think we had one millilitre on my weather gauge. So with some of the climatic patterns perhaps we need to reassess the gross pollutant traps that are intended to stop the debris from getting into the lake. If they are not working, perhaps it is time to reassess. Again, that is a request for the government to look at what does happen. Is what is in place appropriate given the changes that have occurred? Of particular interest to some of the water groups is to make sure that we have got plans in place to manage the run-off of water into Lake Tuggeranong and the Murrumbidgee River. They are all very important things.

When you look at how Tuggeranong has been treated, the community has been treated with disdain over quite significant matters, such as the proposal for the gas-fired

power station; the upgrade to Karralika that was dumped on the community over the Christmas break; the absolute fiasco over the remediation of the Tharwa bridge and the general appalling treatment of the village of Tharwa; the delay in duplicating Tharwa Drive and providing adequate access to the Lanyon Valley. The lack of a vision for Tuggeranong really does impact on the people of Tuggeranong in particular.

The issue of the Tharwa bridge is worth discussing, because I think it is symptomatic of the way the government has treated Tharwa, and the need for this motion today. It is a very sorry saga and it does highlight the appalling treatment of Tuggeranong by the ACT government. The project started as a relatively short repair project in 2006, and as the extent of the deterioration of this historic Allan truss bridge became apparent the government, through the then minister for Territory and Municipal Services, Mr Hargreaves, decided to abandon the bridge and replace it with a low-level crossing. There was a huge amount of community anger at this decision that eventually led to the government reversing the decision and committing to preserving the form of the historic bridge.

In the meantime there was the plan for a totally new bridge, but they wanted to use modern materials and techniques in association with traditional materials to effect the repairs. The backflip was not without controversy and the former Chief Minister actually accused the people of Tharwa over the debacle. He blamed them for changing their minds—something that was not true—and again it just reinforced the lack of commitment to the valley.

The original cost of this project was \$10 million in June 2008 but as a consequence of the poor decision making by the ACT Labor government it became \$14.7 million in September 2008. Two years later in September 2010 the project was still underway, with an additional \$6.1 million having been added to the cost in the interim. Then in June 2011 a further \$4.2 million was added to the project cost. We have seen this before with so many projects: the cost blows out, the time frame blows out and the scope changes; it is diminished, it is broadened, whatever. But a \$10 million project had taken five years to build and in that time the cost escalated from \$10 million to \$25 million. But what has not been included in that is the human cost of people being forced to detour on a road that was less direct and, because of certain curves and the alignment of the road, proved to be quite deadly.

Tuggeranong is a major community within Canberra. Its residents in the community in general deserve better from this government. I think a good point to start this work would be to make Lake Tuggeranong a valuable community asset instead of a rather smelly addition to the town centre. This issue was raised and I think the way that the Tuggeranong Community Council has responded has been a great effort. The community will do its part, but some of this will be beyond the community, and indeed some of this is not for the community to do; it is the job of government to ensure that the systems work.

So some of the issues raised at Tuggeranong Community Council would be upstream. We all understand there is some work being done on the Tuggeranong Homestead site, but upstream of that again is it possible to put something in that would slow the flow of water and be a pollutant trap? We know the issues of having cities on waterways

where there is lots of run-off—the use of chemicals, the use of fertiliser. We do know that. That is the problem: we cannot just shrug our shoulders and say, “That is how it is.” I think at the Tuggeranong Community Council meeting the residents there were clearly saying, “It’s not good enough and let’s fix it.” They are going to do their bit. I think it is up to us as politicians to make sure we do our bit for that community.

The lake was meant to be the centrepiece of the Tuggeranong town centre—indeed, there is a master plan for it—so perhaps it is time for the government to look at its commitment to Tuggeranong through some of the plans that it has, through some of the planning activity that it has underway, so that we make sure that we get it right; that we do build a better town centre and better community and that we make it a better place for people to live. With that I would ask members to support my motion.

**MS BRESNAN** (Brindabella) (7.45): I thank Mr Smyth for bringing on this motion today. Firstly, I will go to the issue of Lake Tuggeranong. The Greens have identified the health and the state of Canberra’s lakes as an issue and a key problem we have to address in Canberra. This includes Lake Tuggeranong. Last year the Greens moved a motion in the Assembly which established an environment commissioner inquiry into Canberra’s lakes. We are looking forward to the outcomes of that inquiry. I have circulated an amendment that I will move later.

The amendment acknowledges that this is happening, because I think the recommendations and the outcomes that come out of that inquiry will be key in terms of how we achieve a long-term solution to dealing with problems with the lakes, not just short-term solutions such as clean-ups and the like, but actually something that will resolve long-term issues for the health of those lakes. It is a major issue with Lake Tuggeranong. Obviously, this has been identified in the media just recently by the president of the Tuggeranong Community Council, Darryl Johnston. The problem includes large items such as abandoned trolleys.

Every year I know that on Clean Up Australia Day a number of trolleys are pulled from the lake. I remember actually last year in the *Canberra Times* there was a picture of a trolley in Lake Tuggeranong. So it is an issue. I know it is an issue in other areas as well, but it is something that has been occurring there. I add in respect of shopping trolleys that the issue I have described at Lake Tuggeranong is why Ms Le Couteur introduced and had passed legislation on shopping trolleys. This is one of the issues that we received a lot of constituent concerns about. I mention the photo in the *Canberra Times* as well.

I hope that we start to see a more thorough implementation of this legislation soon because it is a key issue. I actually had someone contact me on Facebook last night about it. They made this point:

As someone who likes to take a lunchtime walk around the lakeshore, I have been concerned at the problems the lake has from the up to 40 shopping trolleys that I have seen dumped into the lake to the severe eutrophication evidenced by algal blooms in the recent warm dry weather.



It is a key issue. I know that it was dismissed somewhat by some members in the chamber when this legislation came in, but it is a key issue. It is also a key issue because shopping trolleys find their way into our lake systems and watercourses. This does make them a problem. Mr Smyth has mentioned Clean Up Australia Day. I have noted that in my amendment, as Mr Corbell did originally. I have put that into my amendment. I have registered for the Clean Up Australia Day site at Lake Tuggeranong this year.

In the last couple of years I have registered clean-ups at Pine Island, where again we always find the bulk of rubbish in the watercourses there. That also included a large number of plastic bags. That was one of the main things we found in the last couple of years. It is obvious, though, from the amount of rubbish in Lake Tuggeranong that more needs to be done and that we need not only to clean up the rubbish but to find ways to reduce how rubbish ends up in the water.

One way to address the pollution in lakes is through the creation of wetlands and the naturalisation of stormwater systems. This is obviously something the Greens had in the parliamentary agreement. We have wetlands in the north, but we do need to see them in other areas because they have proven successful. They are really a key way of reducing rubbish in our watercourses. I am particularly supportive of the proposal to re-establish the watercourse at the Tuggeranong Homestead. I have provided my formal support in writing to the minders of Tuggeranong Homestead and attended a meeting on this project at the homestead last year.

The Greens have also met with the Lake Tuggeranong Rowing Club, a group with a significant stake in the lake. They have contacted us with concerns, as has the Southern ACT Catchment Management Group, which has done some excellent work on this. Members of that group have raised this issue at a couple of Tuggeranong Community Council meetings. I think it would be great if the council and other members of the community got behind this particular project. As Mr Smyth said, more things are needed, but this is one project that would also really revitalise that area and deal with some flooding issues around the Calwell area.

The problem is obviously not just about rubbish. There are also underlying problems with the water that flows into the lake from surrounding suburbs through stormwater drains. The outbreaks of the green algae prevent people then from being able to use the lake for recreational purposes. Obviously that has been identified. As I noted earlier, in March last year the Greens moved for the inquiry into the state of Canberra's lakes. The Commissioner for Sustainability and the Environment is expected to release the results of the inquiry early next month. I hope that any recommendations will be acted on by the government. This is why I have included a reference to this in my amendment.

On planning, I do thank Mr Smyth for acknowledging that a Greens' motion established the Erindale master plan. The Greens also pushed for the Tharwa master plan to be established. It is very pleasing that that will also be happening. This is something I have also acknowledged. I do agree that having a coordinated approach to planning in Tuggeranong is important. I think it will assist in the sorts of projects that

are pursued. I have mentioned the Tuggeranong Homestead project and those other projects that are going to be beneficial in finding a long-term solution.

Events such as Clean Up Australia Day are excellent because they get the community involved. Obviously, they also draw attention to issues such as the issues with Lake Tuggeranong. But I think it is important that we actually find a long-term solution, which is why the Greens pursued the motion for the environment commissioner to look into lake health.

I also note on Tharwa that the Greens have been following issues around Cuppacumbalong as this will be one of the areas that will be relevant to tourism in the area. Finding a long-term solution there will be important. I do agree with Mr Smyth that it is important to look at the region—at those other areas. It also is worth noting the Naas valley in terms of the overall planning for the south of Canberra and in terms of getting certainty for the leases of the landholders around the Naas valley as well.

I think we need to acknowledge that that is another part of southern Canberra and one that will also have a role to play in what actually happens to the future of the area.

I now move the amendment circulated in my name:

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

“(1) notes:

- (a) there have been complaints made about the level of rubbish in Lake Tuggeranong;
- (b) that the Assembly passed a motion in March 2011 initiating an investigation by the Commissioner for Sustainability and the Environment into the state of the ACT’s watercourses and catchments;
- (c) that the ACT Government is undertaking planning for the Tuggeranong Town Centre, Erindale Group Centre and other regional commercial and shopping centres;
- (d) the significance of the village of Tharwa to the overall planning of Tuggeranong, in terms of the tourist and recreational values which are added to Tuggeranong, and that a Master Plan for Tharwa will be undertaken; and
- (e) the importance of appropriate planning for the development of Hume, given the proximity of Hume to Tuggeranong;

(2) calls on the ACT Government to:

- (a) co-ordinate all the planning activities that are required for the appropriate development and redevelopment of Tuggeranong and the adjoining regions;
- (b) review appropriate maintenance programs, as a matter of urgency, for Lake Tuggeranong;

- (c) further investigate measures to mitigate the amount of rubbish which enters Lake Tuggeranong;
  - (d) consider further means to manage run-off of water into Lake Tuggeranong and the Murrumbidgee River; and
  - (e) consider and respond to the Environment Commissioner's upcoming report into the state of the ACT's lakes and waterways; and
- (3) commends the Tuggeranong Community Council on its initiative to register a team and nominate Lake Tuggeranong as a clean up site for Clean Up Australia on Sunday, 4 March 2012."

I go to a few points in my amendment. My amendment actually incorporates some of the things Mr Smyth has in his motion and also some of the things that Mr Corbell has proposed. I did have a discussion with Mr Smyth's office, as did a member of my staff. I know that they were very insistent about leaving point (a) in. I do take their point, but I actually do not think it is a fair point. I think that the government have done quite a lot of work in the area. It might be just more recently but I think they have. I do not think it is a fair point to make.

**Mr Hanson:** You do not want to criticise the government—

**MS BRESNAN:** No, I think it is actually fair when you have got four master plan processes happening. We have got Kambah, Erindale, Tuggeranong town centre and Tharwa. I think that does show a commitment to planning, plus having a more coordinated approach particularly with Erindale and Tuggeranong town centre. Transport routes in particular between those two areas are going to be the key because we have the major bus station there at the Tuggeranong town centre.

There are major changes proposed for Erindale. So having those two going at the same time is really the key, particularly around transport, connecting the two areas and how people will travel in the region. I also understand that there has been support from the minders of Tuggeranong Homestead for the project that is going on around Tuggeranong. That is a good thing.

To Ms Burch's credit, she did raise the issue of Lake Tuggeranong and the health of the lake a couple of years ago. I do remember that and it is to her credit.

**Mr Doszpot:** She has certainly pushed it since.

**MS BRESNAN:** She actually has and I pay credit where credit is due—when you raise an issue and you do deal with it. That should be acknowledged. My amendment notes that rubbish is a problem there. I think that is important and worth noting. My amendment notes the fact that we have the inquiry being undertaken by the commissioner for the environment and that we have processes happening with Tuggeranong town centre, the Erindale group centre and with planning.

Again, the amendment acknowledges Tharwa. It is a significant area and it has a lot of opportunities. It acknowledges not only that region but the whole area because we have some magnificent national parks down there. We need to make more of that too when we are looking at tourism and other such issues. The amendment also acknowledges that we have got the Tharwa master plan happening.

I agree with Mr Smyth that Hume, because of its proximity, is an important issue as well. I have noted in the amendment also the fact that the Tuggeranong Community Council have registered Lake Tuggeranong. It is great that they have done that and taken that initiative. As Mr Smyth said, there are a number of clean-ups happening around there, including by the Sea Scouts. So all those clean-ups joining together will be good.

The amendment also acknowledges the point that we do need to find more long-term measures to mitigate the health of the lake, the health of the area and planning. As Mr Smyth said, the health of the lake has been a very topical issue. It is something that is probably relevant across Canberra, in particular with the rubbish. I know that the east Greenway residents have had issues with some of the odours coming off the lake there. So it is important we have a long-term solution and that we look at projects such as naturalising watercourses. This is something that the Greens are very supportive of. It is good that we are debating this issue because it is an important one. I commend my amendment to the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.56): I am pleased to have the opportunity to respond to this motion this evening and to outline the considerable value that the government places on planning and the coordination of planning outcomes at all levels across the ACT and particularly in our town centres such as the area of Tuggeranong.

I will also deal with some of the assertions made in relation to the motion on Lake Tuggeranong. The Tuggeranong town centre is a priority for the Labor government. The government is the first to have embarked on the preparation of a comprehensive master plan for the whole town centre since self-government. The latest plan to address the planning and development of Tuggeranong was undertaken by the NCDC in 1986 when it prepared the Tuggeranong town centre policy plan and development plan. Of course, this undeniable fact highlights the fact that during the time of the dearly departed ACT Liberal government in which Mr Smyth was the planning minister, there was no master plan undertaken in the Tuggeranong town centre. In contrast, the Labor government has made the process of preparing a master plan for the town centre a priority. It has also made undertaking a robust planning exercise built around meaningful consultation a priority.

The period for public comment on the draft master plan for Tuggeranong closes this Friday. There has been an extensive public engagement process that has involved displays, workshops, information sessions, newsletters and community meetings. The process has sought to distil what the community values and considers important to the improvement and enhancement of this fairly important centre. The draft master plan

identifies opportunities for new investment in Tuggeranong, new housing, improvements to the public realm, improving access to the centre and, importantly, achieving a more vibrant Tuggeranong town centre. All of these are priorities for the community, and the government is responding to these in the planning process.

The government, in taking the decision to undertake the Tuggeranong master plan, has also recognised the priority that needs to be accorded for the impact on the Erindale and the Kambah group centres. I thank Ms Bresnan for her acknowledgement of the fact that there is now a large range of planning activity occurring in the Tuggeranong town centre. These draft plans are being prepared concurrently with the Tuggeranong town centre master plan. This has meant that the impacts of new development, of introducing, for example, additional retail space and of implementing transport changes, are being considered simultaneously to ensure that the benefits to the Tuggeranong district are optimised.

I can advise that this coordination in the planning of these centres has led to key recommendations about the extent of development that is appropriate in each. That has ensured a testing of capacity in each of the centres, identifying potential impacts on the amenity and convenience of the smaller centres in particular. As I stated earlier, the government is giving priority to planning at all scales. Not only is the government preparing these concurrent master plans but it is also reviewing and revising the first strategic plan prepared for the territory.

Late last year I was pleased to release the draft ACT planning strategy, a document that sought to explore with the community how best to deliver the community vision of Canberra as a sustainable and prosperous city, and it incorporated the feedback from that gleaned through this government's innovative time to talk Canberra 2030 consultations. That consultation exercise, which I saw today as I was reading the document again, attracted over 20,000 visits through its online presence and over 34,000 individual comments from Canberrans about what they hope for the future of their city.

Public comment on the draft ACT planning strategy closed this past Monday. The government has received over 70 written submissions as well as numerous online comments and documented feedback from the stakeholder and focus group meetings. I raise this issue simply to demonstrate that it is this Labor government that understands that it is the broader strategic context that is required to address issues such as industrial land at Hume and the importance of tourism in areas such as Tharwa, not just for the Tuggeranong valley but for all of the ACT.

Only by taking this type of broader perspective can government ensure that it coordinates the planning and delivery of: land for commercial, industrial and residential development; better public transport and road infrastructure upgrades that will address the cost to the community of congestion and the personal costs associated with commuting; targeted policies and management strategies that will protect our beautiful biodiversity and the highly valued rural setting around our city; and action taken with our regional neighbours to support and build a prosperous region—a region that can offer many unique rural and natural tourism experiences, including the very important village that is Tharwa.

In addition to this work, the government is also finalising its transport for Canberra policy that will provide benefits to the people of Tuggeranong and the ACT more widely. Behind the development of each of our master plans, the planning strategy and transport for Canberra policy, there was not only considerable energy put into engaging with the community but also an enormous amount of research.

With the preparation of each master plan, my directorate commissions background and analysis studies to consider the impacts of change on traffic and infrastructure. Through our own modelling capabilities other issues are considered such as the impact on retail development and community facilities. Through the master planning process we bring together information and analysis to better understand what the urban design and amenity impacts might be on centres and adjacent areas of proposed changes. The master planning of centres such as Erindale and Kambah and the Tuggeranong town centre itself also provides an opportunity for the Environment and Sustainable Development Directorate to incorporate the important work being undertaken in other parts of the government. With each plan prepared, there are reviews of previous exercises so that it can continually improve the process and streamline the delivery of actions from the plans. In terms of the call to coordinate planning in Tuggeranong, I have demonstrated that this is already occurring, and it is occurring very effectively.

I would now like to turn my attention to the issue of Lake Tuggeranong itself. It is the case that Lake Tuggeranong experiences occasions where there are intensive algal growths and the overall water quality in the lake can deteriorate. But, overall, water quality in the lake meets the ambient standards set by the environment protection regulations under the Environment Protection Act, and these are consistent with nationally agreed standards.

Occurrences of algal growth are the result of the relative size of the lake compared to the size of the catchment and the fact that the lake itself is relatively shallow. This means that from time to time the lake can be overloaded by nutrient-rich stormwater flowing in from the residential areas of the Tuggeranong valley. A solution to this historical situation is the construction of wetlands or other controls in areas of the Tuggeranong catchment. Such approaches would alleviate the pressure on the lake more generally.

The government is committed to addressing this issue and is currently undertaking work in relation to developing a stormwater reticulation network, including the construction of wetlands, within the Tuggeranong district. The reticulation of stormwater would benefit the lake by removing some nutrients and by providing a small variation in water level that encourages greater diversity of water cleaning macrophytes.

The government has also been involved with the CSIRO in a study which was undertaken in 2009 that identified 22 potential sites for wetlands and ponds that would address water quality issues in the broader catchment of Lake Tuggeranong. The Environment and Sustainable Development Directorate will continue to prepare mechanical and technical assessments to inform the government on the possibility of the implementation of these wetland or pond sites within the Tuggeranong valley.

The government is also committed to addressing the issues of stormwater management in the ACT more broadly and, of course, we currently have the inquiry being undertaken by the Commissioner for Sustainability and the Environment, which is looking at the state of water courses across the ACT and also of Lake Burley Griffin. The results of these investigations will feed directly into the government's future consideration of management options to further improve water quality in Lake Tuggeranong.

Of course, what we see in this motion is, in some respects, the result of what has been a very heavy and prolonged period of summer rain, and these rains have transported a large amount of material into Lake Tuggeranong. The design of the lake and its stormwater system include gross pollutant traps or GPTs. The GPTs are designed to trap coarser material that is transported along the stormwater channels to the lake, allowing easy removal of the material. This limits to a degree the amount of material that finds its way into the lake. Of course there is always more that can be done to improve water quality and the amenity value of Lake Tuggeranong, and the government is committed to pursuing those options.

Finally, I want to address the issue of Tharwa. It is important to note that Tharwa is included on the government's master planning program, and it is a village that will see detailed master planning occur at a future date. But I want to talk particularly about the Tharwa bridge, because it is an outstanding example of this government being prepared to invest a considerable amount of taxpayer resources to deliver an outstanding heritage revival. The Allan truss bridge, of course, is one of the few remaining examples of that engineering style for bridges in Australia, and it was this Labor government that was prepared to invest over \$20 million to completely replace that bridge and restore it to its original glory. As a result, we have a fantastic result on the Murrumbidgee River. It is a stunning bridge once again—a useable bridge, a bridge that can now carry heavy traffic, which it could not before in its previous condition and well before the well-publicised problems with the original bridge structure.

We have a fantastic bridge that can carry heavier traffic, such as coaches, into Tharwa, down to Namadgi national park, taking tourists and visitors to those locations. That is a great outcome for Tharwa. That is a great outcome for the areas south of Tharwa, such as Namadgi.

Of course, the bridge itself means that we have been able to retain the stunning heritage vista of that part of the Murrumbidgee River valley. The Tharwa bridge is, of course, an intrinsic heritage aspect of that, and it was this government that took the decision to make the investment. I know it is going to pay dividends for decades to come.

We should celebrate the fact that we have this fantastic bridge over the Murrumbidgee once again. We should celebrate the fact that we have been able to maintain the unique heritage aspects of that structure and that it once again is an integral part of the Tharwa village. Of course, it was this Labor government that made the difficult decision to invest a significant amount of money, well above that required for a replacement bridge structure, to make sure that the heritage values were retained.

Mr Speaker, I think you can see that the government is making the investment in Tuggeranong through the master planning process, that it is investigating and focusing on issues around water quality of Lake Tuggeranong and that we are respecting, valuing and investing in areas such as the historic areas around Tharwa.

Ms Bresnan has circulated an amendment to Mr Smyth's motion. The government will be supporting this amendment. Whilst we do not agree with every element of it, we think in broad terms it addresses the issues and the approach that is being adopted by the government in relation to this matter, so we will be supporting the amendment over Mr Smyth's original motion.

**MR SMYTH** (Brindabella) (8.10): I want to speak to the amendment, Mr Speaker. I am not sure what parallel universe Mr Corbell lives in. He has circulated his own amendment, which apparently now is not to be moved at all, so clearly he has no faith in the words that he wrote.

One cannot let the delusional rant over the issue of Tharwa bridge go unaddressed. The Tharwa bridge exists today in the form that it does because the Canberra Liberals, principally through Steve Pratt, stood up to a government that did not care. They just did not care. No matter how you want to rewrite the history, Mr Corbell, I will dig you out the clippings, I will dig you out the debates, I will dig you out the questions that were asked about Tharwa bridge and I will refresh your memory, because you have clearly been asleep for some time.

The original proposition was to abandon the bridge and destroy the vista by building a new bridge. That is what you wanted to do. That is what you intended to do, until you were held to account by this place, particularly by the Canberra Liberals. You laud the magnificent spend of \$25 million. The original budget was \$10 million to build the new bridge that destroyed the vista and that allowed the existing bridge to deteriorate until it was to be reduced to nothing more than a footbridge.

That is the problem, Mr Corbell—this delusional rewriting of history, that somehow the government had the courage to defend the historic Tharwa bridge. I am going to personally go and doorknock every house in Tharwa and give them a copy of what you have just said; they know it is not true, and you should not mislead the Assembly in the way that you did.

Let me go back through the history of the project.

**Mr Corbell:** Point of order.

**MR SPEAKER:** Yes. Mr Smyth, you know you need to withdraw that.

**Mr Corbell:** Mr Smyth is a serial offender in this regard. If he wants to suggest I have misled the Assembly, he should do so by a substantive motion, rather than simply making the allegation.

**MR SMYTH:** I have got plenty of time tonight. Would you like a substantive motion?



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

**MR SMYTH:** I am just considering my options. A substantive motion at this stage to chastise Mr Corbell for what he does is very tempting, I have to say, Mr Speaker.

**Mr Corbell:** You have been asked to withdraw.

**MR SMYTH:** I withdraw. We will finish this and I will consider my options.

**MR SPEAKER:** Thank you, Mr Smyth.

**Mr Corbell:** Point of order, Mr Speaker. Has Mr Smyth withdrawn the comment?

**MR SPEAKER:** Yes. I did hear him.

**MR SMYTH:** You should open your ears and listen, Mr Corbell.

**Mr Corbell:** Thank you, Mr Speaker.

**MR SMYTH:** You are too busy living in your dream world, Simon. Wake up to yourself.

What you have got is this confection from Mr Corbell—this absolute confection—that somehow the government singlehandedly saved the Tharwa bridge, the historic Allan truss bridge, perhaps the best example of its kind not just in the ACT but in the whole of the New South Wales area.

The original scope of the project was 10 million bucks, in June 2008. But there was government mismanagement. Remember that originally we were told that it could not be repaired. We had this fabulous discussion in this place one day when Mr Hargreaves got up and said, “There is not appropriate wood to rebuild the existing bridge.” That was the problem; all the wood was gone. I know you are laughing. Don’t choke on your water, Mr Speaker. Mr Hargreaves was saying, “You just cannot buy this calibre of wood anymore.” A quick Google search revealed that there were many firms that specialise in particularly stripping old wharves and warehouses of this type of timber for reuse, which is a great thing. But no. The original excuse was, “We cannot get the wood.” And the saga just deteriorated. It was, quite frankly, one of the most amusing sagas in the whole of that term of the Assembly.

What was the original cost? The government would have been spending \$10 million in 2008. I think Mr Corbell would say that it had the courage to take over \$25 million to fix the problems. Again, it is an example of waste. There was all this extra planning for a different solution that would never be used because the government was forced to abandon it because it got it wrong from the start. That is the whole point, Mr Corbell. It is your disdain for the truth in this way that frustrates people. It is important that the true story is told.

I had thought that we might discuss Mr Corbell's amendment, but he apparently does not have any faith in his own amendment so I will address what Ms Bresnan has proposed.

Much of what I have said is contained in much of what is to be substituted. I thank Ms Bresnan for that, because the issues are quite large; it is not just about the Tuggeranong lake here. But it is important that we know that the planning of Tuggeranong and the maintenance of Tuggeranong appear to be low in the priorities of the Gallagher government.

That is what the community council meeting said the other night. I read the litany; I can read it again. It took me almost five minutes to read the entire litany. When I close, I may finish by reading it again to remind people what the complaints were. The complaints were largely about the roads, rates and rubbish issues that are the reason for 1(a). It is a low priority in this government. It is an absolute low priority in this government. The people of Tuggeranong, through their community council, spoke about that. If that does not stay, I will not vote for the amendment. If you want to change it in some way, that would be your choice.

Quite contrary to what Mr Corbell said, there is acknowledgement that master planning is going on in the Tuggeranong town centre and Erindale group centre. And it is quite accurate to say that the government had to be persuaded to undertake planning. Indeed, when we did the motion on Kambah that I moved, which got Kambah on the agenda as well, the government had to be persuaded. They resisted. They resisted as they did on Tuggeranong. They resisted Tuggeranong for years. And Mr Corbell was the chief protagonist against that being put on the agenda. To give Mr Barr his due, he understood. He got it; he was a good planning minister in that regard.

As I have already said, Ms Bresnan managed to get up the Erindale motion. Good luck to her. We all understand how the numbers work in this place. But the government did not want to support any of these. And they are gentle words. The government had to be persuaded. That is a true fact; that is a statement.

If we could leave (a) in, I would be amenable to some of the other changes. I think they are mainly words. I think (b) in Ms Bresnan's amendment, to implement appropriate maintenance programs as a matter of urgency, is a straight lift from mine. It is very important that that actually does occur, because it is the maintenance and it is an expression of the need to develop the maintenance program so that you do understand that things do change.

In terms of artificial wetlands and ponds, I was the first one to put that on the agenda. I remember those days when we worked very successfully with the Sullivans Creek group. At the city edge there, there is a nice wetland. We proved the theory and we are supportive of the theory. In some cases, in other areas, it has not been delivered at all well by the government, with particular blow-outs in their budgets, which is par for the course for this government. But it is important that these things are considered, so I ask that Ms Bresnan might consider leaving my paragraph (a) in place.

Ms Bresnan gives Ms Burch some credit for doing something three years ago. That is good, but it has moved on and it has changed. And it has not actually got better. The fact is that now we not only have the debris and the algal blooms but we have a stench that is affecting where people live. In some cases it can be smelled kilometres away, not just a couple of hundred metres. There are areas where it can be smelled kilometres away. That is a serious problem. That is a health concern, and it needs to be fixed. Just to say that a member did something three years ago—well, three years ago is three years ago.

I think Tharwa residents will be pleased that Mr Corbell is now able to use the name of their village so profusely in his speech, trumpeting how much they have done for Tharwa. I think Tharwa residents have a long memory and remember who is responsible for a lot of their prosperity—indeed, for the continued existence of the village. Let us face it: if Val Jeffery had not put in the controlled burn the night before the 18th, Tharwa would not exist. The controlled burn went in, and it saved the village. If you look at the issues of the last 11 years, whether it is access to water, road access, access to schooling, access to preschool or the future of Cuppacumbalong, you will see that the government has not dealt with Tuggeranong fairly. There is a master plan being put in place now, and that is a great thing. We welcome that. But you need to remember the history, and delusional rewriting of history is not acceptable.

I would simply say this: if Ms Bresnan wants to leave my paragraph (a) in place, we could accept that, but it is important not to take out the maintenance issue, given the long list. I will read the list again for members who were not here when I started. The long list that came out of the Tuggeranong Community Council meeting last week or the week before last was very comprehensive in its condemnation by the very fact that these items were put on the agenda. There was everything from bike path maintenance to the lake, roundabouts and sporting ovals. The whole lot was covered. There was car parking. The basic maintenance issues that we pay our rates for and expect to occur are not occurring in Tuggeranong according to the members of the community council. That is why the first point should certainly stay. Until that occurs, we will not be voting for the amendments.

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (8.21): I rise to talk about my electorate of Brindabella and to respond to the motion about the maintenance of Tuggeranong. As a long-time resident of Tuggeranong valley and as a member of Brindabella, I can attest to what a wonderful place it is to live, to shop and to be part of the community in. Let us be clear that Tuggeranong is indeed a fabulous place to be.

I would like put on behalf of the hardworking staff in Territory and Municipal Services that the Tuggeranong district and the Tuggeranong lake itself are maintained to the same standards as public open space and lakes in other districts. There is no difference in the work and effort by TAMS workers in Tuggeranong valley and elsewhere. Mr Smyth is simply wrong.

The government is committed to maintaining high levels of amenity in all of Canberra's public places—Tuggeranong, Belconnen, Gungahlin, Woden, Weston Creek and the inner north and south regions. Over \$29 million is budgeted to be spent on horticultural maintenance and the cleaning of Canberra's urban parks, open spaces, public precincts and urban trees in the 2011-12 financial year. The government is budgeting to spend more than \$4 million annually on cleaning Canberra's streetscapes and public areas and removing litter and dealing with illegal dumping.

The government already provides record funding that goes directly to maintaining and improving our public places. In 2011-12 alone, \$120 million will be spent on municipal services and local infrastructure upgrades. The government is committed to protecting the environment from littering. Last year the government introduced new legislation to ban lightweight plastic bags in the ACT as well as introducing new laws to reduce the number of shopping trolleys that are abandoned and litter our landscape and waterways. Ms Bresnan has already made mention of those. It is worth noting that the Canberra Liberals, as per usual, did not support this legislation.

While the cost of delivering government services is rising, the ACT government continues to expand the services it delivers. Just last week the Treasurer and the Chief Minister announced a fund to deliver additional funding into maintaining and upgrading the urban amenity of Canberra in the next territory budget. The urban improvement fund will mean an additional \$22 million that will be injected into parks and playgrounds, mowing, shopping centre upgrades, footpaths and repairs to roads and, yes, more cleaning of lakes and waterways. This demonstrates that the government is committed to continuing to care for our city in an equitable, effective and cost-efficient manner. Again, I point out, the Canberra Liberals do not support this policy, which could mean that under a Zed Seselja government this valuable resource would not exist.

I would like now to address some of the issues raised in the member's motion. The motion put forward by Mr Smyth states that the maintenance of Tuggeranong is a low priority for the Gallagher Labor government. This could not be further from the truth. As I have said, the high service standards for horticultural maintenance and cleaning in the Tuggeranong area are the same as those applied across other areas of Canberra. Public toilets, the town centre and high-use suburban shopping centres such as Kambah and Erindale are cleaned daily. Litter picking in town and district parks and major arterial roads, including Drakeford and Athllon drives, is carried out weekly; all pedestrian parkland, laneways and local parks are litter-picked monthly before mowing operations.

Of course, it is somewhat the responsibility of all Canberrans to take pride in their city, their parks and their neighbourhoods. I think there has been mention of Clean Up Australia Day. I have been an annual volunteer for Clean Up Australia Day, and will be again this March. I have nominated Point Hut pond in Gordon as my part of Clean Up Australia Day. Last year it was Richardson; the year before that it was Lake Tuggeranong. I am sure that Ms Bresnan will be out with her gloves doing her bit as well. I am not quite sure where Mr Doszpot will be this year on Clean Up Australia Day—indeed, whether he will be out there at all.

*Mr Doszpot interjecting—*

**MS BURCH:** I urge members in the Assembly, particularly those supporting the motion today, to put their time and effort where their mouths are. I did get a bite from Mr Doszpot; mind you, it was inaudible with the mumbling.

It is pleasing to note that the Tuggeranong Community Council has always decided that it would focus on cleaning up Lake Tuggeranong as a major part of its Clean Up Australia Day activities. I commend Tuggeranong Community Council for that. It is worth noting that I have had contact from a friend and associate saying that the Bangladesh Environment Network, BEN, has nominated Lake Tuggeranong for Clean Up Australia Day. It is fantastic that we have multicultural groups clearly taking pride in and ownership of their community here in Australia and participating in events such as this.

The member's motion also states:

... there is always a considerable volume of rubbish in the water of Lake Tuggeranong and ... rubbish continues to accumulate along the foreshore ...

I acknowledge that there is rubbish; I do not think anyone can walk around the lake, which I do regularly, without seeing a level of litter. And unfortunately, there are some in our community who think that putting a shopping trolley in the lake is a fun thing to do. The litter is an unfortunate consequence of a combination of factors, including littering, illegal dumping and the transmission of litter on windy days. To address this, we are taking a number of steps in addition to litter removal from public open spaces.

I am advised by TAMS that Lake Tuggeranong has 14 gross pollutant traps sited on various stormwater channels in the suburb. Eight of these traps are located on the foreshore immediately next to Lake Tuggeranong. Cleaning of all gross pollutant traps for Lake Tuggeranong can take up to 10 to 12 days, with the most recent clean completed last week. I can also advise that every three months the shoreline of Lake Tuggeranong is litter picked, and any large dumped items such as trolleys and tyres are removed from the waterways using boats and heavy machinery. Resources dedicated to litter picking on the foreshores of Lake Tuggeranong and Point Hut pond are being supplemented through the prisoner employment program. By engaging with this program, the government will be able to increase the frequency of litter removal and, in doing so, continue to improve the amenity of Canberra's most important waterways and open spaces.

In response to this motion, I can assure the Assembly that this government is committed to maintaining high levels of amenity across Canberra's public spaces, and that certainly does include Tuggeranong. And let me make a point on Tharwa bridge: it is a great asset and a great investment; it is used regularly, certainly by me as I use it to access down south and enjoy the delights of the Brindabella areas.

As the Attorney-General has said, we will be supporting the amendments. We will not be supporting the motion Mr Smyth has put forward.

**MR SESELJA** (Molonglo—Leader of the Opposition) (8.28): We note the absence of Mr Hargreaves in this debate tonight. No doubt he has decided that he does not have to represent the people of Brindabella anymore, including the people of Tuggeranong. He has not been seen in the electorate for a long time. I think it is worth reflecting on the wonderful representation Mr Smyth and Mr Doszpot give the people of Brindabella and, particularly in the context of this motion, the people of Tuggeranong. They are passionate advocates for their community, and I certainly look forward to the opportunity, having been a lifelong Tuggeranong resident, to also be a representative, hopefully, of Brindabella and the good people of Tuggeranong and south Woden.

I thank Mr Smyth for bringing this motion forward. I had the opportunity to attend the Tuggeranong Community Council with Mr Smyth as well and to hear from the residents about what it is they need from the government and what are some of the key issues for them. My list is similar to Mr Smyth's, so I will not repeat a lot of it, but there were certainly issues raised where the Canberra Liberals were able to give some response and some assistance—things like parking in the town centre, an issue the Canberra Liberals have been raising publicly to try to get it fixed. There is also the issue of green bins. We pointed out when sports oval fees were raised the Canberra Liberals' plan to cut in half the amount clubs are charged for the use of ovals. This is a big issue, not just in Tuggeranong but right around Canberra.

We know that in Tuggeranong there are many, many thousands of young families who play junior sport and who pay too much. I know from my own involvement with the Valley Dragons that the amount that is being charged to the Valley Dragons in recent years has gone through the roof, and Mr Barr was quite dismissive of those increases when the matter was put to him. But these are real cost of living issues for the people in the Tuggeranong Valley. If you have got to pay that extra \$30, \$40, \$50 in registration fees when you are on a tight budget, there is less for other things, and sometimes kids miss out on playing sport because of the higher costs associated with that. We are going to do all we can—all around Canberra but in this case in the Tuggeranong Valley—to ensure that more young people can access ovals and sporting facilities.

One issue which Mr Smyth may not have mentioned when he went through the list that was fed back to us was the surcharge on rego. The question was put straight to us by the community: "Why should we have to pay that \$100 a year if you are paying—

**Mr Corbell:** Ask Brendan Smyth. He introduced it.

**MR SESELJA:** Well, we are committed to getting rid of it. You have had 11 years, and we are very proud of the fact—

*Members interjecting—*

**MR SPEAKER:** Order, members!

*Members interjecting—*

**MR SPEAKER:** Order! Stop the clocks, thank you. Members, Mr Seselja has the floor.

**MR SESELJA:** Thank you, Mr Speaker. Mr Corbell is very touchy, and I would be touchy on it too. We have a situation where we should be looking wherever we can to lower costs. I think we should all agree on that. This particular tax I think is one that we should be getting rid of. It is a modest cost to get rid of, but we heard from pensioners and others at the Tuggeranong Community Council asking, “Why is it that when I cannot afford to pay all of my rego upfront that the Labor government is charging me \$25 extra each time—an extra \$100 a year?” That is something that we are committed to moving on.

Certainly issues around the lake came up, and we spoke to representatives of the Greenway community. The east Greenway community organisation has come together, and I commend them for their work in highlighting issues of concern to the people of Greenway. But, of course, if the government addresses the issues in Greenway around the lake, that will not just benefit the people in east Greenway. Obviously, it is their local neighbourhood, but thousands of Canberrans access the lake—they run around the lake, walk around the lake, walk the dog around the lake. There are groups like Sailability and others who access it and people go kayaking on the lake. This is an important community facility for the people of Tuggeranong, and we want to see our lake to be useable, for it not to smell, for it not to have the kind of pollution issues that seem to be increasing.

It is a real indictment on this government that, for the last few years, ACT Labor have neglected this. Maybe it is because they do not have active local members in Brindabella actually raising these issues and bringing them forward. They have been underrepresented by their Labor members in Brindabella and in Tuggeranong. This should have been fixed. We debated earlier today the issue around the government saying: “Now we’re going to spend money on these local services after 11 years, if you elect us again. And, by the way, we might start allocating some money before the election.”

That is an absolute admission, and no more so than in Tuggeranong. Whether you go down to the lake or walk around Chisholm shops or the surrounds of Chisholm, there are areas just near the shops where you would expect there to be good footpath access, but there is not. It becomes quite dangerous to cross some of those roads, but people are forced onto the road or are forced well out of their way. These are the types of issues that the residents of Tuggeranong deserve to have addressed, and they deserve a government that will actually take them seriously.

I commend Darryl Johnston and the entire Tuggeranong Community Council executive who do such a good job representing the community. They really work hard in a volunteer capacity. It is certainly a well-attended community council and a very vibrant community council. That is a tribute to the leadership of Darryl and others on the executive but also to those who come and contribute.

The Canberra Liberals will continue to work hard for the people of Tuggeranong. We believe Tuggeranong is one of those places that have been very much neglected by a government that has got a very inward-looking focus. The outer suburbs like Tuggeranong and Gungahlin and Belconnen do not seem to rate very highly for ACT Labor, and no more so than the people of Tharwa. They have been neglected, and we pay tribute to the likes of Val Jeffery, who has shown such great leadership. Val is respected not just in Tharwa, where he resides and has been with his store for a long time; he is also well respected right across Canberra, particularly in the Tuggeranong Valley and surrounds, where he is well known for his community contributions.

The people of Tharwa deserve better; the people of Tuggeranong deserve better than what they are getting from ACT Labor. The Canberra Liberals are focused on listening to their community concerns—whether it is about pollution in Lake Tuggeranong, whether it is about footpaths, whether it is about parking at Tuggeranong or Erindale or Chisholm, whether it is about what to do about Kambah and the centre there—and we are committed to addressing those local issues suburb by suburb.

We are going to focus on what really matters to Canberra families—their local services and lowering their cost of living. You can only do that if you do not waste money in the way this government has and you make decisions to target the money where it is most needed. That is our commitment. That will continue to be our commitment, and we look forward to working with the Tuggeranong community to ensure that we get much better outcomes for Tuggeranong than we have seen over the past several years.

**MR DOSZPOT** (Brindabella) (8.38): I take great pleasure in speaking on this motion moved by my colleague Mr Smyth, who has been a very active representative in the Tuggeranong area for quite a while and has been voicing his concern about the ongoing neglect over many years that Tuggeranong has suffered at the hands of Labor. I guess it is interesting to reflect too that Labor did have three representatives going into the 2004 election—Karin MacDonald, Mick Gentleman and John Hargreaves—and at the end of 2008 I think it was down to two, was it not?

**Mr Seselja**: I think it is now down to one in cruising mode.

**Mr Hanson**: One in cruising mode.

**MR DOSZPOT**: Yes. That could be a very good point. Mr Seselja mentioned—

**Mr Coe**: There is a strong correlation between that and Simon's vote.

**MR DOSZPOT**: Yes. Mr Seselja quite rightly pointed out that Mr Hargreaves is missing in action in Tuggeranong these days and Ms Burch, I am afraid to say, has not exactly filled Mr Hargreaves's boots, let alone her own. So it is an interesting—

**Ms Burch**: And what are you going to be doing, Steve, sitting on the border, going from one to the other?



**MR DOSZPOT:** I will be fighting for Canberra.

*Members interjecting—*

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Order, members! I cannot hear.

*Mr Coe interjecting—*

**MADAM ASSISTANT SPEAKER:** Mr Coe, I cannot hear Mr Doszpot. I might have to ask him to repeat his speech.

**MR DOSZPOT:** Despite all your interjections, Ms Burch, I am here talking about Tuggeranong. I do not see your colleague Mr Hargreaves, who is obviously on holidays already—I do not know where he is—here.

But back to the issues at stake here. Mr Smyth has highlighted a number of issues. Mr Seselja touched upon the condition of the lake, the neglect of Tharwa. Just on that again, Mr Corbell just cannot help himself, trying to rewrite history about Tharwa. I would leave that alone if I were you, Mr Corbell, because there are more contradictions that you bring into this argument every time you stand up to talk on that.

On the condition of the lake, I was reading some press clippings this morning, just to look back on what has taken place. The same stories were appearing this time last year. Ms Burch, you have not really pushed the issues of Tuggeranong's neglect and the fact is that 12 months down the track we are talking about the same demonstration of neglect of the Tuggeranong area by this government.

Another chronic area of neglect or perhaps chronic disregard that I would like to remind the Assembly about is the lack of consultation that has surrounded planning issues in Tuggeranong. I well remember that last year at the Erindale shopping centre I attended a public display on the Erindale master plan. The principal of Trinity Christian college came up to me. He was very disturbed that the map indicated high-density housing on land that the school currently leased, land that the school was told that there could be no building on because it was in a 100-year flood plain. Not only could buildings not be built on it, but people could not even purchase that land. The school actually tried to purchase that little bit of land around their school that would have become very handy. They were told: "No, you cannot have that. It is a 100-year flood plain." Apparently it is okay to put medium-density housing on that.

Again, that is just an indication that the department that Mr Corbell is meant to be managing certainly is not taking note of any consultation. I guess there is no example of consultation there. So why should the department consult if the minister is not exactly one of the top ones to consult with the community in our area?

The Erindale situation goes beyond the school and the issues that surround that immediate area, especially around Erindale. I am absolutely astounded that, despite the work of so many shopkeepers, so many businesses, the shopkeepers in Erindale,

Tuggeranong and the Gartside traders have suffered very badly through the lack of parking space. Their businesses have suffered. There are safety issues that basically highlight the fact that, as the shopkeepers said in a very strong headline in the *Chronicle* last year, there is an accident waiting to happen there. And this minister has been warned about the issues that the shopkeepers face.

In fact, I recall bringing a petition before the Assembly in August of last year. Around 600 petitioners of the Australian Capital Territory wanted to draw to the attention of the Assembly:

Residents and others using the Erindale shopping precinct, particularly the business and facilities on both sides of Gartside Street, have over the past 12 months lost 52 car spaces due to recent and current developments.

And the petition was quite specific in the number of urgent issues that businesses and customers faced within the Erindale precinct. It requested an urgent response from the minister.

The minister did give us a response. I think it was around December, which, as I recall, was probably either just on the deadline for a response to be put in or a couple of weeks later. I have got a feeling it was actually after the deadline for the minister's response to be tabled. The minister indicated:

The Environment and Sustainable Development Directorate ... has responded to issues raised by the community in a number of ways, including:

extending community consultation;  
developing an interagency traffic working group; and  
completing an additional traffic and car parking study.

This is after, supposedly, there was enormous consultation, according to the minister, with the community in Erindale. But no, he agreed that there has got to be even more consultation now. He also mentioned in that response:

The following changes have been made to the Erindale Centre Master Planning project in response to the community consultation—

and he listed these—

reducing development and building heights (which—

we are told—

reduce traffic demands);  
proposing improved pedestrian links in Erindale;  
proposing additional car parking areas in Erindale ...

The key word here is “proposing”. The Erindale community, the Erindale traders, the Gartside Street traders, had looked at the options that were available to this minister's department to look at immediate fixes to problems that affect them greatly. But no, we are still only looking at:

proposing improved pedestrian links in Erindale;  
proposing additional car parking areas in Erindale;  
commissioning an extra study—

surprise, surprise—

which focuses on the traffic and car parking issues in the centre ...

There is also an interagency working group that has been formed to assess the recommendations, to address the issues raised in the petition. Minister, all I can say to you is that I spoke with some of the Gartside Street traders today just to make sure that there was not anything that had happened in the last few days that I was not aware of, and despite all the consultation, despite all your promises, what the Gartside traders are facing are the same drastic problems which they had and which forced them to act and try to get together hundreds and hundreds of petitioners, hundreds and hundreds of people in Tuggeranong, calling on you to fix their problems.

I never heard Ms Burch once, not once, address the issue of the traders in Gartside Street. I have not heard too many people in this Assembly, apart from the Libs, pushing the issue that people have now, pushing the needs of the community that is hurting from lack of planning, and not only hurting through lack of planning but through even more issues that they have faced because of the additional planning problems that seem ready to be inflicted on them by the master plan that was presented to the community.

Madam Assistant Speaker, I think the details have been covered enough, and I can assure you that the people of Tuggeranong are angry about the way that they have been treated by this government over the last 11 years. I am looking forward to seeing how their anger will manifest itself in October this year.

**MR SMYTH** (Brindabella) (8.47): I will close. It is clear the amendment that Ms Bresnan has proposed will get up. It does contain the majority of what I have in my motion. I think it is a shame that the reference to the maintenance of Tuggeranong and the appearance of Tuggeranong as a low priority of the Gallagher government is removed. But they are the numbers.

Ms Burch, in her contribution to the debate, talked about the new fund, the urban infrastructure fund. The fact that they have to establish that clearly shows that they have not been funding maintenance properly, and the fact that it is to clean up the mess that exists there is simply confirmation that they have got it wrong and that they have neglected maintenance in the territory. So the case is easily made.

I have lived in Tuggeranong for some 23 years now. It is certainly where my family and I choose to live, for a whole number of reasons. We love the view of the mountains, the accessibility, the neighbourhood in which we live and the friends that we have there. I am pleased to have had this opportunity to bring to the attention of the Assembly the needs of the people of Tuggeranong. I am pleased to have read out the rather long litany of things that the people of Tuggeranong want fixed in the lead-

up to the election, and I am pleased particularly that there is some recognition of the Tuggeranong Community Council and their efforts for the clean-up on the weekend. I will be down on the lake foreshore and in the town park. I guess we will all be out there for a change, which will be rather lovely. I commend my motion to the Assembly.

**Ms Bresnan's** amendment agreed to.

Motion, as amended, agreed to.

## **Waste—management**

**MS LE COUTEUR** (Molonglo) (8.49): I move:

That this Assembly:

(1) notes:

- (a) that the ACT has the second highest rate of waste production per capita in Australia, at 2.5 tonnes per resident;
- (b) that on average, 40-50% of household waste is organic matter;
- (c) that the level of waste per capita is growing;
- (d) that the Mugga Lane landfill site is expected to be full in 2015;
- (e) that the Government commissioned Hyder to produce a report Assessment of waste infrastructure and services options for the ACT which was delivered in December 2011;
- (f) that according to the Hyder report, an education program:
  - (i) could reduce overall level of waste to landfill from the household stream by 23% by increasing recycling rates and home composting and food waste avoidance;
  - (ii) is the most cost effective solution as it doesn't require significant investment in large infrastructure; and
  - (iii) would be best implemented if contracted out, and therefore not subject to potential annual budget cuts;
- (g) that source separation of recyclable materials:
  - (i) recovers the highest quality organic material for composting with the highest reuse value that can be used to enrich soils and sequester carbon;
  - (ii) would be enhanced by an education program; and
  - (iii) has a synergy with the plastic bag ban, as without organic matter in landfill bins, bin liners are unnecessary;

- (h) that the Government's current Waste Management Strategy includes a residual waste Materials Recovery Facility (also known as a dirty MRF), despite it being known that the flow of toxic and hazardous waste to landfill means that any organic waste collected cannot be used for high quality compost and has little market value; and
  - (i) that a new contract for ACT waste vehicles is due to be negotiated in the middle of this year; and
- (2) calls on the Government to:
- (a) commence an education program along the lines indicated in the Hyder report;
  - (b) not commit any funds to a residual waste MRF at this stage;
  - (c) ensure that any contract entered into for rubbish removal this year is compatible with an organic waste collection scheme; and
  - (d) consider an organics collection bin if there has not been a significant reduction in organic waste to landfill as a result of the education program.

I put forward this motion today on the issues of waste management in the ACT because I believe we are at a pivotal point in determining how we should manage our waste in the ACT. The government launched its waste strategy in December and this strategy continues to ignore the benefits of reducing our waste production overall and increasing source separation of our waste streams, including organic waste collection.

However, there are as yet no funds appropriated to any of the items in the waste strategy, so the Greens believe that now is the time to ensure that any investments in waste management infrastructure are consistent with the long-term needs of the ACT. The Assembly—particularly the Greens but also some members of the Liberal and Labor parties—has had a keen interest in waste issues and I believe that the Assembly should have a role in determining what sort of infrastructure we invest in.

As part of the Greens-ALP agreement, in the last few years the government has taken small steps in waste reduction by banning plastic bags and on source separation by rolling out recycling bins in Civic. We now await recycling bins in other town centres. More importantly, we would like to see waste separation expanded and encouraged at both home and work.

I will give some statistics at the beginning of my speech. The ACT produced over 800,000 tonnes of waste in 2009-10. That is 2½ tonnes per ACT resident, which makes it the second highest per capita rate in Australia, after WA. On average, 40 to 50 per cent of household waste is organic matter and 10 to 20 per cent of commercial waste is organic. The level of waste per capita is continuing to grow and the Mugga Lane landfill site is expected to be full by 2050. And as land gets scarcer in the ACT, we simply cannot continue to expand our landfill sites forever. It is difficult and expensive.

If we look at household waste, green bins account for 25 per cent of the waste sent to landfill, or 61,000 tonnes. If we include Queanbeyan, it would be 69,000 tonnes. Forty to 50 per cent of that, as I said, is organic and each of us spends an average of \$1,475 per year on unused items, mostly food, which, according to ACTPLA's sustainable futures study, makes us one of the most wasteful jurisdictions in Australia. Of the household waste, 10 to 20 per cent of that is recyclables and 20 to 30 per cent of that is low-value material. Commercial waste saw 103,000 tonnes sent to landfill in 2009-10; 30 to 40 per cent of that was recyclable and 10 to 20 per cent of that was organic.

The government's waste strategy, unfortunately, is based on an increase in waste—an increase per capita, not just an increase due to increased population. The government commissioned Hyder Consultancy to produce a report entitled *Assessment of waste infrastructure and services options for the ACT*, which was delivered in December 2011, at the same time that the government released its final waste strategy. It was publicly released at that time; I assume it was delivered to the government in advance of that.

According to the Hyder report, an education program could reduce the overall level of waste to landfill from the household stream by up to 23 per cent by food waste avoidance alone, and this figure could be enhanced by increasing recycling rates and home composting. I would like to point out that the way the figure was portrayed in the motion text at (1)(f) is confusing and does not quite give enough credit to the potential waste to landfill savings of the education program proposal.

Education, according to the Hyder report, is the most cost-effective solution and the best solution environmentally, looking ahead to 2021. It is not quite the same as looking ahead to 2023, but that is probably because the government assumed that there would be no more improvements due to the education program after the first four years, which seems to be a very unambitious target.

Despite the Hyder report, the government's waste management strategy is based on a new residual waste materials recovery facility, also known as a dirty MRF. A dirty MRF will do nothing to reduce waste volumes. It will, in fact, perpetuate the flow of toxic and hazardous waste to landfill. This, in combination, with not providing Canberra residents with a safe way to dispose of household fluorescent bulbs and batteries, means that the organic waste collected from a dirty MRF cannot be used for high quality compost and has little market value due to the glass shards and toxic material mixed in with the organic matter. Thus the end product cannot be used for agriculture as no farmer wants to put broken glass into their soil. The only use of this product is mine-site rehabilitation and plantations. They are low value markets and are not a good justification for investing in expensive infrastructure.

The decision that the government is planning to make regarding a dirty MRF will lock in a long-term strategy for the community. It will cost tens of millions of dollars and almost certainly will involve long-term contracts with waste operators. I also note that a new contract for ACT waste vehicles is due to be negotiated in the middle of this year and it is important that that does not lock us into the wrong solution.

The Greens' approach would see much more emphasis on source separation, which is an approach to waste management that focuses on recovering and recycling materials to their highest economic and environmental value. It presents different types of waste streams from being mixed together, becoming contaminated and therefore difficult or impossible to reuse. As the name suggests, resources are separated at the source, be that at home or at work, and this is usually done by separating the resources into different containers. Providing a third bin for the collection of organic and green waste is one possible example of that.

The contrast to this approach is "commingled recycling" or what is called "dirty recycling". Under this approach waste streams are collected together, so that recyclables are mixed with non-recyclables. Typically, an attempt is then made to separate this waste after collection, and that is what a dirty MRF does. That is what the government is suggesting.

There is strong evidence that using source separation, followed by the processing of organic waste material through composting, is the best approach if we want to minimise greenhouse gases. The European Union's study of waste management said: "Source separation of waste followed by recycling and composting or anaerobic digestion gives the lowest net flux of greenhouse gases compared with other options."

Source separation also triumphs in terms of overall environmental benefits. This becomes clear when there is a full life cycle analysis of different waste management options. As I pointed out to the government, this analysis was simply not done in the waste strategy.

If we look across the border at Goulburn, the contamination rates in Goulburn's city to soil third bin collection system are very low. This is because residents know that their organic waste is going back into agriculture, which is something they value. Removing organic waste and hence methane emissions from ACT landfills by biodigestion and composting it to activated carbon and biofertilisers would further reduce our emissions footprint from imported oil-based fertiliser use.

The benefits of using high quality organic material in soil are, unfortunately, often overlooked but they are substantial. Land degradation and declining soil fertility are causing big problems in Australia. Using organic material in our soils sequesters carbon. It preserves nitrogen and phosphorus for agriculture. Compost can also replace chemical and oil-based fertilisers, herbicides and pesticides and improve soil fertility for more food production.

All of these benefits are really only available when we use source separated organic material. Source separation recovers the highest quality organic material for composting with the highest reuse value, which can then be used to enrich soils and sequester carbon. Source separation would be enhanced by an education program. And source separation has a synergy with the plastic bag ban, because if you do not put organic matter in your landfill bin there is really no need for a bin liner.

The Greens are calling on the government to commence an education program along the lines indicated in the Hyder report. We support the concept of reusing materials to their highest use and the education program outlined in the Hyder report is the part of that report which really supports this philosophy.

Such a program would include running a food waste avoidance program, noting that in the ACT each of us throws away \$641 of food each year, according to an Australia Institute study. This is apparently the third most in Australia, after Queensland and New South Wales. This program could be modelled on the successful New South Wales “love food hate waste” program. I reiterate that avoiding food waste alone could reduce household waste to landfill by a massive 23 per cent each year.

The program would include rolling out education and support for home composting, including targeted provision of compost bins and composting in community gardens and supporting multi-unit developments. I note that our multi-unit code already requires space or other provision for composting in multi-unit developments, so in some developments I am sure that it would be possible to have on-site composting facilities.

The program would include improving our recycling rates at home, at work and in public places. Significant amounts of recyclables are currently being sent to landfill because they are mistakenly put in the residual waste bin. This is an education issue which we can solve. With respect to introducing hazardous waste collection points for light bulbs and batteries, I have been on about that for years. We need to do it. I refer also to avoiding excess packaging, and increasing the reuse of second-hand goods where this is appropriate.

Other jurisdictions around Australia have implemented a broad range of educational activities targeted at different waste streams. Many of these have worth and could easily be replicated. I refer, for example, to the collection of light bulbs, batteries and plastic films. Plastic films can easily be recycled into hard plastic furniture, such as park benches and bollards, as long as there is a system to collect it.

In any case, it just does not make sense not to run an education program, because we know it will reduce our overall waste production and we know it is almost certainly the most cost-effective way to do that. Certainly, the Hyder report sees it as that. Once levels of waste to landfill have been reduced, consideration of further programs and infrastructure should be undertaken for streams of intractable waste.

In this motion I note that it would be best if this education program was contracted out, and therefore not subject to potential annual budget cuts. A contract should ensure funding for a number of years. We do know that unfortunately TAMS is under a lot of budget pressure, but an education program needs time in order to work, and it is not going to work if it is subject to arbitrary budget cuts.

An education approach, particularly if contracted out, will also require regular and comprehensive monitoring to ensure that the investment is translated into waste reduction. We know that an education program is the low-hanging fruit in waste



management—like energy efficiency for buildings—and that it can deliver cheap, cost-effective gains. We do not support large government investment in a residual waste MRF at this stage. We believe that it would be far cheaper to follow the education program and continue to assess the results of this on our waste to landfill rates.

We also think it is important to ensure that any contract entered into for rubbish removal this year is compatible with any organic waste collection scheme which may be implemented in the future. If necessary, this could involve simply committing to a short-term extension of the current contract.

We would like the government to then seriously consider whether an organics collection bin system should be invested in across Canberra, or perhaps simply for multi-unit developments and the commercial sector, if there has not been a significant reduction in organic waste to landfill as a result of the education program.

The second Hyder report, which is due later this month, entitled *Recycling in high density residential buildings*, which looks into high density recycling and organic waste collection systems, will help us to determine the best organic waste collection system to invest in for those types of buildings. As we do not have it, we are not making any specific recommendations for this sector at this stage.

We would also like to see trials of smaller scale composting, including windrow composting, possibly by some of the existing organics companies. This would help the government to understand whether or not we should be committing to large expenditure on any particular technology.

The ACT Greens are, of course, very interested in waste policy. We are interested in it from the point of view of climate change, we are interested in it from the point of view of soil fertility and we are interested in it from the point of view of the best use of finite resources on our finite Earth.

We want a waste policy which helps us to reduce the overall level of waste to landfill, which gives us the highest quality of recovered materials and does not involve us investing in infrastructure which commits us to long-term high levels of waste production. We do not want something that builds in the existing system. We want something which builds in a reduction in waste, not an increase in waste. We want to see a government strategy that backs these points up, and we want to see a government strategy that continues to aim for the long-range, stretched goal of zero waste. That was the ACT's goal once, and while I appreciate that there is a way to go, I think that, as a long-term, stretched goal, it is still an appropriate goal.

I believe the motion that I have put before the Assembly does these things, and I commend it to the Assembly.

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

## Adjournment

### Emergency Services Agency—headquarters

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (9:05): I move:

That the Assembly do now adjourn.

I rise on the adjournment this evening to correct some matters that Mr Smyth raised in the debate in the Assembly yesterday. Yesterday in the Assembly Mr Smyth sought to claim, yet again, that the ESA headquarters at Fairbairn is constructed on a flood zone, or a “flood plain” were his words. This is despite the fact that Mr Smyth was advised on 23 May last year by me in an answer to a question on notice that the ESA headquarters at Fairbairn was assessed and constructed consistent with planning requirements to locate structures outside of the one-in-100-year flood level.

We are getting to the point with Mr Smyth in relation to matters such as this that we need to create a new category. I am going to suggest that we call these sorts of issues SmythBusters. Members would be aware of the show *MythBusters*, where a couple of people go and test out all the urban myths. Well, we have got Brendan Smyth’s urban myths, and I think from now on we will call them SmythBusters.

This is one of the SmythBusters. Mr Smyth has presented no evidence to back up his claim that the ESA headquarters is located on a flood plain or in a flood zone, and apparently he is quite happy—

*Members interjecting—*

**MR SPEAKER:** Stop the clocks, thank you. One moment, Mr Corbell. Members, I am having trouble hearing Mr Corbell. Let us turn it down a bit, thank you.

**MR CORBELL:** Apparently Mr Smyth is not satisfied with the answer I gave him that it is outside the one-in-100-year flood level, despite the fact he has no evidence to the contrary. To assist Mr Smyth further, and as I have already proposed to deal with this in the manner of a SmythBuster, I refer further to some particular advice—advice from the then ACT Planning and Land Authority received on 24 May last year:

... the ESA headquarters at 9 Amberley Avenue in Fairbairn is at a ground level of approximately RL 575.0 m ... The one in 100 year flood level in the Molonglo River, adjacent to the headquarters is RL 561.7 m. As such the headquarters would not be subject to flooding from a 1 in 100 year flood event in the Molonglo River. Flood planning in the ACT locates all new residential and commercial development above the 1 in 100 year flood level.

But it gets better:

The corresponding flood level in the Molonglo River for the one-in-1,000 year flood event is 563.2.

Guess what level the ESA headquarters is at, Mr Speaker? It is at RL 575.0 metres, or a full 10 or so metres above the one-in-1,000-year flood level. The area surrounding the headquarters is relatively flat with many local flood paths, but it is clear that the flooding issue at the headquarters was a localised flooding issue and did not relate to riverine flooding as a result of the ESA headquarters being located on a flood plain.

*Members interjecting—*

**MR SPEAKER:** Order! Stop the clocks, thank you. I remind you, Mr Coe, that you are already on a warning. It is late in the evening; let us just get it finished. Mr Corbell.

**MR CORBELL:** Mr Speaker, it is quite clear that the ESA headquarters is not located on a flood plain. It is quite clear that the ESA headquarters—

*Mrs Dunne interjecting—*

**MR SPEAKER:** Order, Mrs Dunne! You are now warned for interjecting.

**MR CORBELL:** is above the one-in-100 and the one-in-1,000-year flood level. Yet Mr Smyth continues to perpetuate the myth that the ESA headquarters is located on a flood plain. It is not. Until Mr Smyth can present evidence to the contrary, it is quite clear that Mr Smyth's myth is well and truly busted.

### **Emergency Services Agency—headquarters Australian women's icestock sport team**

**MR SMYTH** (Brindabella) (9.10): I think in my defence I will simply say that Mr Corbell is the only member in this place to have been found guilty of persistently and wilfully misleading the Assembly. He is actually the record holder for that sort of activity.

On a more light-hearted note, I would like to bring to the attention of members of the Assembly and the people of Canberra that, in case you did not know, Canberra is now home to the Australian women's icestock, or eisstock, sports team. Yes, we are home to an international team that are currently either on their way or already overseas to compete in the 2012 eisstock world championship in Waldkraiburg in Germany.

"What is icestock?" you may say. One of the members of the team has said that it is sort of like playing curling without the brooms. You can play on ice, hence icestock, or in many countries, particularly in Australia in the warm months, you can play it on concrete or bitumen. As far as I can work out, it is kind of like bowling on ice, but in the summer it is slightly different and different coloured plates are used to vary the speed of the stock and it can be done as an individual sport or in teams of four.

Icestock is a growing sport in Australia and can be played by anyone who can lift the four-kilogram stock. There are clubs in Victoria, New South Wales, Queensland and the ACT, as well as an Australian association. For the first time we have an Australian women's icestock sports team, who live in Canberra, and they are: Chrysanthe

Psychogios, Heather Millard, Kim McKay and Kimberley Pollock and we wish them all well as they travel to Germany.

It will be very good for them. They are going for a week's training and the reason they are going for a week's training is that they have never played on ice before. So for the Australian women's team it will be quite an interesting event. They have got a week's training where they will actually practise on ice and then there are about two weeks of competition.

It is the first time, as I said, that we have had a women's team. We have had men's teams go overseas before but we have only sent off female individuals in the past. So, on behalf of the people of Canberra and the people of Australia: well done to the Australian women's icestock sports team. It promises, I am sure, to be a thrilling event and I look forward to reporting in the future on their progress. Well done to Chrysanthe, Heather, Kim and Kimberley.

### **Planning—Tuggeranong**

**MR HARGREAVES** (Brindabella) (9.13): I need only five minutes. I was not going to rise to the bait of the challenges that those opposite were firing at me as I listened to the television upstairs but I thought what I would do in the adjournment debate was come down and tell you why it was, Mr Speaker, that I did not rise to the bait then—because I was treating the motion and those speakers with the contempt that they were due.

*Mr Smyth interjecting—*

**MR HARGREAVES:** I will say something about Mr Smyth. We have been combatants and foes across the field for a decade and a half. I will pay respect to Mr Smyth: he has been a very good advocate for our electorate; I will say that. The shame of it all, however, Mr Speaker, is that he does go to that old persons club called the Tuggeranong Community Council; he sees both of the punters that go to that and then claims to have some sort of community connection with this geriatric mob who just sit in their place—both of them. It is just nothing but a self-help group, Mr Speaker. I would not feed them. I resigned from that lot. I will not go there, because they are a self-interest group and I would not touch them with a barge pole. I want the record to show that I would not touch that crowd with a barge pole, because they are nothing but the lackeys of Mr Smyth and his cronies and I do not want to know them.

Mr Speaker, let me go to another thing while I am here and on my feet. I would like to tell you how amazed I was that Mr Doszpot would have the temerity to even mention my name in a debate when it is he who is running furiously away from the very electorate he purports to represent. He was given the faith of the electorate for four years. What has he done? He has put his tail between his legs, he has put his head under his armpit and he has scarpered off to Molonglo, because he was banished. Why was he banished? He was banished by the Leader of the Opposition, who has finally worked out where he lives. He finally worked out that he lives—where? In Macarthur, overlooking the horse paddocks that he is trying to protect, stoking up those people up there to ban such things as data centres and all the rest of it—all

because Mr Seselja loves the view and the smell of the Paterson's curse that sits in that horse paddock down below.

It is an absolutely pathetic exercise of grandstanding. This motion brought forward was nothing short of a publicity grab for Mr Smyth. I am not surprised about it, and I do not knock him. I knock all the rest of them for supporting him, because I just cannot understand why they would. Mr Seselja, on the other hand, pops down here with an alacrity never seen before in this place. We have heard this: "Zed is dead." RiotACT is full of it: "He is gone. Zed is dead. Zed is in bed." Mr Speaker, he comes down here—

*Mr Seselja interjecting—*

**MR SPEAKER:** Order! Mr Seselja, thank you.

**MR HARGREAVES:** You know, Mr Speaker, how easy it is. I pride myself on my fishing ability, Mr Speaker. All I have got to do is snap my fingers—bang—and they are like crows on a fence. They are like crows on a fence, this lot. They are jacks-in-the-box: up they pop. We can drag Mr Seselja out of his cave any time with his little fangs hanging out ready to go and do somebody an injury. He cannot do me an injury, Mr Speaker. They are not capable of it.

What have we got? We have got them all running down to the electorate so that Mr Seselja can be protected. Let's see how good these guys are. Let's see. What do they do, Mr Speaker? They enlist that warrior from Tharwa. How good is that? I congratulate them. If only I could pick somebody from the Liberal Party to run, I would pick Mr Val Jeffery. This is the same man who said: "I am an independent. I am going to run for the Community Alliance Party because I am not really anything other than a Liberal. Those people in the Assembly—they are a pack of mongrels. They are not going to do it." And what happens? He then comes out and has the stupidity and the temerity to out himself as a closet Liberal. Forty years he was a member. Forty years!

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

**MR SPEAKER:** Yes, Mrs Dunne. Order! Stop the clock, thank you.

**Mrs Dunne:** Can I seek your ruling on whether it is appropriate for a member of this place to name a person, a member of the public, in this place and then call them stupid?

**MR HARGREAVES:** I take that back, Mr Speaker—quite happily.

**MR SPEAKER:** Withdraw?

**MR HARGREAVES:** Yes.

**MR SPEAKER:** Thank you, Mr Hargreaves.

**MR HARGREAVES:** Quite happily. But I do remark, Mr Speaker, that it is interesting how Mr Jeffery in fact has outed himself as a Liberal front. He said, “I was a member of the Liberal Party for 40 years.” He only went into that party to make sure that there was a Liberal government in place. That has got to be questioned by the electorate at large. They have got to say, “Is a person being honest when they say they are an independent?” Do they say that? They do not. And we all know, Mr Speaker, now that Mr Jeffery has outed himself as a closet Liberal—he is not a closet Liberal, Mr Speaker; he comes from a water closet.

**Mrs Dunne:** Mr Speaker, I move that Mr Hargreaves be given more time to pontificate on the issues relating to Tuggeranong.

**MR HARGREAVES:** I am finished. It is over now.

**MR SPEAKER:** I am afraid you would need leave for that motion, Mrs Dunne.

### **Tuggeranong Community Council**

**MR SESELJA** (Molonglo—Leader of the Opposition) (9.18): Just briefly, I would like to counter Mr Hargreaves’s attack on the Tuggeranong Community Council. I think the Tuggeranong Community Council does an outstanding job. It is unfortunate that the Labor Party position now on the Tuggeranong Community Council is to attack it, to attack people who give up their time to serve the Tuggeranong community. I think it is shameful that Joy Burch appears to have endorsed those comments from Mr Hargreaves.

This is the kind of disdain that Labor has for the people of Tuggeranong. We have seen it time and time again, and John Hargreaves, in his late night rant, has confirmed the disdain in which the ACT Labor Party holds the people of Tuggeranong. There is a reason why they lost so many votes at the last election and we can see that disdain on show here tonight. The Canberra Liberals have great respect for the work that the Tuggeranong Community Council does and for the Tuggeranong community as a whole, in stark contrast to John Hargreaves, Joy Burch and the ACT Labor Party.

### **National Year of Reading**

**MR DOSZPOT** (Brindabella) (9.20): Yesterday saw the launching in the ACT of the National Year of Reading. In the ACT there have been a number of people selected to be ambassadors during this year and there are some great Canberrans among them. Jess Bibby from the Canberra Capitals, Grace Gill from Canberra United, Matt Toomua from the ACT Brumbies and Rob Paxevanos from Fishing Australia.

We all know the importance of books. Even Jon Stanhope, the former ACT Chief Minister, who had such a strange taste in public art, said in late 2011 when announcing the ACT Year of Reading Ambassadors, “Literacy skills are the foundation for lifelong learning.” I absolutely agree. I take great pride in my collection of books and they are a source of much pleasure to me. I developed that love of books, in part, from wide access to the school and local public libraries and teachers and librarians that entrusted me to read and enthused me to read.

However, in future years I am concerned that our children and grandchildren will not have that same benefit. Librarians are becoming an optional extra in Canberra schools. I have raised the shortage of librarians often with the former Minister for Education. His answer is invariably that it is a school principal's choice as to whether the school has a librarian or not.

Just this afternoon I received an email from a constituent. I have not had a chance to confirm whether she would like her name mentioned; so I would just like to quote a couple of paragraphs from the correspondence that was sent to me to try and raise this very issue: "If they, the government, really cared about quality teaching and NAPLAN literacy results they would take heed of the research linking qualified teacher-librarians with improved literacy and academic achievement. Yes, quality teachers make a difference especially when they have the support of knowledgeable and skilled quality teacher-librarians, along with performance development opportunities which can only be actualised with adequate staffing which must be funded. If NPAs and flexible staffing work, it is only because the funding is there for extra staff. Please ask the government what they are doing to ensure that the funds staffing points are there to support specialist staff and that the tertiary training programs for teacher-librarians are reinstated and scholarship incentives provided to the principals and qualified teacher-librarians will be able to get them."

That is an extract from the email received this afternoon. If this government really cared about quality teaching and NAPLAN literacy results, they would accept that research that links qualified teacher-librarians with improved literacy and academic achievement. In the last two years we have had many schools enhanced by new libraries but without the money for books and without the appropriate staffing, they will not realise their potential and neither will schools.

The latest Softlink school library survey published their results in August last year. The survey showed that one in three ACT primary schools do not have a librarian. Out of 10 high schools, one has a 140 per cent teacher-librarian FTE, seven have 100 per cent and one has 60 per cent of an FTE. The remainder have a range of technical assistants, library technicians or unqualified staff.

The issue is one raised frequently by parent groups and others concerned with quality outcomes in education. Recently I received a letter from a teacher who has invested a significant amount of personal finances in training to become a qualified teacher-librarian only to find he could not gain full-time employment. Yet he is aware of public schools in which there is no qualified librarian.

The government's standard response when being tackled on such issues to say that they are committed to ensuring students had access to 21st century library information and learning services. But 80 per cent of schools surveyed in the Softlink survey said school library budgets were reduced or remained the same in the past 12 months, despite significant expenses to keep connected to the latest technology.

Let us celebrate the national year of reading. Let us by all means appoint reading ambassadors that will get out and promote the value and enjoyment of books and of

reading. But let us not fool ourselves that providing a library building and spaces and shelves for books is all that is needed to produce well-read students.

### **Tuggeranong Community Council**

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (9.24): I can see them tweeting over there, so just for the record I do attend the Tuggeranong Community Council. I will continue to attend the Tuggeranong Community Council to support the good people of Tuggeranong. I am also very pleased to support Darryl Johnston in any activity that he puts forward to us.

**Mr Hanson:** It's too late.

**MS BURCH:** Too late to go to Tuggeranong clean-up day? I do not know what you are talking about there. I just wanted to be very clear. They can tweet away and misrepresent anything they like, but I know that I have turned up regularly to the Tuggeranong Community Council meetings. I will continue to turn up to the Tuggeranong Community Council meetings, as I will to other community forums in my electorate of Brindabella.

### **Royal Australian Air Force Association**

**MR HANSON** (Molonglo) (9.25): I rise tonight to talk about a function that I attended on Monday at the Commonwealth Club with the Royal Australian Air Force Association ACT Division. For those that do not know about the RAAF Association, I will just read briefly from their website:

The RAAF Association is a non-profit organisation promoting social activities, welfare, commemoration events, aviation history and the memory of fallen friends.

The ACT Division of the Association meets every second month at the Canberra Services Club—

That is a little out of date. It is now the Commonwealth Club, obviously, Mr Speaker—

Manuka ACT. Every second meeting is a luncheon meeting, when we have a guest speaker who joins us for lunch before speaking on a subject of interest to veterans. In addition, the Division holds an Anzac Day luncheon after the march and an end-of-year Christmas dinner.

Membership is open to all serving and ex-RAAF, WRAAF and members of other Air Forces and those with an interest in aviation. The Division is always looking for new members to assist in Association activities and to contribute their expertise. Duties are not onerous and many find it most rewarding.

...



The Association participates in Commemoration Ceremonies throughout the year, including the RAAF Anniversary Ceremony, Anzac Day ... the Battle of the Coral Sea, Korean Veterans Day, Vietnam Veterans Day, Battle for Australia and Remembrance Day ...

ACT Division is active in the ex-service community and attends briefings on special topics by Department of Veteran Affairs and attends other ex-service commemorations.

The lunch that I attended was a most informative briefing by Graham Bentley, an ex-Air Force officer from Lockheed Martin, on the joint strike fighter project. It was very interesting, very informative and I certainly appreciated it. I will mention the committee in a minute, but I would just like to mention that I sat next to Harrie Holt, who is an organist of some renown, but relevant to the RAAF Association is that he is an ex-World War II pilot.

I would just like to commend the committee, in particular the president, Mr Peter McDermott, who is very active in the veterans' community and a range of organisations across the ACT community; the vice presidents, Group Captain Arthur Skimin and Group Captain Doug Hurst; the secretary, Wing Commander James Elsbury; the treasurer, Squadron Leader John Magro; and the directors, Lance Halvorson and Gwen Kirk.

### **Salvation Army Hawker village**

**MR COE** (Ginninderra) (9.28): I rise this evening to acknowledge the great work that is being done at the Salvation Army store at Mitchell and, indeed, at all the Salvation Army stores across the ACT and the country. I had the opportunity to see firsthand the work being done at the store in Mitchell a few weeks ago. At the invitation of Judy and Sue, two of the volunteers at the Mitchell store, I was very pleased to go out and see for myself the very good work that is being done by them and the many others who give up their time on a regular basis.

Judy and Sue are just two of the many volunteers who work at the 106 stores throughout Queensland, New South Wales and the ACT. Combined, these stores have contact with over 12,800 customers and many, many donors. The Mitchell store is managed by Karen Thornby, who looks after all the volunteers and the day-to-day management of the store.

Members of the public are encouraged to donate used furniture, clothing and household items to the Salvos where it is then sorted and distributed or sold to raise funds for all the worthwhile programs that the Salvos are behind. I encourage all Canberrans to support the Salvos and spare a thought for the hours of work put in by the scores of people behind the scenes who sort out what is left in and around charity bins in and around the city. I thank all the volunteers for the wonderful work they do.

Mr Speaker, I would like to put on the record a few words about Hawker village and the Hawker community. The recent announcement by the minister that the plans to

redevelop the Hawker shopping precinct will be placed on hold for three years should be seen as a win for the community by the community.

It has been three years and a long hard battle fought by the residents of Hawker and most specifically the friends of Hawker village. I find Ms Porter's comments in this week's *Chronicle* to be offensive to the many individuals who genuinely worked hard for their community. Ms Porter was in lock-step with the government throughout the process and now claims that she supported the community in having this process put on hold.

I think that is offensive to all who went to the meetings or consultations and saw her endorsement of what the government was doing. At a community meeting that was organised by my colleague Vicki Dunne and I on 8 July 2010, the overwhelming sentiment of the 100 plus residents that attended was that there was not proper consultation on the large-scale changes that were being proposed. At another meeting which I facilitated just last month there was still a feeling that the community's feedback was being overlooked by the government.

I would like to take this opportunity to acknowledge the friends of Hawker village: the convenor, Bill Kearney, Warren Prince, Robyn Coghlan, Margo Saunders, Tony Wing and Chris Gyngell and the many other Hawker residents and traders, including Ron from Ron's Book Shop, who worked tirelessly in the interests of the community.

Question resolved in the affirmative.

**The Assembly adjourned at 9.31 pm.**