# Debates

## WEEKLY HANSARD

## SEVENTH ASSEMBLY

Legislative Assembly for the ACT

20 MARCH 2012

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**Tuesday, 20 March 2012**

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**MR SPEAKER** (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## Independent workplace audit
### Statement by Speaker

**MR SPEAKER**: Members, I wish to give an update on the review that the Assembly directed me to commission by resolution on 14 February 2012 regarding the independent workplace audit of the Leader of the Opposition's staffing arrangements. Members will recall that in the statement I made to the Assembly on Thursday, 23 February 2012 I informed the Assembly that I expected to be in a position to update the Assembly on the timing of the report of the audit during this period of sittings.

Mr McLeod has written to me to indicate that the review is progressing satisfactorily, that he is confident that it can be completed before the Easter break and that if that timetable cannot be met he will write to me again.

Given the likelihood that the report will be received whilst the Assembly is not sitting, and given that it is my intention to provide all members with a copy of the review, I am intending to raise this matter with the Standing Committee on Administration and Procedure to establish if there is a wish to pass a resolution in the Assembly authorising printing, publication and distribution of the report when the Assembly is not sitting.

## Petition
### Ministerial response

**The Clerk**: The following response to a petition has been lodged by a minister:

By **Mr Corbell**, Attorney-General, dated 9 March 2012, in response to a petition lodged by Ms Bresnan on 8 December 2011 concerning drug laws and policies.

The terms of the response will be recorded in *Hansard*.

### Drugs—petition No 127

*The response read as follows:*

> The ACT Government notes the petition submitted by the petitioners, lodged by Ms Bresnan MLA on 8 December 2011, and makes the following comments:
>
> The petitioners raise three issues for consideration by the ACT Government. For clarity, these issues will be considered in three sections titled:

- the failure of the ACT Government to stop the prohibited drug trade;
- the failure of the ACT Government to stop the use of drugs in the ACT; and
- the request that the ACT Government conduct a public debate with a view to revising relevant ACT drug laws and policies.

**The failure to stop the prohibited drug trade**

The illicit drug trade is a global problem that is faced by governments both domestically and internationally. The ACT Government recognises that the international drug trade is a complex issue that transcends borders and involves serious and organised crime groups.

The ACT Government's response to the international drug trade relies on the Commonwealth Government's law enforcement and legislative response, the co-operation of State and Territory Governments and Australia's international treaty obligations. The ACT Government actively contributes to the development and review of our national response to the illicit drug trade through our involvement with national working groups, committees and reviews.

Australia's national response to the illicit drug trade is guided by the National Drug Strategy. The Strategy provides the framework for our national drug policy, which has the aim of minimising the harms to individuals, families and communities from alcohol, tobacco and other drugs.

The National Drug Strategy is based on the harm minimisation approach which encompasses three broad concepts: demand reduction, supply reduction and harm reduction. Supply reduction is the concept that directly relates to the illicit drug trade, and the criminal legislative response. The National Drug Strategy describes the aims of supply reduction as 'to prevent, stop, disrupt or otherwise reduce the production and supply of illegal drugs; and to control, manage and/or regulate the availability of legal drugs'.

The ACT Government contributes to this strategy and the policies that operate under the strategy through our involvement in the Intergovernmental Committee on Drugs (IGCD). The IGCD is a Commonwealth, State and Territory Government forum that consists of representatives from health and law enforcement agencies in Australia and New Zealand.

The Commonwealth's serious drug offences, located in the *Criminal Code Act 1995* (Cth) (the Commonwealth Criminal Code), were updated and modernised in 2005 in order to target organised illicit drug traders and commercially motivated drug crimes. The ACT Government has also implemented amendments, with our Criminal Code (Serious Drug Offences) Act commencing in 2005. These amendments were informed by a national discussion (the Model Criminal Code) aimed at producing model serious drug offences.

Domestically, to address the role of serious organised crime and the illegal drug trade, the Commonwealth, State and Territory Governments have committed to a national response to serious and organised crime. In 2010, reforms were passed to Commonwealth legislation to strengthen and target the legislative response to serious organised crime.

To support the national approach to serious and organised crime, in 2009, the ACT Government presented the *Government Report to the Legislative Assembly: Serious Organised Crime Groups and Activities* to the Legislative Assembly. The report contained a number of recommendations aimed at strengthening the Territory's ability to combat serious and organised crime.

In 2010 the ACT Legislative Assembly passed the Crimes (Serious Organised Crime) Amendment Act. The Act introduced the offences of affray, participation in a criminal group and recruiting people to participate in criminal activity into our criminal laws. The Act also extended our existing offences relating to the protection of people involved in legal proceedings.

Additionally, the ACT has now implemented cross border criminal investigation laws. The laws cover controlled operations, assumed identities, surveillance devices and the protection of witness identity.

ACT Policing (ACTP) is a portfolio of the Australian Federal Police, the Commonwealth's principal law enforcement agency and the primary advisor to the Federal Government on policing issues. The AFP works closely with Commonwealth, State/Territory government and law enforcement agencies to implement the Commonwealth Organised Crime Strategic Framework. This framework seeks to unite the fight against serious and organised crime using law enforcement and regulatory means combined to disrupt criminal enterprises nationally and internationally.

The AFP works with private sector as well as Commonwealth, State/Territory partners to determine where crime prevention efforts might more effectively operate across the jurisdictions.

ACTP has the benefit of the AFP's global profile and can draw on a broad law enforcement knowledge base to inform good practice in investigations and crime prevention.

The ACT Government is strongly committed and involved in addressing the supply and trade in illegal drugs. The ACT Government is actively engaged and involved in the legislative and policy response to the illicit drug trade at a national and international level. This involvement is supported by our legislative and policy response in the ACT as we endeavour to ensure that our law enforcement agencies are sufficiently resourced and supported to investigate and prosecute these crimes.

**The failure to stop the use of drugs**

The ACT's criminal legislative response to illicit drug use is located in chapter 6 of the *Criminal Code Act 2002*, based on the Model Criminal Code, and the *Drugs of Dependence Act 1989*.

A key policy underpinning the ACT's criminal law response to the use of illegal drugs is the ACT's *'Alcohol, Tobacco and Other Drug Strategy 2010-2014*' ('the ACT Strategy'). The strategy is a multifaceted approach applying evidence-informed practice that attempts to intervene to enhance health promotion and early intervention.

Like the Commonwealth strategy, the ACT strategy is guided by the harm minimisation approach. The demand reduction and harm reduction aspects of the harm minimisation approach are important concepts that aim to both reduce the uptake of harmful drug use and the drug related harm to individuals and communities. The ACT Strategy recognises the many underlying causes of illicit drug use, and aims to provide programs and services to address these causes.

By acknowledging the on-going causes and use of illicit substances in the community, the ACT Strategy will continue to focus on those who continue to suffer disadvantage, which includes people who are affected by the harms caused by illicit drug use. The ACT Government is committed to minimising the harm that is caused by illicit drug use, while recognising the individual needs of all citizens in the ACT.

**The revision of current laws**

The ACT Government is keen to ensure that ACT laws continue to be effective tools in the investigation and prosecution of serious drug offences and serious organised crime. In doing so, the Government has sought to ensure that serious drug laws target those trafficking in illicit drugs rather than inadvertently categorising illicit drug-users as traffickers.

The ACT Government has recently undertaken a process to review and update the substances that are notified classified as controlled precursors in the ACT. The prohibited precursor schedules underpin the serious drug offences in chapter 6 of the Criminal Code 2002, as they recognise the substances that are used to create controlled drugs. It is imperative that the drugs and chemicals included in the schedules keep pace with contemporary law enforcement.

On 25 October 2010 the *Criminal Code Amendment Regulation 2010* was notified. The regulation substituted a new definition of 'controlled drugs', a new definition of 'controlled precursors', inserted three new substances to be classified as controlled drugs and substituted a new precursor schedule.

The 2010 amendments adopt a selection of the reforms noted by the Ministerial Council on Drug Strategy ('MCDS') in May 2007 for the model national approach to controlled drug, precursor and plant schedules.

The ACT Government recognises that it is necessary to periodically review the controlled drugs, plants and precursors due to the development of new drugs and the changes in the methods and precursors used to produce the controlled drugs. Consistent with the ACT Strategy, it is the intent of the criminal justice response to illegal drug trade and use to develop evidence-based policies and initiatives to ensure that issues associated with harmful alcohol, tobacco and other drug use are addressed in an effective way.

The ACT Government is continuing to review its criminal justice response to illicit drugs. The ACT Government is currently reviewing its approach to the drugs and amounts that are prescribed as 'controlled drugs' and has convened a Drug Schedules Working Group to consider the model schedules and quantities for drugs, plants and precursors that the Intergovernmental Committee on Drugs developed ('the model drug schedules'). The Drug Schedules Working Group consists of members from ACT Policing, the ACT Director of Public

> Prosecutions, Legal Aid ACT, the ACT Government Health Directorate, including a member from the ACT Governmental Analytical Laboratory and the ACT Government Justice and Community Safety Directorate.
>
> The ACT Government thanks the petitioners for raising their concerns about the approach and response to illicit drug use.

## Justice and Community Safety—Standing Committee
### Amendment to resolution

Motion (by **Mrs Dunne**), by leave, agreed to:

> That the resolution of the Assembly of 17 November 2011 referring the Liquor Licensing Fees Review and subordinate legislation to the Committee for inquiry and report be amended by omitting the words "by the first sitting day in March 2012" and substituting "by the last sitting day in May 2012" and inserting a new paragraph (2A):
>
> "(2A) if the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation;"

### Scrutiny report 49

**MRS DUNNE** (Ginninderra): I present the following report:

> Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 49, dated 15 March 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE**: Scrutiny report 49 contains the committee's comments on 14 bills and 20 pieces of subordinate legislation. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### Statement by chair

**MRS DUNNE** (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bill and subordinate legislation committee.

The proposed government amendments to the Long Service Leave (Portable Schemes) Amendment Bill 2011 concern the time within which an application for internal review must be made and ensure that a decision on such review is reviewable by the ACT Civil and Administrative Tribunal.

The committee has examined these amendments and has no comment to make.

## Public Accounts—Standing Committee
### Statement by chair

**MS LE COUTEUR** (Molonglo) (10.07): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to the committee's inquiry into the Road Transport (Third-Party Insurance) Amendment Bill 2011.

On 31 March 2011 the Legislative Assembly referred the Road Transport (Third-Party Insurance) Amendment Bill 2011 to the Standing Committee on Public Accounts for inquiry and report by the first sitting week in March 2012. This bill proposes various amendments to the Road Transport (Third-Party Insurance) Act 2008.

Pursuant to section 275 of the Road Transport (Third-Party Insurance) Act 2008, the responsible minister has a statutory requirement to review the act and present a report on the review to the Legislative Assembly. Specifically, the act states:

> The Minister must review the operation of the Act as soon as practicable after the end of its 3rd year of operation.
>
> The Minister must present a report on the review to the Legislative Assembly within 3 months after the day the review is started.

Statutory review periods are designed to ensure a timely evaluation of the implementation and performance against specific legislation. Consequently, the committee's examination of the statutory review is a critical aspect of its consideration of the referred bill. Throughout the course of its inquiry the committee has sought to ascertain when the statutory review would be available.

In response to a supplementary question seeking further information on the status of the review, in particular whether it had commenced, when it would be provided to the Assembly in accordance with the act and how its findings and recommendations would be addressed in the context of the bill, the Treasurer told the committee:

> The three year legislative review commenced on 6 October 2011.

The act stipulates that within three months of the review having commenced, the report is to be presented to the Assembly. As the three-month period ends on 6 January 2012, the report is expected to be presented to the Legislative Assembly in the first sitting week for 2012. The government will consider the review before deciding on future actions regarding the ACT's CTP scheme.

I wish to inform the Assembly that, as the statutory review was not tabled in the February 2012 sitting, the committee asks the Assembly for an extension of time to report on the referred bill. This extension will be until such time as the statutory review has been provided and the committee has had sufficient time to consider it in detail.

I seek leave to move a motion on this matter.

Leave granted.

**MS LE COUTEUR**: I move:

> That the resolution of the Assembly of 31 March 2011 concerning the referral of the Road Transport (Third-Party Insurance) Amendment Bill 2011 to the Standing Committee on Public Accounts for inquiry and report, be amended by:
>
> (1) omitting the words "by the first sitting week in March 2012" and substituting "by the second sitting week in May 2012"; and
>
> (2) adding a new paragraph (3):
>
> "(3) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.".

**MR SMYTH** (Brindabella) (10.11): I thank Ms Le Couteur for the report. It summarises the concerns that PAC have, and I compliment PAC on the way they have conducted this inquiry, which, unfortunately, we cannot report on because we do not have the vital report. It is of very serious concern to all involved that we actually have a government who breaks the law. It is very clear what the law says, Mr Speaker. I will propose two amendments, which have been circulated, and I seek leave to move the two amendments circulated in my name together.

Leave granted.

**MR SMYTH**: I move:

> Add new paragraphs (4) and (5):
>
> "(4) requires the Treasurer to table, by the close of business today, the report of the review of the *Road Transport (Third-Party Insurance) Act 2008*; and
>
> (5) censures the Treasurer for failing to comply with the requirements of section 275 of the *Road Transport (Third-Party Insurance) Act 2008*.".

The first amendment calls on the Treasurer to table by close of business today the report of the review of the third-party regime and the second censures the Treasurer for his failure to complete the review of the compulsory third-party scheme in the ACT within the time limits set down in the Road Transport (Third-Party Insurance) Act 2008.

I agree completely with the motion proposed by Ms Le Couteur. In formal terms, PAC have no choice but to move in this way, and we clearly cannot report on our inquiry as we were required to do under the reference of this matter to the committee.

This whole matter has a bit of a sad history, and now is not the time to deal with that matter. The far more serious issues concern the way in which this government has treated a committee of this Assembly with what can only be called contempt and the failure of this government to comply with the clear and unambiguous requirements of the Road Transport (Third-Party Insurance) Act, an amendment that they voted for on the day.

It is very important when governments fail to comply with the law that they are held to account. The question is: who holds the government to account when they break the law? Well, this place does. We do. It is appropriate to put on the record that the house of Assembly does not tolerate the breaking of the law by the government. As we have seen with things like children in care, the government is quite willing to break the law, but we are not willing to accept that.

In relation to the contempt of the Assembly, I am astounded at the way in which this government has promised on a number of occasions to deliver the report of the review of the third-party regime to the public accounts committee but has failed so spectacularly to honour those promises, particularly when the requirement for this report has been central to the conduct of the inquiry by the public accounts committee.

This failure on the part of the government is nothing short of disgraceful. The government has had more than enough notice of the requirement to complete the report. It has had three years notice that it would need to do a report, and despite promise after promise both last year and, indeed, this year, the government has failed to provide the report to PAC. If one looks closely at the ACT Assembly draft program circulated yesterday after the meeting of cabinet, it is not to be tabled this week either. The only paper to be tabled by the Treasurer this week is the government's response to the Standing Committee on Public Accounts inquiry into the draft exposure of the financial management ethical investment legislation. That is the only thing the Treasurer is tabling this week, according to what has been circulated. Indeed, he is not tabling anything at all on Thursday.

The question is: when will PAC get the report? The problem for PAC is we now cannot do our job, and that is unacceptable. It is a contempt of the role of the committees of this Assembly and it deserves a very strong response from the Assembly.

Secondly, there is the failure of the government to comply with section 275 of the act which is being reviewed, which I proposed in debate on this bill in February 2008. It is quite clear, and let me read section 275(2):

> The Minister must present a report on the review to the Legislative Assembly within 3 months after the day the review is started.

Let me read it again:

> The Minister must present a report on the review to the Legislative Assembly within 3 months after the day the review is started.

It is not the next sitting week or the next sitting month or the next sitting year; it is three months after the day the review has started. And that has not happened. The act must be reviewed after three years of operation. The act came into effect on 1 October 2008. The three-year period concluded on 1 October 2011. The three-month period—October, November, December—means January is when this should have been delivered to the Assembly.

The review must be presented to the Assembly within three months of the commencement of the review. In the first instance, I think the government simply overlooked the provision for review. I think they got a little bit gung-ho, thought they would do some more legislation to show that they were acting on this issue and did not actually read their act. There is a failure there, and the Treasurer of the day can answer for that if she deigns to come down and join us. But the then Treasurer appears to have rushed ahead proposing further amendment to the third-party regime without considering the need for any review of the previous reform package.

Remember that it was a majority government in 2008. So the government agreed to this amendment; this amendment went ahead with the complete support of all 17 members of the Assembly. It is not like it was something the government opposed and did not see a need for; the government agreed. They were so confident of their 2008 reform package that they agreed they would review it.

Once the government had been reminded about this requirement for review, the then Treasurer sought to fit in that requirement with her imperative to have any further amendments made to the third-party regime before the end of 2011. Members may recall that in March 2011 I proposed that PAC review the government's further proposed amendments to the third-party regime. Ms Hunter proposed that PAC report by this week in March 2012. Ms Gallagher actually proposed that the reporting date be brought forward to December 2011. Members can go back to the *Hansard*—Ms Gallagher said it would start on 1 October and it would be quick. "We could probably have the report by November and PAC could knock it off and report in December and the legislation could be passed in December 2011." But that has not happened. Given the history of this whole matter, it is now possible to see what a nonsense Ms Gallagher's proposed amendment was. Fortunately, the Assembly did not accept that on the day.

With that brief background, I now turn to the issue of the government failing to comply with the law—in this instance the law being section 275 of the Road Transport (Third-Party Insurance) Act 2008. The former Treasurer was well aware of this section in the debate in March 2011 when she moved an amendment. She said:

> I accept the Assembly's desire for further change. I have an amendment, which I have circulated and which I move now. I move:
>
> Omit "March 2012", substitute "December 2011".
>
> So this amendment really goes to trying to pull back the reporting back to December … I have asked that Treasury commence the review on 1 October and that they complete it in November …

That did not happen. I repeat: Ms Gallagher asked the Treasury to complete the review in November 2011. So what happened after March 2011? Well, two things: PAC has proceeded with its inquiry into the government's further proposed amendments to the third-party regime and the government has failed to comply with the requirements to complete a review of the ACT's third-party regime and present that review to the Assembly by 31 December 2011. In doing so, the government has broken the law.

We need to emphasise that the government is certainly not able to plead that it did not know about the parameters of this review. Not only are they well documented and acknowledged in March 2011 but they were raised in hearings of PAC in October 2011 as part of the inquiry into the government's third-party proposal. The chair of that committee said:

> **THE CHAIR**: Thank you. The act provided that a review commence on 30 September this year. Has that review commenced?
>
> **Mr Barr**: Yes.
>
> **THE CHAIR**: And when will it be finished and expected to report?
>
> **Mr Barr**: I will take some further advice on a report date but it is certainly underway.

We then have a further quote from 16 December, when I raised the review during PAC's hearings into annual reports:

> **THE CHAIR**: Mr Smyth.
>
> **MR SMYTH**: Just on that, have we received the government's report yet on CTP …
>
> **Ms Smithies**: No, you have not. It is not finalised yet, though.
>
> **MR SMYTH**: When are we likely to receive it?
>
> **Ms Smithies**: It is still within the time frame. It will be finished early January for the government. And it is due to be with the Assembly in the first sitting of the Assembly.

On 3 January 2012 the Treasurer, Mr Barr, provided an answer to a question from PAC by providing more detail about this review. The question was where was the review and when would we get it, and the answer was that the three-year legislative review commenced on 6 October 2011, and the act stipulates that within three months of the review—so the minister is well and truly aware of the requirements of the law—having commenced the report is to be presented to the Assembly. The Treasurer said that as the three-month period ends on 6 January 2011—he actually got it wrong and was out by a year—the report is expected to be presented to the Assembly in the first sitting week for 2012. He said the government will consider the review before deciding on future actions regarding the ACT's CTP scheme.

I make a number of observations about that answer. First, the review actually started on 6 October 2011 and not on 1 October as the former Treasurer specified. The three-month period would then end on 6 January 2012, and that is only three days after this answer was signed off. The report was "expected" to be tabled in the Assembly during the February sittings. The report was due to be made available to the Assembly on 6 January and that should have been done. Only being "expected" to be tabled is far from definitive. Indeed, the review has not been tabled and, according to the draft program circulated yesterday after cabinet, it will not be tabled this week. So the delay to PAC and PAC's endeavours goes on.

The evidence is quite clear; there can be no argument. Despite repeated assurance from two treasurers and officials over the past months and the last year, this government has failed to comply with the law. It has broken the law. It has failed to provide a review of an important area of public policy on time. Indeed, the Labor Party is peddling the lie that it is the Greens and the Liberal Party that are holding up the review. Andrew Leigh, the federal member for Fraser, received an email from a constituent. Apparently he consulted with the Treasurer, and this is his response back to the constituent:

> Thanks for your email. I have taken up the issue of CTPI providers in the ACT with the ACT Treasurer, Andrew Barr MLA. You'll be pleased to hear that the Minister is aware of this unsatisfactory situation and a bill to change it is currently before the assembly (it is being held up by the Liberals and the Greens).

That was on 1 March. "It is being held up by the Liberals and the Greens." What is holding up the review is the breaking of the law by the minister in his failure to give the report that was due on 6 January to the committee. So there we have it. "Don't do the report. We don't comply with the law and we blame everybody else but ourselves." That was from Mr Leigh to a constituent. It will be interesting to see whether that is the advice the Treasurer's office gave to Mr Leigh and it will be interesting to see who got it wrong.

In no place is there mention of the fact that what is holding up the review is that the report that Ms Gallagher thought we would have in November has not appeared, that the amendments that may have been passed in December have not happened because the government has not done the job, and the report that should have been due on 1 January has not arrived. Because it started late it was due on 6 January, but it has not arrived. Here we are on 20 March and it still has not arrived. According to the official document circulated by the manager of government business yesterday, it is not to be tabled this week. Where is this minister at? Where is his contempt for the law and what will this Assembly do?

My motion requires the Treasurer to table by close of business today the report of the review of the Road Transport (Third-Party Insurance) Act 2008 and it censures the Treasurer for failing to comply with the requirements of section 275 of the act. He has broken the law. It must be on the record that this Assembly held him to account. I urge members to support my amendments to the motion.

**MR HARGREAVES** (Brindabella) (10.25): I wish to address my remarks to the 246A statement, to indicate to the chamber why it is that I am happy for an extension of the reporting time.

I would like to do some more cogitation on some of the information which has been put forward to the committee, particularly around the use of the AMA guidelines as the definitive statement about what should be what is essentially a log of claims. I am not convinced that that is the best way to go but I do need to do some more thinking about that. I want also to give some thought to—

*Opposition members interjecting—*

**MR HARGREAVES**: It is very hard, Mr Speaker, when I hear the grumblings across the chamber.

What we are talking about in this instance is a quantum change in the way in which we do things. We need to take this particularly carefully. I hear that there is disquiet in the community in some sectors and there is encouragement in other parts of the community. I for one would like to digest that before actually committing to these things. In the context of the evidence given thus far, I do not think that the evidence thus far is complete enough for us to be able to make a decision when we come to this chamber.

My position is that maybe delay is a good thing. I think hastening slowly might be the go. I am not really convinced that all of the arguments put are actually sustainable but we will have to wait and see. The timetable, of course, for delivering the report needs to be considered in the context of how many sitting weeks we have left in this Assembly. I need to flag with the chamber, of course, that when the report is delayed, that means the government's response will also be correspondingly delayed. So the opportunity for legislation to be put into this place, debated and enacted shrinks as every week goes by. We need to understand that, as at today, we have only seven weeks of sittings left in this Assembly. We need to take that into account.

This is a complex exercise when it is dealing with the rights of people, whether those rights affect only two people, 200 people, 1,200 people or 350,000 people. When we are talking about the taking away of the right of one or two people—and that is where the conversation is; whether it is true or false, that is where the conversation is—we do need to consider whether or not that is in the interests of the common good. If it is not in the interests of the common good, we are making a very bad mistake. If it is in the interests of the common good, we need to understand that, accept that, and then we need to sell that to those people who will feel aggrieved.

I have been on the scrutiny of bills committee for most of my parliamentary career and I have to say that whenever I hear a question regarding somebody's rights I immediately go into twitching mode. I want to be absolutely certain, when this committee recommends to the chamber a course of action, that that is covered off in my heart. I need to be able to sleep, when I am talking about that.

I support the extension of time to report to the Assembly because I think it is a serious issue. I do not support the amendments from Mr Smyth.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.29): I thank members for raising this matter today and I apologise to the Assembly for the delay in providing the report. As members may be aware, the scheme actuary took some personal leave during the period and, I understand, was unavailable for a three-week period. That, combined with a further filing by the NRMA of their premium on 9 January, is the reason for the delay. I note section 275(4) of the act provides that the minister may have regard to anything else that the minister considers relevant, and in the context of this review I believe that the latest filing from the NRMA is relevant.

In relation to Mr Smyth's amendments, I became aware of the censure—I think an email was sent to my office 12 minutes before the Assembly was scheduled to sit this morning. I thank Mr Smyth for giving me 12 minutes notice of the censure. I have the report to table today and will do so, so I have no problem in relation to the first of Mr Smyth's amendments.

I see another amendment circulating in the Assembly from Ms Le Couteur, seeking to remove "censure" and replace it with "expresses its grave concern". I understand that tends to be the Greens' preferred way of rapping a minister over the knuckles for an error. I wish to publicly acknowledge that I should have advised the Assembly in the February sittings of the delay and the reasons for it. I apologise to the Assembly. I have the report today. I look forward to a substantive debate on the policy issues contained within the report. I think that is where we can serve our constituents best in relation to that. But I will cop this.

There has been a delay. The reasons for the delay are twofold—the personal leave of the scheme actuary, the unavailability of IAG insurance officials over the summer holiday period, and that the NRMA filed a new premium claim on 9 January. For those reasons the report is delayed. I have it to table today and I apologise to the Assembly for the delay.

**MS LE COUTEUR** (Molonglo) (10.32): I move the amendment circulated in my name:

> Omit paragraph (5), substitute:
>
> "(5) that this Assembly expresses its grave concern for the Treasurer's failure to comply with the requirements of section 275 of the *Road Transport (Third-Party Insurance) Act 2008*.".

The purpose of this amendment, as Mr Barr said, is to change the wording from "censure" to "grave concern". Our view is that given Mr Barr has now said (a) that he is going to table it today and (b) that there were some reasons for the delay, possibly this omission does not meet the threshold for censure. It is certainly something that the Greens take quite seriously. The act is very clear as to what the minister's responsibilities are, and the minister simply did not do those in the timely fashion required by the act.

In reflecting upon what was the appropriate response, we have unfortunately reflected on the fact that this is not the only report that the government was meant to do but which has not been done on time or has not been done at all. One of the things I was reminded of was a list that Mr Barr, in his previous incarnation as planning minister, should have provided about sustainable building materials.

I very much regret that it had to come to this. The legislation is abundantly clear. It would have been polite for the government, if there was some reason to not be able to meet the timetable, to communicate this to PAC, which has certainly been communicating as much as we could to the government that we actually need this to do our job. We have been tasked by the Assembly to do an inquiry, as Mr Hargreaves said. We are trying to do this to the best of our abilities, and we require the government to also do its job to the best of its abilities.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.34): I would like to address some of the arguments made by the minister in his defence. He is claiming effectively a twofold defence. One is that the actuary took personal leave of about three weeks, I think he said, and the other is that there were some delays over the Christmas holiday period. I make two points in response to that. Firstly, the three-month time frame for the review was virtually up by the time of the Christmas holiday period. They should have basically finished the review by then. So that argument does not stack up.

Secondly, the three weeks of personal leave, of course, does not explain why this is now three months late. So the minister is not out by a few days on complying with the law. He is not out by a few weeks on complying with the law. He is out by a few months on complying with the law. So his arguments do not in any way stack up. They show a contemptuous attitude towards the law, a contemptuous attitude towards the Assembly and a contemptuous attitude towards the legal processes that have been put in place by the government.

Mr Smyth pointed out that this provision was actually supported by the Labor Party when it had a majority in the last Assembly. Regardless of whether that was the case, they would have to comply with the law. Whether they like the law or they do not, they have to comply with it. But in this case they actually supported it and thought it was reasonable that there should be a time frame of three months for a review to be completed and tabled in the Assembly, and this minister has deliberately ignored it.

If he had been out by a few days, and with those circumstances that he has outlined, he might be able to make the case that he tried his best and that he made his best endeavours to comply with the law. But he did not. Clearly he has deliberately failed to comply with the law here. He has made no genuine effort to comply with the three-month time frame. That does call into question his abilities as a minister if he thinks the law is so flexible that he can take double the time that the law actually requires.

In relation to the Greens' amendment, what we are seeing now is that the Greens have a new standard for censures of members of the Labor Party. Breaches of the law are okay, but not too many. I think Ms Burch is the only minister who has been censured

by this Assembly, the only minister whom the Greens deemed worthy of censure, and I think it took 24 breaches of the law under her watch before the Greens would actually support a censure.

The Greens are now saying they will hold this minister somewhat to account. They will give him a slap. I think the fact that the Greens set the bar so high for censures of members of the government shows that in this case even the Greens cannot defend what Minister Barr is doing. They are doing their best to try and downplay it a little bit, but even the Greens, even the coalition partners, recognise that this is a contemptuous attitude to the law, it is a contemptuous attitude to the Assembly, and that is why they are now going to take some action to actually express concern in relation to the performance of Mr Barr.

But it seems that it would take another 23 breaches of the law before it would be worthy of censure. I note the difference in approach to members of the opposition. I note that Mr Smyth was subjected to a censure for the vibe of a press release, for a headline in a press release that the Labor Party did not like. But this minister has breached the law. He has done it deliberately. He has done it not by a little bit but by a lot and he should be held to account and he should be censured by this Assembly.

**MR HARGREAVES** (Brindabella) (10.38): It seems that the Leader of the Opposition was not listening to Ms Le Couteur. Ms Le Couteur was saying that there is a threshold above which you have to get before a censure motion has to apply, and by extension another—

*Opposition members interjecting—*

**MR HARGREAVES**: The mumblings of the Leader of the Opposition and Mrs Dunne will not affect me whatsoever. What they have to say is of absolutely no import to me whatsoever. By extension, there is a further threshold for a no-confidence motion to be brought.

The Treasurer came forward and told us about some of the effects which caused a delay and which were beyond his control. If in fact this chamber could have been advised of those effects, that is another issue. But I hardly think that that sort of thing warrants a censure, quite frankly.

The minister has stood in this place and apologised. I am still waiting to hear the same thing from the Leader of the Opposition. I do not think we ever will, but I am still waiting to hear it, regarding some of the issues that he has portrayed in this matter.

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

**MR HARGREAVES**: Mrs Dunne sits there pontificating, as usual. On more than one occasion in his speech the minister stood in this place and apologised. As a member of the committee that is affected by that delay, I am prepared to accept that apology and, by Ms Le Couteur's amendment to reduce this from a censure to a motion of grave concern, I believe that she too is saying that she is accepting that apology. This is a committee of three. We have had two people suggest that we still need to express our

concern that the notification should have been done and was not, but we accept that there were extenuating circumstances involved in this. And I take Ms Le Couteur's point.

I think this is a matter of smoke and mirrors. This is all about the opposition's relevance deprivation and trying to create a distraction and yet another censure. I believe that this opposition has done more in its term in this Assembly to devalue the notion of a censure motion than in all of the time I have been here. If anything deserves a motion of grave concern, it is the fact that those opposite seem incapable of going into a sitting period without having a censure motion or better delivered against one or other of the ministers. I think they ought to sit back and think about the seriousness of this and say whether or not the sort of stuff they keep bringing forward warrants a censure motion.

I also say this, Mr Speaker: they ought to also consider that they sit in a glass house. They ought to be careful where they hurl their rocks. They ought to be very careful, because he or she who lives by the sword can very well die by it.

**MR SMYTH** (Brindabella) (10.42): I can count the numbers. Clearly the amendment will get up. Mr Hargreaves started by saying it is a distraction. Mr Hargreaves, if you follow that through, thinks it is a distraction to break the law and to hold the lawbreaker to account. It is not a distraction; it is one of the functions of this place to hold the executive to account. And when they break the law, the Canberra Liberals will do their job and hold them to account. The motto of the territory is "for the Queen, the law and the people". First and foremost, we should be upholding the law in this place.

We now have some interesting levels. For one breaking of the law you get a grave concern; for 24 breakings of the law you get censured. So what is no confidence? Is it double again? Is it 48, or perhaps it is parabolic. Maybe it is 96 breakings of the law. It is interesting that we have that sort of approach from the Greens.

I go back to my being censured for the tone of a press release. So there is a sliding scale here, and it slides all over the place. I got censured—which I wear as a badge of honour, I have to say—for the tone of a press release. The minister is having grave concern found in his performance for breaking the law. The Greens might reflect on that.

I welcome the minister's apology for the delay. The minister could have made that statement in February. The minister could have written to the committee and said: "It's running late. Here's a couple of reasons." But we did not get that. And that is why the behaviour has been contemptuous of the committee process. The government wanted their bill. We have got Labor members telling the community the reason they cannot have their bill is that the Greens and the Liberals are holding it up. The reason it is being held up is that the minister did not do his job and, in doing so, broke the law. That is why it is being held up. I expect that Mr Barr's office will contact Mr Leigh's office so that they can send their constituents an email saying, "Well, actually, the truth of the matter is the committee hasn't reported because the government didn't do its job in a timely fashion." I think that record should be corrected, and I look forward to hearing—

**Mr Corbell**: What a confection.

**MR SMYTH**: Mr Corbell says it is a confection. Let me read you the email again. The email simply says it is being "held up by the Liberals and the Greens". If the minister had done what Minister Gallagher had intended and had the review been done by November, it could have been passed in December. That was the original intention: "We'll do this. We're onto the job. This will be quick. We'll get it to you. You can do your job. We'll all do it by Christmas. It will be out by Christmas." Wonderful. But here we are in March. March! So if you are going to put to the community that it is the fault of the Greens and the Liberal Party, you need to put to the community the correction that the reason the committee has not reported on the day that it was due was that the government failed to deliver the report according to the law, and that the government broke the law. That is what we do here today when we hold the government to account.

I accept the numbers. I think it is disappointing. It does send an interesting message to the community on breaking the law. The important thing is that we will apparently get this report this afternoon and the committee can get on with its job.

**Ms Le Couteur's** amendment to **Mr Smyth's** proposed amendments agreed to.

**Mr Smyth's** amendments, as amended, agreed to.

Motion, as amended, agreed to.

## Administration and Procedure—Standing Committee
### Membership

**MR SPEAKER**: Pursuant to standing order 223 I have approved the discharge of Mr Hargreaves from the membership of the Standing Committee on Administration and Procedure and the appointment of Ms Porter in his place. I table the following paper:

> *Paper*: Standing Committee on Administration and Procedure—Membership—Letter to the Speaker from Ms Porter, dated 3 March 2012.

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

> That Ms Porter be appointed as a member of the Standing Committee on Administration and Procedure.

**MR HANSON** (Molonglo) (10.47): I cannot let this motion pass without some comment. The irony is that the Labor Party and, indeed, Mr Hargreaves himself came into this place full of vim and vigour demanding essentially that Mrs Dunne be sacked from the admin and procedure committee and that I be appointed to that committee because it has to be a whip that sits on that committee. We argued against that. We saw no reason why that should be the case. In fact, there is no reason why that be the case. It was churlish and petty politics being played by the Labor Party and, indeed,

by Mr Hargreaves. And it is ironic that he is now the victim of that petty, churlish political game that he was playing.

As we are aware, in the previous sitting period Mr Hargreaves was forced to resign as the government whip because of his continued inappropriate behaviour, in regard to both his comments to the Tuggeranong Community Council and the bizarre note that he passed to Mr Coe, which was at Mr Barr's expense. We know that he had to then resign as the government whip, in effect then, removing him from the position of being able to sit on the admin and procedure committee.

**Mr Hargreaves**: On a point of order, Mr Speaker, I have listened for quite a while, and I thought that Mr Hanson might attack me for a while and then get on to the substance of the motion, which is not about me, it is about Ms Porter. So could you ask the so-called honourable member to actually come to the point please.

**MR HANSON**: On the point of order, Mr Speaker, I certainly will be coming to the appointment of Ms Porter. However, I think it is relevant to point out to members of the chamber why it is that this is occurring and why it is that Ms Porter is being appointed to the committee.

**MR SPEAKER**: Yes, Mr Hanson, I have given you some latitude up to this point, but I think the point has been made. You could move on to the substance of the motion, thank you.

**MR HANSON**: Certainly. So we will support today's motion. I just think it is an appropriate thing to point out that the Labor Party are in continued turmoil, as they are now scrambling to find someone that can sit on this committee because of Mr Hargreaves's behaviour, his actions, in both deciding and pushing a position that only whips can sit on it and then having himself in a position where he had to resign as a whip. We now have the very unsatisfactory position where Ms Porter is the only essentially eligible backbencher for the Labor Party. She now chairs committees, sits on committees, is Deputy Speaker and sits on an additional committee while Mr Hargreaves sits up on the backbench doing sweet nothing, in a comparative sense.

I just wanted to point out the irony to the members sitting here, and particularly to Mr Hargreaves, who stands up in such a pious and pompous manner on so many occasions, that this is now coming home to roost at his feet.

**MR HARGREAVES** (Brindabella) (10.50): Never let a chance go by, according to Bob Hudson in the *Newcastle Song*. Mr Hanson has made an accusation about me personally, and I think I am entitled to at least the five minutes that he took to slash me to pieces to return the favour. We moved the motion—

**Mr Hanson**: On a point of order, Mr Hargreaves said he was going to stand up with the intent of slashing me to pieces. I ask whether that is relevant to the debate at hand. My points were directly relevant to the issue why Ms Porter was being appointed to this committee. I do not think that standing up to declare at the beginning of a speech that your intent is to slash the opposition spokesman to pieces would indicate that he is actually going to say anything relevant to this debate.

**MR SPEAKER**: On the point of order, Mr Hanson, I think you may have missed it. I heard Mr Hargreaves say something different. I think he was referring to the fact that you slashed him to pieces. I did not hear him say he was going to slash you to pieces.

**Mrs Dunne**: On the point of order, Mr Speaker, he said that Mr Hanson slashed him to pieces and that he would return the favour, therefore, implying that he too would attempt to slash Mr Hanson to pieces.

**MR SPEAKER**: I will be happy to go back and listen to the tape. Nonetheless, given the points raised by Mr Hanson, and he was given some latitude in his speech, I think there is space for Mr Hargreaves. Mr Hargreaves, I would ask you to limit your remarks and focus on the motion.

**MR HARGREAVES**: Thank you, Mr Speaker. Mr Hanson talked about our motion to make the membership of the administration and procedure committee to assist the Speaker in the administration precinct to be those people appointed as whips. I do not resile from that motion. I think it is the most appropriate one, as I alluded to in the first place. It just shows to me an absolute lack of understanding from Mr Hanson over there of what the duties of a whip really should be. I might take the liberty of—

*Opposition members interjecting—*

**MR SPEAKER**: Order, members! Thank you. I cannot hear Mr Hargreaves.

**MR HARGREAVES**: I might take the liberty at some point of actually doing a duty statement for Mr Hanson and provide him with a copy of it so that he will then understand exactly what he is supposed to do.

He says that I sit here with next to nothing to do, then slides in the word "comparatively" afterwards. I would remind Mr Hanson that there are only two members of the non-executive on this side of the chamber and, in fact, prior to my resignation as whip, I was on the equivalent of six committees. Ms Porter is on that same equivalent. I am still on five committees of this place, the equivalent of five committees. I hardly think that that is sitting here doing nothing.

Furthermore, Mr Hanson is very free with his words: I am forced to do this and I am forced to do that. Mr Speaker, you have a copy of my resignation as the whip, and you would know that it was not an instruction from the Chief Minister. It was an invitation from me. Mr Hanson can laugh his head off but it absolutely does not make a jot of difference. It does not contribute to the validity of his argument one bit to insist on these things.

He also had a go at me about behaviour. Let me just talk about that for a second or two. How many times has Mr Hanson had his services withdrawn from this chamber? I suggest to you at least once. It has never happened to me, never. Fourteen years of service in this place and I have never, ever been dealt with by this parliament. Mr Hanson has. I have never had the repetition of warnings that Mr Hanson has on the record. The number of times he has been warned is legion in this place. He should

understand that if you are going to talk about a subject, you want to make sure that you are a bit like Caesar's wife as well.

*Mr Seselja interjecting—*

**MR HARGREAVES**: And Mr Seselja mutters away to himself over here, trying to be smart and trying to be funny, and, Mr Speaker, he is not right in either of them.

**Mr Hanson**: Mr Speaker, on a point of order, I think that you said that you would give the member some latitude. I think that he has strayed a long way from the topic, which is the appointment of Ms Porter to the admin and procedure committee, and I would ask that you bring him to that point.

**MR SPEAKER**: Yes, thank you. Mr Hargreaves, I did limit Mr Hanson's latitude, and I would like to do the same to you. I am doing the same to you.

**MR HARGREAVES**: Yes, sure, thank you very much, Mr Speaker. I have almost got the same amount of time that Mr Hanson had when he was trying to damage me.

I want to rise to support Ms Porter's appointment. I was not aware, actually, that it needed this chamber to appoint somebody. I thought that the standing orders were such that the membership of the administration and procedure committee comprised the whips. Therefore, a member of this place appointed by his or her particular part of the world as a whip—

**Mr Seselja**: Ask Simon to withdraw the motion, then.

**MR HARGREAVES**: Will you just be quiet for a while? You are like an irritating schoolboy, you are.

**MR SPEAKER**: Members, let us just proceed with the debate.

*Mr Seselja interjecting—*

**MR SPEAKER**: Mr Seselja.

*Mr Seselja interjecting—*

**MR SPEAKER**: Mr Seselja.

*Mr Seselja interjecting—*

**MR SPEAKER**: Right, Mr Seselja, you are warned. I just asked you twice, and you kept interjecting.

**Mr Seselja**: Mr Speaker—

**MR SPEAKER**: Stop the clocks, thank you.

**Mr Seselja**: If you are going to give Mr Hargreaves latitude to hurl abuse at us, we will respond from time to time. And that was what I was doing. So I think perhaps if there are going to be warnings, maybe they should be going both ways.

**MR HARGREAVES**: Mr Speaker, on the point of order, I said I had a different understanding of the way in which the standing order applied to the way in which it has been ruled this morning, at which point Mr Seselja hurled across the chamber, "Get Simon to withdraw the motion." That is not me throwing out some sort of a temptation to those opposite.

**Mr Hanson**: On the point of order, Mr Speaker, this is a rewriting of history. Mr Hargreaves was hurling abuse, saying things like, "You're a schoolboy." He was clearly having a go at Mr Seselja across the chamber and is now trying to litigate that this was just part of the debate. He was speaking directly in contravention of standing order 42 to vilify Mr Seselja. I think it is only appropriate that Mr Seselja should respond, and that was the point Mr Seselja was making.

**MR SPEAKER**: Thank you for the feedback. Members, there is no point of order. I was clear to Mr Seselja that I asked the interjecting to stop. I asked him twice. I used his name twice and then he interjected again. I think that is crossing the threshold. Mr Hargreaves, you have the floor to continue.

**MR HARGREAVES**: Thank you very much, Mr Speaker. I just wanted to talk about my understanding of the way the standing order was written and, indeed, what the intention of the original amendment to those standing orders was. It was that where a member was appointed to the position of whip by his or her element of the chamber, that would be an automatic membership of the committee rather than the need for an appointment by the chamber, because the idea was, as, indeed, the Speaker's appointment as chair of the administration and procedure committee is, that it is not something that the chamber does, that it is an automatic thing because it is listed in the standing orders.

My understanding is that the standing order says that the composition of the administration and procedure committee shall be the Speaker and, now, the whips of the elements of the chamber. And there are provisions if the crossbenches are of a different composition. But my understanding was that the moment, in fact, that somebody was appointed a whip, they were automatically a member of the administration and procedure committee, such that they could participate in deliberations of that committee in between sittings. I did not believe the standing orders required the ratification by the chamber. I thought it was just an automatic thing, such that if we have somebody resign as a whip, as we did have, the next appointee is an automatic member of the committee.

I would ask, Mr Speaker, if you would perhaps consult at some time at your leisure with the Clerk and see whether or not our interpretations are in fact inconsistent with each other, whether they are consistent and, perhaps, either privately or at a stage in the chamber—it might happen privately—just let me know what you really think about that.

Motion agreed to.

## Road Transport (General) Amendment Bill 2011

Debate resumed from 8 December 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo) (11.00): Mr Speaker, Mrs Dunne adjourned the debate but I shall be speaking to this on behalf of the opposition. The primary purpose of this bill is to empower police officers to request people to remove head coverings that partially or wholly obstruct their face. This is an important power as it is necessary for police officers to be able to establish a person's identity to allow functions under road transport legislation and also allow for the operation of alcohol and drug testing.

I have noted from the explanatory statement that this bill does not prohibit the wearing of head coverings nor is this bill aimed at those who wear head coverings for religious or cultural purposes. Whilst I acknowledge that this bill does cover head coverings for these purposes, the police have stated that they have not had any issues when dealing with community members who choose to wear items that identify them as belonging to a particular religious or cultural group.

However, this bill does address the issue of people who refuse to remove items obscuring their identity for reasons not related to religion or culture. Currently if a person refuses to remove a head covering, a police officer must let the traffic matter go or arrest the person, and this is not an adequate response to this problem.

It is important to note that whilst cultural and religious rights must be respected, we feel that this bill places a reasonable limitation on these rights. It is important that police can carry out their road safety functions in an efficient and effective manner. This bill is adequately drafted to provide not only acknowledgement of cultural or religious rights but also an acknowledgement of medical conditions.

This bill also provides technical amendments that bring the concept of first offender and repeat offender under division 4.2 of the Road Transport Act 1999 into line with the amendments the Assembly passed last year in relation to the Road Transport (Alcohol and Drugs) Act 1977. The amendment definition of these two concepts seeks to explicitly displace the common law principles of statutory interpretation that applies. Whilst this is a small amendment, the significant consistency across road transport laws is important.

I take this opportunity to acknowledge that the provisions under this act will allow police officers to more easily carry out random roadside drug tests by asking people to remove head coverings for identification to conduct tests. The Canberra Liberals welcome provisions to aid the conduct of these tests and further remove motorists driving under the influence of illegal drugs. The Canberra Liberals will be supporting this legislation.

**MS BRESNAN** (Brindabella) (11.03): First off, I flag that the Greens do have concern with one section of this bill. I have circulated an amendment that I will move later which seeks to remove subsection 58B(5). I will discuss the reasons for this in more detail shortly. This bill makes two changes to the ACT's road transport legislation. Firstly, it seeks to give police and authorised officers the power to direct a person to remove an item that obscures the person's face. Secondly, it refines the concept of repeat offender and first offender for several serious driving offences.

I will first discuss the power for the police to direct removal of head coverings. The Greens support this in principle. We recognise that the police need to be able to confirm the identity of road users in order to enforce road transport legislation. The government and the directorate have taken a good approach to the sensitive issue of people who wear items that obscure their face for cultural or religious reasons.

I understand that the government officials from JACS and ACT Policing discussed the proposals in detail with the ACT Muslim Consultative Council prior to drafting the legislation. I understand that there was considerable discussion about the cultural and religious history of the tradition of wearing face coverings and about the differing views within the Islamic community about the practice. This included differences of opinion within the community as to whether the practice or observance is religious or cultural. This resulted in the use of the words "religious or cultural grounds" in the bill.

My office spoke on this issue with Mr Ikebal Patel, who is a member of the council and president of Muslims Australia. Mr Patel confirmed that the council supports the work of the police and law enforcement agencies. Its concern is to ensure that if Muslim women are required to remove a niqab or burqa to show their face, this is facilitated with care and appropriate sensitivity. Mr Patel also pointed out that full face covering is not strictly an Islamic requirement. The council takes the view that it is a choice that should be respected in Australia and this is the position that is taken by all Australian governments.

Mr Patel said that the council's position is that the police can do their job by asking a female officer to make a positive identification or for the person in question to accompany the police to a police station where a female may be present and privacy provided. Mr Patel noted that if such respect, dignity and sensitivity are shown, there should be no real issues with the implementation of this proposed legislation where Muslims are concerned.

This is the approach taken by this legislation, and I note the government has been very careful to ensure these religious and cultural sensitivities are respected. My office discussed this issue with the government and was informed that ACT Policing has a good ratio of female officers both in general duties policing and in traffic operations. In other circumstances a person wearing a face covering may wait for a female officer to arrive or ask to be taken to a police station.

At this point I will explain the purpose of my amendment, which I will move later. I note that section 58B(3) allows a person who wears a face covering for religious or

cultural reasons to ask for reasonable privacy when directed to remove the covering. Subsection (4) requires the police officer or authorised person to take reasonable steps to comply with the request.

However, subsection (5), which is the subject of my amendment, then says that a failure of the officer to take reasonable steps does not affect the validity of anything done by the officer under the section, nor does a failure of the police officer to comply affect the liability of a person who commits an offence of failing to follow a direction to remove a head covering. The view of the Greens is that this subsection is not necessary and it is inappropriate. I note that this was also an issue raised by the scrutiny of bills committee. I will discuss this further when I present my amendment.

The second element of the bill relates to the concept of repeat offender for certain serious road traffic offences. The changes will align the concept of first offender and repeat offender with a new definition that was inserted last year into the Road Transport (Alcohol and Drugs) Act 1977 which related to offences of driving while impaired. The amendments displace common law principles to ensure that a person who commits a second offence when proceedings for a first offence have not yet been finalised can still be considered a repeat offender. This accounts for issues such as delays in court proceedings.

The changes ensure that delays in prosecuting an offender for a first offence would not unreasonably entitle the offender to be treated as a first offender on two occasions for the same type of offence because they had not been convicted of a first offence at the time they committed the second offence. The Greens agree that the change is a step to help ensure safe roads and discourage repeat offending.

I note that the offences covered will include culpable, reckless and menacing driving, negligent driving causing death or grievous bodily harm, and racing and burnouts. These are all road traffic offences that present a real danger to the community.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.08), in reply: I thank members for their support of this bill. The bill continues the government's reform agenda for the road transport legislation. It supports the ACT's road safety strategy 2011-20.

Over the past three years the Labor government has substantially amended the territory's road transport legislation with a particular emphasis on amendments that promote safer driving and safer vehicles. At the same time the government has made continued efforts to improve our road networks. ACT Policing has deployed new technologies, including its successful RAPID system to detect and remove unregistered and uninsured vehicles from our roads as well as unlicensed drivers.

Implementation of the 2010 reforms to the territory's drink and drug driving laws has also been completed. Completion of an alcohol and drug awareness course is mandatory for any driver who is convicted or found guilty of a drink or drug driving offence committed after 25 November last year. These courses are now being provided at a variety of locations across the ACT.

Madam Deputy Speaker, after an initial phase the ACT Policing's random roadside drug testing program is now also underway and is operating in conjunction with its breath testing and road safety activities. Since the first driver was randomly tested in May this year as part of a trial, ACT Policing has continually developed its driver drug testing operations. It now has additional testing instruments and a trained team for drug testing which has begun to regularly test drivers alongside random breath testing. This team is drug testing drivers at locations across the ACT both day and night, and the number of drivers being tested is on the increase.

All these factors are working together to improve road safety. The ACT road toll in 2011 was the lowest for 50 years, at six fatalities. However, there were still 8,000 reported crashes on the territory's roads in that year, with 630 of them involving injury. Of course we are all, I believe, relieved that the 2011 road toll decreased markedly from 2010, but we know that this decrease is no ground for complacency.

The territory's road safety strategy outlines key goals and objectives for road safety in the territory over the next 10 years. It is supported by the Labor government's road safety action plan, which provides a list of specific actions over the next three years. Key initiatives include the introduction of point-to-point cameras, which has now commenced, best practice road safety engineering, awareness campaigns targeting priority road safety issues—members may have seen the television advertisements to that extent—and best practice traffic enforcement. Work is also underway to implement compulsory free provisional training for novice motorcycle riders and revising arrangements for the NRMA ACT road safety trust.

The measures in this bill therefore continue the Labor government's agenda to improve road safety. The bill makes changes for drivers and riders. Safe people and safe behaviours are an essential element of the safe system approach for road safety. One can have well-designed roads and vehicles that comply with the latest safety conditions, but if the driver or the rider is intoxicated, is speeding, fails to drive to the conditions, is fatigued or ignores the road rules, the chances of a crash are increased.

The first set of amendments in this bill, which is perhaps the set that has attracted the most attention, is the set that confers on police and authorised persons the power to direct a person to remove an item that covers the person's face. This power can be exercised in two contexts: firstly, to establish the person's identity for a purpose in relation to the road transport legislation; and, secondly, for alcohol or drug testing under the Road Transport (Alcohol and Drugs) Act 1977.

Madam Deputy Speaker, there are a range of situations in which it is necessary to establish a person's identity, including by showing their face for the purposes of the road transport law. Applicants will have their identity checked when they undergo the road ready program, when they apply for their learner licence and sit their driver test, and when they transfer their licence from another jurisdiction. Drivers and riders may have their identity checked if they are stopped by police for a suspected traffic offence, when breath tested or if they have been involved in an accident.

The new powers will complement the existing provisions in the Road Transport (General) Act 1999 that allow a police officer or authorised person in the exercise of

that person's functions under the legislation to require a person to state the person's name, date of birth and home address, and to produce their drivers licence. As I have made clear when I presented this bill, these new laws have not been developed in response to any problems with religious or cultural communities in the territory. At present, the number of persons driving motor vehicles in the ACT with faces obscured for religious or cultural reasons is very small.

ACT Policing and our road transport officials have not experienced any problems in their dealings with this group of people. The bill makes a special provision for persons with genuine religious or cultural concerns about removing a facially obscuring item in front of persons of the opposite sex. It enables these persons to request that the item be removed only in the presence of a person of the same sex. It also enables them to request that they remove the item in circumstances that afford them reasonable privacy.

The police are required to take reasonable steps to comply with such a request. The legislation does not impose an absolute obligation on police to comply with the request because it is recognised that in some circumstances full or even part compliance with a request may not be safe or reasonably practicable. In these situations, the person who was directed to remove the item will need to comply with that direction, notwithstanding their cultural or religious concerns. However, it should be noted that such a situation will arise only very rarely. ACT Policing is fortunate in having over 170 sworn female members and over 100 unsworn female members.

These laws are directed at the very small minority of drivers and riders who refuse requests from police and authorised persons to remove their motorcycle helmet, a hoodie, a balaclava, large sunglasses or other similar items that make it difficult or impossible to confirm the driver's or rider's identity.

Where drivers or riders continue to refuse to remove the item, sometimes it has been necessary to resort to the arrest power and take the person into custody to establish his or her identity. The new direction to remove the obscuring item is a more efficient and less heavy-handed solution.

Other amendments in the bill that are aimed at encouraging safer driving behaviours include the amendments to division 4.2 of the act relating to automatic licence disqualification for culpable driving and other serious driving offences. These amendments tighten the definition of repeat offender to ensure that a person who commits a second or subsequent offence can be subject to the automatic licence disqualification provisions for certain serious driving offences, including culpable driving offences, whether or not the person is convicted or found guilty of the first offence before he or she commits the second or subsequent offence. At present a person will only be regarded as a repeat offender if the second or subsequent offence was committed after the person was convicted or found guilty of the first offence.

Similar amendments to the concept of repeat offender are made to provisions in the Road Transport (Safety and Traffic Management) Act 1999 that permit a court to order the confiscation of a vehicle used in the commission of burnouts or for other serious driving offences.

There are minor amendments in the bill that clarify the application of automatic disqualification provisions where a person is subject to a non-conviction order. By way of background, section 18(2) of the Crimes (Sentencing) Act 2005 already provides that when a court makes a non-conviction order it can make any ancillary order that it could make if it had convicted the person of the offence. Significantly, a driver licence disqualification is an ancillary order of the type mentioned in section 18(2) of the Crimes (Sentencing) Act 2005.

The amendments in this bill ensure that the automatic licence disqualification provisions in section 62 and 63 of the Road Transport (General) Act 1999 apply to a person who is found guilty of a relevant offence—that is, a person who is subject to a non-conviction order—in the same way that those provisions apply to a person who is convicted of the same type of offence.

The ACT road safety strategy and its action plan address strategic road safety goals and objectives through an integrated approach using a range of education, encouragement, engineering, enforcement, evaluation and support measures. The amendments contained in this bill are part of a continuing process to ensure that ACT legislation covering traffic enforcement is effective and up to date, making our roads safer for all. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MS BRESNAN** (Brindabella) (11.18): I move amendment No 1 circulated in my name *[see schedule 1 at page 964]*.

My amendment would remove section 52B(5), which provides that a person directed to remove a head covering may request permission to remove the item in front of a police officer or authorised person of the same sex and/or to remove the item in a place or manner that affords that person reasonable privacy. Subsection 58B(4) requires the police officer to take reasonable steps to comply with the request.

However, subsection 58B(5)—which is the section I am seeking to remove—qualifies the requirement to take reasonable steps. It says that the failure of a police officer to comply with a reasonable request to accommodate a person wearing a head covering for cultural or religious reasons does not affect the validity of anything done by the officer under the section. Nor does a failure of the police officer to comply affect the liability of a person who commits an offence of failing to comply with a direction to remove a head covering.

The effect is that there is no possibility of a dispute about whether a police officer had taken reasonable steps. In the Greens' view, the scrutiny committee reasonably raised

a concern about this section. It asked, "Why would it not be reasonable to make the requirement in subsection 58B(3) mandatory and subject to dispute?" It pointed out that to preclude challenge to an exercise of the power on the basis that a limitation has not been observed removes the point of creating the limitation. Or, in other words, why create an obligation for police to comply with reasonable requests if their reasonableness cannot then be challenged?

The reason the government has given is that it would prevent vexatious challenges. The Greens do not believe this is a good reason. I find it highly unlikely that there would be many challenges to whether the police took reasonable steps in accommodating someone asked to remove a head garment they wore for religious or cultural reasons. In fact, as the government informed my office, there are very few people in Canberra who would fit into the category of wearing face coverings for religious or cultural reasons. It is unlikely then that there will be any, let alone many, vexatious challenges.

The Greens do not believe it is appropriate in these circumstances to add an explicit clause which defeats the requirement for the police to comply with reasonable requests. The word "reasonable" is itself a protection for the police. They do not have to comply with anything that is unreasonable.

It is also important to note that challenging the reasonableness of the police behaviour would not mean the person challenging could escape responsibility for the driving offence they were originally pulled over for, such as speeding or dangerous driving. The only issue in question is whether they complied with a direction to remove a head covering or not—an offence that is minor and is not a public safety offence.

I want to point out that there are no equivalent exemptions to subsection 52B(5) for police in other ACT statutes. It appears that the proposed subsection 58B(5) is a unique limitation in relation to police powers. However, it is easy to find equivalent powers that do not have an exemption for police actions. Section 13 of the Road Transport (Alcohol and Drugs) Act, for example, requires a police officer to take reasonable steps to provide privacy when administering a breath test. However, it does not go the extra step and deny the opportunity to challenge the police actions if they were not reasonable.

The government provided my office with some examples of comparable provisions from other statutes, but these are all about administrative matters. For example, there are examples from the Planning and Development Act concerning the renotification of development applications. The amendment in this bill is quite different from the provisions in these other statutes. It concerns coercive powers over individuals with criminal penalties attached and is distinct from administrative processes for which there are usually other methods of challenge and redress.

I would ask members to consider whether it is appropriate in these circumstances to explicitly deny a person the right to challenge whether a police officer's actions were reasonable. I urge members to support my amendment and remove this section of the bill.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.23): The government will not be supporting this amendment. I wish to address the questions raised about the proposed new section 58B(5), which deals with validating directions given by police to remove face coverings. I would like to advise the Assembly that this type of provision is used in circumstances where the intention is that the policy aims of the power not be thwarted because of technical fault. The clause is included to prevent incidental challenges of the kind that are sometimes used in criminal proceedings in an attempt to justify noncompliance with the law or a direction made by police or other officials.

An analogous provision exists in the commonwealth acts, including in the Classification (Publications, Films and Computer Games) Act 1995. Amendments to that act presented by the Hon Philip Ruddock, who was the then federal attorney, inserted a provision to validate decisions made by the Classification Board. The purpose of section 22C in that act is to remove any doubt as to the validity of classification decisions made by the board in response to deficient or defective applications of classification by law enforcement authorities before or after commencement.

The explanatory statement for the bill recognises the tension between the need for officers to take reasonable steps to support a person's dignity where their privacy is at stake and the fundamental aim of the proposed section to properly identify the person. The Road Transport Authority regularly encounters clients who contest the interpretation of road transport laws in an attempt to avoid liability and the obligations they may have. This can include the client pursuing these matters through legal representation.

Similarly, from time to time in prosecutions for road traffic law offences, lawyers will seek to exploit what is perceived to be a loophole or technical defect in the law. A case of this type occurred a couple of years ago when a lawyer for a person on a drink-driving charge argued that a missing umlaut on the name of the Drager breath analysis instrument in the text of the legislation rendered the prosecution invalid. Ms Bresnan may recall that case. On that occasion the court did not accept this to be the case. However, it illustrates the reality that lawyers will attempt to exploit any perceived shortcoming in legislation.

There are other examples of this type of provision in the ACT statute book. For example, the Legislation Act, the engine room of our statute book, contains a similar provision in relation to appointments. It provides that an appointment, acting appointment or delegation or anything done under any of them is not invalid only because of a defect or irregularity in or in relation to the appointment. So it is not an unusual provision. It is, as I have said, simply a clause to prevent technical challenges to actions taken by people responsible for administering the territory's laws.

The decision the Assembly makes today needs to be whether members are satisfied to allow people to refuse to obey the spirit of the law based on a technical point. That is not something the government is prepared to accept. The government will not support the amendment proposed by Ms Bresnan.

**MR HANSON** (Molonglo) (11.26): The Canberra Liberals will not be supporting the amendment. The amendment seeks to remove proposed new section 58B(5) from the bill. The reason for doing so, as provided to my office by Ms Bresnan, is that this clause is redundant with regard to the removal of head coverings. Firstly, it was alleged that only rarely would the situation arise in which an offence under this act would be challenged on a failure by a police officer to undertake reasonable steps to allow privacy in the removal of head coverings. However, we believe that the ability of police to identify and conduct tests is so important that any chance of vexatious defence claims on the basis of this technicality should be avoided.

Secondly, Ms Bresnan outlined concerns that this clause was novel in its approach and its passage today may allow the use of a similar clause in legislation where greater impairment of human rights has occurred. However, this clause is not novel. Whilst following different drafting styles, the intent of this clause is mimicked in other ACT legislation and in other Australian jurisdictions. For these reasons, the Canberra Liberals will not be supporting Ms Bresnan's amendment.

Question put:

> That **Ms Bresnan's** amendment be agreed to.

The Assembly voted—

| Ayes 4 | | Noes 13 | |
|---|---|---|---|
| Ms Bresnan | Mr Rattenbury | Mr Barr | Ms Gallagher |
| Ms Hunter | | Dr Bourke | Mr Hanson |
| Ms Le Couteur | | Ms Burch | Mr Hargreaves |
| | | Mr Coe | Ms Porter |
| | | Mr Corbell | Mr Seselja |
| | | Mr Doszpot | Mr Smyth |
| | | Mrs Dunne | |

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

## Workers Compensation (Terrorism) Amendment Bill 2012

Debate resumed from 16 February 2012, on motion by **Dr Bourke**:

> That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (11.31): The Liberal opposition will support the Workers Compensation (Terrorism) Amendment Bill 2012.

In essence, this bill is technical. It simply removes the need for an administrative diary note to pass legislation to extend the sunset clause. This sunset clause approach

has been a feature of this element of workers compensation law since it was introduced after the September 2001 terrorist attacks in the United States. The sunset clause is replaced by a requirement on the minister to review any temporary reinsurance funds set up in response to individual terrorist attacks. The minister must do so after 10 years and report to the Assembly. By these simple administrative changes, the bill provides the flexibility and certainty any government would require in relation to responding to terrorism events.

The government has available to it the legislated power to establish temporary reinsurance funds. These temporary reinsurance funds can be established to deal with and resolve any workers compensation claims arising from individual terrorist events. It became necessary after the insurance industry withdrew workers compensation insurance cover arising from terrorist events. Some have reintroduced cover offerings, but these generally have been prohibitively expensive.

Importantly, this bill does not enable the government to establish a single reinsurance fund in perpetuity. What it does do is enable the government to set up temporary reinsurance funds in response to all and any individual terrorist events into the future without the need to extend legislated sunset clauses. Temporary reinsurance funds would be closed down once workers compensation claims are dealt with and resolved and, as I mentioned earlier, would be subject to the minister's review a decade after establishment.

The bill's purpose makes sense, streamlines an administrative process and provides more flexibility. I am sure it is the fervent hope of all members in this place that no ACT government will ever need to use these provisions, but it is a preparatory defence mechanism and the Canberra Liberals will support it.

**MS BRESNAN** (Brindabella) (11.34): This is a bill that ensures that ACT workers can have access to compensation payments if they are injured because of a terrorist attack.

The need for this legislation arose following the terrorist attacks in the United States on September 11 2001, after which private sector insurers withdrew products that offered coverage for acts of terrorism. Since that time, a few insurers have re-entered the market. However, as Mrs Dunne noted, the products they offer that cover acts of terrorism are prohibitively expensive.

The ACT government established a scheme in 2002 to ensure that if any workers were injured or killed due to a terrorist attack, they or their family would be able to claim entitlements through the Workers Compensation Act. Effectively this makes the government the reinsurer for all insurance companies providing workers compensation coverage in the event of a terrorist attack. It means that all workers and their families will remain protected by insurance, despite the refusal of private insurance companies to offer coverage. The temporary scheme would be applicable to private sector ACT workers, as public sector workers or people in the ACT employed by the commonwealth are already covered by Comcare.

All Australian jurisdictions except for the Northern Territory provide similar protections where either workers are protected by a similar legislated scheme to

underwrite private insurers or insurance generally is already underwritten by the government.

In all previous iterations of this scheme in the ACT the power for the ACT government to establish this reinsurance scheme was limited by a sunset clause, usually of two years. Over the last 10 years the powers have expired and been reintroduced several times, each time with a sunset clause.

The rationale for the sunset clause, as numerous government ministers have expressed over the last decade, was that the government reinsurance scheme was only to be temporary and insurance providers were to return to the market and take over. This has not occurred, and the industry has not shown any willingness to offer affordable insurance options for acts of terrorism. In this unfortunate situation it remains incumbent on the government to provide this coverage for ACT workers.

The key difference between the bill before us today and previous schemes is that this bill reintroduces the scheme without a sunset clause. It gives the government an ongoing power to establish a temporary reinsurance fund following an act of terrorism. There are some advantages to this, although the Greens do not believe they are significant. It is administratively easier to not have to reintroduce the scheme every few years and it avoids the potential that there might be a delay in reintroducing the scheme, leaving workers without cover. The new scheme also introduces a review clause so that the government must undertake a review of any temporary insurance fund within 10 years of its coming into existence. I understand this time frame is based on the typical time it takes claims to be resolved.

I would say that it is disappointing that a long-term solution to the terrorism reinsurance issue has not been found. Removing the sunset clause seems, in some ways, an acceptance that insurers will not re-enter the market. Private insurers have a choice of whether to provide this service, and I would still hope that they do so once again. I would also hope that more is done at the federal and interstate levels to address this issue. I would urge the government to engage strongly with federal and state counterparts as well as to channel efforts through the Insurance Council of Australia.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (11.38), in reply: The threat of terrorism and the risk of injury that it poses to ACT workers must be acknowledged and managed by the territory. Following the 11 September 2001 terrorist attacks, most insurance companies withdrew products offering coverage for an act of terrorism. Any products covering acts of terrorism that have been placed back on the market have been prohibitively expensive. As a result it is either not possible or not affordable for employers to gain workers compensation coverage for injuries arising out of an act of terrorism.

For this reason, the responsibility for action falls to the government.

This responsibility was met with the introduction of chapter 15 of the Workers Compensation Act 1951. This chapter gives the government power to establish a temporary reinsurance fund, a fund which would come into existence following an act of terrorism in the ACT to ensure the efficient and effective operation of the private sector workers compensation scheme.

The Workers Compensation (Terrorism) Amendment Bill 2012 recognises that the threat of terrorism, and the impact such an event would have on our community, continues. The amendment bill recognises this ongoing threat by removing any time-based limitation on the operation of chapter 15. Practically, the amendments provide government with enduring power to establish a temporary reinsurance fund following an act or acts of terrorism which occur now and into the future.

Importantly, any reinsurance fund established under chapter 15 would be of a temporary nature. The amendment bill does not require that any fund established be maintained for all time but rather that it be maintained for such time as required to respond to and resolve any related compensation claims.

As is currently the case, the money contributed to any temporary reinsurance fund is in part made up of levies paid by insurers and any contributions made by the territory to the fund. The amendment bill requires that government review payments out of any temporary fund within 10 years of its establishment. This amendment will ensure that any territory money contributed to the fund is not held in perpetuity while allowing sufficient time for claims on the fund to be made and resolved.

The amendment bill will ensure that the workers compensation scheme is able to provide timely protection, care and support to territory workers injured as a result of a terrorist incident. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Long Service Leave (Portable Schemes) Amendment Bill 2011

Debate resumed from 8 December 2011, on motion by **Dr Bourke**:

> That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (11.41): The Canberra Liberals have a longstanding position of not being in support of portable long service leave schemes because, for the most part, they undermine the whole notion of long service leave. However, that being said, there are portable long service leave schemes in the ACT, and we will be supporting these amendments in this bill.

The amendments are pretty straightforward, but the pandemonium and farce that have gone on to get these amendments into this place today belie how simple these amendments are. I will talk about the pandemonium and farce a little later in the piece.

This bill makes a number of changes to administrative processes and worker entitlements, particularly in the construction industry scheme. I note the bill is the result of recommendations of the Long Service Leave Authority board. One matter worthy of particular mention is that the changes are not retrospective—that is what the minister has told us—and do not affect workers currently registered in their respective schemes. This is a matter that drew the attention of the scrutiny of bills committee, which raised the question of whether excluding existing workers from the new arrangements unduly affects them in terms of their right to equality before the law under the Human Rights Act. However, to some extent, at least this approach preserves arrangements they currently enjoy and may change to their detriment under the new legislation.

A number of other administrative changes are made in the bill, but I will not go through them here in detail. One of them, however, is worth particular mention. It would require the Long Service Leave Authority board to undertake all internal review requests within five days of receipt of the request. However, if the board for some reason does not deal with the request within the five-day period, then it is taken that the board has confirmed the decision. If that provision were to proceed, it would create the potential for review requests not to receive the attention they should, even to the point of not even making it on to the board agenda.

I am pleased the government recognised this anomaly when my staff drew it to the attention of officials in a briefing on the bill, and the government will introduce an amendment to fix this. It seems strange, however, that it should be my office with its very limited resources that could identify this anomaly and not the vast resources of the ACT public service at the minister's disposal.

**Mr Barr**: They may not be as vast.

**MRS DUNNE**: Well, they are somewhat more vast than my one staff member, Mr Barr. This bill proposes changes that affect workers across the three industries whose employee long service leave entitlements are managed by the authority. The changes are, firstly, that the eligibility period is increased from 55 days to five years for workers who leave the sector due to total incapacity, retirement or death. This puts workers on an equal footing with other workers in our community.

Next, workers will no longer be able to take long service payments without actually taking leave. This, too, is considered a sensible approach and is the practice in most industries. However, I question the extent to which this will be able to be policed by the authority.

The bill also clarifies that the Long Service Leave Authority will have 21 days to process long service leave claims. Currently the formula has the same effect but is more cumbersome. The proposed structure provides more certainty and flexibility. It

also simplifies the formula for calculating the rate of interest return associated with long service leave payments made to contractors and provides for no interest to be paid if the fund earns no or a negative return.

For the building and construction industry the bill increases the pro rata eligibility period from five to seven years for workers who leave the sector. It also corrects an error in the long service leave formula which apparently and perhaps incredibly has only just been discovered, although I understand the correct formula has been used to date. Finally, for the contract cleaning industry the pro rata eligibility period is reduced from 10 years to seven for workers who leave the industry.

There are a couple of comments I need to make. The first is about the treatment of the scrutiny of bills committee in this whole process, and this is the principal area of farce. I had two briefings on this bill. Before the second briefing, I and my staff were aware of the amendments which were circulated in this place in the last sitting period. I asked that those amendments, some of which do not come as a result of the scrutiny of bills advice, be referred back to the scrutiny of bills committee.

I am the chairman of the scrutiny of bills committee, so I thought it was a reasonable thing that I do people the courtesy of reminding them. I was in a briefing as the responsible shadow minister, but I happened to know a few other things. Minister Bourke is a new minister, and I thought it would do him a service to ensure that this was done properly, so I asked, "Has this matter been referred to the scrutiny of bills committee?" "Yes, Mrs Dunne."

My staff asked on, I think, three separate occasions whether these amendments had been referred back to the scrutiny of bills committee and they were told variously—and this is a quote—"Everybody has the amendments." So, imagine my surprise last week when I received a draft copy of the scrutiny report to see that there were no comments on the minister's amendments to the long service leave bill.

When I went to the scrutiny committee meeting, I asked the officials had they seen the amendments to the long service leave bill. After I had been told on a number of occasions that, yes, they had gone to the scrutiny committee, I was told by the secretary and the staff of the committee that they were not aware of amendments to the long service leave report and nor had they received them. So I got on the phone in the meeting, rang my office and left a message for my senior staff who rang Minister Bourke's office and spoke to the person he had been dealing with, who said, "But Mrs Dunne's already got a copy of it." No—Mrs Dunne, as the shadow minister for industrial relations had a copy of it; the scrutiny of bills committee did not have a copy of this.

I understand that, after that, the senior staff member sent to the officials who support the scrutiny of bills committee a copy of the amendments, but there was no covering letter from Dr Bourke. I was then asked, "Mrs Dunne, what will we do with this?" And I said: "It's usual courtesy for a minister to write to the committee and ask them to consider these things. Until the minister writes to the committee and asks them to consider it, I'm not prepared to ask the committee to consider these matters."

Eventually we got a letter from Dr Bourke, I think on 16 March. These amendments have been in this form since 14 February. On 16 March the scrutiny of bills committee finally got a letter from Dr Bourke asking, "Can you consider these amendments?" As it turned out, they were not complex. These matters were dealt with by the adviser. The committee met yesterday—out of session, again—to deal with this matter that could have been dealt with in session last Thursday if these people had got their act together. It was not for want of trying on my part to get them to put the amendments in to the committee.

Then, after the committee had met and resolved to table a 246A statement today, I received a phone call, quite late in the evening—it was after 5 o'clock—from one of the staff members of the manager of government business. She was pretty embarrassed, and I was probably a little short with her. I think I apologised, but I apologise again, because it was not her fault. She rang to ask me whether we could consider doing another bill this morning rather than the portable long service leave amendment bill because Dr Bourke's office was unclear about whether the scrutiny committee had signed off on the amendments, and if the scrutiny committee had not signed off on them, we could not deal with it. Again, they were wrong. Dr Bourke only had to stand up here and suspend standing orders if he thought it was so important. As it turned out, we did not need to suspend standing orders, but it means that Dr Bourke's office need to talk to people. They need to understand the procedures in this place and they need to get it right.

This is not the first time that my office has got Dr Bourke's staff out of a fine mess. When we sat in this place in the last sitting period and debated—

**Mr Corbell**: I'm glad we're having a debate about the policy content of the bill. Why don't you talk about the policy in the bill?

**MRS DUNNE**: I have talked about the policy of the bill. You were not listening. When we sat in this place last time and debated Ms Bresnan's bill, I had to sort of coach Dr Bourke's staff through the procedures, and they still got it wrong. They still agreed to provisions in Ms Bresnan's bill that they did not want to pass, and it was only when I pointed out to them that they had got it wrong that the matter had to be recommitted for debate and we had to go back and delete provisions which Dr Bourke had agreed to only a couple of hours before.

Dr Bourke is a new minister and he is a new member, and that is fair enough, but his staff are not. They are seriously long-term members of the staff in this place with many years behind them, and they cannot get the procedures right. There has been a lot of criticism around this place about what our staff do. There have been criticisms of one staff member because he happens to be the President of the Liberal Party. I ask you, Madam Deputy Speaker: what does the President of the Labor Party, who works inside this building—the Chief Minister said, "He works inside the building"—do? He works inside the building, but he does not seem to be able to get simple messages through to his minister and does not seem to be able to get simple things done about the procedure of this place. This has been a complete farce.

The other farce about this bill, which has come up this morning, is that the bill says there is no retrospectivity for existing members of the scheme. When I last had a briefing on this bill we were told, "Well, that's the intention, but we're not quite sure that we're doing it, and we're looking to see whether we need to do other amendments." The advice came back: "PCO thinks that we don't need to do amendments." But I was still a little uncertain. So my staff rang Dr Bourke's staff yesterday to ask them to point to the place in the bill—not in the explanatory statement—that guarantees that existing members will not have their terms and conditions changed. Dr Bourke's staff pointed to a provision in the bill that relates to one small aspect of that.

My staff member, who is very across this piece of legislation and has pointed out the problems in the current bill, said: "No, no, no, that doesn't do it. If we have missed it, can you point to the words in the bill that guarantee there is no retrospectivity for existing members? Because their rights will change if there is retrospectivity in this bill." The answer this morning was, "We'll get back to you." Well, I am still waiting. I ask the minister when he speaks on this to close to point to the words. I will be happy to be shown where they are. At the moment, they appear not to be there, and I am relying upon the advice of the minister in his explanatory statement and a staff member who has not covered himself in glory on this matter. I want to put it on the record that, if it turns out that there is retrospectivity, that we have taken away people's rights, it will not be for want of trying to clarify this on behalf of the Canberra Liberals. My staff and I have been diligent on this matter.

This should be a simple piece of legislation, and it has been brought down to high farce by incompetence in the minister's office—not by the minister himself, but he needs to look to the way his staff do things, because they are doing him no service.

**MS BRESNAN** (Brindabella) (11.55): The Greens will support the Long Service Leave (Portable Schemes) Amendment Bill. This legislation implements recommendations from a review undertaken by the Long Service Leave Authority board of the Long Service Leave (Portable Schemes) Act 2009. As the explanatory statement points out, the purpose of the review was to streamline and align requirements and entitlements under the various schemes and to improve transparency around administrative procedures and processes.

My understanding is that the amendments have the support of all the industrial parties that are represented on the ACT leave authority. I also note the important point that the leave authority believes that the changes in this bill will have positive financial implications for funds in the scheme.

The majority of changes are clarifications and improvements to the process of administering long service leave, including streamlining some of the processes. For example, new sections 67, 68 and 69 streamline the way that workers and employers access information in the long service leave register. This will help to shift from a paper-based system to an electronic system, which is a sensible modernisation.

The amendments relocate some of the powers given under the act from the director-general of the Chief Minister and Cabinet Directorate to the registrar of the authority. The powers include the ability to appoint inspectors and to issue identity cards. I do assume that the power was originally with the directorate so that it maintained certain control and oversight over these operations. I am satisfied that it is appropriate for the registrar to manage these appointment powers.

I note that the registrar already has considerable powers under the act, such as the ability to apply to ACAT for orders to enforce any obligation imposed under the act. I note also that this would parallel, for example, the powers of the regulator in work health and safety legislation. The amendments shift the powers to review various decisions under the act from the governing board to the registrar, which is a shift that should streamline decision making.

The Greens are always concerned to ensure people retain adequate opportunities for administrative review of decisions. I note that a person affected by the decision of the registrar may still apply to the board for internal review and ultimately to ACAT.

Under the additional amendments to the bill that the government has tabled, there is now appropriate time for this internal review. In the original bill, there was only five days, which would not have been practical, and I believe this was something which Mrs Dunne and her office identified.

Another change made by the bill is the removal of the right of a worker in the building and construction industry to be paid a long service leave entitlement benefit payment while continuing to work instead of actually taking the leave. The Greens agree with the rationale that leave should be taken for the time the benefit is paid and that particularly in the building and construction industry, workers should use their long service leave to take a break in the interests of work health and safety.

The amendments also change the period a person must have served in the cleaning industry or community sector in order to receive the benefit when leaving because of total incapacity. The period is changed from 55 days to five years. While this diminishes the benefits available to workers, I do note that union stakeholders accept these changes and that 55 days is a short time to have been employed in the sector.

Lastly, I briefly mention the comments of the scrutiny of bills committee and the government's response. The government has responded to the concerns related to section 69(4), which ensures this decision-making power is subject to review by ACAT. It has an amendment to make sure this occurs, and the Greens support this amendment.

The committee also raised an issue about the minister's ability under the bill to declare by disallowable instrument certain persons or entities as being included in a covered industry. I am pleased that the Chief Minister and Cabinet Directorate will develop a policy dealing with circumstances where the provisions would be employed, to ensure fairness and consistency. I see that government will consider amending the act in the future to incorporate content and operation of this policy and I would request that this policy is developed with priority and incorporated into the act.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (12.00), in reply: As members are aware, this bill implements recommendations made by the Long Service Leave Authority board through its review of the Long Service Leave (Portable Schemes) Act 2009. The board's review focused on streamlining and aligning requirements and entitlements under the various long service leave schemes and ensuring transparency around administrative procedures and processes.

Among other things, the bill increases eligibility for a pro rata payment for construction workers who permanently leave the industry from five years to seven years of service. This brings the construction industry scheme into line with other schemes and will apply only to new workers.

The bill requires that ongoing construction workers must take the long service leave entitlement as leave rather than as a cash payment in order to preserve the intent of the scheme. The bill increases eligibility for a pro rata payment for all workers who leave that industry scheme at retirement age or due to total incapacity from 55 days to five years of service, again, in line with other schemes, and will only apply to new workers. The bill also provides other technical amendments in relation to the administration of the portable long service leave schemes.

The Long Service Leave Authority board comprises representatives of employer groups, employee associations and members independent of both. I know that this bill represents a substantial body of work, and I would like again to thank the board for undertaking the review of the act and proposing changes that improve the performance of the various portable long service leave schemes.

I would also like to take this opportunity to thank my opposite number, Mrs Dunne, and her adviser, as well as Ms Bresnan and her adviser, for their gracious and constructive involvement during consultation and valuable contribution to this outcome today.

I respond to Mrs Dunne's comments about the retrospective application of the bill. Mrs Dunne is correct in saying my staff and directorate raised this matter in briefings with her and have followed up on a number of queries. The PCO has advised that the intended grandfathering of provisions has been achieved in the bill and that the PCO advice was provided to Mrs Dunne's office this morning.

Following introduction of this bill, the government has engaged in further consultation with the opposition on the question of the proposed requirement that, as from the date of commencement, construction workers joining the scheme take their long service leave entitlement as leave rather than as a lump sum payment. The intention of the provision is to preserve the integrity of the long service leave scheme, which has at its heart providing workers with a long service leave entitlement. It is just that—a long service leave entitlement, not a scheme for long service. It is not a scheme designed to provide a monetary reward for simply staying in the industry. The intention of the amendment is to ensure workers take leave from the industry. It

empowers workers to take leave rather than opting to take a monetary payment and to continue working.

I acknowledge that this is a difficult requirement to police. I do not intend to include offences or fines for construction workers who choose to work for another industry employer, nor does it prohibit a worker from engaging in other work. The provision is intended to require a worker to take leave in order to receive the entitlement.

Whilst to date there has been little evidence of abuse of this element of the scheme, I have asked the authority to monitor the operation of this provision over the coming year but note that it is consistent with most other long service and portable long service leave schemes.

The ACT leads the way in Australia in the provision of worker entitlements through the portable long service leave schemes, and I thank members of this Assembly for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail stage

Bill, by leave, taken as a whole.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (12.05), by leave: I move amendments Nos 1 to 3 circulated in my name together and table a supplementary explanatory statement to the amendments *[see schedule 2 at page 964]*.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## Road Transport (Third-Party Insurance) Act 2008—review
### Paper and statement by minister

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (12.06): For the information of members I present the following paper:

> Road Transport (Third-Party Insurance) Act, pursuant to subsection 275(2)—ACT CTP Scheme—Review of Act.

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

Leave granted.

**MR BARR**: I present the review of the Road Transport (Third-Party Insurance) Act 2008 under section 275 of the act. The Road Transport (Third-Party Insurance) Act 2008 administers the compulsory third-party scheme, CTP, in the territory. As indicated this morning, I acknowledge and regret the lateness of this review report. The CTP scheme actuary commenced analysis of the scheme data on 6 October 2011, and the government has been very keen to complete the review as soon as possible. However, the government is also equally keen to ensure that the review is comprehensive and that the technical experts such as actuaries are given ample time to undertake robust analysis.

One further issue to resolve is the treatment of the commercially confidential information from the sole CTP insurer, NRMA. Members would well be aware that the release of information in previous actuarial reports has been the subject of determinations by the administrative and civil appeals tribunal. The government has treated and continues to treat this information with appropriate sensitivity.

Let me turn now to the substance of the review. As members are well aware, prior to this legislation, premiums and insurer performance in the territory were unregulated. The 2008 legislation established a new structure for the administration of the CTP scheme and it was designed to enact provisions regulating CTP insurance premiums that are very familiar to insurers offering CTP in New South Wales and Queensland, to provide a new structure for dealing with CTP insurance claims which modernise claims handling and procedures, with the primary emphasis on health outcomes, and to require ACT CTP insurers to provide claims and related information in the same format as they do in both Queensland and New South Wales.

Section 275 of the act requires a review after its first three years, having regard to the criteria also set out in section 275. The review has been undertaken principally through an actuarial analysis of the impacts of the 2008 legislative changes, supplemented by research into health outcomes. The analysis was conducted by the scheme's consulting actuaries and looked at around 11,400 finalised claims spanning the period before and after the legislative changes were introduced.

As to the review's conclusions, some positive observations can reasonably be drawn from the analysis. Firstly, claims frequency has fallen, although this trend is evident in other jurisdictions and cannot be directly attributed to the changes in legislation. Claims are being reported more promptly, claims are being resolved more quickly and legal costs are slightly lower. There has, nonetheless, been an increase of $141 per policy since the legislation came into effect.

The review points out there are a range of factors that drive premiums. Not all of those factors were able or intended to be moderated by the legislative changes of 2008. It is also difficult to precisely attribute changes in premiums to the provisions of the act.

The report also recognises that not enough time has elapsed since the legislation was enacted to make comprehensive conclusions. Claims under CTP insurance can take a long time to finalise. As such, the actuary was only able to look at simpler claims that

had been finalised by October 2011. The analysis, nevertheless, indicates that the 2008 legislative changes have placed some downward pressure on premiums and that premiums would have been higher if the legislation were not in place.

The review considered reforms in other jurisdictions. It comments that most of the major CTP reforms undertaken in other jurisdictions were in place when the ACT's reforms were enacted in 2008. Indeed, the territory appears to lag well behind all other jurisdictions in pursuing reforms in this area. There has been little national reform in this area over recent years. The national injury insurance scheme proposed by COAG is the most recent and prominent, but it remains a proposal at this stage. The amendments to the act currently proposed by the government and being considered by the public accounts committee will more closely align the territory to other jurisdictions with similar common law schemes.

The 2008 legislation established mechanisms for easier and faster access to medical payments without formal claim lodgement or legal representation. Around seven per cent of crash victims appeared to have taken up the $5,000, no fault medical payment option under chapter 3 of the act. This is low by one measure but, equally, an encouraging indication of the effect of the legislation. However, the report indicates that even this seven per cent may be an overestimate. Finalised claims show a greater proportion of medical and treatment costs. This is consistent with the intention of the legislation whereby claimants could obtain medical payments in a simpler and quicker process.

There is limited ACT-specific data available on health outcomes. The review, however, points to some indirect measures that would suggest beneficial effects of the legislation. There is considerable literature indicating improved health outcomes under early treatment, rehabilitation and return to health approaches. There is also literature indicating that people who seek compensation rather than early treatment suffer worse health outcomes compared to people who receive early treatment and receive less compensation. Based on these studies, it is reasonable to conclude that faster settlements and early treatment would have better health outcomes.

In conclusion, the review indicates there have been benefits from the legislative changes introduced in 2008. There is some increased focus on treatment and there have been some downward pressures on premiums. The review has been able to look at the less complex cases. Those are the cases that have been settled in the first three years. It is unlikely that such effects would continue to be seen once more complex claims are finalised. The 2008 legislative changes were not designed to address claims inflation in relation to moderate to severe injury cases. This report, in effect, indicates that while the 2008 changes have been beneficial, there is still more to be done if we want to have a sustainable and effective CTP system.

The legislative changes currently before the Assembly are designed to align the territory's CTP scheme more closely to those in other jurisdictions. The benefits of the proposed reforms include the potential for a competitor to enter the market, which would likely lead to premium price competition as well as curtailing claim costs inflation. Benefits of the reforms in front of the Assembly would fall, of course, to all households in the territory.

I commend the review report to the Assembly and move:

That the Assembly takes note of the paper.

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

**Sitting suspended from 12.15 to 2 pm.**

## Questions without notice

### Schools—weapons

**MR SESELJA**: My question is to the Minister for Education and Training. Minister, in respect of the recent reported incident involving a student at a Canberra high school and the involvement of a weapon, on what date did you first become aware that a police investigation was to be undertaken?

**DR BOURKE**: I thank the member for his question. It is routine to undertake a police investigation in regard to critical incidents involving weapons in schools, and I was informed of that two hours after the incident took place.

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

**MR SESELJA**: Minister, on what date was the police investigation completed?

**DR BOURKE**: That was on 14 February.

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

**MR DOSZPOT**: Minister, on what date were you advised of the outcome of that investigation?

**DR BOURKE**: I have received a number of updates on this particular incident. I do not have the exact date of that notification to hand, but I will inquire and report back shortly.

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

**MR DOSZPOT**: Minister, were you satisfied with the outcome?

**DR BOURKE**: I was satisfied with the outcome of the directorate's handling of this matter.

### Lake Ginninderra—waterskiing trial

**MS HUNTER**: My question is to the Minister for Territory and Municipal Services and relates to the waterskiing trial on Lake Ginninderra. Minister, what consultation was undertaken with the Belconnen community before the government made the decision to hold the trial?

**MS GALLAGHER**: I believe there was some discussion with the Belconnen Community Council about the trial before the trial was finalised. The feedback we have had to date has been that there are mixed views about the trial. We are currently considering the next steps in relation to that. We accept that there are people that are concerned about it. There are also people that are supportive of it. Again, it is probably trying to find a bit of a balance around that.

There needs to be some opportunity provided for the waterskiing community to have access to water, which they do not have at the moment due to other issues from where they were down on Molonglo. Lake Ginninderra had been discussed as a possible alternative in the interim. I accept the feedback we have had in the last few days, particularly from people who are living close to the lake. They have raised concerns about it proceeding. We are just going to continue to monitor that and look at alternatives, if there are any.

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

**MS HUNTER**: Minister, considering that the government has already decided to hold a trial, how do you think you are going to be able to respond to community feedback where community members are against the trial?

**MS GALLAGHER**: This was one of those things: do you consult about the trial going ahead or do you have a trial and then look at how that has gone? We decided to go with the trial and then look at what people actually felt about that once it was being implemented, and we are getting feedback around that.

The real pressure was to find somewhere for people who wanted to waterski to be able to do their sport, and so this was seen as a viable alternative. The lake was scoped in terms of safety for people who want to waterski and for the craft involved and ultimately I took the decision that we should proceed with a trial and then look at the feedback we got from that. There are mixed views. There are those for it and there are some people who certainly in the last couple of days voiced their strong concerns over it. We need to look at that and try to find a balance.

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

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

**MS LE COUTEUR**: Have the environmental impacts of the trial been anticipated and assessed? If so, how?

**MS GALLAGHER**: Yes. All of these issues were looked at. One of the requirements of the trial licence condition is that noise levels be monitored to comply with Environment Protection Authority standards. This work has been done across directorates. I can provide members with more information, if they are after it, about the work that was done in the lead-up to the trial, certainly, but my understanding is that it has been looked at with the Water Ski Association, across TAMS and in conjunction with the EPA.

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

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

**MRS DUNNE**: Minister, in the run-up to assessing this, was an assessment done of the extraordinarily large potholes in the road leading up to the boat ramp on Diddams Close, and will they be repaired?

**MS GALLAGHER**: As Mrs Dunne would know, potholes are being repaired right across the city. There has been damage done to the road infrastructure across the town. Those are being prioritised.

**Mr Smyth**: They've been there for a long time.

**MS GALLAGHER**: Thank you, Mr Smyth; always helpful with your interjections. At this point in time potholes are being managed with the most urgent ones being addressed. I do not know whether the pothole in Diddams Close was considered as part of the waterski trial.

## Visitors

**MR SPEAKER**: I would like to acknowledge that we are joined in the Assembly today by members of the Victorian parliament's education and training committee, chaired by Mr David Southwick MP, and I welcome you to the Assembly today. Thank you for joining us.

I would also like to acknowledge that we have a group of graduates from across the ACT public service with us in the gallery today, and I welcome you to the Assembly and wish you well with your careers in the ACT public service.

## Questions without notice

### Schools—weapons

**MR DOSZPOT**: My question is to the minister for education. Minister, during your embarrassing performance on the Mike Welsh program on Radio 2CC on 8 March 2012, you said, "The police are involved," agreeing with the host that your hands were tied and that you were confident with the way the department had handled the matter. Do you stand by those comments?

**DR BOURKE**: I thank the member for his question. Yes, I thought it was an embarrassing display by Mr Welsh of confected outrage. In fact—

*Opposition members interjecting—*

**MR SPEAKER**: Order, members! I cannot hear the minister.

**DR BOURKE**: In fact, it echoed the earlier press releases put out by Mr Doszpot with further confected outrage. Mr Speaker, I am satisfied with the directorate's handling of this matter. I have been briefed on that handling and I am satisfied with it.

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

**MR DOSZPOT**: Minister, I was provided a directorate briefing on 7 March and advised that the investigation had long finished. So how can you on 8 March say in an interview "police are involved" when in fact police had already finalised the matter?

**DR BOURKE**: I am actually sorry; I misunderstood the earlier question which you are referring to. Police were called immediately to the incident and their investigation commenced then. And police operations are a matter for the police.

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

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

**MR COE**: Minister, why did you refuse to meet with the father at the forefront of this issue?

**DR BOURKE**: I thank the member for his question. I never refused to meet with the father. The father never contacted my office. The father never requested a meeting with me. When I became aware through the media that he wanted a meeting with me, I arranged one immediately.

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

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

**MR HARGREAVES**: Minister, do you believe in fact that this is the correct place for a conversation around this issue or do you think this is better handled by the proper authorities, such as the police?

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

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

**Mrs Dunne**: Mr Hargreaves asked Dr Bourke whether he believed that this was an appropriate venue. I think that that is asking for an expression of opinion and is out of order under the standing orders.

**MR SPEAKER**: Mrs Dunne, I find myself challenged by the fact that these kinds of questions occur frequently in this place and points of order are not often raised. I am sure that Mr Hargreaves could rephrase his question in a suitable way.

**MR HARGREAVES**: I certainly can, Mr Speaker. I can rise to the challenge that Mrs Dunne gives me any day of the week. Minister, is this the appropriate place for community conversations around such issues or is this a matter better dealt with by the appropriate authorities, such as the police?

**DR BOURKE**: I thank the member for his question. These are very confidential matters relating to children—children, Mr Speaker; that is who are involved here. I am sure that their parents do not want their personal details and their circumstances paraded in public. The member is quite correct: the appropriate people to deal with these matters are our trained and expert teachers, principals and school counsellors. And then, in the case of critical incidents which require the involvement of police—

*Mr Doszpot interjecting—*

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

## Schools—weapons

**MR SMYTH**: My question is to the minister for education. Minister, what is the current ACT public schools weapons policy?

**DR BOURKE**: I welcome the member's question. In fact, I welcome the interest of the Canberra Liberals in public education. You would not have known they had any interest in education with regard to the Gonski review because every question they asked was about private schools.

**Mr Seselja**: On a point of order, Mr Speaker, I think you know and we all know that this is completely irrelevant to the question. I would ask you to ask him to be directly relevant.

**MR SPEAKER**: Minister, while you have some time to set some context I do not believe this is relevant to the question at all. Let us return to the question asked, thank you.

**DR BOURKE**: Thank you, Mr Speaker. Our policy with regard to weapons is that weapons are not tolerated in schools.

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

**MR SMYTH**: Minister, when was this policy last updated?

**DR BOURKE**: In 2010.

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

**MR DOSZPOT**: Minister, what were the changes in the 2010 policy with regard to weapons?

**DR BOURKE**: There was a change in the suspensions, exclusions and transfer policy regarding weapons in schools; a 2007 policy mentioned weapons, but the 2010 policy does not.

That is because section 36 of the Education Act refers to the suspension, exclusion and transfer of students by the director-general. The act states that section 36 applies if a student attending a government school "threatens to be violent or is violent to another student attending the school, a member of the staff of the school or anyone else involved in the school's operation". The 2010 version of this policy does not use the word "weapons", as it is worded to more closely reflect the requirements of section 36 of the act by not mentioning specific types of violence such as the use of weapons. The policy reiterates that no forms of violence or threats of violence are tolerated in our schools.

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

*Members interjecting—*

**MR SPEAKER**: Order, members! I cannot hear Mr Doszpot.

**MR DOSZPOT**: Minister, who was involved in the consultation over these changes that were made to the policy that deleted the word "weapons" and reference to punishment regarding use of weapons?

**DR BOURKE**: Whilst I need to take advice on who was involved in that particular consultation, I would like to draw the member's attention to the Emergency response guide—ACT government, Education and Training.

**Mr Doszpot**: Is that policy? Is that education policy?

**DR BOURKE**: This one here, which mentions violence and weapons. This is in every school. It gives an indication; it is a guide for principals and teachers to use when dealing with emergency situations.

*Members interjecting—*

**MR SPEAKER**: One moment, Dr Bourke. Stop the clock, thank you. Members, Dr Bourke is giving a straight and informative answer here and I expect to be able to hear it. Dr Bourke, you have the floor.

**DR BOURKE**: Thank you, Mr Speaker. If the opposition members bothered to pay any attention within their briefings or show any interest in these matters, this would have been known to them. I table the following paper:

Emergency response guide—ACT Government— Education and Training.

**Mr Smyth**: Under standing order 213, would the minister also table the previous document that he was quoting from?

**MR SPEAKER**: Mr Smyth, I believe that you will need to move a motion to do that, unless Dr Bourke would like to volunteer it. We can do this informally or we can do it formally. The request is that you table the document, Dr Bourke, that you were quoting from previously.

**Dr Bourke**: That is the document.

**Mr Smyth**: No, the piece of white paper that you were reading from before that.

**Dr Bourke**: Private notes.

**MR SPEAKER**: Mr Smyth, you will need to move a motion in that case.

**MR SMYTH** (Brindabella) (2.16): Under standing order 213, I move:

> That Dr Bourke (Minister for Education and Training) table the document he was quoting from.

It is important, in this new regime where the Chief Minister said she would be more open and more accountable, that all her ministers comply with that. The minister was quoting from a document. They are now checking the said document. He is getting the go-ahead from Mr Corbell because he cannot make a decision himself. But he did quote quite extensively from the document. I think it is very important that members see all that might have been in that document. We saw the meandering, some 18 minutes—30 minutes, 18 minutes—on 2CC the other day where they delayed the news because of the debacle that Dr Bourke had caused on that program because of his lack of knowledge.

He has referred members not to the weapons policy but back to section 36 of the act because clearly the department or the minister have inadvertently removed any reference to weapons in the policy. I think it is important that we know what it is that the minister is quoting from and how the minister is using it. For those very simple reasons I believe that he should table the document.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (2.18): It is probably timely to remind the Assembly that there are precedents in this place in relation to requiring ministers to table certain documents they quote from. In particular, there is precedent which previous Assemblies, although not this opposition, have accepted, which is that, where ministers are referring to private notes, they are not required by order of this place to table them.

Whilst in this instance I am advised by Dr Bourke that he is not referring to such notes, and he can indicate how he intends to handle the document, it is important to remind members that there is a longstanding convention in this place that where ministers are referring to private notes to assist them with their answer, they are not required to provide them. Otherwise we will enter into the ludicrous situation where every member will seek from every other member the private notes that they use to participate in debates and other activities in this place. I think it is important that we simply remind ourselves that that is the way that this standing order is meant to operate, that it is the convention upon which it is meant to operate and which those opposite seem to be quite happy to ignore. I will leave it to Dr Bourke in relation to the particular document, but I think it is important that the government put its position on the record in relation to how this standing order should be applied in this place.

**MR HANSON** (Molonglo) (2.19): In relation to the comments from the minister, we have seen some contradictory statements here because Dr Bourke initially said that they were private notes; now the minister is saying that Dr Bourke is saying they are not private notes. I think this goes to the point that, whatever you label them, if a minister is quoting from a document and it is relevant to the debate then that is something that should be consistent with the information provided to the Assembly, and if it is information that is relevant it should be provided to inform members of the Assembly. Otherwise we will have a situation where, if it is a document that any of the ministers choose that they are not going to provide, they will simply say, "It's private notes," and it will be beyond the reach of this Assembly to require them.

I think we need to make informed decisions, as the Assembly, in relation to whether we need to see those documents or not, whether they are relevant to the debate, and not just allow ourselves to be essentially put off by a minister saying, "They're private notes." Otherwise ministers will simply classify everything as private notes and we will not get access to important information. If what Dr Bourke was quoting from is consistent with the information he provided to the Assembly, there should be no issues at all. If it is not then he has some serious questions to answer.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (2.21): Mr Speaker, I table the following paper:

> Weapons in schools—Talking points.

**MR SPEAKER**: Mr Smyth, would you be happy to seek leave to withdraw the motion now?

**MR SMYTH** (Brindabella) (2.21): I seek leave to withdraw the motion, now that Dr Bourke has agreed to hand over the document.

Leave granted.

**MR SPEAKER**: We will now proceed with question time.

## Trees—replacement

**MS LE COUTEUR**: My question is to the Minister for Territory and Municipal Services and is in relation to funding for the urban tree replacement program. Minister, the 2009-10 budget allocated $18.7 million to be used over four years for the urban forest renewal program. The intent of the program was to replace Canberra's dying street trees, which were suffering from a combination of old age and drought. Before these funds were spent, subsequent budgets reduced the funding to $10 million over four years. Minister, given the Assembly passed a resolution in June 2010 calling on the government to restore appropriate funding for the urban forest renewal program, could you explain why current funding is almost half what it was in 2010? When will you restore the original funding?

**MS GALLAGHER**: I thank Ms Le Couteur for the question. As members would be aware, the government did provide significant resources to the urban tree replacement program, I think three budgets ago. When it became clear there was not consensus around how that program was to be implemented, some money was returned to the budget. In the last budget we provided additional allocation to the urban tree renewal program—not quite as much as was originally returned to the budget.

There is currently, as Ms Le Couteur would imagine, and based on the Commissioner for Sustainability and the Environment's report, consideration around this matter within budget cabinet.

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

**MS LE COUTEUR**: Minister, do you intend to fulfil the recommendation of the Commissioner for the Environment for an additional $4 million per year and an extra $1 million for the first year and, if not, how do you intend to meet the needs of Canberra's urban forest program?

**MS GALLAGHER**: That matter is currently before budget cabinet. We have provided our response to the Commissioner for Sustainability and the Environment's report. There were a number of priority recommendations and then sub-recommendations. We are working through all of the resourcing of that and, alongside of that, the other pressures of budget within TAMS. We will see the outcomes of those discussions when the budget is tabled. It is very much part of our discussions. I am aware that we need to look at resourcing for this program, how we look after new trees and our established urban forests, and indeed deal with the dead trees as part of the urban forest. So I am very aware of it. We are currently working through the detail of it through budget cabinet.

**MS HUNTER**: Supplementary.

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

**MS HUNTER**: Minister, have you reconvened the urban tree expert reference group which former minister Mr Stanhope disbanded, and are they being consulted about how to best roll out the current program?

**MS GALLAGHER**: I have not reconstituted that group. I imagine that TAMS, as part of their working through these priority areas and the resourcing that is required, are consulting with interested stakeholders, but I can certainly find some more information out about that.

**MS BRESNAN**: Supplementary?

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

**MS BRESNAN**: Minister, noting the present wet weather conditions that would assist in planting new trees, what is the government doing to take advantage of these conditions and not defer plantings to dry years?

**Ms Gallagher**: I missed the last bit, sorry.

**MS BRESNAN**: Sorry. What is the government doing to take advantage of these conditions and not defer plantings to dry years?

**MS GALLAGHER**: I have not had a discussion with TAMS around the opportunities for new plantings. There have been some plantings already this year—or certainly in the time that I have been TAMS minister. We are doing our GPS tracking of new young trees so that we can get a very accurate understanding and mapping of watering and looking after them from a very young age. I will see if there are some views from TAMS around opportunities to plant more trees during this time. It is not something that has come across my desk or indeed that I have had a conversation on. I am sure that if the good staff in TAMS who implement this program believed that there were opportunities, they would be taking them. But I will come back to the Assembly on that.

## Canberra—birthday celebration

**MR HARGREAVES**: My question is to the Chief Minister. Chief Minister, at Canberra's 99th birthday celebrations last week, the Australian Prime Minister made a statement regarding the commonwealth's support for Canberra as the nation's capital. Chief Minister, how important is that statement to Canberra as it moves forward and towards its centenary year and then, of course, into its second century as a city?

**MS GALLAGHER**: I thank Mr Hargreaves for the question. It was, indeed, a great honour to have the Prime Minister join me and lots of other Canberrans last week to mark Canberra's 99th birthday. It was great to see a number of members from the Assembly in the audience. Unfortunately, no-one from the Canberra Liberals were able to attend such a significant occasion for Canberra and for Canberrans.

But it was lovely to share that time in the courtyard of the Museum of Australian Democracy full of Canberrans who were there celebrating the birthday of our city. I think it is fair to say that in the past—

**Mr Hanson**: That is a snide comment, Katy; a snide comment.

**MS GALLAGHER**: Coming from you, Mr Hanson, what a classic!

**Mr Barr**: Brendan was acknowledged and he wasn't there.

**MS GALLAGHER**: Yes, I did acknowledge Mr Smyth. He was not there but he got the acknowledgment.

*Mr Smyth interjecting—*

**MS GALLAGHER**: One would have thought that perhaps the Leader of the Opposition—could have or might have thought that this might have been an occasion—

*Members interjecting—*

**MR SPEAKER**: Order, members!

**MS GALLAGHER**: to come out and be a proud Canberran—to dust off for a public holiday and come out and support the city—

*Opposition members interjecting—*

**MR SPEAKER**: Order, members!

*Opposition members interjecting—*

**MR SPEAKER**: Order, members! Chief Minister, return to the question, please.

**MS GALLAGHER**: Sorry, Mr Speaker. Very professional!

**Mr Hanson**: You are so unstatesmanlike.

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

**MS GALLAGHER**: I am not a statesman, Mr Hanson. In case it has not dawned on you yet, I am actually a woman.

*Opposition members interjecting—*

**MR SPEAKER**: Right. Order!

*Mr Hanson interjecting—*

**MR SPEAKER**: Mr Hanson, that is enough, thank you. The Chief Minister is now going to continue to answer the question.

**MS GALLAGHER**: Thank you, Mr Speaker. It is fair to say that over time we have not necessarily enjoyed the support of prime ministerial champions. In fact, I believe the last Prime Minister who deeply cared for this city and invested in this city perhaps was Prime Minister Menzies, who certainly left his mark on this city and has been acknowledged appropriately. But it was wonderful to have Julia Gillard come out publicly and formally commit the Commonwealth of Australia to properly recognising the role and significance of Canberra in the life of the nation.

Crucially, the Prime Minister committed the commonwealth, "to continuing to build and grow the nation's capital, its cultural institutions and its role as the focus of ceremonial, parliamentary and national leadership". The Prime Minister also committed to Canberra remaining the heart of the Australian public service and the primary location of government departments and agencies. It was a wonderful and welcome message to the many thousands of families who either work for the APS or whose businesses depend on the strength of the APS.

The Prime Minister went further and pledged a deep and enduring partnership with the commonwealth and the ACT legislatures and between the governments of the commonwealth and the ACT to foster and develop a strong and flourishing city. This was, I think, significant recognition that Canberra is not yet a fully built city, that it has a future even greater than its past.

This was also clear from the fact that our Prime Minister made these commitments in what she said was a spirit of pride in Canberra's past and absolute confidence in its future. Her next words were ones that ought to ring in the ears of all Canberrans and resonate nationally. She said to all Australians that Canberra was a success, a collective success, and that it deserved to be celebrated.

Mr Speaker, some Canberrans might perhaps believe that we do not need anyone's endorsement, not even the Prime Minister's. I disagree. Our identity and our economy will always be inextricably bound up with that of the national government. Our geography as well as our natural advantages demand it. This does not mean that we will be hostage to the whims of individual federal governments. We can, must and are reducing our vulnerability to these whims.

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

**MR HARGREAVES**: Chief Minister, how do you see our role as the nation's capital developing in our second century in the context of the Prime Minister's words last week?

**MS GALLAGHER**: I thank Mr Hargreaves for the question. I believe this is a very exciting time for our city. I think we can take firmer control of our destiny than ever before and we will as part of this acknowledge our past. We will always be the ceremonial and administrative heart of the country, but already we are something much more and in our second century we will become something else again.

Part of our vision for Canberra is that we become not just the nation's capital but the economic, industrial and service capital of the south-east; a destination for education, health care, cultural life and clean industry. Canberra is also home to 360,000 locals. We have to also ensure that we keep on top of those issues that matter locally—the municipal services, the health services, the school services.

We can of course be both of these things—a wonderful city where we enjoy such a high standard of living—but we can also be much more: a world-class national capital which seeks the attention and recognition of the rest of the country and indeed internationally.

We are already a much different city from the one that was imagined by Walter Burley Griffin and Marion Mahoney. That is still part of us, but we are already, I think, five times the population that was envisaged by Walter Burley Griffin.

I think our second century will be the best one we have had, where we can combine the two things that are important to our city—one, the home it is to all of us, but, two, the role we play in our country's identity, as the national capital.

**MS PORTER**: A supplementary.

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

**MS PORTER**: Chief Minister, at the event attended by the Prime Minister you announced a number of other important supporters of our forthcoming centenary celebrations. Could you bring the Assembly up to date on these corporate partners?

**MS GALLAGHER**: Thank you, Ms Porter. As members would know, we have put significant resources as a local community into our centenary celebrations. We have put in, I think, around $20 million. The commonwealth have also put in about $26 million, 20 for the arboretum—

*Mr Hanson interjecting—*

**MS GALLAGHER**: Well, Mr Smyth seemed to be enjoying the arboretum when he was up there the other day, albeit we had to put a tent up there and offer him champagne. But he did come; he was spotted. Mr Smyth and Gary Humphries will not go out there unless there is champagne and a tent.

**Mr Smyth**: On a point of order, Mr Speaker—

**MR SPEAKER**: Stop the clocks, thank you. Mr Smyth, on a point of order.

**Mr Smyth**: Mr Speaker, anyone who knows me knows that I do not drink champagne. I would ask the minister to withdraw that slur. It is actually a lie. I did not drink champagne. I never drink champagne.

**MR SPEAKER**: Mr Smyth, I think it would be most appropriate if you undertook to make a personal explanation after this, if you feel the need.

**Mr Smyth**: But you cannot lie. She said to the Assembly that I was drinking champagne. That is not true.

**MS GALLAGHER**: Mr Speaker, I am happy to withdraw that. My words will be: he came when it was catered. It was a catered event. There was a tent and there were Liberals in the tent. It is the only time we have had them there. We have had heads of state and indeed royalty up there. That did not get any of them up there. We have had leaders from the United Nations. That did not get them up there. We have had leading Australians. That did not get them up there. But a tent and some canapes will get them up there. That is what we will do next time.

**MR SPEAKER**: Chief Minister, the question, thank you.

**MS GALLAGHER**: Thank you, Mr Speaker. We do welcome the commonwealth's support for the arboretum. As everybody in this place knows, and indeed the Liberal opposition knows, the arboretum is and will be one of the main attractions of this city in years to come. I know that the Liberals will at some point support the arboretum

because of the role it will play in supporting tourism and businesses here. Indeed, the business community are already well behind the arboretum. The Liberals are trailing the pack, but I have no doubt—and I predict this—that in future the Liberal Party will support the arboretum. Let us just see whether that comes true. I am sure it will, Mr Hanson.

The centenary will be supported by the commonwealth and the ACT government, and now we have got private supporters with ActewAGL, Capital Chemist and Deloittes—it was great to have them—because we will require private sector support for this year to be as successful as it can. We also have some significant media partners with the SBS and the ABC and, of course, the *Canberra Times* will play an important role. The year 2013 will be an important one for our city. It will not be just about a day and a party. It will be around creating a lasting legacy for our city to build on the first 100 years and to move forward into our second, which will have, I have no doubt, the best years still to come.

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

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

**MR SMYTH**: Given the Prime Minister's speech on Canberra's birthday this year, will you now ask her to reassess her financial commitment to the functions and activities of next year, not just the capital works for the arboretum, and match the rhetoric that she delivered with the dollars as well as matching the ACT's contribution?

**MS GALLAGHER**: Indeed, I will table, for the interest of members, the Prime Minister's speech, because I know that certainly the Liberal Party were not there to hear it. Maybe you could read that.

I must say that I welcome the question from Mr Smyth about whether the amount of about $26 million, I think, that has been put in by the commonwealth is enough, particularly when the only policy the Liberal Party, the Canberra Liberals, have about the centenary is to actually cut the funding. Mr Speaker, $26 million from the commonwealth, and the money that we have already put in, will actually fund a very exciting program for this city. And there are more funds going into that program than there would have been if you were in charge, Mr Smyth. Aside from your junket overseas to talk about the centenary, the only other commitment you have given is to cut the budget.

I table the following paper:

> Statement of Commitment to Canberra and Launch of Centenary of Canberra—Copy of Prime Minister's speech—Monday, 12 March 2012.

## ACT Policing—use of force

**MS BRESNAN**: My question is to the Minister for Police and Emergency Services and relates to use of force by police. Four years ago the JACS committee inquired into

the issue and recommended that the AFP should report on "use of force in its annual report, including action taken on inappropriate instances of use of force". At the time in 2008 the government agreed to release the data annually but this has not occurred. Last year, in response to a question from the committee, you released information which compared use of handguns, tasers, capsicum spray and batons over the last two years. Minister, have you requested that police include the data in this year's annual report?

**MR CORBELL**: I thank Ms Bresnan for the question. I have indicated, I think, previously that the government will ensure that that data is reported on annually. We see no issue with reporting that data annually. As an indication of our commitment to that, I provided the data that Ms Bresnan referred to.

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

**MS BRESNAN**: Minister, do you have assurances that police will actually provide the data, and just again on the question: will the data be included in the annual report or in another format?

**MR CORBELL**: It is my intention that the data be provided annually.

**MS HUNTER**: A supplementary.

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

**MS HUNTER**: Minister, have you requested police to report on action taken against inappropriate instances of use of force, and if not, why not?

**MR CORBELL**: We have a comprehensive complaints handling regime already in place in relation to these matters. Complaints are first of all dealt with by the internal investigations area of the Australian Federal Police. That process is then subject to oversight and further inquiry by the Ombudsman. In instances of serious misconduct and potentially corrupt misconduct, the Australian Commission for Law Enforcement Integrity also has a role. So I believe that the existing framework is a robust one. It ensures that there is independent oversight and investigation of how police deal with complaints about inappropriate use of force, or indeed any complaint against a police officer, and I do not propose to add any further to that existing statutory legislative mechanism.

**MS LE COUTEUR**: Supplementary.

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

**MS LE COUTEUR**: Minister, how do you satisfy yourself that complaints about inappropriate use of force are investigated fully?

**MR CORBELL**: I am satisfied because I know that if there are serious issues they will be brought to my attention either by the CPO or by the Ombudsman or by ACLEI, the Australian Commission for Law Enforcement Integrity. As I say, there is a

statutory oversight framework for dealing with complaints against police, which involves independent watchdog bodies looking at these matters, and I am confident that those bodies will refer matters to me and draw them to my attention if they believe that that is warranted.

## Schools—weapons

**MR COE**: My question is to the minister for education. Minister, why did the following statement "Students may be immediately suspended if the safety of students or staff is at risk, or because of serious physical violence, or threats of violence, or the possession of weapons or illegal drugs" appear in the 2007 suspension, exclusion and transfer of students in ACT public school policy but not in the 2010 policy of the same name?

**DR BOURKE**: I thank the member for his question. I refer to my previous answer with regard to the change in the suspensions, exclusions and transfer policy from the 2007 policy to the 2010 policy, which I will repeat again for Mr Coe's understanding.

There has actually been no change in the position of the directorate with regard to violence or threats of violence in schools. Violence or the threat of violence is not tolerated in schools. As I said previously, section 36 of the Education Act refers to the suspension, exclusion and transfer of students by the director-general. The 2010 version of the policy does not use the word "weapons", as it is worded to more closely reflect the requirements of section 36 of the Education Act. By not mentioning specific types of violence, such as the use of weapons, the policy reiterates that no forms of violence or threats of violence are tolerated in our schools.

**MR COE**: A supplementary.

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

**MR COE**: Minister, how can you say that the policy did not change when in fact the policy changed?

**DR BOURKE**: I thank the member for his question. There is no change in the position, Mr Coe. That is what I said—no change in the position with regard to violence or threats of violence. The wording has been changed, as I said, to reflect the act, and actually to broaden the circumstances under which these suspensions, exclusions and transfers can be applied.

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

**MR DOSZPOT**: Minister, thank you for providing the talking points that you have provided.

**Mr Hargreaves**: Point of order, Mr Speaker: you have warned Mr Doszpot enough about preambles to supplementaries. You should pull him up straightaway and just sit him down.

**MR DOSZPOT**: It is a preamble to the question that I am asking.

**MR SPEAKER**: You cannot have a preamble on a supplementary, Mr Doszpot. Let us just cut straight to the question, thank you.

**Mr Hargreaves**: Another point of order, too, Mr Speaker: would you ask Mr Doszpot to table the paper he is reading from?

**MR SPEAKER**: Let us just have Mr Doszpot's question, thank you.

**MR DOSZPOT**: Minister, the changes that were made to the act, which you keep referring to in your answer, from five to 15 days, which demonstrate the commitment of the government to—

**MR SPEAKER**: Mr Doszpot, let us try to cut the preamble, please.

**MR DOSZPOT**: Okay. Minister, can you tell us who actually initiated the change, why did the change occur and who was consulted—parents, teachers or principals—to omit the words "weapons" and "safety of students or staff is at risk", very significant changes from the 2007 to the 2010 policy?

**DR BOURKE**: I thank the member for his questions—a triple-header, I think, there. This is a detailed question which necessarily predates my election and predates my ministry. However, I will take it on notice and come back and let you know.

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

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

**MR HANSON**: Minister, how can we believe anything that you say about this matter when you have been vague, defensive and contradictory?

**DR BOURKE**: This is an outrageous suggestion. It is simply outrageous.

*Members interjecting—*

**MR SPEAKER**: Order! Dr Bourke has the floor.

**DR BOURKE**: I completely refute what Mr Hanson has said. There is no basis or evidence for his statement. They merely illustrate the point that I made before about this confection of outrage.

*Members interjecting—*

**MR SPEAKER**: Members, order! Enough!

**DR BOURKE**: This is what they are on about—fearmongering, scaremongering, putting down the best education system in the country.

**Mr Seselja**: On a point of order, Mr Speaker, the question was specific. It was: how can we believe anything you say about this matter when you have been vague, defensive and contradictory? He is not addressing the question and, if he is not going to address the question, he should sit down.

**MR SPEAKER**: Given the nature of the question, it is very hard to take the point of order, Mr Seselja. There is no point of order. Dr Bourke, do you wish to add anything further?

**DR BOURKE**: I think I have said enough, Mr Speaker.

## Schools—weapons

**MRS DUNNE**: My question is to the minister for education. Minister, in an interview on WIN Television on 6 March, you said, "The ACT schools policy on weapons says we do not tolerate weapons." Exactly which policy document were you referring to when you used these words?

**DR BOURKE**: I thank the member for her question. Yes. We do not tolerate weapons in schools. That is our policy. It is quite clearly against ACT law. It is against ACT law, which applies in ACT schools. I would have thought that the shadow attorney-general would have been familiar with ACT law and its application to the ACT education system.

**MR SPEAKER**: Mrs Dunne, a supplementary.

**MRS DUNNE**: I will ask a supplementary question, Mr Speaker, although the minister could not answer the first question about which policy document he was referring to.

**MR SPEAKER**: A supplementary, Mrs Dunne.

**MRS DUNNE**: For the benefit of the Assembly, can you table the policy document on which the statement you gave on WIN television was based?

**DR BOURKE**: The policy is a document which specifically talks about suspensions, exclusions and transfers. It does not mention weapons, for reasons that I have previously described. However, it is our policy to not tolerate weapons in schools.

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

**MR DOSZPOT**: Minister, why is there no reference to weapons and illicit drugs in the 2010 policy? It was there in 2007. We have asked you umpteen ways and you have answered absolutely zip about what we are asking. Why is there no reference to weapons?

**DR BOURKE**: I thank the member for his question. I have gone into quite a bit of detail as to why the policy change occurred in 2010. I have explained it twice, both to

himself and to Mr Coe. I see no reason to repeat my answer again. I have already answered this question.

**MR SESELJA**: A supplementary.

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

**MR SESELJA**: Minister, could you describe to us how section 36 of the act forces departmental policy not to reference weapons?

**DR BOURKE**: I am advised that it is section 36 of the act which is required to reflect within the suspensions, exclusions and transfer policy. That is my advice that I have received. Of course, if Mr Seselja wants a legal opinion, that would be out of order.

## Schools—weapons

**MR HANSON**: My question is to the Minister for Education and Training. Minister, with respect to a recent incident involving a student at a Canberra high school and the involvement of a weapon, you called for a risk assessment of knives and sharp objects. What are the terms of reference for this risk assessment?

**DR BOURKE**: I thank the member for his question. Yes, I asked for a review of school policy on these matters. I also asked that it be referred to the safe schools task force. As the member may or may not be aware, the safe schools task force is comprised of representatives from ACT public education, Catholic schools, independent schools and a range of community organisations, including the police, and the purpose—

**Mr Seselja**: On a point of order, Mr Speaker, the question is a very specific one and he is nowhere near it. It is: what are the terms of reference for the risk assessment?

**MR SPEAKER**: Minister Bourke, if you can come to the specific question in the time you have remaining.

**DR BOURKE**: Thank you, Mr Speaker. I do have 3½ minutes left. The terms of reference were to report back on schools with regard to knives and sharp objects.

**Mr Hanson**: Really?

**MR SPEAKER**: Mr Hanson, your supplementary question.

**MR HANSON**: I do not quite know where to go from there. Minister, what is the date on which you asked for that risk assessment?

**DR BOURKE**: That is a particularly specific question. As I recall, it was either 21 or 22 February.

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

**MR DOSZPOT**: Minister, the incident occurred on 14 February—

**Mr Hargreaves**: Point of order, Mr Speaker: this is the third one in a row where a supplementary question has been preceded by a preamble—a third time for Mr Doszpot. Please bring him to order.

**MR SPEAKER**: Mr Doszpot, I am giving you the chance to ask a question, but you are making it difficult for me to continue, so please try and cut straight to the question.

**MR DOSZPOT**: Minister, why did it take you either seven or eight days to ask for a risk assessment when the incident occurred on 14 February?

**DR BOURKE**: I thank the member for his question. Unlike his precipitate action in these matters, I undertake considered actions, which require thought and require judgement. I am not going to be rushed into knee-jerk responses, unlike Mr Doszpot.

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

**MR DOSZPOT**: Minister, when will the results of the risk assessment be known and when will you make them public?

**DR BOURKE**: The results will be provided to me shortly, I expect, and I will be free to discuss them in the Assembly in due course.

## Transport—strategy

**MS PORTER**: My question is to the Minister for the Environment and Sustainable Development. Minister, you recently released a strategy document, transport for Canberra. Could you inform the Assembly about how this strategy aims to meet the challenge of our growing city?

**MR CORBELL**: I thank Ms Porter for the question. Yesterday I was pleased to join with the Chief Minister to release the transport for Canberra policy, the new policy framework to guide the delivery of active transport and more sustainable transport as well as more efficient transport for the city as a whole. This has been the subject of detailed investigation and consultation over the past 18 months and has responded considerably to a number of key issues raised by the Canberra community during the public consultation process.

In particular, one of the key aims of the strategy is to ensure that we tackle the growing issue of congestion on Canberra's road network. There is no doubt that a continuation of business as usual practices will see congestion double between now and 2026. So we have a choice as a city: either we continue business as usual or we seek to take steps to reduce, alleviate and ameliorate the impacts of growing congestion on our transport network as well as give Canberrans better transport choices and more sustainable transport choices.

For that reason, the government sets out in the transport for Canberra strategy a number of key targets. The first is to see the percentage of journeys to work by walking, cycling and public transport to be 30 per cent by the year 2026, with a new interim target placed into the strategy of 23 per cent by the year 2016. So we are setting ourselves a new benchmark to demonstrate performance and to measure performance in the short to medium term as well as having the long-term goal.

Mr Speaker, yesterday in the announcement on the new strategy two key objectives were unveiled. The first is to shift to a seven day a week timetable so that we deliver bus services consistently throughout the seven days of the week rather than having a completely different and often confusing schedule on weekends.

But more importantly, we also announced the implementation of new benchmarks to guide service delivery as new networks for ACTION are delivered and, in particular, a new benchmark of delivering coverage services—that is, the suburban bus feeder services—at 30 minute intervals throughout the period 7 am to 7 pm seven days a week. This is a key objective of the sustainable transport for Canberra policy.

This is a very important commitment because this responds directly to the feedback we have heard from Canberrans. Canberrans have said to us that the rapid network—Blue Rapid and Red Rapid—are working very effectively in getting people to and from the different town centres and Civic.

But the big challenge, of course, is the interchange—the connection to the local service, the connection out to the suburbs where often the wait time is excessive. So the new transport for Canberra policy is designed to address this by putting in place a benchmark measure of 30 minute frequency and some service guarantees about wait times—no more than 15 minutes to connect from the rapid or frequent service to the coverage service and then reducing that wait time to no more than 10 minutes at a later date.

These are very important policy commitments that will guide the government's decision making around investment in public transport services, around delivering more park-and-ride and bike-and-ride facilities, delivering better bus stations, delivering better priority measures for public transport, as well as investment in walking and cycling, to give Canberrans greater transport choices.

**MS PORTER**: Supplementary.

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

**MS PORTER**: Minister, you have stated a target of 23 per cent of work trips being public or active transport by 2016. Could you please outline some of the specific initiatives by which you will achieve this?

**MR CORBELL**: I thank Ms Porter for her supplementary. I have already outlined a number of these measures, including the improvements that we will target around frequency of service delivery, but there are further investments that the government

has also announced. For example, last Friday I announced that the government was commencing consultations immediately with the community on five new possible sites for park-and-ride facilities across the city as well as six new possible sites for bike-and-ride facilities across the city, including locations for park-and-ride and bike-and-ride like Charnwood, Wanniassa, Curtin and the Gungahlin town centre. These facilities have been warmly welcomed by the community when they have been established elsewhere in this city. We have seen the very popular Mawson park-and-ride facility. We are seeing growing use of bike-and-ride facilities at places like Melrose Drive in Lyons.

So we are seeing Canberrans responding to the government's initiative to deliver better public transport cycling and walking infrastructure on the ground. This year we will deliver 600 upgraded bus stops. We will also be commencing work on 12 major new stops at high-patronage locations and a further eight by mid-2013. Of course, work is now underway on the finalisation of the new ANU Exchange bus station adjacent to Marcus Clarke Street. And this year we will be investing in 30 kilometres of new cycle paths across the ACT.

This demonstrates the Labor government's commitment to improving Canberrans' transport choices. It demonstrates our commitment to tackling the issue of congestion on Canberra's roads and it demonstrates this Labor government's commitment to deliver more sustainable transport choices that will help us make the shift to being a more sustainable city into the future.

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

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

**MR COE**: Minister, why is it that Minister Hargreaves, Minister Stanhope, and yourself as recently as last year, failed to get a seven-day roster as part of the EBA for ACTION staff?

**MR CORBELL**: The issue of a seven-day roster is a very difficult industrial issue that needs to be addressed. The government is indicating in the policy our policy determination to get that fixed and to deliver a more reliable and consistent network on weekends, not just from nine to five, because that is what Canberrans have told us they want.

The government has responded in transport for Canberra to the two very specific comments made in the community consultation process. The first is the weekend network, but the second is the frequency of those suburban services, those public services. By setting those benchmarks of the 30-minute coverage service, that is a very important policy commitment by the government. It is going to be challenging; it is going to have a range of implications. But it must be stated clearly in the policy framework because the policy framework will inform the decisions around service delivery, around budget funding, around the delivery of those services on the ground. That is why it is there, and it is there because Canberrans told us they want it to be there.

Over and above everything else, we have to recognise that business as usual when it comes to investment in transport, business as usual when it comes to how we manage our transport network, will present this city with increased congestion. In fact, congestion will double over the next 20 or so years if we continue with a business as usual approach. So it is in all of our interests, whether we are motorists, whether we are public transport passengers, whether we are cycling or whether we are walking, to invest in sustainable transport and to get the policy settings right. And that is what this new transport for Canberra strategy does.

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

**MR HARGREAVES**: Minister, do you have community support for this strategy and in what ways will the people of Canberra benefit?

**MR CORBELL**: I thank Mr Hargreaves for the question. We have had strong support from a wide range of bodies and individuals across the ACT for the policy responses that I have just outlined. I have talked about what people raised in the public consultation process and how the government has heard that, responded to it and put it into its policy statement.

We saw yesterday, for example, the Heart Foundation come out and give the transport for Canberra strategy a very strong endorsement, an endorsement which said, "This is a strategy which is going to encourage more people to choose active transport, which is going to help tackle issues around obesity in our community and around other diseases associated with lifestyle choices in our community, and that is a good thing for the city." They have welcomed that and they have endorsed it.

We have seen also the feedback that the Chief Minister and I heard as late as yesterday in the community roundtable she convened with public transport users. Again, the key issues were about connectivity. They were about how long you have to wait between services, the frequency of services and reliability. All of these are issues that we are tackling in the new transport for Canberra strategy. This policy framework is essential to inform the key decisions that will now need to be made around transport service delivery into the future.

**MS GALLAGHER**: I ask that all further questions be placed on the notice paper.

## Documents—tabling

### Interpretation of standing orders

**MR SMYTH** (Brindabella): Mr Speaker, I ask for your ruling on what the nature of a private note is, or private notes. When, under standing order 213, I asked Dr Bourke to table the document he was quoting from, his initial response was that it was a private note and that it therefore did not need to be tabled. The document that he tabled is certainly not a private note.

It is a public document. It is a document prepared by his department and probably is a question time brief. If members are going to claim things are private notes, I would

like your ruling on what a private note is and whether or not Dr Bourke should correct the record for misleading the Assembly by claiming something that it was not.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development): Mr Speaker, I think it is important to remind members that Dr Bourke, on tabling that document, did not assert that it was a private note. Dr Bourke, as a relatively new minister in this place, needs to obviously familiarise himself with all aspects of the standing orders. But at no—

*Members interjecting—*

**MR SPEAKER**: Order! Let us hear from Mr Corbell. Mr Smyth was heard in silence.

**MR CORBELL**: time in tabling the document did Dr Bourke assert that it was a private note.

**MR HANSON** (Molonglo): Mr Speaker, I have to speak. I find it extraordinary that the manager of government business would stand up and say that he is new enough, that he is so new that he should be given leeway because he is not able to understand the process of this Assembly. But the Chief Minister and the government see that he is fit to run a number of departments. I think it is extraordinary—

**MR SPEAKER**: Order!

**MR HANSON**: as a position for the government to put forward in this debate—

**MR SPEAKER**: Thank you. Mr Hanson!

**MR HANSON**: in this position.

**MR SPEAKER**: Mr Hanson, we are not having a debate about Dr Bourke's skills, character or anything like that. We are having a debate about the interpretation of the standing orders. In fact, we are not having a debate. I am granting leave to give Mr Corbell an opportunity to respond. I would rather give leave but I think I will just stop it there and I am going to make a ruling on Mr Smyth's question.

I think the best advice, members, on this is to turn to the *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*. Page 260 seems to provide the most definitive advice on this matter. It refers to a debate in 1995. In that debate it was said that there has been informal agreement that:

> … members are entitled to read from briefs or speaking notes without having to table those notes. Where a member reads from, say, a letter or a document, that is another matter. Members would certainly expect to have to table that document if they read it on the floor of the house.

That is the essence of the discussion at that time. I understand that to be, as it is in the *Companion*, the form or perhaps the convention in this place. I think that is the best definition I am aware of, Mr Smyth.

**MR SMYTH** (Brindabella): Thank you for that, Mr Speaker. It is important that you did not read the next line or the next paragraph. Mr Stefaniak, in making the defence—

**Mr Barr**: Is this a debate?

**MR SMYTH**: No, I am asking for a ruling. It goes:

> This is a speaking note prepared for Mr Stefaniak in his office and he has read it in full.

This clearly was not a speaking note prepared in the minister's office. Indeed, the next paragraph goes on:

> Members accepted in principle the distinctions … However, in this particular instance it was argued that the document quoted from was a ministerial statement, not speaking notes, and, as such, that the Assembly insisted that it be tabled.

You might like to go away and ruminate on what a private note is, Mr Speaker. But Dr Bourke's first defence in not tabling this was that it was private notes.

**MR SPEAKER**: Mr Smyth, are you asking me to rule on a specific document?

**MR SMYTH**: I am asking you now would you ask him to apologise to the Assembly for making that misleading statement because it is clearly not prepared—

*Mr Barr interjecting—*

**MR SPEAKER**: Order! I am listening to Mr Smyth. Are you actually asking me to rule on a specific document, Mr Smyth?

**MR SMYTH**: I am asking you to ask the minister to withdraw his first statement when he said it was a private note. This is a document prepared in the department. Therefore, it is clearly not a private note.

*Members interjecting—*

**MR SPEAKER**: Just one moment, please, members. I am going to seek some advice.

*Mr Doszpot interjecting—*

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

**MR SPEAKER**: Yes, Mr Hargreaves, what is your point of order?

**Mr Hargreaves**: My point of order is that Mr Doszpot now accused the Attorney-General of misleading the chamber and I would ask him to withdraw it.

**MR SPEAKER**: I am afraid I obviously did not hear that as I was in discussion with the Clerk. I think, given the nature of what is going, that we are just going to move on.

**Mr Hargreaves**: You might like to invite him, Mr Speaker.

**MR SPEAKER**: Sorry?

**Mr Hargreaves**: You might like to invite him.

*Members interjecting—*

**Mr Hargreaves**: Misbehaviour in the house, Mr Coe. Go and read your standing orders.

*Mr Coe interjecting—*

**MR SPEAKER**: Order, members! Order, Mr Hargreaves! Thank you. Resume your seat. Mr Coe, thank you. We are simply going to proceed, as I was seeking advice from the Clerk at the time.

Mr Smyth, my view is that under standing order 213 it is not the Speaker's remit to decide whether a document is a private note or not. I am therefore reluctant to suddenly be drawn into judging whether this particular document is a private note or not. It is normally a matter for the Assembly. I think that is probably the preferable position at this point. The Assembly can decide whether it accepts the convention listed in the *Companion* or not.

**Mr Smyth**: Mr Speaker, will you now ask Dr Bourke to withdraw a comment where he said it was a private note?

**MR SPEAKER**: I do not believe Dr Bourke's remark was unparliamentary and I think that is probably the only ground I could ask him to withdraw it on. If Dr Bourke wishes to make a personal explanation, he may and I will give him leave. But otherwise I do not think I have grounds to ask him to withdraw.

**Mr Smyth**: Fine; he can stand. The ministerial code of conduct says that you must correct it at the first available instance. That is up to the minister.

## Fire management unit
### Government response to resolution

**MR SMYTH** (Brindabella): On a different matter, Mr Speaker, on 29 June last year a motion was passed in this place that you amended that called on Mr Corbell to report back to the Assembly before any changes were made to the fire management unit in his department. I was just wondering when we might hear that response in this place.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): I believe that probably sits within the TAMS portfolio. I will need to take some advice on it, Mr Smyth, and come back to you.

## Answers to questions on notice

### Question No 2009

**MR SMYTH**: On a final matter, under standing order 118A there are a number of outstanding questions. The answer to question No 2009 to the Treasurer about federal funding for Canberra Stadium or Manuka Oval is overdue.

**MR BARR**: I signed that question yesterday, Mr Speaker. It should be in the system for Mr Smyth.

**MR SMYTH**: Why is it late?

**MR BARR**: Yesterday was within the time frame, in fact, for the lodgement of the answer to that question.

**MR SMYTH**: On 16 March it expired.

**MR BARR**: A weekend just got in the way, Mr Speaker. I apologise. I signed the answer yesterday. It should be with the member.

### Question No 2012

**MR SMYTH**: Mr Speaker, also question No 2012 to the Chief Minister about the public service workforce profile is unanswered at this time.

**MS GALLAGHER**: That arrived on my desk yesterday and I have asked a further question before I finalise the answer. As Mr Smyth would be aware, I am very keen to ensure that all answers are correct. I had a question about the answer that was provided and I am seeking further information. My advice is that it will be ready for signing off this afternoon.

### Question No 2026

**MR SMYTH**: Mr Speaker, question No 2026 also to the Chief Minister about the number of senior executives in the service is unanswered.

**MS GALLAGHER**: Yes, that came to me yesterday too. I asked for some formatting changes to be made to the answer. I am advised that it also will be done in time for this afternoon. I apologise for any delay.

I have also got questions Nos 2029 and 1995. No 1995 related to the Ombudsman. There was clarification I wanted on the answer and we have to consult with the Ombudsman's office. That may take a little time—not too long—but I do not believe I can do that this afternoon.

There were, I think from Ms Le Couteur, questions relating to TAMS. They were quite extensive questions around volumes of waste. I have got a very detailed answer. Again, I had some specific questions in relation to that. It should be finalised in the next day or so. I apologise for any delay.

## Question No 1994

**MRS DUNNE**: Mr Speaker, in relation to question No 1994, I ask the Attorney-General in accordance with standing order 118A the reason for this not being supplied by the due date, which was 15 March this year.

**MR CORBELL**: The reason for that, Mr Speaker, is that it is a complex 26-part question which has taken some time to compile.

## Questions Nos 1996 and 1997

**MRS DUNNE**: In relation to question 1996 to the Minister for the Environment and Sustainable Development and question 1997, also to the Minister for the Environment and Sustainable Development, both these questions were due by 15 March. I ask under standing order 118A for a reason for their lateness.

**MR CORBELL**: These were again complex multi-part questions that required considerable resources to prepare answers to.

## Question No 2000

**MRS DUNNE**: Question 2000 to the Minister for Industrial Relations is also late. It was due on 15 March. I ask the Minister for Industrial Relations, under standing order 118A, for a reason for its lateness.

**DR BOURKE**: Mr Speaker, I have signed the document.

**MRS DUNNE**: Mr Speaker, signing the document is not a reason for its lateness. I asked under the standing orders for a reason for its lateness. I would like an explanation from the minister as to why it was not with me by the due date.

**DR BOURKE**: I thank the member for her question. This is a complex matter which required a considerable amount of time for the directorate to prepare. It has now been done.

## Question No 2015

**MR COE**: Under the same standing order, I ask the Chief Minister in her capacity as Minister for Territory and Municipal Services where question 2015 is up to.

**MS GALLAGHER**: Mr Speaker, I am not aware of question 2015 specifically. Is it relating to ACTION?

**Mr Coe**: No, it is about Macarthur House.

**MS GALLAGHER**: I signed that answer off either yesterday or on Friday; so it should be with you, yes.

## Papers

**Mr Speaker** presented the following papers:

Standing order 191—Amendments to:

Business Names Registration (Transition to Commonwealth) Bill 2011, dated 24 February 2012.

Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011, dated 27 and 28 February 2012.

Electoral Legislation Amendment Bill 2011, dated 24 February 2012.

Food Amendment Bill 2011, dated 27 and 28 February 2012.

Transplantation and Anatomy Amendment Bill 2011, dated 27 and 28 February 2012.

Work Health and Safety (Bullying) Amendment Bill 2011, dated 27 and 28 February 2012.

## Executive contracts
### Papers 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 papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contract:

Kuan Yian Sim, dated 1 March 2012.

Short-term contracts:

Barry Folpp, dated 24 and 29 February 2012.

Bianca Kimber, dated 2 February 2012.

Ian David Hill, dated 13 February 2012.

Jeremy David Henry Roberts, dated 2 February 2012.

Kathleen Goth, dated 13 February 2012.

Liliana Hays, dated 2 February 2012.

Mark Doverty, dated 5 September 2011.

Mary Toohey, dated 2 February 2012.

Michael Brice, dated 15 February 2012.

Michael Brown, dated 2 February 2012.

Contract variations:

David Dawes, dated 13 and 14 February 2012.

David Papps, dated 13 and 14 February 2012.

Elizabeth Beattie, dated 31 January and 2 February 2012.

Glenn Lacey, dated 8 December 2011.

Lana Junakovic, dated 16 January 2012.

Richard Baumgart, dated 5 and 6 March 2012.

Ross McKay, dated 16 December 2011.

I ask leave to make a short statement in relation to the papers.

Leave granted.

**MS GALLAGHER**: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 14 February 2012. Today I present one long-term contract, 10 short-term contracts and seven contract variations. Details of the contracts will be circulated to members.

## Public Accounts—Standing Committee
### Report 20—government response

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (3.18): For the information of members I present the following paper:

> Public Accounts—Standing Committee—Report 20—Inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010—Government response.

I move:

> That the Assembly takes note of the paper.

The government thanks the committee for the report on this inquiry into the exposure draft of the ethical investment bill. The committee made nine recommendations in its report. The government has agreed with three recommendations, agreed in principle to four, and two recommendations are noted.

Since becoming a signatory to the United Nations principles for responsible investment in 2008, the government has been taking a considered and measured approach in the implementation of its financial investment arrangements. The government considers the recommendations made in the report provide an opportunity to further enhance the government's standing as a responsible investor.

The government will revise its investment policy using the report's recommendations as guiding principles. Consistent with the committee report, the revised policy will utilise universally agreed and accepted norms-based investment criteria and consider, where appropriate, a selective, exclusion-based screening strategy.

The government's responsible investment policy, investment arrangements and exposures will be made available, when finalised, through Treasury's website. Reporting on the financial investments, incorporating appropriate disclosure of the investment practices and investment exposures, will be provided through Treasury's annual report.

I commend the government response to the Assembly.

**MR SMYTH** (Brindabella) (3.20): It is pleasing to see the government respond to something, I think probably within the time frame. That is a good start. As the minister has said, and I have only just received this, he has agreed to three of the recommendations: recommendation 1, recommendation 3 and recommendation 5. Recommendation 1 is that if the bill is presented in its current format it not be supported by the Assembly. It is good to see the government accept the wisdom of the committee that you and I were on, Mr Assistant Speaker Hargreaves.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Strange that, Mr Smyth.

**MR SMYTH**: Recommendation 3 recommends:

> … that the ACT Government report annually (as an appendix to the Treasury Directorate annual report) on changes it has made to its investment portfolio …

That is certainly welcome. Sorry—to the policy; that is particularly welcome. Recommendation 5 is "to ensure consistency with recognised investment terminology" and to promote "a common understanding" that we use the "doing well by doing good" investment policy framework. That has been agreed to as well, which is good.

A number of the recommendations were agreed to in principle. Some of them present tasks for the government, particularly recommendation 8, which says:

> The Committee recommends that the ACT Government publish a list of the companies in which it holds shares, as part of the annual requirement to report on the proposed responsible investment policy.

The government supports it in principle, with a rider. The response says:

> The Government supports the disclosure of the companies in which the Territory owns shares. The extent and/or timing of this disclosure may be subject to commercial and contractual restrictions and negotiations with relevant external investment service providers.

I would be interested in time to see a fuller explanation of that—as to why owning a share may not be able to be disclosed. It might be because the way we invest in funds that own blocks of shares may cause difficulties as the funds may wish to keep their strategy secret or at least internal, but I am very curious to know what the government would think was a valid reason for not making public the companies in which it owns shares.

The other three recommendations were noted; we will look with interest to see how the government carries out the noting and at the comments that they have made there. I thank the government for the response.

Question resolved in the affirmative.

## Interjections during question time
### Statement by Assistant Speaker

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Before we proceed to further papers I wish to advise the chamber that in the period from the beginning of question time to the conclusion of questions after the question time period there were a series of interjections from folks. I have advised Ms Porter, the government whip, of these figures, and I intend to now advise the chamber—and thus, through the chamber, the government, the opposition whip and the crossbench whip. There were 151 interjections from the opposition during the question time period, there were 14 interjections from the government side during the question time period, and there were none from the crossbench.

**Mr Hanson**: Shame.

**MR ASSISTANT SPEAKER**: Mr Hanson interjects, saying, "Shame." He should consider that, because he was responsible for 67 of the 151 interjections during the question time period. Mr Smyth was responsible for 32, Mr Coe was responsible for 20, Mr Doszpot 16, Mrs Dunne six and Mr Seselja 10. From the government's side, the Chief Minister five, Mr Barr three, Mr Corbell four, and myself two—to prove that I am not doing this out of out of anything else. I advise that, of the 165 interjections, 151 of them were from the opposition. That sort of behaviour will not be tolerated while I am in this seat.

Mr Hanson, resume your seat. Resume your seat, please, Mr Hanson. I will give you the call when I am concluded.

I wish to advise the chamber of that merely to give people in the chamber an idea of the colour of the way things have occurred in the last question time. What has happened is not unusual, and I do not think that this chamber need accept that sort of behaviour. This is an advisory for the chamber and nothing more than that.

Mr Hanson, did you have a point of order? Please feel free.

**Mr Hanson**: Mr Assistant Speaker, yes, I do have some concerns with the statement that you have just made because, obviously, the Speaker adjudicates throughout question time.

**MR ASSISTANT SPEAKER**: Indeed.

**Mr Hanson**: The commentary that you have just been providing—obviously suggesting that question time is unruly, that there are too many interjections—I think

constitutes a reflection on the chair. I would ask that you consider whether your comments are appropriate and, if you have reflected on the chair, you should withdraw the statements that you have just made.

**MR ASSISTANT SPEAKER**: Thank you very much. My comments are indeed a reflection on the chair. They are congratulations to the Speaker on his tolerance and his forbearance in very trying circumstances. Mr Hanson, I thank you for the opportunity for me to put on the record my appreciation of the tolerance of the Speaker. Please be aware, however, that I have advised the Speaker of these numbers so that he has the opportunity to process them in any way he sees fit. However, Mr Hanson, be also aware that I do not have the same tolerance level that the Speaker does. Mr Coe, do you want to say something?

**Mr Coe**: Yes, Mr Assistant Speaker. Would you please advise how those stats were determined? Who compiled the list, what constitutes an interjection, and for how many days has this tallying taken place? And what is the cost to the taxpayer in doing so?

**MR ASSISTANT SPEAKER**: Certainly. I am very happy to do that, Mr Coe, because quite clearly you were not listening at the beginning. Perhaps if you sat up in class and paid attention, it might help. I indicated to you today that I did the count, and I did it in today's question time. You asked what constitutes an interjection, Mr Coe. An interjection is something hurled across the chamber which makes concentration by either the person responding or the person making a speech difficult.

Mr Coe, I do not want this to be a conversation—it will go on forever—but you have one more opportunity and then we will move on to papers.

**Mr Coe**: The statistics that you just read out, were they compiled when you were in your capacity as Assistant Speaker? If not, why are you now reporting them as if they were?

**MR ASSISTANT SPEAKER**: The answer to your question, Mr Coe, is yes. Further papers, Mr Corbell.

**Mr Hanson**: It's an abuse of the chair.

**MR ASSISTANT SPEAKER**: Mr Hanson, I understood you just to say that that was an abuse of the chair. There is a process for you to prosecute that. If you want to—

**Mr Hanson**: I will consider it.

**MR ASSISTANT SPEAKER**: No, Mr Hanson, you do not have an opportunity. You either actually do something now, Mr Hanson, or withdraw it, please. I would prefer that you withdraw it and we move to papers, but it is your call.

**MR HANSON** (Molonglo) (3.29): Mr Assistant Speaker, I move dissent from your ruling. I am not sure what your ruling was, but certainly the performance that you have just made—providing a commentary on the performance of the opposition while sitting in the position of acting Speaker—I consider highly inappropriate. I move dissent.

**Mr Corbell**: There is no ruling to dissent from.

**MR ASSISTANT SPEAKER**: Thank you very much, minister. Thank you very much, Mr Hanson. I did not make a ruling, so there is nothing for you to move dissent to. Attorney-General, you have the floor.

## Papers

**Mr Corbell** presented the following papers:

> Australian Crime Commission (ACT) Act, pursuant to subsection 51(5)—Australian Crime Commission—Board of the Australian Crime Commission—Chair annual report 2010-11, dated 9 December 2011.
>
> ACT Criminal Justice—Statistical Profile 2011—December quarter.

## National Environment Protection Council—annual report
### Paper and statement by minister

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development): For the information of members, I present the following paper:

> National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual report 2010-2011.

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

Leave granted.

**MR CORBELL**: Today I am pleased to table the National Environment Protection Council annual report 2010-11 in the Assembly. Under the ACT's National Environment Protection Council Act 1994, the government is required to table the NEPC annual report within seven sitting days of the council's adoption of the report. The NEPC annual report was formally adopted on 16 December 2011. The report covers the activities of the council, the operation of the service corporation that supports the council and the implementation and effectiveness of national environment protection measures, or NEPMs.

Following an independent review of ministerial councils by Dr Allan Hawke in 2009, COAG decided to effect fundamental reform to the ministerial council system to focus councils on national strategic priorities. At COAG's April meeting it was announced that the Environment Protection and Heritage Council would be transitioned into the new Standing Council on Environment and Water, which would incorporate the NEPC.

In preparation for the transition, NEPC recommended to COAG five areas of national priority action: one, pursuing seamless environmental regulation in regulatory practice

across jurisdictions; two, progressing national water reform, including through implementing the national water initiative, the outcomes of the forthcoming COAG review of the national water initiative and other COAG commitments on water; three, implementing the national waste policy; four, implementing a national partnership approach to the conservation and management of land, waters, the marine environment and biodiversity at the landscape and ecosystem scale, and to building resilience in a changing climate; and, five, developing and implementing a national plan for clean air to improve air quality and community health and wellbeing.

All activities and projects undertaken by EPHC and NEPC were examined to ensure that the new council, once constituted, was able to focus on the agreed COAG priorities.

In relation to corporate governance, the NEPC Service Corporation was relocated from Adelaide to Canberra in June last year, being housed within the Australian government Department of Sustainability, Environment, Water, Population and Communities. Concurrently, work continued on many important national environmental issues. During 2010-11, in addition to the transition, primary activities of the council were focused on waste management, NEPM variation issues and air quality.

To address the council's agreement on national waste policy priorities, the framework legislation for product stewardship for televisions and computers and arrangements for end-of-life tyres was well advanced and a streamlined Australian packaging covenant was agreed. A consultation regulation impact statement was also initiated to address resource efficiencies, environmental impacts and reduction of litter and packaging waste, including beverage containers. This work will support the achievement of the outcomes outlined in the ACT waste management strategy.

Through 2010-11 considerable work went into the NEPM review and variations in relation to the movement of controlled waste NEPM, the air toxics NEPM, the ambient air quality NEPM and the assessment of site contamination NEPM. This work will improve the implementation and effectiveness of these NEPMs in the ACT.

The council also endorsed the development of a new national plan for clean air aimed at improving air quality. Ministers also approved the development of a package of national emission reduction actions for wood heaters, small engines and garden equipment, non-road diesel engines and surface coatings, including paints and solvents. The ACT is supportive of this national work, in particular the work on wood heaters, as this will assist in addressing the ACT's winter particle pollution problem.

The ACT met all of its reporting requirements for the National Environment Protection Council annual report for 2010-11. I commend the council's annual report to the Assembly.

## Papers

**Dr Bourke** presented the following paper:

OHS Liaison Officer funding—Review, prepared by the Chair, Work Safety Council, dated November 2011.

**Mr Corbell** presented the following papers:

Petitions which do not conform with the standing orders—

University of Canberra—Japanese Language Program—Ms Bresnan (1076 signatures).

Tuggeranong Town Square—Increased security—Mr Corbell (286 signatures).

## Emergency Services Agency—response times
### Ministerial statement

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development), by leave: The ACT community owes the ACT State Emergency Service volunteers and others involved in response to the recent storm and flood activity a debt of gratitude. As Minister for Police and Emergency Services, I would like to place on record ACT Labor's strong support—and the government's strong support—of our emergency service volunteers and all of those who responded to the call for assistance. They deserve the highest level of recognition for their professional, timely and coordinated response to recent extreme weather events experienced in the ACT and the surrounding region.

The outstanding response serves to highlight the invaluable role our volunteers undertake in providing assistance to the Canberra community 24 hours a day, seven days a week, 365 days a year. The ACT Emergency Services Agency, comprising the ACT Ambulance Service, ACT Fire and Rescue, the Rural Fire Service and the State Emergency Service, along with the ESA support services, stand ready to respond to the community's needs 24 hours a day, seven days a week. The ESA are made up of paid staff and volunteers who are dedicated to helping their fellow Canberrans in their time of need.

As of 31 December last year, the ESA was supported by 1,575 volunteers from the RFS, the SES, community fire units and our mapping and planning support volunteers. Our volunteers give willingly of their time to maintain community safety and assist the Canberra community with recovery following emergencies. By its very nature, much of the work undertaken by volunteers can be inherently dangerous and is often conducted in the worst possible weather and, indeed, stressful circumstances.

From the period 28 February to 6 March this year the ACT experienced prolonged extreme weather conditions resulting in widespread, if fortunately low level, flooding and an unprecedented number of calls from the Canberra community for assistance. The Bureau of Meteorology had predicted heavy rain to occur across the ACT from 28 February. In anticipation the ESA prepared for this weather event by making appropriate warnings to the ACT public through media alerts and preparing ESA staff and volunteers, as well as the other emergency services, for response activities.

ESA volunteers responded to 978 requests for assistance due to storm damage and flooding. Assistance provided to the community included the removal of storm debris, sandbagging of areas under threat of flood, temporary repairs of roofs and pumping flood waters out of buildings and homes. This was an exceptional response. It resulted in an extraordinary number of hours being worked by emergency services staff and volunteers.

It has been estimated that 3,811 volunteer hours were worked by the ACT State Emergency Service, 702 volunteer hours by the ACT Rural Fire Service, 1,007 hours by the incident management team—including staff and volunteers—316 hours by the logistics support area, 12 hours by mapping and planning support, also volunteers, and 212 ACT SES volunteer and staff hours in support of operations across the border with their New South Wales counterparts.

We were fortunate that no households in the ACT needed to be evacuated during the rainfall event. But to the south of Tharwa, 17 Naas Road residences were isolated for several days as a result of bridge closures. During this time residents were fortunate to still have foot access across the bridge. The isolated residents were contacted daily by ACT SES staff and volunteers to ensure their welfare. The ESA also assisted the New South Wales SES in identifying isolated residences along Smiths Road, whose only access to the ACT was restricted when a bridge over the Gudgenby River was seriously damaged.

From 28 February to 6 March, 152 ACT SES volunteers assisted the community. They were supported by 80 ACT RFS personnel and MAPS volunteers who also provided assistance. A number of ACT SES volunteers and staff were also deployed to Queanbeyan and Goulburn during this period in support of New South Wales SES operations. ACT Fire and Rescue and approximately 170 staff and contractors from Territory and Municipal Services also worked alongside the SES in supporting the community during this event.

ACT RFS crews assisted the SES by undertaking flooding jobs, such as pumping out water, clearing a number of fallen trees and providing catering for the response crews on Saturday, 3 March. ACT RFS volunteers also filled a number of holes within the ACT SES incident management team at the ESA headquarters in Fairbairn throughout this event.

In addition to providing assistance to our local community, ACT ESA volunteers have also provided assistance in a range of other emergencies recently, including, of course, the significant flooding in Queensland in December 2010 and in January 2011 in the aftermath of Cyclone Yasi, as well as significant flooding in inland Queensland and north-western New South Wales in February this year.

The ACT SES, during this time, completed three deployments of a total of 63 members to Queensland to support flood recovery operations in south-east Queensland. Work by the SES included clean-up operations in Brisbane and search activities in the Lockyer Valley. Further assistance was provided to assist clean-up operations following Tropical Cyclone Yasi, with 90 ACT SES staff and personnel deployed.

The ESA mapping and planning support group completed 11 deployments during this time comprised of a total 33 members. MAPS volunteers operated from Red Cross headquarters in Brisbane and provided specialist mapping services, including mapping of evacuation centres, locations of isolated and displaced people, storm and flood impacts and infrastructure damage. In January this year, again following requests through the Queensland Red Cross, the ESA's mapping volunteers returned to Queensland to provide further specialist mapping support as part of the Red Cross Queensland major incident management team in Brisbane.

The MAPS group completed four deployments during this time. A total of nine members assisted the Queensland Red Cross. MAPS volunteers operated from Red Cross headquarters in Brisbane and assisted by providing specialist mapping, including mapping of evacuation centres, storm and flood impacts and infrastructure. We have received nothing but positive feedback by all agencies in Queensland and the receiving agency because of the dedicated work undertaken by our MAPS volunteers.

As recently as 17 March the ESA received a further request for assistance from their colleagues in New South Wales who are still preparing for and responding to the relentless progress of flood waters along the Murrumbidgee River corridor which is now, as members would be aware, reaching the township of Hay in New South Wales. On Monday this week, five volunteers and one task force leader were deployed to the township of Hay and they are due to return on 25 March. In addition, tomorrow at 6 am a further 20 ACT SES volunteers and one task force leader will also deploy to the area in the immediate vicinity of Hay to assist with the flood operations in that area. They are due to return to Canberra on 27 March.

When our environment is so obviously and recently affected by rain and flood waters, it is easy to overlook the range of other volunteer emergency management works going on behind the scenes. I would like to pay special commendation to the work undertaken by our community fire unit program which continues to improve the ability of neighbourhoods on the urban interface to engage with emergency services to protect life and property along that interface.

Our community fire unit volunteers complement the work of ACT Fire and Rescue and the ACT RFS in providing emergency response to nominated areas of high bushfire risk. In addition, our emergency service volunteers provide numerous hours of their time to various support roles and community education events. It is appropriate that we acknowledge this contribution today as well. We see them offering crowd and traffic support for major events, at field days, at major community events activities such as Australia Day Live, the Multicultural Festival, new year's eve, the Royal Canberra Show, the Rally of Canberra, Summernats and, most recently, Skyfire.

As minister, I have had the pleasure of attending many functions, community education events and launches over the past 12 months and have witnessed firsthand the commitment of our volunteers and emergency services in ensuring that our community remain well informed and educated about how they can assist them in keeping themselves and their properties safe and, of course, in raising the profile of emergency preparedness in our community.

It is worth noting that I have been impressed by the community education programs that our emergency services personnel undertake, with campaigns such as storm safe and home winter safety, farm firewise and the bushfire awareness week. There is no doubt that our emergency services workers and volunteers are doing fantastic work. Of course, the work of our emergency services was highlighted most recently through the provision of awards such as the community protection medal, which recognises the special efforts undertaken by the quiet achievers in our emergency and police services when it comes to serving their community.

Overall, it is important to note that the recent weather events have been the single largest incident that the ACT SES has had to respond to in its history here in Canberra. There were just under 1,000 calls for assistance during that time. There was a massive coordination effort involving all SES units and volunteers, but also RFS brigades, ACT Fire and Rescue, Territory and Municipal Services, the Ambulance Service and mapping volunteers. All have been engaged in a dedicated effort to help our community manage through what has been quite extraordinary weather in recent weeks.

I want to place on the record my thanks to them all. They often go unnoticed or are expected to be there in the most difficult of conditions. But today we get to say to them: thank you for the time you have volunteered, thank you for your ongoing commitment as a volunteer, and thank you on behalf of the people of Canberra.

**MR SMYTH** (Brindabella) (3.47), by leave: I want to thank the minister for providing me with a copy of his statement this morning in a very timely manner. I fully support his comments. All I would add is that I commend the Chief Officer of the ACT SES, Mr Tony Graham, and his very small group of full-time employees, and a very much larger group of volunteers, for their magnificent efforts during the recent extraordinary wet weather in and around the ACT and in jurisdictions further afield. On behalf of the Canberra Liberals, I would just simply like to say: very well done to everyone, in particular those that are away. We give them our best wishes and look forward to their safe return. We thank you for the contribution that these ACT people and personnel have made to the other states to help out in emergencies elsewhere.

## Crime—reduction
### Discussion of matter of public importance

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Mr Speaker has received letters from Ms Bresnan, Mr Coe, 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 Ms Hunter be submitted to the Assembly, namely:

> An evidence-based approach to reducing crime in the ACT.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.48): I am very pleased to bring this matter of public importance forward today. The timing for a discussion on evidence-based responses to crime really could not be any better.

As some members may be aware, last week saw the release of one of the most comprehensive reports on the criminal justice system ever conducted in Australia. Carried out over 12 years across all of the 153 local government areas in New South Wales, the results should make all politicians sit up and take notice. The results should speak particularly loudly to us here in the ACT, given that we are an island in New South Wales. The report was carried out by the New South Wales Bureau of Crime Statistics and Research. It is available from the bureau's website, and I recommend it highly to all members.

The study looks at three key variables and their impact on crime: firstly, the risk of arrest; secondly, the risk of imprisonment after being found guilty; and, thirdly, the length of the sentence imposed. The study was also able to measure the impact of household income.

The director of the bureau, Dr Don Weatherburn, summarised the findings as follows:

> Increasing the risk of arrest and the likelihood of going to prison produces modest reductions in property and violent crime, but increasing the length of prison sentence exerts no effect at all.
>
> The best crime prevention tool in the long run is not tougher penalties or more police or better rehabilitation programs, it's a strong and vibrant economy.

The numbers that back up Dr Weatherburn's summary are quite striking. The study was able to determine that a 10 per cent increase in household income correlated with a 14 to 18 per cent decrease in property and violent crime over the long term. On the other hand, a 10 per cent increase in the risk of arrest saw around a one or three per cent drop in crime. A 10 per cent increase in risk of imprisonment saw about a one per cent drop. Finally, changes to the length of sentence exerted no measurable effect at all.

The conclusion reached by the study was:

> The criminal justice system plays a significant role in preventing crime. Some criminal justice variables, however, exert much stronger effects than others. Increasing arrest rates is likely to have the largest impact, followed by increasing the likelihood of receiving a prison sentence. Increasing the length of stay in prison beyond current levels does not appear to impact on the crime rate after accounting for increases in arrest and imprisonment likelihood.

The final sentence of the conclusion section is one that I want to particularly focus on. It states:

> Policy makers should focus more attention on strategies that increase the risk of arrest and less on strategies that increase the severity of punishment.

This finding should not actually come as a great surprise to those who have an interest in crime reduction strategies. The Justice and Community Safety Directorate guide to framing offences offers a very similar statement. It says:

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

So what the 12-year study from New South Wales does is completely support the existing statement from JACS and really puts a wealth of evidence there to support it.

I would like to turn now from the evidence to exactly why it is important for the ACT to make use of this information, this research, to tackle crime. Put simply, the evidence allows us here in the Assembly to deliver more results and less rhetoric. The rhetoric about tackling crime is old and well worn. Often politicians will promise to increase sentences in order to "crack down on crime" or "send a clear message that we do not tolerate crime in this city". These statements are tried and tested and they deliver a good headline. But what the evidence shows is that they deliver little, if any, actual results.

The ACT has been relatively immune from simplistic law and order campaigns. But we need to be very vigilant; we need to be on the lookout, because, as the evidence shows, if we turn to simplistic slogans we will fail to deliver results. They actually do nothing more than make an empty promise to the community. At times they can represent a wasted opportunity to actually do something that will have an impact.

Instead, we should be focusing on what will work. As the evidence shows, setting higher sentences and promising to lock offenders up for longer and longer does nothing to address crime. Governments and politicians will deliver more results if they look at strategies to reduce poverty and tackle income inequality. The evidence from New South Wales is that a 10 per cent increase in household income cuts crime by about 14 to 18 per cent.

We should also be considering any strategies that can increase the risk of arrest. A 10 per cent increase in risk of arrest cuts crime by between one and three per cent. What these strategies look like on the ground will differ from crime type to crime type. They may, however, involve considering ways to better detect and investigate crime. They can involve more targeted policing of problem areas and for certain crime types. They can also extend to increasing police presence on the ground and in response to crime if it can be shown that police are overworked.

What an evidence-based approach to crime does not look like is simply copying the maximum sentences from other jurisdictions' legislation. The risk of that is that you unquestioningly repeat the errors of a simplistic law and order campaign from a previous election interstate. There are real dangers in blindly copying that kind of approach.

Sometimes it is said that, because one jurisdiction has a higher maximum penalty for a certain crime than another, legislative change is needed. The difference in maximum sentence is said to be evidence that a jurisdiction is not taking crime seriously and is letting offenders off lightly. It is said that sentencing practice is out of touch with community standards and views.

The point I would like to make is that we should not be so quick to automatically assume that the other jurisdiction has it right. What the recent evidence from New South Wales confirms is that it is wrong to assume that increasing maximum penalties will send a greater signal to offenders and have a greater deterrence effect.

One recent example was the changes to the maximum sentence available for culpable driving in the ACT. As members will recall, the Assembly agreed to more than double the maximum available sentence from seven to 15 years. Part of the rationale for the change was a spreadsheet which showed that some states did indeed have higher maximum penalties.

What the Greens say is that that is a simplistic approach that risks copying the approach interstate without seeing what impact it will actually have. I recall the Attorney-General being questioned about this point on ABC radio at the time the government's bill was announced. When pushed to explain the rationale for the proposed changes, the attorney admitted that at the heart of it the amendments were about punishment and retribution and not about deterring crime. And that was the crux of the issue: the attorney knew that the changes would do nothing to deter crime and make the streets safer. It was all about punishment and retribution. I think the community would have a different view about punishment for punishment's sake if it is known and shown to have no impact on crime in the future.

There is an interesting debate to be had about the purposes of sentencing and exactly what the purpose is of punishing offenders. Some would argue that punishment is for punishment's sake and that it is an end in itself. Others would argue that the only point in punishing is to deter the offender from repeating the crime in the future and to also deter the community more generally. What the attorney was focusing on was the notion that punishment exists as the end goal, with no link to deterrence. I think it would have been better if the attorney had been up-front about that and not waited until being pushed on that particular point on live radio.

Another area where the Assembly has legislated is on liquor reforms, which were designed to combat alcohol-related crime and violence. I am pleased to say that I think this was a much more carefully thought through process, one which is based in evidence and one which will deliver improvements on the ground. When looking at the problem of alcohol-related crime and violence, one solution sometimes put forward is to simply get tougher on the offenders. The argument is put that offenders get off with nothing more than a slap on the wrist when they are caught being violent and that the answer is to set stiffer penalties for offenders. That could have been one path to go down. We could have doubled the penalties for assault and causing grievous bodily harm and doubled the fine for being drunk and disorderly. We could have said that that was our response to alcohol-related crime and left it at that. Fortunately, the government embarked on a more holistic approach to the problem.

Going back to the New South Wales evidence, what it tells us is that, other than long-term strategies to reduce income inequality, the most practical thing to do to cut crime is to increase the likelihood that offenders will be arrested. Two specific parts of the liquor reforms do increase the likelihood of arrest. Firstly, 10 new late-night police have been delivered as part of the reforms. One very obvious and practical way to increase prospects of arrest is to increase police on the beat at the times and places the offences are occurring. Secondly, there have been new offences created aimed at drinkers who fail to leave a venue when requested and who have abused bar staff. These are new offences that previously were not covered and potentially the drinker could have walked away without punishment. These are not increases in penalty to existing offences; they are new offences which increase the likelihood the offender will be apprehended and reprimanded.

I note that 514 liquor criminal infringement notices have been issued by ACT Policing, 79 of which have been issued for the new offence of failing to leave a licensed venue and five for abusing, intimidating or threatening staff. The fine for failing to leave is $440 when issued on the spot and the fine for abusing bar staff is $220. So what the reforms are doing is increasing the likelihood of misbehaving drinkers being apprehended and issued with reasonably hefty fines on the spot.

Going back to the evidence from New South Wales, this is where we should be focusing. We should prioritise strategies that increase the likelihood of arrest, because it is this strategy that actually works to reduce crime and to prevent it in the future. It is this kind of proactive strategy that delivers results to the community.

To wrap up: evidence about crime really does allow politicians to deliver more results and less rhetoric, but only if we take the time to engage in the evidence and understand it. If we fail and we rely on simplistic slogans we risk making empty promises and missing opportunities to make real, on the ground improvements to the safety of the ACT. I am pleased to be able to bring this important matter before the Assembly this afternoon.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.02): Evidence-based decision making can and does reduce crime. It means money, time and effort is directed to the people and places that need it most. It is a critical process of information construction and gathering that draws together a broad range of quantitative and qualitative evidence to allow sound policy and program decisions to be made.

The ACT government utilises a multi-dimensional approach to building a broad base of evidence on which to tackle the challenge of reducing crime. The government is committed to building the most informed body of evidence possible in which to keep crime rates low in the ACT. It is about using what we know from the past and the present to improve the future.

This evidence is used to influence strategic direction, to inform policy, to continuously improve delivery of front-line services and to improve the methods used

to engage those who commit crime. It is about breaking cycles of offending and the associated cycles of vulnerability, including poor mental and physical health, low levels of education, unstable or no employment and unreliable or no housing. These are the factors that can make crime rates rise. It is about working with vulnerable and at risk youth to engage them in education, to engage them in training, to engage them in employment and to ultimately choose education and employment over the choice to commit crime.

The government uses a broad range of programs, projects and activities to draw and create an evidence-based approach. We use resources such as expert knowledge from the Australian Institute of Criminology and the ABS. We use subject matter experts based in our universities locally and nationally and we draw on published research from a broad range of sources. We look at statistics—both local and national—stakeholder consultations, the results of previous program and policy evaluations. We look at detailed costings of policy options, in-depth qualitative interviews and outputs from economic and statistical modelling. These are the sources of evidence used in developing the ACT's evidence-based approach to reducing crime.

One of the central goals of the criminal justice system is to reduce crime, in particular, through the sentencing of convicted offenders. The task of a judge or magistrate sentencing an offender is to impose a sentence in a manner that applies sentencing principles and considerations to all cases equally. The sentencing court must balance the needs of the victim, the community and the offender, determine the factual basis on which the sentence should be imposed and consider the circumstances of the offence.

The government is strongly committed to improving the quality of information available to courts when it comes to sentencing. We are also committed to improving the community's understanding of sentencing decisions made by our courts. Clearly there is an opportunity to improve on the quality and amount of information on sentencing decisions in the ACT. For this reason, the Labor government is looking at options for giving the courts, the legal profession, policymakers and the community better access to sentencing decisions and the circumstances of particular cases that sit behind those decisions.

I have previously advised that the government has conducted a feasibility study of using the New South Wales Judicial Commission website to allow improved access to sentences handed down in the territory. Judges and magistrates have had access to New South Wales sentencing data to better inform their own decisions since 2010. Other matters currently being considered by government aimed at improving sentencing information are now being considered through the budget cabinet process.

I would like to address, while I am on my feet, the issue raised by Ms Hunter in relation to the culpable driving penalties and to reject some of the suggestions she made in her comments. She suggested that that measure was a direct result of an analysis of how ACT sentences for culpable driving causing death and serious injury or serious harm compared with other jurisdictions. Yes, we did do that analysis, but what Ms Hunter failed to mention in her critique on that matter is the fact that the ACT Court of Appeal itself said in response to an appeal made by the Director of

Public Prosecutions where a young man had been convicted of culpable driving causing death where two other young people died that the sentence was reasonable because of the maximum sentencing range available under current ACT law.

It was incumbent upon the government and ultimately the Assembly to have regard to what the Court of Appeal said on that matter. As a result, this Assembly, by a majority, agreed to increase the maximum penalty available for that offence, recognising that lifting the maximum would also lift the mid-range sentence available to a court. That addressed directly the issues raised by the Court of Appeal when it rejected the DPP's appeal in relation to that particular case.

This was not an instance of simply adjusting sentences to make them comparable with other jurisdictions. It was a case of responding to a specific decision by the superior court having regard to community sentiment around what was a reasonable sentence for a circumstance where a young man drove so recklessly and so dangerously that two of his friends were killed. That was the question at hand, and I believe in all of the circumstances it was an entirely appropriate response. But it was not the response suggested in Ms Hunter's contribution earlier.

Let me turn to some other areas where the government uses an evidence-based response. The child sex offenders amendment legislation was introduced on 16 February this year. One of the most important purposes of this scheme and its amending bill is to reduce the likelihood that registered offenders will reoffend and to facilitate the investigation and prosecution of any future offences that registered offenders may commit. These purposes have the overall goal of reducing sexual crimes against children in the ACT.

One of the approaches proposed by this bill is a prohibition order scheme. The scheme will allow ACT Policing to apply to the Magistrates Court for an order to prevent a registered offender from engaging in certain conduct where the conduct is posing a risk to the lives or sexual safety of a child. The prohibition order scheme is based on evidence that indicates that a significant proportion of child sex offenders will reoffend. This evidence was discussed in the explanatory statement for the bill.

The application and enforcement process of this prohibition order scheme also rely on an evidence-based approach. The Magistrates Court can only make a prohibition order if satisfied on evidence provided by ACT Policing that the registered offender has engaged in concerning conduct, and that, on the evidence submitted, the registered offender is posing a risk to the lives or sexual safety of a child.

Let me turn to another example—the cross-border legislation. During the Seventh Assembly, the government introduced four bills in relation to cross-border investigations to promote crime reduction through controlled operations and related activities. The acts adopted were the Crimes (Controlled Operations) Act, the Crimes (Assumed Identities) Act, the Crimes (Surveillance Devices) Act and the Crimes (Protection of Witness Identity) Act.

The creation of these laws was based on extensive and thoroughly considered evidence. The task of developing the model laws was given to the national joint

working group established by the Standing Committee of Attorneys-General and the Australasian Police Ministers Council. The joint working group was chaired by the commonwealth and included representatives of law enforcement agencies and justice departments across the country.

In February 2003 that working group published a discussion paper titled "Cross-border investigative powers for law enforcement" to facilitate public consultation on the model legislation. The paper acknowledged that the impetus to create model laws in the first place was based on decisions of the High Court, parliamentary reviews and royal commissions which concluded that a legislative approach is the best way of limiting and monitoring controlled operations activity.

In Ridgeway v The Queen, the High Court, in acknowledging that sometimes law enforcement officers need to engage in illegal activities as part of investigations, recommended that the problems relating to the conduct of controlled operations should be addressed through the introduction of regulating legislation. Equally, the 1997 Wood royal commission into New South Wales police services recommended a similar approach.

The working group received 19 written submissions and focused very closely on the delivery of improved legislative outcomes. As a result, the joint working group released the "Cross-border investigative powers for law enforcement" report, which included a model bill drafted to address issues raised during the consultation process.

This model bill covered controlled operations, assumed identities, surveillance devices and protection of witness identity. It set out legislative proposals together with research conducted by the working group and it outlined any comments made about the proposals and submissions. This is the basis for the model laws which now operate here in the territory.

Another example of how this government uses an evidence-based approach to crime in the ACT can be seen through the reasoned approach the government took to considering and addressing serious and organised crime following an incident between two rival bikie gangs at Sydney airport in early 2009.

Organised crime continues to present many challenges in Australia and overseas. Organised crime has been at the forefront of media attention in recent times, particularly in relation to outlaw motorcycle gangs, and various states and territories have adopted a number of different legislative responses to the issue.

At the request of the Assembly, I tabled a government report in June 2009. This report was a comprehensive and factual assessment designed to inform the debate on possible legislative responses to serious and organised crime in the ACT. The report also considered the legislative approach of declaring criminal organisations that South Australia and New South Wales had at that stage adopted.

The government introduced the Crimes (Serious Organised Crime) Amendment Bill in February 2010 to strengthen the territory's ability to combat serious organised

crime. The bill took a measured approach to the real risk of serious organised crime in the territory and did not follow the extreme approach of the then New South Wales and South Australian governments of banning or proscribing certain organisations.

Instead, the government introduced the offences of affray, participation in a criminal group and recruiting people to participate in criminal activity and expanded the offences relating to the protection of people involved in judicial proceedings to cover people involved in criminal investigations. It also extended the concepts of criminal responsibility to reintroduce the concept of joint criminal enterprise and being knowingly concerned.

This demonstrates that the government has taken a very considered approach to the issue of serious and organised crime based on the evidence of such threats and what the proportionate response should be. It is worth noting, of course, that the approaches taken in other jurisdictions and advocated by those opposite have been held to be constitutionally invalid by the High Court. These issues remain under review by attorneys-general recognising the serious continuing threat posed by organised crime.

Finally, it would be remiss of me to not mention one other important reform, which is liquor licensing. There is little doubt that using an evidence-based approach improves public policy, and this is dramatically demonstrated with our liquor licensing laws. The government, through the introduction of the new liquor licensing laws and fee structure, has achieved a significant downward trend in alcohol-related incidents in Canberra. ACT Policing asserts the trend can be attributed to the higher degree of enforcement of liquor legislation, the establishment of new policing resources directly funded by liquor licensing, as well as an improved working relationship and statutory scheme between ACT Policing, the Office of Regulatory Services and the liquor industry.

In evaluating the use of additional risk factors to determine liquor fees, the government made sure there was an effective risk analysis of the ACT liquor market by identifying market participation rates by licensees, venue size by occupancy, trading hours, alcohol-related incidents and market trends. This has driven significant reductions in alcohol-related crime and violence.

For the first time, information collection processes are coordinated across the ACT government, and they provide confirmation of the relationship between liquor consumption, trading hours, occupancy loadings and alcohol-related incidents. As a result, the territory's resources can be deployed to tackle the problem hotspots in the liquor industry, drive down alcohol-related crime and violence, and produce a safer community for everyone. It is another example of the evidence-based approach the government adopts when it comes to justice and criminal law policy in the ACT.

I thank Ms Hunter for bringing this matter of public importance before the Assembly today.

**MR HANSON** (Molonglo) (4.17): I certainly thank Ms Hunter for bringing this matter forward because it is always illuminating when you hear the Greens talking about law and order issues and what they call an evidence-based approach to reducing

crime in the ACT. From what Ms Hunter said in her speech, there seems to be some fear that someone is going to come into this place and say something outrageous like, "We do not tolerate crime." That was what she said, that she fears that someone might come in here and say something like that. I am quite happy to say that the Canberra Liberals do not tolerate crime. We see crime as an insidious thing.

The Greens seem to have a slightly different approach. No, we do not tolerate crime but we know that the Greens do tolerate certain crimes. I think this is different to the approach that you see by the Canberra Liberals, who see all crimes as insidious, as something that we need to deal with, something that we should speak out against as parliamentarians, and that we should make sure that people understand that, regardless of what the crime is, we are against it, we stand by the law.

But the Greens have a different approach. What an evidence-based approach to crime means to the Greens is essentially: "We will select which crimes we think are bad and which we think are good." We know that they think some are good crimes, that if you commit certain crimes they are not to be condemned, that we support—when I say "we", the Greens support—activists going out there and conducting criminal damage. So if it is in accordance with Green ideology, then certain crimes are okay. And if they are against Green ideology or just common, garden crimes in the Greens' book, then we do not like them.

Let me go through this to make my case. It is interesting and quite a coincidence that yesterday the Greenpeace members who broke into the CSIRO and ruined an experimental crop of genetically modified wheat have pleaded guilty to property damage charges. I take that from today's *Canberra Times*. You will well remember that event, Madam Assistant Speaker, where two Greenpeace activists broke into a CSIRO facility and caused wilful damage. They caused hundreds of thousands of dollars worth of property damage. They traumatised staff.

The response from the Greens was to say, "That is in accordance with our ideology, so we are not going to condemn that." This was a case that was litigated in the Assembly before. We heard Mr Rattenbury in relation to that crime, and I will relate an interview that occurred on 666. Mr Solly asked:

> But this is potentially breaking the law, they've destroyed someone else's property. That's breaking the law, surely?

Mr Rattenbury:

> Well I think Greenpeace has got a track record at times breaking the law to draw attention to what might be a greater injustice or a greater problem.

Mr Solly:

> And that's okay?

Mr Rattenbury:

> Well, as you know Ross, I used to work for Greenpeace and I've certainly been involved in actions in the past where Greenpeace has broken the law and that has been necessary to highlight what we've considered at the time to be greater issues.

So what you see from that, what you see from Mr Rattenbury's position and the Greens' position, is that certain laws are okay to be broken. Certain laws, I assume they think, are not okay to be broken, but if it accords with the Green ideology, you can break that law. They were widely condemned for that view. Scientists were outraged. An ABC news item, "Greenpeace blasted for GM vandalism", stated:

> Scientists have condemned Greenpeace for destroying a trial crop of genetically modified (GM) wheat in Canberra.
>
> Scientists say the destruction of the trial crop in Canberra's north yesterday is not only reprehensible, but also hypocritical.

And it is hypocritical because what the Greens will often talk about is evidence, be it to do with criminal justice or science, but they will select that evidence. So they will quote the CSIRO on one hand about climate change and say that we all must adhere to that evidence that has been provided, but the same CSIRO that is experimenting with GM crops is to be attacked and those crops are to be destroyed. That is a crime but the Greens do not think it is.

There were comments made across the spectrum condemning the Greens on their approach. I quote from Michael Moore, who sat as an independent in this place:

> The Greens sit in the Assembly entrusted with the balance of power by the Canberra community to make laws that they expect us to obey. They are not in a position to condone any form of breaking the law—even if they privately agree with the objective.

And I certainly agree with that statement. Some of the defence in terms of the commentary that was made by Mr Rattenbury and the Greens at that time was that the individuals involved had not been found guilty, and certainly Mr Corbell made that point in the chamber when we had debate on this previously, that we could not condemn the Greens entirely for their position on this because the individuals involved had not been found guilty. They have now, so I await Mr Corbell's condemnation of the Greens' action and I certainly await Mr Rattenbury's condemnation of the action. Indeed, the Liberal leader, the Leader of the Opposition, Mr Zed Seselja, has put out a press release in which he says:

> "I call on Shane Rattenbury to today publicly state his position on the CSIRO case" …

He must now condemn that criminal act, that wanton act of destruction. But we know that Mr Rattenbury and the Greens will not because it is a law that is okay to be broken and fits with their ideology. So they will not condemn it.

We have seen other incidents recently with the egg farm. I will quote in this case from Mr Graham Downie in the *Canberra Times*:

> Failure by ACT Greens MLAs Caroline Le Couteur and Shane Rattenbury to immediately and unambiguously condemn the vandalism of the Parkwood Egg Farm makes them in my opinion unfit for re-election.
>
> Vandalism is a scourge on the Canberra community, costing hundreds of thousands of dollars annually. This cost is often borne by community groups who have every right to expect their elected representatives to take opportunities such as that presented last week to make no excuse for it.

And he makes the point that the Greens prevaricated until they were forced into a position where they had to come out with some statements. But even then they were hedging their bets. Mr Downie goes on:

> Meanwhile, Opposition Leader Zed Seselja correctly noted that Rattenbury and Le Couteur had been given every opportunity to condemn the vandalism. This prompted Rattenbury to whinge that Seselja was intent on causing a media storm by misrepresenting the Greens.

Indeed, Mr Seselja went pretty hard on this issue because, as we have seen, the Greens have this entirely contradictory view of the world. I am informed that Mr Rattenbury actually hooked into Mr Seselja, that after making those media statements he collared Mr Seselja in the courtyard and had an expletive laden tirade at Mr Seselja. I cannot use the language in this place. It would certainly be ruled unparliamentary. But it was abusive language used by Mr Rattenbury directly to Mr Seselja for making this point. It just goes to show the hypocrisy, the utter hypocrisy, of the Greens when it comes to this issue where they are happy to say, "We do not condemn vandalism; we are happy for vandalism to occur as long as it accords with our ideology," and when Mr Seselja has the temerity to point out that hypocrisy, then Mr Rattenbury attacks Mr Seselja, abuses him, swears at him in a most vile fashion. It just shows the character of the Greens, their lack of control and their double set of standards.

As we debate this issue today and we talk in this Assembly about an evidence-based approach to crime in the ACT, I think that the first thing we need to do is understand that as parliamentarians our responsibility, our duty, is to make sure that the laws of this land are upheld. We may all have different ideological views on what those laws are but it is not for us to discriminate. It is for us to demand that those laws are upheld, whether we like them or not. They are the laws of this land and the Greens, as they move forward in this place, if they are not to be seen as just the spokespeople for radical activist groups, be it Greenpeace or others, need to learn that and start behaving as parliamentarians and not as violent or radical destroyers of other people's property.

**MS PORTER** (Ginninderra) (4.27): I am very happy to be able to speak to this matter today. Advancing evidence-based approaches to policy and program decision making

is central to the way that the ACT government can continue its fight against crime. It is a pity Mr Hanson spent his valuable time focusing on one event rather than exploring the subject matter of the matter of public importance in a positive way.

The commitment to continuously building on a broad and in-depth body of evidence will result in an informed, whole-of-government response to reducing crime, as the minister said. This evidence base must also include a range of evidence sources, including statistical analysis, qualitative interviews with program providers and recipients and stakeholder consultations with the community, government and non-government agencies.

I will outline a few of the many evidence-based activities which the government has undertaken and which are aimed at reducing crime. A key source of evidence vital to the ACT's evidence-based approach to reducing crime is the ACT criminal justice statistical profile. There is a data set that has been collected by the ACT government for over a decade. This profile is a historical series of crime data compiled quarterly by the legislation and policy branch of the ACT Justice and Community Safety Directorate. It provides trends in recorded crime offences in the Australian Capital Territory. The profile contains vital data from ACT Policing, the Community Services Directorate's youth justice unit, ACT Corrective Services, the ACT law courts and the Restorative Justice Unit. This data reports the varying levels of crime in the ACT for government, relevant government agencies and the public.

The profile, along with many other evidence bases, is used to inform approaches to policy and program decision making within government. For example, public housing estates have increasingly become the site of economic and social disadvantage, physical deterioration and crime. There is evidence that disadvantaged people are more likely to be both the perpetrators and the victims of crime and that concentrations of economically disadvantaged young males in particular areas are a major factor in crime. The research indicates that those areas with falling crime trends have intensive tenant involvement and strong community partnerships in place. This may include a visible local police presence and/or a range of community development work and early intervention programs.

Research undertaken by the Australian Housing and Urban Research Institute indicates that successful intervention places emphasis on contemporary community renewal programs with interagency and whole-of-government approaches. This evidence has provided the basis for the development of the government's high-density housing safety and security project which is a multi-agency, collaborative response to addressing crime and antisocial behaviour in high-density housing complexes.

The high-density housing safety and security project is a collaboration between the Justice and Community Safety Directorate, the Health Directorate, the Community Services Directorate and ACT Policing. It is designed to improve the lives of and reduce recidivism rates for residents living in seven high-density housing sites on Ainslie Avenue. It addresses safety and security concerns under the following objectives: improving personal safety and reducing crime, enhancing housing and physical environment, integrating access to government and non-government services and promoting health and wellbeing. The project has three interlinked elements that

involve the cooperation of a range of government and community agencies with on-the-ground staff to address safety and security issues such as law enforcement and security, community development and the integration and coordination of service delivery.

The physical presence of an on-the-ground project manager has enabled social engagement and inclusion, encouraging open discussion of issues and concerns. The program in and around the complexes promotes community responsibility, at the same time offering informal opportunity to engage with a range of service providers as well as members of ACT Policing. Research suggests that the justice reinvestment approach reduces offending behaviour and takes people out of the criminal justice system through policies which break the cycle of reoffending, avoid prison expenditure and make communities safer.

The high-density housing safety and security project takes a justice reinvestment approach, focusing on resourcing early intervention to reduce later costs to the community. This project provides the opportunity to devise and implement an ACT high-density housing model that addresses the key issues of criminality, health, employment, access to services and social engagement that could be transposed to other areas in the ACT. Data analysis from a variety of sources indicates the success of this project in impacting on the reduction of property crime and increasing community engagement.

As we know, Aboriginal and Torres Strait Islander people are significantly overrepresented in the criminal justice system as both victims and offenders. While Aboriginal and Torres Strait Islander people account for 2.4 per cent of the Australian population, they make up 24 per cent of the Australian prison population. When population rates are taken into account, the rate of overrepresentation in the ACT is similar to that of other comparable jurisdictions. Research shows that overrepresentation is the result of poverty and disadvantage, flowing from historical social exclusion.

The research and data provide a consistent message as to the issues and circumstances surrounding Aboriginal and Torres Strait Islander people and the justice system. While reducing people and their experiences to percentages and numbers is problematic, they are useful indicators of trends over time and disparities as well as similarities between Aboriginal and Torres Strait Islander people and the non-Indigenous population. The Royal Commission into Aboriginal Deaths in Custody determined poverty as the underlying cause behind Aboriginal and Torres Strait Islander overrepresentation.

This is why in 2010 the government signed the ACT's first Aboriginal and Torres Strait Islander justice agreement 2010-13 with the ACT Indigenous Elected Body. This agreement is a demonstration of the ACT government's commitment to improving law and justice outcomes for Aboriginal and Torres Strait Islander people living in the ACT. The five objectives of the Aboriginal and Torres Strait Islander justice agreement are: improving community safety and improving access to law and justice services for Aboriginal and Torres Strait Islander people in the ACT, reducing the overrepresentation of these people in the criminal justice system as both victims

and offenders, improving collaboration between stakeholders to improve justice outcomes and service delivery, facilitating Aboriginal and Torres Strait Islander people taking a leadership role in addressing their community justice concerns and reducing inequalities for Aboriginal and Torres Strait Islander people in the justice system.

Reliable, comprehensive and timely data are required to continue to inform the policies and programs that contribute to improving the wellbeing of Aboriginal and Torres Strait Islander people in the ACT. This approach will assist the government to monitor trends over time and assess the effectiveness of policies, programs and services. Currently the government is working with the ACT Indigenous Elected Body to strengthen the reporting of the ACT data around Aboriginal and Torres Strait Islander justice in the quarterly criminal justice statistical profile.

Although the ACT community enjoys a high standard of living and high levels of education attainment, low levels of unemployment and a well-planned physical environment, this does not protect the community from impacts of property crime. The government is finalising the development of an ACT property crime reduction strategy to make Canberra a safer place to live.

This strategy uses a comprehensive and dynamic evidence base to produce a whole-of-government approach to further lowering and sustaining the rate of burglary offending and motor vehicle theft for the Canberra community. This will be achieved by wrapping services around those affected by property crime, the victims, those who reoffend, the at-risk young people and will make Canberra an even safer place to live.

The development of the strategy has been strongly influenced by the overwhelming success of the previous property crime reduction strategy 2004-07. The new strategy will not only draw on the success of the previous strategy but be further strengthened by the financial and social investment that government and community have already made in a range of areas within the ACT criminal justice system over recent years, including the one-stop shop for victims, the Aboriginal and Torres Strait Islander justice agreement, developments within ACT Policing, circle sentencing court, the youth alcohol and drug court trial, Bimberi Youth Justice Centre, enhancements in the youth justice system, Alexander Maconochie Centre, changes within ACT Corrective Services, and Housing ACT's enhanced intensive accommodation and employment support to vulnerable individuals and their families.

As previously advised in this Assembly, the new ACT property crime reduction strategy is driven by three objectives: stopping the cycle of offending, engaging the disengaged and creating a safer and more secure community. The ACT government's commitment to developing a systematic and rigorous evidence base will continue to inform justice agencies. *(Time expired.)*

**MS BRESNAN** (Brindabella) (4.37): I am pleased to have this opportunity to again place on the record the Greens' support for an evidence-based approach to crime. As Ms Hunter has said, it allows for us to deliver real results and less rhetoric. Just on that, it was probably too much to expect Mr Hanson to actually address the substance of the matter. Again, I think it was demonstrated here today that he has an obvious lack of understanding of his portfolio areas.

This year in the Assembly we will have two examples of specific crime types that the Assembly will consider: firstly, repeat drink drivers; and, secondly, assaults against police. The Greens will take an evidence-based approach to each and will be guided by the evidence of what is most likely to work to reduce both of these specific problems. Regarding repeat drink drivers, I note the government intends to release an exposure draft of a bill to provide for the use of alcohol ignition interlocks to address repeat drink drivers.

Media reports from last year indicated that 30 per cent of drink drivers are repeat offenders. If the government had data to support that statistic, clearly this is an issue that the Assembly needs to spend time focusing on. If we are guided by the evidence on this issue, we need to be looking at a number of aspects. Firstly, we need to be preventing drink drivers from getting behind the wheel in the first place. I think this is where the interlocks come into play. Secondly, we need to be increasing the likelihood, for those who do get on the road, that they will get caught. This potentially goes to the number of random breath testing units.

An understandable response to repeat drink drivers will be to set heavier and heavier fines and prison sentences for repeat offenders. However, if we are honest with ourselves and take on board the evidence, harsher sentences will not deliver safer streets. It may make for a good headline, but it will not reduce the crime of drink driving.

Regarding assaults against police, I note that there are two bills currently before the JACS committee that deal with this issue. Each seeks to protect police from assaults. Without interfering with the work of the committee, I would like to reflect on a letter written to Mr Rattenbury by the Chief Police Officer on the issue. The CPO makes the comment:

> The majority of assaults on police occur in a spontaneous manner, normally fuelled by alcohol and/or drugs or a heightened mood of aggression precipitated by an event pre-existing and unrelated to police attendance at the scene of the disturbance.

And further:

> History has shown that crimes against the person, including assaults and homicides, are predominantly crimes of passion and even the existence of life, or capital, sentences for higher-end-crimes, does not necessarily provide a deterrent effect to the commission of these types of offences.

And further:

> I have indicated I support the creation of a specific offence type for assaulting police. I believe this would be useful to collate statistical data and enable the implementation of remedial operational strategies. It is the latter which I think is the key to providing greater protection for frontline police from assaults.
>
> Collecting relevant data will enable us to properly analyse assault trends and modify training and/or operational protocols in a manner which mitigates the risk of assault on police officers.

I also note that the CPO has written in similar terms to the minister and to Mr Hanson. What I take from the CPO's letter is that if we are serious about protecting our police from assaults, we need to do at least two things: firstly, we need to gather better data about when and where incidents are occurring; secondly, making use of that better data, we need to, as the CPO says, make necessary adjustments to operational protocols and training.

This is where there is the potential to deliver real results for the police. Those are two upcoming areas where the ACT can take an evidence-based approach. If we fail and take the alternative approach of being stuck in tired slogans about cracking down on crime, we will miss the opportunity we have to make a difference.

Civil Liberties Australia coined a phrase last year which I think sets up the choice that politicians have. It is a choice between an incident-based approach to law reform or we can take an evidence-based approach.

I would like to touch on another important piece of research that has been completed in recent years. Members may recall that the Greens have mentioned the Tasmanian jury survey previously. The results from this study bring home very clearly the importance of taking the time to gather data before leaping to legislation.

Put simply, what the Tasmanian jury survey found was that when asked in the abstract what they thought about sentences imposed by judges, many jurors thought judges were too lenient. However, when asked about the sentence handed down in the case they sat through, after hearing all the evidence and sentencing submissions, the results changed.

About 50 per cent thought the judge was too harsh in sentencing and the remaining 50 per cent thought the judge was too lenient. These findings strongly suggest the judges were striking an appropriate balance in their sentencing decisions. If these results were repeated in the ACT, it would provide a reliable measurement of informed community standards. Since this matter was last raised in the Assembly, it has been announced that the survey method will be replicated in Victoria. So there is certainly a growing awareness of the value of this approach.

Finally, I would like to make some comments about crime levels generally. There is a tendency in some parts of Australia for fear campaigns about crime to break out. Fortunately, this is not something the ACT has seen much of, and long may that be the case. Fear campaigns about crime spiralling out of control are problematic because when you look at the long-term data, the picture is actually quite promising.

Members will have received today from Jason Clare, the federal Minister for Justice, the publication *Australian crime: facts and figures 2011*. Some of the facts there are quite revealing and show that over the long run we are a safe community compared to the past.

I would just like to go to some of those key statistics from the letter. These include that break-ins have been cut by about half since 1996, that car theft has dropped by

about 61 per cent over the past decade, that the overall number of violent crimes decreased in 2010, except for the offence of kidnapping and abduction, and that of the five categories of violent crime, four recorded a drop in the number of victims between 2009 and 2010. This included homicide, assault, sexual assault and robbery.

In the local ACT context, the reported crime statistics are measured by ACT Policing across eight categories. Six out of the eight showed decreases in crime between 2009-10 and 2010-11, and two showed increases. Overall, this is a good result and shows where the Assembly and the police need to focus attention.

In conclusion, that is the benefit of an evidence-based approach to crime. It allows us to put in train responses that will actually deliver a return on investment and make a difference to the community. The alternative is to make sweeping promises about cracking down and sending a message, but when you take the time to consider the evidence, little benefit is delivered from those kinds of simple solutions. We are certainly capable of doing much better and delivering more here in the ACT.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): There being no more speakers, the matter of public importance has expired.

## Mr John Hargreaves
### Motion of no confidence

**MR HANSON** (Molonglo) (4.46): Madam Assistant Speaker, there is a motion that is being circulated in my name, and I seek leave to move that motion, moving a vote of no confidence in Mr Hargreaves in his role as Assistant Speaker.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Is leave granted?

**Mr Smyth**: Yes.

**Mr Corbell**: On a point of order, Madam Assistant Speaker, can I seek your guidance before we proceed with debate on this matter?

**MADAM ASSISTANT SPEAKER**: Yes.

**Mr Corbell**: The office of Assistant Speaker is not chosen by this place; it is appointed by the chair—in this case the Speaker—and I understand it is at his discretion. I ask the question: can you move no confidence in someone who is not chosen by this place?

**MADAM ASSISTANT SPEAKER**: I would think on the basis that one can move a vote of no confidence in a minister, who is not appointed by this place, Mr Corbell, that one would be able to move want of confidence in an Assistant Speaker who, likewise, is not appointed by this place.

**Mr Corbell**: On that point, Madam Assistant Speaker, and further to your ruling, of course, there are conventions surrounding ministers requiring to maintain the confidence of this place. I ask the question as to whether the same convention extends to Assistant Speakers, who are quite different creatures to ministers.

**MADAM ASSISTANT SPEAKER**: I would think, Mr Corbell, that you made your own argument just then. I would say that, subject to leave being available to Mr Hanson, this is a legitimate matter to be debated by this place. Mr Hanson has sought leave to move a motion. Is leave granted?

**Mr Corbell**: No.

**Mr Hargreaves**: On a point of order, Madam Assistant Speaker, without wishing to pre-empt discussion, I seem to recall—and you may like to seek advice on this—that this matter was the subject of debate earlier in the last sitting period when there was, in fact, such a discussion. Perhaps, in fact, it has been and gone. I would just like to clarify that. I do not wish to stop it if, in fact, that is not the case.

**MADAM ASSISTANT SPEAKER**: On the point of order, Mr Hargreaves, it is not my recollection, and I have just checked with the Clerk. There was a discussion about the position you held as whip. I am subject to correction on that, but I have checked with the Clerk. If that was the case and there had already been a debate, the Assembly could, if it wished, suspend standing orders to debate the issue again. Mr Hanson?

**Mr Hanson**: On the specific issue, the debate referred to by Mr Hargreaves was calling on Mr Hargreaves to resign, Madam Assistant Speaker. It was not moving a want of confidence in Mr Hargreaves as Assistant Speaker. I see them as very different motions.

**MADAM ASSISTANT SPEAKER**: Thank you for correcting my recollection on that, Mr Hanson. There are two separate motions. I got the impression that leave was not granted.

Leave not granted.

## Standing and temporary orders—suspension

**MR SMYTH** (Brindabella) (4.49): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Hanson from moving a motion of no confidence in Mr Hargreaves (Assistant Speaker).

Madam Assistant Speaker, it has always been the process in this place that when matters of a substantive nature such as this are brought forward they are dealt with expeditiously. Not to grant leave would leave the whole issue of the motion hanging over the Assistant Speaker's head. That would be unfortunate, because it does then cast a pall over the office of the Speaker and, indeed, this entire place in that we cannot get our own affairs in order.

This is an important matter. At the heart of working parliaments is the Speaker's chair and those that occupy that chair in the name of the Speaker. Yes, Mr Corbell is right; the Assistant Speakers are appointed by the Speaker, but this place is, of course,

entitled to suspend standing orders and move any motion it wishes. In this case, it is to offer direction to the Speaker that Mr Hargreaves no longer has the support of this place.

Everything in this place, being such a small chamber, works along cooperative lines. Where the Assembly has lost faith in an Assistant Speaker, it is appropriate to have a motion to clear the air or to remove the individual, whether it be a minister, whether it be the Speaker, whether it be an Assistant Speaker or whether it be a committee chair. You can suspend standing orders. In this case we would make the case that the way to deal with this is to deal with it now; it is not to put it off. It is certainly not to hide from and shy away from the subject by simply not granting leave because you are embarrassed that one of your colleagues or one of the members of the Labor Party may be the subject of this motion. The important thing here is to get on with it and deal with it so that everyone knows where everybody else stands so the air is cleared and the Assembly can progress rather than have this hanging in the background at all times.

There have been several motions recently about Mr Hargreaves's behaviour. Members have raised concerns. Some members may not be aware that some members on this side have raised concerns with the Speaker about the incident that occurred immediately after the presentation of papers. We are very concerned with the slur cast not only on the Speaker but on the impartiality of the chair. If we cannot have faith in the impartiality of the chair, then it must be brought to a head and it must be dealt with immediately. In that regard, I move the motion that standing orders be suspended.

**MR CORBELL**: (Molonglo—Attorney-General, Minister for the Environment, Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.52): On the basis that it is now clear that a majority will support debate on this motion, the government withdraws its objection to leave being granted.

**MR SPEAKER**: Mr Smyth, I invite you to withdraw your motion.

**MR SMYTH** (Brindabella) (4.52): I thank Mr Corbell for that. I seek leave to withdraw the motion.

Leave granted.

## Statement by Speaker

**MR SPEAKER**: Mr Hanson was seeking leave to move a motion. I believe leave is now granted, so, Mr Hanson, you have the floor to move your motion.

**Mr Hanson**: On a point of clarification, Mr Speaker, I understand that it is your intention to make a short statement that may inform the debate. If you are to proceed with that, I think it would be best made at the beginning of the debate rather than at the end. It may curtail extensive argument. If that is your will, I am happy to wait to move that motion until after such time as you have made your statement.

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

**Mr Hargreaves**: On a point of order, Mr Speaker, Mr Smyth quite rightly pointed out that the longer this matter goes on, the greater the pall hanging over the chamber. I respectfully request that they just get on with it. If they have not got their argument together, bad luck.

**MR SPEAKER**: Members, following an exchange this afternoon, concerns were raised with me, and I think it is probably appropriate that I respond to those concerns that were raised. That may or may not shape whether we proceed with this debate. I will make a few brief remarks. I do not think it will require the pall to hang too much longer, Mr Hargreaves, as I will be brief.

Following those concerns being raised with me earlier this afternoon, I have reviewed the tape of the matter referred to. I have spoken to Mr Hargreaves, and he has assured me that he simply sought to advise members of his intended conduct whilst in the chair. I have indicated to Mr Hargreaves that I would have preferred the matter to be dealt with in a different way. I consider the matter concluded at that point.

## Motion of no confidence

**MR HANSON** (Molonglo) (4.54): I move:

> That this Assembly has no confidence in Mr Hargreaves in his capacity as Assistant Speaker.

Mr Speaker, a number of members may not have been present when Mr Hargreaves made his comments. There is no question that they were odd, that they were unprecedented, that they were not politically impartial and that they made reflections on your rulings throughout question time, so they made reflections on the Speaker. And his comments certainly impinged on the dignity of the chair.

What Mr Hargreaves did, without any prompting or any particular relevance, was to go into a dissertation about the number of interjections during question time, particularly highlighting the number of interjections made by opposition members. It was quite clear that he was making a political point. It was not clear at all to the members sitting on this side of the chamber that there was any greater purpose to what he was trying to achieve; rather, it was some sort of politically motivated attack from the position of the chair. That is certainly the way it came across to all of us sitting here.

Mr Speaker, I think you would have gauged from the reactions of me and Mr Smyth, and you may have seen the comments from Mr Coe, that this was not something that we took lightly. This was not in any way a confected or concocted outrage from us. We were seriously bemused and aggrieved by what was occurring as we considered it to be a gross politicisation of the role of Assistant Speaker.

I understand that you had made no request to Mr Hargreaves to do what he did, which was to tally up the number of interjections being made throughout question time; that this was something that he did himself. When questions were asked of Mr Hargreaves by Mr Coe as to what his purpose was, what his intent was or why he did this, Mr Hargreaves said that he did this in his capacity as Assistant Speaker.

Mr Speaker, there is no way that Mr Hargreaves can sit on the backbench of the Labor Party during question time tallying up various interjections and then sit in your chair as Assistant Speaker shortly afterwards and raise this. That is not done as Assistant Speaker. Quite clearly he sits during question time as a backbencher and a member of the Labor Party.

He made some pretty aggressive comments throughout these interjections. On the one hand, he was having a go at the number of interjections made by opposition members during question time, and then when Mr Coe questioned what the purpose was and so on, Mr Hargreaves's response—from the chair—was to say, "You need to stand up in class, Mr Coe," or words to that effect. It was very unbecoming of someone sitting in the Speaker's chair—not only the detail of what Mr Hargreaves was saying, but the way in which he conducted himself, which was quite clearly an abuse of the position, a position of authority, to mount what could only be perceived as an attack on members of the opposition, attacking them for their conduct during question time and attacking individuals, including Mr Coe, in a typical John Hargreaves fashion: "Stand up in class, Mr Coe".

Mr Speaker, if someone was to make from the chair—any other member; Ms Porter, Mrs Dunne or you—some sort of vile comment attacking someone based on their gender or their sexuality or their age, I think we would find that unacceptable. But we seem to have this separate standard for Mr Hargreaves; that he can have a crack at Mr Coe, referring to him and basically saying, "You are some sort of schoolboy; therefore I'll discount what you're saying." Mr Speaker, if you had said, "I am going to discount what you are saying, Mrs Dunne, because you are a woman," which is equally offensive language, I think this whole place would be in uproar. There would be outrage coming from the crossbench.

But Mr Hargreaves can slap Mr Coe down, based on his age, with impunity, and have a bit of a chuckle about it. It is totally unacceptable that Mr Hargreaves used the chair to mount political attacks on the opposition, based on our conduct in question time, when quite clearly you, Mr Speaker, adjudicate on question time. If he wants to make rulings on what the opposition are doing while he sits in the chair, he is quite within his rights to do so, and we have never questioned that. From time to time we will take points of order or we will disagree with his rulings in debate, but we have not actually ever previously moved dissent. But he cannot reflect on the performance of the opposition and on you through a period of time which has been adjudicated by the Speaker and then come in here and use that period of adjudication to mount a criticism on the performance of members of this Assembly—because if he is criticising our performance during question time then quite clearly he is also criticising your performance. It is a quite clear reflection on the chair, an unfavourable reflection on the chair.

We have been here recently questioning Mr Hargreaves's performance, so from the opposition's point of view, and I would have thought from the whole chamber's point of view, enough is enough. We have seen him attacking members of the community, the Tuggeranong Community Council. We have seen him making—

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

**MR SPEAKER**: One moment, Mr Hanson. Stop the clock, thank you.

**Mr Hargreaves**: Mr Speaker, this is a serious matter and this motion that Mr Hanson has moved talks about my capacity as an Assistant Speaker in this place. They are bringing into the debate not only subjects which may be irrelevant but also reflection on debates which have happened in this chamber before.

**MR HANSON**: Mr Speaker, on the point of order.

**MR SPEAKER**: Yes, Mr Hanson, on the point of order.

**MR HANSON**: The point I am getting to is Mr Hargreaves's conduct as an MLA, which recently led to him having to resign a position of authority within the Assembly, and I think it is relevant, in the debate which is about his fitness to perform a role that presides over MLAs, to bring into focus Mr Hargreaves's performance as an MLA and his performance that led to him resigning recently as the government whip. So I do think it is relevant to this debate. It is not an issue that I am intending to dwell upon, but I think it points to the fact that this is not an isolated aberration in behaviour.

**MR SPEAKER**: On the point of order, Mr Hargreaves.

**Mr Hargreaves**: Thank you very much, Mr Speaker. In fact I did ask whether or not this was a previous debate which had occurred. Assistant Speaker Dunne received information that it was not. However, in the answer to my question she indicated to me that in fact it was about me being asked to resign as Assistant Speaker, and I would argue that that same material was discussed at that time, and the same cases put at that particular time, which were concluded, and that should be the end of it.

**MR SPEAKER**: On the point of order, Mrs Dunne, if you are happy, I will just make the ruling, then you can express concern if you need to. On the point of order, this motion is specifically about Mr Hargreaves's capacity as Assistant Speaker. I accept Mr Hanson's point that there is some breadth to discuss whether the Assembly feels that Mr Hargreaves's conduct makes him fit to be an Assistant Speaker—I think that is within the scope of the debate—but I would ask you not to re-prosecute the debate we had during the last sitting, Mr Hanson.

**MR HANSON**: Thank you, Mr Speaker. It is not my intent to. What I am trying to draw to members' attention is that the performance of Mr Hargreaves this afternoon is not an isolated incident when it comes to his performance in this Assembly, and that that performance has included, just of late, a requirement for him to write letters of

apology to community organisations, to apologise to another member of the Assembly for sexist comments, and to resign as the government whip after his note passing and sort of derogatory comments made about Mr Barr.

I just want to make those points that from an opposition's point of view it is not that we have just had something that has gone wrong with Mr Hargreaves in an isolated sense. This is a pattern of behaviour now where it is very difficult for us to take him seriously. We are being asked to sit here in this place and adhere to his rulings, which we consider to be politically biased, to be inappropriate and to be made from a member who has shown scant regard for the rules of this place and has behaved in a most abominable fashion throughout the past weeks, and indeed probably months and years. This is a member who should know better.

The excuse was used by Mr Corbell today that Dr Bourke got something wrong but is a new member. You can argue that backwards and forwards, because they have decided to appoint him as a minister. It is certainly the case that there are complex forms of behaviour in this place and it does take a while to get across them. But there is no question that Mr Hargreaves knows the rules. He just chooses to abuse them. He tries to walk a fine line, and on occasion he steps over that.

On this side of the chamber we are thoroughly sick and tired of putting up with somebody who behaves in that fashion. If he wants to sit on the backbench over there and carry on like that, there is not much we can do about that. That is really a matter for the government and the Labor Party. But I think, Mr Speaker, it behoves you and the crossbench to consider whether he is fit to sit in your chair—because every time he does, and every time he makes one of his rulings or behaves in the fashion that he does, it demeans us all as MLAs, it shows us all in a poor light, and it makes it very difficult for the opposition, and I would have thought the Greens, to take rulings by Mr Hargreaves seriously when we consider his behaviour.

I will not continue any further. I think the point has been made. I and my colleagues have lost confidence in Mr Hargreaves in his role as Assistant Speaker. It makes it very difficult for us to continue with debate while he sits in that chair, politicising it and abusing members of the opposition from that chair. I think it is time that we all, as an Assembly, took action to make it clear that there are certain standards of behaviour in this place, and if you are not going to adhere to them you should not be put in a position where you preside over the Assembly.

**MR HARGREAVES** (Brindabella) (5.07): Mr Speaker, I think this motion really from their perspective is all about me. I actually do not really think it is all about me. I really think it is about those opposite and, in particular, Mr Hanson, the mover of the motion. Mr Hanson suggested that I am not politically impartial. Mr Speaker, had I put those very same numbers down in an adjournment debate, stood up in this place for whatever reason I indicated, and put those numbers—

**Mr Hanson**: Which is a more appropriate thing.

**MR HARGREAVES**: I heard you in silence. Then I could have been accused of putting a political spin on it. I could also have brought on a motion of grave concern

or a censure motion of Mr Hanson for his wilful and repeated abuse of standing orders 37, 39, 61 and 202(a), (d) and (e), but I did not. What I did was to come into the chamber and say, "Look, people in the chamber today, everybody, there is this atmospheric around. The atmospheric of one of wilful disobedience to the standing orders." I indicated what my tally on that was.

Earlier on in this Assembly—not that long ago—I, in the chair, named Mrs Dunne, and she was duly given a three-month—sorry, I beg your pardon—a three-hour absence from the chamber. Mr Hanson said this afternoon that there has never been a dissent from my ruling. There was on that occasion. Mr Hanson has not got it right—again.

A reflection on the Speaker—I do not think so, Mr Speaker. I just do not think so. I have been a big supporter of your particular position in your role for a long time against the attacks of those opposite against your integrity. I think that is just spurious.

Mr Hanson says it is clear that this is a politically motivated attack from the position of the chair. I would suggest, Mr Speaker, that if I stand up in this chamber and I say to folks, "Look, there's an atmospheric around here which indicates that there are 165 interjections on this one day—one day, just an hour, 165—and Mr Hanson was responsible for 67 of them, and the entire government benches were responsible for 14 of them and there—

**Mr Hanson**: Says you.

**MR HARGREAVES**: I heard you in silence—and the crossbench were responsible for none. Now, Mr Speaker, it matters not whether it is one or two out. The size of those numbers is indicative of a pattern of behaviour that Mr Hanson keeps talking about. I have not seen them for a while but my understanding from information you have given me, Mr Speaker, is that these numbers are a bit more favourable than the ones that were issued by the *Canberra Times* in recent times, indicating, again, the pattern of behaviour.

Mr Speaker, the motivation that I had was to say to these people, "Standing order 203 requires, upon a member being named, that the question be put forthwith." It is a convention in this place, and only a convention. It is a convention honoured by this side and the crossbench but very rarely are conventions honoured in this place by those opposite. The convention is that people are given a warning. Now, Mr Speaker, you, in fact, warned the Leader of the Opposition today. That did not stop him interjecting 10 times during question time. But I would have thought, Mr Speaker, that me advising Mr Hanson that he has got 67—

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

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

**Mrs Dunne**: I believe that Mr Hargreaves has just reflected upon your operation of the chair during question time when he said that you warned Mr Seselja this morning,

but Mr Seselja still interjected during question time—the implication being that you did nothing about it and you should have. That is a reflection upon your occupation of the chair. It is disorderly and Mr Hargreaves should be required to withdraw.

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

**MR SPEAKER**: On the point of order, Mr Hargreaves.

**MR HARGREAVES**: Yes, thanks very much, Mr Speaker. I was not reflecting on your ruling around Mr Seselja's warning, nor anything else. I was reflecting, in fact, on Mr Seselja's contemptuous attitude towards your position to the chair by his continuing with this behaviour. How you judge the next step, Mr Speaker, is left up to you, and I respect that. I do not think that Mrs Dunne has a case.

**MR SPEAKER**: Thank you, Mr Hargreaves. I think this is a fine line and at this stage there is no point of order. But, Mr Hargreaves, I would remind you of the point Mrs Dunne just made.

**MR HARGREAVES**: Thanks very much, Mr Speaker. I would have thought that the *Canberra Times* indicated to those opposite that there is this pattern of behaviour of constant abuse and interjection across the chamber and my indicating that out of 165, Mr Hanson was responsible for 67 of them, again, could constitute telling people that they are getting close to it.

Mr Speaker, if I was to occupy the chair and Mr Hanson was to indulge in that behaviour and I was to invoke standing order 203, they would be the first to squeal because they were not told, they were not given any notice. Had I promptly said to somebody, "I invoke standing order 203," you might have had a case about being political, but I did not. There is nothing political about this.

This is about the pattern of behaviour that an occupant of the chair has indicated to the chamber is not acceptable—and only when I occupy that chair. But I have to tally it at some point. Mr Speaker, had I done it tomorrow, it would have been twice, and there would have been the opportunity then to tell it. I have indicated today what those numbers were. Nothing more and nothing less. Now that Mr Hanson has raised the issue, the motivation for the tally is there. It is because I do not find the pattern of behaviour acceptable.

Mr Speaker, those opposite accuse me of a particular type of behaviour. I have never been censured in this place. Never. Mr Smyth has. I have never had standing order 203 invoked for what I have done in this chamber. Mr Hanson has and Mrs Dunne has. Mr Speaker, never in 14 years have I had standing order 203 invoked.

When we talk about patterns of behaviour, Mr Hanson is really not on solid ground to talk about that. The language that he has used to the crossbench, the bullying nature of his behaviour towards the crossbench, towards the Chief Minister and to Ms Burch is just not acceptable. It is not acceptable in this place. He is in no position to talk to me about misbehaviour.

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

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

**Mrs Dunne**: The motion before the Assembly is in relation to whether the Assembly has confidence in Mr Hargreaves as the Assistant Speaker. What Mr Hargreaves thinks about language that a member of the opposition might use or their behaviour—this is the point of order, Mr Speaker—is irrelevant to the matter and you should ask Mr Hargreaves to be relevant to the question.

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

**MR SPEAKER**: Mr Hargreaves, on the point of order. Stop the clocks, thank you.

**MR HARGREAVES**: It is a convention—I say it again that these folks do not respect convention—in this place that the person who is the subject of a want of confidence motion is given the latitude to question the motives of the people bringing the motion forward, to question the validity of the statements they are bringing forward, and I am availing myself of that convention, Mr Speaker.

**MR SPEAKER**: On the point of order, I think the debate is about an appropriate standard of conduct of behaviour in the chamber. Whilst Mr Hanson's conduct is not the point of discussion, I think there is a general discussion about how members conduct themselves. Mr Hargreaves, I will let you continue on this point but please do not dwell on it.

**MR HARGREAVES**: Thank you. Sure.

**MR SPEAKER**: I think you have probably made the point you need to and you could now move on.

**MR HARGREAVES**: Thanks very much, Mr Speaker. I conclude that particular point. Those opposite, and Mr Hanson in particular, are in no place, no space appropriately to talk to me about behaviour in this chamber. The number of times that he has just got to the point of having expressions of great concern about him have been quite numerous.

Mr Speaker, this is about performance in the chair. This is an accusation against me for having political bias. When I have warned those opposite, the Leader of the Opposition has stood up, the Deputy Leader of the Opposition has stood up, Mr Hanson has stood up and accused me of being biased. The numbers that I have quoted are 165 interjections in a one hour period, 151 of which, by my tally, were by the opposition. It is about that side of the house, Mr Speaker. It is not about being politically biased at all. It is about where does the extent of bad behaviour during debates occur in this chamber.

I would suggest to you, Mr Speaker, that if I wanted to be politically biased about it I would not give anybody any warning ever. That is not so. I have given a clear

indication of what the atmospherics are about. My motivations were all about avoiding that accusation of political bias. Had I made those same comments outside the chair, people would have said, "The Labor Party is doing this, the Labor Party is doing that." Because I did it in the chair, I am politically abusing the chair.

Mr Speaker, I contend that that is not so and I contend that this is really about those opposite being upset because they have been sprung in respect of the numbers of their misbehaviour. They have been found to have outnumbered us all by 10 to one in the interjections. Mr Speaker, you might say, "Hang on, your numbers are wrong." Well, they are not that far out. But I have not just stopped at listing the numbers for the opposition. I have listed the fact that there were none from the crossbench and I have included in this tally two of my own, Mr Speaker, to make sure that people could not level an accusation at me that I am being particularly biased about this.

I have just indicated to the chamber that my motives were about indicating to those opposite that a 10 to one interjection list is not acceptable behaviour in this chamber. As an Assistant Speaker occupying that chair I was not going to put up with it. It was a simple advisory like that. There was no ruling. There was no singling out, saying, "Mr Hanson, you are gone." There was nothing like that at all. I have advised the chamber of each and every tally. Members can then go away and cogitate where they stand in this regard.

I do not believe that I have exercised any political bias. I believe quite the opposite. The crossbench tried to introduce a new way of doing things into this chamber at the beginning of this Assembly. They tried to bring in new patterns of behaviour, new expectations, new standards. It is sad, I think, that those opposite are the ones who are not going along for the ride. We are all human and we all make mistakes. That is fine. The first time it is not going to be 100 per cent successful, but it could go a long way to being successful. But they do not.

This behaviour is not unique, Mr Speaker. The *Canberra Times* reported on it, and a reflection on every single question time that we have experienced over the last six months will reveal exactly the same stuff. Mr Speaker, in your position you are entitled to make your judgements. In fact, you are charged with making your judgements the best that you can. I respect that and I support you in every decision you have made. In fact, I have stood in this place and supported every decision you have made.

But each one of us has a different attitude—some slightly different, some of them very, very different—to what should and should not go on by way of standard in this chamber. In this chamber there is a standard. I do not believe I have stepped over the line but I believe that those opposite have, Mr Speaker.

I would ask those members to consider again the constant breaches of standing order 37 that states that order shall be maintained in the Assembly and standing order 39, which states that when a member is speaking no other member may converse or make any noise or disturbance to interrupt the member.

Their interjections are deliberate and determined. They are aimed at disrupting the member. Standing order 61 states:

> A Member may not interrupt another Member while speaking, unless …

And it lists some provisions—to call attention to a point of order, to call attention to a want of quorum and to move a closure motion. There is no other reason.

Ten to one interjections, Mr Speaker, would indicate to me a litany and a constancy of a breach of standing order 61, and by them all. But some of them are more serial offenders than others. The count here has Mr Hanson at 67 out of 151 and Mr Smyth at 32 out of 151. They are one short of 100. Those two people are responsible for two-thirds of the interjections. Those two people are responsible for nearly 100 interjections in a 60 minute debate. Mr Speaker, it is not me that needs a want of confidence moved against me. It is those opposite who need that want of confidence motion moved against them. *(Time expired.)*

**MS LE COUTEUR** (Molonglo) (5.23): I stand today to say that I do not, and the Greens do not, support this motion of no confidence in Mr Hargreaves in his capacity as Assistant Speaker. I am one of the other Assistant Speakers; so I do know how hard and frustrating the job can be at times. I must admit that I was not in the Assembly when the incident which is being reflected on occurred; so I will not speak about that because I have no personal knowledge.

However, I am aware that a discussion took place between Mr Hargreaves as Assistant Speaker and the Speaker. I understand that the Speaker made a statement about that in the Assembly and that the Speaker is taking no further action on the subject. I think that the Speaker has taken appropriate steps in regard to the situation. There is no further action to be taken from the Speaker's point of view. I also believe there is no further action to be taken from the point of view of the Assembly.

In fact, this whole thing seems to be part of a campaign. The Liberal Party appears to be having a campaign of finding an issue with Mr Hargreaves. This really does not seem appropriate to me. None of us are perfect but this appears to me to have gone beyond reasonableness and getting close to a witch-hunt.

I will reflect on a couple of things that have been said in the debate so far. Mr Hanson said that the Liberal Party was finding it difficult to take seriously Mr Hargreaves as a Speaker. I think, actually, that is a really sad statement to make and possibly reflects some of the reasons why we have the issues we do have with behaviour in this Assembly. The issue is not anything about Mr Hargreaves. The issue in terms of respecting the Speaker is that you are not respecting the person; you are respecting the role.

When I sit up there as Assistant Speaker and I tell people to do this, that and the other, you are not doing it because you think Caroline Le Couteur is telling you that. You are doing it because you hopefully respect the role of Speaker and you respect what we are trying to do in this Assembly. So I think that it is very unfortunate that we are not only politicising the role of the Speaker and the Assistant Speaker. We are personalising it. I think both of those are regrettable tendencies.

The other thing I would like to reflect on is what Mr Speaker said in his comments during one of the interminable points of order that were made during Mr Hargreaves's speech. One of the things that we are discussing here is, in fact, how we conduct discussions in this place. We are talking about what are acceptable standards of behaviour and what is acceptable practice for a Speaker.

Mr Hargreaves has mentioned this, and I think we are all aware of page 13 of the standing orders. It is all about things that people should not do—like interrupt. We should be orderly et cetera. There are a lot of these standing orders which are not just on procedural matters. They are about us trying to behave like civilised human beings. Sometimes I have to say that the debate is not a good reflection of the Assembly.

It is particularly frustrating. This is an election year. In October we are all going to ask the people of Canberra: what do you think? What do you reckon are the big issues going for the ACT? What are the big issues for Canberra? How would you like to see the ACT go forward into the future? I would hope that whatever else the people of Canberra want, they do not want to see 17 people elected and spending their time squabbling and yelling at each other. Unfortunately, for quite a bit of the time that is what we seem to be doing. I think we need to lift our game. I think that it would be great if we started respecting the role of the Speaker, whoever happens to be occupying it at the time, and behaving in accordance with standing orders.

I think this motion is a diversion from getting down to the real business of the Assembly and I do not in any way support it.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.28): It seems that Ms Le Couteur believes that it is a good use of the Assembly's time for members to be counting interjections, and that is part of what we have seen.

Mr Speaker, I would like to respond to some of the issues that have been put forward by Mr Hargreaves. In many ways, he has made the argument against himself quite well. In responding, he is saying that if he were to have said what he said not in his capacity as chair but in another capacity, he would have been accused of politicisation. That is the very point, isn't it—that the comments in themselves were so overtly political that they had no place in discussion by someone in the chair? He is free to get up and adjourn the debate and virtually say whatever he likes. And he does. He is free to be as political as he likes. He can criticise his political opponents. He can, within reason, say basically whatever he likes. But when he is in the chair he is expected to have a different standing of behaviour. He is expected to put aside the partisan political aspect and to adjudicate in the fairest manner possible. That is where he has failed today.

I did, on the television, catch the demeaning way in which Mr Hargreaves spoke to Mr Coe. We expect that when he is hurling abuse on the backbench; we get it all the time. But it is a different thing when he is in the chair. Certainly, Mr Speaker, whilst we have, from time to time, had our criticisms of you, I do not ever recall you making those kinds of statements in the chair. I do not ever recall you using derogatory words from the chair against anyone in this place. And if you had, I am sure we would have brought you to account for it.

It is unacceptable behaviour. It is a bit unprecedented today. We have the Speaker being put in a position where he has to counsel Mr Hargreaves. He has to actually counsel an Assistant Speaker for their behaviour in the chair. I do not recall that happening in the past. I would think that that would be rare. If it had ever happened, it would be an extraordinarily rare occurrence.

In acknowledging that the behaviour was unacceptable, in acknowledging, Mr Speaker, that you had to counsel Mr Hargreaves for his behaviour, even you were a little bit embarrassed, I think, about the way in which Mr Hargreaves has conducted himself in the chair. It is not the appropriate way to behave, and Mr Hargreaves is becoming more and more of an embarrassment in that role, both in the chair and outside the chair.

Mr Hanson made that point. Mr Hargreaves said in his defence that he has always supported you. We know that is not true. We know that he was going around for a long time agitating for change in terms of the Speaker's role and critiquing the dual role of the Speaker, so we know that is not true. He has supported you, I suppose, in the same way that he has supported some of his ministerial colleagues. He has failed to support them, but then he goes around gossiping about them, passing notes about them and showing gross disloyalty to them and to his party, which has been a feature of his behaviour.

Mr Speaker, the point Mr Hanson has made, which is worth reiterating, is that Mr Hargreaves's behaviour outside the chair has been unacceptable. We have seen the demotions that reflect that. The Labor Party believe it is unacceptable. We now see that crossing over into his role in the chair. That is unacceptable, and that is where the Assembly should say: "We are going to actually have some standards of behaviour in this place. It starts with the chair. It starts with whoever is in that Speaker's chair setting high standards." Mr Hargreaves failed that today. He failed it to such a degree that you had to counsel him, Mr Speaker. We believe he is no longer fit to sit in that position.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.32): I will speak briefly to the motion and in support of Mr Hargreaves continuing in his job as Assistant Speaker in this place. I must say that for anyone who has spent any amount of time in this chamber since 2008 to get a lecture from the Liberal Party about appropriate conduct in this place is a little hard to take. The issues that we have seen in question time, the personal jibes that have come across the chamber and the nastiness that has been exhibited have been largely from the opposition benches.

This afternoon, after a fairly robust question time—not one of the worst but not one of the best—my understanding is that the Assistant Speaker, in performing his duties, alerted members to what he had seen through question time to remind them about appropriate conduct for the rest of the afternoon. People have different views about how that was done, but Mr Assistant Speaker did it to provide advice to members.

It is interesting that the person who has moved this motion is the person, I think, whose interjections throughout question time caused that advice to be given from the Speaker's chair. If we had not had—what was it?—65—

**Mr Hargreaves**: Sixty-seven.

**MS GALLAGHER**: If we had not had 67 interjections from Mr Hanson, I doubt very much that Mr Hargreaves would have felt the need to remind members about behaviour in this place.

This should be seen for what it is—a continued attack on Mr Hargreaves. It has been going for some time. They are taking a great amount of joy in it, and this is simply a continuation of that.

Mr Hargreaves, like Mrs Dunne, Ms Le Couteur and Ms Porter, I think admirably support the role of you, Mr Speaker, in the chair. They do it with the full support of the members of this side of the chamber, and it is an important element—in fact, a core element—of the successful running of this place. Yes, we have our disagreements with members in the chair from time to time, but the rules of operation in this place mean that the chair has ultimate authority. And in order to operate—regardless of who is in it—it needs the respect and support of members in this place.

That is what this side of the chamber brings to the arrangement. It is unfortunate that the Liberal Party have not been able to resist the political opportunism and perhaps some embarrassment from Mr Hanson about his continued behaviour—the less desirable or undesirable behaviour that he has exhibited in question time for four years now.

I can say, Mr Hanson, because I have been in this place since 2001, that in my view you are the worst interjector that has ever sat in this place during my time in politics. You have had that drawn to the attention of members today. You have had it done in a way that you do not like. We all know you have a glass jaw, Mr Hanson, and the glass jaw response is to move a motion of no confidence.

Let us just get on with the business of government, the business of the Assembly. I agree with Ms Le Couteur's comments when she said that we could all do a bit better. I think that is right. We should all be aspiring to perform our duties as members of this place better. Mr Hanson should take that advice and learn about appropriate conduct in this Assembly; then, perhaps, he will not need to have the person in the chair actually reminding him of it.

**MR SMYTH** (Brindabella) (5.36): It is interesting to see that the Chief Minister simply goes into excuse mode. She goes to her default position: "No fault on our side; it's all over there. It's all their fault." It is interesting. This is her stock standard position. She was not here for what was said. She was not here to hear the way that it was delivered. She was not here to see the politics of the Labor Party move to the chair and, under the veil of the chair, under the protection of the chair, use that position for what he assumed to be his own advantage. You were not here; you do not know. The problem for the Chief Minister is that she does not set a standard here.

If you are upset by any member on this side of the house and our behaviour, move the substantive motion. You have got the numbers; you can do it any time you want. The Greens will back you up; they always do. I got censured for the tone of a press release—the tone of a press release. That is the standard that you preside over, Chief Minister. So go to your default position. Don't address the root cause of the problem of poor leadership, weak leadership and lack of standards. But don't bring the chair down while you do it.

If you need confirmation for support of this motion today, members, you have it in the unprecedented public warning of Mr Hargreaves—through the words in this place, Mr Speaker: that you had to speak to Mr Hargreaves about what he did. I have been here 14 years, and that has never happened before. I have lived in this place with some serial interjectors that make some of the new people here the beginners they are. Mr Berry was the master. To have sat through an Assembly with Mr Berry was in many ways a joy because he was good at his craft. Mr Moore was perhaps one of the most skilled interjectors in this place. So don't go saying that volume, interjections and these sorts of things are some sort of reason that excuses what Mr Hargreaves did, because they are not. And it is beholden on us to make sure that the standards of this place are maintained.

If you want confirmation of the gravity of the event, it is in the Speaker's own words. In my 14 years here I do not recall anything of that kind. We have had the Speaker have to come in here and say that he has spoken to Mr Hargreaves about his behaviour. It has never happened before. I checked with the Clerk; the Clerk cannot recall such behaviour either. This is a new low, a low brought about by Mr Hargreaves and his ongoing behaviour. We have confirmation of that behaviour, and the motion should be supported.

The problem is that either we have got a partisan position occupied by the Assistant Speaker or we have no confidence in you, Mr Speaker. If it was not partisan, it was a commentary that you do not have control of the house—that he believes he can do it better and that you should do more about your job. You can deal with Mr Hargreaves in whatever way you want. He says, "I'm not biased," but by moving to the chair and doing what he did we have a political attack protected by the office of the Speaker. That is what happened. You have rightly counselled him, Mr Speaker; you should rightly remove him from the position.

That this continues is just another almost final straw in Mr Hargreaves's career. There were three motions against the member in the last sitting fortnight that resulted in his removal from the government whip position. The government do not trust him to be the whip, but we are expected to believe that he is capable of being an Assistant Speaker. Now, there is an interesting standard.

We have seen so many motions. We had a bizarre ruling when, Mr Speaker, you had to come in and change the ruling that Mr Hargreaves had made. It is just another example showing that Mr Hargreaves is not fit to occupy the chair as an Assistant Speaker.

What is Mr Hargreaves's defence? He just attacks. He does not explain what he was doing. He just says, "You are all a bunch of serial interjectors and I am going to hold you to account." Mr Speaker, that is a reflection on you and your control of this place.

Ms Gallagher says that our behaviour over here is somehow appalling. I can assure you that it is nothing against what the Labor Party did from 1995 to 2001 to Chief Minister Carnell. It is absolutely nothing against the attacks, the censure motions, the no-confidence motions, the language, the lies and the slurs that they cast in this place. You take it on the chin. Maybe we should not have taken it on the chin. But I can assure you that it is nothing. Mrs Dunne was here. Mr Corbell was here. He might not have had such an interesting view as I do of what was said and done. But I can assure you that it is nothing in comparison to what has happened in this place, certainly between 1998 and 2000.

The problem is that Mr Hargreaves, instead of saying, "Okay, fair cop; I got it wrong; I won't do it again," actually thinks he has done the right thing. He thinks that somehow he is a higher authority than the Speaker: that he has—and of course he has been here longer—more experience, more say and more call on what is appropriate behaviour in this place. He does not. That is why he has been chastised by the Speaker for what he said and what he did. And we should chastise him, members; we should not put up with this, and we should not tolerate it any longer.

We know, for instance, that in question time Mr Hargreaves is a serial abuser of the standard of the standing orders. He soaks up questions by asking questions that are clearly out of order. It all goes to behaviour. It all goes to the standards that are set. You cannot just shift to the chair and suddenly assume this mantle. It is about the serial behaviour of this individual. His behaviour brings no credit to this place. He is no longer a minister. He is no longer a whip. He should no longer be an Assistant Speaker.

**MR HANSON** (Molonglo) (5.42), in reply: Just imagine for a moment, if you would, members, if without any provocation Mrs Dunne in her position as Assistant Speaker decided to give a bit of a dissertation on the performance of ministers during question time. Imagine if she sat there and pontificated and considered the number of questions that she considered they had not answered fully. Perhaps they had been repetitious and/or had breached any number of standing orders. Imagine if she made a full-scale attack, from the chair, on government ministers for their performance in question time. What would we think about that? In essence, that is exactly what Mr Hargreaves did. Of course the opposition interject. That is the nature of question time in any parliament, be it a Labor or Liberal opposition. The opposition interject while members ask questions.

There is a limit; there is a tolerance. That is adjudicated on by the Speaker, and that is the form, indeed, of any Westminster parliament. Mr Hargreaves decided, without any suggestion from the Speaker and without any invitation to do so, to mount his own attack on the opposition, and he did so with one of two intents. Either (a) it was politically motivated to have a crack at the opposition or (b) it was motivated to say, "Hey, look, the Speaker's not doing a very good job here."

There is no other rational explanation. He is an Assistant Speaker. His job is not to rule on what is appropriate behaviour during question time. That is the job of the Speaker. It is quite clear when you draw the analogy with perhaps Mrs Dunne running a commentary on the government's performance during question time—because their role is to answer questions—that it is quite inappropriate. So perhaps Mrs Dunne, when she assumes the chair after question time tomorrow, should sit there and give a bit of a view on what she thought about question time and whether Ms Burch did not answer enough questions appropriately or whether Ms Gallagher was repetitious or whether Dr Bourke failed to answer a couple of questions.

I think that this gives her the precedent to do that. Quite clearly, that is the name of the game—that we basically invite our assistant speakers to get up in the chair and give a bit of an analysis on how question time went. We can have Mr Hargreaves say, "Boo hoo; the opposition were outrageous in the number of interjections." Mrs Dunne can then get up in the chair and say how dreadful the government were in their answering of questions. Of course we cannot have that, Mr Speaker. But that is essentially what we are inviting today if we do not move that the Assembly has no confidence in Mr Hargreaves.

I welcome the comments made by Mr Seselja and Mr Smyth. I am very disappointed again that, rather than actually going to the substance of the issues, from the Greens we have this plea: "Can't we all forgive? Can't we all get on? Can't we all just be nice?" I say to Ms Le Couteur and the Greens: this is about how we conduct ourselves in this place, particularly how we do it as Assistant Speaker. Quite clearly Mr Hargreaves has abused his position. He has been spoken to by the Speaker. He has got into that chair and politicised the position or has had a crack at the Speaker and reflected on him. Either way, it is unacceptable.

Mr Hargreaves, in making his speech, essentially proved the case that we are trying to make. In his speech he continued on and had a rant about the opposition and how he did not like what we were doing. He could have done that in an adjournment debate and it would have been appropriate. He could have done it as a Labor backbencher, saying, "Hey, I counted up during question time today all of the interjections that were made and isn't Hanson not a nice chap for doing that?" He could have done that and that would have been fine. That is the nature of adjournment debates. But he cannot do that as Assistant Speaker. That is why, Mr Speaker, you have spoken to him. You cannot let him continue on in that role having done that. He is not an inexperienced member of the Assembly. He has been here longer than most members.

It is quite clear that we will not get support today for this motion because the Greens have again proved that, when it comes to matters of holding to account anyone in this place who is part of the Greens-Labor alliance, even when they have had to be spoken to by the Speaker, they will just let it slide.

The only time any action seems to be taken against the appalling behaviour that we see from those opposite is when it gets to such a threshold of intolerance that Mr Hargreaves has to resign. Perhaps it will get to that point. I fear that we will be back here in due course. It seems that this is a man who is so reckless and with

nothing to lose that he is going to continue on with this. We will be back here. I think, Mr Speaker, you will rue the day that you wasted the opportunity to take action when you should have and could have on someone that is quite clearly not going to bring credit to the position of Assistant Speaker.

Question put:

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

The Assembly voted—

| Ayes 6 | | Noes 11 | |
|---|---|---|---|
| Mr Coe | Mr Smyth | Mr Barr | Mr Hargreaves |
| Mr Doszpot | | Dr Bourke | Ms Hunter |
| Mrs Dunne | | Ms Bresnan | Ms Le Couteur |
| Mr Hanson | | Ms Burch | Ms Porter |
| Mr Seselja | | Mr Corbell | Mr Rattenbury |
| | | Ms Gallagher | |

Question so resolved in the negative.

## Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

### Canberra Catholic primary schools soccer carnival
### National Library writing competition

**MR DOSZPOT** (Brindabella) (5.52): Last Sunday, 18 March, I was honoured to officially open the Catholic primary schools soccer carnival at the University of Canberra. This annual carnival was first held 13 years ago and each year the carnival is organised and managed by one of the Catholic primary schools in Canberra. The foundation school was St Bede's at Red Hill with Maureen Doszpot as the foundation principal in 1999.

This year's carnival was organised by St Matthew's Catholic primary school in Page. I congratulate the principal, Brenda Foley and the head of the organising committee, Paul Cecere, and in fact the whole teaching staff of St Matthew's, for their contribution; they all attended, as well as the school community and parents who came along to assist.

It was a fantastic day, a friendly competition but a tough competition at the same time, as 117 teams with 1,300 competitors enjoyed perfect weather as they did battle. It was also good to see Carl Valeri appointed as the Catholic schools carnival official ambassador. I quote some of Carl's comments from the program foreword:

> Football has taken me all over the world. I have the great honour of playing for Australia and have also played for various teams in Europe after originally being signed by the famous Italian club Inter Milan.
>
> In 2007 I was picked for the first time to play for the Socceroos. Since then I have gone to the World Cup in Germany in 2010 and last year had the privilege of coming back home to Canberra to play for Australia against Malaysia at Canberra Stadium.

Carl Valeri is a wonderful ambassador and was a great choice to be the ambassador for the Catholic schools carnival.

**Mr Seselja**: A MacKillop boy, I think. Is he a MacKillop boy?

**MR DOSZPOT**: St Francis of Assisi, I believe, and St Clare of Assisi at Conder.

Carl has played at those levels, and in one of the last paragraphs he says:

> What hasn't changed is that I still love playing the game. At the end of the day, no matter what level you play, having fun is really all that matters.

And the schools did have fun. The winning teams, just for the record, were Nicholls United from Holy Spirit Nicholls; Good Shepherd Lincolns from Good Shepherd, Amaroo; Holy Family Beckenbauer from Holy Family, Gowrie; Good Shepherd Dorsets from Good Shepherd, Amaroo; O'Connor Victory from St Joseph's, O'Connor; SCA Bullets from St Clare of Assisi, Conder; Good Shepherd Cotswolds from Good Shepherd, Amaroo; Nicholls Brumbies from Holy Spirit, Nicholls; St Monica's Victory from St Monica's, Evatt; O'Connor Jets from St Joseph's, O'Connor; St Vincent's Cougars from St Vincent's, Aranda; O'Connor Heat from St Joseph's, O'Connor; Thomas More's Titans from St Thomas More's, Campbell; MT Blue from Mother Teresa, Harrison; St Michael's Kewell from St Michael's, Kaleen; SJA Sharp Shooters from St John the Apostle, Florey; Noodle Snaks from St Bede's, Red Hill; and MT White from Mother Teresa, Harrison. Congratulations to all involved with the Catholic schools soccer carnival.

As shadow minister for education, last night I was pleased to be one of the many attendees at the awards ceremony for the Litlinks writing competition at the National Library. This event is the culmination of a year of hard work from year 9 to year 12 students and their teachers from many schools participating in this competition.

There were preliminary performances at this gala event that included local beat boxer Keegan Brady, Shakespearean performer Cameron Thomas, and the somewhat controversial but immensely talented international rapper Omar Musa.

Previous Litlinks winners Ashley Orr and Yvonne Wood spoke, as did Litlinks coordinator Susanne Kiraly and the minister for education. Dr Anthony Eaton, a contributor for the past four years, as the judge of the finalists' stories spoke about his dilemma as a judge and reflected that judging creative writing competitions is completely unfair because another judge would pick something different for a completely different reason.

Dr Eaton gave a brief synopsis of the junior and senior division finalists and their work. The junior division finalists were Natasha Zivkovic, who wrote "Shadows"; Kate Wagner, who wrote "A Poisonous Affair"; Zoe Horvath, who wrote "Alys"; and Anna Brooks who wrote "Straight From the Heart". Senior division finalists were "Requiem for the Brave" by Yi Yuan, "Bones" by Sophie Clews, "The Taxidermist" by Erin McCullagh, and "King Lear Unspoken Sonnets," by Sam Hardwick. The winner from the junior division was Anna Brooks, who won with "Straight From the Heart", and the senior division winner was Sam Hardwick, with "King Lear Unspoken Sonnets". Each year the senior division winner is invited back to help pick the short list of stories in the second round of the judging in the succeeding Litlinks writing competition.

Congratulations once again to all the entrants and to the initiative of the Association for the Teaching of English, ACTATE, as well as the sponsors this year, Paperchain Bookstore, the major sponsor of the competition, the Canberra Writing School and contentgroup.

## Ms Jaye Radisich

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.57): I rise today to say a few words about the passing of Jaye Radisich. Jaye Radisich was a Labor member of parliament in the Western Australian parliament, but she was someone I considered a friend, and I would like to pay tribute to her and her 35 years, which she packed very much into, it must be said.

Jaye died on Saturday at 11 am at St John of God Hospital where she had been receiving palliative care. Jaye was an Australian Labor Party member and was in the Western Australian Legislative Assembly from 2001 to 2008 representing the electorate of Swan Hills. Jaye was the youngest woman ever to be elected to the Western Australian parliament.

She was born and raised in Perth. She attended Mount Lawley senior high school, where she was active on the student council and won the belle of the ball class of 1993. Jaye went on to study arts and law at the University of Western Australia. She became involved in student politics while at university and served as a member of the National Union of Students executive and vice-president of the International Union of Socialist Youth.

While at university, she worked two jobs—as a checkout operator at a budget cosmetics chain and a research officer. She was juggling these commitments with the final year of her degree when she won preselection to contest the theoretically safe Liberal seat of Swan Hills as the Labor candidate for the 2001 state election.

Swan Hills was held by a sitting Liberal minister in the Court government, June van de Klashorst. In the lead-up to the poll, there was little sign that she was in any danger of losing the seat. However, the Labor vote increased and Radisich was able to narrowly defeat Ms van de Klashorst with the assistance of Liberals for Forests and One Nation preferences.

I am sure Jaye would not mind me saying that, in the ordinary course, I would not applaud a Liberal member being beaten by a Labor member, but I came to know Jaye as part of a delegation of the American Council of Young Political Leaders to the United States, which Jaye led. Jaye was someone who we all built a good relationship with and who was just a lot of fun. There is a lot I could say about Jaye—she was a lot of fun; she was irreverent; and she was someone who liked to take the piss out of other people in the group, whether they be Labor, Liberal or National. With her state colleagues, whether they were on her side of the parliament or on the other side, she enjoyed good relationships across the WA parliament. In fact, she counted as some of her closest friends people across the chamber.

From time to time it got her into a bit of trouble with her own party. Without going into too much detail, I think in the lead-up to the 2008 election Jaye was put in a pretty difficult position in terms of her seat and in terms of the circumstances surrounding a particular incident. I think Jaye displayed courage and dignity in the way she handled herself under some pressure from the media and probably from members of her own party.

Jaye battled cancer for a number of years. She actually had a kidney removed in 2002 not long after she was first elected to the parliament. She fought that, but she was diagnosed as having a Wilms tumour. Having been cancer free, the cancer returned and, unfortunately, she lost her battle with cancer on the weekend. I would like to pay tribute to her and to send my sincere condolences to her partner, Brad Maguire, all of the Radisich family and all of her friends and loved ones in WA and other places. I pay tribute to her, and may she rest in peace.

## Canberra show

**MR SMYTH** (Brindabella) (6.02): I rise to speak tonight about the Canberra show. I think anyone who went had a great time. The showers held off on most days. There was quite a unique event at the show this year, the free stall that was the Salvo expo marquee at the Canberra show. For those of you who do not know, they had a marquee in the entrance at the major pavilion at EPIC. Over the course of the show they gave away 2,350 litres of cold drinking water, cup by cup, with 240 kilos of ice to keep it cold. Some 2,000-plus people were served in the marquee cafe. They gave away 1,440 scones. They used 50 litres of milk, 24 litres of jam and 18.9 litres of cream. There were three bands, the Salvo Country Band from Nambucca River, the Tuggeranong Salvo brass band and the Timbrel Brigade, as well as the Sydney Youth Band, which approximates to 90 performers.

While all of us were enjoying the show—people may not all have been enjoying the show if they were on a stall—they had approximately 250 volunteers working at the show over the weekend, including people from their roving chaplains program, who walked around the entire showground throughout the opening hours of the show weekend. Let me read from one of their internal magazine articles. It goes:

It was a sizzling hot time in the Nation's Capital on the last weekend of February this year. Not only was the temperature sizzling, but also the Salvo Expo marquee was sizzling with activity, music, devonshire teas, cold water and information stalls.

From the time the marquee opened there was a buzz of activity. The temperature soared to 32 degrees on the second day and the RSDS van handed out over 1,600 litres of free water to keep people hydrated as they enjoyed the Show. Overall the RSDS guys handed out over 2,300 litres of water and lots of great meaningful stories were shared under the canopy.

The atmosphere in the marquee was electric with the Salvo Country Band playing for the whole weekend. They ministered to people through song and word, but when taking a break, they shared their stories with many people who were sitting having a scone (or two). Sunday morning was a great time of gospel music and sharing about the love of God. Many people commented that it was like going to a church service in the deep south of America. On both Saturday and Sunday people spontaneously danced to the music.

The Salvation Army provided Chaplaincy over the whole weekend to the whole show. Each Chaplain walked around the Show and they were well received and so much appreciated. This service commenced last year at the request of the Canberra Show Organising Committee due to the need from the farming community.

Another highlight of the ministry within the marquee was the OASIS Street Van. Shane Mount drove the bus from Sydney on the Thursday afternoon and stayed right through the weekend. Over 200 young people visited the van over the weekend to enjoy the games and using the internet. There were other fun activities available free to all the kids, these included face painting, balloon sculpting, creating rice balloon yoyos, and free show bags & give aways.

On Saturday afternoon, the brass band and timbrel brigade from the Tuggeranong Salvos march from the Salvo Expo Marquee up to the ActewAGL Stage where they performed a 30 minute concert. They entertained the crowds with a range of music from the Beach Boys to favourite gospel classics.

The Sydney Youth Band came to play in the marquee on Saturday evening. Bally from the Agents of Truth walked around handing out balloons, red frogs, popcorn and the Divisional Z Card, which has information of all the services in the ACT area. The SYB were a crowd stopping favourite.

Around the inside of the marquee people could go around the many stalls and find out about the variety of ministries that The Salvation Army provides. From Aged Care Plus, to youth ministries, Moneycare, Employment Plus, Salvos Legal, Salvos Stores, Will and Bequests and even a stall to sign up and become a volunteer for the Army—the stallholders shared with visitors and received a great response.

While all this was happening the kitchen was rocking with the amount of scones, jam and cream that they were handing out. Over the whole weekend, over 2000 people were served in the tent and enjoyed a place to come, sit and relax (and dance). All of this was free.

> All over the weekend the One Army, One Mission, One Message (Jesus love) was in full view. It was proof that it can be done.
>
> This quote from a lady who visited the marquee says it all:
>
> "I can feel the love behind what you do."
>
> Our prayer was that she realised that it was the love of Jesus she could feel.

The article was written by Major Julie Alley.

To Harry Cooper and all his troops, particularly Jo Paull, who was the organising force behind it, congratulations and well done. Isn't that great—somebody going to the show and actually giving stuff away instead of charging for it?

## Syria

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (6.06): Madam Deputy Speaker, 15 March is a significant date for the people of Syria. It is the one-year anniversary of the uprising in Syria. This date marks a significant step forward in the move to condemn the civil rights abuses in Syria.

The Canberra community is home to many refugees. We know that Jon Stanhope created a Canberra that is a safe, accepting society for all refugees. We, the multicultural centre of Australia, are proud to support them and give them safe haven.

We also know that many who have sought refuge here have fled their country not because they want to but because they have to. We know that there are an overwhelming number of Syrian civilians who have escaped the human rights violations and unprecedented brutality committed by Syria's armed security forces. We know that Amnesty International has the names of over 6,000 dead Syrians and firsthand accounts, from those who have fled, of the violence, torture and hardship they have witnessed and experienced.

Amnesty International tries to stand between the tortured and their torturers, ever promoting and defending human rights and condemning the serious abuses, attacks, tortures and other ill treatment by armed groups towards Syrian civilians.

I have read of the 31 methods of torture published by Amnesty International based on firsthand accounts of former detainees. I say with absolute conviction that it is not acceptable in a civilised world. The torture is not just physical; these individuals experience verbal and mental abuse, and their religious beliefs are denigrated. Nobody deserves this—nobody.

The actions of the Syrian security forces should be condemned internationally. Amnesty International is calling on the international community, particularly the Russian and Chinese authorities, to use their substantial influence over Syria to stop the assault on civilians.

Amnesty is also calling on Syrian authorities to allow humanitarian agencies immediate and unhindered access to affected areas, including Homs, Syria's third largest city, where over 600 people have died.

Amnesty condemns the actions of the Syrian president, who, since his succession to power in 2000, has seen a resurgence in certain patterns and methods of torture and other ill treatments that were once on the decline. Amnesty urges that the names of those responsible for these abuses and terror be brought forward and that the "United Nations Security Council refer President Assad to the International Criminal Court for crime against humanity; freeze his assets and those of his senior associates and impose a comprehensive arms embargo on Syria".

I urge the people of Canberra, and indeed all of Australia, to stand firm with Amnesty International, to condemn the civil rights abuses and the use of terror in Syria. I call on our community to echo the voices of opposition to the Syrian regime in the strongest possible, yet legal, manner.

The Syrian community needs us. Shall we abandon them? I say no. I say offer help and assistance and use our international influence to rescue them from oppression and torture.

## Syria
## Clean Up Australia Day

**MS BRESNAN** (Brindabella) (6.10): I would also like to support the words of Dr Bourke to mark the one-year anniversary of the uprising in Syria and support the words from a motion put before the New South Wales parliament on the matter. I have been an Amnesty International member for, I think, about 20 years now and would encourage people to go their website. They have a petition to sign which condemns what is happening in Syria. I would encourage everybody to go and sign that because they have had a concerted campaign to get more support for that.

The words of the motion which was put before the New South Wales parliament, which the Greens support and which relates to joining the international condemnation of the ongoing bloodshed in Syria, ask that the House note:

> (a) Amnesty International holds the names of over 6,500 dead and has collected first hand testimony of torture from Syrians fleeing the violence,

Then later it calls on:

> (a) the Syrian authorities to allow humanitarian agencies immediate and unhindered access to Homs and all other affected areas,
>
> (b) the United Nations Security Council to refer President Assad to the International Criminal Court for crimes against humanity,
>
> (c) the United Nations Security Council to freeze President Assad's assets and those of [his senior associates] … impose a comprehensive arms embargo on Syria …

> (d) the international community, especially Russian and Chinese authorities, to use their influence over Syria to stop the assault on civilians …

As Dr Bourke also referred to, Amnesty International have put out a report into torture in Syria and this was actually based on testimony obtained by Amnesty International during a research visit to Jordan in mid-February 2012 during which delegates met dozens of Syrians, some 25 of whom said they had been tortured or otherwise ill treated in detention before they fled across the border, in addition to many eyewitness accounts of a variety of military and security operations against demonstrators and demonstrations in various towns and villages over many months.

During the February 2012 research trip to Jordan, Amnesty International also received testimony concerning the shelling of civilian areas, the shooting of live ammunition at peaceful protestors and others, extrajudicial executions, the burning and looting of houses, arbitrary arrests, the targeting of medical professionals, the denial of medical treatment to injured protestors and others and enforced disappearances. And while this report focuses solely on torture and other ill treatment it focuses on that torture and ill treatment that has been a central feature not only of the government's crackdown in the past year but also past decades.

I actually went to Syria at the beginning of 2008 and it is truly one of the most amazing countries I have been to. Certain countries do have a great impact on you and Syria is one of them for me. I do keep thinking about the wonderful and welcoming people I met and I really do despair when I see what is happening and the destruction that is happening to that wonderful country. Again, I would encourage everyone to go to the Amnesty International website and sign that petition.

I would also very briefly like to congratulate the Tuggeranong Community Council for organising the Clean Up Australia Day on Sunday, 18 March, just gone, which had been postponed from Sunday, 4 March due to the weather that weekend. There was an excellent turnout and I would thank everyone who came along to clean up along the lake. I was not able to stay to meet up with the sea scouts but it was great that these two groups joined up and linked together to clean the area around the lake.

Like last year's clean-up, we did collect far too many cigarette butts; many others would also be in the lake. So it is incumbent, I think, on everyone to heed the words that come out of Clean Up Australia day and start to respect and care for our environment a lot more and think about our actions, when people might be smoking or whatever they might be doing, about what actually happens.

## DonateLife Week
## St John the Apostle primary school fete

**MR COE** (Ginninderra) (6.14): I rise this evening to acknowledge the organ and tissue awareness awards reception that was held on 24 February. The awards recognise the dedication and contribution made by community-minded individuals from the ACT and surrounds in raising the awareness of organ tissue donation. The awards coincided with DonateLife Week, which highlighted the need for families to

discuss organ donation and make their wishes known. As a result of the generosity of eight organ donors and their families, in 2011 in the ACT 26 people received lifesaving organ transplants. In addition, more than 55 people received the gift of sight from eye tissue donors.

I would like to acknowledge the recipients of this year's awards, including the Annette Taylor award for community service which went to Rick McQualter; the Matthew Reynolds award for community service which went to Laurie and Marguerite Wiseman; the Jenny Deck award for community support which went to Pat Siciliano; the Ben Wiseman award for health care which went to Dhale Brown; the Angus Fairbairn-Cody award for media support which went to Greg Bayliss; and the Terry Connolly award for community awareness raising which went to David Gough.

Nationally in 2011, 1,001 Australians and their families benefited from the legacy of 337 of their fellow Australians who became organ donors. This is a significant milestone, the first time that over 1,000 Australians in a single year have received an organ transplant from a deceased organ donor. More Australians are discussing organ donation with family members and 72 per cent believe that their family knows their donation wishes. At the same time, only 57 per cent of Australians know the donation wishes of their loved ones.

The role of raising community awareness about organ and tissue donation is crucial to ensure we can continue to build on and sustain the increase in organ and tissue donation to guarantee that more Australians can benefit through organ transplants. I encourage everyone to find out more about organ and tissue donation by going to www.donatelife.gov.au.

I would like to pay tribute this evening to the wonderful community spirit which I witnessed in action at the St John the Apostle primary school fete in Florey, which was held last Saturday, 17 March. I would like to especially acknowledge the tireless efforts of the principal, Mrs Helen Curry, the fete convenor, Mrs Bronwyn Ward, and all the stall convenors, the teachers, support staff, parents, carers, grandparents and local community who contributed cakes, crafts, plants, household goods, toys and clothes to make the fete such a huge success.

It truly was a wonderful example of what can be achieved when a community works together. It was also pleasing to see many local businesses and organisations supporting one of our local schools. As I have said before, parents of children at non-government schools make real sacrifices to send their kids to schools such as St John the Apostle. I thank them and all parents for the sacrifices they make for their children. I would also like to acknowledge the last-minute efforts of the teachers whose classrooms were dismantled, with very little notice, in order to accommodate the dreary weather that was expected on Saturday.

I was particularly impressed with the performances, and I acknowledge the time and effort put in by teachers which enabled all the students to perform so confidently. St John the Apostle school should be very proud of its wonderful community spirit, which was proudly on display on Saturday.

## ACT Cancer Council—relay for life

**MR HANSON** (Molonglo) (6.17): I rise tonight to talk about the ACT Cancer Council relay for life 2012 which occurred over the last weekend. The relay for life is a fundraising activity for the Cancer Council, and it commenced at midday on Saturday, 17 March and concluded at midday on the Sunday. I was fortunate enough to put in a team amongst the 150-odd teams that were participating in the event and the many thousands of Canberrans who were out there walking around the Australian Institute of Sport track raising money for the Cancer Council. It was great to see so many younger Australians out there participating in this event as well.

My team had 16 members, and I would like to pay particular note to Brigitte Morten, who organised so much of the activity and spent so much time working on making it such a success. She stayed out there for the entire 24 hours and was instrumental in the success of the event for the Jeremy Hanson team.

Also participating were Talia Katz, Angela Samuels, Mitchell Clout, Ross MacDonald, Zed Seselja, Gary Humphries, John Hayhoe, Alistair Coe, Kate Davis, Karin Semecky, Kate Louis, Daryl Shoard, Shirley Shoard, Sue White and Chris Inglis. Brendan Smyth was due to attend but, unfortunately, was unwell, but I know that he really wanted to participate in the event.

At the relay for life there is an amazing array of different characters in costumes all out there having fun while raising their money for this cause. But of particular note were three ADFA cadets, Officer Cadet Samuel Beverly, Officer Cadet Daniel Kennedy and Officer Cadet Nathan Dubbeld, who were in their full marching order with their packs and webbing and boots and simulated Steyrs—five-kilo weights—and they marched just about the entire time, about 20 hours of the relay for life. They estimate it was about 100 to 120 kilometres. That was a magnificent effort. We often hear only the negative about some of our defence personnel, but they certainly showed there are some wonderful people out there at the Australian Defence Force Academy that we can be extremely proud of.

Like any of these events, there are a lot of people behind the scenes, and I pay my respects to the chair of the Cancer Council, Christine Brill, and the CEO, Joan Bartlett, as well as to the Cancer Council organising committee, which is a committee of volunteers, and I particularly thank Lisa, Julieanne and Gemma. The weather was a little bit inclement at times, but in the main it was a pretty sunny activity.

As a final message, I would like to thank my dear friend Hunter Cocks who helped me with the set-up; he did not participate in the walk himself but helped me with setting up the tent and pulling down the tent. It was great to see my good mate there helping me with this event. He is undergoing his own trials at the moment; I wish him every success and I am sure that it is all going to go well, but I pay particular homage to my very dear and good friend Hunter Cocks.

Question resolved in the affirmative.

**The Assembly adjourned at 6.22 pm.**

# Schedules of amendments

## Schedule 1

## Road Transport (General) Amendment Bill 2011

Amendment moved by Ms Bresnan

**1**
**Clause 5**
**Proposed new section 58B (5)**
**Page 4, line 4—**

*omit*

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## Schedule 2

## Long Service Leave (Portable Schemes) Amendment Bill 2011

Amendments moved by the Minister for Industrial Relations

**1**
**Clause 27**
**Proposed new section 80C (1)**
**Page 13, line 15—**

*omit*

5 business days

*substitute*

28 days

**2**
**Clause 27**
**Proposed new section 80C (2)**
**Page 13, line 19—**

*omit*

**3**
**Proposed new clause 52A**
**Page 21, line 20—**

*insert*

**52A Schedule 4, table, items 16 and 17, column 2**

*omit*

69 (3)

*substitute*

69 (4)

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