Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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Thursday, 23 February 2012

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MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Leader of the Opposition
Statement by Speaker

MR SPEAKER: Members, I wish to make a statement regarding the independent workplace audit. I wish to provide the Assembly with an update regarding the motion passed by the Assembly on Tuesday, 14 February directing me to commission an independent workplace audit of staffing arrangements and whether or not appropriate payments to staff were made in the office of the Leader of the Opposition for the period 2009-12.

I wish to inform the Assembly I have decided on an audit team to undertake the work. The audit team will be headed by Mr Ron McLeod AM and supported by locally based firm HBA Consulting. I have given the appointment careful consideration and am satisfied the audit team is of the highest standard, will perform their task thoroughly and will deliver a report that provides answers to the questions the Assembly has raised. I believe the audit team is strongly equipped to now go and do exactly that.

In selecting the audit team I have taken the time to seek the views of the leaders of the three political parties on the appointment. I thank each of the leaders for providing their views and can advise I reflected carefully on what they each said. Ultimately the decision rests with me as Speaker and, having assessed the options before me, I am confident the selected team have the skills and experience to fulfil the task.

Mr McLeod was a career public servant for over 40 years before his retirement from the Australian Public Service in 2002. He is a fellow of the Australian Institute of Management. He worked for a number of years in the Commonwealth Public Service Board before being appointed as Deputy Secretary of the Department of Defence in 1983. In 1995 he became the Inspector-General of Intelligence and Security and in 1997 the federal government appointed him as a Commonwealth Ombudsman, a post that also functions as the ACT Ombudsman.

Other posts he occupied include leading an inquiry into a fundamental review of the commonwealth Public Service Act; for five years he was a member of the Commonwealth Administrative Review Council, which advises the Attorney-General on administrative law matters; and he was a member of the Council of Australian Archives for five years.

As members will be aware, shortly after his retirement from commonwealth employment the ACT government appointed Mr McLeod to conduct an inquiry into the operational response to the bushfires that swept through Canberra and the ACT in January 2003. Since then he has undertaken a number of reviews and inquiries for a range of commonwealth government agencies, including a top level review of the organisational structure of the Department of Prime Minister and Cabinet in 2008.

Most recently Mr McLeod was one of three full-time royal commissioners established to inquire into the tragic Victorian Black Saturday bushfires. The inquiry ran for 18 months and all of its recommendations are currently in the course of being implemented by the Victorian government.

HBA Consulting is a Canberra-based specialist workplace relations and human resources management consultancy. HBA Consulting has been serving public and private sector clients throughout Australia for the past 15 years and has developed a strong reputation for the provision of expert, timely and practical advice and assistance to employers on workplace relations and human resource management issues.

Regarding the scope of the audit, my view is that the Assembly has provided a set of words that is sufficiently clear, particularly when combined with the context provided by debates in the chamber. I have indicated to the audit team that the audit should be the forum to test the issues raised and make findings on those matters.

Regarding timing, the audit team have indicated they will be in a position to advise on the expected length of their work once they have familiarised themselves with the documents provided to them. I expect to be in a position to update the Assembly on timing further during the sitting weeks in March. I have asked the audit team that the investigation be completed in a timely manner whilst ensuring their job is done properly.

Finally, I advise members that Mr Ron McLeod and the agents of HBA will be signing deeds of confidentiality.

Mr John Hargreaves
Motion

MR HANSON (Molonglo) (10.05), by leave: I move:

That this Assembly:

(1) notes that:

(a) Mr Hargreaves has resigned as Government Whip following passing a highly inappropriate note in the Assembly ridiculing Andrew Barr based upon his sexuality;

(b) the Chief Minister has described this incident as a "lapse in judgement" and "another embarrassment", and "the latest poor judgement";

(c) the Chief Minister has agreed that this incident "is not expectable behaviour from a Member of our parliament";

(d) John Hargreaves has a long history of unacceptable behaviour and incidents and has been required to apologise to Assembly Members and community organisations on numerous occasions;

(e) despite this latest incident, Katy Gallagher has continued to defend John Hargreaves and has described him as "a good Labor man"; and

(f) John Hargreaves is Assistant Speaker; and

(2) calls on John Hargreaves to resign as Assistant Speaker.

The events of the last couple of weeks culminated last night in John Hargreaves resigning from the position of government whip. The events of the last couple of weeks have included John Hargreaves coming into this place and making an unprecedented attack on a community organisation, a volunteer organisation, and using inappropriate ageist comments to make that attack. We have also seen that he has been peddling notes to other members of the Assembly of opposing political parties which were quite clearly gay slurs, homophobic slurs, against his colleague Mr Andrew Barr. As a result of that, he sought to stand down from his government-appointed position as the government whip.

In his statement last night Mr Hargreaves made the point that this either does bring or risks the possibility of the Assembly and the government being brought into disrepute, and I would agree with that. I think that Mr Hargreaves's actions have brought the Assembly into disrepute and certainly have brought the government into disrepute. He has admitted that he has exercised poor judgment.

If he and his government believe he is no longer suitable to be government whip, he certainly should not be in the position of authority within this chamber where he is performing the duties of Assistant Speaker, essentially residing in the chair of the Speaker. Let me read what the *House of Representatives Practice* says about the position of Speaker:

> The Speaker … the representative of the House itself in its powers, proceedings and dignity … the Speaker presides over the debates of the House … and enforces the observance of all rules for preserving order in its proceedings … He must have a deep-seated reverence for the institution of Parliament … A good Speaker is not necessarily an extraordinary person, therefore; he is an ordinary person, but an ordinary person of the highest calibre … The Speaker embodies the dignity of the nation's representative assembly … The degree of respect depends to some extent on the occupant …

And this is the point—it is about the dignity of the position; it is about the authority of the position. If Mr Hargreaves himself feels he is no longer fit to occupy the role of government whip, how on earth should we be expected to support John Hargreaves in the chair as Speaker, where he will be presiding over this place? This is the place where we have seen in the last 24 hours John Hargreaves come down and have to apologise for making ageist slurs against community volunteer organisations and come down to this place and resign as government whip for homophobic slurs against fellow member Mr Andrew Barr.

Mr Hargreaves may say that he is not ageist, he is not homophobic, he is not sexist, but what we have seen, regardless of whether he is or is not, is that he has committed

the offence in this place of making sexist slurs against Mrs Dunne, of making ageist slurs against a community council and ridiculing Mr Barr based on his sexuality. People have seen the note that was passed. For the life of me, I cannot imagine why a member of the Labor Party would write a note clearly ridiculing one of his fellow members based on sexuality and then pass that to a member of the Liberal Party. That is odd behaviour.

I think it comes down to the fact that there is a dysfunctional relationship in parts of the ACT Labor Party, just as there is in the federal Labor Party. You see the personal animosities, you see the friction that have been there between Mr Barr and Mr Hargreaves. We have seen that over time. We know they have had a big falling out. What we are seeing now is that Mr Hargreaves, again, is coming into this place full of bile, full of anger, and his response is to pass to the opposition a note ridiculing Mr Barr. That is not the sort of behaviour that is expected in this place.

For the life of me, I cannot imagine how Andrew Barr or any of his Labor colleagues could endorse Mr Hargreaves sniping in such a fashion. This is not the only incident where Mr Hargreaves has come to the opposition and sniped and ridiculed and run down his colleagues. He has had a go at Katy Gallagher and he has had a go at Andrew Barr behind their backs on other occasions, ridiculing them. He sits there and shakes his head trying to deny it, but we have it in black and white.

Often it is off the record—it is jibes, it is smear—but what you see here is documentary evidence that he has been doing this. It is in black and white, doing it in the Assembly and passing it to Mr Coe. That is how reckless he is. That is how much he is prepared to damage his own colleagues, regardless of the consequence to him personally. We have seen the consequence of that—he has had to resign as whip, he has had to apologise to the Tuggeranong Community Council, he has had to apologise to Mrs Dunne, he has had to apologise to Ms Bresnan and he has been stripped of his ministry on a couple of occasions for his behaviour, including going DUI as a minister. Is this the person the Labor Party says should be sitting in the chair presiding over the Assembly as Assistant Speaker?

The Chief Minister this morning on radio accepted that this latest incident was a lapse in judgement and was another embarrassment—another embarrassment and the latest poor judgement. Does she want John Hargreaves presiding over this place, someone that she accepts makes regular, poor judgments? When asked by Mr Solly on the radio, she accepted the point that it is not acceptable behaviour from a member of our parliament. Continuing on, she then said: "Well, I support him. He's a good Labor man."

So you can make sexist comments, you can go DUI, you can attack the community council, you can ridicule one of your colleagues based on their sexuality, and that makes you, in Ms Gallagher's view, a good Labor man. Well, I would hate to see what a bad Labor man looks like. If that is her definition of a good Labor man then God help us, and God help the people of the ACT if she thinks that is acceptable. We now have the ridiculous situation where, because of Mr Hargreaves's failings, the Chief Minister herself has had to take on the responsibilities of government whip.

Ms Gallagher: No, I haven't.

MR HANSON: My understanding is that last night she was the government whip, and if she has to take it upon herself then she needs to explain—

Ms Gallagher: Yes, because where were you, Jeremy? Napping?

MR HANSON: You see: more invective. I am moving this motion, and what we hear is invective. What we hear from Katy Gallagher is more sniping across the Chamber. What you will hear from Katy Gallagher today is that this is somehow a Liberal conspiracy; this is somehow the Liberal's fault; this is perhaps Alistair Coe's fault. I remind you that it was not Alistair Coe who wrote this note; it was John Hargreaves who recklessly decided that he was going to write a note ridiculing Andrew Barr based on his sexuality, walk across the Chamber and give it to a Liberal Party member. It is John Hargreaves who needs to explain that bizarre and disgraceful behaviour. It is not for the Liberal Party to explain that.

If Katy Gallagher or any of the Labor members or perhaps their Greens allies gets up in this place today and says: "That's okay. We don't mind John Hargreaves doing that. We think it's okay that he conduct that sort of behaviour on the back of his attacks on the Tuggeranong Community Council, on the back of his sexist attacks on Vicki Dunne, on the back of his DUI, on the back of his behaviour where he had to apologise to Ms Bresnan. We think that's okay. That's excusable, and he should continue on as Assistant Speaker," that will show the low depths this government has reached.

Just as we are seeing the division between Julia Gillard and Kevin Rudd and the factions that are squabbling federally, what we are seeing here is a very clear example of the animosity within the ACT Labor Party. Andrew Barr will get up and, probably through gritted teeth, have to defend his member, because there are factional masters. Just as we saw up until the events of last night all the Labor hacks up on the hill saying, "There's nothing to see here; there are no problems internally; we all love each other," this is what you are going to see here on a local basis.

Mr Speaker, I think my point has been made. I do not think there is a need to continue further, because this is a very clear decision for this Assembly and for Mr Hargreaves. He said last night that he respects this place. This is a chance for him to show that respect. If he respects the traditions of this place, if he respects this Assembly and its credibility in the community then he must acknowledge that the very reasons he stood down as government whip are the very same reasons why he should stand down as Assistant Speaker. If he is prepared to stand up there and preside over place telling us what is acceptable behaviour or not, it is quite clear the community will look at this place and say, "How could it be that someone like John Hargreaves has the support of the rest of the MLAs to sit there and preside over the Assembly?" I think that is a fair question.

This goes to all of our credibility and not just to that of John Hargreaves. If we allow him to stay in that chair then the community will say, "You bunch are a joke, because

you allow someone like John Hargreaves, after all that he has done, to continue on." The only time any action is taken, the only time he has actually resigned from anything in recent times, is because there has been an attack or an exposure of disloyalty.

Remember yesterday we were in this place and we were talking about his disgusting behaviour with the Tuggeranong Community Council. We saw the Labor Party defend him, but once there is an exposure that he has been disloyal to one of his mates then Katy Gallagher actually says: "Well, you know, he shouldn't be the government whip anymore. We'll strip him of that $10,000 allowance."

It seems that if John Hargreaves wants to attack the community or attack Vicki Dunne or attack Amanda Bresnan he can get away with it, but if he wants to attack one of his own mates then there are repercussions. An internal Labor attack results in something—a bit of a slap over the wrist for Mr Hargreaves. Well, it has to be broadened. We have to say as an Assembly what is acceptable in this place. If the Labor Party and the Greens think it is acceptable to write notes ridiculing your own members and pass those notes across the Assembly—on the back of an absolute litany of bad behaviour—then that really sets a new line.

Can you imagine if I had written some note ridiculing another member of the Liberal Party based on something like sexuality or ethnic background or gender—whatever it might be—and made a joke about that and then gone over the road and peddled that to Simon Corbell? Can you imagine how odd that would seem and how bizarre it would be? Can you imagine Katy Gallagher's rightful outrage that that sort of stuff was happening?

She will stand up now and try and defend her member and say, "No, this is acceptable behaviour." But just put that in your mind. Just imagine if Caroline Le Couteur decided that she was going to write some note teasing, ridiculing, slurring Meredith Hunter and then came across here and said, "Ho, ho, isn't this funny?" and gave it to Brendan Smyth. What would Meredith Hunter think about that? Because that is what has happened in this case.

I would ask you that, when Katy Gallagher or one of the Greens gets up to speak to this matter and says, "Look, this is acceptable," put the shoe on the other foot and imagine if a Liberal had done that. If one of your own members had done that, how would you feel, Ms Le Couteur? Would you then say, "That person should be representing us sitting in the Speaker's chair"? No, you would not.

If we do not, as an Assembly, say that Mr Hargreaves should be removed from that position, that he should resign, then we are accepting hypocrisy, we are accepting a double standard and we are accepting a low standard. I do not think that is a low standard that any of us should be accepting.

MR HARGREAVES (Brindabella) (10.21): Before addressing the motion, I would observe, Mr Speaker, that I heard all of Mr Hanson's speech in silence and I put it on the record that I would ask the opposition to give me the same courtesy.

I reject the first part of the motion quite emphatically. Communication between myself and Mr Coe is not about anybody's sexuality in this place. It is not about the Deputy Chief Minister. I find the suggestion deeply offensive. It is an outrageous thing to do. This is so outrageous to find it being perpetuated from the notion that if you say a lie often enough then it will become true. That is not acceptable to me. I have explained to this place yesterday what it was about.

Mr Speaker, when I first became whip many years ago I decided that in line with whip tradition there needed to be a relationship with all the sectors, at least from the whip's perspective, such that it was a friendly relationship so that in the times of extreme tension there would at least be one door open on one side. It has always been my intention to have that. To have shared pieces of humour across the channel, as it were, has always been the objective. That, in my view, has been abused. That facility that I have tried to provide has been abused in this case. I think we are all the worse for it now because pretty much from now the doors have closed. That is a really sad outcome.

This is about payback. This is about a vendetta. This is a confected smokescreen, as I said yesterday. It is quite clear to any observer that that is so. One of the great pleasures of my life has been to immerse myself in the theories and the principles of parliamentary life. I have tried to promote the separation of parliamentarian from politician and I have spoken in this place about it before.

In my role as an Assistant Speaker—whether it was a Temporary Deputy Speaker or an Assistant Speaker—I have attempted at all times to be nonpartisan, to be as fair as possible and to do the rotations when possible. I observe that from my time in the chair there have been outbursts from all sides of the chamber that I have brought to order, sometimes quite severely. Mr Speaker, I do not believe that I have showed bias in these proceedings.

I do know the processes and the procedures quite well. I know that because of the experience I have as a parliamentarian in this place, not as a politician. What we are seeing at work with this motion is people playing politics. They are not playing parliamentarians. They are playing politics and I do not intend to engage.

Mr Speaker, I will not stand by and have my own inadequacies used as a tool to threaten the integrity of the Chief Minister. It will not happen. I have offered her my resignation as the whip, as a remunerated position, as a demonstration of the strength of my commitment to this team.

Everybody goes through difficulties in political life. We all do. But this Labor team has always operated as a team and it is a very strong one. It has not experienced the backbiting that those opposite have experienced. I am very proud to have been a member of that. Indeed, this morning was my first opportunity to speak to the Labor caucus as a group. I expressed my apology for letting them all down.

Mr Speaker, in doing this I have recognised 18 months ago that a problem occurred with me. I have paid a penalty for that. It was in my understanding the honourable

thing to do. Those people over there have not shown any honour. Mr Hanson comes at me constantly and his interjections across the chamber are sometimes enough to make people's blood curdle. I cannot believe the breathtaking hypocrisy in what I have heard this morning.

I separate the job as a member of the Labor Party and Labor team from the position as chair of this place when I have the opportunity to occupy it. I also note that the appointment of Assistant Speakers is something that is within the realm of the Speaker. I did not choose to recommend to the Speaker who the Liberal opposition people should be, nor the crossbench. It is up to us to determine who that person shall be, remembering, please, Mr Speaker and colleagues, that we have only two people on this side of the chamber to do non-executive business; only two. Ms Porter is already the Deputy Speaker. To allow these people to get away with this would end up with a gross misrepresentation in this place.

I reject the underpinning notions of this motion. I find it offensive. I have had discussions with people such as the Deputy Chief Minister and conveyed to him my outrage at the suggestion. Mr Speaker, I would ask my colleagues to reject this motion.

MS LE COUTEUR (Molonglo) (10.27): The Greens will not be agreeing to this motion. I am also an Assistant Speaker. Mr Hargreaves, to the best of my knowledge, has performed his role as an Assistant Speaker admirably. He has long parliamentary experience. He has a great knowledge of the standing orders. He has been a very effective and even-handed Assistant Speaker in all of the times that I have seen him as a Speaker. I see no reason to say that he should not be an Assistant Speaker.

I also note, as Mr Hargreaves did, that the role of Assistant Speaker is not within the gift of the Assembly. It is within the gift of the Speaker. From that point of view, this motion is simply irrelevant, apart from being ridiculous and basically just nasty. I am not trying to say this in any way as a threat, as anything that the crossbench is thinking of doing, but I think we should just remember a bit of Christian charity and what the Bible says, "Let he who is without sin cast the first stone."

This is getting ridiculous. Everybody has made a mistake at some stage in their life, I am sure. I certainly have. I would be surprised if there was anyone in this Assembly who has never made a mistake. But keeping on and on about this is ridiculous. We actually have important things to do as an Assembly. This is not one of them. Mr Hargreaves has been an efficient and effective Assistant Speaker. I for one hope he will continue to be so.

MRS DUNNE (Ginninderra) (10.29): Mr Speaker, this motion is about the issue of fitness to serve and fitness to serve this Assembly. Mr Hanson in his motion has outlined the rising concerns that we on this side have with Mr Hargreaves's behaviour and the rising concern that the community has about Mr Hargreaves's behaviour. We had the inappropriateness of his behaviour last week in his intemperate outburst against the Tuggeranong Community Council, against older people and against named individuals. Then on top of that, we have the coming to light of his outburst in what could only be a slur against the orientation of a member of this place, a person that Mr Hargreaves has over many years feigned loyalty to.

This is really what this is about. It is about the fact that the Labor Party will allow Mr Hargreaves to say and do anything until he is caught out being disloyal to his colleagues. It is, "Johnno, he is a larrikin." You know, "Yes, he does have foot in mouth disease, but he is a good Labor man." Do good Labor men spend their time badmouthing their colleagues?

That is what Mr Hargreaves does on a regular basis. He picks someone that he wants to be his friend on the other side and he has little confidential conversations with them—some of them not quite so confidential. The ones that stick in my mind are the times when Minister Gallagher was the Treasurer, the times he denigrated her performance as the Treasurer to me. His constant sniping about Mr Corbell and the comment that he made to me one day, which I am sure was in the hearing of Mr Barr, when he said, "When Andrew worked for me I taught him a lot of things, but I never managed to teach him loyalty."

It was an extraordinary outburst from someone who was, in a sense, burnt by the factions. The bile and the retribution against Mr Barr, which we see in the note which was published in the *Canberra Times* today, come from the falling out in the factions when it came to a point where Mr Barr, as the leader of the faction, had Mr Hargreaves tapped and told that the faction would no longer support him as a minister.

That is what happened. The falling out stems from there at least, along with the intemperate words that have come from Mr Hargreaves about his colleagues that can be summed up by, "I have taught him a whole lot of things, but I never taught him loyalty." The irony of that obviously never crossed Mr Hargreaves's mind. The loyalty that he showed Mr Barr in writing the note that he passed to Mr Coe was extraordinary.

What we have here today is a litany of occasions where we have seen Mr Hargreaves behave in a way that is unfitting for a member of this Assembly. We have had his outbursts last week. We have had his feigned apology yesterday, when in his qualified apology he actually went on to criticise members of the Tuggeranong community again. And then we have this latest element.

The question has to stand: how long would Ms Gallagher, Mr Barr and the rest of the Labor Party allow John Hargreaves to continue on his "larrikin way"—I use it with inverted commas—his "larrikin way", his foot in mouth way, before they would have pulled him up? Is it the fact that they have only pulled him up because he was found out? Is it because he was caught out attacking one of their own?

His performance, which has been passed off as his "larrikin way", his disrespect for the people of the ACT, his disrespect for his colleagues, his disloyalty to his colleagues—all of these things show that this is a man who is unfit to serve and to hold an office in this place. In a sense, to be an Assistant Speaker, although it is not a remunerated position—and Mr Hargreaves made that point—makes him a standard bearer for this Assembly. The person who occupies the Speaker's chair has to have some sense of gravitas and has to have some sense of being fair-minded.

But we have seen with Mr Hargreaves's approach to members on this side—the fact that I was named for uttering one word, a word that was not uttered across the chamber but to my colleague Mr Hanson—that he is not fair-minded. We can take that in our stride, but we cannot support a person who has been openly disloyal to the members of this community—so disloyal that eventually his own party had to ask him to resign, so disloyal that he is just adding to the litany of slurs that he has made against members of this community and sectors of this community. It is time we in this place drew a line in the sand.

I take up the point that Mr Hanson raised. I noticed Mr Hargreaves and Ms Hunter leaving the building last night. I thought that Ms Hunter was being very sympathetic to Mr Hargreaves's plight. I did think that it was interesting to consider that if Mr Coe had passed the note to Mr Hargreaves, would Ms Hunter be leaving the building in such a friendly way and discussing whatever it was they were discussing in a pretty chummy way?

Ms Hunter: Oh, now you don't like it.

MRS DUNNE: Look, I think that you actually just have to do the mental exercise. If it had been the other way around, what would the confected outrage have been from Ms Gallagher and everybody along there and everybody on the crossbenches? They would have been falling over themselves. They would have been falling over themselves to be the first person to condemn Mr Coe. Mr Coe would have been sent to Coventry by every member on the crossbench and the Labor Party.

I thought it was interesting, given what happened last night, that Mr Hargreaves was being supported by members of the crossbench. I am just putting it out there and I am just asking people to do the mental exercise. How would it have been if it had been the other way around?

Mr Hargreaves has demonstrated time and again that he is not fit to serve this Assembly in any capacity in relation to speakership and it is time that he resigned. It is an issue which is a gift of the Speaker, but if Mr Hargreaves had any real sense of remorse and any real sense of the appropriateness of what should be done, if he had any real sense of the difference between a statesman and a politician, a parliamentarian and a politician, he would not have to be asked to resign. He would have just done it himself.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.37): It is a little hard to know where to start on this one, but let me work through all of the issues as I see them.

I have accepted an apology from Mr Hargreaves in relation to what I think everyone agrees was a very poor joke. I have also accepted—and fully understand, and wish to acknowledge on the public record—John's very strong support on the issue of the advancement of the cause of gay and lesbian Canberrans over his entire time in politics. John has been a very strong supporter of every element of legislative reform

in this place and has been a strong supporter of those in the community who have sought to champion these reforms.

So I do not for a minute accept the essence of the accusation that has come across the chamber that John is somehow a homophobe who has been in hiding over some period of time. It was, as I said, a very poor joke. It reminded me a little of something you might see in an episode of *The Office*. David Brent might be proud of that particular piece of material.

I think what gets me is the absolute hypocrisy of this issue being raised in this way. Mr Hanson spoke in his presentation about what constitutes a bad man. In my view, a bad man is someone who professes to be interested in advancing a cause or a group of disadvantaged citizens, who expresses that in their inaugural speech in this place and says that this is something that matters to him, and then, when it comes to every significant issue—

Mr Hanson interjecting—

MR BARR: every vote that might matter, every opportunity to actually do something, every opportunity to actually do something, votes the other way.

Members interjecting—

MR SPEAKER: One moment, Mr Barr. Members, I have a very short tolerance for interjection in this debate. We are going to conduct it in the manner we have so far. Mr Barr, you have the floor.

MR BARR: Thank you, Mr Speaker. Back in 2009, when Mr Hanson's staffer went on a little rage, describing this place as a perfect little hippie-homo marriage—bark-sandal-wearing, basket-weaving, pot-smoking, heroin-injecting capital city of Australia. When that was said on public record—

Ms Gallagher: What happened then? Nothing.

MR BARR: What happened then? In 2010, when Mr Smyth got up in this place and, in having a long-winded and usual go at me, described me as a sissy, what happened then? What happened then?

I have got to say that, in the context of this issue being raised, what I look for is what I believe is the decent thing to do. You have a person who actually believes what they do. If there is anything positive that can come out of all of this, it is that we might all reflect a little on who is actually being heard in all of the politics here. It serves as a reminder of why people have to campaign so hard to not be the subject of this sort of thing. No; it is not okay to be called a sissy. It is not okay to have those sorts of rants go on. And no; the sorts of jokes that were passed around the chamber are not okay. It is not okay.

In everything I have to do to say that and to keep on reminding people that it is not okay—that, I suppose, in one way motivates me to keep on fighting on behalf of

everyone out there who faces this all the time. It is not just me. I am a bit more high profile than some in the gay and lesbian community, but I do not get anything compared to what many other of my fellow citizens experience in their day-to-day lives, be it in the school ground, workplaces, sporting environments or wherever.

We are genuinely concerned about this. If, 18 months later, Mr Coe thinks that this is an issue that is worth fighting for, I will welcome the support of those opposite—to join me in the various campaigns that I have been running on these issues since I was elected to this place.

Mr Hargreaves: And before.

MR BARR: And before, Mr Speaker. If people are genuine about this, maybe there might be a bit more concern about what is said in the various debates when these issues come forward.

Again I go to the record of people in voting on matters of substance. When we, as a Labor government, sought to reform the territory's laws to make life that little bit better for gay and lesbian Canberrans, I remember who supported those reforms and I remember what people said. I remember what Mrs Dunne said in one of her speeches, particularly in relation to the issue of adoption. I remember what a number of people have said throughout this process. And I will just not cop confected outrage from those opposite on these issues. It is just outrageous.

The Leader of the Opposition does not even support civil unions. He cannot even bring himself to support that most fundamental of rights at a state and territory level. So to have this confected outrage today is just pure politics. It is time someone said that and time this was put on the record.

As I say, if there is something positive that can come out of this it might be that we reflect a little on the actual issues and the difficulties that this sort of debate or these sorts of things raise for so many people in the community. It is these sorts of comments—the ones that I have outlined, not just about me but about many other people—that hurt and that need to be stood up against. Maybe that might be something positive that comes out of all of this today.

The politics that we have seen from Mr Hanson in seeking to raise this issue in this way are nothing short of disgraceful.

MR COE (Ginninderra) (10.44): Mr Barr's speech has highlighted the gravitas of this event. Mr Barr's speech has reinforced just how serious an issue this actually is. Yet in spite of that, for political reasons, once again the Labor Party are shielding Mr Hargreaves—once again.

I do find it offensive that a member of this place would bring us all into disrepute. All of us have been brought down by this low act. And this is not just a lone low act; there have been many low acts which we in this chamber and we in the Canberra community have had to endure as a result of Mr Hargreaves's behaviour. Whether it be a slur on women, the aged, volunteers, ministers, gay people or seemingly anybody

in the Canberra community, the Labor Party, through John Hargreaves, think they are above the law; they think they are above reproach.

Throughout this debate people have said that I have made allegations. No; I did not go around making allegations. Mr Hargreaves is the one who sent a note in black and white. That cannot be argued. For the Labor Party to try and pretend that it was not really what some people said it was is pretty gutless and pretty disappointing.

Mr Hargreaves is not fit to have the respect of members of this place as Assistant Speaker. He has done a disservice to the Assembly, the ministry, the government, the Labor Party and all the members of that party, and the people of Canberra. How can we have confidence in this member if he is sitting in that chair? That is the question we all have to ask.

Imagine if the shoe was on the other foot. Imagine if this was a Liberal Party issue. How all sides of the chamber would be ripping into the opposition then. That is the hypocrisy here. The hypocrisy is about just what lengths the Labor Party will go to to defend this defenceless act. It is absolutely appalling. I do not think we should be endorsing his behaviour by his continued role as an Assistant Speaker of this place.

MR SMYTH (Brindabella) (10.48): Mr Speaker, it is important to put into context what it is that we are talking about. We can chase rabbits down rabbit holes, but at the end of the day this is about this place. It is about the seat that you occupy and it is about how the public see how this place works. And it is about not just a lapse but a litany of lapses that cover virtually the entire gamut of the community out there. If you are old or a volunteer, if you are young, if you are female, and now if you are homosexual—at some stage Mr Hargreaves has gone out of his way to slur or insult all of those people.

Let us bring it back to what happened. What happened was a bridge too far—the last chance, the second-last chance, the last chance plus one, the last chance plus two. What was the trigger? It was an attack on one of their own. The Labor Party and the Greens are not willing to stand up when he slurs geriatrics, volunteers or the Tuggeranong Community Council, but they are willing to take some action when he breaks the internal rule and attacks a fellow member. That is the motion that is before us today.

We all know that the position of Assistant Speaker is the gift of the chair. But we are asking Mr Hargreaves this. He said in his speech, "I respect being a parliamentarian." But he has not shown a great deal of respect for the place, because all of those slurs occurred in this place. He says, "I can differentiate between being a politician and a parliamentarian." Well, it is the same person. Whether you are a politician or parliamentarian, it is the same person. You do not get gravitas because you are sitting up in the chair. You certainly do not get better judgement because you are sitting up in the chair. It does not change.

The only reason that he has lost the position of whip is that he attacked one of his members. It does go to the Chief Minister and the standards that she has set. On a previous occasion I asked her the question: "Is this the last chance?" The answer was

"Oh well, you know, these things happen." We heard it again this morning. Saying that he is a larrikin is not an excuse. It might be what he is, but it is not an excuse. "It is foot in mouth disease." It is not foot in mouth disease; it is who he is. It comes back to how he uses who he is in this place; it should not be excused, it should not be accepted and he should not be in that chair. The sorts of attitudes expressed have no right to be in this place, for a start, but they particularly have no right to be in that chair.

As Mr Hanson said when he started, the Assistant Speaker is a representative of this place. The House of Reps talks about the dignity of this place and the people that fill that position. The right thing to do would be to simply stand aside. That is what the motion is asking. If you accept that you have got it wrong, then truly prove that you understand that what you have done is wrong, you understand the depth of what you have done wrong and you resign as Assistant Speaker.

Part of the defence for Mr Hargreaves was that it would be unfair because the Labor Party would be under-represented. The Labor Party has got two reps. The Greens have got two reps who can sit there. The Liberal Party has got one. If there is a case for under-representation in this brave new world, the new paradigm that we have where all are equal, the Liberal Party is under-represented.

But it is not about representation on the seat. It is about the ability to do the job, to hold yourself up with dignity and say, "When I represent this place, I will be respected by the community for my judgements." Mr Hargreaves said, "I can be fair." He got kicked out one day by Mrs Dunne. The very next day, for just a word, Mrs Dunne got kicked out—for a single word. Such is life; that is politics. But don't stand here and say that you respect the place when it is quite clear that you do not.

This is an important matter. It was an important matter yesterday when I spoke about the dignity of this place. The Assembly has struggled for years. There is still resentment out there that we have self-government in this place. Every time we have these events, it reinforces or reconfirms for people that this is not a place to be respected.

This motion today is about respect for the Assembly. It is bigger than all of us combined. But when it comes to the crunch, the only thing the Labor Party are concerned about is themselves. The only thing the Labor Party stand for is themselves. The only thing the Chief Minister is interested in is herself and her reputation. She did not stand up for the Tuggeranong Community Council and she did not apologise in her letter. She did not stand up at the sexist remarks. She did not take action on any of the other incidents except to shrug her shoulders and say, "Oh well." Well, Chief Minister, "oh well" is not enough. It is never enough, because it is never leadership.

It is time that we reinforced the value of the processes of this place to those outside who watch us. This morning on the radio stations there were texts about this place saying, "What are they up to in there?" This is a chance for Mr Hargreaves to do the right thing by the Assembly—not by his party, but by the Assembly that he professes to care so much about as a parliamentarian—and say, "Yes, it is bigger than me and it is time that I stepped down."

The equal representation argument does not wash. There is a Speaker and then each of the parties has an Assistant Speaker or a Deputy Speaker—one, two, three. That is equality. That is equal enough. The problem here is that this will just go on and on. Should he ever have to represent us as an Assistant Speaker—indeed, every time he sits here and makes a judgement as an Assistant Speaker—people would be right in their thinking to say, "Isn't he the bloke that said …" Then they could list several things—"Fill this slot with the appropriate slur."

How can he sit there and judge, administer and rule when he has been shown—so many times, over so many years, with so much leeway, with so many second chances—to continually falter? It is time to move on. It would be the right thing for the member to simply accept the argument and accept that it is time to go. That is the appropriate thing to do. It is a shame that we are even doing this. It is interesting that the Labor Party did not want him in a position of authority inside the party. I do not think we as a parliament should say that we will accept having him in a position of authority in our parliament. It is time for the member to resign.

MS BRESNAN (Brindabella) (10.55): I am going to speak very briefly on this matter. It has been mentioned today that there was an incident that involved me and Mr Hargreaves, but I note that it also involved Mr Smyth. I accepted an apology from both Mr Hargreaves and Mr Smyth. So the shoe was on the other foot. I accepted those apologies. I never sought to make that incident a public matter. I do not know to this day who did, but I accepted an apology from both Mr Hargreaves and Mr Smyth. I think it is worth noting that.

As Mr Barr said in his speech, there have been things said in this chamber by other members that were particularly nasty, and nothing happened with that. So this argument that we would not do anything if the shoe was on the other foot is not correct: that has been borne out and we have dealt with the matter in the same way as we have with the Labor Party.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.56): I too will just speak briefly on this matter this morning, as I see this as yet another example of the Liberal Party trying to have private members' day flow over to Thursday. Mr Hargreaves has made a mistake, as many of us do. We are all human.

Mr Hargreaves has done the responsible thing and offered his resignation from a position of authority, not just in the party but in this parliament. He has done it in a very public way, not the underhanded, sneaky way that the Liberal Party was going about yesterday, trying to get a little ahead of everybody and have this confected outrage suit them on the front page of the paper and have Mr Hargreaves on the back foot. He fronted up, he manned up, he came in here, he said what he had done was wrong and he offered his resignation in a very public way.

The matter should have rested there but the Liberal Party, wounded by Mr Seselja's inability to manage his own affairs, deeply wounded by that, have decided that they need to continue this nasty attack on a man who has responsibly owned up to a

mistake and taken the consequences of that. And I must say, after two weeks of the Liberal Party failing to actually deal with their own issues of very serious maladministration within their office, for them to come in here and lecture us morally on the rights of gay and lesbian people is very hard to stomach. It is very hard to stomach after we sat here and listened to all of you in many of the debates in this place on that matter.

The other thing that outrages me is that Mr Coe, supposedly deeply offended by this matter, took 18 months to tell everybody about it. God help us if Mr Coe was ever a minister in this place who was deeply offended or disturbed by something that was drawn to his attention, so deeply disturbed that he actually put it at the bottom of a pile of papers and let it sit there for 18 months. That gives us the measure of the man there too.

Let us get on with the business of the Assembly. Mr Hargreaves has paid the price. He has paid the price of a senior role within this Assembly. So this suggestion around the position of the Speaker being more important than the position of the whip in terms of its role in the Assembly is simply rubbish. Let us get on with the business of the day.

I notice how keen you are to talk about the Labor Party, but you were a little less keen on Tuesday to talk about yourselves. So let us get some standards into this place and accept where members have made mistakes on matters that need to be responded to.

Mrs Dunne: On a point of order, Madam Deputy Speaker, I draw your attention to Ms Gallagher's comment that on Tuesday we were not so keen to talk about a matter. I consider it a reflection on the vote, the majority vote of this Assembly. Could you encourage the Chief Minister not to make reflections upon votes of the Assembly?

MADAM DEPUTY SPEAKER: There is no point of order, Mrs Dunne.

MS GALLAGHER: So let us accept that a mistake was made and an opportunity has presented itself to the Liberal Party to play politics with it. Mr Hargreaves has responded appropriately. We have accepted that you need to take responsibility when you make mistakes, unlike the Leader of the Opposition, who can make a mistake for three years, involving serious matters, and has no response to that at all—none, no personal response at all to those matters. Let us move on and deal with the business of the day, because that is what the community expects of us.

MR HANSON (Molonglo) (11.02), in reply: I thank members for their contributions. What strikes me out of this debate is that when it is about the Liberal Party we will see quite partisan debate and we will see vicious political attacks and the case being litigated. We know that there has been a case about timesheets and we have seen Mr Hargreaves come to this place playing an enormously political role, leading the charge in political debate. We have seen Katy Gallagher in the Assembly and outside running a political crusade because of the timesheet issue. And we have seen the Greens rallying behind them in confected outrage as well. When it is an issue like that, you will see this immensely political attack come from the Labor Party. That is what we expect. Why would we not expect that? We are politicians.

But when the shoe is on the other foot, what we then see is this moral, pious sort of view from the Labor Party: "We are all above politics. We should not be talking about this. This demeans us. This is just grubby politics. We should get on with the business of the day. There is nothing to see here." It is entirely hypocritical. This sort of view that Mr Hargreaves has that he is not political, that he separates the roles and he comes into this chamber as a completely un-political character or something is just fanciful. It is bizarre. They only play that role when they are caught out. When they are caught out, and as Mr Hargreaves readily is, whether it be about the Tuggeranong Community Council, whether it be about sexist comments, whether it be about running down one of his own members and making a joke of one of his own members, all of a sudden they play the straight "we should not be doing this sort of stuff; this is all beneath us". And it is.

But the point is that they do it harder than anyone, and we have seen that over the last couple of weeks. If you want vicious politics, if you want to see people playing the man, playing Mr Seselja, playing the president of the Liberal Party or Mr Seselja's staff, you can see them go at it as hard as nails. But when we make a point that Mr Hargreaves has behaved in a manner that has led him to write letters of apology, that has led him to resign as the government whip—they are hardly allegations that we are making up; they are the facts—then all of a sudden we are the grubby politicians.

This is the contradiction. The Labor Party have this born-to-rule attitude: "We are on the moral high ground, the light on the hill." But the reality is something very different. What you see from the Labor Party is grubby politicking. You saw grubby politicking from Mr Hargreaves over the last couple of weeks when it came to the issue of timesheets, going hard. But when the shoe is on the other foot he comes into this place all pious.

All he was doing was passing a note to Mr Coe because he wants to keep a line of communication going with the opposition. Rubbish! He passed a note to Mr Coe because he wanted to ridicule, demean and have a joke at his colleague Mr Barr. That was what it was. It was all about the pre-selection Labor internal warfare. Mr Hargreaves was dudded in various deals, he had had a falling out with Mr Barr and he wanted to ridicule him and rubbish him and have a joke with the opposition. That is what this is about. And to come in now and try to say that this is about maintaining the lines of communication, what a bizarre way to do it.

If that was genuine, "Let's maintain a line of communication by ridiculing my colleagues"—really?—he is fit to be a member of the Labor Party? And as much as we have talked about his role as Assistant Speaker today, the question I would be asking myself if I was Katy Gallagher, and the question she needs to explain to the community, is: why the hell is this man in the Labor Party? Why the hell is this man a member of this Assembly that she supports?

I am very confused about that. She says he is a good Labor man. We have seen repeated incidents. He is not fit to be the government whip. He is not fit to be an Assistant Speaker. We have seen him resign as whip, as he should. He should resign as Assistant Speaker. But I will tell you what, if I were Katy Gallagher and this was a

shoe on the other foot, do you think this bloke would stay in the Liberal Party? He would be given the flick, as he should be, because what we have seen is repeated abhorrent behaviour from John Hargreaves. But he continues on because they just cannot get rid of him.

What we have seen from some of those opposite is an attempt to turn this into a gay rights debate, and it is not. This is singularly about Mr Hargreaves's behaviour. So do not get sucked into thinking this is a debate about gay marriage or gay rights or anything else. This is about a nasty, nasty little note that Mr Hargreaves sent to Mr Coe to ridicule his colleague. That is what it is. And as much as Ms Gallagher and as much as Mr Barr would like to turn this into a broader debate about gay rights issues, it is not. This is singularly about Mr Hargreaves's repeated poor performance, about his repeated slurs, about his demeaning characterisation of Mr Barr.

It does not matter whether it be on gay issues or on sexist issues or on ageist issues, it is about that behaviour and it is about the behaviour that means he is not suitable to be an Assistant Speaker. And we have already acknowledged he should not be the government whip. As Ms Gallagher said, that is a position of authority within the Assembly. She said he should not be in that position. So why should he be in the position of Assistant Speaker? It is entirely contradictory.

Mr Barr has stood up to try to excuse it. If I was Mr Barr, I would be pretty angry, because what you can see is Mr Hargreaves going behind his back, sniping at him. He said it is more like something from an episode of *The Office*. And he is probably quite right, because Mr Hargreaves is turning this place into a joke. He is turning it into a joke, where you can get away with any sort of behaviour, you can make a mockery of your colleagues, you can make a mockery of the forms of this place, you can make a mockery of community organisations and get away with it.

I think you are right, Mr Barr. I think if we continue to allow Mr Hargreaves to sit in the chair as Assistant Speaker we do look a bit like an episode of *The Office* or any other sitcom, because that is the way it looks to those out there in the community: a big joke. And for you guys over there, that is what the Labor Party is starting to look like.

My concern here is about what we look like as MLAs and our position and credibility within the community. But you lot have to consider how this makes the rest of you look. I can assure you that you are starting to look like a bit of a joke as well. If you think that this looks like an episode of *The Office*, you are spot-on, and I can tell you the people down in the Tuggeranong Community Council and other areas will be saying, "Yes, they are a joke," and they are not talking about all MLAs, they are talking about the Labor Party.

You know it. You have come down here and you have made your attack on the Liberal Party. You have tried to make this Alistair Coe's fault. It is apparently now Alistair Coe's fault because John Hargreaves gave him the message, wrote him a note, and somehow Katy Gallagher thinks now it is Alistair Coe's problem, which is just bizarre. And if you want to see political spin, that is political spin at its height.

We have a pretty simple choice here today. We have a choice about whether Mr Hargreaves should resign or not and whether we should call on him to. Let me go to the standing order that makes it very clear that he can do that if he chooses to:

> The Speaker shall nominate at the commencement of every Assembly not more than 3 Members, not being Ministers, any one of whom who shall act as Assistant Speaker. The Speaker may revoke the nomination of any Member. An Assistant Speaker may resign in writing to the Speaker.

So it is quite right that we can call on Mr Hargreaves to resign, and he can. And as Mr Smyth has rightly pointed out, there are no problems. There are plenty of members that could perform the role of Assistant Speaker.

Mr Hargreaves made a very clear point that he is not partisan in the chair. You can debate that, but he said that he is not partisan in the chair. So by that logic, it should not really matter where the Assistant Speakers come from, unless he is saying, "I am not partisan, but if Jeremy Hanson became an Assistant Speaker he would be entirely partisan."

Then again, you see the sort of moral high ground and you hear interjections again from the government. It is a sort of moral high ground that they are on. Why is it that he has got to be there? What is he? Is he the only one that will be non-partisan in the chair? Is Ms Le Couteur partisan or non-partisan? Could Ms Bresnan take over the role of Assistant Speaker? Could Mr Coe take over the role of Assistant Speaker? Any of us could.

So it is a falsehood to say that he cannot step down simply because we need someone from each party, someone who is apolitical. We have got two members from the Greens currently who stand in as Speaker. One is the Speaker, one is an Assistant Speaker. We have got two members from the Labor Party. One is the Deputy Speaker and one is an Assistant Speaker. But we have only got one member from the Liberals. *(Time expired.)*

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Petition

The following petition was lodged for presentation, by **Ms Bresnan**, *from 19 residents*:

Lanyon Valley—library—petition No 129

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: People living in Lanyon and the surrounding suburbs only have limited access to a mobile library and the library in the Tuggeranong Town Centre. A library in Lanyon would provide an important service and resource for the community, including older people and families in the area, particularly for outer suburbs such as Conder, Banks, Gordon, Theodore and Calwell, and also for Tharwa.
>
> Your petitioners therefore request the Assembly to: Provide for establishment of a library in the Lanyon Valley.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

Justice and Community Safety—Standing Committee
Report 9

MRS DUNNE (Ginninderra) (11.15): Pursuant to the order of the Assembly of 28 October 2010, as amended on 6 December 2011, I present the following report:

> Justice and Community Safety—Standing Committee—Report 9—*Inquiry into the Prostitution Act 1992,* dated February 2012, including dissenting comments *(Mrs Dunne)*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The Prostitution Act 1992 has been in operation, of course, since 1992. It is 20 years this year since it came into operation. Through a series of events that came to a head in 2008, with the death of an underage woman in a local brothel, the Assembly eventually decided that it was an appropriate time to review the operation of the Prostitution Act. I need to put it on the record that this was a very difficult report in many ways. I need to make it perfectly clear that, while I dissent from a substantial amount of this report, it is still my job as the chairman to table it according to the standing orders. What I will do in my remarks is address those issues where there is commonality of view and then I will dwell for a little time on my dissenting comments.

The committee has made 17 recommendations. I dissent from recommendations 1, 2, 3, 6, 13 and 14. Recommendation 4 goes to one of the issues that are a problem and became obvious as a problem back in 2008 when it became clear that there had been no inspections of brothels by the Office of Regulatory Services for upwards of five years. The recommendation states:

> The Committee recommends that the ACT Government develop a protocol for inspections of brothels, to be reported against in each Justice and Community Safety Directorate Annual Report.

Further, the committee made the very strong recommendation—and this is probably the most important recommendation that comes from the inquiry from my point of view, as the single biggest impetus for this inquiry was dealing with the issue of underage people in brothels—that the current section 20 of the Prostitution Act should apply to children and young people up to the age of 18 years and it should become an absolute liability offence. Currently there are a range of offences for having underage children on premises and it becomes a decreasingly severe offence closer to the age of 18. It was the unanimous view of the committee that having underage children working in brothels, providing sexual services in brothels, is abhorrent and does not meet community standards. We do not believe that there should be an excuse for these things.

Recommendation 7 relates to the provision of prophylactics and other safety equipment. The committee unanimously took the view that in other workplaces it is the responsibility of employers to provide safety equipment and it should be the responsibility of the brothel owners to do the same.

There was considerable discussion and some dissent about the role of police powers, which I shall address in my dissenting comments. The committee has asked the ACT government and ACT Policing in recommendation 8 to have an appropriate level of focus and resourcing on the observation of organised crime that is associated with the sex industry.

There are a number of recommendations which are unanimous in relation to trafficking and freedom of movement. Although I agree with these recommendations, I believe that we probably should have gone further in this area. It is disappointing to me that members of the committee sought to downplay the issue of trafficking. I suppose this is an area which has been one of the themes of my role as a parliamentarian. I have been involved in policy development and in conversation and discussion on these issues not just in Australia but in many countries in the Western world and I believe it is not something that should be downplayed.

There are some recommendations at the end of the report that go to protect the privacy of people who are registered on the register held with the Office of Regulatory Services. Some of those recommendations would be rather watered down by some of the recommendations that I have dissented from. The majority of the committee thinks that we should have a more lenient approach where more people would be exempted from registration.

As I said, I did dissent from a number of the recommendations. I will use the remainder of my time to concentrate on those. In doing so I want to put on the record that I think that, although there was a great deal of disagreement in the committee and there was a clear dichotomy of views from people who gave evidence, there was no ill will; there was no animus. I think there was a very professional approach to dealing with the issues where we vehemently and passionately disagree.

I believe that this report is a lost opportunity. I think there are issues that are touched on in this report which have been minimised and others which have been ignored. I think that we have missed an opportunity for sensitive reform in an area which is vexed in the community. As I have said, we received a wide range of submissions. Most of them fell either on one side of the camp or on the other. I would say, probably with the exception of the Australian Federal Police, whose submission and evidence were about practical issues rather than some ideological stance, that most of the submitters came with a presupposed position.

There were a group of people who would be called supporters of the status quo, supporters of legislated support for prostitution, who were mainly representatives of the sex industry or agencies of government. People from a variety of backgrounds—some religious and some not, and some with a feminist perspective—brought forward positions on the other side and brought evidence from across Australia and other jurisdictions.

I think it is disappointing that we could not have a meeting of the minds. I need to put it on the record that I, like everybody else, came to this with views on the issue of prostitution; they are based on a general philosophy of life. But having views which are just my general predisposition are not in themselves sufficient for making good policy. I have informed myself over many years on issues relating to prostitution and associated issues of sexual slavery and trafficking. I have done this through a desire to advance the status of women in this area. I have worked extensively both in Australia and overseas with people in the sex industry. I have dealt with trafficked women. I have dealt with government and non-government agencies and volunteer groups in addressing this issue. That is how I come to this place. I did not come to this with an empty mind.

I believe that there is a process underway in the ACT of normalising prostitution. This campaign is ongoing. It is not just in the ACT; other jurisdictions in Australia are in this process. The first stage is for proponents to argue that there are risks associated with prostitution, such as sexually transmitted diseases, the involvement of crime and the involvement of minors, and then they say that the best way to address this is to legalise and regulate and take a harm minimisation approach—and this is what we achieved in the ACT with the passing of the Prostitution Act in 1992.

Having regularised and legislated, we now move on to the next phase of saying: "Look how wonderfully it works over here. Let's not talk about all the things that we can't measure because we don't know what's going on in the illegal industry." But we do know that every time we regularise and normalise the prostitution industry, we still have a large, unregulated, illegal system that runs in tandem. It has been variously

estimated in various jurisdictions to be three times the size of the legal industry in Victoria and up to nine times the size of the legal industry in Queensland.

We do know that that is the case and we do know that that is the case here. We heard evidence of it. The Chief Police Officer said to us that, while he knows that there is illegal activity going on, he is unable to quantify it. We saw evidence of the extent of the illegal activity when we asked questions of the attorney in relation to the brothel fire earlier this year, when we discovered that the brothel that burnt down was in fact unregistered. We asked how this came about and the answer was, "Well, there used to be a brothel on that site which operated as a brothel until its licence expired in about September 2010." After that brothel licence expired, another one opened up in the same place. No-one applied for registration and no-one ever checked.

Something odd happened there, which is a matter of police investigation. But we know that a brothel operated on that site from September 2010 until it burnt down and there were no police checks, because the police presumably did not know it was there. The Office of Regulatory Services did not know it was there, although I understand that it was advertised. In that time there was no checking of occupational health and safety, there was no checking to see whether there were minors living on the premises and there was no checking to see whether there were minors working on the premises. There was no checking to see whether there was any number of other offences or whether the person was excluded from operating a brothel under the Prostitution Act because the operator had been found guilty of a whole number of offences under the Prostitution Act. None of those things were checked.

I find it disappointing that, although none of these things were checked, we have this process, which is covered by recommendations 1, 2 and 3, of further normalising prostitution in the community. I do not think that the family of the young woman who died in a brothel would feel that this is an appropriate approach. I do not believe it meets community standards that there should be a continuing normalisation of prostitution.

I also dissented from recommendation No 6, which calls upon the government to take out reference to sexually transmitted diseases in the Prostitution Act and rely, rather, on the public health regulations, which I do not believe provide sufficient protection against STIs for individuals or the wider community. The Human Rights Commission claimed that the current section 25 of the Prostitution Act was discriminatory and disproportionate. We will essentially be turning a blind eye and allowing people who are infected with STIs to be active in the paid sexual industry. That is not fair and not appropriate in the circumstances and it does not accord with a good approach to occupational health and public health.

The majority of the committee made recommendations about the number of sole operators who could operate together, which is a bit of a contradiction, and also that sole operators should not be required to register. I think that this is a real problem. It goes to my concerns about the fact that the majority of members did not support the call for extra police powers that would allow them to have better observation of what is going on in the sex industry and would better allow them to have oversight of whether underage people are working in the industry. The police also called for more

rigorous registration, which is a matter that I have dealt with in my dissenting comments.

The final issue I will touch on in the time I have available goes to a deep concern I have. While the committee believes that it is inappropriate for underage people to be active in the sex industry and work in the sex industry—and it is an offence under the current act to have minors, young children, on the premises even if they are not working—I suggested to members that that should be translated to sole operators working in the suburbs, that the same prohibition should exist there. It is a matter that I receive complaints about—that when sole operators in the suburbs are receiving clients their children are wandering in the streets. I am disappointed that members did not take this up and provide greater protection to children who come into contact with the sex industry. I put on record my thanks to the committee, the committee staff and those who contributed to the inquiry.

MR HARGREAVES (Brindabella) (11.30): The perspective that I believe applied in this particular case was that this should not be treated as a moral or a religious issue. This is about the operation of a legitimate occupation. If you do not want to engage in an occupation or be a consumer of that occupation, you do not have to. There is no compulsion. However, this is about safety. Later on I will talk some more about it.

One of the big issues for me was that, as the report says, you will see a dichotomy there. You will see proponents of the legislation wanting to develop it going forward, with the lessons that we have learnt in recent years. The opponents of the Prostitution Act remain opposed to it, as they were in 1992. They in fact have not got it yet—that the community has moved on from the position that they propounded then.

They also propose to recriminalise this issue. Of course, the community in the ACT have moved on—they moved on decades ago—from the need to introduce criminality. One of the major planks of the proponents of that view is to introduce the Swedish model. There is an indication at the back of the report on what that model is all about. But it has as its principal plank the transfer of criminality from the provider of the service to the purchaser of the service. That still means there is an element of criminality in it, and that element of criminality is what I objected to and rejected. I could not support any model which had as its principal plank criminalisation of this industry. There are elements in the report where we talk about criminality. That is fine, because those are elements, but it is not as a principal premise.

I would like to go through some of the recommendations which were significant to me. Ms Hunter will probably address some of the other ones; maybe, maybe not. Recommendation 1, for me, set a plank. In it we recommend that the industry be recognised in the community as an occupation. Indeed, I made that wrong. It should have been "continues to recognise this as an occupation".

The recommendation continues by saying "that the legislation reflect this in its approach to occupational health hazards". There is a similarity between this industry and some of the other higher risk ones in terms of occupational health and safety. I recall being around in the 1980s when HIV hit the deck in a big way and there were certain occupations which were regarded as high risk. And they were high risk

through the department of health, which actually had a delineation that that was so. Dentistry was one, medical practice was another, nursing was another. And there was hospitality, particularly in restaurants and industries where fresh food was prepared and consumed, whether it was wholesale or retail.

There is the same need for protection here, which protects the consumer and also the provider. The approach is an occupational health and safety approach. We are not talking about trying to save somebody's soul here. We are trying to provide an environment where somebody can engage in a legitimate industry without fear of harm.

Recommendation 2 talks about the industry being treated by regulatory regimes in a similar fashion to those other industries I have just mentioned. The people who would propose that this industry be abolished would like to have it singled out for a much stricter regime than would be applied to other industries and other occupations. I do not believe that that should be the case.

We need to understand that the registration of businesses is just that—it is the registration of a business. The checking on whether or not a business is operating in a safe environment is a regulatory thing. I do not see any difference, for example, between the inspection of a brothel and the inspection of a dental premises. They still have those same elements in place. We should make sure that we do not over-regulate it just because somebody does not like that industry, because somebody has a moral problem with that industry or because there is a religious issue around that industry.

Recommendation 3 talks about changing the name of the act. There is a stigma attached to the word "prostitution" and I think the Canberra community has moved on. Prostitution also is not a particularly wide enough definition of activities within what we could call the sex industry. So we recommend that the name of the act be changed and that the reference to the word "prostitute", carrying as it does that stigma, be removed and substituted with "sex work". I draw members' attention to the commentary in the report around that.

One of the major things that we did agree on was recommendation 5. This is where it goes to criminality. We believe that section 20 of the act should apply to children and young people up to the age of 18, that it should be an absolute liability offence, and that sections 20 and 22 of the act should be amended to reflect this.

We believe there is no excuse, and there should be no defence, where a person under the age of 18 is involved. It is about the protection of children. They are not of an age where they can make a free and informed decision. In the same way that we make it an offence for a young person to go into a poker machine lounge, and it is an absolute liability offence, so should it be the case in this legislation. I see no difference, and I see a responsibility for the community to protect the kids. I think that is reflected in this recommendation.

I believe that sections 24 and 25 of the act duplicate unnecessarily the provisions in the Public Health Regulation. We have asked for those to be removed and that there be a cross-reference to highlight that it exists. The Health Act, the Public Health

Regulation 2000, ought to have primacy over the lot. The protection of people's health in any industry should have primacy.

It is important that we understand and appreciate the evidence that was given to us around the operation of the sex industry in the suburbs by sole operators. I believe we accepted the evidence from practitioners in the suburbs that operating as a sole operator was a decidedly risky business. The risk of harm to the sex worker was high. We believed that recommending a figure as high as four or five or more would actually mean it would be a pseudo-brothel anyway. But we did believe that there would be mutual protection if we allowed two people to operate from a single premises, provided that they were not in an employee-employer relationship, because to do so would mean that they would be operating as a brothel. But to have people there so that they can provide protection for each other, we felt, was particularly important, and I accepted that evidence.

We did say that we did not agree that sole operators needed to be registered with the ORS. We saw no reason for them to be registered. They were never checked. It was the case that there were quite a number of operators in the ACT without registration because they feared for their own privacy. They feared that the information contained on that register would not necessarily be used for the right purposes. They could not be sure that it would be destroyed. In fact, the evidence was that they could be almost guaranteed that it would not be destroyed if they indicated they were exiting the industry.

We could see no reason why a sole operator should actually have to be registered. We have people operating in the suburbs, out of garages and out of offices in their homes, who operate in industries where they are not required to be registered. So we could not see why that was necessary.

We did say that persons holding the personal information of sex workers should be required to do so in accordance with the Privacy Act. We understand that it is not a requirement for them to respect the Privacy Act, to be bound by the Privacy Act 1988—the commonwealth legislation. We believe they should be. If anybody is going to hold any information about any other private individual then that information should have the protection of the Privacy Act.

Ms Hunter raised the issue, and I supported it quite quickly, that information held around sex workers should not be disclosed to anybody without a proper reason. The point that she made, and it is in recommendation 16, is that the information should only be disclosed to police investigating a crime, on presentation of a warrant. In other words, somebody cannot just barrel up to a premises and say, "I want information on that person," and they get it.

For example, with children, youth and family services, a person might want to go to ORS and say, "I've got a suggestion that this person is operating as a sex worker in the suburbs; can you tell me what it's all about?" Without showing cause and the reason why you might want it then we do not believe that information should be available. We also believe that any changes that may come out of this ought to be subject to review after five years. We think five years is quite a reasonable time, and that it should actually cross over the boundaries of an election.

I want to turn to Mrs Dunne's dissenting comments because there are a couple of pieces in there that cause me concern. Mrs Dunne said in paragraph 11.1 that she is concerned that issues raised in evidence were minimised or ignored in the final report. I find that objectionable, quite frankly. She has said now that there were quite clearly different views, and that the conversations between committee members were quite professional and amiable. There was nothing that was minimised in our discussions. There was nothing in there which was ignored in the final report. If something has been missed, I suggest that Mrs Dunne might like to take some responsibility for that, because she is the one who produced the chair's draft report in the first place. Ms Hunter and I put on the table the things that we felt were important. So I find that quite objectionable.

She says in paragraph 11.3:

> With the exception of the Australian Federal Police, whose approach, being based on available intelligence and direct experience of enforcement, is more practical than ideological …

I do not know where she finds the basis for that. Is she suggesting that the AFP in their evidence did not bring a certain bias towards it? If so, I would like to see the evidence to support that. If she is saying the opposite, I would like to see the evidence to support that. I do not think that particular statement was helpful at all.

She also says that the opponents—and, funnily enough, I agree with her—of legalised prostitution were basing their position on activities in other jurisdictions. Those other jurisdictions are not here, and I do not see the relevance.

I also take issue very particularly with paragraph 11.4. Mrs Dunne suggests that it was inappropriate that members of the committee met with and in some cases held media events with submitters and witnesses before the inquiry. While she does not believe these incidents materially affected deliberations, she thinks it is unfortunate. I thank the Scarlet Alliance for coming to my office and giving me their views straight up, in the same way that I thank the Australian Christian Lobby for coming to my office and giving me their information straight up. Both of them had an influence on where I was going. It is quite appropriate for that to happen, provided that there is no information gain from me to them.

I contrast that with Mrs Dunne's invitation to members to go to a film called *Nefarious*, which was projecting a particular view by the ACL. The invitation came out before this report was tabled. I found that just as concerning.

The last thing that I want to say about the report—I will leave the other matters for Ms Hunter to raise—is to thank all of those people who made submissions, particularly those individuals whose courage and bravery helped us to develop such an understanding of the issues at hand. I thought their courage and bravery were brilliant. Finally, I would like to thank committee members and also Dr Brian Lloyd for treading a very difficult line and coming up with a very fine report.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.45): I start by thanking my committee members—Mrs Dunne and Mr Hargreaves—and also, of course, acknowledging the hard work of the secretariat—Dr Brian Lloyd, who was helped by Lydia Chung and also Paul Oliver. I thank them very much for their hard work, along with all of the people who put in submissions to this inquiry and took the time to put their thoughts down on paper or to turn up and to give oral evidence.

I will start my comments with the dissenting comments from Mrs Dunne. I agree with Mrs Dunne that the committee was very professional in its approach in discussing the issues. There were different issues around the table. So I am surprised to see in the dissenting comments the issue that was just raised by Mr Hargreaves, which was that members of the committee had met with people who were part of this inquiry, those putting in submissions and so forth. I made it very clear that I was not going to meet with anybody. Mr Hargreaves has indicated that he met with a couple of the groups that were actually on either side of the debate, and Mrs Dunne indicated that she was meeting with a group as well. I find it a little breathtaking in a way that there seems to be this pushing forward around an unfortunate practice that she, in fact, engaged in herself.

We also go over to another issue she raised. She said in her comments that she felt issues were not considered significant human rights problems and have been largely downplayed by the majority of the committee. Again, I find that just too much to let go by. In fact, these issues were widely canvassed. That is why, if you go to the report, you will see that recommendation 9 quite clearly picks up on this. I think she makes a comment that all we wanted to do was put up multilingual signs in brothels. Well, yes, we do; we do want to put up information for sex workers in brothels. But apart from that, we also took up the Human Rights Commission's suggestions around offences under section 17 of the Prostitution Act being recast to reflect section 13, freedom of movement, and section 26, freedom from forced work, of the Human Rights Act 2004 and that penalties for offences be consistent with those under that act. Again, I dispute the claim that we did not take it seriously and, in fact, did not have a response to that.

The second-last point is the issue of the under 18-year-olds being in brothels. Mr Hargreaves has touched on this. We felt this was a very important matter that needed to be addressed, and that is why the recommendation in the report is about absolute liability. It very much puts the onus back on the brothel owners to ensure that their employees, the sex workers working in their brothels, are not under the age of 18.

We had this discussion around sole operators, and I am very clear on this—there was not a rejection of the idea that while we were being tough on brothels there was going to be a different standard. We very much talked about that, and in fact, if you go to the text of the report at page 148, you will see it is picked up in the narrative there. If sole operators are no longer required to register as brothel operators as recommended, their premises would no longer have the status of a registered brothel. This may create a need to insert a new provision in the act to prevent minors from being exposed to commercial sexual transactions at sole operator premises. So the report picks up the issue. If this path is going to be taken, certainly there will need to be a change to the law. Of course, I very much support that.

We engaged very much in the discussion about the industry and the issues raised by some around trafficking and so forth. Again, we picked up on those issues in the report, I believe. One of them was around the idea of exit programs for women or sex workers who want to leave the industry. There was a discussion around the fact that we could see that there may be people who could benefit from advocacy and support, for instance, in moving from one type of employment out to other types of employment and whether that be retraining. Of course, we have many wonderful women's services across the ACT that work in the area of employment, they work in the area of counselling and support. We have a wonderful organisation set up to provide business outfits and so forth for women who are re-entering the workforce.

It was not about saying, "We don't take this seriously or don't see a need for women to be supported, no matter their circumstance, if they choose to take a different path in life in their employment status, for instance." It was about saying, "Yes, that should be supported, and we have this wonderful collection of programs and it's about how we can support them to be able to access that in the first instance." That is why I feel that some of the comments do not quite hit the mark.

Going back to the recommendations in the report, I believe the Canberra community, generally speaking, is not pushing for a change for us to go back 20 years to make this a criminalised industry, to make this an illegal industry. I guess that is where we were coming from—it is timely after 20 years to review the act to see where we are up to. The occupational health and safety issues are important to ensure that those who are working in the industry are not exposed to occupational hazards, whether they be health hazards or whatever.

We picked up on the issue that there needs to be a better inspection regime and that five years was too long. Certainly we have put in a recommendation about having that on a more regular basis and being more clear and transparent about how that happens. The majority of the committee recommends that we change the name of the act to the commercial sexual services act and that references to "prostitute" in the act should be changed to "sex worker" and references to "prostitution" should be changed to "sex work". This is in line with other jurisdictions. I think that in 2012 it is appropriate that we move in this direction.

As I said before with regard to absolute liability, that had the majority support of the committee. It is an area where we really need to ensure that the community standard is that those under the age of 18 do not work in the sex industry.

We also talked about the Health Act, the health regulations and the provision in the Prostitution Act at the moment around the issue of those who may have HIV or workers who may be exposed to HIV. It was felt that there was an overlap between the current Prostitution Act and the current health regulations and that the health regulations suffice in that regard. So that was another recommendation put forward by the committee.

We also put forward a recommendation around funding a culturally and linguistically diverse outreach program for ACT sex workers. We know there are many sex workers

from non-English-speaking backgrounds, and it was felt important that they be apprised of the sorts of employment conditions that should apply, the sorts of health standards and so forth that they should expect. A recommendation was made—I believe by the AIDS Action Council but certainly by one of the groups—that a similar type of service was operating elsewhere in the country. It is important that workers, no matter where they are working, are aware of their rights and what their expectations should be and what is available to them. Therefore we put forward that recommendation to the ACT government.

We have talked about sole operators no longer being registered with ORS. No doubt there will be ongoing debate about this one. The police raised this issue, and when they were talking a lot about the illegal industry, I remember the Chief Police Officer saying, "If you look in the paper on a Saturday, there are a lot more advertisements advertising certain services than you'd find the number of sole operators sitting out at ORS." That is what is talked about with the illegal industry.

There was wide-ranging evidence given by a number of operators as to why people do not feel comfortable or safe in putting their names on the register. It was to do with privacy and so forth. One of the other issues was the fact that sex workers tend to be very transient, moving around the country. To register for one week and then go somewhere else in the country and not use their registration for the rest of the year, people were bypassing that. That is not necessarily a good thing and means they are working illegally.

We took those things on board. We made a recommendation, and that followed on from the issue of the sole operators and a single person working in the suburbs. Many views were put forward. The occupational health and safety views were put forward, the fact that there are other jurisdictions in Australia—I think Tasmania would be an example of that—and certainly over in New Zealand where it is not limited to one person; it is anywhere from one to four people. We felt that two at this stage was where we felt that there could be some acceptance in the community around that, and, again, we have made a recommendation in that regard.

As I said, this was quite an extensive inquiry. Some great evidence was given. We also had expert evidence given by Dr Fiona David on her experiences. She is a researcher and an expert on human trafficking. There is that issue and there is that concern in the community around that conflation that sex work and the sex industry equals trafficking. We really need to tease apart some of those issues a bit and look at who is looking after what areas.

Human trafficking is an abhorrent and terrible thing. It is investigated at the commonwealth level by the AFP and also Immigration has a role in all of that. Of course, we all support a very strengthened, well-resourced role for them to play in that area. When we are looking at the local level, we certainly put in here that we wanted in the purchase agreement between the ACT government and ACT Policing a stronger focus on that area. Of course, we need to fight trafficking whenever we find it. But the Chief Police Officer gave evidence that at this stage it certainly had not come to their attention that this was a major issue in the ACT. I hope that we have the vigilance and the resources to ensure that it never becomes a major issue in the ACT.

Thank you, again, to all those who participated in this inquiry and those who helped to put together this report.

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

Appropriation Bill 2011-2012 (No 2)

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (12.00): I move:

> That this bill be agreed to in principle.

MR BARR: I present the Appropriation Bill 2011-2012 (No 2) and table the supplementary budget papers in accordance with section 13 of the Financial Management Act 1996. These supplementary papers provide the detail of all items covered in this bill.

The bill predominantly provides for the additional costs to agencies for funding recently agreed enterprise agreements. The government had made partial provision for these at the time of the 2011-12 budget. However, there is a need to appropriate additional funding now that negotiations have concluded. The Appropriation Bill 2011-2012 (No 2) provides for the appropriation of funds totalling $18.081 million in 2011-12. The amount appropriated is consistent with recent enterprise bargaining outcomes.

Additionally, the supplementary appropriation supporting budget papers detail the government's decisions to provide additional authorisation for two key capital works projects: firstly, the Malkara school hydrotherapy pool replacement; and, secondly, the upgrade of Ashley Drive in Tuggeranong.

For the Malkara school, additional authorisation of $1.22 million is being provided for additional works to be undertaken on the hydrotherapy pool. The 2011-12 budget provided for $1.83 million for the refurbishment of the existing hydrotherapy pool at the Malkara school. As part of the project investigation phase, the Education and Training Directorate engaged a specialist consultant to provide advice on the pool facility and infrastructure. The report recommended that a new pool be constructed, and the government is proceeding with this work.

For Ashley Drive, this is a new project of $7 million to undertake detailed design, document preparation and construction work for stage 1 of the Ashley Drive upgrade. Stage 1 will include road and associated intersection improvements on Ashley Drive. Further improvements to intersections at Bugden Avenue and McBryde Crescent and dual carriageway extensions on Sternberg Crescent will also be included. This project

will address traffic congestion currently experienced at key intersections during peak periods.

The supplementary budget papers provide detail of the impact of the additional appropriation provided for wage increases, with the new projects to be managed within underspent capital in 2011-12. The papers also provide detail of other amendments to agency budgets under the FMA. These amendments relate largely to capital reprofiling and signed instruments under the FMA to amend appropriations.

Given the timing of the 2011-12 budget review, the revised financial statements presented today may, where relevant, include signed instruments under the Financial Management Act 1996, the impact of capital works reprofiling, the flow-on effect of the audit of the 2010-11 financial statements or revised estimated outcome forecasts. These revisions are in addition to the impact of the Appropriation Bill 2011-2012 (No 2).

This bill is necessary to ensure the transparency of government decision making in relation to the allocation of financial resources and to fulfil the government's policy objectives in a timely fashion. I commend the Appropriation Bill 2011-12 (No 2) to the Assembly.

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

Public Accounts—Standing Committee
Reference

Motion (by **Mr Smyth**) agreed to:

> Pursuant to the provisions of standing order 174, the Appropriation Bill 2011-2012 (No 2) be referred to the Standing Committee on Public Accounts for inquiry and report.

Electoral Amendment Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.06): I move:

> That this bill be agreed to in principle.

I am pleased to present the Electoral Amendment Bill 2012. This bill amends the Electoral Act 1992. It comes in response to the report presented by the Standing Committee on Justice and Community Safety regarding its inquiry into campaign finance laws in the ACT.

The standing committee has made 21 recommendations proposing substantial changes to the ACT's electoral campaign funding and disclosure laws. The core recommendations in the committee's report focused on imposing caps on electoral donations and expenditure as well as increasing the level of funding provided to parties, MLAs and candidates.

The bill introduces two caps on electoral spending: a cap on electoral expenditure and a cap on giving and receiving electoral donations, or "gifts" as they are referred to in the bill. The bill also introduces additional reporting requirements around electoral expenditure to ensure that the caps on expenditure and gifts are monitored in a transparent and robust manner.

These reforms are aimed at improving the ACT's laws around campaign finance and enhancing citizens' capacity to engage in the democratic process without undue or inappropriate influence from political parties or their affiliated entities.

I will deal with the cap on electoral expenditure first. The bill introduces a cap of $60,000 on electoral expenditure, per candidate, by party groupings. This cap comes in direct response to recommendation 2 of the standing committee's report. As the standing committee has noted, the introduction of a cap on electoral expenditure would align the ACT with regulatory frameworks in New South Wales, Queensland, Tasmania and the Republic of Ireland.

The government believes that this cap is a proportionate and justified mechanism to prevent electoral expenditure from having an undue influence on ACT Legislative Assembly elections. For parties there is a two-stage test for determining whether or not the offence of exceeding the expenditure cap is committed.

Firstly, the party grouping must incur electoral expenditure in relation to an election in the capped expenditure period for an election. Second, the total expenditure must be more than the expenditure cap for the election multiplied by the lesser of the sum of the maximum number of members for the electorate and the number of candidates nominated by the party in the electorate.

For example, if the electorate is a five-member electorate, the total expenditure incurred by a party that would constitute an offence will be $60,000 multiplied by the lesser of either five or the number of candidates that the party has nominated for that electorate. In a seven-member electorate, the expenditure threshold required would be $60,000 multiplied by the lesser of either seven or the number of candidates that the party has nominated for that electorate.

The bill also provides that non-party MLAs, and the financial representatives of party groupings, non-party candidate groupings and third-party campaigners commit an offence if non-party MLAs, non-party candidate groupings or third-party campaigners exceed the electoral expenditure cap for that election.

The amount that can be spent on election campaigns can have an obvious and tangible effect on voter preferences and, consequently, the outcomes of elections. The

incurring of electoral expenditure is a significant example of an individual's right to participate in public life. Further, such expenditure has the potential to enhance and encourage that participation, as the media and other informative materials that such expenditure can produce can assist citizens to make more informed decisions on their electoral preference.

However, it is also the government's view that the amount of money spent on campaigns should not be an overriding factor on the outcome of an election. Candidates should not win seats simply because they have more, and can spend more, money on election campaigns than their rivals.

Essentially, the same cap of $60,000 for electoral expenditure applies across the board. These caps on electoral expenditure are aimed at lessening the capacity for election results to be excessively influenced by the candidates and parties' spending on election campaigns. In short, they provide a level playing field for all participants.

As I discussed earlier, the bill also imposes a limit on the receiving of gifts by a party grouping, a non-party MLA and an associated entity of an MLA, a non-party candidate grouping, a non-party prospective candidate grouping and a third-party campaigner. This bill groups these entities as receivers and prescribes that a receiver must not accept one or more gifts from a person in a financial year that total more than $10,000.

The rationale for this cap is to ensure a level playing field for candidates and parties without overly limiting the community's right to take part in public life and, following from this right, make donations to the political entity of their choice.

As the Electoral Commissioner noted in the standing committee's inquiry, a regime that allows for uncapped donations can lead to entities that provide significant donations having undue influence or, at the very least, being perceived to have undue influence on the political process.

The introduction of a cap on gifts will provide a significant deterrent to the practice of donors making substantial political contributions with a view to using this donation as leverage to advance their own interests. By limiting the capacity for excessively large donations to be made to parties, both directly or indirectly, the scheme is intended to prevent entities from unduly influencing political candidates in this way.

It is important to note that the bill imposes penalties for exceeding the caps for both electoral expenditure and gifts, and they are both civil and criminal in nature. This demonstrates that these caps will not be unenforced guidelines and that the bill is serious about ensuring that caps are applied and adhered to.

The reforms to the disclosure requirements in the act revolve around increasing the transparency of the territory's electoral campaign finance regime. Clause 26 of the bill inserts section 216A, which requires the financial representative for specified receivers to record the details of each gift received.

Subsection (2) of this provision sets out that these details are the date the gift is received, the amount of the gift and the specific details required under the act in relation to small anonymous gifts, including that the gift was made anonymously. For the purposes of section 216A, a receiver will include a non-party candidate, a non-party prospective candidate, a party, a non-party MLA and an associated entity. Section 220, as amended by the bill, imposes identical disclosure obligations on third-party campaigners to those imposed on receivers by section 216A.

The bill also closes the loophole in the current system that allows for the exploitation of the way in which the disclosure threshold operates. Currently, where a single donor provides a discrete donation that is under the disclosure threshold, this donation will not be subject to the disclosure requirements in the act.

In reality, this has meant that a donor may avoid the application of the disclosure requirements by making several discrete donations that together exceed the donation limit within the reporting year but which are not caught by it. The bill addresses this issue by providing that returns must be provided by the financial representative of a receiver who has received donations from a single donor that exceed the disclosure threshold for a reporting year. This requirement applies even if the discrete amounts donated do not exceed the threshold.

The bill also provides that the financial representative of a receiver that has not received donations in excess of the $1,000 limit must provide the Electoral Commissioner a return stating this within 60 days of polling day. The bill also shifts the reporting onus from those making electoral donations to those who receive them. This will remove the administrative burden imposed on donors in preparing returns for their donations and for the Electoral Commission in terms of auditing these returns.

This bill makes a number of other amendments to the act that together work with the reforms I have outlined today to improve the probity, transparency and fairness of the ACT's electoral system. I commend the bill to the Assembly.

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

Electronic Transactions Amendment Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.16): I move:

> That this bill be agreed to in principle.

Mr Speaker, today I am introducing the Electronic Transactions Amendment Bill 2012, which seeks to strengthen the existing regime on the use of electronic communications in international and domestic contracts.

In November 2005 the United Nations adopted the Convention on the Use of Electronic Communications in International Contracts. The convention aims to facilitate the use of electronic communications in international trade. It ensures that contracts concluded and other communications exchanged electronically are as valid and enforceable as their traditional paper-based equivalents.

In April 2007 the Standing Committee on Law and Justice, or the Standing Committee of Attorneys-General as it was then known, agreed to consider updating their respective electronic transaction legislation in relation to the convention. The commonwealth and all states and territories have electronic transactions acts based on the 1996 model law on electronic commerce, which was developed by the UN Commission on International Trade Law.

In 2009, after public consultation on the proposal to accede to the convention, the standing committee ministers agreed to the drafting of a model bill to implement obligations under the convention. At its May 2010 meeting, standing committee ministers committed to update their uniform electronic transactions legislation by adopting a model bill prepared and endorsed by parliamentary counsel's committee.

The bill contains relatively minor amendments that serve to update the electronic transactions regime to reflect internationally recognised legal standards on e-commerce. The purpose of the bill is not to vary or create contract law. Rather, it includes a range of measures directed at improving the general operation of the current electronic transactions regime.

The UN convention is only concerned with international business contracts. However, SCAG ministers agreed that the amendments required to implement the convention will apply to both domestic and international contracts to ensure commonality of rules between domestic and international contracts using electronic communications.

Australia cannot accede to the United Nations convention until the model provisions are enacted by each jurisdiction. The convention itself is not in force until three countries have acceded to the convention. Currently two countries, Singapore and Honduras, have ratified the convention. Australia has the potential to be the third country to ratify the convention, effectively causing the convention itself to come into force.

I would now like to turn to the key elements of the bill. Amendments to electronic signature provisions allow for the legal recognition of electronic signatures by establishing general conditions under which an electronic signature is regarded as authenticated. Section 9 makes clear that the notion of signature does not necessarily imply a party's approval of the entire content of the communication to which the signature is attached.

Instead, it clarifies that whether or not a signature in an electronic communication is reliable should be decided in light of all the circumstances, including any relevant agreement, to prevent a party to a transaction from repudiating its signature in bad faith.

Minor amendments have been made to time of dispatch provisions to reflect a greater knowledge of the internet and the use of electronic communications since the act was first legislated. New section 13 provides that the time of dispatch of the electronic communication is the time when the electronic communication leaves an information system under the control of the originator or of the party who sent it on behalf of the originator. If the electronic communication has not left an information system under the control of the originator, the time of dispatch is generally the time when the electronic communication is received by the addressee.

New section 13A provides the default rules for determining time of receipt, which mirror the rules provided in section 13. New section 13B provides rules regarding the place of dispatch and the place of receipt. The section provides that, unless otherwise agreed between the originator and the addressee of an electronic communication, the electronic communication is taken to have been dispatched at the place where the originator has its place of business. The electronic communication is taken to have been received at the place where the addressee has its place of business.

Section 13B also provides that a party's place of business is presumed to be the location indicated by that party, unless another party demonstrates that the party making the indication does not have a place of business at that location.

New part 2A preserves the principle that contracting parties should be free to agree on matters affecting the formation and performance of a contract between them. New section 14B intends to transpose the common law notion of an invitation to treat into an electronic environment. The section provides that a proposal to form a contract made through an electronic communication, not addressed to a specific party and generally accessible to parties making use of information systems, is to be considered as an invitation to make offers. This is unless there is a clear indication that the intention of the party making the proposal is to be bound in case of acceptance.

The act has been amended to recognise the use of automated message systems as part of present-day business practices and to ensure the validity of these transactions. It provides that a contract formed by the intention of an automated message system and an individual, or by the interaction of automated message systems, is not invalid merely because automated message systems were used.

This definition confirms that the absence of human intervention does not prevent a contract from being formed. Automated message systems used for the purposes of contract formation will not deprive the contract of legal effectiveness, validity or enforceability. If an individual makes an input error with the automated message system of another party and they are not provided an opportunity to correct the error, section 14D provides individuals with a right to withdraw part of an electronic transaction.

The individual must notify the other party as soon as they become aware of the error and they cannot receive a material benefit or value from the goods or services received from the other party.

Finally, Mr Speaker, businesses and individuals are increasingly using electronic means for commercial transactions. The government is committed to ensuring that our law reflects internationally recognised legal standards in this rapidly expanding area of the law.

The implementation of this bill will ensure that our laws reflect our commitment to the growth of trade and contracting through electronic means. I commend this bill to the Assembly.

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

Emergencies (Commissioner Directions) Amendment Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.23): I move:

> That this bill be agreed to in principle.

The Emergencies (Commissioner Directions) Bill 2012 is an important piece of legislation that improves and refines the existing arrangements for the management and coordination of emergency response in the ACT.

In introducing the bill this government strengthens the ACT's statutory arrangements to ensure they are at the forefront of emergency management nationally for high-level control and coordination by providing the emergency services commissioner with the necessary authority to give directions to the chief officers of the emergency services.

The bill originated in this government's detailed consideration of the findings and lessons learned following recent disasters in Australia, including the 2009 Victorian bushfires, the 2010-11 Victorian floods, the 2011 Queensland floods and the 2011 Perth hills bushfires, as well as considering contemporary emergencies legislation across Australia.

While considering the full scope of these reports, the government's considerations focused specifically on those findings and lessons learned associated with high-level control and coordination during emergencies and the manner in which other jurisdictions have addressed or propose to address these issues.

For example, the Victorian fire commissioner, who was established following recommendations from the Victorian Bushfires Royal Commission, shares similar powers and functions with the ACT's emergency services commissioner, with the notable exception that under section 10(1)(e) of the Victorian Fire Services Commissioner Act 2010 the Victorian fire commissioner has "overall control of the response to major fires".

Specific powers are also conferred upon equivalent positions in other jurisdictions. For example, under section 44 of the New South Wales Rural Fires Act 1997 the New South Wales Rural Fire Service commissioner may also take charge of bushfire-fighting operations where specific conditions apply.

On 1 December 2011 Mr Neil Comrie released the final report of the *Review of the 2010–11 flood warnings and response* in Victoria, noting:

> The absence of any overarching policy framework or centralised operational control (except for fire hazards) results in a siloed, uncoordinated structure that invariably breaks down in the face of a large scale or protracted emergency. This fact was evidenced on Black Saturday and again during the 2010–11 floods.

Mr Comrie recommended that the state appoint a state emergency controller who is ultimately accountable for all emergencies.

Clearly, a common theme is established through these reports and the subsequent enacting legislation, specifically that the need for unambiguous and robust arrangements for high-level control during significant emergencies and for the provision of coordination between emergency services before, during and after significant emergencies is a fundamental and critical component of effective emergency response.

Many of the existing statutory arrangements in the ACT under the Emergencies Act 2004 are in accord with the recommendations made. For example, the ACT may appoint an emergency controller to have overall control in an emergency.

The territory has clearly established responsibilities for the chief officers of the emergency services in relation to the range of different hazards that exist in the territory.

Commissioner's guidelines can be prepared under the act to provide for the planning and conduct of joint operations of the emergency services.

While the existing functions of our emergency services commissioner provide for the overall strategic direction, management and preparedness of the emergency services, no express provisions are, however, established for the commissioner to give direction to chief officers during an emergency event.

Without this clear provision in the act it is acknowledged there is a gap in the provisions for high-level control and coordination of the emergency services during

an emergency with a high level of complexity or sensitivity but short of the need to appoint an emergency controller.

This issue is of course resolved if an emergency is of such a magnitude that the appointment of an emergency controller becomes appropriate, with the act clearly providing appropriate authority to the emergency controller, who may direct the commissioner or the head of an entity to undertake response or recovery operations.

Commissioner's guidelines may be prepared under the act to make provision for the operation of the emergency services. However, they do not necessarily provide for effective and timely decision making by the commissioner relating to the joint operations of services during specific emergency situations that consider the range of circumstances that may arise requiring immediate direction to be provided.

This bill addresses that gap and provides the necessary authority to the commissioner to give directions to the chief officers of the emergency services. The bill clearly establishes that this authority will only apply to emergencies as defined in the act as "an actual or imminent event that requires a significant and coordinated response" where the scale and complexity of the emergency is or is likely to be significant and may exceed the traditional scope of one or more of our emergency services.

Further, this authority recognises the powers of the chief officers that already exist under the act and does not conflict with the existing powers. Importantly, the authority does not allow the commissioner to require the chief officer to undertake an operation in a particular way, which is equivalent to the power of direction given to the emergency controller if one was appointed.

The bill does not conflict with or reduce the specific powers associated with the appointment of an emergency controller under the Emergencies Act 2004 and it is also important to note that this bill only applies to the chief officers of the emergency services and that it does not apply to the Chief Police Officer of the ACT.

In order to illustrate how this authority may be exercised, I will ask the members to consider some examples. Under the act, the responsibilities for different hazards are clearly established across the emergency services and largely there is no overlap in these responsibilities for these different hazards. Inevitably, however, there will be significant emergencies in the ACT where a single emergency service may require additional support in responding to an emergency. Under this bill, the commissioner may direct the chief officer of another service to provide additional resources to the lead agency to ensure that the optimum capability of the territory is made available to the emergency response.

Likewise, if an incident occurred that required the provision of supporting agencies or services to support response to an incident—for example, support for the provision of public information—the commissioner may direct a chief officer to establish arrangements for the provision of this support.

Finally, circumstances may arise where there is a need to ensure a coordinated and singular response to an emergency in which more than one service is involved; for

example, a bushfire situation that may impact upon both the urban and rural areas of the ACT. In this circumstance it is critical that a single point of control is established and maintained—a key point identified in many reports into bushfires, including those I have mentioned earlier. With this bill, it is proposed that there be no ambiguity in the role of the commissioner to appoint a single point of control to ensure the effective and efficient coordination of resources.

These examples clearly illustrate the intent of the bill and demonstrate that its purpose is not to impose a layer of control over the chief officers of the services but to ensure that the optimum capability of the territory can be brought to bear on emergencies where the emergency is significant but falls short of the need to appoint an emergency controller.

Importantly, this bill empowers and supports the chief officers in achieving their statutory functions. This is achieved by providing the mechanisms by which support can be directed to them for more complex emergencies that are outside the capabilities of a single service and require a coordinated commitment of the territory's resources

To ensure that, in exercising an authority to give direction to a chief officer it is recognised that the commissioner requires relevant management and professional expertise to give such direction. This bill also includes the provision that the director-general may appoint a person as commissioner only if the person has the management, professional and technical expertise to exercise the commissioner's functions.

The bill does not purport to limit human rights to any materially different extent than is already provided for under the act. As a public authority for the purposes of the Human Rights Act 2004, the commissioner will continue to be obliged to act consistently with human rights when exercising the power to give a direction.

The bill I am introducing addresses the identified benefits of centralised coordination of the ACT's emergency services which will maximise the capacity and enhanced operability and training resources and provide the Canberra community with a further strengthened and effective multi-agency response to future emergency events.

I commend this bill to the Assembly.

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

Sitting suspended from 12.34 to 2 pm.

Questions without notice

Weston Park

MR SESELJA: Mr Speaker, my question is to the Minister for Territory and Municipal Services. On 2 February 2012, a constituent wrote to you complaining about the disgraceful condition of Weston Park, including a stagnant water feature, rubbish around the playground and unclean toilets. Minister, why has Weston Park been allowed to get into this condition?

MS GALLAGHER: As the member would know, I get quite a lot of correspondence relating to Territory and Municipal Services issues.

In terms of Weston Park, we have actually been investing in Weston Park to return it to becoming a great place for families and children in recent years. I am very sorry to hear that someone has not found Weston Park to be up to standard. I know that the city rangers that maintain parks and places around Canberra take their job very seriously in trying to maintain the city to a very high standard of amenity. I am very sorry to receive that feedback, but we have actually been investing in Weston Park. We have just released the master plan response on Weston Park to actually make it a great place again.

I will certainly seek the advice I have received in response to that letter. I presume that I have responded or that it is in train at the moment. We do take the feedback from constituents very seriously. If there has been any slip-up in standards, we acknowledge that in the response and we learn from that and make sure that our processes are good in the future.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, the constituent again wrote to you on 16 February stating that a further visit to the park had shown that the condition had not improved despite writing to you two weeks earlier. What action have you taken in response to the constituent's concerns and what action will you now take to improve the condition of Weston Park?

MS GALLAGHER: The action I will be taking is following up the constituent's concerns, as I do with every single piece of correspondence that comes into my office. If there has been a lapse in standards of maintenance at Weston Park, they will be fixed. But I would certainly take the advice from my department. I will respond to the constituent. We will continue to invest in our parks and playgrounds and open spaces around the city.

Indeed, one of the reasons why we have established the urban renewal fund is precisely for this reason. As our community grows and as the space that we have to maintain grows, which is 19 times, I think, the equivalent open space that is managed by Brisbane and Melbourne, we have more parks, playgrounds, pathways, bike paths and roads to maintain. We need to ensure that there is a commensurate growth stream of financing going into supporting that maintenance. That is exactly why we have taken the decision we have.

We look forward to the opposition's support for that fund to make sure that as we add more playgrounds to the city we are able to maintain the ones we have and keep the new ones up to scratch as well.

MR HANSON: A supplementary, Mr Speaker.

MR HANSON: Yes, Mr Hanson.

MR HANSON: Minister, can you provide an update on the implementation of the Weston Park conservation management plan, please?

MS GALLAGHER: That is available online for the member. I have released that report and it is there for everybody to see.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, as you are no doubt aware—as no doubt we are all aware—it is Clean-up Australia Day on Sunday and there is one happening in Weston Park. My question is: how much does the government rely on voluntary actions such as Clean-up Australia for day-to-day maintenance?

MS GALLAGHER: The TAMS Directorate has very good relationships with a whole range of volunteer organisations that maintain our parks, open spaces and nature reserves. They are important partnerships. The government cannot just manage the city on its own, and nor should it. It has a very significant role to play, but the community itself has a role to ensure that our city looks as good as it can. That is why we have organisations like the Friends of Majura and places like that, where a lot of volunteer hours are put into maintaining and making sure that our open spaces are there for everyone to share.

In terms of the resourcing, certainly the vast majority is managed through the funded appropriations, but the volunteer efforts, in terms of the message they send to the community and the important partnerships they play with government, are very important as well.

Children and young people—children, youth and family support scheme

MS HUNTER: My question is to the minister for children and young people and relates to the children, youth and family support program. Minister, can you explain why it is that the information engagement and coordination service and your directorate have yet to develop a common assessment tool for children, youth and families considering there is less than two weeks to go before the official start of this service?

MS BURCH: I thank Ms Hunter for her interest in this program that is going through, as has been said before, some fundamental change. The mechanics of the referrals and the other bits of documentation, to my understanding, is being worked through with the organisations that are involved in the operations of this from 1 March. Again, it is being supported through leadership through the Youth Coalition and Families ACT. I understand there are regular meetings on that. I am not aware of where we are up to on a weekly and daily basis with certain completions of tasks such as referral forms, but I can understand a level of concern, given that we are a couple of weeks away that this material should be in place. I am happy to talk with the directorate and get a sense that everything will be in place for 1 March.

MR SPEAKER: Ms Hunter, a supplementary.

MS HUNTER: Minister, can you explain why CSD has only just begun to have discussions with the Information Engagement and Coordination Service in regard to data collection and why the directorate has indicated that it is not a high priority?

MS BURCH: I would dismiss that we have only just begun having a conversation with any of the components within these new arrangements. This has been on the table and has been part of the community discussion for many months. It is probably in excess of 12 months, closer to two years. We have been working with the new groups that are coming on board and that will be operational around the local networks, certainly with the overarching referral arrangements.

There will be changes. There will absolutely be changes. Again, I would say the department has had an ongoing conversation with many of the groups involved.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, can you advise how the CYFSP will be evaluated in an ongoing manner and can you provide a copy of the evaluation framework to the Assembly?

MS BURCH: A key component of this to look at how, because there are such fundamental changes in these programs, they will be delivered. There is quite a significant shift to look at those most at risk and who need services. It will form. We will look across a range of things. The information, the referrals, the number of people coming into different services, will all form part of an evaluation, as will an ongoing conversation with the organisations, with the community services, that are providing these services. I am quite happy to provide an update as this program rolls out over the remaining part of this year.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, have all the organisations who were successful in their tenders signed their service delivery contracts? If so, when? If not, considering that the new service delivery framework is due to start in less than two weeks, when will this occur?

MS BURCH: It is my understanding that they have, or they have certainly had the final negotiations around it. As far as what date is on the contracts, you would understand that I would not be aware of that.

Belconnen Way roadworks

MR SMYTH: Mr Speaker, my question is for the Minister for Territory and Municipal Services. Minister, my question relates to recent roadworks completed on the corner of Belconnen Way and Springvale Drive. After an extended period of this important intersection being closed, the corner was reopened after work was supposedly completed. The work completed has several large patches of uneven road and unfinished edges which are already forming potholes and breaking up. Minister, what are the standards of finish for remedial roadworks in the ACT, and were they applied in this instance?

MS GALLAGHER: I will take the question on notice in terms of the specifics of that question, but I would say that the standard that is required is that a quality road and quality roadworks are completed. If that is not the case and there is a defect period, as there normally is with government works, that work can be rectified. That is standard practice.

We have, I think, over 3,000 kilometres of road centre-line across the ACT. Where there are potholes that emerge, I know, because I have been out to meet them, that Roads ACT staff work pretty much round the clock whenever they are needed. They are out doing emergency roadworks when they need to—on a weekend, in the middle of the night, after storm events. That is the work that they do. In terms of work being performed by private contractors, the contracts that are in place have sufficient defect clauses, as far as I am aware, so that if there are any issues post the roadwork, they will be attended to accordingly. The Roads ACT staff monitor that very closely.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, as this project appears not to have been completed to an acceptable standard, can you guarantee this project was delivered on time and on budget?

MS GALLAGHER: The specifics of that I will take on notice but, as I said, I doubt very much that if there is a serious issue that Roads ACT and the professional staff involved with the day-to-day management of roads across our territory are not already dealing with it; it is their job to do so.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, what other roads in Belconnen do you think warrant additional attention?

MS GALLAGHER: It is not up to politicians to choose what roads warrant additional attention. We have a professional team of road engineers that apply an

evidence-based approach to these decisions—not like Mr Coe, who decides that he wants to get to work eight seconds faster, so he would like to open up 2.2 kilometres of a bus lane to suit himself. That is not the way things are done on this side of the chamber, Mr Coe.

Mr Seselja: What happened on Adelaide Avenue?

MS GALLAGHER: We actually take an evidence-based approach to these matters. There are a whole range of demands within roads. What happened with Adelaide Avenue, Mr Seselja, is that politicians in this place decided that they were smarter than the advice to government from the road engineers, which was to keep it as a bus lane. We opposed that. We did not agree with it.

Mr Smyth: But it worked for three years. So was it wrong for three years?

MS GALLAGHER: Mr Smyth, I do believe you have had your opportunity to ask a question. But I do not shy away from questions, so I am happy to continue to respond to the interjections, Mr Speaker. As the member knows, it was allowed to be a transit lane. I thought that Mr Coe's question was about Belconnen roads, but we have moved to Adelaide Avenue. The Adelaide Avenue road was a transit lane whilst Gungahlin Drive was being built. At the conclusion of the Gungahlin Drive project, the decision was to return it to a bus lane, which indeed I believe it will be in future, particularly when there are bus stops along Adelaide Avenue. And it was based on evidence and advice to the government. Are we going to get to the situation where Alistair Coe, moonlighting as a road engineer, actually starts making decisions? What are you saying, Mr Coe—that all of a sudden all the roads around your house over in Ginninderra are going to be looking pretty spick and span but don't worry about anywhere else?

What we have here is an approach which triages roads according to a level of urgency, based on evidence from road engineers. That is the responsible way to manage these things, not to have your own little neck of the woods looking well so that you can drive your big jeep with one person in it along a bus lane into town—not at all.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, do you think there is any role for local members to lobby for road upgrades?

MS GALLAGHER: Yes, I do, Mr Coe. I do think there is, but I do not think it is up to local members to determine the priority. I think it is up to local members to actually receive the advice—which I give in my correspondence with you, Mr Coe, from time to time when you write to me about matters and we undertake an investigation. I think in recent times there was one about a road sign that you wrote to me about, and the experts went out and they had a look at the issue you raised and they decided that, yes, the road sign needed better publicity.

Opposition members interjecting—

MS GALLAGHER: That it is his job. So, credit where credit is due. Ms Porter does it, and every other member in this house does it, and that is the job of a local member—to represent your constituency and to take the advice. But I have to say, Mr Coe, if you had written about the bus lane on Barry Drive, the response would have been "Dear Mr Coe, no, this is a very silly idea. Kind regards, Katy Gallagher."

Animal welfare

MS LE COUTEUR: My question is to the Minister for TAMS and is in regard to animal welfare in the ACT. For two years we have heard that the government is developing a code of practice for the sale of domestic animals as well as a discussion paper about broader issues with companion animals. Minister, what progress has there been on the referral to the Animal Welfare Advisory Committee on the development of the animal welfare code of practice, noting that it appears that this referral occurred in early 2010?

MS GALLAGHER: In my time as TAMS minister I have not seen the response from the Animal Welfare Advisory Committee. I do recall that there were some issues with the length of time that the committee was taking to reply to the referral but I will take some further advice. I will discuss with my colleague whether he got it in his time as TAMS minister, but I will certainly have a look and see whether it has come back.

MR SPEAKER: A supplementary, Ms Le Couteur.

MS LE COUTEUR: Minister, what progress has there been on the development of the broader discussion paper on animal welfare issues and companion animals, noting that this was promised for release in mid-2010?

MS GALLAGHER: I think the position of the government was that we were waiting for the advice to come from the animal welfare advisory committee, which it has not at this point in time. But, as I said, I will try and find out where that is up to as of today.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what consultation has there been and will there be on both the discussion paper and the code of practice?

MS GALLAGHER: I would imagine the consultation would occur in line with the government's consultation guidelines. So I would expect that there would be further consultation, particularly with the key stakeholders who would be interested in this.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, what action is the government taking to decrease the number of animals being abandoned and euthanased in the ACT?

MS GALLAGHER: From my understanding we have the highest rates of re-homing animals in the territory of any jurisdiction. I think the last figure I saw was about 95 per cent of animals re-homed here, which is a great outcome. One of the successes of the program has been the partnerships that have existed with the RSPCA, Domestic Animal Services and other services like the rescue and foster organisation volunteers who work with Domestic Animal Services to make sure that they are re-homing even the most difficult of animals. So I think we have got a pretty good record there, Ms Bresnan.

Roads—disability parking

MR DOSZPOT: My question is to the Minister for Territory and Municipal Services. I note that answers on the availability of disabled parking spaces have previously been provided. However, constituents have advised me that due to the redesign of disabled parking spaces at the Erindale shopping centre the total number of spaces available has been reduced. Specifically, they have stated that on the north side of the shopping centre 11 spaces have been reduced to six and on the south side nine spaces have been reduced to seven. Minister, has the total number of disabled parking spots been reduced at the Erindale shopping centre?

MS GALLAGHER: I will take the specifics on notice. Actually, I have not been out to Erindale to count the number of car parks recently, although I was out—

Opposition members interjecting—

MS GALLAGHER: You guys are nasty. Has it not dawned on you that Mr Seselja has not lived in his electorate for the last seven years? In fact, he does not live in the electorate now.

Opposition members interjecting—

MR SPEAKER: Thank you, members. Let us come back to the question.

MS GALLAGHER: Mr Speaker, I have ignored this little—

Opposition members interjecting—

MR SPEAKER: Order, members! That is enough. Ms Gallagher will turn to the question of Erindale, thank you.

MS GALLAGHER: Thank you, Mr Speaker. I have ignored that campaign for a few weeks now, but I just thought it would be useful to draw to members' attention the fact that Mr Seselja does not live in the electorate, and that seems to be fine for him but nobody else.

I was out at Erindale on the weekend, but I was not out there counting car parks. We have moved to the new national law on accessible parking. That has involved changes to disabled parking spots, particularly widening them so that it allows people who are getting in and out of wheelchairs to be able to do that, whether they are in the driver's seat or the passenger seat. That has required reconfiguration of car parking spaces around town centres and shopping centres.

There has been some concern raised with me around bollards being put up. I think there has been some work done on that. We are in line with implementing the national accessible parking standard, which has required reconfiguration. My understanding is that most of that work was being done without any loss of the numbers of accessible car parks, but I will ask parking operations to let us know the situation out in Erindale.

MR SPEAKER: Supplementary, Mr Doszpot.

MR DOSZPOT: Thank you for the answer, minister. I understand that your reconfiguration should not result in a reduction. Minister, in the redesign of the disabled parking spaces what action was taken to ensure that the impact on the availability of disabled parking spaces was minimised?

MS GALLAGHER: In terms of the implementation of the national parking requirements, the advice to me is that it was not to be done at a loss of car parking space overall but that the widening did result in reconfiguration, because they are almost double the size of what a standard car park actually is. That has required reconfiguration. Overall, my understanding is that we are maintaining, and there is a requirement of a certain number of disabled car parks in any car parking allocation. I am happy to take the Erindale issue on notice. It may be that there is more parking to come if there has been a short-term loss in terms of the reconfiguration but I will take that on notice.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what action is being taken to ensure that disabled parking spaces are adequately monitored for illegal parking?

MS GALLAGHER: That is the day-to-day job of Parking Operations, Mr Speaker.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Thank you. Minister, what work has been undertaken to ensure that there are adequate disabled parking spaces available throughout the ACT?

MS GALLAGHER: There are standards that apply and those standards are applied. My advice is that there has been no loss to disabled parking space in Erindale.

National broadband network

MS PORTER: My question is to the Minister for Economic Development. Minister, can you please inform the Assembly about the rollout of the national broadband network in the ACT?

MR BARR: I thank Ms Porter for her question and for her interest in the national broadband network. I can advise the Assembly that construction is underway in Gungahlin. The first two sites in Gungahlin will be in Ngunnawal and Amaroo, and within the next 18 months coverage will extend to just short of 21,000 residences in these suburbs.

Mrs Dunne: A point of order, Mr Speaker.

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

Mrs Dunne: I am a bit slow to get to my feet on this occasion, but in what sense is Mr Barr responsible for the national broadband network?

MR SPEAKER: You might assist me here, Mr Barr, because I do not—

MR BARR: Through the Economic Development Directorate, the ACT government is engaged as a land developer in relation to these projects. So yes, I have direct responsibility for the government in this matter.

MR SPEAKER: Thank you. There being no point of order, you are free to continue, Mr Barr.

MR BARR: Thank you, Mr Speaker. As I was saying, in Ngunnawal and Amaroo this is the second biggest physical rollout of the national broadband network in the New South Wales-ACT region. On average, it is expected to take 12 months from the start of the fibre network rollout in a given area until residents are then able to access high-speed broadband over the NBN.

As members would be aware, this is a nationally significant project. It is a project that, with thanks to the vision of the federal Labor government, will bring super-fast broadband internet right across Australia, including of course to the ACT. We are delighted that Gungahlin is the area where the rollout is occurring en masse, because I am sure many members of this place who represent Gungahlin would be aware of some of the difficulties that residents have had in accessing high-speed broadband.

The NBN has a 12-month schedule of works that will be updated on a quarterly basis to include additional locations. These quarterly updates will include additional sites in Canberra. Early next year, the company will also issue a three-year indicative view of the rollout, to be updated annually until the anticipated completion in 10 years time.

The ACT government is in the process of negotiating a contract with NBN Co for the provision of fibre in its new developments. I am sure Mrs Dunne will be delighted to

hear that. NBN Co has been engaged by the Village Building Company to provide telecommunications services to its new developments at Watson and Macgregor. The timing of the Watson build in fact means that it will be the first NBN implementation in Canberra. The rollout in new developments will proceed in parallel with the Gungahlin rollout.

I am sure all members will join with me in looking forward to the complete rollout of the national broadband network in Canberra, and that that work will continue in the years ahead.

MR SPEAKER: Supplementary, Ms Porter.

MS PORTER: Minister, can you please explain how the rollout of the NBN in the ACT will benefit Canberra residents?

MR BARR: The NBN will bring significant benefits for the ACT—for residents, for businesses and for government. It will make a significant contribution to economic growth, create jobs, contribute to innovation, and enhance our city's credentials as a forward-looking high-tech city.

Superfast broadband access will facilitate new business enterprises and generate employment in these fields. It is not just about firms in the information and communication technology field but about any company that wants to do business faster and smarter. It will improve the educational and teaching resources for teachers and students, allowing for the greater use of virtual classrooms and videoconferencing. One day our students might be able to learn Mandarin from a teacher in Beijing or go on a virtual tour of one of the world's many great museums.

It will also deliver positive impacts on business efficiencies and revenues, particularly for small and medium business, allowing the transfer of data and information more quickly and more cheaply. The NBN will provide increased opportunities for new and innovative delivery of health and community services. For example, it will allow the uploading of vast quantities of data such as medical imaging in which details are of course vital.

It will also improve the delivery of government services—the virtual government shopfront where you can undertake a range of transactions with government from your own home. That provides the benefit that you perhaps would not need to pop into a physical shopfront to undertake those transactions.

The NBN is already creating jobs.

Mr Smyth interjecting—

MR BARR: The great diversifier is expressing some Luddite views, is he, across the chamber there?

NBN Co has been engaged in the physical rollout of the network and there are 40 jobs being created through the construction phase.

MR SPEAKER: Mr Hargreaves, a supplementary.

MR HARGREAVES: Minister, can you inform the Assembly about how the government is working with NBN Co on the rollout of the NBN in the ACT?

MR BARR: Again, for the benefit of Mrs Dunne in particular, the ACT government is working cooperatively with NBN Co to identify and implement the timely rollout of the NBN in the ACT. And it is the Economic Development Directorate that is coordinating this work on behalf of the ACT government. The ACT government's NBN implementation task force is meeting regularly with representatives of NBN Co to discuss progress with the Gungahlin and Canberra-wide rollout. NBN Co is expected to continue meeting with residents of Gungahlin through the forum of the Gungahlin Community Council. NBN Co last met with the community council in December last year.

The government is also exploring the service and business value added possibilities of the NBN, and at a workshop earlier this month coordinated by the Economic Development Directorate, representatives from the business community and regional and community advocates, including the Gungahlin Community Council, met to discuss the NBN. Similar workshops are being held across Australia in the first rollout communities to open up new ways of thinking about the possibilities from this high speed broadband infrastructure.

As I mentioned earlier, the ACT government is in the process of negotiating a contract with NBN Co for the provision of fibre in our new developments. NBN Co has been engaged by the Village Building Company for their developments in Watson and Macgregor, and Watson will be the first, we believe, to be fully linked in to the national broadband network. However, new developments will continue to be connected as they proceed in the years ahead—a really worthy project making a real difference in our community.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, will the ACT government consider leasing or selling for use in the NBN the fibre network connecting ACT government schools?

MR BARR: All of those matters will be the subject of consideration. The TransACT network clearly is something that will also be the subject of some commercial considerations with NBN Co. It makes sense, obviously, to be able to link in all of these networks. The nature of those sorts of commercial arrangements would need to be negotiated. Nonetheless, I think there is certainly some value in considering those options.

Of course, Mr Coe has rightly brought attention to the ACT government's investment, that started back in 2006, in ensuring that ACT public schools had access to a broadband network that is the envy not only of the nation but the world. I was

delighted, as education minister over a six-year period, to be able to deliver on that important commitment for the ACT public education system. I know that other education jurisdictions are quite envious of the outcomes in the ACT from the ACT government's investment, and I know that students and teachers across the territory will benefit greatly from our investment that started back in 2006.

ACTION bus service—Nightrider service

MS BRESNAN: My question is to the Minister for Territory and Municipal Services and is in relation to the Nightrider service. Minister, as you have said publicly, the late night Nightrider bus service that ran over the 2011-12 holiday period was very successful. It is evident that revised pricing and improved advertising made a significant contribution to its success. Minister, given the positive progress made on Nightrider, what consideration have you given to expanding the service to run for a longer period such as every weekend or for the entire summer?

MS GALLAGHER: The consideration at the moment focuses on finding the funding to run the service again at Christmas time. It does not have recurrent funding within the ACTION budget at this point in time and so additional resourcing for ACTION is obviously subject to budget consideration.

I do not think there is any question, though, that it was much more successful this year than it has been in previous times. I do think the $5 trip made a difference, plus people understanding that the service was there and available. We would have to look seriously at the cost-benefit analysis of running it outside of that peak four weekends leading up to Christmas and the New Year in terms of demand for such a service. But my priority at the moment is to look for the resourcing to run it again at Christmas time.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, do you agree that the Nightrider service plays an important role in reducing late night violence and improving safety, which is of particular concern in Civic?

MS GALLAGHER: Some of the reports around Christmas time and running the Nightrider service were that it provided a benefit in terms of moving groups of people out of the town centre fairly quickly. I am not sure that you would necessarily be able to prove the direct link between Nightrider and lessening of violence in Civic, as we have had some other changes that have impacted positively on that as well.

I do not think that you need to convince me that it is a worthwhile service to run over Christmas time. In terms of my priorities, it is looking at how we can run that and keep getting support for that at Christmas time. Obviously ACTION has a range of other priorities and budget pressures at the moment, so it is really a matter of prioritising those.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, are you aware of the support from youth organisations in the ACT who would like to see Nightrider services in for an extended period of time, not just the summer period?

MS GALLAGHER: I do not recall any correspondence from youth organisations around Nightrider specifically, but it does not surprise me. Again, it is a low cost way of moving within the town centres at night to get you safely home from Civic. I know young members of my family used the Nightrider service over Christmas time and found it really great. So that does not surprise me. Again, it really is a matter of what are the priorities for ACTION. It certainly is entrenched in a role around Christmas time, but there are other budget pressures facing ACTION and it really is a matter of prioritising that need.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, can you detail the difference between the advertising campaigns that the government did for Nightrider in 2010-11 and in 2011-12, including in terms of the advertising budget?

MS GALLAGHER: I will have to take that on notice, in terms of the advertising budget. Again, as the service evolves, we are better at how we place the advertising and target the advertising. I am sure the advertising and the lead-up that we did to that had a role, indeed, in making it clear where Nightrider was leaving from in Civic. I am sure that played a role as well. But in terms of the specifics, I have got a figure in my head but I do not want to give it to you in case it is wrong. So I will just take that on notice and come back to you.

Belconnen dog park

MRS DUNNE: Mr Speaker, my question is to the minister for urban services and relates to the Belconnen dog park in Diddams Close.

Mr Hargreaves: Point of order, Mr Speaker. There is no minister for urban services.

MR SPEAKER: Mrs Dunne, would you like to rephrase the question, thank you.

MRS DUNNE: Sorry, a slip of the tongue. My question is to the Minister for Territory and Municipal Services and relates to the Belconnen dog park in Diddams Close, which I, along with quite a lot of other members of the community, use on a regular basis. Minister, I have received representation from a number of constituents specifically about the lack of separate small and large dog areas at the Belconnen dog park. The Tuggeranong dog park has such separate large and small dog areas. Minister, why does the Belconnen dog park lack separate large and small dog areas?

MS GALLAGHER: I welcome Mrs Dunne's support for one of this government's initiatives to establish dog parks around the ACT. They are extremely popular. I use them myself. The one at Lake Burley Griffin is always packed, near Weston Park, as are the ones in Belconnen and Tuggeranong. They are very successful. The community love them. In fact, there is demand for more of those dog parks in other parts of the city. In terms of why that is, I think I recall that Belconnen was the first dog park built—

Mr Hargreaves: Tuggeranong.

MS GALLAGHER: Was it? Around the same time then. I do not know the answer as to why a small dog park was not built with it. I am not sure that we can put a small dog park within the one at Belconnen. I am happy to look at it and come back to you, but again it is a matter of priorities. We have demand in other areas of the city for dog parks now because they are so popular. This is one of the challenges and is again why we have established that urban renewal fund—so that we can meet the community's expectations, expand on the services we provide and make sure that everyone across the city has access to wonderful facilities like the ones the dog parks provide.

MR SPEAKER: A supplementary, Mrs Dunne.

MRS DUNNE: Minister, what consideration has the government given to representations it has received about installing low-level lighting at the Belconnen dog park?

MS GALLAGHER: I recall this was raised probably about a year ago, having low-level lighting in the dog parks. I was not the minister at the time, but I am happy to refresh the advice that was given around that and look at what the resourcing requirements of that would be. I imagine there would be a fairly significant cost issue involved. Again, this is about managing priorities across the city.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, will you consider the establishment of separate large and small dog areas?

MS GALLAGHER: As I said, I am certainly open to it if it does not cost too much money. If we can do a separate small dog park at Belconnen that does not cost too much money, I am very happy to look at it. But I would say that the big pressure for dog parks at the moment is coming from those in areas around the inner north and the inner south, who would also like a dog park for their dogs.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: How regularly are dog parks patrolled to ensure that they are safe and facilities are working properly, and how much is allocated to maintenance of those parks?

MS GALLAGHER: The maintenance of the dog parks would be on the regular maintenance schedule of the city rangers. They tour the lake every day. The toilets are cleaned. The dog parks would fit within their normal maintenance schedule.

Planning—Giralang shops

MR COE: My question is to the Minister for Territory and Municipal Services and relates to the proposed shops at Giralang. Minister, when will construction of the new Giralang shopping centre commence and when will demolition of the old shops be undertaken?

MR CORBELL: As Minister for the Environment and Sustainable Development, this is essentially a planning issue. So I will take Mr Coe's question. Decisions about demolition of the existing buildings at Giralang are a matter for the site owner. The site owner will have to meet their obligations in relation to the development approval that has been granted for the site before they can commence with demolition.

I understand that the matter is complicated by the fact that there is legal action being taken in relation to the approval that has been granted at Giralang. That may be a factor in the delay on the part of the owners in determining whether or not to proceed with construction work, including the demolition of the existing premises.

MR SPEAKER: Supplementary, Mr Coe.

MR COE: Minister, has the government been advised of when demolition or construction may commence?

MR CORBELL: I am not aware of any advice, but I am happy to make further inquiries and if there is such advice I will advise the member accordingly.

MRS DUNNE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, when can residents in Giralang expect to see a shopping centre completed in their suburb?

MR CORBELL: Regrettably, it is difficult to put any date on that because of the fact that there is now legal action in the Supreme Court against the development application. Until that matter is resolved, it is probably difficult to know when construction will be completed on that site.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, how much has the government's interference in the planning process at Giralang contributed to the delays in the construction of the new Giralang shops?

MR CORBELL: It has not. In fact, if anything, it has helped bring the matter to a point closer to conclusion. Of course, the contrary position which seems to be advocated by Mr Seselja is that the approval or refusal should have been made by the planning authority. Of course, what he fails to note in his implied critique is that that would have led inevitably to action on a merits review in the ACAT.

Duffy—stormwater

MR HANSON: My question is to the Minister for Territory and Municipal Services and is about stormwater drains.

Ms Gallagher: Ah!

MR HANSON: Are you sneering about something?

MR SPEAKER: Mr Hanson, your question, thank you.

MR HANSON: Minister, residents along Cordeaux Street in Duffy have raised concerns about flooding in their neighbourhood. According to the affected residents, the government has conducted investigations into stormwater infrastructure in their street. They note that consultations have occurred. Minister, what were the results of the investigations and has any further work been conducted on Cordeaux Street?

MS GALLAGHER: I understand a report has been completed into the stormwater system in Duffy and that is being used to inform budget deliberations around resourcing required.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker. What work will be done and when will it be completed?

MS GALLAGHER: It is currently before budget cabinet, Mr Speaker.

MR COE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: What work is being done on Nudurr Drive, between Palmerston and Crace, on improvements to the stormwater network following representations that I have made?

MS GALLAGHER: I am sorry to tell Mr Coe that I am not aware of that. I will follow it up for him.

MR SPEAKER: Mr Coe.

MR COE: Would you please also take on notice a scheduled plan of works to be undertaken on Nudurr Drive in Palmerston?

MS GALLAGHER: I am very happy to, Mr Speaker.

ACT Corrective Services—recruitment

MR HARGREAVES: My question is to the Minister for Corrections. Minister, could you update the Assembly on the importance of the recent graduation ceremony for officers from Corrective Services?

DR BOURKE: I thank the member for his question. On Friday, 3 February I attended my first ACT Corrective Services recruit graduation and awards ceremony. I was excited to have the privilege of welcoming new staff in this organisation and of being able to acknowledge the good deeds of other staff.

Corrections is an area where people of goodwill can achieve so much in improving the lives of those who come into their care. It is about rebuilding lives. There is great potential for people and agencies to work together to make a real and lasting change in the lives of detainees. I understand that this is a non-negotiable goal of ACT Corrective Services.

Officers undergo a rigorous recruitment and training process. Corrections is an area that is poorly understood in the general community. Through ACT Corrective Services, the government makes an investment in bringing new officers into the fold and in keeping our existing officers well trained. I know that the skills required of Corrective Services officers greatly exceed what many in the community understand are their roles. Many Australians still have a 1950s view of how jails should work. In the 21st century, Corrective Services officers are responsible public servants who must have the strength of character to handle very difficult clients with integrity, and the communication skills necessary to bring about change in people's lives. They are expected to protect the community and also to help change the life paths of fellow citizens who have lost their way.

In my view, the health of any jail is only as good as the relationship between its officers and detainees. Officers need to be role models for those in custody.

MR SPEAKER: A supplementary, Mr Hargreaves.

MR HARGREAVES: Minister, for the benefit of those others and people who are interested in this, what is the main role of a Corrective Services officer at the AMC?

DR BOURKE: I thank the member for his question. In the 21st century Corrective Services officers are much more than turnkeys. As I said, they need to be role models for those in their custody, even the people in their custody who may be demanding or even aggressive to manage. This is not about being nice to avoid conflict. What it is

about is being straight and consistent with detainees. It is about having clear expectations and making good decisions. It is about showing detainees how good and honest people operate. The present day Corrective Services officer is required to have well developed skills in detainee case management. They have to help detainees through robust case management and rehabilitative processes to break the cycle of reoffending.

Increasingly, detainees entering Corrective Services care have long-term substance abuse issues and mental health concerns. Many have had a troubled background much different from that which most of us have enjoyed. The training is about instilling skills to assist officers to understand people, to predict and manage behaviour, to deal with disaffected people, to be humane and ultimately to help people. The new Corrective Services officer is not just one who opens and closes door to cells, but is one who opens doors to better lives for those whom they secure, manage and protect.

MR HANSON: Supplementary.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, was Doug Buchanan, the superintendent who was sacked by your predecessor, wrong?

DR BOURKE: I thank the member for his question. Mr Buchanan was not sacked.

MS PORTER: Mr Speaker—

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Ms Porter has the call this time.

MS PORTER: Minister, what are the main challenges faced by Corrective Services officers in the AMC?

Members interjecting—

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

Members interjecting—

MR SPEAKER: Order! Dr Bourke.

Mr Hanson interjecting—

DR BOURKE: I thank the member for her question. In a small jurisdiction such as the ACT—

Members interjecting—

MR SPEAKER: Thank you, members!

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, you are now warned. I have just asked for silence. Dr Bourke.

DR BOURKE: In a small jurisdiction such as the ACT there are special challenges. We have just one jail in which all our remandees and sentenced detainees are placed. We have a detainee community who know each other far too well. But a small jurisdiction also has special benefits. Small but innovative programs can be more quickly introduced into jurisdictions such as ours. These programs can impact dramatically on the lives of participants to turn things around for them.

In a small jurisdiction we can see that change more readily. These changes not only benefit detainees but also their families. Sadly, Corrective Services is an area of government administration that has a long history of interaction with Aboriginal and Torres Strait Islander people. It is interaction that reflects the difficult elements of the history of our country.

Having said that, Corrective Services is an area where people of goodwill can achieve so much in improving the lives of those Aboriginal and Torres Strait Islander people who come into their care. There is great potential for agencies and people to work together to make a real and lasting change in these lives. For me, this is a non-negotiable goal of my service.

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

Supplementary answers to questions without notice

Hospitals—waiting times

MS GALLAGHER: Last week Mr Hanson asked me a question around the national elective surgery targets, and I took it on notice. There are two sections relating to the performance payments, one with two subsections. Under part 1 of the national elective surgery target, the funding is around $340,000 per year for five years from 2012 to 2016, being $1.7 million in total. The reward funding for parts 2a and 2b is around $340,000 per year for four years from 2012 to 2015 and approximately $240,000 in 2016, for a total of around $1.6 million. The Health Directorate has established robust processes and oversight work that will facilitate the achievement of these targets.

Planning—draft variation 306

MR CORBELL: Yesterday in question time Ms Le Couteur asked me a question about the operation of interim effect when it comes to draft variation 306 to the territory plan. Yesterday, in response to a question from Ms Le Couteur, I gave a response based on my understanding of the situation at the time, but indicated that I would need to seek further advice on the matter. I would now like to provide that advice and to clarify that the interim effect currently applying to specified provisions of draft variation 306 will end on the day when the earliest of any of the following

occurs: (1) the day it is referred to me as responsible minister and notified on the legislation register; (2) it is withdrawn; or (3) one year after the date of the consultation notice, which is 3 June 2012.

Ms Le Couteur also asked me if interim effect would be extended until the next Assembly planning committee has time to report. I can advise the Assembly that the Planning and Land Authority has advised me that it proposes to extend the interim effect from the day the public availability notice is published and the draft variation is referred to me. This will extend the interim effect for a period of a further year, or until the plan variation commences, it is rejected by the Assembly or it is withdrawn.

Taxis—licences

MR CORBELL: On Tuesday in question time, Mr Smyth asked me about the requirement for applicants for a taxi licence to complete a language skills assessment through the CIT. He asked when this requirement was introduced, what the cost of the course is, where it is conducted, and what the length of time is. I can advise that the first CIT assessment for taxi drivers commenced on Friday, 24 February this year. There were 14 participants in that course. The course costs $240, and it is completed in approximately four to five hours depending on the applicant's availability.

Mr Coe asked me, on the same matter, whether any applicant is able to seek an exemption and what evidence they have to provide for that. He also asked if there are any other professions which require a government-issued licence. I can advise that in relation to exemptions there are no provisions for exemptions.

I answered the second part of Mr Coe's question yesterday.

Public housing—insulation

MS BURCH: Yesterday there were some questions asked through Ms Bresnan and Ms Hunter around fire in a property. It seems that an email went to a number of offices but not to mine; that is why I was not aware of it. The additional information is that insulation is installed by accredited contractors under the direction of the total facilities manager, Spotless. As with all other trades, Spotless is required to comply with the Building Code of Australia and all relevant national standards and regulations. Random audits are undertaken by both Spotless and, independently, Housing ACT. Any instances of noncompliance are followed up with an expanded audit based on the location or the subcontractor undertaking the work.

Housing ACT is not aware of any fires as a direct result of the installation of insulation. In relation to the fire on Saturday the 18th, the fire brigade is currently investigating the cause and will provide a report to Housing ACT as soon as it is finalised.

Public housing—insulation

MS BURCH: Mr Coe asked a question around the commonwealth-funded insulation program. I can confirm that the territory government, in common with other jurisdictions, was not eligible under the commonwealth-funded insulation scheme.

Children and young people—children, youth and family support scheme

MS BURCH: Today Ms Hunter asked about an assessment form for the youth and family program. A draft common assessment form was presented to service providers by Parentline at a planning meeting on 8 February. Agencies have provided feedback on that draft, and a final form is expected to be endorsed at a meeting of agency directors next week.

Education—Murrumbidgee education and training centre

DR BOURKE: On 21 February Ms Hunter asked some questions about the Murrumbidgee education and training centre.

Ms Hunter's first question referred to the transition program developed in response to recommendation 12.22 of the 2011 report into the ACT youth justice system and is focused on young people who are exiting the Bimberi Youth Justice Centre. The program commenced in term 4 of 2011 with a transition teacher. In 2012 a transition teacher and a transition officer have been employed and are working with case managers, government and community agencies to support the transition of the young people.

The program supports the transition from the Murrumbidgee education and training centre of young people whose individual circumstances indicate that an unsupported transition directly into school, an alternative education program, training or employment may not be successful. It also assists students to develop relevant skills to support a successful transition to education, training or employment.

For many students, the provision of this transition program will occur within a community agency setting and in partnership with community agency workers. The transition teacher is assisting students to develop skills, design pathway plans to map future aspirations, and make connections with community agencies and support persons. The transition officer is supporting Aboriginal, Torres Strait Islander and other young people by liaising with relevant community agencies, connecting the young person with support agencies and individuals, and helping the family to be part of the plans.

The second question was with regard to recommendation 12.8 of the Human Rights Commission's youth justice system report. Recommendation 12.8 refers to conditional day release for young people who are continuing at the Bimberi Youth Justice Centre. The Murrumbidgee education and training centre staff, Bimberi staff and the single case management staff together work with young people and families to determine the applicability of conditional day release to attend educational, cultural and training programs.

On the same day Ms Bresnan asked me a question on a similar issue which I took on notice, with regard to the employment of a transition officer. My answer to the question is this. The employment of the transition officer enables the transitions program to engage and involve parents in the educational program at the

Murrumbidgee education and training centre. The work of the transition officer is tailored to each individual student and as such will involve ongoing discussions with parents and other family members.

Assault and bullying in the workplace
Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): For the information of members, I present the following paper pursuant to the resolution of the Assembly of 7 December 2011:

> Assault and bullying in the workplace—Report, dated 23 February 2012.

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

Leave granted.

MS GALLAGHER: I table the 2012 report on assault and bullying in the workplace. This information draws together private and public sector data and amplifies figures relating to the ACT public service which were made public late last year. I would like to make just a few comments to put this report into context for members.

Firstly, the figures make it clear that there are some workforce sectors where employees face higher than average risk of assault or bullying, mainly at the hands of clients or members of the public. It is plain from the data that the sectors at greatest risk are health, community services, education and, to a lesser degree, government administration. This was already apparent from the public sector data that was reported on late last year.

I make this point not to suggest that we should simply accept the heightened risk faced by some workers. For our part, we do what we can to minimise all risk, we do what we can to protect workers and we do what we can to equip workers to minimise their exposure and respond when endangered. The report I table today outlines the government's substantial recent work in this regard.

But the existence of differential risk does mean that we need to be cautious that when we compare statistics we are comparing like with like. It would make no sense at all to compare the assault statistics for public sector prison officers, for example, with the statistics for private sector financial advisers and then to conclude that the government takes less care of its workers on the basis that the assault and bullying statistics are worse for prison officers.

Similarly, caution needs to be used when comparing reporting rates that are based on quite different thresholds. For example, the ACT public service incident reporting policy requires that all accidents and incidents be reported, whether or not they result in injury, whether or not complaints are substantiated, whether or not they are required by law to be notified to WorkSafe ACT. In fact, for the period 2008-11, just three per cent of the public sector incidents contained in this report were required to be notified to the regulator. By contrast, the data in this report relating to the private sector includes only those incidents reported to the regulator.

Again, I point out these differences not in extenuation of the public sector figures—one assault is one too many; one incident of bullying is too many—but to stress that apples should properly be compared with other apples.

In this instance, sensible comparisons are not easily made—not without discounting the 97 per cent of public sector incidents that did not meet the legal reporting threshold. Even then, it would be difficult to adjust for the inherently more risky nature of some forms of public sector work.

The government does not resile from the reporting threshold it demands of its agencies. We want to know about every incident that occurs, because that helps us make necessary cultural changes and put in place necessary safeguards. We do not just have legal obligations. We choose to commit ourselves to the creation of safe workplaces for our staff and positive working cultures within those safe places. If that creates an opening for some to make mischief, we can only trust that Canberrans can draw their own conclusions.

While we are proud of our own standards, we are not really in a position, as a government or as a legislature, to demand that private sector businesses keep equally detailed records and that they report publicly on every instance of an employee being sworn at or intimidated by an irate member of the public or every instance of a worker making a complaint to the boss about a colleague.

With those caveats, I table, for the interest of members, the report. I move:

> That the paper be noted.

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

Papers

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Electricity Feed-in (Renewable Energy Premium) Act—Electricity Feed-in (Renewable Energy Premium) Total Capacity Determination 2012 (No 1)—Disallowable Instrument DI2012-15 (LR, 13 February 2012).
>
> Food Act—Food (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-14 (LR, 13 February 2012).
>
> Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-5 (LR, 9 February 2012).
>
> Radiation Protection Act—Radiation Protection (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-12 (LR, 6 February 2012).

Stock Act—Stock (Levy) Determination 2012 (No 1)—Disallowable Instrument DI2012-13 (LR, 13 February 2012).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People (Background Checking) Regulation 2012—Subordinate Law SL2012-4 (LR, 6 February 2012).

Multicultural community
Discussion of matter of public importance

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

The contribution made by the multicultural community in the ACT.

MRS DUNNE (Ginninderra) (3.06): We as a nation owe our heritage to our Indigenous people and our migrants. Some of us come from great ancestral lines and have a deep connection with the land. Others have arrived here by boat or ship. Each of us has come to love this country. This is a facet of our community of which I feel we should be immensely proud, and it is a matter that is a matter of some admiration of overseas countries that we have such ethnic, cultural and language diversity in our country that we do not experience a level of discord as a result of that. I think that this is something that we should be really proud of. I know that my family is intensely proud of our blended Italian and Irish roots.

We see that age-old story of immigrants, refugees and settlers coming to this country, making a proud name for themselves. This is achieved, often through the private sector but also through governments in the public space and in non-government organisations. We see a rich a tapestry of shared cultural and intercultural experiences that take place every year in Canberra. We have just experienced the Multicultural Festival, which is probably the greatest manifestation of that and which over the years has drawn hundreds of thousands of Canberrans onto the street for what is sometimes jokingly called the international festival for meat on a stick and foreign beer. But it is it is appreciated by all.

As a small anecdote, I attended a wedding on the afternoon of the Saturday of the Multicultural Festival and some of the young people there bemoaned the fact that their brother had chosen that day for the wedding and they missed out on the Multicultural Festival as a result. And there was a little family discord when they realised that they would miss out on the Multicultural Festival because their brother was getting married on that day.

There is the great spirit that we see at the Multicultural Festival. It has grown in success and popularity from the first days. I think the first Multicultural Festival was out here in the square and lasted for a day, and then they lasted for a long weekend. The Carnell and Humphries governments extended it out to 10 days of celebrations but that has been wound back in recent years, for good or ill.

Events such as the Nara candle festival, which celebrates the Japanese festival of Obon and is a festival that worships and respects ancestors, are well attended every year, despite often the freezing cold. King O'Malley's and PJ O'Reilly's get into the spirit of Craic as they do their best to replicate the spirit of Dublin come St Patrick's Day. And we all know that members from all walks of life are, at the very least, aware of many faith-based holidays such as Hanukkah, Eid, Diwali or Orthodox Christmas. We have some fine examples of great community organisations trying to inculcate an atmosphere of multiculturalism and mutual respect here in Canberra, and I believe that these organisations play a vitally important role in our community and contribute to our social fabric and our social capital.

In my own electorate of Ginninderra we see the Villaggio San Antonio, which was one of the forerunners, definitely in the ACT but across Australia, in providing culturally based and culturally sensitive aged care. Whilst initially established for the Italian community, because it is a culturally sensitive place, it is also a place where many other ethnic groups, cultural groups, like to settle their older parents and family members because they know that there will be cultural sensitivity to their needs, and as people grow older there are greater needs. Sometimes they lose facility with the language that they learned in their adult years and revert to the language of their birth.

The other great example of this is the Croatian village in Stirling. There are moves to create other culturally based retirement projects in the ACT, especially amongst the Chinese community.

The settling of refugees is something which the people of the ACT have a very proud history of, and I want to pay tribute to the Migrant and Refugee Settlement Services of the ACT for the great services that they provide to wave after wave of refugees arriving in the ACT. The organisation has had many names over its time and has had many people who have come and gone from it that I would like to pay tribute to. One of my own constituents who has been a longstanding stalwart of refugee resettlement, Bevill Purnell, is a person who comes to mind. Bevill has worked tirelessly over many years settling people from Kosovo and, more latterly, people from sub-Saharan Africa.

I also pay tribute to one of Canberra's great stalwart citizens, Marion Le, whom I first met around a table in the formative days of the Indo-China Refugee Association, for the great work that was done by Marion and a great crew of volunteers who provided homes, sustenance, guidance and helped to assimilate hundreds of people in the Canberra community. The high regard in which Marion is held in the community is a testimony to that great work. Of course, being involved in organisations such as refugee settlement organisations often means that you do not make friends or you may burn bridges with some of your friends, but I think that the great strength of will and of advocacy on behalf of refugees by advocates like Marion Le are a testimony to the openness of our society and the extent to which we will go to look after others in the community.

There are other peak bodies that I would like to pay tribute to here today. The Canberra Tongan community has a very large presence in my electorate, in Belconnen. I remember the proud opening of their hall in Spence—it is probably more than 10

years ago—and, sadly, the fire that they experienced, which left them without a headquarters for many years. I am glad to see them re-established. The Tongan community is a very strong community that really looks after its families and works well to ensure that there is a great deal of commitment to the strengthening of families. The way that they give back, especially through their choirs, their gospel choirs in particular, is a great inspiration.

I want to pay tribute to Sam Wong and his board for the great work that they do in the area of multiculturalism. Sam has spent tireless years and ensures that everyone is aware of the great work that is being done by and the needs of the multicultural community. And his activism over the 12 or 15 years that I have been involved in public life in the ACT, long before I became a member of this place, should be appreciated by the community. And of course he is always supported ably by his wife, Chin.

One of the most important things that we see in the multicultural community to ensure that culture is maintained is the passing on of languages. I want to pay tribute to all of the multicultural language schools across Canberra, some 60-odd multicultural language schools, that provide language in such a diversity of languages, from Japanese to Spanish, from Italian to Mandarin and Cantonese, all the languages in between, and the eastern European languages—the Croatian schools, the Serbian schools, the Polish schools, the Greek schools. All of those help to maintain a sense of culture and help to pass on to the next generation that sense of culture. That is also the case with the folkloric groups, who pass on through dance and music and singing, for the most part, the culture that has gone before us.

The passing on of language is something that I am particularly passionate about, and I was pleased, as I mentioned in the adjournment debate recently, to be involved in the launch of *The Bambino Book,* along with Mr Doszpot and Dr Bourke. I think that the coming of *The Bambino Book* is a real testimony, a real microcosm and a stand-out example of how important and how fruitful multiculturalism has been in the ACT.

The story of Rita Martiniello is a very impressive one. Rita came to Australia as a young girl who spoke no English. She eventually came to Canberra, married, took up a trade, became a hairdresser and became a business woman, but that was not enough for her. She went back to school. She went back to school and improved her English, to the point that she is now a book publisher. She was the adult learning student of the year in 2008 and is now a publisher of books to pass on to her children and her grandchildren her Italian language and heritage. I think that that is a great testimony to her. It is not just the great scientists or whoever who come here, but it is the ordinary people who take extraordinary steps to ensure that whilst they participate in the life of this country, they also ensure that there are also great connections to the country to whom they owe their first allegiance.

Going to the launch of *The Bambino Book* made me think about the diversity of Italian communities that there are in the ACT. The launch was at the Italian cultural centre, which is a great facility built by the Italian community for the Italian community, and through that reaching out into the wider community. There is also the Campagna association, the Alpine association, the Sicilian Association. I noticed

Rosta Bartolo and his colleagues from the Sicilian Association at the Multicultural Festival. They are always there with their cannoli, which are very bad for you but very good at the same time. I think that we see in them people who have come to Australia and who have made a great personal achievement and a great personal impact but a wider impact on the community. I think it is something that we should pause from time to time to pay tribute to.

But the community sometimes is let down when there is a lack of funding for some of the important work that is done and the tenuous links to government that could best help their aims. This is particularly the case with the low funding that the language schools have received and from time to time the poor treatment that some of the communities have received at the hands of the ACT government. I think a stand-out example is the treatment of the French-Australian preschool that for two or three years was on tenterhooks waiting for the government to make a decision about where they would move them. They did not want to move from their present site but, under the guidance of the ACT department of education, for a very long time Mr Barr seemed to be intent on moving them along. I am glad that that matter was resolved and that the French-Australian preschool was not forced to move another time and that they now have a permanent home and some security of tenure.

The importance of multiculturalism in the ACT and the impact that it has on the community cannot be understated. I think that we would be a much poorer place if we were still the meat and three boiled veg people that we were when we grew up in the 1950s and 1960s. And we have much to applaud in the multicultural community, from the food, the music and the dancing to a wider cultural awareness but also in the ACT, as is mainly the case across Australia, a greater level of tolerance, welcoming and openness to cultural diversity and cultural difference. I congratulate the members of the ACT community on their contribution to our multicultural society.

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) (3.21): I welcome this matter of public importance because our multicultural community, as is recognised by many here, is an absolutely great asset to our community. We as a government recognise the enormous contribution that the multicultural community has made and continues to make here in the ACT.

By this I mean the contribution that thousands of individuals and hundreds of local community groups with many members across the ACT make to our community each and every day. From the coffee that we drink and the restaurants that we dine at, to the homes that we live in and the retail stores that provide our supplies, our city, the national capital, was built on the foundation of cultural diversity. I think it would be an interesting exercise for each of us to count the different nationalities that we come across in our daily lives. This is testament to the welcoming environment that Canberra provides to all people of all backgrounds.

Data from the ABS reports that in 2006 almost one-quarter of the ACT's population was made up of people born overseas. I am sure that that proportion has at least been maintained since then. By far the biggest group is composed of those people born in the UK, followed by those from New Zealand, China and India.

Madam Assistant Speaker, unlike many other Australian cities, Canberra's multicultural growth began in earnest relatively recently. The Canberra multicultural community's contribution started in 1949 and over a 30-year period more than 100,000 Europeans, most of whom did not speak the English language, arrived in this region to assist with the construction of the Snowy hydro scheme.

During and after the building of the Snowy scheme, many of the European workers and their families decided to settle in Canberra. They contributed to the Canberra community by opening retail stores and restaurants and offering food items never before exposed to our city. They continue to make a contribution to our community by crafting the cosmopolitan way of life that we all enjoy today.

Those pioneering first generation families from Greece, Italy, Croatia and other countries have made an enormous contribution to the development of our city's physical and retail infrastructure. Underneath the slick veneer of a modern, planned and professional city accommodating and sustaining a public service workforce, these first generation families were contributing to the foundations of a strong, vibrant and culturally rich and diverse community.

Their remarkable contribution throughout the second half of the last century should not be underestimated, undervalued or overlooked when it comes to explaining how our city is one of the best in the world today. In very real terms, they built the city in which we live today. Today Canberra is the home to thousands of individuals from dozens of diverse ethnic backgrounds. Their various cultures and religions are celebrated every day and every weekend with festivals, family gatherings, worship time at churches and at club outings.

We would all appreciate that since the influx of Europeans in the 1950s, 1960s and 1970s, we have had several waves of refugees and migrants choosing to settle in Canberra from Indochina, Vietnam, the Balkans, Afghanistan, Iraq and most recently from the African countries. All have made a significant contribution to the rich cultural diversity of our city.

It is timely that we are discussing in this place today the contributions that a multicultural community makes to the ACT just a few weeks after the concluded National Multicultural Festival. The festival is a celebration of our cultural diversity and a manifestation of the success of multiculturalism. From the face of the festival, who hailed from Austria and Germany, Wolf Blass, to the headline act, with his Italian and Maltese ancestry, Anthony Callea, through to the hundreds of people who either performed, ran a stall or volunteered their time to run this fantastic event, this festival was once again multicultural through and through.

I understand that there were over 300 stalls on the Saturday, with an increasing number of stalls coming through on Sunday. I have been told that there were over 2,000 performers who came from here, the region and from interstate and overseas just to be part of the fabulous celebration that we have here.

It is an event that gives a short glimpse into the real make-up of our culturally diverse city. Your neighbour, your friend or client, the public servant, doctor or accountant by day who is serving the community are keen to share their culture, traditions, dance and music for at least several days a year during the festival. We, in turn, have the opportunity to appreciate, share and understand the different cultural traditions that shape the way Canberrans live their lives. This all contributes to a socially harmonious and safe community that we can all enjoy.

We are fortunate in the ACT to have a well-developed, robust and contributing multicultural sector that is made up of first-class service providers and advocacy community organisations. I would like to take the opportunity to pay tribute to Companion House, the Migrant and Refugee Settlement Service, the Multicultural Women's Advocacy Group and the Canberra Multicultural Community Forum. The service that Sam Wong provides through the Canberra Multicultural Community Forum has already been mentioned. Then we have the Multicultural Youth Service. These organisations make a great contribution to our city by delivering services to those most disadvantaged and, in many cases, isolated in our community.

I would also like to put on record the government's appreciation of the enormous work that the 100 or so multicultural radio broadcasters across the two multicultural radio stations do in our community. These are broadcast in different languages that reach many in our community. They are particularly valuable for those who do not speak English. This is the only source of information that they receive outside their homes.

I would also like to take the opportunity to highlight the valuable contribution that the 40 or so local language schools make to our community—that group of teachers and parents of those 2,000 students who, week in and week out, study another language or two above their commitments to mainstream school.

We have a generation of Canberrans who are bilingual or multilingual and who make a unique contribution to the economic and cultural life of our city. Indeed, one of the most exciting components of a multicultural city is witnessing how the coming together of people from different backgrounds filters down through the generations and how these people hailing from different countries but born in Australia keep their cultures alive.

I often visit many groups. Recently I went to the Mon new year celebrations. We expect to see the elders—the older people of these communities—carrying on their traditions. But what heartens me through the Mon groups and the Indian groups—indeed, all the groups throughout the Multicultural Festival—is when you see the wee little ones, the ones that are two, three and five years of age, coming through and making sure that they too pick up and understand their culture. That is an absolute sign of the strength of these communities and the strength of what we have created here in Canberra.

There is no doubt that the ACT is a multicultural community that is inclusive. The multicultural community of Canberra does not just relate to migrants from non-

English-speaking backgrounds. I am proud that this is not a city that seeks to race to the lowest common denominator when it comes to discussing issues around migrants, refugees and multiculturalism. This government has always sought to promote the best qualities of multiculturalism and welcome people from all backgrounds, rather than erect barriers as fast as possible and create a hostile environment for those of different backgrounds.

We are proud of the contribution that our multicultural community makes to the ACT. In fact, I would remind members that last year we put in place the ACT services access card. This was our commitment to providing the fairest society possible for all Canberrans, and that is no less the case for asylum seekers. We as a government appreciate that asylum seekers have had to endure tremendous emotional hardships. We wanted to provide them with as much help as possible so they can adjust to their new life.

This is why we made a pledge to provide asylum seekers with the same services as we provide to refugees wherever possible. We do this through the ACT services access card. That card makes it easier for asylum seekers to access all the services that they are entitled to. We have information being disseminated through various groups such as Companion House, MARSS and on our website about how people can apply—it is being managed through Companion House—for access to a card and get the services that they are entitled to.

As Minister for Multicultural Affairs, I had the pleasure to formally recognise in November last year several individuals and community organisations that have made an exceptional contribution to our community at the inaugural Multicultural Awards. It was a great opportunity to make comment about some of those winners.

I would like to take the time to make mention of some of those winners. The multicultural award for multicultural advocate of the year went to Sela Taufa. Sela is an inspiration not only for the people that she works with and supports but also for the people she has consistently lobbied for consideration of multicultural women's rights.

Sela has a strong voice advocating for women from culturally and linguistically diverse backgrounds. She has addressed the federal Senate and co-authored the Australian Immigrant and Refugee Women's Alliance submission to the Joint Standing Committee on Migration inquiry into multiculturalism in Australia.

She spearheaded the multicultural women's advocacy employability partnership program, which was designed to give migrant and refugee women opportunities to find their voices, learn new skills, and to gain experience and confidence in the areas of business and employment.

Also at these Multicultural Awards, the award for outstanding volunteer went to Ms Chin Wong. Chin Wong is also very heavily connected with the Canberra Multicultural Community Forum. She has been a volunteer within the multicultural community since 1988. She currently holds the position of president of the ACT Chinese Australian Association. She is secretary of the Canberra Multicultural Community Forum and a member of the ACT Ministerial Advisory Council on Ageing.

She is president of the Canberra Mothercraft Society, a member of the Transformation of Perception (reducing stigma) community education program advisory group, vice-chair of the Diversity Health Network management committee, member of the Breast Screening ACT Management Advisory Committee, and adviser to Multicultural Women's Advocacy Inc, including the facilitator of the ACT CALD Women's Network. If she has any spare time, I do not know where she finds it.

Another award, the multicultural award in media, went to Radio 1 CMS and the Ethnic Broadcasters Council of the ACT and Surrounding Districts Inc. They provide services to 36 multicultural communities in the ACT and work with the community sector in providing community information and programs. The multicultural award for a community organisation went to the Canberra Multicultural Community Forum, proudly and aptly headed up by Sam Wong, who has been mentioned here today.

Just last night during the dinner break I travelled down to the Tuggeranong arts centre where we launched the South Asian Film Festival for another year. That is where we have the communities of Sri Lanka, Nepal, Afghanistan, India, Pakistan and Bangladesh coming together. They will run a film festival over the next week or so. I think the film last night was *Apple tree of paradise*, but I could have that wrong.

The festival is just getting stronger and stronger every year with very strong community input. I am very proud to stand up in this place and formally acknowledge the major contribution that our multicultural community has made and continues to make to the ACT. It has played a major role in the development of this city, and I thank members of the multicultural community personally for their contribution.

MS BRESNAN (Brindabella) (3.35): I thank Mrs Dunne for bringing forward this MPI today. Ms Burch listed all of the committees that Chin Wong is on. I have often wondered when she sleeps. I have actually said that to her, because she is so involved in so many things, which is quite amazing.

I am very pleased to have the opportunity to talk about the importance of the multicultural community in the ACT. As with all cities in Australia, there has been a long and significant contribution by various cultures to the development and evolution of Canberra over the years. That has already been mentioned by Mrs Dunne and Ms Burch today.

The 2006 census showed that 21.7 per cent of Canberra's population were born overseas, which is significant. Perhaps the largest notable wave of non-British migrants to Canberra was from Greece, which was an integral part of establishing our now flourishing commercial centres. There are many third generation Canberrans who now run the same supermarkets, cafes and shopping centres as their grandparents did. This role in the establishment of various parts of Canberra is now reflected in some of the heritage signage, such as at Gus's cafe in Civic and at Ainslie shops. I would also like to acknowledge here Viola Kolakouinos, who is truly the matriarch of the Curtin shops and an absolutely wonderful woman.

Given Canberra's role as the national capital, we have many embassies and high commissions from around the world. This means that not only do we have many ambassadors and diplomats here but also we have their staff and families. These people have also made numerous significant contributions to the development of Canberra's culture. They add to the rich tapestry of cultural events and inspiring speakers who come to Canberra.

In the 1950s and 1960s Canberra had a large wave of post-war migrants from Europe, including Germans, Italians, Greeks and those from the Balkan states. Due to our proximity to the Snowy Mountains, there was also a large number of skilled European workers who migrated to Australia to work on the Snowy Hydro scheme and moved to Canberra when the project finished.

When the white Australia policy ended, which was a good thing, we saw many Asian immigrants and, significantly to Canberra, we received many Vietnamese refugees in the 1970s. Canberra also had a number of Lebanese refugees in the 1980s and we have continued to take in refugees from around the world, including Kosovo, Sudan and Afghanistan. The Greens welcome the growing cultural diversity in Canberra as a result of this.

It is, of course, very important, as has already been mentioned today, to ensure that we are looking after the needs of current refugees and newly arrived migrants and asylum seekers, including adequately resourcing the migrant resource centre and other such services. As has already been acknowledged today, MARSS do a wonderful job, as do the Canberra refugee association. The scholarship program they run is excellent. There is federal funding for these programs, but the ACT government has an important role in monitoring the needs of migrants, particularly refugees and asylum seekers, especially when it comes to housing, education, interpreter services and providing information in a range of languages.

I echo the minister's words on refugees. It is vital that we remember the types of situations that refugees and asylum seekers come from. Most of us could barely even begin to imagine what they have been through, including major conflicts, civil war, having been tortured—all the horrific things that have happened to them. We need to be talking openly and honestly about the proper processes that people have been through, and also the fact that asylum seekers—when it is mentioned that they need to go through a proper process—often do not have a proper process to go through. They have very little options and we need to have compassion when we are considering this.

I would also like to acknowledge, as Mrs Dunne has, Marion Le—I actually came in contact with her through her work on refugee issues—and also Jane Keogh, who she has worked with, who do a fantastic job in keeping in contact with people who are in detention centres. They maintain contact with them and assist them in any way. It is about providing them with some correspondence so that they know there are people who are thinking of them and talking to them.

As a result of having a high population of diplomatic families, as well as families who work for departments such as the Department of Foreign Affairs and Trade and

AusAID, we have a French bilingual school, Telopea. An International Baccalaureate program has long been running at Narrabundah college. It has now started at Canberra college as well, which is wonderful. This is a very high standard of education and something which we are proud to offer in our public schools.

There are a number of bilingual schools, as Mrs Dunne has already mentioned, in Canberra, the latest being a Chinese bilingual school. Also, the ANU had a centre for excellence of Russian languages. It had one of the few Russian language projects in the country, perhaps because of the number of embassies here in the ACT. As Mrs Dunne has already mentioned, there have been quite a number of issues raised recently about ongoing support for language classes. I was very disappointed to learn just recently that Japanese classes have closed, which will be of great disappointment to the students who have an interest in this area.

As has already been mentioned, community radio has an important role because for many of the culturally and linguistically diverse communities, local radio is often the only way for recent migrants to find out about local news and their communities. We have SBS radio, which is important, but obviously we have fantastic programs offered through community radio: 2XX, which has around 30 ethnic communities, and CMS—Canberra's only local full-time multicultural radio station—which broadcasts in 30 languages. I recently went on the Spanish language program—

Mrs Dunne: How's your Spanish?

MS BRESNAN: My Spanish is not good, Mrs Dunne. I think "buenas noches" was about it. Again, it is a wonderful way to connect with the community. I would just like to acknowledge Sela. The minister mentioned that she was also at those awards, as were a number of members here. It was just wonderful to see the joy which she showed in winning that award and how much it meant to her and all the people around her. She is just a wonderful woman.

Another issue I have taken up recently relates to representation from the ACT on the Australian Multicultural Council. The council provides advice to the federal government on multicultural issues, informs government policy and ensures government services respond effectively to the needs of Australia's diverse communities. Minister Burch has expressed her agreement on this issue that the federal council would be greatly improved if it had an ACT representative.

I wrote to Senator Kate Lundy about this issue last year. Obviously Senator Lundy is an ACT senator but she is also the Parliamentary Secretary for Immigration and Multicultural Affairs. I expressed to Senator Lundy my disappointment that the Australian Multicultural Council did not include a member representing the ACT. This was a problem with the previous configuration of the AMC. Again, it had a representative from every jurisdiction except the ACT. In my letter I emphasised that the ACT multicultural community has knowledgeable and experienced community leaders. I think all of us in this chamber know that and have had the benefit of working with these groups.

Senator Lundy responded to my letter. In her letter Senator Lundy noted that the key issue was that the members of the council were selected on merit. I have to say that I find it surprising that there was no-one of merit in the ACT. In any case, I think it is a mistake to not ensure that all states and territories are represented. I note that the official list of members of the council does list the names and states of each member, suggesting that their jurisdiction does come into play.

I also note, obviously, that we have unique issues that we can actually inform on from the ACT's perspective because of the number of embassies here and because we have one of the major multicultural festivals in the country. Mr Sam Wong has been acknowledged. I also acknowledge that he was appointed an ambassador of Australia. Through his role he will be able to liaise with the Australian Multicultural Council. Again, I think it is disappointing that we have the one ambassador and we do not have any representatives on that council. Hopefully, this is something that will be rectified.

In the brief time I have got I also acknowledge, as Mrs Dunne did, the strong Tongan community. There is a very strong Pacific Islander community here. I would like to congratulate the government on granting the exemption for the kava circle at the Multicultural Festival. I think it was a very good decision. I went to the meeting at which this was discussed before the Multicultural Festival. There was a very strong depth of feeling there, because it is such an important part of their culture. It was wonderful to have that recognised through the exemption being granted.

I absolutely agree with Mrs Dunne that our society would be much the worse in all respects if we did not have multiculturalism in our country. That is in all respects, from food to dance to culture to everything that it offers. It enlivens our culture and we should be very proud of that.

MR DOSZPOT (Brindabella) (3.45): I thank Mrs Dunne for her MPI today:

> The contribution made by the multicultural community in the ACT.

The contributions of the multicultural community in the ACT come from many areas—business, artistic, sporting, scientific, medical and political. I will try and touch upon a few of these, time permitting. I will start with the Canberra multicultural forum, which has a wide and inclusive membership. I think we are all mentioning a few of the same names, but after getting past the multicultural forum I hope I can contribute some new names in this MPI today. The chair of the multicultural forum is Mr Sam Wong. Originally from Hong Kong, he arrived in Melbourne in the early 1970s and retired from the Australian government as principal pharmacist after 36 years of public service.

Sam Wong has served the ACT multicultural community for over three decades and since 2007 has been the chair of the Canberra multicultural forum. We thank him for his contribution, and also his family contribution. Quite a few members within the multicultural community have many family members handling different aspects of involvement with the community and the Wong family is one. Chin Wong has already been mentioned by, I think, all of my colleagues speaking before me. I would simply

like to congratulate her on and thank her for all the wonderful activities that she is involved with, including as president of the ACT Chinese Australian Association.

Another area that is very prominent is the business community. There are hundreds and hundreds of examples of multicultural contributions made in the business community, whether they be the many Greek, Italian, Croatian developers and builders or the various restaurants—Chinese, Indian, Thai, Italian, Greek. There are many of these.

The sporting culture of Canberra has also been much affected by the great multicultural influence. The old Croatia Deakin Soccer Club saw the emergence of many young Australians of Croatian background who went on to play for the Socceroos. Ned Zelic is perhaps one of the most prominent in this area, but Sebastian Giampaolo and Walter Valeri, both of Italian background, also made prominent contributions to soccer in Canberra. In fact, Walter's son, Carl Valeri, has become one of the few Australian players to have made it in the prominent Italian soccer league.

In the education sector there is a very active and prominent ACT Ethnic Schools Association, whose president, Mr Javad Mehr, has been very prominent in getting better recognition for the valuable work that the 60-odd association member schools are performing within the ACT community.

One of the recent consolidations of an ethnic community in the ACT also needs to be recognised. This has seen the formation of FINACT, the Federation of Indian Associations of ACT Inc. The president of FINACT, and one of the architects of the amalgamation of some 21 Indian associations, is Mr Jacob Tharakan Vadakkedathu. Jacob has been living in Canberra since 1998 and has a master's degree in business administration from the University of Canberra. He is actively involved in many community activities. He is also secretary of the Gungahlin Community Council, a board member of Maribyrnong primary school and treasurer of the Sahaya Charity Foundation Canberra Inc.

Amongst the many ACT restaurants that have become trademarks in Canberra and have become very much a part of Canberra are the Kochinos family's restaurants. They are a Greek background family whose Belluci's restaurants in Manuka and Woden have become a great example of the entrepreneurial flair that is coupled often with a great pride in their ethnic origins. They have made a significant contribution to the ACT business community.

I would also like to mention one of the pioneers in the restaurant industry, and that is the late Theo Moulis, whose Bacchus restaurant in the 1970s and 1980s was considered one of the best in Canberra. He then went on to run the Tower restaurant as well. He was considered one of the best restaurateurs in Canberra in that era, while his son, Danny Moulis, went on to make a great impact in the soccer fraternity and is now one of the fine young lawyers of Greek background practising in Canberra.

The Italian influence on the ACT is perhaps best personified by Guiseppe "Joe" Guigni. Joe came to Canberra in 1969 and has been trading for 40 years through the Fyshwick markets. After leaving school at the age of 15, and with support from his

mother, he created the now thriving Fyshwick markets which today feature 33 stallholders and are currently undergoing a multimillion dollar development. Guiseppe was awarded the small business category of the 2009 Ethnic Business Awards. Joe is living proof that the great Australian dream is within the reach of all Australians, regardless of background. I certainly congratulate Joe on his great contribution to Canberra. He is also a very generous benefactor to many charities in Canberra and has been a strong supporter of all things Canberran.

There has been a great contribution also to the ACT by many immigrants from the Netherlands. One of the great examples is Lou Westende, a migrant who became a prominent businessman and was one of the first multicultural members of this Assembly in 1992. Lou's story is a story of rags to riches, the power of positive thinking and a never say die attitude. It is an inspirational story of an ordinary Canberran, a child of the Depression, a migrant who developed a successful business, Instant Office services, who contributed to our community in many ways, but particularly through Rotary, and ended up in the ACT Legislative Assembly in 1992.

I thank Mrs Dunne for her MPI today. I would like to finish with a quote from the gentleman I have just spoken about, Mr Lou Westende, a migrant, businessman and politician. It is a quote that I think is quite instructive for our Assembly today. The quote is from Lou Westende's inaugural speech in 1992 when he said, and I quote from the end of his speech:

> It is on this important matter of the responsibility of the Assembly in determining the future direction of the ACT that I wish to focus my maiden speech. *Oxford Dictionary* defines the word "responsible" as liable to be called to account, answerable, capable of rational conduct, and so on. They are strong words. But, clearly, to be responsible is to be strong, and what the ACT needs right now is strength in every direction. It needs strong leadership from government and it needs a firm and strong commitment by every member of the community. We must all build the future together.

They were strong words and the correct words in 1992. They are just as strong and just as instructive for all of us today.

MR HARGREAVES (Brindabella) (3.53): The ACT is incredibly lucky to have a rich and diverse multicultural community that cements our place as a leader in multicultural affairs, a place known for providing real opportunities for people to reach their potential and to fully participate in and share the benefits of our multicultural way of life.

The multicultural community of the ACT has, as other speakers no doubt have said, come from over 200 different countries. Approximately 22 per cent of our population is born outside of Australia. Fourteen per cent speak a language other than English, and over 170 languages are spoken in the ACT.

The ACT government plays a major role in supporting, both financially and ethically, our multicultural community, building a resilient multicultural network that assists those most in need to participate in the economic, social and cultural life of our city.

I will now take you through some of these multicultural partnerships. The Migrant and Refugee Settlement Services of the ACT has a suite of services that address different stages of life. For example, the job preparation program helps ACT government-sponsored skilled migrants to prepare for work in Canberra. The program includes a series of cultural awareness information and training sessions and job ready seminars which aim to enhance the job readiness of skilled migrants.

The home tutor program matches volunteer tutors with migrants and refugees who are unable to attend regular English classes and the PASS program is an after-school study program that supports students between 12 and 25 years old to achieve academically through tutor assistance, English language support and other study supports.

The ACT government also funds the Multicultural Women's Advocacy. Its aim is to build the resilience of the multicultural community and is an advocacy, advisory and lobby group that focuses on the needs of women from culturally and linguistically diverse backgrounds. It is a key link in providing to the women it works with the information, referral and support that allows them to seek out opportunities to further develop their capabilities and achieve goals.

Another service we are proud to work with is Multicultural Youth Services. This organisation is a dedicated youth service that supports young migrant and refugee people to get used to living in their new home and to achieve their dreams. The support services provided include accommodation; employment, the Job Club; education, training and apprenticeships; welfare and emotional support; youth and family support; English language and homework support; multicultural playgroups; sports and recreation; and holiday programs.

The valuable partnerships go hand in hand with the government's work to improve the contribution of the multicultural community in the ACT through promoting economic participation.

The multicultural strategy 2009-13 identifies the ACT government's commitment that in the ACT all individuals have the right to participate and contribute socially, culturally and economically.

Mr Doszpot talked about leadership from the government. He talked about strength and that sort of thing from the government, and vision, I think—I hope he said that. I wonder whether members are aware of where this multicultural strategy 2009-13 came from. It came from a summit back in 2004. The multicultural community came together, 450 representatives, at the Convention Centre to develop their own multicultural strategy. I was the Minister for Multicultural Affairs at the time. Our idea was to tell the community they had the right to let the government know what they needed, and they wrote their strategy.

This document here is the government saying to the multicultural community: "We want you to tell us. You are going to give us a road map for 2009-13 and we are going help you go on that journey." I am thrilled to pieces to see that the current minister

has picked up on this and is using this as her road map. I think it is well worth recognising.

Mr Doszpot should be congratulated on his ability to Google people and use Wikipedia to find out how many people in this town are worthy of a mention, instead of doing it straight off the top of his head. I thought it was almost akin to Alistair Coe's diary, quite frankly. I did not think it actually achieved very much. There are so many people in the multicultural community that should be named but who do not get a mention; for example, Din Pla Hongsa, one of the leaders in the Mon community. Because these communities are small, they do not even get a mention in this place. We talk about the Greeks, we talk about the Italians, we talk about the French; they are essential parts of our multicultural community but, quite frankly, they are big enough to look after themselves. The smaller ones are not. The Bangladeshi community are not.

Mrs Dunne interjecting—

MR HARGREAVES: I hear the grumblings from Mrs Dunne. I note that she attempted to speak in Italian, which makes her bilingual. Good on her; it is the first time I have ever heard Mrs Dunne being involved in anything to do with the multicultural community since the day she got here, but I thought it was better late than never. I hope it was worth while. I hope people enjoyed themselves. I noticed that she claimed some credit for that particular function; but she was also three years late. I attended a function of the Ethnic Schools Association some two years ago and spoke in three languages in that speech. So Mrs Dunne is a language behind. She is also one minister behind and a language behind, so she does not impress me one zot in her commitment to multiculturalism. I think it is all puff.

Mr Hanson: You are a nasty piece of goods, John.

MR HARGREAVES: Mr Hanson, I do not hold a candle to you for venom and viciousness, but I am happy to start learning.

The work experience and support program is designed to help Canberrans from culturally and linguistically diverse backgrounds enter the workforce by providing an opportunity to improve skills and confidence, as well as develop important networks within the ACT public service. Successful graduates will receive national training qualifications in business and government.

This program is designed for people from culturally and linguistically diverse backgrounds and aims to provide opportunities for participants to improve their IT, writing, office administration and communication skills, to gain practical job-seeking skills, to prepare them for entry into the workforce, to gain practical experience in an Australian workplace, to enhance their opportunities to access secure sustainable employment and to provide an opportunity to establish a personal network of contacts for future work and training options. I know how successful this has been in picking people up. It has been absolutely wonderful.

There is a whole heap of other activities that the multicultural community has engaged in. I urge people, if you have not done so, to go and have a look at the Canberra Multicultural Community Forum's website and to get on board with their newsletters. It is mind-blowing what the community is actually doing for and within itself.

There is a train the trainer driving instructors course. This is for the Sudanese community to assist members in obtaining their drivers licences. There is another program to increase the number of interpreters. The support for White Nile Catering is interesting. This is a fledgling local company owned by five Sudanese women who have put their culinary skills to work to develop a catering business. I reckon it is great.

The Multicultural Women's Advocacy employability program is funded by the ACT Office for Women, so it is a nice nexus between the Office for Women and the Office of Multicultural Affairs. It is great and it is specifically designed to give migrant and refugee women opportunities to find their voices, learn new skills, gain experience and confidence in areas of business, industry and employment and—get this—there are 30 women on the waiting list for that program. That is a measure of success of any program, in my view: it has got a waiting list. We are also trying to establish the ACT refugee and migrant employment task force. We have heaps of achievements. The transitional migrant housing program, which I introduced when I was minister, is going great guns. These are measures of success.

I could go on with the prepared speech, but I might just pause here and say what a fantastic Multicultural Festival it was this year—260,000 people, a wonderful achievement. It is the best yet. I was there for most of it and you could hardly move most of the time. It was great. There was a buzz around the festival. I was stopped by ambassadors and other people I have known for years who just wanted to tell me how wonderful they felt and how inclusive they felt it was. It was a family event.

It had a range of sponsors and all that, but I would just like to give a plug to a mate of mine, Lee Donnelly from Fyshwick Fresh Food Markets, who is part of a trade agreement to support it. It is okay to get government handouts for such things. But when a business comes behind a festival in the way the markets have come behind this one for so many years, because of the personal commitments of people like Lee Donnelly and Joe Giugni, I reckon we are on a winner with our community. It is about our community supporting each other. It is about our community celebrating their diversity and their multicultural nature, and it is a way that we can show people from interstate how Canberra can party when it feels like it.

I was talking to people from interstate who said that they came last year and that it was a blast but that this year was even better. So congratulations to the minister, to her staff and everybody behind it.

MR HANSON (Molonglo) (4.04): I would just like to follow up on the comments made by Mr Doszpot and Mr Hargreaves about a number of prominent Canberrans. First there is Mr Joe Giugni, who is a splendid Canberran. Mr Doszpot listed out a number of his achievements, including being ethnic businessman of the year. Joe is an

adornment to Canberra. To he and his wife, Chun Chai, I echo Mr Doszpot's thoughts, as I do to Mr Lou Westende and to his wife, Mandy, who are quite amazing Canberrans. I have just been flicking through the book written about Mr Westende called *Fulfilment & Success: The story of Lou Westende—a migrant* by Doug Hurst, and I must admit I found out some new and quite amazing facts about Lou. It is a book worth having a look at, because he has had quite a remarkable career. I also mention Lee Donnelly, whom Mr Hargreaves just mentioned. I have met him on a number of occasions. I know the great work that he does out at the Fyshwick Markets, and good on you to Lee Donnelly.

I give congratulations to those three individuals, who are reflective of the many diverse cultures that are represented in this wonderful town of Canberra, to their partners and to the rest of the wonderfully diverse cultures that make up the ACT.

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

Justice and Community Safety Legislation Amendment Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.06): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2012 is part of a series of legislation that concerns the justice and community safety portfolio. The bill I am introducing today will improve the effectiveness of the ACT statute book, and I am confident these amendments are minor and uncontroversial.

The bill amends a number of acts, including the ACT Civil and Administrative Tribunal Act 2008, the Court Procedures Act 2004, the Crimes (Sentence Administration) Act 2005, the Emergencies Act 2004, the Legal Aid Act 1977, the Trustee Companies Act 1947, the Unclaimed Money Act 1950 and the Wills Act 1968.

The bill also repeals a regulation—the Fair Trading (Australian Consumer Law) (Transitional Provisions) Regulation 2011. This regulation had amended the dictionary definition of "fair trading legislation" in the Fair Trading (Australian Consumer Law) Act 1992 to include a reference to the Fair Trading (Motor Vehicle Repair Industry) Act 2010. The dictionary definition has since been modified by the Justice and Community Safety Legislation Amendment Act 2011 and the regulation is now redundant.

The JACS bill makes a number of minor amendments to the ACT Civil and Administrative Tribunal Act 2008. These amendments clarify the powers that the ACAT already has under a number of enactments, give statutory recognition to the work carried out by the ACAT and to its more consolidated structure, and remove all doubt about the flexibility that the ACAT has to dispose of cases efficiently and in accordance with the objects of the ACAT Act as stated in section 6 of that act.

This JACS bill inserts a note into section 5(1) of the Administrative Decisions (Judicial Review) Act 1989. The amendment directs the reader's attention to section 40B of the Human Rights Act 2004, which provides that it is unlawful for a public authority to fail to give proper consideration to human rights under part 3 of the Human Rights Act.

This bill also makes some amendments to the Court Procedures Act 2004. These amendments include removing certain references to the President of the Court of Appeal in the membership of the rule-making committee to reflect the current state of affairs and allow flexibility and inserting a reference to a presidential member of the ACAT in the membership of the advisory committee, again, to reflect the reality on the ground.

The bill also substitutes a reference in section 29 of the Court Procedures Act to 21 days for the time that a person must wait before commencing enforcement of a judgment against the Crown with a reference to 28 days. This is in keeping with appeal periods prescribed in the Court Procedures Rules 2006 and the ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2) and is a matter of making the time for enforcement of judgments against the territory consistent.

This bill makes amendments to the Crimes (Sentence Administration) Act 2005 in respect of warrants for remand. Presently, where a person is ordered by a court to be remanded in custody, the court must issue a warrant which includes the time and date that the person is to be returned to the court. In some situations, such as where the Magistrates Court is committing a person to trial before the Supreme Court, the court is unable to meet this requirement.

This amendment would give statutory recognition to a sensible approach that has been developed in the courts in these circumstances to require the person to be returned to the court or another remanding authority at the time and date stated in the warrant or, alternatively, at the time and date to be set by the registrar.

This bill makes minor amendments to the Emergencies Act 2004 and the Emergencies Regulations 2004. These amendments would give statutory recognition to the fire and rescue work that the ACT Fire Brigade carries out by substituting all references to "fire brigade" with "fire and rescue".

This JACS bill inserts a new section 68B into the Legal Aid Act 1977. The new section brings re-engagements of the chief executive officer and assistant chief executive officers of the commission into line with the requirements for the re-engagement of executive officers under section 75 of the Public Sector Management Act 1994.

The bill also amends one section in the Magistrates Court Act 1930 which provides for the automatic stay of enforcement of a conviction or sentence where an appeal has been lodged with the Supreme Court. The amendment clarifies that a person who has appealed a conviction or sentence remains in the custody of the person who had custody of the appellant immediately before the stay of the conviction or sentence, until either there has been a grant of bail or the appellant has been remanded in custody. This is a technical amendment.

The JACS bill makes an amendment to the Trustee Companies Act 1947, which will allow the voluntary transfer of trustee company business to a receiving company. Currently, the Trustee Companies Act provides for compulsory transfers of trustee company business to a receiving company where ASIC has cancelled the licence of a trustee company and made a compulsory transfer determination. The section of the Corporations Act that provides for transfer determinations has been amended by the commonwealth to allow for voluntary transfers of trustee company business, and this amendment will bring ACT law into line with the commonwealth amendment.

The bill also inserts a new section into the Unclaimed Money Act 1950. The Public Trustee maintains a register of unclaimed money, money which it receives from companies and liquidators under the Unclaimed Money Act as well as the Agents Act and the Legal Profession Act. In addition to maintaining a register of unclaimed money, to assist in reuniting people with their unclaimed money, the Public Trustee publishes a limited amount of information about the money and its owner on a searchable internet database. A person who has unclaimed money can search his or her name and find out whether or not there is money in the register belonging to him or her. If he or she, or his or her estate if the person is deceased, wishes to reclaim that money, the person can complete an application. The new section of the Unclaimed Money Act will give statutory recognition to this practice whilst ensuring the privacy of individuals whose personal information is contained in the register.

Finally, this bill introduces a new part into the Wills Act 1968 premised on model uniform law which, once implemented in each state and territory, will allow Australia to accede to the Convention providing a Uniform Law on the Form of an International Will 1973. The convention provides for a uniform law that prescribes necessary elements for the form of an "international will" including, for example, witnessing, writing and certification requirements. Adopting the convention's "international will" will improve access to justice for those who hold assets in foreign countries, have beneficiaries located abroad or who are themselves beneficiaries under an international will.

JACS bills are necessary to ensure that legislation in my portfolio continues to give effect to the policy decisions that led to the enactment of the territory's law. The bill I present today is no exception. It introduces amendments to the statute book that are minor and uncontroversial in nature, including matters that are not changes in policy. It updates the law in many respects to ensure it is not a barrier to proper administration. I commend the bill to the Assembly.

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

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

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

Title read by Clerk.

MR RATTENBURY (Molonglo) (4.14): I move:

> That this bill be agreed to in principle.

The bill I have just presented seeks to build upon and solidify the institutional independence of the agency that has primary responsibility for providing advice and support to members of this place and to the legislative arm of government more generally. The bill gives full effect to the relevant Latimer House guideline contained in the *Commonwealth (Latimer House) principles on the three branches of government*—namely, that the parliament should be "serviced by a professional staff independent of the regular public service".

Since its inception in 1989 the Legislative Assembly Secretariat has provided a high level of service and support to the legislature. The organisation, its culture and administrative practices have evolved considerably since the early days of self-government in the ACT when the Secretariat was formed as an administrative unit within the Chief Minister's Department.

It was not until the passage of the Public Sector Management Act in 1994 that the Office of the Clerk of the Legislative Assembly was established at law. At that time, under the act it was the executive on the advice of the relevant standing committee which was responsible for appointing the Clerk. The staff required to assist the Clerk in the exercise of his or her powers were employed under the Public Sector Management Act and the Clerk had the same powers as a chief executive in relation to these staff. The act also made it clear that the Clerk was "not subject to direction by the executive in relation to the performance of his or her duties".

Amendments to the Public Sector Management Act in 2005 recognised for the first time that the Legislative Assembly Secretariat was a distinct entity within the wider ACT public service. The Secretariat was simply defined as consisting of the Office of the Clerk and the staff required to support the Clerk in the exercise of his or her powers. The 2005 amendments also made a number of changes to the process for appointing a Clerk, providing that it is the Speaker rather than the executive who is responsible for making the appointment.

While important, these incremental steps did not give proper expression to the separation of powers doctrine as it might apply to the primary support agency of the legislative branch of government in the territory. The separation of powers doctrine has a long history in the democratic form of government and in political philosophy, exercising the minds of the great political philosophers ranging from Plato and Aristotle through to John Locke, Baron de Montesquieu and James Madison.

The central tenet of the doctrine is that a system of government which disperses rather than concentrates power will militate against despotism. The modern formulation of the separation of powers doctrine entails the establishment of separate executive, legislative and judicial functions, each exercising distinct and discrete powers and each of which provides a check and balance on the others.

Of course, under the Westminster system of parliamentary democracy the distinction between the legislative and the executive can at times be somewhat blurry. This arises from the fact that the executive is drawn from the legislative branch, rather than being completely separate from it, as occurs in a system such as that which operates in the United States. In our system of government, members of the executive are also members of the legislature.

This brings with it a number of benefits in terms of responsible government, but also presents challenges in terms of clearly defining the demarcation of the separation and determining the legitimate exercise of legislative and executive powers. The effective constitution of the Australian Capital Territory—the Australian Capital Territory (Self-Government) Act 1988—recognises and gives effect to the separation of powers doctrine by establishing a democratic polity within the ACT. Through parts IV, V and VA of the self-government act, the three separate branches of government, each with their own specific functions and powers, are established.

Given that the legislature relies so heavily on the advice and support given by the parliamentary support agency it is only appropriate that a legislative framework, which codifies its functions and asserts its independence from executive interference, is appropriate. To date, this has not occurred. This bill seeks to remedy that situation.

The bill abolishes the Legislative Assembly Secretariat and establishes a new office, the Office of the Legislative Assembly. The new name better reflects the character of the organisation and its broad function—also provided for—to "provide impartial advice and support to the Legislative Assembly and committees and members of the Assembly". The bill further provides for a range of specific functions to be performed by the new office.

The bill does not create a new stand-alone parliamentary service and employment framework in the manner provided for by the commonwealth's Parliamentary Service Act 1999. Instead, staff of the office continue to be employed under the existing Public Sector Management Act and remain ACT public servants. However, the bill makes it clear that neither the Clerk nor staff of the office are subject to the direction of the executive or any minister in the exercise of their functions.

The bill recognises that there are benefits for the institution of the Assembly, the office and the wider ACT public service in maintaining a single public sector employment framework which allows mobility of staff between the office and other parts of the service. Staff of the office will remain employed under the Public Sector Management Act and be subject to the obligations of employees set out in section 9 of that act.

The bill establishes a robust, transparent and consultative process for appointing a Clerk of the Legislative Assembly as well as procedures for suspension, retirement or termination of appointment of a Clerk, which embody principles of procedural fairness not present in the existing provisions of the Public Sector Management Act.

It is important that the office continues to maintain a high level of accountability and transparency in its use of taxpayer funds in acquitting its functions. To this end, the bill provides for annual reporting obligations of the office to account for the management of the office during the financial year. These provisions are in line with those that currently operate for the Auditor-General, and the bill makes clear that the office is not subject to an annual report direction issued by the relevant minister.

A major advancement in providing for the effective separation of the legislative arm of the government from the executive arm is an amendment in the bill to the Financial Management Act 1996 which provides for "a separate appropriation act for an appropriation for the Office of the Legislative Assembly". This is a practice adopted in other Australian jurisdictions and recognises that the funds that are to be provided to support the operation of the legislature should be considered separately by the legislature rather than as part of an omnibus appropriation bill for the operations of executive government.

The bill also provides a greater degree of transparency in the budget appropriation for the office. Where the amount that appears in the office's appropriation bill is less than that sought by the Speaker on behalf of the Standing Committee on Administration and Procedure, the Financial Management Act as amended requires that the Treasurer present to the Assembly a statement of reasons for departing from the recommended appropriation.

This provision establishes a mechanism for the legislature itself to be made aware of the basis for the executive's decisions in framing the appropriation for the office. The mechanism does not encroach on the financial prerogative of the Crown embodied in section 65 of the Australian Capital Territory (Self-Government) Act in a way that a more assertive legislative proposal which requires the executive to appropriate the quantum of funds sought by the legislature would do.

It is important that the office maintain appropriate procurement practices and seeks value for money when purchasing goods or services, and the bill makes it clear that the Procurement Act applies to the office except in relation to certain review functions that are typically exercisable by the Government Procurement Board and the relevant minister with respect to other territory entities. For instance, the minister is not able to ask the board for information about its operations in relation to the office and nor may the minister give directions to the board about the exercise of its functions in relation to the office. However, to preserve an oversight role for the board, the Speaker rather than the minister is able to refer a procurement proposal of the office to the board for review and advice.

This bill contains significant consequential amendments in relation to the Public Sector Management Act 1994 to enhance the independence of the office. Recognising

that staff of the office remain employed under the Public Sector Management Act, the Commissioner for Public Administration retains the powers to investigate the Office of the Legislative Assembly, subject to having received the written approval of the Speaker to do so. The bill is clear that, in such an event, the commissioner must report to the Speaker but is not subject to the direction of the Speaker or to the executive in undertaking an investigation, inquiry or inspection.

Consequential amendments in the bill also provide that the Office of the Legislative Assembly is an autonomous instrumentality taking its place alongside the Office of the Auditor-General and the Office of the Director of Public Prosecutions. This bill, if passed, will represent a significant milestone for this place and the integrity, legitimacy and independence of the agency responsible for supporting and advising it—the newly created Office of the Legislative Assembly. I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee
Reference

MRS DUNNE (Ginninderra) (4.25): I move:

> That this Assembly refers the Crimes Legislation Amendment Bill 2011 to the Standing Committee on Justice and Community Safety for inquiry and report by 1 May 2012.

This is a straightforward motion to refer a bill to a committee for inquiry and report. I will be brief, and I will speak once. Mr Assistant Speaker Hargreaves, I understand from conversations I have had with you and with the other member of the committee, Ms Hunter, that there is general agreement that this would be advisable and agreeable to the committee.

The Crimes Legislation Amendment Bill 2011 has one area of particular controversy. Members in this place will have received representations from numbers of members of the law fraternity about concerns that they have. These concerns are widespread. It was put to me by the Bar Association that a good way of airing these issues would be for members of the community who have concerns about the issues to be able to speak about these in an open hearing.

I was glad to receive the support of other members of the committee for this. I also discussed it with Mr Rattenbury. I understand that Mr Rattenbury has an amendment to refer also Mr Seselja's bill, the Crimes (Offences Against Police) Amendment Bill, to the standing committee for inquiry at the same time—or I presume you mean at the same time. This is quite acceptable to us. The provisions in the Crimes (Offences Against Police) Amendment Bill are somewhat different from those in the government's bill, the Crimes Legislation Amendment Bill 2011. I think there may be merit in comparing the approaches in those pieces of legislation.

I note that I was approached by a journalist the other day who told me that the attorney had decided that he was going to refer this matter to his law reform advisory committee for inquiry. I am not quite sure how that stands. I have seen a statement from the minister saying that he has done that. It does beg the question why that was not done before the bill came into this place, rather than after the bill came into this place. Once it is here, if there is a question about whether it should be inquired into, the logical place for it to go is to a subject matter committee. So I would welcome an explanation from the minister as to how he thinks these two inquiries might run together, at the same time.

I envisage that this would be a relatively short inquiry. In the discussions I have had with you, Mr Assistant Speaker, and with Ms Hunter, we spoke about the end of April as an appropriate reporting time. But I note, when consulting the calendar, that the next appropriate sitting day for report would be 1 May. I would encourage members to support the motion for the referral of this legislation to the committee for inquiry and report.

MR RATTENBURY (Molonglo) (4.28): The Greens will be supporting Mrs Dunne's motion today, as flagged, and I do intend to move an amendment, which has also been flagged. We certainly support the intent of the motion from Mrs Dunne. The legislation that she is referring to certainly is a complex piece of legislation.

Assaults against police are the focus of two bills that are currently before the Assembly and we believe that it is sensible to ask the JACS committee to inquire into both at the same time. The second bill, of course, is the Crimes (Offences Against Police) Amendment Bill 2012, which has been introduced by Mr Seselja. The amendment that I intend to move will ensure that the inquiry looks at both bills rather than just one.

The issues associated with both of the bills are important and, as I said, I think they are also complex. We certainly support a considered and evidence-based approach to law reform. We believe that a committee inquiry will provide a good forum for that to take place.

One example of the complexity involved is the data on assaults against police. Despite some commentary, assaults against police are not on the rise. The Chief Police Officer confirmed this late last year when he appeared before the JACS committee during annual reports hearings. What he did say was that in his opinion the severity of the assaults was marginally increasing. This raises an interesting but complex question about what the best response to address this is. Is it from the Assembly? Is it the various things that have been proposed? Or is it an operational issue? Certainly that is a question that needs to be determined as well—whether having a higher penalty will provide sufficient deterrence in the sort of violent and highly confrontational situations that police officers are confronted with, or whether they are operational matters, and whether different gear or a different size of teams is in fact a more effective way to provide a safer operating environment for the police. These are the sorts of questions that will come out through this conversation.

The important element of this is that the Greens do not accept violence against any public official acting on behalf of the community, whether it be police, nurses, teachers, paramedics, bus drivers or those in any other similar job. That is certainly something that has come to my mind in looking at Mr Seselja's bill. I think there are questions to be explored there, such as why we are just nominating police officers. Obviously police have a particularly difficult job, but certainly those in some of the other professions I have just mentioned are performing a public duty and they are facing assaults in the context of performing that public duty. So the question is whether we need to act simply for police or whether we need to act more broadly.

There has been quite some discussion on an issue where I think the committee approach can really assist us. One of the issues of concern that Mr Seselja has raised is a lack of success, having regard to some of the problems that the DPP has encountered, in seeking charges against those who assault police. There is certainly a question in my mind as to whether the issue is one of needing to increase the penalties. There is certainly evidence to suggest that there are definitional problems in that legislation.

I am not sure whether it is simply about increasing penalties or whether it is in fact saying that if we adjust the definition, the courts and the DPP will more readily be able to look at these offences and address them in a more effective way.

I also note that Mr Seselja's bill, which increases the penalty to seven years, would lift the offence out of the Magistrates Court and into the Supreme Court, and I am not clear whether that was the intention. I have not managed to ask Mr Seselja that question yet, but, in light of the reforms this Assembly has sought to make to the various jurisdictional limits in the ACT, do we in fact now want to be moving matters back into the Supreme Court, having endeavoured to limit the range of matters that can be heard in the Supreme Court? Would we in fact prefer to keep this offence in the Magistrates Court? These are matters that the committee can usefully draw out.

Mrs Dunne has referred to the issue in the government's bill around the question of self-defence, and I have certainly received considerable feedback on that bill already. I think that there are interesting arguments both ways on whether that bill should be passed or not, and I do not think there is a clear answer. Again, I think the Assembly would benefit from the justice and community safety committee examining this closely.

I thank Mrs Dunne for bringing this motion forward, and I move the amendment circulated in my name:

> Omit all words after "That this Assembly", substitute: "refers the Crimes Legislation Amendment Bill 2011 and the Crimes (Offences Against Police) Amendment Bill 2012 to the Standing Committee on Justice and Community Safety for inquiry and report by 1 May 2012.".

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.33): The government will be supporting both this amendment and the substantive motion today.

It is the case that I have separately taken the decision to refer the Crimes Legislation Amendment Bill to the ACT Law Reform Advisory Council, chaired by Professor Simon Rice from the ANU. I have taken this decision a short while ago because of the representations I have received from a number of members of the ACT legal community who have raised concerns about the implications of that reform.

I think I should be clear that the intention of that reform is to eliminate what would otherwise be a sanctioning of violent acts towards police. In my view there is no place in a justice system, where people are rapidly brought before a magistrate, where claims of illegal arrest can be promptly dealt with, where people can be released from custody again in a prompt matter, and no justification for this provision.

But I accept the commentary and the concerns of those in the legal community who have raised these concerns that there is nevertheless an important legal principle at stake, and it needs to be tested. I am very open to that discussion occurring, and in my view the ACT Law Reform Advisory Council is a good place to do that because it brings all of the key representatives and different sides of our criminal justice system and our broader legal community together.

It has legal academics on it. It has legal representatives from both the prosecution and defence side of the profession. It also brings together the police, Legal Aid and a broader range of other stakeholders. I think that is a good space to have that policy discussion.

You raised, Madam Assistant Speaker, in your speech earlier the matter of referral to the LRAC and referral to the standing committee. I see no conflict in adopting both courses of action. I would argue that the LRAC, as an independent body, has a strong level of expertise to bring to this discussion, and I would like the benefit of their advice in the context of the matters that have been raised. It is entirely open to me as minister to make a referral to the LRAC on whatever matter I feel is needing to be inquired into within the context of my portfolio responsibilities, and that is what I have done. Nevertheless, I do not believe there is any duplication in also referring the matter to the Assembly committee. The Assembly committee has a role to play in looking at these matters, and I have no objection to that course being followed as well.

In relation to the amendment proposed by Mr Rattenbury, the government, as I have indicated, will support that. We will support that because the proposal in the bill from Mr Seselja seeks to significantly change the penalties and also the offences available when it comes to assaults against police. In principle, the government agrees that it is important to make clear that we have a strong legislative framework that protects police officers when they seek to do their job in terms of enforcing the law and protecting the safety of the broader community.

The issue that needs to be tested in this discussion is the central argument of Mr Seselja's bill, which, as he asserts, is about deterring attacks on police. I think the jury is out on that question. It will certainly provide for stronger penalties for those who are convicted of assaults against police, and that may, in and of itself, be a satisfactory argument for the bill. But Mr Seselja asserts that the prime motive of this

bill is to deter violence against police, and I am not yet convinced that the bill does that. I think this inquiry will give us an opportunity to test those propositions.

The question must be raised: will someone who is drunk on a Friday night in Civic and starts swinging punches really be thinking about the level of sanction that may be put on them if they are convicted of an offence of assaulting a police officer, and will it act as a deterrent to them in their actions? That is the question that we need to test.

For that reason the government will support both the amendment and the substantive motion.

Amendment agreed to.

Motion, as amended, agreed to.

Standing and temporary orders
Rostered ministers question time

MR HARGREAVES (Brindabella) (4.39): I move:

> That temporary order 113C, relating to Rostered Ministers' Questions, be omitted from the standing and temporary orders.

Some time ago Mr Coe proposed an addition to the question time process seeking, as I understand it, to allow for an examination by the chamber of the portfolios of ministers in the smaller parts of their portfolios. By way of example, we might talk about multicultural affairs, the ORS, ageing, women, sport, recreation—those types of levels. The assertion was at the time that those particular parts of the portfolios that ministers carried did not get quite the scrutiny that they deserved because larger portfolios were essentially the subject of question time when questions without notice were put.

The chamber did in fact experiment with five questions spaced over approximately 20 minutes, with one question delivered to the minister of the day on a rostered basis and then the questioning member being allowed a supplementary. It is my view that this system was worth the experiment. However, it has possibly proven to be unsuccessful in delivering to Mr Coe what he wanted and has certainly been unsuccessful in delivering what I expected the chamber to expect. It does not surprise me at all that it was not successful. I think the process where we have questions without notice is adequate. If something is important enough, it can either be put on the notice paper and answered in full or put as a question without notice.

It is interesting to note that the idea came from the Westminster system but that not all of the Westminster system was picked up. We know, for example, that all of the questions are put to the Speaker beforehand—that the pull out of a hat here is a bit of an addition. The process at Westminster is completely different around question time. Not every minister attends question time, for example. The Prime Minister rarely does, even though it is called prime minister's question time.

I think that we should not be perpetuating a system which is essentially a cherry-picking of elements of another system. I think it was a good try. It did not work. It was well worth the effort. I had my reservations because I have never been very big on constant experimentation. We have had some experiments in relation to the way in which we operate in the chamber; they have been, to a large degree, successful. But sometimes we want to stop experimenting, consolidate the ones that were successful and then go on and try something else rather than trying too many experiments in the one year. What we do not see is the relationship between the successful changes and the non-successful changes.

Madam Assistant Speaker, this motion is an administrative tool by the Standing Committee on Administration and Procedure to effect the deletion of the rostered question time system. I commend the motion to the chamber.

MR COE (Ginninderra) (4.43): I am disappointed that we are at this point, because this is something that I had foreshadowed—that there would be some complications with the version of rostered questions which was ultimately proposed to this place and then enacted. The version which I had originally envisaged was one that did not have the notice provisions that we have had in this place over the last year or so. In fact, what I said was that we should simply extend question time, with everything else being the same except for the fact that the questions could be directed to only one minister, and not only a minister but a minister with a certain portfolio. That would not have had the administrative burden on the Clerk and the Speaker that the rostered questions in the form that has been enacted have had over the last year or so.

It is a shame that we got to this. I did flag that there were going to be some administrative hurdles as a result of what was proposed, and that is exactly what happened. I would not want to be too sinister or too conspiratorial; however, I do wonder whether this particular model was in some ways designed to fail. That is exactly what has happened, and that happened even after I flagged that this was a likely outcome.

I am disappointed that Labor and the Greens are not interested in reforming it to make it work more smoothly and instead are going to remove this additional avenue to scrutinise the government and to represent the people that we are elected to serve.

MS BRESNAN (Brindabella) (4.45): I will just speak briefly to this. I note that we did believe it was worth while pursuing. As Mr Hargreaves noted, it was discussed in admin and procedures. I acknowledge Mr Coe for bringing forward the idea.

On Mr Coe's point that it was designed to fail, let me say that that is completely incorrect. It was discussed in admin and procedures. As a committee, we discussed how we could achieve a position. All parties thought this was a good idea to pursue. It was not exactly what Mr Coe put forward, and I acknowledge that, but it definitely was not set up to fail. We all thought it was a good idea to pursue.

The point that Mr Hargreaves made needs to be emphasised again. I understand, as Mr Hargreaves has said, that Mr Coe based this on the procedure that is used in the UK. But it is worth acknowledging again, as Mr Hargreaves said, that there is a very different question time process used in the UK parliament. They do not have the

question time that we do. We have got a process here where there actually is that scrutiny provided. Having the additional supplementary has been an excellent initiative as well. We have got that scrutiny here for question time, and it is something which the UK parliament does not have.

While this was worth trying, it did not work out in this instance. It was definitely not set up to fail; it was something we all agreed on in admin and procedures. But we do feel at this point that it is not worth going ahead with the current proposal.

MR HARGREAVES (Brindabella) (4.47), in reply: I thank members for their contribution. Mr Coe's original idea was to simply extend question time by having a rostered minister, a rostered portfolio. Sorry about this, but it does not just simply extend question time. The standing orders allow the timing of question time to be such time that every member who wishes to has an opportunity to ask a question. We would need to extend that into the rostered ministers situation as well; otherwise it would be quite a different system altogether. Indeed, that is what transpired.

I, like Ms Bresnan, would like to reject quite vehemently the notion that this was a system designed to fail. It was a system or a suggested change which was predicted by some to fail, but it was not one designed to fail. For Mr Coe's knowledge, admin and procedure has never worked that way. It has always worked as a consultative forum, with the processes and the procedures of parliament being paramount. I think that even the hint of a suggestion that it was designed to fail is offensive to that committee.

As I said before, we thank Mr Coe for bringing the matter forward. We gave it a good hit. When we first talked about it, I said that I did not think it was going to work. I said, "Give it a run, but I do not think it is going to work." I said: "What will happen? If it is just a real-time exercise in trying to receive information, we will see." I said, "If it is a political exercise, it will be treated as such." I think it is fair to say that it was pretty much the same political exercise as questions without notice, and therefore in itself it was destined to fail—not designed to, but destined to. And fail it did. But again I reiterate my appreciation to Mr Coe for at least having a go to try and change something in a system and introduce another piece of scrutiny into the parliament.

I commend the motion to the Assembly.

Question put:

> That **Mr Hargreaves's** motion 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.

Latimer House principles
Amendment

MS BRESNAN (Brindabella) (4.53): I move:

> That Continuing Resolution 8A relating to the Latimer House Principles be amended by inserting a new paragraph (2A):
>
> "(2A) In the second year after a general election, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct an assessment of the implementation of the Latimer House Principles in the governance of the ACT with the resultant report:
>
> (a) to be tabled in the Legislative Assembly by the Speaker; and
>
> (b) to be referred to the Standing Committee on Administration and Procedure for inquiry and report.".

This motion relates to a recommendation from the Standing Committee on Administration and Procedure inquiry and report on Latimer House principles, which recommended that continuing resolution 8A be amended, as the motion states on the notice paper, by inserting new paragraph 2A. I will just read out the recommendation:

> (2A) In the second year after a general election, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct and assessment of the implementation of the Latimer House Principles in the governance of the ACT, with the resultant report:
>
> (a) to be tabled in the legislative assembly by the Speaker; and
>
> (b) to be referred to the Standing Committee on Administration and Procedure for enquiry report.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.54): The government will be supporting this motion. We see utility in the process that allows for review of the principles, now sitting in the standing orders, that are a reiteration of those established by the Latimer House process. We have supported these through our agreement with the crossbench party in relation to implementation in the standing orders of this place, and we are pleased to support a process that will allow for review through the mechanisms the amendment outlines.

Question resolved in the affirmative.

Planning, Public Works and Territory and Municipal Services—Standing Committee
Report 12

MS PORTER (Ginninderra) (4.55): I present the following report:

> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 12—*Draft variation to the Territory Plan No 307—Change of zoning,* dated 21 February 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The Minister for the Environment and Sustainable Development wrote to the committee on 23 August 2011 asking the committee to inquire into draft variation to the territory plan 307 with reference to section 42 block 15, change of zone from commercial CZ6, leisure and accommodation, to zone RZ4, medium density residential, and a consequential amendment to part C5, multi-unit housing development code. The committee has recommended that the rezoning occur under conditions of a precinct code which seek to address heritage and environmental concerns presented to the committee during its inquiry.

These recommendations in relation to this precinct code are contained in recommendation 1. They talk about no building being closer than 35 metres to an existing stormwater easement, thereby ensuring a band of public realm composing both public and open space and private land continuing from Murray Crescent to La Perouse Street in Griffith, a new bicycle way to be constructed and the well-worn track which starts at Austin Street near Wells Gardens and proceeds towards Manuka be landscaped and improved to make an area more accessible to the general public. It also includes, as part of recommendation 1, that any development or associated construction work not encroach on land lying under existing stands of trees on the perimeter of block 15 and so, by definition, their respective root systems and that, as a minimum, perimeter trees are to be retained and all regulated trees are also to be retained.

The committee considers the flooding potential of the area to be an important factor in any consideration of how the site is used. Existing flood studies commissioned by the Brumbies indicated that a one-in-100-year flood would see water entering the existing bowling club building, and the regularity of flooding in this area, the scale of the one-in-100-year flood and predictions of more extreme weather events have made flooding an important issue for the committee in reaching its conclusions about rezoning. The committee has recommended that any redevelopment of section 42 block 15, Griffith, be conditional on comprehensive flood studies being undertaken and made publicly available. It also recommends as part of the precinct code that only one level of underground car park be allowed. This is to do with the flooding as well.

The inquiry presented the committee with a number of complex issues. One such issue was that of deconcessionalisation, the process of change of lease from discounted value to market value. The task for the committee was to decide whether section 42 block 15, Griffith, should be rezoned. The task was not to examine deconcessionalisation but it was a related process. This committee has found that ACTPLA needs to improve these deconcessionalisation processes so that there is transparency and a better understanding of the process by the community.

The committee also found that another matter of great interest to the community was the financial affairs of the Brumbies. The committee was mindful that these issues were of interest. However, it was of the view that these matters were not relevant to the task it was set; that is, to inquire into draft variation to the territory plan 307.

The committee is mindful of how Canberra's inner and older suburbs are regarded by residents and those interested in the heritage aspects of Walter Burley Griffin's original plan for areas such as Griffith. Related to this is the community perception of ownership. Even though block 15 is privately owned, the nature of the site being adjacent to public open space, together with its bowling greens, which at one point were used by the community, results in a sense of the site being part of the public realm. However, the committee is also mindful that much of section 42 block 15 has been underutilised for several years. To do nothing is not an option.

I would like to thank the other members of the committee, Ms Caroline Le Couteur and Mr Alistair Coe, who worked hard to ensure this report was tabled today. Thanks also to our committee secretary, Trevor Rowe, and to all those in the Committee Office who assisted Trevor. Your hard work and your support are very much appreciated. Thank you also to those who submitted to the inquiry or who appeared before the committee.

MS LE COUTEUR (Molonglo) (5.01): This has been a report of considerable community interest, and I note a relevant member of the community, Dr David Denman, is here in the audience today. In fact, it is his second visit to the Assembly today because we had hoped that this report would be presented a bit earlier in the day.

I would also like to echo the chair's comments thanking the contribution of our secretary, Trevor Rowe, Lydia Chung, as always, and of course Ms Porter and Mr Coe as my fellow committee members.

This has been a very interesting and difficult variation for us to look through, because it is clearly a situation where there has been an incredible amount of community concern. I think that one of the few things that everyone would agree on would be that the current situation on the Brumbies' block cannot continue. There are three bowling greens there which have just turned into weeds. It is not working for anyone, how it is at present. But I think when I say that, that might be unfortunately the only thing that absolutely everybody would agree on.

But I am really pleased that the committee have worked, I think, very well. We have demonstrated how Assembly committees should work. We have put a unified report

together. I believe that if our recommendations are accepted by the government, we will end up with a better solution than that originally proposed. Whether or not it is the absolute best solution is an unanswerable question, because one of the interesting things about this whole proposal is that we do not look at it from a clean slate; we look at it from what is set in front of us.

We have made a united set of recommendations, thus demonstrating that at least three members of the Assembly representing all three parties have similar views, although of course in discussions our emphasis on different things was not necessarily 100 per cent the same. Nonetheless we have put forward a set of recommendations that we all agree to. So I think this sends a very strong message to the government that they should look at the variation and take on board what we have suggested.

Basically, what we have suggested is a precinct code. The aim of the precinct code would be to protect, as part of the public realm, the parts of that site which it is obvious that the people use. It is very obvious that on two sides of the site, there are very well-worn paths. We have been to the site a few times, and you can see where the people use it. You can see that it is used and loved. Given what our recommendations are, I think I could say it would seem to us that there is a possibility that we could have a development that keeps the parts of the site that the people of Griffith use and love and allows some space for residential development.

I will go briefly through the recommendations. Recommendation 1 that Ms Porter touched upon is that we believe that the way that this could be done would be as part of a precinct code. That would be something that ACTPLA, I would imagine, would develop and would be presenting to the Assembly at the same time as the final draft territory plan variation 307.

The first thing we are talking about is that no part of the building or any development be closer than 35 metres to the existing stormwater easement. We did discuss a bit whether it was a stormwater easement or a creek, because of course clearly once upon a time it was a creek. The idea behind this is twofold. Firstly, it is to reduce the possibility of flooding. We do not want to build things which are only going to get flooded. We are appreciative of the fact that in the ACT you are not legally allowed to build below the one-in-100-year flood mark, but a bill could be brought in so that that position can be moved.

The other reason, though, that we wanted to keep development well away from the stormwater easement was that you can see there is a path along there. It is clear that is where people walk. It is a really nice area. It has got trees on both sides, it has got what used to be a creek and is now a concreted creek. It is clearly a space which is enjoyed by the local residents. And the aim of this is to ensure that that space is part of the public realm and available to the residents in perpetuity.

Moving along, we also said that a new bike path should be constructed there. Basically we are just talking about tidying up the existing dirt path so that it is more useable.

We then talked about the other well-worn track that starts in Austin Street near Wells Gardens and proceeds to Manuka being landscaped and improved to make it better accessible to the public. This, again, would increase the area of public realm and improve the area of public realm. This, I think, together with the other path, would make a substantive improvement in the area around there, which is particularly important because if there is any residential development there, then there will be people living right next to these two existing dirt paths. With the extra use they are likely to have, improving them would be good and it would be good for the residents nearby.

Recommendation 1(d) refers to up-to-date flood warning signs, particularly because, if a development does proceed, the areas that flood will probably change a bit. So that makes sense.

Then we talked about it being important that any development or associated construction work not encroach under the land and the existing stands of trees, and that was for a number of reasons. One is that we do not really want any flooding by building basements under there. The other is that we actually want to make sure that all the regulated and perimeter trees are retained. We had a bit of discussion about how to best describe this. There is a concept map of trees, and basically we are saying we believe that all the trees that the draft territory plan variation is talking about being retained should be retained.

We also felt that any residential development should not have more than one level of basement car parking. As I said, we are concerned about the flood issues, and that seemed a sensible precaution. And of course, any residential development should adhere to universal design.

It is my belief that by defining some of this site as public realm, it would mean that this was area that was not developable. Presumably when using the plot ratio, the gross floor area that can be developed on that site will be lower because what our recommendations effectively do is reduce the developable area of the site. So a combination of the reduction of the area and only allowing one level of basement parking, I think, will mean that the number of apartments or dwellings that are developed on this site, if and when it is developed, will be less than the numbers that have been bandied about in the press in the past.

Moving on with the recommendations, recommendation 2 talks about the need to look more at flood studies. The committee was quite impressed with the evidence about the flood issues there, and the last thing we want to do is make flooding worse. So that is what recommendation 2 is about.

Recommendation 3 says that if it turns out that the draft territory plan variation does not happen and something else is built on block 42 section 15, which could be a hotel, as has already been proposed, the things that we have talked about in recommendation 1 should all be required of any new development because these requirements do not really relate to whether it is residential or what. It could be an office building there. We would have the same sorts of requirements.

Then, as Ms Porter mentioned, we went into the deconcessionalisation issue. The committee was very clear. Deconcessionalisation, per se, was not part of our remit, but deconcessionalisation is caught up with the territory plan variation. If the Brumbies had no desire to change the use of the block, then there would not have been any need to do the deconcessionalisation. As Ms Porter said, we have actually made three recommendations about deconcessionalisation. While I admit that the process is quite likely better than the process was in the past, I gather from evidence from ACTPLA that this is the first time that a deconcessionalisation has happened under the Planning Act 2007 and that prior to that all that was required was an exchange of letters.

So the current process quite probably is better than the previous process. However, it still does not seem to be as good as it could be. It clearly has issues with notification. It clearly has issues with people understanding the process. And to the best of my understanding, it is a process on which you cannot appeal to ACAT, unlike most other planning decisions. That is also a problem. It does not seem that the hurdles that were put in the legislation about looking at the public interest as far as deconcessionalisation and alternative views are concerned have been looked at very well. And I think that is an issue. It is clearly outside the remit of this particular inquiry, but it is something which I think we need to look at more.

One of the issues that were talked about a lot in the community with regard to this was the issue of spot rezoning and whether this was rezoning. Clearly it is spot rezoning insofar as we are only rezoning part of a suburb. This is not a whole-of-territory rezoning. I do agree that this is to some degree something of an issue. I recently went to a community consultation about a totally different place. It is a piece of land which is currently open space and there is a proposal for residential. And the comment from some of the community was that when all the houses around are knocked down and the area is rebuilt and the area is more dense, we are going to want the open space, which sort of made sense, except the zoning around this block was virtually entirely RZ1. So that simply is not going to happen. I think it is 10 years on from the garden city variation, but it is something we need to start thinking about.

While I imagine members have not actually read all the details of my Planning and Development (Greenhouse Gas Reduction Targets) Bill, which I presented yesterday, one of the things it talked about was requiring ACTPLA to do a revision of the territory plan to ensure that it was, in fact, compatible with our greenhouse gas emission targets. And I think that if that was to happen and we really looked to that, then some of these issues of spot rezoning might be overcome. But I do take the community's point that it is an issue.

So I commend this report to the Assembly but possibly even more than that to the community and to the planning minister. It has not been an easy report to do. I am aware that probably we have succeeded in not pleasing anyone in the community or the planning minister. Nonetheless, I think we have done as good a job as we possibly could, given the competing interests.

MR COE (Ginninderra) (5.14): I would like to start my remarks by thanking Ms Porter, Ms Le Couteur and the secretariat staff, in particular Trevor Rowe, for their assistance in putting together this report. The inquiry into DV 307 was by no means an easy or straightforward process. Like all planning issues, there are passionate voices both in favour and against, and it has been our job to weigh up the merits of those arguments.

I would like to make some comments about the issue of deconcessionalisation, which has already been raised by both Ms Le Couteur and Ms Porter. Many submissions made note of their perception that it was unfair that the granting of land for community purposes should be later used for commercial gain. I am of the view that there is a distinct lack of clarity and, subsequently, integrity in the process used for deconcessionalising leases. This seems to be an ad hoc procedure which leads to considerable uncertainty for both proponents as well as other stakeholders, including neighbours. I believe that if the government had a clearly articulated policy for the process used to deconcessionalise leases, there would be much less angst about proposals such as that put forward by the Brumbies for section 42 block 15 in Griffith.

Further to this, the question about what portion of land is actually concessional is one that remains uncertain, I believe. However, this is not an issue that directly affects the planning principles of whether the land in question is best used as CZ6 or RZ4.

Another issue raised in this inquiry was to what extent the taxpayer should support professional sporting teams. This is an issue worth debating. Expenditure of taxpayers' money is always worth debating. However, it was not an issue within the scope of the planning committee, and it should not impact the planning use that is preferable for section 42 block 15 in Griffith.

We must differentiate between what is the role of the government and what is the role for the planning committee. The planning committee will give advice about the land use of the area in question, not about who develops the blocks, how much is paid for the land, deconcessionalisation, the change of use charge or the levels of government subsidy.

In looking at this complex and difficult planning issue, we must look at what the alternatives are. It is a fact that, even if a change of zone were not granted, other permissible structures up to several storeys high would be permissible on the block. However, the plans of any proposals, regardless of a rezoning, would need to go before ACTPLA for approval or rejection.

The advice we give must stand the test of time. Whilst many Canberrans are happy with the Brumbies being located in Griffith, the decision to stay at the site is a decision for the Brumbies. Neither the government nor the committee can compel the Brumbies to stay at the site, and nor should they. Even if no rezoning was to be approved, at any point the Brumbies could leave the site, and what would happen then? The site could be redeveloped in line with permissible uses within land use CZ6.

I must reiterate that the committee decision was whether to leave the zone as it is or to change it to RZ4. The decision was not to decide whether to put a moratorium on development. Other government entities, such as the Heritage Council and ACTPLA, and the minister are responsible for that decision making.

What was the responsibility of the committee was to advise whether rezoning to RZ4 was the wise thing to do, and we are unanimously of the view that it is. However, we believe caveats should be incorporated into a precinct code. We have advised that a structure should be a reasonable distance from the easement, that the pathway adjacent to the easement be improved, that trees be protected and that a single level of basement parking should be constructed and no more, amongst other recommendations.

The ball is in the government's court regarding whether to accept the recommendations of this committee and to appropriately deal with the other issues which are also in their court. These issues include the development application, if one does proceed, whether off-site works should be incorporated, any heritage issues, any deconcessionalisation issues, change of use issues et cetera.

In conclusion, I would like to thank all members of the community for their submissions and their involvement in the inquiry, and I commend the report to the Assembly. I look forward to the minister's response.

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

Health Directorate and Calvary hospital
Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.20), by leave: I would like to table the outcomes of negotiations between the Health Directorate and Calvary Health Care in relation to the newly agreed Calvary network agreement. I table the following paper:

> Calvary Network Agreement—Update on the finalisation—Statement by the Minister for Health, dated February 2012.

As members would be aware, the agreements were signed in December 2011 and commenced on 1 February 2012. You will recall that the territory has been in negotiations with the Little Company of Mary Health Care for a number of years, with the government initially announcing an in-principle agreement for the transfer of Calvary Public Hospital to the territory in October 2009. However, in February 2010 the Little Company of Mary Health Care announced that they would be withdrawing from this initial in-principle agreement. As members will be aware, the territory went on to hold extensive discussions with the Little Company of Mary Health Care to explore alternative options.

In April 2010, the Australian Accounting Standards Board released an exposure draft, ED 194, of the proposed international public sector accounting standard. This

exposure draft outlined that the government should apply the same principles as private operators when accounting for service concession arrangements. Accordingly, this resulted in the termination of negotiations involving the territory purchasing the hospital as the territory no longer needed to purchase the asset in order to account for it. Being able to account for the asset was a motivating factor in the negotiations for the territory, as it was important that the territory be able to recognise the asset of the public hospital and its continuing capital contributions to the asset.

There were a number of issues throughout the negotiations with Little Company of Mary Health Care, and not only was Little Company of Mary Health Care's withdrawal from the in-principle agreement a major setback for the territory, but the change in accounting standards had significant impacts on the territory's ability as well as the ability of Little Company of Mary Health Care to continue negotiating.

The government recently announced the expansion of hospital services on the north side of Canberra as part of the health infrastructure program, including the delivery of a third hospital, this being a subacute facility. As part of the decision to build a new subacute facility in northern Canberra, it was agreed that Calvary Public Hospital would continue to operate as the second acute hospital in the ACT.

It is neither possible, nor appropriate, to run two acute hospitals in the ACT that provide the same level of services. Therefore, Canberra Hospital will remain the major tertiary referral centre and Calvary hospital will provide general acute services that support the operation of the Canberra Hospital whilst at the same time meeting the general acute care needs of residents in northern Canberra.

Based on this, it was agreed that the most appropriate way forward with Little Company of Mary Health Care was to proceed with the development of new agreements which will enable Calvary to continue as an acute care public hospital provider within a network of facilities within the ACT. Little Company of Mary Health Care agreed with this approach and negotiations on the agreement commenced.

The previous set of agreements which were in use until 1 February 2010 between the territory and Calvary Health Care ACT are quite dated, dating back to October 1971, and there was a critical need to progress with the development of new agreements. A new Calvary network agreement has been developed and is now in operation between the territory and Calvary Health Care ACT. There are four components to this agreement, including the Calvary network agreement, Bruce health care precinct deed, the deed of variation of private hospital arrangements and the Calvary Public Hospital agreement.

The Calvary network agreement has been developed to improve the quality of and access to healthcare in the ACT; acknowledge Calvary's commitment to the ongoing management and operation of the public hospital and the provision of high-quality, positive patient experience; record the parties' agreement that Calvary will operate the public hospital as a network service provider; acknowledge the territory's obligations to allocate funds to Calvary for the delivery of the services at the public hospital; maintain funding for the services while ensuring the most efficient and effective use of the funding; provide extraordinary or special funding by the territory to Calvary;

enhance clinical viability of the delivery of health services in the territory; end any contractual arrangements which are no longer relevant to the conduct of the public hospital; ensure the responsibilities, obligations, liabilities and rights of the parties are consistent with the delivery of high-quality, accountable and efficient health services in the territory; and allow for a flexible and responsive framework in which the parties may manage this agreement and the future conduct of the public hospital.

Some of the significant points within the network agreement include agreement that the existing public hospital agreements are terminated upon commencement of the network agreement. A network committee is being established as part of this agreement which will ensure time, energy and resources are allocated to the management of the relationship between the territory and LCM Health Care. The network agreement also removes the ability for Little Company of Mary Health Care to revert back to the existing agreements.

The Bruce health care precinct deed describes the process to create and progress the development of the precinct. The functions of the precinct committee are to agree on the development priorities for health services on the Calvary campus. The precinct committee will also consider all development proposals and will provide advice and guidance in relation to the conduct of the development of the precinct and any additional development. The precinct deed stipulates that a precinct master plan must be prepared and agreed upon by 30 June 2012 for development of the precinct. The objective of this plan is to develop a plan for renovation, replacement or rebuilding of the public hospital.

The deed of variation of the private hospital agreements includes changes that require Calvary to submit to the territory a full set of accounts and statements of affairs, as well as report the activities of the Calvary Private Hospital annually. The deed also outlines a requirement that Calvary is to maintain separate books of account and banking for both the public and private hospitals in accordance with cross-charging protocols. The deed also outlines that Calvary must repatriate all Calvary Private Hospital beds to Calvary Public Hospital and that a plan of the repatriation will be developed within two years from the commencement of the agreement.

The Calvary Public Hospital agreement is an agreement limited to circumstances in which the Calvary network agreement is terminated by Calvary in the event of a significant dispute, limited to a narrow range of matters that cannot be resolved or a precinct master plan that has not been agreed. In such circumstances, this agreement will replace the Calvary network agreement and, in essence, reinstates the old agreements but stripped of all the irrelevant historical provisions, in essence, restoring the status quo. This agreement is not required to be executed but will operate by force of the terms of the Calvary network agreement.

The agreement notes that Calvary will conduct, control and manage the public hospital of 300-bed capacity in accordance with government policy specified from time to time in relation to integration, rationalisation and efficient management of hospital services within the ACT.

The territory has confirmed that these new agreements in their current form portray that a service concession arrangement exists and this arrangement therefore enables the territory to capitalise all public hospital assets. The agreements specify that further developments considered to be public hospital related on the precinct must, in the absence of additional agreements, be run in accordance with the Calvary network agreement, thereby confirming that a service concession arrangement will also exist for future developments on the precinct.

As outlined above, the agreements are now in place and commenced on 1 February 2012. I look forward to continuing to work with Little Company of Mary Health Care to provide acute hospital services to the ACT community and the surrounding region. I move:

> That the Assembly takes note of the paper.

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

Calvary network agreement—order to table

MS BRESNAN (Brindabella) (5.30), by leave: I move:

> That this Assembly calls on the Minister for Health to table the Calvary Network Agreement.

I have moved this motion because I believe this agreement is of great importance to the ACT. Also, the public would have an interest in this agreement. That is why it should be made public—so that it can be accounted for. I do not think there would be any argument to suggest that the agreement should be kept confidential. I have actually asked previously in a briefing with the directorate that it be made public, and I believe that is important.

This is a contract for providing public health services to the ACT and, as such, the public should have the chance to evaluate the agreement that is put before them. It is also about being able to scrutinise and analyse public moneys and how they are spent, which is why we think it is important to have this service agreement made public.

MR HANSON (Molonglo) (5.31): I agree with Ms Bresnan. I see no reason why this agreement should not be tabled. The minister has talked regularly about open and accountable government. We know that this has come at the end of a long and acrimonious process which has caused a lot of distrust and confusion within the ACT community. We know that the government has made a habit of hiding some of the information relating to this whole process.

Indeed, there was a heads of agreement that the minister was seeking prior to the last election that was kept secret from the electorate. That came to light when it was leaked to the *Canberra Times* some time after the 2008 election. When she said that all of her plans were on the table, it was quite clear that they were not, in the lead-up to that election. So the community will probably want to have a good look, as I do, at this agreement.

I certainly welcome the fact that we have finally got an agreement. I am disappointed that it has taken three years, but I welcome the agreement between the government and the Little Company of Mary. Without having seen the detail of it, in principle we need to see an agreement signed so that we can get on with the business of delivering health services to the north of Canberra and developing and enhancing Calvary hospital. I think we are now all at a point in this Assembly where we agree that that is the course of action that needs to take place and we need to get on with it. But we have had a delay for three years and, given the mistrust that has developed because of Katy Gallagher's actions and the fact that she has said quite publicly on many occasions that she will run an open and accountable government, this agreement should be provided in the Assembly. We will be supporting this motion.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.33): I thank Ms Bresnan for moving this motion today. The government is happy to support this motion. I have sought advice on the release of the network agreement for public consumption. There are some concerns from Little Company of Mary Health Care around making this network agreement public, but I believe that, if it is the will of this Assembly, if a motion is passed in this Assembly, it will send a very strong message that this suite of agreements should be made available to the community of the ACT.

Importantly, it is a contract worth in the order of $140 million a year, providing around 30 per cent of the acute care needs of the people of the ACT. So the government certainly believes that this information should be made public and I am very pleased that other members feel the same way today. I am not sure that I am in a position to table it this evening, but I do give a commitment that I will table the suite that make up the network agreement in the next sitting period.

Question resolved in the affirmative.

Adjournment

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

> That the Assembly do now adjourn.

Belconnen Community Council

MS PORTER (Ginninderra) (5.35): On Tuesday evening this week, along with Dr Bourke and Ms Hunter, I attended the monthly meeting of the Belconnen Community Council. The meeting was particularly important, as senior officials from Territory and Municipal Services and the ACT Water Ski Association were there to outline details for a proposed trial of waterskiing on Lake Ginninderra. They were very keen to hear the views of members of the public and other community groups, including Ginninderra Waterwatch.

Unfortunately, Mr Coe and Mrs Dunne were not able to be there, as they obviously had other more pressing constituency matters to deal with. I was certain that the

Canberra Liberals director of electorate services would have been there so that he could at least report back to the elected Liberal representatives from Ginninderra on the views that were expressed by the Belconnen community that night. As you can imagine, I was dismayed when I discovered that the director—

Mr Coe interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Coe. That will do, thanks.

MS PORTER: of electorate services for the Canberra Liberals, Mr Seselja's hand-picked lieutenant, who is the Canberra Liberals' eyes and ears, was nowhere to be seen.

As well as conducting my regular mobile offices at shopping centres around the electorate of Ginninderra, I attend many community events. I regret to further advise the Assembly that I have yet to see the director of electorate services at any of these shopping centres. I believe that the best way to understand what people's concerns are is to speak with them face to face, but perhaps the director of electorate services obtains views by some form of osmosis, because he does not seem to be actually meeting many people, if any.

By way of example, I attended all of the meetings about the future of the Hawker shops except the one that the Friends of Hawker Village refused to let me or other MLAs attend.

Mr Hanson: Mr Speaker.

MR SPEAKER: Order! Ms Porter, one moment, thank you. Stop the clocks. Yes, Mr Hanson.

Mr Hanson: On a point of order, I seek your ruling. This Assembly has determined a process to examine the processes whereby the director of electorate services is employed. That process is underway. Ms Porter is giving a dissertation and a view. I ask for your ruling on whether she is trying to in any way influence unduly a process that has been established by this Assembly and whether there would be any standing order or ruling that you might consider, given what Ms Porter is attempting to do.

MR SPEAKER: Mr Hanson, on the point of order, at this point I do not think Ms Porter has done the things you have suggested, but I will keep an eye on the speech and if there are any issues that come down that path I will speak to Ms Porter. Ms Porter, you have the floor to continue.

MS PORTER: By way of example, I attended all of the meetings on the future of the Hawker shops, except the one that the Friends of Hawker Village refused to let me and other MLAs attend. I was also present at many of the drop-in sessions and I cannot recall ever seeing the Canberra Liberals' director of electorate services.

You can imagine my dismay, Mr Speaker, when on Tuesday morning I heard Mr Seselja on ABC 666 tell Ross Solly this: "I understand the Friends of Hawker

Village was set up after a meeting which Alistair Coe organised in conjunction with people like Tio Faulkner and Vicki Dunne, he set up a meeting, he got this issue going. That group grew out of that and we have had a now wonderful outcome for the people of Hawker."

So there we have it. According to Mr Seselja, the director of electorate services was directly responsible for establishing the Friends of Hawker Village. They are not my words but the words of Mr. Seselja. Contrast that, if you will, with the answer from Warren Prince, in a recent edition of the *Canberra Times*. He was asked whether he had had any dealings with Tio Faulkner organising community meetings, forums or consultations. Mr Speaker, what do you think was the response by Mr Prince—the media spokesperson for the Friends of Hawker Village? I can tell you. He said, "Never heard the name." "Never heard the name" was the reported response from the man who is one of the three senior—

MR SPEAKER: Order! One moment, Ms Porter, thank you. Stop the clocks. Ms Porter, I am trying to listen to the content of your speech. I find myself in a difficult position where I need to listen to your speech to know what you are about to say. At the same time, you are prosecuting an issue that we have just commissioned an independent audit to undertake.

MS PORTER: Okay.

MR SPEAKER: I am not sure what the specific standing order is, but I do have some discomfort at the way this speech is progressing. You might think about how you want to phrase the remainder of your speech. I think it is in the interest of all of the Assembly that we not be seen to be interfering with the process that is underway.

MR PORTER: I am just making the point that Mr Prince had not heard Mr Tio Faulkner's name, although he was supposed to have been organising it.

Mr Coe: Point of order, Mr Speaker.

MS PORTER: I am just about to finish. And I just want to say that there seems to be a discrepancy in these two points. That is all.

Mr Coe: Point of order.

MR SPEAKER: Yes, Mr Coe.

Mr Coe: I seek your ruling as to whether she is complying with your earlier request.

MS PORTER: I did.

Mr Coe: In spite of your giving advice to her, she went on just then to extend further into ground which is at risk of influencing the process which was established by this Assembly. I think it would warrant some action from you.

MR SPEAKER: Mr Coe, I am going to have to further consider this matter. Mr Hanson has raised an interesting point, but I think the rules and precedents on that in this place are a little unclear. I will certainly consider it before the next sitting period so that we can be clearer next time. I am not asking you to withdraw it, Ms Porter.

MS PORTER: Mr Speaker, I just want to talk about the point of order. I was just quoting what was in the newspaper and on the radio, and my experience, so I do not believe that I have actually interpreted anything. I have just quoted what was on the radio.

MR SPEAKER: As I say, I will give this some further thought.

National SLAM day

MS LE COUTEUR (Molonglo) (5.42): Today is national SLAM day. For those of you who do not know, that is "save live Australia's music" day. Why is Australia's live music in need of saving, you might ask. I guess the first obvious reason is their knowledge of grammar, but if we leave that to one side they were trying for a good acronym.

Why do they need saving? There are lots of reasons, but one of the major reasons is that there is a real shortage of live music venues in which musos can play, in Canberra and throughout the rest of Australia. Live music brings vibrancy to our city and colour to our lives, and it brings joy and pleasure.

According to an APRA report released last year, live music contributes $15.5 million to the ACT economy annually and sustains hundreds of jobs while it does so. Yet despite these many contributions, Canberra is gradually shutting down the smaller venues where grassroots live music is played.

As you will remember, over the last couple of years during this Assembly we have had both a standing committee inquiry into live music events and an interdirectorate committee inquiry into the reduction of barriers to live music, both of which provided a long string of recommendations designed to improve and increase live music in Canberra.

Despite these recommendations, both from the Assembly and from within government processes, there has been little delivery on the ground. One of the key recommendations to which the government committed itself was the creation of a website listing the venues around Canberra suitable for live music. I believe that the creation of this website is funded by the ACT government and is being undertaken by MusicACT, but to date it is not up and running. I draw this to the attention of the government and wonder if they would be able to overcome this delay.

I note that clearly quite a lot of this information is known. If you read the government submission to the education committee's Fitters Workshop inquiry, you will find that it includes quite a long list of venues that the government feels would be appropriate.

Other recommendations of these inquiries, such as the EPA review into noise standards, are, I believe, underway. But several key recommendations, such as an opportunity to address order of occupancy issues, were roundly rejected by the government. The live music industry in Canberra will continue to suffer from this, particularly as we have more and more residential areas which were previously not residential at all. We are waiting for the ACTPLA review of commercial zones to strengthen the noise attenuation requirements for buildings in cities and town centres.

There are a few bits of good news coming over the horizon. Some of you may know that Woden Tradies is trialling itself as a live music venue during the month of March to see whether the economics of the venture stack up. If they do, the Tradies has said it will refurbish its "green room" to be a permanent live music venue. The Polish club in Turner has recently decided to get rid of its poker machines and instead host regular live music events. To the best of my knowledge, that is still happening reasonably successfully. I am somewhat hesitant to name actual venues in this because I do not feel that it is appropriate to give free advertising to particular commercial enterprises, but—

Mr Barr: For the three people who are listening to the live streaming.

MS LE COUTEUR: It will probably make a big difference to their numbers, yes; you are quite right. I did tweet it, and did get a few more—a bit more interest than possibly there will be here this afternoon. Yes, you are right, Mr Barr.

In terms of trying to dig up a bit more interest for it, I understand that on 3 March there is going to be a metal festival there called Chaos ACT. Given what we have done here over the last two weeks, it might be very appropriate for all of us to attend that.

I commend SLAM day and live music to all of us in the Assembly.

Relay for Life
Cancer Council ACT

MR HANSON (Molonglo) (5.46): I rise tonight to talk about the Relay for Life, which is a charitable event sponsored by the Cancer Council ACT. The Relay for Life had its origins in 1985 in the US where Dr Gordy Klatt, a surgeon, spent a gruelling 24 hours running and walking around a local oval in order to raise awareness about cancer and to raise money. From those beginnings, Relay for Life events are now held in more than 600 communities across 20 countries.

In the ACT Relay for Life this year will be held from 12 pm on Saturday, 17 March to 12 pm on Sunday, 18 March at the Australian Institute of Sport. The Relay for Life is more than just a fundraiser. It is an opportunity to get together with the community and celebrate cancer survivors, to remember loved ones lost to cancer and to fight back against a disease that takes too much.

I will read from the website of the Cancer Council and for Relay for Life:

> Relay For Life is a unique event where teams of 10 to 15 friends, families or colleagues challenge themselves to take turns keeping a baton moving in a relay style walk or run overnight. There are no limitations or fitness requirements—Relay For Life is suitable for everybody and anyone can join in the event.
>
> Stay for the whole event, camp overnight, or just visit and enjoy the free entertainment, prizes, and ceremonies that make Relay For Life so inspirational.
>
> Each person on the team pays a registration fee which includes a polo shirt and breakfast at the event …Whether you are a cancer survivor, a carer, supporting friends or loved ones, or simply wanting to make a difference, Relay For Life empowers everyone who participates.

This year I will be running a team in Relay for Life. I encourage members to get on the website and support that team with a donation. I look forward to seeing members do that. Mr Coe has just said that he is going to join my team. I look forward to seeing him out there on the weekend. I certainly send a big hello out to all of those members of my team that will be out there joining me.

In terms of the Cancer Council ACT, it is a non-government, not-for-profit community organisation that aims to promote a healthier community by reducing the incidence and impact of cancer in the ACT region. The council depends largely on the generosity of the ACT and surrounding community to provide donations and to support fundraising initiatives.

The vision of the Cancer Council ACT is to promote a healthier community by reducing the incidence and impact of cancer through information, education, supported care and research. Their values include accepting the principles of the Ottawa Charter for Health Promotion, the provision of quality programs and services, working within an evidence-based paradigm, working within a community, having an environmental-ecological approach, ensuring accessibility of services and maintaining professional standards.

I would like to take this opportunity to congratulate all of those paid staff and volunteers who work tirelessly for the Cancer Council. In particular, I would like to mention their president, Christine Brill. Many of us know Christine Brill here. She is also the CEO of the AMA. She has been with that organisation now for, I think, 28 years. Christine is a fantastic advocate for the Cancer Council. To her and all of the staff, congratulations on the work that you do. I look forward to seeing you all at the Relay for Life.

Covenant Care Day Hospice
St Mary MacKillop college—Canberra Regional Pathways Trade Training Centre

MS BRESNAN (Brindabella) (5.50): On Monday, 20 February, this week, I attended the official opening of the Covenant Care Day Hospice. The Chief Minister was there speaking at the opening, doing the official launch, and Ms Porter was also there.

The Covenant Care Day Hospice is a joint initiative of Palliative Care ACT, Holy Covenant Anglican Church and its holistic care nurse program, and Anglicare. I would like to acknowledge David Lawrance from the Palliative Care Society and its role in setting up the hospice. It is the first of its kind in the ACT and as a non-denominational day hospice it seeks to provide respite care one day a week for seriously ill people in the latter stage of their life who are being cared for at home. It also provides welcome respite for their carers, who are often ageing spouses or other family members.

Covenant Care is operated by caring professional staff and volunteers every Monday from the worship centre at Holy Covenant, a restful, light-filled, well-equipped space close to Jamison Centre.

I would also like to acknowledge Ms Jenny Hall, who is chair of the Covenant Care Management Committee, who was noted on the day as being instrumental in having the hospice set up. This hospice is a wonderful addition to the ACT and hopefully, if it is successful, there will also be one established on the south side.

I would also like to mention that on 17 February 2012 I attended St Mary MacKillop college for the opening of the St Joseph the Worker campus of the Canberra Regional Pathways Trade Training Centre. It was opened by the Prime Minister, Julia Gillard. Also there were Joy Burch, Zed Seselja, Steve Doszpot and Brendan Smyth.

I would also like to acknowledge Michael Lee, the St Mary MacKillop college principal; Ashlee Evans and Tyler Friend, the college captains; and Monsignor John Woods, the vicar-general of the archdiocese of Canberra and Goulburn. They did a wonderful job at the opening and also in terms of the catering, which showed the sorts of skills that will be developed through the trade training centre. I think it is a great addition not just for the college but for Canberra.

North Canberra Gungahlin Cricket Club

MR COE (Ginninderra) (5.52): I rise to say a few words about the North Canberra Gungahlin Cricket Club, affectionately known to all as northies. Northies is the largest cricket club in the ACT and encourages the participation of men, women, boys and girls from all backgrounds and all skill levels. The club's roots date back to the Northbourne Club formed in the 1920s. It is worth noting that Alan Foskett, a prominent local historian, published a book in 2003 entitled *Northbourne: Canberra's premier cricket club 1925-1969*.

The club and its predecessors boast 22 first grade premierships, and since 1988-89 they have won 34 premierships across all grades. The club's catchment extends from the lake through to the ACT northern border—that is, the inner north and Gungahlin—and represents both the territory's older suburbs and the emerging ones. The club has a strong culture and is a leader in the use of social media, including the @Harrison_Eagle Twitter account as well as their Facebook page.

The club and Cricket ACT will be honoured by the representation of Allan Hall at the prestigious annual Alan Border medal presentation in a couple of weeks. Alan will join a table of volunteers from across Australia as representatives of the grassroots of a sport which extends into all cultures and all regions of Australia.

Recently the club opened a new club room at Harrison, cementing the club's presence in Gungahlin. The club room was built with funds from a Cricket New South Wales grant and from the ACT government, although their traditional home grounds remain at Reid oval and Keith Tournier oval in Ainslie. There are seven senior men's, one women's and 22 junior teams. In addition to that, more than 100 kids aged eight years and younger participate in the in2cricket program.

On Sunday, 19 February the club held its volunteer day, known as the Keith Tournier, or KT, volunteers day. The day is held every year to celebrate the contribution to the club of the late Keith Tournier and to celebrate the hard work of the many volunteers who are the backbone of the organisation. The weekend's event was also attended by my Assembly colleagues Steve Doszpot and Andrew Barr.

I would like to acknowledge the current office-bearers of the club: the president, Phil Coe, the secretary, Allan Hall, the treasurer, Rowan Thompson, the director of cricket, Denis Axelby, the junior chairman, Miles Boak, the women's chair, Jill Tomamichel, and the communications chair, Donna Wah Day. The assistant treasurer is David Blackman, the coach is David Reeson and the first grade captain is Sam Gaskin.

The club enjoys the generous support of the following major sponsors: the Tradies Club, CFMEU, Bluey's cafe at Dickson Tradies, Urban Food, Holy Grail restaurant and bar, Electrodry, Paint Place Canberra, the National Indoor Cricket Centre, Infinite Networks and Cricket ACT. I wish all the teams well as they head into their semi-final and grand final matches.

Economy—cost of living

MR RATTENBURY (Molonglo) (5.56): We often discuss in this place the cost of living and the impact it has on the Canberra community. As I remarked on Tuesday when I spoke in the adjournment debate on feed-in tariffs, issues like this are in reality quite complex and to do them justice one really needs to look past the headlines and slogans and examine them in some depth, because whilst "cost of living" is an easy catchphrase, and no doubt will feature in election slogans this year, the most important thing is that we critically analyse cost of living pressures and how they do in fact impact on our constituents.

To that end I have been looking into transport costs and I would like to share some of my research with the chamber. I seek leave to table a document with some of the data I have obtained.

Leave granted.

MR RATTENBURY: I table the following paper:

Fuel consumption and cost comparison—Table.

In this table I have compared four vehicles, all of them being five-seat family sedans. The analysis reveals some very interesting figures. I have compared the Toyota Prius, the Toyota Camry hybrid, the Holden Cruze and the Ford Falcon XR6. Interestingly, the Prius is not the most expensive of these vehicles. I have included in the table retail price based on a standard analysis.

Despite the popular perception of the Prius being very expensive, it in fact is not the most expensive in that set. I have included data on the consumption per hundred kilometres and then I have calculated, using average travel distances and the Australian Bureau of Statistics average petrol price, the annual cost of fuel. What it shows is that for the Toyota Prius it is $813.54 a year, for the Toyota Camry hybrid it is $1,439.34 a year, for the Holden Cruze, $1,752.24 and for the Ford Falcon XR6, $3,045.56. What this table demonstrates is how important vehicle choice is when it comes to the cost of living. In a range of five-seat vehicles you have a very different set of costs.

This table also highlights just how confused the Liberal Party are when it comes to their cost of living analysis. The reason I say this is that just last week in *CityNews* there was a photo of a beaming Zed Seselja giving away a Ford Falcon XR6. The car was a prize in a recent Liberal Party fundraising raffle.

Before things get twisted, I have no problem with the Liberals giving away a car as a raffle prize. It is a tried and true fundraising method and I guess when you have so many vacancies you need to go down other paths. My question is: why did they give away a vehicle that has such an ongoing cost of living burden?

The article in *CityNews* tells us that Mr Seselja personally rang the winner of the vehicle. I will not name the gentleman because it is unnecessary for the story, but he apparently said, "I did not actually believe it was Zed Seselja on the phone." That was a kind of funny aside. But I wonder whether in that phone call, after Mr Seselja said "Congratulations, you have won the vehicle," he also said, "By the way, this vehicle has a much higher running cost than the equivalent vehicles of its class"? Did he say, "We could have given you a vehicle that costs $25 less a week to run but, hey, what is a bit of cost of living pressure between friends"? I suspect Mr Seselja did not say those things.

This is the very same Liberal Party that will come into this chamber and thunder about the injustice of increasing household energy bills by around 50c a week to help fund a transition to renewable energy via a feed-in tariff. But here they are celebrating a vehicle that costs nearly $43 a week more to run than a similar sized hybrid vehicle.

This is not an anti-car thing. This is not an environmental thing. This is purely about the cost of living and saying that if you need a five-seat family sedan there is a very extensive range of vehicles you can access. But the Liberal Party are handing out one

that costs thousands of dollars a year more to run, adding to the cost of living pressures, certainly, of this Canberra family, and by promoting this type of vehicle they are adding to the cost of living pressures of many Canberra families.

So next time the Canberra Liberals decide to raffle off a car—

Mr Doszpot: We will seek your advice; okay?

MR RATTENBURY: I would be very happy to give you my advice, Mr Doszpot, because I think you could do the lucky family, the lucky winner, of the vehicle a real favour when it comes to cost of living pressures. The Canberra Liberals might want to reflect on the fact that cost of living pressures actually exist in reality and are more than just a political slogan.

Australian under-20 basketball championships
Ivor Burge championships
Federation of Indian Cricket Associations of ACT

MR DOSZPOT (Brindabella) (6.00): Last Sunday, 19 February, it was my pleasure to attend the opening of the Australian under-20 and Ivor Burge national basketball championships at Belconnen stadium, which both my colleagues here, Mr Barr and Mr Rattenbury, also attended. I was there at the invitation of Tony Jackson, the Chief Executive Officer of ACT Basketball.

The championships are comprised of 33 teams from all states and territories in Australia and New Zealand. There were over 500 people participating, including players, team officials and referees. Along with those, there were over 1,000 family, friends and spectators that make the trip to Canberra to support the teams.

The under-20 and Ivor Burge championships are two national championships that have been running in conjunction since 2003—the under-20 Australian championships and the Ivor Burge championships. Teams representing each state compete for the title of national champion each year.

The Ivor Burge event is the Australian men's and women's championship for people with intellectual disability. It is named after Australian basketball pioneer Ivor Burge to commemorate his contribution to basketball in Australia. At the national under-20 championships the Bob Staunton medal is awarded to the most outstanding male and female player. In 1991, the award was named to honour the memory of Bob Staunton and his contribution to Australian basketball as both a player and an administrator.

Many basketballers have represented their state at the under-20 national or Ivor Burge championships and gone on to represent Australia on the international stage, including Boomers Patrick Mills and Brad Newley and Opals Lauren Jackson and Erin Phillips.

The inaugural Ivor Burge championship was held at Wollongong in 1995. It was decided the title the tournament would be the Ivor Burge championship, as Ivor Burge is considered one of the founding fathers of basketball in Australia. Although he went to college in Springfield, Massachusetts, after graduating he came back to Australia to

promote the game further. I thank Tony Jackson for the invitation and I wish them all the best for a wonderful championship with a great history.

The Federation of Indian Associations of ACT, FINACT, is proudly organising the inaugural FINACT T-20 cricket match for the Colliers Trophy for the Indian community in the ACT. The tournament got underway on 5 February 2012 and the final match will be played this Sunday, 26 February at the Manuka Oval starting at 3.30 pm.

I look forward to attending this match and catching up with the President of FINACT, Jacob Vadakkedathu and the tournament committee chairman, former New Zealand cricket great Chris Cairns of Colliers. Colliers, incidentally, are also sponsoring this tournament.

ACT Cricket CEO Mr Mark Vergano has given great support for the tournament. The organising committee members, who I congratulate, are Mr Pavithran, Mr Lakshman Prasad and Mr Arun Venkatesha. I congratulate them, all the various Indian associations and all the participating teams for a great tournament that will have a great finale this Sunday as the finalists, Andra Pradesh and Assam, do battle to decide who will be the champion team for 2012.

I wish Jacob Vadakkedathu, his committee and the Indian communities that have taken part in this whole tournament all the best. I congratulate them for an effort that must have taken a lot to get so many people together over so many weeks and to have this match finally culminate at Manuka Oval this Sunday at 3.30 pm.

Question resolved in the affirmative.

The Assembly adjourned at 6.05 pm until Tuesday, 20 March 2012, at 10 am.

Answers to questions

Labor Party—social and media training (Question No 1919)

Mr Hanson asked the Chief Minister, upon notice, on 15 November 2011:

(1) What is the total amount spent on social and/or digital media training for (a) Labor Members and (b) staff of Labor Members, of the Legislative Assembly in (i) 2008-09, (ii) 2009-10 (iii) 2010-11 and (iv) 2011-12 to date.

(2) Can the Minister list the total amount paid to external organisations by the ACT Government to provide the training referred to in part (1) in (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 to date.

(3) Can the Minister list the external organisations referred to in part (2).

(4) Can the Minister list the sources of funding for the training referred to in part (1) for (a) Labor Members and (b) staff of Labor Members, of the Legislative Assembly.

Ms Gallagher: The answer to the member's question is as follows:

(1) The total amount spent for Ministers and their staff is as follows (figures are inclusive of GST):

- 2008-09 nil
- 2009-10 nil
- 2010-11 $880
- 2011-12 $7945

As I do not have budget responsibility for non-Executive Labor Members and their staff, details of expenditure for those Members and staff should be requested through the Speaker.

(2) & (3)

Supplier	2010 – 2011	2011 – 2012
Public Relations Institute of Australia	$880	
Content Group*		$5575
Alpha Computer Consultants		$2370

Note: These figures are for Ministers and their staff. Details of expenditure for non-Executive Labor Members and staff should be requested through the Speaker.

* The same social media course was offered to non-executive members and their staff. Please see attached for more details.

(4) The source of funding for Ministers and their staff was the ACT Executive budget.

(A copy of the attachment is available at the Chamber Support Office).

Taxation—revenue losses (Question No 1925)

Mr Seselja asked the Treasurer, upon notice, on 17 November 2011:

(1) How much revenue has the Government lost from the non-payment of taxes, fees and charges by individuals and business for the last three financial years.

(2) How much of the lost revenue referred to in part (1) was attributed to the non-payment of general rates.

(3) How much interest revenue has the Government received from overdue and deferred payments of taxes, fees and charges from individuals and business for the last three financial years.

(4) How much of the interest revenue referred to in part (3) was attributed to late or deferred payments of general rates.

(5) How many people are employed in the Treasury to recover outstanding debt owed to the Government.

(6) What has been the recovery rate of outstanding debt for the Treasury in the last three financial years.

(7) How long does the Treasury pursue outstanding debt from individuals and businesses.

Mr Barr: The answer to the member's question is as follows:

(1) The amounts written-off for the last three financial years for non-payment of taxes, fees and charges are as follows:

2008-09	2009-10	2010-11
$1,195,575	$252,578	$2,352,145

(2) The amounts attributed to general rates are:

2008-09	2009-10	2010-11
$52,502	$18,195	$5,218

(3) Interest received from overdue and deferred payment of taxes, fees and charges for the last three financial years is as follows:

2008-09	2009-10	2010-11
$2,764,518	$2,942,244	$2,728,895

(4) The amounts attributed to general rates are:

2008-09	2009-10	2010-11
$1,252,230	$1,204,277	$1,457,618

(5) Five (Full Time Equivalent)

(6) The estimated recovery collection rate based on the ageing and impairment of receivables reflected in the financial statements for the last three years are:

2008-09	2009-10	2010-11
84%	81%	78%

(7) In respect of secured tax debts, until fully paid. In cases involving unsecured tax debts, until the amount outstanding is either fully paid or formally written-off (either debt is irrecoverable because company has been liquidated or individual bankrupted, or the debt is too small and uneconomical to pursue).

Arts—funding (Question No 1934)

Mrs Dunne asked the Minister for Community Services, upon notice, on 7 December 2011:

(1) In relation to the 2010-11 annual report of the Community Services Directorate, Output 3.3 – Arts policy, advice and programs, p 78, how much funding is provided to the Canberra Symphony Orchestra (CSO) and for what programs.

(2) What is the Government's view on the level of funding provided to the CSO by the Commonwealth and what is the Government doing to advocate for funding in parity with other state orchestras, particular the Tasmanian and Northern Territory symphony orchestras.

(3) Why has the Government decided to defund the Community Arts Office and what alternative arrangements has the Government put in place to ensure the disability, indigenous and multicultural arts communities continue to receive specialist support.

(4) What action has the Government taken to use the Conroy report to inform development of a master plan for the Kingston arts precinct and to what extent will the master plan include the Fitters' Workshop.

(5) What is the status of the development application and approval process for the proposed construction works associated with the Fitters' Workshop.

(6) Has the Government issued an instruction to suspend any capital works activity on the project as per the Assembly's resolution of 27 October 2011; if not, why and when will that instruction be issued.

(7) What has the Government done to ensure Megalo Print Studios has tenure of accommodation after their current lease expires, in accordance with the Assembly's resolution of 27 October 2011.

(8) Has the Government failed to consider the many opportunities identified in correspondence from ArtsACT for the future use of the Fitters' Workshop, including, but not limited to, fashion design, music, film, large-scale artworks, and cross-discipline exhibition space; if so, why.

(9) Has the Government failed to consider the acoustic qualities of the Fitters' Workshop; if so, why.

(10) Has the Government failed to consider alternative accommodation arrangements for Megalo within the Kingston arts precinct; if so, why.

(11) What is the Government's strategy for future public art programs.

Ms Burch: The answer to the member's question is as follows:

(1) Previously answered following the Annual Report Hearing held 21 November 2011. Please refer to the response dated and approved for circulation13 December 2011.

(2) The Australian Government's funding to the CSO has a significant positive impact on the CSO's performances. The ACT Government has made numerous representations to the Australian Government over a number of years to achieve this funding. Officers of artsACT continue to meet with The Australia Council for the Arts including the Meeting of Cultural Ministers Working Group.

(3) The ACT Government has transferred the function of the current centrally located ACT Community Arts Office to a regional model located at both the Belconnen and Tuggeranong Arts Centres. The new model will engage community cultural inclusion development officers with specialised skills working across the community and will enhance community access to arts and cultural activities. The model will expand on the previous community cultural development program delivered by the Community Arts Office and will include disability, indigenous and multicultural activities, as well as social inclusion for women, young people, seniors and others. The total funding provided to the ACT Community Arts Office will be provided to the regional model.

(4) The Government has accepted the Conroy report. In the Report there are recommendations to develop a master plan for the Kingston Cultural Precinct which have also been accepted by Government. The Report preceded the commissioning of consultation to develop a master plan for Section 49 which extends to the as yet undeveloped area of Kingston bordered by Wentworth Avenue, Giles Street and Eastlake Parade. The Land Development Authority (LDA) commissioned local firm Purdon and Associates to undertake a master plan of Section 49. This master plan included community consultation, focus group workshops and public consultation at the Bus Depot Markets. The master plan considers all land and existing buildings on Section 49, which includes the Fitters Workshop

(5) The development application was approved on 28 November 2011.

(6) Consistent with the 27 October resolution of the Assembly, work on the Fitters' Workshop site has ceased. However, the Government is awaiting approval of a Contamination Management Plan for the site and will undertake all necessary work to remediate the site when that information becomes available.

(7) The ACT Government is supporting Megalo Print Studios to secure an extension to its current lease with the managers of the Canberra Technology Park.

(8) No.

(9) No.

(10) No.

(11) Future public artworks will be rolled out through the Territory and Municipal Services Directorate shopping centre upgrades and the Scullin Shops upgrade was announced Tuesday, 17January 2012. There are ongoing negotiations with Diplomatic Missions from the Latin American sector with regard to Latin American Plaza with two Embassies discussing installing public artworks in the Plaza following the successful launch of *Fenix 2* by the Chilean Embassy in 2011. The Australian Business and the Arts Foundation have commenced discussions with Canberra CBD, local architects and property developers to extend their commitment to the installation of public art through *Protocols for Public Art* developed by artsACT. The recent installation of public art gifted to the Territory by The Village Building Company, *Brindabella Soccer Players* (artist Bev Hogg) in Macgregor joins works recently gifted to the Territory by Leighton Holdings, *untitled* (artist Jean Pierre Rives) and the permanent loan from Consolidated Builders of *Resilience* (artist Ante Dabros). The Government will continue to work with the Australian National University and the Molonglo Group in providing support to the *ACT Public Art Trail*, a walking tour of public art in Civic.

Taxation—payroll
(Question No 1945)

Mr Seselja asked the Treasurer, upon notice, on 7 December 2011:

(1) What was the monthly breakdown of payroll tax collected by the Revenue Office for the (a) 2009-10 and (b) 2010-11 financial year.

(2) What portion of revenue is from the retail sector for each month listed in part (1).

(3) How many retail business paid payroll tax in (a) 2009-10 and (b) 2010-11.

Mr Barr: The answer to the member's question is as follows:

(1) The amount of payroll tax revenue recognised each month is as follows:

Month	2009-10	2010-11
July	22,614,000	22,863,000
August	32,354,000	27,455,000
September	17,865,000	23,681,000

Month	2009-10	2010-11
October	24,451,000	26,242,000
November	23,489,000	25,114,000
December	27,801,000	26,177,000
January	17,200,000	21,716,000
February	24,049,000	23,359,000
March	19,970,000	24,171,000
April	22,746,000	24,897,000
May	26,641,000	25,665,000
June	10,643,000	13,974,000
Total	269,823,000	285,314,000

(2) Revenue data at the retail sector level is not readily identifiable in revenue systems.

(3) See response to Question 2.

Land—rent scheme
(Question No 1946)

Mr Seselja asked the Treasurer, upon notice, on 7 December 2011:

(1) How many contracts have been (a) exchanged, (b) handed back and (c) transferred to a Standard Crown Lease, for each year since the inception of the Land Rent Scheme.

(2) How many contracts initially eligible for the discount rental rate are now required to pay the standard rental rate.

Mr Barr: The answer to the member's question is as follows:

(1)

Financial Year	exchanged	handed back	transferred to a Standard Crown Lease
2008 – 09	58	0	0
2009 – 10	416	23	27
2010 – 11	768	113	25
2011 - 12 (as at 5/12/2011)	182	91	16

(2) Eight (as at 5 December 2011).

Women—sterilisations
(Question No 1951)

Ms Bresnan asked the Minister for Health, upon notice, on 8 December 2011:

(1) Is the ACT Government aware of any women or girls with disabilities that have been sterilised where the decision was made by a person other than the women or girl in question; if so, how many (a) sterilisations occurred in the ACT in each of the last five years and (b) were to (i) women aged 18 and above and (ii) girls aged under 18.

(2) What is the process for obtaining approval for a sterilisation of a woman or girl with disabilities if she herself cannot provide the consent.

(3) What is the Government's response to each of the five recommendations made by the *Sterilization of Women and Girls with Disabilities: A Briefing Paper* (www.wwda.org.au/Sterilization_Disability_Briefing_Paper_October2011.pdf) that was jointly prepared by the Women With Disabilities Australia, Human Rights Watch, the Open Society Foundations, and the International Disability Alliance as part of the Global Campaign to Stop Torture in Health Care.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) There is no evidence that any elective sterilization without the informed consent of the patient has been performed at the Canberra Hospital over the last five years, for either a woman aged over 18 years, or a girl aged less than 18 years.

(2) The law applicable to ACT adult residents unable to provide informed medical consent is the Guardianship and Management of Property Act 1991. Under this Act, sterilizations and other matters are referred to as prescribed medical procedures and such medical determinations may only be made by the ACT Civil and Administrative Tribunal. The Guardianship and Management of Property Act 1991 requires the Tribunal to give consideration to the following:

- the procedure is otherwise lawful;
- the person is not competent to give consent and is not likely to become competent in the foreseeable future;
- the procedure would be in the person's best interests; and
- the person, the guardian and any other person whom the ACAT (ACT Civil and Administrative Tribunal) considers should have notice of the proposed procedure are aware of the application for consent.

In addition, for prescribed medical procedures including sterilization, the Act requires that:

- The ACAT must appoint the person's guardian, or the public advocate or some other independent person, to represent the person in relation to the hearing relating to the consent.

- In deciding whether a particular procedure would be in the person's best interests, the matters that the ACAT must take into account include:

  - the wishes of the person, so far as they can be ascertained; and
  - what would happen if it were not carried out; and
  - what alternative treatments are available; and
  - whether it can be postponed because better treatments may become available; and
  - for a transplantation of tissue—the relationship between the 2 people and other matters.

The role of oversight agencies such as the Public Advocate may include educating the community about special medical procedures and the legal requirements that must be followed, and the rights of all girls and women, in particular girls and women who are unable to provide informed medical consent.

Essentially, the legislation states that if a person cannot give their own consent (if they have an "impaired decision making ability") for a prescribed treatment, an ACAT order is required for such a treatment.

In relation to young women under 18 years of age, the effect of the (Marion's Case) decision is, in summary, that parents do not have power to consent to a medical procedure that leads to sterilization of any child (i.e. a person under 18 years) – regardless of whether the child has a disability. Where sterilization is sought for children with a disability, consent can only be given by a Court. In the ACT both the ACT Supreme Court and the Family Court of Australia may give consent to sterilization.

The Family Court is most commonly used for applications such as these rather than the Supreme Court. ACT Health would not normally be involved in these cases unless it is proposed to carry out the sterilization within the public health system. The Public Advocate's office is usually involved in cases in either Court. Legal Aid ACT can also be involved in applications for orders by arranging for an Independent Children's Lawyer for the child. The Family Court may have a practice direction or formal protocol for these cases. The number of applications in the ACT was very small compared to the numbers in other jurisdictions.

(3) The Government's response to the five recommendations made by the *Sterilisation of Women and Girls with Disabilities*: *A Briefing Paper*, is as follows:

In June 2011 the International Federation of Gynaecology and Obstetrics (FIGO) issued new guidelines of female contraceptive sterilization and informed consent. The following recommendations expand on these guidelines with specific considerations for women and girls with disabilities. These recommendations should be reflected in laws and policies governing sterilization practices as well as in other professional guidelines and ethical standards.

Recommendation 1

The free and informed consent of the woman herself is a requirement for sterilization.

a) Only women with disabilities themselves can give legally and ethically valid consent to their own sterilization. Family member (including spouses and parents), and/or government or other public officers, cannot consent to sterilization on any woman's behalf.

b) Perceived mental incapacity, including medically or judicially determined mental incapacity, does not invalidate the requirement of free and informed consent of the woman herself as the sole justification for the sterilization.

The Government's response to this recommendation is that the recommendation takes no account of the severity of the intellectual disability. It is unrealistic to expect a girl with the intellect of a one year old to give birth to and care for a baby.

Recommendation 2

As part of any process to ensure fully informed choice and consent, women with disabilities must be provided with information that sterilization is a permanent procedure and that alternatives to sterilization exist, such as reversible forms of family planning.

a) All information must be provided in language, including spoken, written, and sign, that a woman understands, and in an accessible format such as Braille and plain, non-technical language appropriate to the individual woman's needs.

b) The physician performing the sterilization is responsible for ensuring that the patient has been properly counselled regarding the risks and benefits of the procedure and its alternatives.

The Government's response to this recommendation is that it is already standard practice.

Recommendation 3

Sterilization for prevention of future pregnancy does not constitute a medical emergency and does not justify departure from the general principles of free and informed consent. This is the case even if a future pregnancy may endanger a woman's life or health.

The Government's response to this recommendation is that it is already standard practice.

Recommendation 4

Sterilization should not be performed on a child.

The Government's response to this recommendation is that operations which sterilize children can be unavoidable if done for medical reasons – for example a hysterectomy or bilateral oophorectomy (removal of ovary) for childhood cancer.

Recommendation 5

Women and girls with disabilities, including through their representative organizations and networks, must be included in the evaluation and development of legislation and other measures designed to ensure the enjoyment of all their rights, including sexual and reproductive rights and the right to found a family, on an equal basis with other women and girls.

The Government's response to this recommendation is that women with milder forms of intellectual disability and those with physical disabilities should be consulted by legislators where their rights are affected. This should be true of any group of people in our society, not just people with a disability.

Energy—renewable (Question No 1955)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

(1) In relation to the Weathering the Change Draft Action Plan 2, Pathway 1 – Renewable Energy, how would the upfront investment of $2.7 billion of capital be financed.

(2) What are the yearly operating costs of the capital that has been assumed in this model.

(3) Would this capital investment for renewable energy be Government owned and operated; if not, how will this be managed.

(4) What will be the cost each year up to 2020, if this pathway was implemented.

(5) What will the abatement be in each year up to 2020, if this pathway was implemented.

(6) Is the cost of Pathway 1 based on the current lowest cost source of large scale renewable energy, page 16; if so, what is the estimated upper cost of this pathway if a different source of renewable energy is used.

Mr Corbell: The answer to the member's question is as follows:

(1) Draft Action Plan 2 does not promote the public ownership of electricity generation assets. Wind farms that have been established around the ACT are private entities that 'sell' electricity into the National Electricity Market. Access to financial capital to fund the establishment of the required capacity would be the responsibility of that private entity.

(2) The yearly operating cost will be dependent upon how much capacity is installed each year and is a cost borne by the owner of the facility.

(3) Draft Action Plan 2 does not promote the ownership of generating capacity by Government. Wind farms that have been established around the ACT are private entities that 'sell' electricity into the National Electricity Market.

(4) The cost of this pathway presented in draft Action Plan 2 is an estimate based on an assumed staged introduction of wind capacity up to 2020. The cost each year up to 2020 will be dependent upon how much capacity is actually installed in each year.

(5) The GHG abatement from this pathway presented in draft Action Plan 2 is an estimate based on an assumed staged introduction of wind capacity up to 2020. The abatement each year up to 2020 will be dependent upon how much capacity is actually installed in each year.

(6) The cost of Pathway 1, as presented in draft Action Plan 2, is based on the installation of wind generation- currently the most cost effective form of renewable energy. Modelling indicates that nearly 2,000MW of solar photovoltaic (PV) would be required to generate the same amount of energy as the wind example provided in draft Action Plan 2.

Environment—energy efficiency (Question No 1957)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

(1) In relation to the Weathering the Change Draft Action Plan 2, what will be the average cost to existing commercial building owners for retrofitting buildings to the suggested energy efficiency standard.

(2) What is the anticipated payback period on these investments from realised savings.

(3) What will be the cost to Government to retrofit its existing buildings to meet the suggested energy efficiency standard.

(4) What will be the average increase in building costs for commercial buildings to meet the suggested energy efficiency standards.

(5) What will be the average cost to a home owner to upgrade their existing home to meet the suggested energy efficiency standards.

(6) What is the anticipated payback period on these investments from realised savings.

(7) What is the expected payback period of replacing electric hot water systems from realised savings.

Mr Corbell: The answer to the member's question is as follows:

(1) The total cost of investing in upgrades to the commercial sector is estimated at $43 million compared with benefits of an estimated $173 million. The modelling is based on an estimated floor area of 7.56 million square metres in 2011. This equates to an average cost of $5.70 per square metre.

(2) Payback periods will be variable depending on the specific energy efficiency improvement undertaken and its timing. At a discount rate of 7%, the total benefits for all commercial sector retrofit improvements are estimated to exceed costs by a factor of 4.

(3) The modelling is based on an ACT wide building stock. The costs and abatement potential for ACT Government building stock to be retrofitted will be defined in the ACT Government Carbon Neutral Framework.

(4) The modelling assumes a zero cost of measures in new commercial buildings as new commercial buildings are designed and built to comply with higher energy efficiency standards defined under the Building Code of Australia (BCA). The BCA is assumed to be strengthened over time to include requirements where the benefits exceed the costs by a factor of 1.1, in line with industry expectations.

(5) The modelling assumes an average gross cost of $3,000 per dwelling which is more than offset by energy savings in net present value terms. This cost was based on modelling provided by pitt&sherry. The modelling does not attribute costs to any individual entity, such as householders or government, and does not consider the effect of Government programs or subsidies.

(6) Payback periods will be variable depending on the specific energy efficiency improvement undertaken and its timing. At a discount rate of 7%, the total benefits for all residential sector improvements are estimated to exceed costs by a factor of 1.1.

(7) Payback periods will be variable depending on the type of technology that is purchased and its timing. At a discount rate of 7%, the total benefits under the accelerated phase-out of resistive electric water heaters scenario are estimated to exceed costs by a factor of around 1.3.

ACTION bus service—patronage (Question No 1965)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011:

(1) In relation to ACTION performance, does the Government collect patronage profiles of bus stops in Canberra and can the Minister provide patronage profile data of the 10 most busy stops and routes.

(2) What is ACTION's process for identifying and dealing with capacity issues at particular stops and routes.

(3) What method does the Government use to conduct demand forecasting for routes in the bus network.

(4) Can the Minister provide data for the past five years in relation to the (a) patronage per vehicle kilometre, (b) patronage per vehicle kilometre hour, (c) cost per vehicle kilometre for ACTION and (d) average speed of buses in the ACTION network.

(5) Can the Minister provide any data, include demand modelling, that the Government has done on the impact that fare increases or decreases has on patronage.

(6) What measures does ACTION take to prevent bus bunching and can the Minister provide data on how often this occurs.

(7) Has the introduction of MyWay resulted in a reduction in travel time on any routes; if so, which routes and what are the time reductions.

(8) How does the Government intend to further reduce the vehicle stop times of buses.

(9) What does the Government do with ACTION buses it no longer uses, how many of these buses are sold, and are any of these buses scrapped.

(10) What system does ACTION use to determine if a bus arrived at a stop on time or not.

Ms Gallagher: The answer to the member's question is as follows:

1. TAMS collects patronage profiles of bus stops and routes throughout Canberra, using the MyWay ticketing system. The ten busiest bus routes are shown in the table below – the data is the top 10 busiest routes for the third quarter of 2011-12 (October – December 2011).

Route	Passenger trips*
2	173,786
313	170,014
312	166,379
200	163,795
315	152,764
900	151,256
318	150,940
319	143,386
314	141,777
300	129,580

2. Drivers, field transport officers and passengers provide the majority of feedback regarding capacity issues. MyWay data is now also able to be used to confirm capacity issues. Issues are investigated and considered by ACTION's scheduling team, and changes are implemented where it is possible to do so or put forward in budget submissions.

3. The Government uses strategic transport planning models to forecast peak demands for the short, medium and long term. The transport models take into account spatial distribution and the growth of population, employment, retail activity; and students (both at schools and tertiary institutions).

4.

	Patronage per vehicle kms	Patronage per vehicle km hour	Cost per vehicle kms	Average network speed
2006-07	0.79	20.80	3.95	26.48
2007-08	0.81	21.63	4.42	26.62
2008-09	0.80	20.62	4.50	25.74
2009-10	*0.70	*18.25	4.31	25.98
2010-11	*0.64	*16.21	4.44	25.52

*The lower patronage figures per vehicle kilometre and vehicle hour from 2009-10 onwards is largely due to an annual increase of around 9% in both vehicle kilometres and vehicle hours due to the introduction of Redex services and Network 10.

In the context of these figures, since Redex services commenced in November 2009, patronage on these services for the months of November and December for the years 2009 to 2011 show significant increases:

	2009	2010	2011	Increase from 2009 to 2011
November	15,345	39,717	62,072	46,727 or 304.5%
December	25,906	36,785	49,336	23,439 or 90.4%

It should be noted that the five-year patronage figures were impacted significantly by a reduction in recorded patronage data in 2009-10 and 2010 11 as the result of faulty ticketing machines (as reported by the Auditor-General, August 2010).

5. TAMS uses a fare elasticity of -0.3 in its fare modelling, that is, every 10% increase in fares results in an expected 3% drop in patronage.

6. To avoid 'bus bunching' ACTION schedules bus arrival and departure times based on the frequency and running time requirements of each route.

'Bus bunching' may occur during peak travel time and is more likely to affect high frequency services such as the Blue Rapid, which operates every 5 to 8 minutes in the peaks.

ACTION encourages feedback on "bus bunching" and can confirm that where a service is identified as continually experiencing "bus bunching" due to early/late running, the route is assessed and the run time amended to ensure the scheduled time can be met.

7. Travel times on all routes prior to the introduction of MyWay were not accurately measured, therefore a comparison with MyWay is not possible.

   However, the uptake of the MyWay card – over 80% network wide, with MyWay users boarding much faster than cash fares – would tend to indicate that passengers are boarding the buses faster and therefore reducing wait times at the busier stops, such as the major interchanges.

   The MyWay card also allows for much simpler transfers compared to a paper ticket, which also saves on travel times for passengers.

8. With the MyWay ticket system and the ability to tag off at the rear doors, ACTION is committed to promoting the greater use of rear doors by drivers and passengers with the aim of reduced delays, improving passenger convenience and maintaining safety.

9. Since 2008 ACTION has sold 27 Renault PR100.2 buses and 'scrapped' a further 15 via a licensed recycler.

   Another 7 Renault PR100.2 buses have been donated to the ACT Fire Brigade (two), the Australian Federal Police (two), and the Australian Defence Force (three) for security training purposes.

10. The MyWay system has the capability to report on the time a bus arrives at a stop, the time the bus spent at a stop and the time that a bus has left a stop. This data will be used to report on-time running of ACTION services. System development and calibration is currently underway and expected to be completed in March 2012.

Planning—ACAT reviews (Question No 1978)

Ms Le Couteur asked the Attorney-General, upon notice, on 8 December 2011 *(redirected to the Acting Attorney-General)*:

(1) In relation to applications for review by the ACT Civil and Administrative Tribunal (ACAT) to approved development applications under the *Planning and Development Act 2007* and the length of time taken for planning related applications for review by ACAT of decisions under the *Planning and Development Act 2007* since 2009, what is the (a) longest, (b) shortest and (c) average, period of time an ACAT review has taken to be resolved.

(2) What number of planning related ACAT reviews have been followed through with a full hearing.

(3) What number of review cases lodged are withdrawn before the hearing.

(4) What number of ACAT review cases have subsequent appeals in the Supreme Court.

(5) What was the period taken for review in each instance where the applicant was a company.

(6) How many ACAT appeals have been upheld.

Mr Barr: The answer to the member's question is as follows:

This data is presented in a series of time periods which reflects the format of data from the Court case management system which is done on a financial year basis. It would be resource intensive to provide the data in exactly the format requested, due to the way information is stored in the case management system.

(1) **In the period 2/2/09 to 30/06/09:**
Four applications for review by ACAT under the *Planning and Development Act 2007* were lodged and completed. Two applications sought review of decisions to approve development applications (DAs) and two sought review of decisions to refuse DAs.

The shortest time taken from lodgement until completion was 74 days, the longest was 98 days and the average was 81.75 days. For the two applications to review decisions to approve DAs, the shortest was 77 days, the longest was 78 days and the average was 77.5 days.

In the period 1/7/09 to 30/06/10:
Twenty-two applications for review by ACAT under the *Planning and Development Act 2007* were lodged and completed. Nine applications sought review of decisions to approve DAs and thirteen applications sought review of decisions to refuse DAs.

The shortest time taken from lodgement until completion was 37 days, the longest was 234 days and the average was 114.63 days. For applications to review approvals, the shortest was 37 days, the longest was 225 days and the average was 122.44 days.

In the period 1/7/10 to 30/06/11:
Fifty-six applications for review by ACAT under the *Planning and Development Act 2007* were lodged and completed. Thirty-seven of the applications sought review of decisions to approve DAs and nineteen applications sought review of decisions to refuse DAs.

Of the thirty seven applications seeking the review of decisions to approve, ten applications related to one DA for a development in Giralang, five related to a DA for a development in Campbell and four related to a DA for a development in Wanniassa.

The shortest time taken from lodgement until completion was 8 days, the longest was 321 days and the average was 115.55 days. For applications to review approvals, the shortest was 12 days, the longest was 246 days and the average was 129.40 days.

In the period 1/7/11 to 30/11/11:
Thirteen applications for review by ACAT under the *Planning and Development Act 2007* were lodged. Two of the applications seek the review of decisions to approve DAs and eleven are applications to review decisions to refuse DAs.

The shortest time taken from lodgement until completion was 57 days, the longest was 316 days and the average was 153.38 days. For applications to review approval the shortest was 89 days, the longest was 187 days and the average was 138 days.

(2) In the period 2/2/09 to 30/06/09: zero
In the period 1/7/09 to 30/06/10: six
In the period 1/7/10 to 30/06/11: fifteen
In the period 1/7/11 to 30/11/11: five

(3) In the period 2/2/09 to 30/06/09: four
In the period 1/7/09 to 30/06/10: sixteen
In the period 1/7/10 to 30/06/11: forty one
In the period 1/7/11 to 30/11/11: eight

(4) One appeal is currently before the Supreme Court but it only relates to the question of costs.

(5) The time taken for ACAT to review cases where the applicant was a company or business:
In the period 2/2/09 to 30/06/09:
1x74 days

In the period 1/7/09 to 30/06/10:
1x37, 1x38, 1x70, 1x98, 1x120, 1x127, 1x135 and 1x219 days

In the period 1/7/10 to 30/06/11:
1x8, 1x10, 1x24, 1x26, 1x49, 1x76, 1x91, 1x103, 1x104, 5x136, 1x154 and 1x321 days

In the period 1/7/11 to 30/11/11:
1x57, 1x79, 2x119, 1x187, 1x315 and 1x316 days

(6) The only ACAT appeal before the Supreme Court is on the issue of costs and hasn't been finalised.

Public Trustee for the ACT—annual report (Question No 1986)

Mrs Dunne asked the Attorney-General, upon notice, on 14 February 2012:

(1) In relation to the 2010-11 annual report of the Public Trustee for the ACT and the Greater Good Foundation, page 7, where have the increased capital funds been sourced from.

(2) In relation to Complaints to the Ombudsman, page 7, (a) what was the nature of the complaints lodged with the Ombudsman in general terms and (b) what did the office learn from the complaints made and what changes did it make to its administrative processes noting that none identified an administrative deficiency.

(3) In relation to Financial Position, page 12, what is the office's objective in relation to building and maintaining a sustainable level of working capital to provide for business fluctuations once the Public Trustee achieves full self-funding.

(4) In relation to staff training and development, what (a) was the proportion of total employee costs spent on training and development of Public Trustee staff during 2010-11 and (b) is the longer-term aim in relation to this ratio and when will it be achieved.

Mr Corbell: The answer to the member's question is as follows:

(1) It should be noted that income to GreaterGood figure does not represent revenue to Government. GreaterGood provides persons in the community with an opportunity to settle funds to benefit their preferred charities either through their Wills or during their life. During the reported year approximately $600,000.00 was received from persons who had either settled amounts in their Will or during their life and the remaining $400,000 was attributable to investment market recovery. This was the first year of recovery following the Global Financial Crisis (GFC).

(2) In relation to Complaints to the Ombudsman:

(a) All of the complaints received by the Ombudsman related to the Public Trustee's role as manager appointed by the ACT Civil and Administrative Tribunal (ACAT) under the *Guardianship and Management of Property Act 1991* and concerned the Public Trustee's management of personal funds. It should be noted that PTACT is appointed to manage these funds where the person is found to have a decision-making disability and unable to do so effectively themselves.

(b) Only a small number of the complaints were investigated by the Ombudsman and no administrative deficiency was identified. For that reason, the PTACT did not make any changes to its administrative processes.

(3) The nature of the arrangement between PTACT and ACT Treasury Directorate is such that it cost $3.8 million to operate PTACT in the reported year of which only $669,000 is guaranteed income from Government as a contribution to PTACT's Community Service Obligations. The PTACT must continually improve its income from traditional trustee services including Wills, Estates, Powers of Attorney and Trusts. In order to ensure long term financial sustainability and security, considerable effort has been put into increasing the amount of moneys under management from government sources, court appointed disability trusts as well as from GreaterGood. Whilst these can be affected by movements in financial markets, they generally represent long-term investment income for PTACT. Income from estates is not sufficiently reliable as they vary considerably in size and value to the PTACT. It is generally thought that a solid base in investment activities will provide PTACT with a more reliable long-term hedge against fluctuating income from other sources. GreaterGood is an important part of this in that it provides significant community benefit and perpetual fund management for PTACT.

(4) In relation to staff training and development:

(a) PTACT reported on page 60 of its 2010-11 Annual Report under "*Training and Development*" that it had spent in the order of $20,000 on staff training and a further $17,576 of training was provided by JACS in the form of Executive Development, RED training etc. A further amount of training is provided by all staff in the form of peer training. This roughly equates to a total of $40,000 in spending on training for 38 staff i.e. $1,052 per person against an amount of $1,000 – $1,500 per staff member variously reported as best practice.

(b) PTACT is satisfied with the level of training provided to its staff against what is generally seen as best practice. The PTACT does not contribute to the JACS training levy and must generally fund the bulk of its training within budget.

Roads—Majura parkway
(Question No 2002)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2012:

(1) Can the Minister provide the most up to date estimations of the cost of constructing the Majura Parkway.

(2) What is the amount of money that will be paid for by the (a) Federal and (b) ACT Government.

(3) Can the Minister provide the most up to date timeline for the construction of the Majura Parkway.

Ms Gallagher: The answer to the member's question is as follows:

(1) The current project cost estimate for the Majura Parkway is $286.5 million.

(2) Each Government will pay 50% of the project cost up to $288 million.

(3) Public tenders for the project will be called in late May 2012, a construction contract let in August and construction works underway in November 2012. The project is scheduled to be completed by June 2016.

Waste—collection revenue
(Question No 2006)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2012:

(1) What is the total revenue received by the ACT Government from the collection of bulky waste including e-waste, by month since 1 July 2011.

(2) What is the total revenue obtained through waste disposal charges for (a) commercial and (b) domestic waste since 1 July 2011.

(3) What is the total cost to the ACT Government of the disposal of electronic waste since January 2011.

(4) How many offenders were prosecuted for illegal dumping since 1 July 2011.

(5) How many infringements have been issued for illegal dumping since 1 July 2011.

(6) What penalties were imposed for those prosecutions referred to in part (4).

Ms Gallagher: The answer to the member's question is as follows:

(1) Tiny's Green Shed recycles or reuses the majority of the material received. The revenue received by the ACT Government from the collection of bulky waste including e-waste since 1 July 2011 is $38.73.

(2) The total revenue obtained through waste disposal charges for (a) commercial waste was $12,401,748 and (b) domestic waste was $2,310,672 (1 July 2011 to 31 December 2011).

(3) The total cost to the ACT Government for the disposal of electronic waste between 1 January 2011 and 14 February 2012 was $759,938.79 (excluding GST).

(4) No offenders have been prosecuted for illegal dumping since 1 July 2011.

(5) Six infringements have been issued for illegal dumping since 1 July 2011.

(6) Nil penalties have been imposed for those prosecutions referred to in part (4).

Environment—plastic bag ban (Question No 2007)

Mr Coe asked the Minister for the Environment and Sustainable Development, upon notice, on 14 February 2012 *(redirected to the Attorney-General)*:

(1) How many warnings have been issued to retailers relating to non compliance with the *Plastic Shopping Bags Ban Act 2010* since November 2011.

(2) How many prosecutions against retailers have occurred relating to non compliance with the *Plastic Shopping Bags Ban Act 2010* since November 2011.

(3) What penalties were imposed for those prosecutions referred to in part (2).

Mr Corbell: The answer to the member's question is as follows:

(1) Since 1 June 2011 the Office of Regulatory Services (ORS) has completed 2,230 inspections of ACT businesses pursuant to the *Plastic Shopping Bags Ban Act 2010*.

The inspections occurred in two phases. The initial visits were to inform retailers of the requirements of the *Plastic Shopping Bags Ban Act 2010* and to provide advice to ensure compliance with the Act. A number of retailers were prepared for the ban and had arranged for alternative bags in which to supply their products.

The ORS completed follow up visits in early November 2011 upon commencement of the Act. As a result of these visits, the ORS identified 27 businesses that appeared to be supplying banned shopping bags. The ORS advised these businesses to immediately source alternative bags to supply to customers. The ORS has followed up on these 27 businesses issuing compliance advice letters and subsequently issued formal warning letters to four (4) of these businesses. The ORS has directed these businesses to immediately cease supplying non-compliant bags or risk being issued with an Infringement Notice. These matters are still under ORS investigation.

(2) None.

(3) Not applicable.

Taxation—cigarettes and tobacco (Question No 2017)

Ms Bresnan asked the Minister for Health, upon notice, on 15 February 2012:

(1) Has the ACT Government ever used tobacco taxes to fund preventative health campaigns or grant programs; if so, when did this occur and how much was appropriated per annum.

(2) Has the ACT Government received any of the funds the Commonwealth Government collects in relation to tobacco since the transfer of tobacco taxes from State and Territory governments to the Commonwealth Government; if so, how much is that per annum.

(3) Has the ACT Government maintained any funding ratio between tobacco taxes paid by the ACT population and ACT Government preventative health funding since the transfer of tobacco taxes to the Commonwealth Government.

(4) What is the total revenue from tobacco sales in the ACT per annum.

(5) What is the total tax paid by the ACT population annually to the Commonwealth Government with relation to tobacco.

(6) Does the ACT Government collect any taxes or fees in relation to the sale of tobacco; if so, (a) what are they, (b) what is their total per annum and (c) how is that revenue used.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) Tobacco taxes are collected by the Commonwealth Government. As such, money collected by tobacco taxes are not part of the budget provided to the Health Directorate from the ACT Government.

(2) The Commonwealth Government does not specify the source of funds provided to the Territory.

(3) No. The Territory does not hold information about tobacco taxes paid by ACT residents.

(4) The ACT Government does not hold this information.

(5) The ACT Government does not hold this information.

(6) No.

Housing and Community Services Directorate—property inspections (Question No 2019)

Ms Bresnan asked the Minister for Community Services, upon notice, on 15 February 2012:

(1) How often do Housing ACT personnel inspect properties in order to identify issues for maintenance.

(2) How often does Spotless inspect properties in order to identify areas for maintenance.

(3) What are the differences between the two inspections and what work is duplicated by them.

(4) What is the cost to the ACT Government for the Spotless inspections.

(5) What form of maintenance database is kept for Housing ACT properties.

Ms Burch: The answer to the member's question is as follows:

(1) Housing Managers carry out Client Service Visits to all properties at least once per year. Any immediate maintenance issues are addressed at the Client Service Visit.

(2) Spotless carry out approximately 3000 property condition audit inspections per year. Spotless staff will inspect properties for maintenance issues when requested by tenants or Housing ACT.

(3) Duplication of work by the two different inspections is unlikely:

A property inspection carried out by Housing Managers is included as part of a Customer Service Visit (CSV). Housing Managers notify Spotless of any urgent maintenance issues that are identified. Tenants are advised to contact the Call Centre to arrange any non urgent maintenance that is identified.

Spotless condition audits are carried out to assess the overall condition of the property. Auditors have a specific list of approximately 50 property components that they inspect so they are able to give each component a condition rating and an expected life expectancy before repair or replacement is required.

(4) $380,000 has been allocated for payment to Spotless for carrying out condition audits in 2011/12. This works out to $126 per property based on approximately 3000 properties.

(5) Housing ACT keeps a record of all maintenance carried out in a database application called "Homenet". All condition audit data is stored in an asset management database called "SPM". "SPM" is an asset information management and analytical planning application that aligns with typical asset management and maintenance management software.

Planning—multi-unit car parks (Question No 2032)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 16 February 2012:

(1) How can carparks in multi-unit development residential developments be separately unit titled.

(2) Has the Minister's Directorate looked into this.

Mr Corbell: The answer to the member's question is as follows:

(1) In order for car parking spaces to be considered a standalone unit in a multi unit development, the lease purpose clause must specify "car park" as a permitted use. The car parking spaces that are to be sold as units must be in addition to the car parking spaces generated by the approved development.

(2) Yes this issue has been raised with the Directorate previously.
