



# Debates

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**Wednesday, 21 March 2012**

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

## **Family businesses**

**MR SMYTH** (Brindabella) (10.01): I move:

That this Assembly:

(1) notes:

- (a) the important role that family businesses play in Australian society through creating wealth, generating employment, delivering services and supporting their communities;
- (b) the particular requirements of family businesses including:
  - (i) reducing the regulatory burden placed on them;
  - (ii) implementing appropriate succession planning; and
  - (iii) overcoming the lack of accurate and longitudinal data; and
- (c) the role Family Business Australia plays in supporting and advocating for family businesses in Australia;

(2) calls on the ACT Government to:

- (a) acknowledge the importance of family businesses in the ACT;
- (b) ensure the particular needs of family businesses are taken into consideration when the Government makes decisions; and
- (c) ensure that Government services to business include appropriate advice and assistance to family business; and

(3) calls on the Minister for Economic Development to write to the Federal Ministers responsible for small business and associated policy areas to ensure that family businesses are accommodated in business policy development by the Federal Government and that the Australian Bureau of Statistics collects appropriate data about family businesses in Australia.

Thank you, members, for the opportunity to discuss family businesses in the ACT. The national CEO of Family Business Australia, Philippa Taylor, was to join us, but I understand she is on a plane somewhere between here and Melbourne, and of course good old Canberra fog has got in the way. Hopefully Philippa will join us during the day. The chairman of Family Business Australia in the ACT, Matthew Power, is, I suspect, picking her up at the airport. Perhaps during the course of the debate they will arrive and we can acknowledge their presence at that point.

Unfortunately we have had an apology from the national president. Mr Kennard, the CEO of Kennards, the hire firm, is also the national president of Family Business Australia. He had hoped to be here today but due to prior commitments he was unable to be here, as is the executive officer of Family Business Australia in the ACT, Kylie Kovac, whose duties have taken her elsewhere. I want to thank Kylie in particular for all her work in representing family businesses in the ACT, and I look forward to continuing our close collaboration for the long-term benefit of family businesses in the ACT, and indeed through them for the ACT economy and for the larger ACT community.

My motion intends to seek some positive action on behalf of family businesses, including the recognition of family businesses when relevant federal and ACT policies are being developed and implemented, and to look at the collection of data on a national basis about the size and performance of family businesses in Australia. There are also some concerns which have been raised by Family Business Australia, and I will come to those in a moment.

When I was considering the best way to approach this motion, I asked the executives from Family Business Australia what they would like as the focus for such a motion, and their reply was simple and forthright: "Get government out of our way." It is very pleasing to hear from a group that know exactly what it is they want. I decided that I could not really frame a motion utilising those exact words, but they did have some requests beyond the obvious, "We'd just like to get on with being business and doing our own thing."

So I have developed the motion as you have it before you. Nevertheless I think that telling government and reminding government, and reminding all legislators, that business would like government to get out of their way is the story of family businesses in a nutshell. I acknowledge Matthew Power, the president of the local chapter of Family Business Australia, who has now joined us.

This motion is to encourage the government to provide the best possible environment in which businesses can prosper and then to get out of the way. Let businesses get on with what they do best—generating employment, innovating, making a profit, continuing to invest and reinvest, as well as supporting their communities.

I want to provide some statistics to place family businesses in Australia in some perspective and to show how substantial these businesses are in the commercial life of Australia. Family businesses account for around 70 per cent of all businesses in Australia. The next fact will probably come as some sort of surprise. The average turnover of a family business is \$12 million per year. The average employment of each family business is 37 persons. Of course, there are a small number of family businesses with large employment, say 200 or more, at one end of the spectrum, and at the other end there are a large number of businesses which employ fewer than 20 people. I am sure there are many that employ fewer than five and probably a great number that employ none at all. But that is the snapshot.

The estimated wealth of family businesses in Australia was \$4.3 trillion in 2006. So we are not talking about small businesses and we are not talking about microbusinesses. We are talking about a segment of business from the very large through to the very small in this country. And that is what perhaps makes this segment an interesting segment to deal with. This analysis relates to the situation six years ago, so the valuation may be somewhat higher now than \$4.3 trillion, the effects of the global economic and financial crisis notwithstanding.

A key issue with this quantum of wealth is that more than 80 per cent of owners of these businesses plan to retire within 10 years, leading to the transfer of \$3.5 trillion in wealth. Clearly a transfer of wealth of this magnitude has the potential to raise significant issues in terms of prospective change in ownership, along with capital gains tax and other taxation consequences.

Family businesses do want the government to get out of their way, whether it be federal, state and territory or local governments. Equally, family businesses, like small businesses generally, do not want handouts. What they do want is a sensible and supportive policy framework, both federal and state, within which they can get on with their business, so that they can get on with being the dynamic force that they have been for many years, funding innovative activities, supporting a substantial workforce, generating profits and being positive influences in their communities.

When business says that government should get out of the way, one of the major concerns of business is the burden of compliance. In many regards, the issue of compliance relates mainly to the activities of the federal government, particularly concerning the administration of the Corporations Law, the taxation system and the industrial relations environment. Nevertheless there are issues which are in the province of the ACT government. Many of these relate to administrative, revenue raising and similar provisions.

As the Canberra Liberals have noted on many occasions, at least some of the ACT's revenue raising provisions can be questioned, given the policy objective of some of these revenue measures and also the relatively small quantum of revenue raised. Whichever level of government is responsible for particular compliance matters, they should review all of these regularly and remove any that are no longer necessary.

The complaint from family-owned businesses and other smaller businesses in particular about the burdens of compliance is that there are additional costs imposed on businesses through these compliance matters, and these matters often do nothing to enhance productivity and almost inevitably impair productivity and reduce profitability. Indeed, a key issue for smaller business is not so much about complying with the plethora of compliance matters; it is about ensuring that businesses do not break any of the laws to which they are subject. Many need to engage specialist external advisers at considerable cost or employ specialist people also at considerable cost to make sure that all relevant laws are complied with correctly.

Another area of concern to family businesses relates to industrial relations. Family-owned businesses have an excellent record of looking after their staff. They do not

need to be told through legislation how to look after their staff. Recent instances of the voluntary bonuses paid by Grenda bus services and Kennards Hire to their staff highlight the way in which these businesses relate to their staff and the value they actually put on the staff. They understand that when you have staff they are an asset and they are to be treasured. Again, family businesses simply ask the government to get out of their way.

A broader area of concern to family businesses relates to such matters as governance and succession planning. A survey of family businesses in 2011 found that two-thirds of these businesses want to retain family control of the business. Control is equated with ownership and the ability to control decision making in the boardroom. Further, control is seen as ensuring that the culture of a business is maintained and that the businesses continue to reflect the values and attitudes of the family. As well, control is seen as enabling a business to sustain their competitive advantage in the marketplace. While this is not necessarily an area of policy concern for government, there may be consequential issues which arise as family businesses seek to deal with orderly succession arrangements and associated matters.

I would like to spend a few moments highlighting some of the family businesses that we have in the ACT. I must emphasise that the businesses which I mention are simply representative of the range of family businesses operating in the ACT. They can vary from very small to very large enterprises. For instance, we have Bink cement. The entity has been operating for more than 50 years. How many of us have purchased Bink concrete goods when we have been developing our gardens and our yards? Cosmorex is a third-generation business and a mecca for those that love their coffee in the ACT. National Capital Motors has been operating for nearly 30 years. And who can forget Campbell's TV advertisements over so many years?

We have Canberra motorcycles. The Canberra motorcycles story is a tough story. I think we would all remember the family tragedy. Mike Houston continued to build this business in honour of those who passed. For many years it was the landmark there at the corner of Newcastle and Isa Streets in Fyshwick. Again, it is a resilient family business.

Locally we have the Civic Shoe Repair Service, a business that has been operating for some 40 years, and which has actually benefited, it claims, from the global economic and financial crisis as people repair their shoes rather than buy new shoes.

To show the diversity, we have the Jabal Halal Market, which specialises in high quality halal meats and fresh fruits and vegetables. You can go out to Canty's Bookshop, which is busily reinventing itself in the face of the growth of e-books and other competitive pressures. Somebody known to all of us, Karen Doyle, a former attendant here at the Assembly, has a family business called Grave Keepers, slowly building its presence in the marketplace.

You have only to look at Cusack's furniture. How many of us have been to a Cusack's store over the decades to purchase that bit of furniture that we needed for the home? You can look at Gulson Canberra, still located in the same spot in Newcastle Street in Fyshwick. Many of us will have fond memories of looking longingly at those

European cars that were always out of our price range, but at heart it is a family business.

One could go on to demonstrate the substantial reach of these businesses in the ACT economy. I think of Matt Power and his family. Forty years ago I was Matt's parents' paperboy. Our family business was delivering to another local family business that was recycling furniture here in the ACT. Recon Furniture is a well-known landmark. But they were small businesses starting out. They are growing. They have been handed on in many cases. They survive.

The things that they do are things that some of the big corporations cannot do. You just need to look, for instance, at the impact they have in their communities. If you own a small business, particularly in a shopfront, a number of local community groups, whether it be the school, the P&F, the preschool, the local church, the local Scout group, the local whatever group, would come through to say, "We're having a fete, we're having a fundraiser, we're having trivia night, we're having a walkathon, will you donate a prize?" It is \$50 here and it is \$20 there, and at the end of the year you can add it up. With respect to those family businesses, particularly the ones directly located in the suburbs but certainly those in the service areas as well, the number of people and organisations that rely on their local family businesses to support their charities is enormous. If you have been in any family business you would understand that.

I refer particularly to the number of people that got their first job in a family business, whether it was in your local newsagency, in your local supermarket or in your local family-owned restaurant or milk bar. The family businesses train a huge amount of our workforce and they move on. So it is important that we recognise that as well.

I reiterate the basic proposition being advocated by family businesses in Australia. These businesses simply want government to get out of their way and let them get on with what they are doing. They have been significant performers across the Australian economy since day one. I look forward to the continuation of their strong contribution to the ACT and to the broader Australian economy, and that is why I have moved this motion.

Part (1) notes the role that family businesses play. As I have outlined, there is \$4.3 trillion worth of value in the Australian economy. It is not just small or microbusinesses; it is some of the larger corporations. With an average turnover of \$12 million, imagine what, for every business that is turning over \$1 million, you need at the other end of the spectrum to get the average up to \$12 million turnover in a year.

Part (2) of the motion calls on the ACT government to acknowledge the importance of family businesses in the ACT. And this is not to the detriment of the large corporations and any other small or microbusinesses. This is a particular segment that crosses all of those areas, so we do need to acknowledge their importance. We need to ensure that the particular needs of family businesses are taken into account when considerations are made about government policy.

Family Business Australia used KPMG in 2011 to do a report called *Stewards: moving forward, moving onward*. There are a number of areas in the report that discuss the special needs of family business. Part (2)(c) calls on the government to ensure that services to business include appropriate advice and assistance to family business where appropriate.

Part (3), in particular, addresses the need for further knowledge. Family business is a big chunk of the Australian business scene, yet we still do not know enough about it. So part (3) calls on the Minister for Economic Development to write to his federal counterparts, primarily being the ministers responsible for small business and any associated policy areas, which would include the Assistant Treasurer, who is responsible for the Bureau of Statistics, and ask that the Bureau of Statistics collect appropriate data about family businesses in Australia so that we as governments can be better informed about family business, their impacts and their needs.

Family Business Australia itself and the family businesses of Australia will also then have a fuller picture of what it is they do in the economy and what the issues are that affect family businesses. It is only with strong, longitudinal data of good quality that we can actually get the policy settings right and do what Family Business Australia is asking—that is, get out of their way and let them get on with business.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.16): I thank Mr Smyth for raising this matter today. I have circulated a fairly minor amendment that notes the ACT government's support for a range of programs and acknowledges, in fact, that I have already taken the opportunity to write to the new federal small business minister on some of the matters that are raised in Mr Smyth's motion.

From the outset can I say that the government recognises the importance of business to the ACT economy and, indeed, within that, the many family-owned and operated businesses. According to the ABS, there were 25,632 businesses operating in the territory at the end of the 2010-11 fiscal year. Since the new business count data series was introduced by the ABS in 2003-04 our business population has grown on average by one per cent per annum.

Pleasingly though, in the two most recent post-GFC years, the ACT business population has grown by 5.4 per cent. About two-thirds of these businesses make their home their base—the self-employed electrician, the plumber, the IT consultant, right through to the emerging internet-based businesses.

Of course, there are many family-based businesses in the territory that operate on a much larger scale. There are many reasons for people choosing to operate a family-owned business. With restructuring in public and private organisations and the increasing trend for organisations to outsource some of their operations, there are more and more opportunities for people to build a business around unique skill sets.

There are others who opt to run a family-owned business because it gives them the opportunity to be their own boss as well as providing a shared sense of



accomplishment for the family in achieving success. Lifestyle choices also play a part, as family-owned businesses give the family the opportunity to work flexible hours. This allows people greater control when trying to balance leisure time, work and family.

The ACT government is an advocate of family-owned businesses as we are, indeed, of all small and medium businesses. We have put our money where our mouth is. The Gallagher Labor government is proud of its achievements in supporting small and microbusinesses in the territory and the pathways and networks we have created to assist small and microbusinesses to tap into support and advice.

We are particularly proud of the Canberra BusinessPoint business advisory service and the high levels of access by the small and microbusiness community in that program. Canberra BusinessPoint is a gateway to practical advice and support for both existing businesses and those intending to start a business in Canberra. It is a unique model in Australia, a small business advisory service based in the business community but funded by government.

Currently over 700 small and microbusinesses, and intenders, are accessing the services and support under the program. Last year more than 200 people attended business 101 and business fundamentals workshops. More than 80 participants attended master classes on sales, HR issues, insurance and marketing. There were 320 participants in various networking events and more than 140 clients have made use of one-on-one business mentoring sessions.

The ACT government's support of Canberra BusinessPoint also funds specialist programs delivered by the Lighthouse Business Innovation Centre that closely works with the early stage technology businesses and entrepreneurs that are commercialising innovative ideas and research and development. Around 180 clients accessed these specialist services last year.

As an aside, I am pleased to note that Lighthouse also runs the highly successful women and microcredit program for the government, a great initiative to give women in challenged circumstances the opportunity for financial independence through a business venture. Canberra BusinessPoint is just part of a suite of programs and services that are supported by the government that can be accessed by small and microbusinesses in the territory.

Other examples include the ACT InnovationConnect grant program, which assists local entrepreneurs and innovators with the step-up assistance needed to start out on the commercialisation pathway; the ACT TradeConnect grant program, which provides financial support through small grants to assist ACT SMEs to diversify their market base by developing export opportunities; the ACT Exporters Network and export awards, which help to clear a path for Canberra companies looking to access international markets; CollabIT, which connects local SMEs to larger technology companies to help them grow through collaboration and participation in larger procurement projects; and ScreenACT, which, amongst other things, works closely with aspiring filmmakers, screen producers and scriptwriters to help them build their dreams into start-up businesses and self-sustaining projects. We also have a range of venture capital involvements in partnership with the private sector.

Mr Speaker, I am sure you will be pleased to learn that the government is also working directly with the ACT chapter of Family Business Australia in its endeavours locally. Through business in focus month we have been working with Family Business Australia by sponsoring a number of their events. Firstly, there is a one-day conference targeting family businesses. The conference explored making your family business grow and thrive and featured Roger La Salle as a keynote speaker. The second conference, entitled “4 love and money” explored the unique situation of family businesses as they seek business structures and solutions that suit the family as well as benefiting the business.

Home-based business is an important category of local enterprise. National estimates suggest that around one in every eight Australian homes has a business at work behind the front door. So in the streets and suburbs of Canberra we have worked to streamline many of the planning issues that impact on family businesses.

The government, through the ACT Planning and Land Authority, has a small business service charter which sets out the services and standards that small businesses in the ACT can expect and what business people can do if the standards are not met. Recognising that many small businesses in the ACT operate from home, the government has put in place a number of planning policies that are designed to foster business activity in residential areas but in ways that also protect the amenity of residential locality and in particular adjoining residences.

Another area that will benefit all businesses in the territory is our active participation in national and interjurisdictional reform through COAG. The ACT has joined with other states and territories to deregulate 27 identified priority areas, eight competition areas and implemented regulation reform. A number of these reforms significantly reduce red tape on family-owned businesses.

Let me turn now to some exciting developments that will impact on the future growth of small businesses. Rapid advances in information and communication technology have expanded the number and range of markets available to family-owned businesses. The rollout of the national broadband network across Canberra will increase the opportunities for family-owned businesses to scale up and perhaps even go global from the comfort of home.

A ubiquitous, super-fast broadband is, indeed, a game-changer for family businesses, for small businesses and for microbusiness. It is a game-changer in a way that few of us have the capacity to imagine right now, but we must. We must start opening our minds to these possibilities. The rollout in Gungahlin is the critical, important first step in that process. We already have the most computer-savvy and internet-connected society in Australia. This early exposure through the NBN is a tremendous opportunity for our businesses to move to another level.

The first two sites in Gungahlin will be in Ngunnawal and Amaroo, covering 6,000 residences. An additional 14,800 residences in Gungahlin will have high speed broadband services within the next 18 months. As I think I have mentioned before in this place, this is in fact the second-largest rollout of the national broadband network across the ACT and New South Wales.

So what of the future, Mr Speaker? Preparation of a business development strategy that supports private sector development is well underway. Members would be no doubt aware of the extensive consultation that has been undertaken to inform the strategy. A discussion paper on a range of issues was released in December last year and the community have been invited to comment on these issues and raise other ideas and views that are relevant to the ACT government's role in building a robust local economy.

Recognising the vital role of Canberra's 25½ thousand small businesses to our economy and recognising some of the challenges that face small and family businesses, we have tailored our consultation process to hear specifically from them without placing a burden on them. Last September the government undertook an in-depth sector-based approach to obtain small business views. Groups of 10 to 12 participants representing small business owners across 10 industry sectors came together to discuss what works and what does not when running a small business in Canberra.

I am pleased to advise that more than 100 small business owners participated in the discussion groups representing business across ICT, the arts, health, education and scientific, professional, retail, building and construction, growth businesses, administration and support services, and food and accommodation. What is interesting is that the participants across the 10 small business focus groups all raised very similar issues. The issues concerned both the constraints they have experienced as business owners in Canberra and the benefits of doing business in the city.

They spoke of their optimism for Canberra and the opportunity our city offers in the future. A common theme across the groups was about accessing business information—not that it was lacking, but in fact being overwhelmed by it. Small business owners—indeed, many family businesses—are time poor and do not have the resources or capacity to expend on searching for information. The cost and time involved in finding the right information was raised as a key concern. Similar issues were raised in regard to compliance. In general, business wants to comply with regulations but often lacks the capacity to know how.

The government has listened to these views and we are about making improvements and doing things better. What these groups highlighted is that there is obviously a need for a better interface between government and small business to ensure accessibility of business information through coordinated business information services. There is always more that can be done to ease the burden of regulation at all levels of government. I have certainly heard the business community's concern for regulation creep and the disproportionate cost that smaller firms pay in regulatory compliance. It is now time to act and the government will be releasing our BDS policy very soon.

In the motion this morning, Mr Smyth has called on me to write to federal ministers responsible for small business and associated policy areas to ensure that family businesses are accommodated in business policy development. I would like to assure the Assembly that I have already taken up that suggestion. It was a very welcome addition—

**Mr Seselja:** Last night—last night when you saw the motion.

**MR BARR:** I was writing to the new small business minister who is in the cabinet, Mr Seselja. I do note that the Prime Minister, in fact, launched a major initiative here at a family-owned business, right here in the heart of the CBD. So for all the cynicism of Mr Seselja—

**Mr Seselja:** When did you write it? Last night?

**MR BARR:** the government is getting on and doing this work. I was writing to the small business minister anyway. I regularly write to the small business minister, Mr Speaker, in the role—

**Mr Seselja:** You have said you did it. When did you do it?

**MR BARR:** I wrote this letter in relation to this particular motion. I had other things to say, but I picked up on the point that Mr Smyth raised in his motion, which is fine. Do you have a problem with that? You were calling on me to do it, Zed.

**Mr Seselja:** So he has responded then?

**MR BARR:** Yes, I have. That is what I have just indicated.

**Mr Seselja:** As long as we have got that clear.

**MR BARR:** That is what I have just indicated.

**MR SPEAKER:** All right, thank you, members.

**MR BARR:** That is what I have just indicated.

**MR SPEAKER:** All right, thank you.

**MR BARR:** I wrote to the small business minister and included the suggestions that Mr Smyth raised in his motion. That letter has been sent, Mr Speaker.

**Mr Seselja:** Well done, Mr Smyth.

**MR BARR:** Well done, Mr Smyth. Thank you for raising those issues. But I also raised a number of other issues with the federal government. Yes, I know, you shake your head, Mr Speaker. It is one of those moments where, yes, it is the “who touched it first” question that we get so often in this place. But let me be clear. I am very happy to support Mr Smyth’s call in relation to this matter and have, indeed, already acted on the suggestion that he has raised.

Thank you for raising it, Mr Smyth. Thank you very much, Mr Seselja. I acknowledge that Mr Smyth raised the matter in this motion and I have responded to it. Surely you would welcome that rather than seek to score a cheap debating point. But, no, no

cheap debating point is beyond you—even when we are in agreement. Even when we are in agreement you will seek to score a cheap debating point.

*Mr Seselja interjecting—*

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

**MR BARR:** Mr Speaker, in closing, and I should not have been distracted by the interjections of the Leader of the Opposition, the government has put in place many programs to support our small and medium enterprises, including small and family businesses. We are committed to continuing our support for the sector. We will continue to see the sector grow and develop; I am certain of that. The recent data certainly indicates a robust small and family business sector within the territory. That is very pleasing to see and we look forward to that growth continuing. The government looks forward to assisting where we can and, indeed, heeding the message that sometimes the best way the government can assist is to get out of the way.

I seek leave to move the amendments circulated in my name together.

Leave granted.

**MR BARR:** I move the amendments circulated in my name:

(1) Insert new subparagraphs (1)(d) and (e):

“(d) acknowledges the many ACT Government programs supporting small and medium businesses, including family businesses such as Canberra BusinessPoint, Lighthouse business innovation service, the InnovationConnect grant program, the TradeConnect grant program, CollabIT, the ACT Exporters Network and our funding of ScreenACT; and

(e) notes the Government has undertaken consultation with small and medium businesses in development of a Business Development Strategy;”.

(2) Omit everything after subparagraph (2)(a), substitute:

“(b) continue these Government programs supporting small and medium businesses, including family businesses; and

(3) notes that the Minister for Economic Development has written to the Federal Small Business Minister congratulating the Australian Government on its new Small Business Commissioner, raising issues regarding regulation and compliance for small business and asking for the Government to consider a longitudinal business survey for small and medium businesses.”.

**MR SPEAKER:** Ms Le Couteur, before you proceed, I think given the nature of the amendments, it might be easier if we deal with Mr Barr’s first and then come to yours. Are you agreeable with that?

**MS LE COUTEUR** (Molonglo) (10.32): I was thinking of saving time. I could speak on the lot in one speech.

**MR SPEAKER:** I might put Mr Barr's amendments and then come to yours. It might be simpler, process-wise.

**MS LE COUTEUR:** Okay. The other issue from a process point of view is that my numbering is based on the original motion and if Mr Barr's amendments get up, my numbering will not be correct.

**MR SPEAKER:** We will fix that.

**MS LE COUTEUR:** If we can cope with that minor technical issue.

**MR SPEAKER:** We can cope, thank you.

**MS LE COUTEUR:** I might dwell briefly on some of the issues in my amendments, but I will try to resist the temptation. I thank Mr Smyth and Mr Barr for their contributions to this debate. Family businesses do play an important role in Australian society, as does all business, and I think it is very important that we in this place consider the issues of business as well as the issues of the general community and the government.

The Greens traditionally have had strong support in particular for small and medium sized businesses. As Mr Smyth pointed out, small and medium sized businesses are not the same as family businesses. Most family businesses are very small but a significant number of them are very large. From the Greens' point of view, we would see that there is a difference, probably, in how we would want to approach those.

As to some of the larger family businesses, I understand that ALDI is a family business. The Packer empire is also technically a family business, as is, I suppose, the Rinehart family business. These businesses have some different issues to smaller businesses. The Greens are focused on small and medium businesses more than whether the ownership is largely family. That did appear also to be the focus of Mr Barr's speech.

Bearing that in mind, the Greens believe that small and medium businesses have a very important part in the ACT economy. I think there are about 20,000 small and medium businesses in the ACT, and they perform a vital role in keeping our economy running and in supporting many tens of thousands of Canberrans.

They also have a very vital role, because being small they tend to be more agile and nimble and are usually the early adopters of things. It is small family businesses who have often been the first adopters of new technology. I am thinking right now of Dyesol over in Queanbeyan. They are now, I suppose, at least a medium, possibly towards large, family business. Nonetheless they are typical of the begin-small family businesses which have been leaders in technological developments because they are agile enough and they are committed enough to be able to go in the green direction. That is the sort of innovation that we need for a clean, green economy in the ACT.

The Greens have been working hard within this Assembly to improve the number of levers that the ACT government has in relation to small business. I will talk particularly about the impact assessment process when I actually move my amendments, given that it is the major part of the amendments, but I am pleased to see the list that Mr Barr had in his amendment of the various programs that the ACT government has for small businesses in the ACT.

But one of the other issues I would like to talk about, and I was surprised that Mr Smyth did not talk about it, is that there are burdens for small businesses, and they are not just burdens from government. Competition is a major issue for small business. Particularly here, one area of course that I would like to mention is Civic and the impact that a large business, QIC, has had on small businesses. We are all aware of the state of empty shops, in Centrepoin in particular, in Civic. We are all aware of the impact that that large business has had on smaller business. Most of the smaller businesses are of course family owned businesses, and the Greens believe there is a very real role for ensuring fair competition between businesses. And this is a role that the government has to play in terms of regulation to ensure there is fair competition.

Assembly members will recall that the Assembly is currently having an inquiry into supermarket competition policy and while obviously I do not want to make any comments as to what outcomes there may be, I think that one of the reasons we are doing this is that this Assembly recognises that competition policy is an issue. If we are to treat all our businesses fairly, we have to make sure that our competition policy is fair.

It is not simply a matter of saying, as Mr Smyth implied, that the government should get out of the arena. It is not as simple as that. We do have differences in size and power between businesses and this is an area where it is quite legitimate for the government to have some basic ground rules as to fair competition. That is why, I guess, the Greens focus more on small and medium businesses rather than on whether the ownership is family or otherwise.

On this note, we are very pleased that the federal government has now agreed to have a small business commissioner. In the past we have had an ACT small business commissioner, and that was a useful position to have. We believe that the soon-to-be federal small business commissioner will have similar aims around statistics and red tape, and hopefully this position will have a growing focus on family businesses and small business.

I would have to say, from my history in the public service and of course from what I read, that both the Liberal and Labor parties seem to have a focus on favouring bigger businesses rather than small businesses, if only because from a bureaucratic point of view it is much easier to do so. It is much easier to work with a few stakeholders in an industry than to work with hundreds or thousands of stakeholders, and I think it is really important that we, as lawmakers, continually remind the bureaucracy that while it may be easier to deal with a couple of stakeholders out there, a couple of big businesses, that is not the way to do it. We actually should be encouraging a diversity of businesses. We should be encouraging a diversity of opportunities. We should be encouraging small business and medium business.

Looking at Mr Barr's amendments, some of these programs that the government has, I have to say, are very good ideas and have been very useful. Lighthouse and BusinessPoint, I understand, have been very useful to quite a few fledgling and growing businesses. This includes family businesses and others.

I would also like to mention, as Mr Barr did, the NBN. This is an improved internet communication. This is potentially—I have to say more than potentially, it is a real game changer for small businesses. It means that they can have the sorts of facilities that in the past only big businesses could have. I am particularly reminded of the small business that I happen to live with which has just changed itself to no longer having a physical fax machine but to having a fax by the wire due to the fact that we have better communications than we used to have. We do not have to have the fax machines that we once upon a time had.

I do thank Mr Smyth for introducing a motion about business. We should spend more time talking about it. The Greens are happy to support Mr Barr's amendments, and I will speak about mine shortly, having been organised so by the Speaker.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.41): I thank Mr Smyth for bringing this forward. I thank other members for their broad support for this motion. I think that Mr Smyth has taken the lead on this because it is important to him and it is important to the Canberra Liberals that we support business. We are big supporters of business. We are supporters of small business. And in this case we are expressing our support for family business.

As Mr Smyth has pointed out, family business goes across the spectrum in terms of size. There are some micro family businesses, there are some small, there are some medium and there are some large family businesses. What today's motion, very pleasingly I think, highlights is the uniqueness of family businesses and the great work that is done by Family Business Australia. In that light, I would like to acknowledge Matthew Power, who is in the gallery today, for the wonderful work he does for local family businesses. I would acknowledge Philippa Taylor, who is hoping to be here as well, the national CEO, as well as Kylie Kovac, who does wonderful work for the local branch of Family Business Australia.

I think it is safe to say that in our city family businesses are represented in every aspect of our economy. From the coffee shop around the corner to an engineering firm, family businesses play a front-and-centre role in driving employment and innovation in Canberra. And when you think family business, several established Canberra names come to mind. Mr Smyth has touched on some of these. Bink cement, the oldest family-run concrete manufacturer in Canberra, for over 50 years, is headed by John Bink. There are also—and my pronunciation will not be great on this, but no doubt Hansard will fix it when I give them my notes—the Sciannimanica family's coffee business, Cosmorex, and Mike Houston's Canberra motorcycles, what is believed to be the largest bike showroom in the country.

Second generation businesses include National Capital Motors, founded by Campbell Brede, Tariq Jabal's Jabal Halal Market, specialising in halal meats to our Canberra



Muslim community, second generation bookshop Canty's Bookshop, run by Laura Canty, Milton and Michael Vassiliotis's 40-year-old shoe business at Bailey's Arcade, not to forget household-name family businesses like Cusack's furniture and Gulson Canberra.

There are many more, but that is just a selection of some of the prominent family businesses that make such a wonderful contribution to our economy and to the ACT. It is perhaps because of this and their uniqueness that I think they make up one of the most resilient and nimble segments of our economy.

Yet with all of this, there is limited data and knowledge about family businesses. In many cases, family businesses are subsumed within other business segments and, by so doing, it ignores the reality that the family component of a business influences that business in a way that is tangibly different from other businesses.

I think Mr Smyth's motion today draws upon a very simple principle, that being that, without understanding how family businesses operate and their success factors, governments cannot purport to understand how policy impacts on family businesses. Consequently, any attempts at assisting them will be nothing more than a hit-and-miss exercise. So we do have a problem with a lack of data, which this motion seeks to address.

At present both the ABS and the ATO categorise businesses by business size: micro businesses, fewer than five employees; small businesses, between six and 20 employees; medium businesses, between 21 and 200 employees; and large businesses, 201 employees and more. Although these categories are important and useful in understanding our business community better, the lack of distinction on family businesses sheds no light on an economic segment that accounts for two-thirds of all businesses in Australia and employs over half the country's workforce.

Equally, although most people assume that family-owned businesses are small to medium enterprises, there are some family businesses that are quite considerable in scale. For example, the 2011 survey of family businesses conducted by KPMG found that not all family businesses were small, as approximately 10 per cent of businesses surveyed had annual turnovers of over \$51 million, while at the same time 7½ per cent had turnovers between \$21 million and \$50 million and 13 per cent had turnovers between \$11 million and \$20 million. Likewise, if you were to tally up the total percentage of what many would consider a typical small mum-and-dad type business by turnover, this would amount to only about seven per cent.

What matters to family businesses? The unique features of family businesses influence the pattern of ownership, structure, management and governance. Likewise, business continuation and profit considerations bring about different goals and strategies from other types of businesses.

Having proactively consulted with family businesses, the Canberra Liberals understand that family businesses face a broad set of unique issues. There are issues concerning succession management, balancing family interests and conflict resolution. There are considerations on how family businesses are governed and the need to

address remuneration issues. There is the need for entrepreneurial skills and development and an organisational ability to change with the times. And there are considerations on matters such as exit strategies and general transition of family businesses.

As an economic sector reported to be worth in excess of \$4.3 trillion and accounting for approximately 70 per cent of all businesses, the one-size-fits-all approach on how we support family businesses is inadequate. To rectify this begins with first acknowledging there is a need for data and statistics on family businesses. ABS data publications such as counts of Australian business operators and forms of employment survey are inadequate and do not directly address family business issues. Equally, the ABS confirm that information identifying family businesses was only collected in the 2004-05 panel 1 of the business longitudinal databases. However, family businesses were excluded from 2005-06 onwards.

Just as you cannot manage what you cannot count, without adequate data to inform its initiatives, government cannot properly support family businesses without fully understanding what is there. So on that note, I commend Mr Smyth for his motion. I thank other members for their broad support of this motion. I believe it may be the first time that a parliament in Australia has in this way directly acknowledged the contribution of family businesses to this country. If that is the case, we are proud that that has happened here in the ACT. It is a reflection of our commitment to business and it is a reflection of our commitment to and our acknowledgement of the wonderful work that is done by family businesses both here in the ACT and right around the country.

**MR COE** (Ginninderra) (10.48): I, too, want to add my voice to this debate and, in doing so, give my full support to family businesses across my electorate of Ginninderra, across Canberra and indeed across Australia, for the integral role they play in our economies, but also in our communities.

Mr Smyth's motion is correct. It is appropriate that this Assembly notes "the important role that family businesses play in an Australian society through creating wealth, generating employment, delivering services and supporting their communities". After all, businesses are community groups. The local shops are community groups. When the local businessperson comes around and visits your particular place of residence or your business, that is a community service. The fact that you are paying for it does not change the fact that it is a vital community service.

In my mind, the concept of family business is a superb union of two great institutions that are vital for our modern Western democratic society. I said in my maiden speech in 2008:

I believe the family is the most important institution and we must do all that we can to support and encourage families and the important role they play in our society.

The concept of a family business, with people using their collective skills to contribute to our economy, is a noble one, and one that we on this side of the chamber

fully support. We acknowledge the thousands of businesses that continue to trade as family businesses or that have moved to a different structure but nonetheless started as family businesses.

There has been some talk during this debate about the size of a family business—when does a family business grow too large and when does a family business not deserve all the attention of other family businesses? They are very tricky questions, but I have got absolute admiration for companies that trade at an international level that started as family businesses. There is no critical threshold where it is immoral to suddenly be too big—absolutely not. We should be commending the people that have made those businesses what they are. It is all too easy to have a go at some of these people that have created tremendous wealth but in doing so have spread their wealth to thousands and thousands of staff, customers, related businesses and many other people. I take my hat off to them. I commend them and I thank them for the contribution they make to all societies, particularly Australian family businesses.

I think it is fair to say that the population of Canberra is fairly risk averse. All the indicators on our median levels of income and other quantitative indicators suggest that we are a wealthy society. Of course, this is not so for absolutely everybody. However, we must not forget that one of the drivers for high and medium incomes is the large numbers of people employed in the public service at incomes that are regarded, at least by the rest of the country, to be high. Such incomes, especially at the entry level, put tremendous cost pressures on family businesses that compete in this labour market for staff.

There are many times when a small or emerging family business cannot match salaries being offered in the public service, whether it is the ACT public service or the commonwealth one. Whilst this challenge facing many businesses is extremely difficult, it is family businesses and other small businesses that seek to attract and retain staff on grounds other than financial remuneration. For example, it is the flexibility and approachability of family businesses which allow for unique work arrangements where people with many things going on in their lives are able to negotiate conditions that suit both parties. Family businesses are in the real world, so they can give real-world solutions to real-world problems.

I, too, would like to echo the words of Mr Smyth and Mr Seselja in calling for the government to allow family businesses to do what they do best and to stay out of the way. When governments meddle in the free market, when they meddle in transactions, when they meddle in family businesses, things go wrong. Governments are not the sole repository of information and wisdom, and we must never be complacent by thinking that they are.

If I may return to what I said earlier about Canberrans being risk averse, I think that could be said for many in Australia and it is understandable why that might be. Australia is a great country and I believe that the majority of Australians enjoy a relatively high standard of living. Because of this, it is often hard for people to take the plunge of going into business and to make the sacrifices that such decisions entail. However, there are, of course, rewards which can be had as a result of taking on that risk.

Anybody in small business, especially in family businesses, understands the concept of risk better than anybody else. They understand the confidence they need to have in their product, in their service, in their staff, in their suppliers, in their banks, in their property, in their regulators, in their government and in their customers. This is real risk. They understand the weight on their shoulders of having a cash flow and having payday approaching. They understand that they are often in the hands of the risk profile assigned to them by their bank and they understand that government decisions can make or break their businesses with the signing of legislation or regulation.

In Canberra, we constantly talk about the need to diversify our economy to get away from our dependence on the commonwealth public service as our main source of employment. Some people think that there will be a silver bullet in the form of a particular business or industry which will solve all our problems, perceived or actual. However, in reality, our responsibility as members of this place is to ensure that our overall business conditions, which we legislate and govern for, are ones that are conducive to taking risks and creating wealth.

People in business, whether it be family business or otherwise, are not asking for people in this place to give them free kicks or to give them opportunities they otherwise would not be able to get on their own. What they are asking for is certainty and a return on the risks that they take on. When people in this place meddle in markets, when we make it too hard for people to trade, and when we do not acknowledge the risks and the rewards which businesses, especially family businesses, take on, problems start to occur.

I take my hat off to Family Business Australia. I take my hat off to all the people in my electorate of Ginninderra and across Canberra who have taken the plunge, who have created wealth. Wealth is not created by paying taxes. Wealth is created before one pays tax. To do that, people need to work hard and to make tough decisions. I thank all those in family business for doing so.

**MR SMYTH** (Brindabella) (10.56): I will address the amendments. The opposition will accept the amendments. I think there is a slight missing of the point. The point of the motion was that family businesses just are not small and medium businesses. So where we specify in some of the amendments that the government, for instance, supports small and medium businesses, we know that; we acknowledge that. But it is the particular issues that affect family business that made me raise this motion today.

I would hope that members do not think that when you are talking about small and medium businesses you are talking about family businesses, because you are not. They do start with the micros; they are home based; they are certainly small and medium businesses. But they are large and growing business, and big business and international business as well. That is really the point of the motion.

I note that the government's amendments delete everything after (2)(a). I am not sure whether they just delete (2)(a), and (b) and (c) survive. I am surprised that we would delete (2), which says:

... calls on the ACT Government to ... acknowledge the importance of family businesses in the ACT ...

**Mr Barr:** No: (2)(b) and (c).

**MR SMYTH:** So you are deleting (2)(b) and (2)(c); you are leaving (2)(a) there?

**Mr Barr:** Yes.

**MR SMYTH:** Okay. I did not know whether it meant after (2)(a) or after the end of (2)(a). All right; that is great. I am glad that that remains. But that was the point of the motion.

I will go back to the statistics. It is 70 per cent of Australian businesses. The average turnover of a family business is \$12 million per annum. That is from a broad range. Some might turn over less than \$100,000; some will turn over billions of dollars. But it is not just small and medium. With the wealth of the sector at \$4.3 trillion, it is a large chunk of Australian business. That is the point I would make.

I notice that Mr Corbell now has some amendments to Ms Le Couteur's amendments. It is great that the government will now undertake a review of the operation of the small business impact assessment process in the ACT planning system. That is good—anything that we can do to relieve the burden on small business. But again, if that is just aimed at small business, it does miss the point that these are everything from microbusinesses to large businesses and international businesses. I hope we do not miss that point.

That said, it is very pleasing that people have taken the time to come up with amendments to, hopefully, improve the motion. We will read it when it finishes. In regard to the amendments, the opposition does not have any problem with the amendments going through.

**Mr Barr's** amendments agreed to.

**MS LE COUTEUR** (Molonglo) (10.59), by leave: I move:

(1) Insert new subparagraph (1)(f):

“(f) the important role of micro, home-based, small and medium businesses in the ACT economy;”.

(2) Insert new subparagraph (2)(c):

“(c) improve the small business impact assessment process in the ACT planning system by:

(i) establishing an independent assessment process;

- (ii) investigating other impact assessment models;
- (iii) establishing appropriate triggers; and
- (iv) establishing an inter-departmental committee; and”.

My amendments have two parts. The first is to note “the important role of micro, home-based, small and medium businesses in the ACT economy”. I think that we have pretty uniform agreement from everyone who has spoken here of the importance of those. I note that the original motion is about family businesses, and we are quite clear that family businesses and small businesses are not necessarily the same. Nonetheless, we can probably all agree that the micro, home-based and small and medium businesses have an important role in the ACT economy.

The more interesting part of my amendments is to insert a new (2)(c):

... improve the small business impact assessment process in the ACT planning system ...

This is an area that certainly needs work. It is something the Greens have thought about for a long time; it actually reflects an item in our agreement with the Labor Party, where we said there was an issue with this.

We have been working slowly but steadily on this issue over the last few years. It has come to a head particularly in two places. The first is Civic, which I mentioned, and the impact of QIC. I mentioned that in my original speech so I will not go into Civic in great detail. The other place where it has come into play in the public arena has been in Giralang. I will not speak about that at huge length, because I note, first, that there is a supermarket competition inquiry and, second, that, I understand, it is subject to a Supreme Court action at this point in time. But these two examples are enough to illustrate the point that I am making: we need a better small business impact assessment process in the ACT planning system. What we have got at present does not work very well.

One of the most obvious reasons why it does not work very well is that the small business impact assessment is commissioned and paid for by the large business which will be potentially impacting on small business. We have gone through it over the years as a society and we have considered the conflict of interest situations here. We generally say that you cannot do your own assessment of your own actions in something like that.

While big business will always be commissioning some consultants, nonetheless they are the ones commissioning it. We do think it is appropriate that they pay for this work; there is no reason why the public purse should be paying for it. But the public purse, ACTPLA, can do the commissioning and make sure that it is a truly independent process. Possibly we have the situation where the independent consultant could be appointed from a panel. That might be the way to do it. I understand that in some instances ACTPLA has had to effectively commission a second small business impact assessment because the information in the first one that has been

commissioned by the proponents has so much commercial-in-confidence information implied in it that there has been no transparency and no way that ACTPLA and other businesses can work out whether or not it is correct.

One of the other problems with our current situation is: what is the trigger for when you need one? When is there going to be an impact on a small business? We need to do quite a bit more work on that.

What I have got in my amendment is a four-part process. The first is about establishing an independent assessment process. That is really what I have been talking about: it should be independent, not done by the proponent. The second is about investigating other impact assessment models. Clearly this is an area we are not doing very well in. I think that there is worth in looking at some other ways of how we model it. Do we look, for instance, at modelling for a bigger area? Currently we tend to model for one kilometre. Should we go to three? Should we go to five? How should we best do the modelling? The third is about establishing appropriate triggers. As I said, it is not really clear how big a development is needed before we look at the small business impacts. The fourth is about establishing an interdirectorates committee to work on this. This is because this clearly goes to a number of areas of government. We clearly have planning issues; we clearly have business issues here. We have got two directorates involved in this; they need to talk about it and get something worked out between the two of them.

I commend my amendments to the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.04): In speaking to Ms Le Couteur's amendments, given that they deal with the operation of the planning system when it comes to the assessment of new developments and the impact on existing small business, the government and the Greens have been in discussion about the most appropriate way to address some of the issues that Ms Le Couteur and her colleagues have raised in relation to the operation of small business impact assessments.

My view is that at this point in time it is important to ensure that small business impact assessments are seen to be independent as well as actually be independent. The process that occurs currently is a process whereby the proponent for a development, where required, has to produce a small business impact assessment. That is obviously commissioned from a company or an individual who has the appropriate expertise and knowledge to do that assessment. The concern that Ms Le Couteur raises is, obviously, that that person or company has been commissioned by the proponent and the proponent is not going to commission an assessment which does not suit their proposal.

I think that view is, in some respects, accurate. In other respects it is not. Obviously a proponent is going to seek to procure an assessment which is favourable to their proposal. However, at the same time, a reasonable proponent, a responsible proponent, is also going to have regard to what an impact assessment says in terms of what they actually propose for the development. And equally the person or company preparing

that assessment has their own professional credibility on the line and is not going to simply do whatever the proponent seeks.

So I think this is a more nuanced discussion. That said, the key issue for the government is to ensure that the process for assessment of that small business assessment is a robust one—that is, the process undertaken by the planning authority itself in looking at the results of that assessment commissioned by the proponent.

The question that I am keen to pursue is whether there should be the establishment of a process whereby the proponent still pays for the assessment but the assessment is undertaken, for example, by someone from a panel which is established by the planning authority for that purpose and that panel is composed of appropriately qualified entities who can undertake that assessment, thereby meeting the requirement that the proponent should pay but at the same time removing any perception—and I would argue it is more perception than reality—that the proponent is somehow influencing the outcome of that assessment to suit their own purposes.

To that end, I am suggesting that there should be a couple of amendments to Ms Le Couteur's amendments. I have circulated those. I now seek leave to move my amendments to Ms Le Couteur's amendments together.

Leave granted.

**MR CORBELL:** I move:

- (1) Omit “improve”, substitute “review the operation of”.
- (2) Omit “by”, substitute “including”.
- (3) Omit subparagraphs (i) and (iv).

Members will see that there are some minor wording changes to the first part of Ms Le Couteur's proposed new part (2)(c). And the more substantive change is my third amendment, which omits parts (i) and (iv) of Ms Le Couteur's new part (2)(c). This is simply to reflect the fact that I think that in some respects the wording of part (i) is not accurate, for the reasons that I outlined in my earlier comments. But, secondly, part (iv) is perhaps a little precipitate at this point in time, given that there is a need to look at how other impact assessment models operate and what the appropriate triggers should be.

But the government is prepared to put on the record today its preparedness to look at those other two matters—that is, the process of impact assessment and what the triggers are for impact assessment—as we progress further discussions on this matter.

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

**Ms Le Couteur's amendments, as amended, agreed to.**

**MADAM DEPUTY SPEAKER:** The question is that the motion, as amended, be agreed to.



**MR SMYTH** (Brindabella) (11.10): I thank members for their support today. In closing the debate I might start by acknowledging that Chris Faulks, the CEO of the Canberra Business Council, is here. Of course, the Canberra Business Council has a significant and a long-term interest in the growth of family businesses in the ACT. Ms Faulks, your presence is most welcome. I think that highlights the importance of this motion today. The national CEO would have been here but for the fog. We have got the local chairman of Family Business in the ACT and a representative of another significant business organisation in the gallery with us as well.

In many ways the future of Canberra may well be the future of family businesses in Canberra. It is about those entrepreneurs who have a go. It is about those with innovation in mind who are looking for solutions not just to Canberra's problems but the world's problems. Many of our local family businesses, although still small in size, are international in stature and are offering solutions around the world to the problems that face the world. That is a great future for a territory like the ACT to have—a vibrant, active business community, particularly a family business community, that is willing to do the job.

I think the point needs to be made that family businesses are putting it all on the line. When mum comes home and says, "I'm sick of being a public servant; I'm going to go off and do this," or dad comes home and says, "I'm sick of working for him; I'm going to start my own business," it is not just about their job. It is the entire family livelihood; it is the bread on the table. At the end of the day, it is the shoes on the kids' feet and the ability to feed the family that stemmed from what those who are tied up in family business do.

Let us acknowledge that, almost by definition, most, if not all, family businesses must start as a small entity. Lang Hancock was a farmer who happened to find a great big lump of iron ore on his property. It is a huge business now, but it is still a family business. I am not sure how much iron ore family businesses are going to find in the ACT, but if they find that metaphoric lump of iron ore that might be a new program or an industrial process or whatever it is that the ACT can benefit from as a community, that would be a good thing. Just remember that when a family business starts off, everything is on the line. It is not just dad's dream or mum's ambition. It is the future of the kids and the future of that household as well. Matt Power can testify to this because I know he has done it.

We used to work for very small amounts on a Saturday morning running the shop with dad. My father got to this country 63 years ago from his native Northern Ireland and not long after he took out his first loan. He borrowed £5,000 and the rest of the family told him he was mad. Nobody borrowed £5,000 in 1954. Dad borrowed the lot. It led to three service stations and a newsagency in Sydney. When we moved here we had Lyons, then Fisher and then Cooleman Court newsagency as a family.

It was not just dad; mum ran the family. Mum did all the things that mothers normally do, particularly when you are raising 10 kids at home. She freed up dad's time so that dad could leave early in the morning, often at 4 o'clock, and get home late at night because he was running the family business. Mum was the active partner; it could not

have happened without mum. I certainly acknowledge my older sisters. The early morning wake-up calls when dad would come and get you at 6 o'clock on a Saturday morning and say, "It's time to go to work," after a school dance or whatever often were not welcome. But it was done as a family and for the family's long-term benefit. I acknowledge dad's role and mum's role in it, and certainly all of the brothers and sisters who did their part.

We learned our skills there at the family business. One of the things dad would never let us do was use the calculator ability in the old cash registers. That was long before the electronic cash registers. He made us do it in our heads or do long multiplication or division on a bit of paper. He taught us how to deal with people, how to assist people and how to be part of the community. There were those calls when Mrs Jones would ring and say, "I can't get down; can you run something up?" Small business, but particularly family business, I think go out of their way to answer those calls. You see it today in the chemists with the service they provide. It is still there in the newsagencies. It is in all those small businesses that are willing to come to you and offer that little bit extra.

First and foremost, I think we need to remember that when you get into family business it is all on the line. Everybody is involved; there are no freeloaders. The second point, of course, is that often these decisions are made around the kitchen table and it is about the family doing things together. It is one of the great strengths of family business that families do it together. In a way, it may also be one of the liabilities when you talk about succession and moving on and control. As dad was getting on we were saying to him, "You need to take it easier." Dad's idea of taking it easier was not doing 80 or 90 hours a week but cutting back to 60 or 70 hours a week. There are so many families like that. The demands on their time and their inability to get out of the business make it very hard, because the founders in particular are the linchpins of those businesses. (1) it is all on the line and (2) it is all set around the kitchen table.

Those are some of the points that I wanted to make about the importance of family business and why they are different from other businesses. They cut through that entire segment. They are large, they are medium, they are small, they are micro and they are home based.

I thank members for their contributions today. I think the overwhelming support for the motion says that this place does understand the need to support family business. It certainly notes the role that Family Business Australia plays in supporting and advocating for family businesses in Australia. I would be interested in hearing when the minister gets a response to his letters because I have also written to Mr O'Connor and the Assistant Treasurer specifically saying, "Can we include family business?" I hope in the minister's letter the reference made was not just to family business; there is a lot of data collected on small and medium businesses. The problem is that it is not disaggregated down into whether or not they are a family business and what problems family businesses particularly face.

I thank Family Business Australia for their attendance here. Members may or may not know that the search is currently on for the longest running family business in the

ACT. It will be interesting, when it is revealed who that is, to hear how long they have been in the ACT. For those that do not know—I think it is on 25 May—there is a race day coming up which will be dedicated to family business. It is about raising the profile of Family Business Australia and family businesses in the ACT. The reverse of that is to say thank you very much for what you do in contributing to the community.

That is the point I will close on—the contribution to the community. In so many ways family businesses contribute to our community and the wellbeing of our community. Family businesses are often right at the touch point, the contact point, whether it be medical if you are in a small doctor's practice or service delivery if you are in a shop or you provide a service. They know their community and they look out for their community. We are far better off as a community for the role that family businesses play in our community because it is so often person to person, people to people. That is something that we cannot afford to lose.

It is important that they are acknowledged in government policy. It is important that we recall them when we make decisions as legislators. It is important that we thank them so that they do understand we support them in all that they do. They create the wealth, they provide the employment and they provide the services. At the end of the day, so many of our family businesses are at the heart of our communities.

The example that most springs to mind is the Kalokerinos family and their almost 40-year association with the milk bar at Curtin. Vince was Curtin shops. When Vince passed, Viola became the heart of Curtin shops. That is what we cannot afford to lose—the people, the identity, the caring, the loving, the contribution, the giving, the creation. All of the good things that come out of family businesses flow immediately back into their local community. Some of it is by osmosis and some of it is directly through things like employment. But at the heart of all our communities, if you look around, the person that you probably most identify with a location, indeed, is a family businessperson. For that we should be very thankful. I thank members for their support for this motion today.

Motion, as amended, agreed to.

## **Liquor Amendment Bill 2012**

Debate resumed from 22 February 2012, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.19): The government will be supporting this bill. The introduction of this bill gives the government an opportunity to make some comments about the liquor reforms over the past two years. The government has always looked to establish a solid working partnership between the liquor industry, the community and government, and it is pleasing to see that this ongoing partnership appears to be delivering results for our community.

It is important to remind the Assembly why the government reviewed the laws in the first place. It was in response to growing community concerns about the level of alcohol-related violence, crime and antisocial behaviour which was occurring in our city, particularly late at night.

Since the implementation of the new laws, ACT Policing's statistics show a continuing downward trend in the number of alcohol-related incidents in the territory. ACT Policing attributes this trend to the higher degree of enforcement of the liquor legislation, the establishment of the new ACT Policing alcohol crime targeting team and improved working relationships between ACT Policing, the Office of Regulatory Services and the industry.

The government takes this opportunity to thank all of those who have participated in the consultation processes over the last two years and welcomes the ongoing cooperation that we see between all stakeholders when the planned two-year review of our liquor laws occurs next year.

Turning to the bill itself, the government supports giving the liquor industry at least three months notice of liquor fees. People need time to arrange their business affairs and be able to meet their financial commitments. I know a lot of small to medium sized businesses would have been pleased last year when their fees went down. For those larger, more risky businesses which trade late and have higher incidences of violence, government has maintained the capacity for those with larger liquor licensing fees to pay their fees quarterly.

The Assembly may recall that prior to the notification of the new Liquor Act in September 2010, the annual determination and announcement of liquor fees occurred soon after the May budget each year in the standard fee instrument made for 1 July each year. Licensees then had up to five months notice of their fees, which saw increases in line with annual indexation. Giving the industry adequate notice of fees is a longstanding practice of the government. This practice, however, did change for a brief period because of the introduction of the new liquor reforms and the need to increase liquor fees to fund the new regulatory costs of the ACT Policing alcohol crime targeting team and the additional regulatory services placed with the Office of Regulatory Services.

On top of this, it is important to remind the Assembly that the Assembly itself required the government to undertake a comprehensive review of liquor fees last year, which would not, according to the Assembly's own time frame, have met the time frame proposed in Mr Rattenbury's bill. This meant that liquor fees for 2011 and 2012 could not be determined and notified midyear, soon after the May budget. The government required extra time to undertake the fees review and then settle and notify the new fees by November. As I have just pointed out, if this law had applied last year, the government could not have made the new, more appropriate risk-based fees that currently apply.

**Mrs Dunne:** Well, you pulled your act together.

**MR CORBELL:** Well, no, that is not true. I hear Mrs Dunne's interjection. The reporting date imposed by the Assembly on the government in relation to the review of liquor licensing fees actually fell within the three-month period proposed by Mr Rattenbury. I think all members should reflect on that.

Now that the liquor reforms and the new liquor fees are behind us, government can return to its previous standard practice of including fees in the annual fees instrument, as this was always the government's intention. Liquor fees for the coming year will be announced soon after the May budget this year and will be placed back in the Attorney-General fees determination which will commence on 1 July. This will give licensees up to five months notice of their fees, which will become due and payable by 30 November this year. So whilst the government believe this bill is largely superfluous, we cannot fault the sentiment behind it, and therefore we will be supporting the bill.

**MRS DUNNE** (Ginninderra) (11.24): It is fitting that this issue should come up immediately after Mr Smyth's motion on the importance of family businesses, because people in the hospitality industry are often family businesses, and the impacts of government decisions are often very troublesome.

The Canberra Liberals will be supporting this amendment to the Liquor Act proposed by Mr Rattenbury. We do not do so with any great alacrity, because in many ways this sort of approach should be unnecessary. It is the case that members of the community who have to pay government fees and charges should be given reasonable notice, and that that should be just a matter of doing business with government in a sensible way.

Mr Corbell referred to the fact that prior to the 2010 reforms the fee determination came out at the beginning of each financial year and that gave people notice. It may have given liquor licensees notice, but since I have been the shadow attorney-general and the shadow minister for the Office of Regulatory Services, every year I have had complaints from businesses about the late notice that this attorney gives to a whole range of increases in fees. I recall that two or maybe three years in a row I have written to the attorney passing on the complaints of the business and legal communities about the increases in fees and asking him to be more timely next year—and it never happens. This is the main reason the Canberra Liberals are supporting this provision today, because we cannot get the Labor government to treat businesses appropriately and give them appropriate warning.

We need to keep in mind that the Greens have not covered themselves with glory in this place on this issue. We have to remember that back in 2010 I moved the disallowance of the fee schedule, and Mr Rattenbury had the opportunity then to put a stop to the draconian increases in fees that were experienced in 2010. He had that opportunity and he let it pass. He let it pass because he said, "It's all too late and it's all too difficult." Well, it was not too late and it was not too difficult. We would have reverted to the fees that we had before. There would have been fees payable. People would have had some certainty and they would have been able to participate with the government and the rest of the Assembly in setting a reasonable fee schedule.

On that occasion the government gave the community about three weeks notice of huge increases in fees—baseline increases of over \$3,000 and rising to extraordinary figures beyond that. That was all on the back of the government saying that it wants to stem alcohol-fuelled violence. Most of the places that experienced huge increases in fees were not the sources of alcohol-fuelled violence. Most of the alcohol-fuelled violence does not happen in venues; it happens on the streets. There is no way of quantifying the extent to which the alcohol-fuelled violence that happens on the streets is caused by people drinking in venues or people who front load and then come to Civic looking for a good night out and possibly a fight.

The message of the Canberra Liberals in relation to addressing alcohol-fuelled violence was that there needed to be more emphasis on the personal responsibility of the people who go out and get drunk. There have been some improvements; there has been a range of extra fines and penalties, but I think a lot more needs to be done about the police ensuring that they pick up those young people who are out drunk looking for a fight before those fights happen.

The issues raised by Mr Rattenbury point to the fact that the government is very bad at providing services to business. This is an admission that the government is bad at this, and this is a small token of acknowledgement that the government is very bad at doing business with people. These provisions will be difficult to implement, and I just take this year for example. We go into caretaker period about the time that this will kick in. This means, of course that the government will have to announce their decisions on the fee determination before the caretaker period. It also has implications for incoming governments—whether they want to be bound by those fee determinations. The notice provisions for changing those fee determinations will be very difficult for an incoming Liberal government.

These are practical issues that Mr Rattenbury has not raised. I spend my time trying to kick back from the Greens' approach to drafting legislation, which is to be highly prescriptive all the time about what goes in legislation. It is also the government's proclivity, which is why we have businesses which do not cause and do not have an impact on alcohol-fuelled violence having to draw up risk assessment management plans—RAMPs—under the Liquor Act, which have the full force of the law in a very prescriptive way. As one licensee said to me only this week, "I suspect that the Queensland government now regrets the fact that it had a dam operation manual that had the full force of the law because of the implications of the Wivenhoe Dam."

We actually have the same sorts of problems here in the Liquor Act. Every RAMP compiled by everyone from the largest venue down to the local Chinese restaurant has the full force of the law. I suspect that most of the local Chinese restaurants do not understand the implications of what they have signed up to and the fact that if they do not comply to the letter they are in breach of the law. These are draconian provisions which are unnecessary in a large number of cases.

The Liquor Act is extraordinarily problematic. There are a huge number of problems in the Liquor Act and they will only be addressed by an incoming Liberal government, which will be able to deal with small business in a more appropriate way than has

been the ham-fisted approach of this government over the last two years. This is a small sop and a small means of improving the lot of liquor licensees. For that reason and that reason alone—because we cannot get the government to do this without legislating in this place—we will support this bill.

**MR RATTENBURY** (Molonglo) (11.32), in reply: I thank members for their support for what I described when I introduced the legislation as a very simple amendment. It is a very short one; it seeks to serve a very specific purpose. It is about making a practical business for small business holders across the city. The late notice of fees in the last two years has been a source of frustration for licence holders, and I am pleased the Assembly has agreed to remedy that situation. Mrs Dunne made reference to the fact this should be unnecessary. Whilst I agree with her to some extent, I think the situation has been such that, whilst this should be common sense, we have reached a point where the Assembly being explicit about its expectations is a necessary step.

I found that Mrs Dunne's comments about over-prescription did not quite follow the debate in the sense that this is being prescriptive on government to act in a certain way. This is not about putting an extra burden in place for licence holders. It is actually all about making it clearer and simpler for licence holders and having a degree of certainty. I think that is a positive. This is exactly the sort of practical step that the last motion was all about—it is about making it simpler, making it clearer, making it more certain.

I thank members for their support and I look forward to this taking effect and having the desired effect.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Water—Cotter Dam**

**MRS DUNNE** (Ginninderra) (11.34): I move:

That this Assembly:

(1) notes:

- (a) that the enlarged Cotter Dam project has experienced significant delays in its completion;
- (b) that the final cost to the point of commissioning into service will be significantly over the budget of \$363 million; and
- (c) that ACTEW Corporation has been working on a new estimate of the final cost of the dam to the point of commissioning into service; and

(2) calls on the shareholders of ACTEW Corporation to:

- (a) table in the Assembly by the close of business on Wednesday, 28 March 2012:
  - (i) the budget estimate as it stood at 1 March 2012 for the total cost of completion of the project to the point of commissioning into service;
  - (ii) the estimated actual expenditure on the project up to 1 March 2012;
  - (iii) the estimated final cost, given the impact of the March 2012 rain event, of the project to the point of commissioning into service; and
  - (iv) the projected date, given the impact of the March 2012 rain event, of commissioning the project into service; and
- (b) provide an update to the Assembly at the commencement of each sitting period until the end of the Seventh Assembly, current as at each sitting period, as to the:
  - (i) construction progress;
  - (ii) estimated completion date, to the point of commissioning into service;
  - (iii) actual cost of construction to the nearest possible date prior to the relevant sitting period; and
  - (iv) estimated final total cost of completion, to the point of commissioning into service.

This is a motion about providing for the people of the ACT, through the shareholders and through this Assembly, information about the biggest single infrastructure project in the ACT. From the very beginning this project has been fraught. It has been fraught with misleads, omissions, errors, underestimates, cost blow-outs and government indecision. There is no doubt that the net economic benefit to the community is unquestionable. The construction of the dam, however, has been burdened with rain, flood delays, safety concerns and a swag of prohibition notices.

In my view this Assembly and the people of the ACT have never received from this government any kind of definitive statement, any straight answers or, indeed, any honesty in relation to the major water security projects. We have seen situations in which this government and the shareholders of Actew Corporation in particular have gone so far as to try and hide behind corporate and commercial confidentiality.

The shareholders to whom this motion is addressed today hold shares in Actew Corporation in trust for the people of the ACT. But here we are spending well over half a billion dollars on water security assets—by far the largest infrastructure projects ever undertaken since self-government—and this government does not treat the people of the ACT, the people who pay the bills, with any level of respect or trust.



I want to make two important comments at the outset of this debate. Firstly, I want to confirm what the Canberra Liberals have said in relation to water security projects as a matter of principle. The Canberra Liberals support the major water security projects for the primary outcome those projects will deliver. That outcome is to provide the people of the ACT with more certainty as to their future water supply.

This, of course, must be kept in balance with a net economic benefit analysis and, as I said earlier, for this project there seems to be no doubt, but overall there is some doubt in my mind and in the minds of many in the community, as to whether some of the projects should have gone ahead. It also must keep in balance the amount of water to which the ACT will have access as a result of sustainable diversion limits proposed by the Murray-Darling Basin plan.

The second comment is that this motion is not about Actew Corporation; it is about keeping the government accountable to the people of the ACT—the people who are paying for these projects.

I have been very critical of Actew Corporation for their management of the project through its development phase; I emphasise “development phase”. There was a lack of transparency and accountability through that process. There was an unwillingness to provide complete and accurate information through the development phase. Added to that was the level of inconsistency in information.

Let me reflect on the nuts and bolts of that inconsistency and lack of transparency and accountability. In April 2005 Actew Corporation’s future water options report estimated that the cost to enlarge the Cotter Dam to 78 gigalitres would be \$120 million. A year and a half later, in October 2007, the former Chief Minister, Jon Stanhope, announced that the Cotter reservoir would be enlarged at a cost of \$145 million. So in 2½ years the cost had escalated by almost 21 per cent. Another six months later, in April 2008, a report of Halcrow Pacific, commissioned by the ICRC, notes that Actew believes “the final target outturn cost may be up to 30 per cent higher”, so that would make the cost \$188½ million. This was confirmed on 18 May 2009, when Actew’s managing director told the estimates committee:

In early 2008 the ICRC accepted an estimated cost of \$145 million. We are working on an estimate of costs that we warned in the report would be 30 per cent higher than that again.

So in May 2008 Actew confirmed to the estimates committee a cost of about \$188½ million.

Less than two weeks later, on 30 May, the *Canberra Times* reported Actew’s managing director as suggesting that the cost would be up to \$246 million. So in a period of two weeks the latest cost had escalated by a further 30 per cent. Just over three months later, on that famous date, 3 September 2009, Actew announced that the total outturn cost would be \$363 million—yet another increase, this time by more than 47 per cent. So in the space of 4½ years the cost of the enlarged Cotter Dam had risen from \$120 million to \$363 million, an increase of more than 200 per cent in 4½ years.

Happily, since those times Actew has become accommodating and candid in its briefings on the progress of the project, and for that we are grateful. My colleagues and I have been treated most hospitably by Actew at briefings, both at Actew Corporation and on-site briefings of the major water projects. We are grateful, too, for Actew's commitment to the project and the progress that has been made. It is without doubt a substantial and impressive engineering feat.

If I may be permitted a pun, on 26 March 2006 the former Chief Minister, Jon Stanhope, tried to throw cold water on the whole idea of water security. Mr Stanhope told the Assembly—I have quoted this often; it is almost graven in my memory:

... it may be that we do not need to think again about whether or not we will ever need a dam. Perhaps we will in 30 years time, perhaps longer and perhaps never.

**Mr Coe:** Wisdom.

**MRS DUNNE:** It was great wisdom from Jon Stanhope, and it was great wisdom from Jon Stanhope that was touched on by the leader writer of the *Sunday Canberra Times* a couple of weeks ago, because that is the principal cause of the great cost blow-outs.

Madam Deputy Speaker, I put it to you that in making that statement Mr Stanhope was not enunciating government policy. I suggest it was one of those impetuous off-the-cuff comments to try and dispel the standing policy of the Canberra Liberals at the time, and the consistent policy, that Canberra needed to have more water storage capacity. That comment, much like the half-dozen words scribbled on the top of a letter from Megalo Print Studio + Gallery asking for the Fitters Workshop, was sufficient to throw into disarray any vision or forward planning for additional water storage. The result of that comment was long delays in planning the project and the development process and the cost increase of over 200 per cent for Canberrans. The people of Canberra have to pay for that cost, and they can thank Mr Stanhope and ACT Labor for the privilege.

Madam Deputy Speaker, you will recall that the ACT had a major rain event in early March. This event caused considerable damage and flooding in and around the territory, including at the Cotter Dam construction site. As has been said to us on a number of occasions, the greatest enemy of a dam construction is rain. But even before that event it was apparent that the cost of the construction of the enlarged Cotter Dam was going to exceed the budget of \$363 million. There was some intimation by Actew officials about this in the media and it was quite clear to my colleagues and me that we were being softened up for an increase. The rain event and consequent flooding have exacerbated that even more.

So it is time for the government to learn from Actew's contemporary attitude and to be more up-front with the people of Canberra. It is time for this government to be more open and transparent, and it is time for the shareholders in Actew Corporation to act like shareholders and to act on behalf of the people of the ACT for whom they

hold these shares in trust. It is time for the government to be more honest and frank. It is time for the government to give the people of Canberra, who are paying for the dam, some straight answers.

So my motion carries two main elements: it calls on the government to tell us the story as it stands now and it calls on the government to give the Assembly and therefore the people of Canberra regular updates on progress. This is a simple and perfectly normal approach that any government should deliver. It is a simple and perfectly normal approach that the people of the ACT should expect from their government.

Let me express the call of this motion in the clearest possible terms. First, I deal with the story as it stands, starting from the position of the last known budget for the dam, \$363 million. We want to know four things. Two of them relate to the period up to the March rain event and two relate to the impact of that rain event, and they should not be blurred in any way.

In relation to the period up to the March 2012 rain event, we want to know the latest budget figure for the completion of the dam to the point of commissioning into service. Obviously some explanation of any difference between that figure and the last known budget figure would be appropriate. Also in relation to the period up to the March 2012 rain event, we want to know how much had actually been spent on the project up to that time. Again, some discussion would be desirable about how that spend compares with what might have been expected to have been spent up to that point of construction. Then we want to know what impact the March rain event has had on the new budget as it stood prior to the March rain. We want to know when Actew will be able to commission the completed dam into service. Once again, some discussions about changes in the time frame would be appropriate.

The second element of the motion calls on the government to give regular updates at each Assembly sitting. These updates should include construction progress, any revision in the commissioning date, how much has been spent on the project as at that time, and any revisions to the final budget. Again, it would be appropriate for the government to provide an analysis of any major change.

We should not have to ask the Assembly to agree to a motion like this. The government should provide the information as a matter of course. As I touched on in the previous debate, what the government should do and what the government actually does are two different things.

This motion will be a test for this government. It will also be a test for the crossbenches. In September 2009, when we had the final horror of the blow-out of the cost for the dam to \$363 million, the Canberra Liberals fought hard to obtain a full and open inquiry into the processes that led to the blow-out in the dam. As is often the case, the crossbenches wimped it. They did not agree to a full and open inquiry; they agreed to a much less inquiry and a constrained inquiry by the ICRC. I mean no criticism of the ICRC; they could only work with the terms of reference that they were given, and it was a flawed set of terms of reference. They had a flawed set of terms of reference because, as is always the case when it comes to transparency, when it comes

to openness, the Greens would rather side with their coalition partners than work for the people of the ACT. There is also that little part of the Greens that would prefer that we were not building this dam at all, and that is quite clear from some of the comments that Mr Rattenbury has made over the time.

So this motion is a simple one. It asks the government to tell the Assembly and, through the Assembly, the people of the ACT about the progress on the principal element of the major water security projects, the enlargement of the Cotter Dam. It asks the government to tell the Assembly about the progress of the largest infrastructure project. It asks the government to tell the people what Actew thought it would cost, how much it had spent, and now, after the rain event, what they estimate it will cost, and to report regularly on progress.

I commend the motion to the Assembly.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (11.50): The government accepts the spirit of Mrs Dunne's motion, although I have circulated amendments that deal more fully with the practicalities of the situation.

At the outset let me say very clearly that the government is more than willing to provide an update to the Assembly once more information is available. However, at this stage there is very little that can be said with certainty about the project's budget or schedule, except that both are under revision given the recent very heavy rain. At this stage it would simply not be appropriate, nor is it feasible, to try and offer detailed information when the situation at the dam is still being assessed by Actew.

The managing director of Actew, Mr Mark Sullivan, is on the public record, giving a clear commitment to make a public announcement about the revised budget and construction schedule for the enlarged Cotter Dam as soon as the information becomes available. Nevertheless, the government understands that there is interest in the dam and its schedule, given the significant challenges the project has faced in recent years.

These challenges have included two very wet years, which have impacted on construction times and cost. I think, as Mrs Dunne has alluded to, this must surely be one of the most ironic construction challenges faced for some time—that we cannot build a significant piece of water security infrastructure because the construction must be halted due to rain. That said, members need only cast their minds back to the middle and latter part of the last decade when we saw dam levels steadily decreasing and serious water restrictions.

*Mrs Dunne interjecting—*

**MADAM DEPUTY SPEAKER:** Mrs Dunne!

*Members interjecting—*

**MADAM DEPUTY SPEAKER:** Members, we heard Mrs Dunne in silence. Would you mind paying the same respect to Mr Barr?

**MR BARR:** Thank you, Madam Deputy Speaker. Such dry times will come again, as we are reminded by Mackellar's lyric description of our great nation. Let me run briefly through the recent time line on the dam's progress for members. On 16 December last year Mr Sullivan advised the public accounts committee that the budget and schedule for the completion of the enlarged Cotter Dam were being reviewed. He undertook that after the information had been presented to the board he intended to brief all interested parties and make the information public.

Mr Sullivan gave a similar commitment during an interview on ABC radio on 2 February this year in which he indicated that a detailed report would be provided to the Actew board by the end of February 2012. The voting shareholders would also be informed at that point. That board meeting was scheduled for 4 March, but by the time the board met heavy rain had also significantly impacted the project. The project costs, among other issues, needed to be fully and carefully reconsidered. Anyone who questions that this is a reasonable and sensible approach need only consider the footage on dam cam of the gigalitres of water that were rushing over the top of the wall.

I am advised that Actew is working towards providing a full assessment of the revised schedule and budget incorporating damage caused by the recent flood. I am advised that, although there has been no structural damage to the dam wall, it is necessary to examine all machinery, equipment and temporary structures, and carry out any necessary repairs. The water stopped going over the wall of the new dam on 13 March. It has taken several more days for it to recede to a safe level below the new dam wall. This will now allow safe access to the site. It will take several more weeks to carry out a detailed assessment of the damage.

A report is being compiled quantifying the impact on both the budget cost and the project schedule. However, it will be some weeks before an accurate costing of the impacts of the flood can be completed. Actew needs to complete the damage assessment and review the work required to complete the dam. Depending on future rainfall patterns and the time taken to carry out any remediation work to ensure the site is safe, it is possible that the construction of the dam may be delayed for several months.

However, it would not be useful to speculate today, nor deal with incomplete information. The shareholders have been briefed by Actew after the recent rains and accept the board's advice that an appropriate time is needed to fully consider the impact of the flood. The voting shareholders have also been kept regularly informed of progress with these issues and will continue to be updated as the way ahead becomes clearer.

For the information of members, the current approved project cost for the new dam is \$363 million, which was set in September 2009. Expenditure on the dam up to the end of February 2012 was \$315.7 million. However, the latter parts of the motion put by Mrs Dunne calling for reports of remarkable frequency would serve little purpose, as it is unlikely there will be major updates about the construction of the dam over such short periods.

Madam Deputy Speaker, let me reiterate: the revised project schedule costs and information will be advised to the Assembly as soon as practicable. The government remains very mindful of the interest that the Assembly and, indeed, the broader Canberra community have in this issue. However, at this point it is not realistic to respond to an arbitrary date as proposed by Mrs Dunne. I therefore move the amendment circulated in my name:

In paragraph (1), omit all words after “notes that”, substitute:

- “(a) the Enlarged Cotter Dam project has experienced delays due to a number of factors including significant rainfall in recent years;
  - (b) the total project budget is now under serious pressure due to these delays and significant rainfall;
  - (c) ACTEW Corporation is revising the total project budget due to in particular the impact of rain and flooding events in late February and early March 2012;
  - (d) the total project budget as at 1 March 2012 was \$363 million; and
  - (e) the total project expenditure to 29 February 2012 was \$315.7 million; and
- (2) calls on the shareholders of ACTEW Corporation to provide to the Assembly:
- (a) a revised estimated total budget for the Dam as soon as practicable when the revised budget is known and approved by the ACTEW Board; and
  - (b) a revised schedule for the Dam’s construction as soon as practicable when the revised schedule is known and approved by the ACTEW Board.”.

I commend the amendment to the Assembly.

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.56): There are a few points to make in relation to both this amendment and this motion in general—and, in fact, ACT Labor’s handling of this dam project, this dam debacle. This is another example of how ACT Labor just cannot build things. They cannot get it done. This is fast becoming the aquatic GDE. It is the half-built dam at triple the cost. We had half a road which was more than double the cost. This is the aquatic GDE. We have seen the debacle that was the GDE; now we are seeing it with Cotter Dam.

They wasted years putting their heads in the sand, pretending we would not need another dam. At one point, this government said, “We may never, ever need another dam for the ACT.” They waited until the depths of the drought before they even started the planning and the construction work on the Cotter Dam. As was pointed out in the *Sunday Canberra Times* editorial a couple of weeks ago, you cannot blame this rain event for these things blowing out. They stuffed around for years doing nothing, hoping it would all be okay. No, it is not okay because we are now in this position.

The other thing that is significant, I think, about the amendments from Mr Barr and why Mrs Dunne is looking to get to the bottom of this issue is that we now know, with roughly half of the dam wall built, that the government has spent \$315.7 million. This was a \$120 million project. It was then a \$145 million project. It blew out.

Then we were told, with the largest cost blow-out in the territory's history—\$363 million—that that was the end of it. We were told the contingencies had been worked through, that this was absolutely the top end of the estimates, that it would not go beyond \$363 million. Yet we are now told that as at 29 February they had already spent \$315 million. And we are expected to believe in this amendment that at that point they were only planning still to spend \$363 million.

This is laughable. It is not credible that they would have still been budgeting to spend \$363 million. They are expecting now, and they would have been expecting before these rain events, to again blow this budget, this budget which we were told was the absolute top, the absolute. It was a \$243 million blow-out. There was a \$243 million projected blow-out and we were told: "No, this is it. It will not go any further."

We need to get to the bottom of this because it is going to be Canberrans who will be paying for this. We are going to be paying through our water bills for decades to come for this cost blow-out. This government cannot tell us where it is going to end. They now cannot tell us where it is going to end.

They stand condemned for the \$243 million blow-out. They stand condemned for putting the people of the ACT in this position by doing nothing for years. Their legacy when it comes to infrastructure will be a road extension that took a decade that they refused to build properly that blew out massively in cost, that caused all sorts of delays for Canberrans, and a dam project that they first refused to consider, tried to rule out, eventually worked on and then saw the cost blow out from \$120 million to \$363 million. They then told us that that was the absolute top. It would never go beyond that. Reputations were on the line. Reputations are on the line.

The Chief Minister, the Deputy Chief Minister and this government are the shareholders of Actew. They are meant to protect the interests of Canberrans as shareholders of Actew. They have apparently given a blank cheque. They have given a blank cheque and we do not know what the size of that cheque will now be. All we know, all the information this government is now giving us, is that before the rains came it had already got to \$315 million. It had already got to \$315 million and they are expecting us to believe that they were planning that they could do the remainder, the other 40 metres and all the associated works on this dam wall, for only another \$48 million or less.

Maybe they can. Maybe they can demonstrate it to us. Maybe their budget still is \$363 million. Maybe it is. I do not think so but we, as taxpayers, as water users in Canberra, have been put in an impossible position by the rank incompetence of ACT Labor. They refused to do it. Then they did it eventually. That delay has caused problems. They budgeted for \$123 million and we have seen the largest blow-out ever in the territory's history on a project—a \$243 million blow-out that is now \$243 million and counting. We demand some answers.

Mrs Dunne's motion simply says, in very simple terms: what were you budgeting before the rains came? What had you spent? We have been told part of that. We have been told that you had spent \$315 million. We wanted to know what had been spent. What was the new budget? We do not believe that the budget had not been revised at that point. We also seek future updates on the cost of this project. That seems inherently reasonable. The minister's defence there was particularly weak. He said, "Those updates might not be of any use." They might not be or they might. If the government is forced into a little bit of transparency and accountability on this issue, maybe we can get some answers.

Mrs Dunne's motion should be supported. We should be saying to the government: give us all the facts. Put all of the facts on the table. Do not hide them again. Do not hide the cost blow-outs as we have seen in the past. It is a completely legitimate and reasonable thing for this Assembly to call for. It is inexplicable, I think, that the motion, as presented by Mrs Dunne, would not actually pass this place. It is a factual motion seeking factual information from a government that has cost taxpayers through its incompetence at least \$240 million and we do not know how much more.

It is reminiscent of GDE. It is reminiscent of how this government handles major projects. They cannot handle them. They stuff around. They refuse to do them and then they cannot control costs. It is the taxpayers who end up suffering. It is taxpayers who end up paying as a result. I commend Mrs Dunne's motion to the Assembly.

I think Mr Barr's amendment does not get to the heart of the matter, does not actually address all of the numbers. We should be seeking every piece of information this government have because they have shown themselves to be untrustworthy on this project. They have not covered themselves in glory. They have not shown that we can just take at face value what they say because they have got it so wrong on so many occasions when it comes to projects and when it comes particularly to this project on the enlarged Cotter Dam.

The motion should be supported and we should be holding this government rigorously to account for its failures, for its cost blow-outs and for its rank incompetence in delivering major projects such as the enlarged Cotter Dam.

**MRS DUNNE** (Ginninderra) (12.05): I thank Mr Rattenbury for allowing me to speak again in response to Mr Barr's amendment so that I can move the amendment to Mr Barr's amendment and therefore allow Mr Rattenbury to address it all at once when everything is on the table.

I move the amendment circulated in my name to Mr Barr's amendment to my original motion:

Omit subparagraphs (2)(a) and (b), substitute:

"(a) by the close of business on Wednesday, 21 March 2012, the budget estimate as it stood at 1 March 2012 for the total cost of completion of the project to enlarge the Cotter Dam to the point of commissioning into service;



- (b) a revised estimated total budget for the Dam within five working days after the revised budget is known and approved by the ACTEW Board;
- (c) a revised schedule for the Dam's construction within five working days after the revised schedule is known and approved by the ACTEW Board;
- (d) any further revised estimated total budgets or schedules for construction within five working days after they are approved by the ACTEW Board; and
- (e) if the Assembly is not sitting when the shareholders of ACTEW Corporation are required to provide documents under (2)(b), (c) or (d), the Speaker is authorised to receive and distribute the documents."

The amendment put forward by Mr Barr is unacceptable to the Canberra Liberals because it fails in so many ways. As Mr Seselja said, Mr Barr's defence is rather weak. He is sort of saying, "It is very difficult to ask us to do these things and it is unreasonable to ask us to report regularly." It is not unreasonable. The people of the ACT pay your wages. The people of the ACT are going to be confronted with a huge bill as a result of this. We know this because Mr Barr has said that so far they have expended \$315.7 million on the project. But the really kicker piece of information which the people of the ACT need to know is, before the rain event, what Actew estimated the dam construction would be.

I have been briefed. My staff and I attended a briefing last week. It was a lengthy briefing. It was given in a very generous spirit. I was told that at the moment there is no budget. As a result of the rain event, we do not know. There is no budget. We do not know what it will cost. We do not know what the dam will cost. We know, and I was told, that it will be in excess of \$363 million. I was also told that in preparation for the board meeting in late February or early March—I think Mr Barr used the date of 4 March—work had been done and finalised on what they thought the dam project would cost. That had been literally blown out of the water by the rain on 1 March and subsequent days. We know that Actew had done the work to estimate what they thought the dam would cost prior to the rain.

The first part of my amendment calls on the government to divulge that figure and calls on the government to divulge that figure today. If they do not know, they should know. I know, because I have asked the question, that the work has been done. I asked the question: how much is it? I was told, "I cannot tell you because the shareholders have not been briefed." The shareholders should be briefed and they should be able to tell the people of the ACT what that figure was. We know that it is in excess of \$363 million. The managing director of Actew told me that last week.

After that there was the rain event. We know that that is going to have substantial impacts in time delays. The time delays will be substantial. From the briefing that I received, it may be three months before they can actually start to pour concrete again. There are costs associated with that. There are costs associated with the clean-up. Some of that will be covered by insurance. Those are all the sorts of things that this government should be telling this Assembly and the people of the ACT. My

amendment to Mr Barr's amendment puts back in all those things that he sought to take out.

We need to know not only how much they have spent so far, which we now have—\$315.7 million—but how much they expected to spend before the rain event. Then at regular intervals we want the government to report to us, and through us to the people of the ACT, on progress both in cost and in timing.

It may be the case that it will be difficult in the first instance to come back in the May sittings and say, "We have now estimated the completion date to be such and such," because it may be too early to do that. But it is reasonable for the shareholders to tell us, "We cannot make that calculation yet." That is a report. If they cannot make that calculation yet they should report that to us.

If there is any discussion about how much the project might increase by, they should say: "We think it is going to increase by this much. These are the issues that we need to take into account. These are the costs of the rain event. Some of it will be covered by insurance. This is how much we estimate will be covered by insurance."

These are things that the people of the ACT deserve to know and this is what my amendment to Mr Barr's amendment does. It puts back in the reporting. Mr Barr and his colleague Ms Gallagher need to report to the people of the ACT on this most vital issue. I commend my amendment and I hope to receive support for the amendment.

**MR RATTENBURY** (Molonglo) (12.11): The enlarged Cotter Dam project has certainly been the subject of a great deal of discussion both here in the chamber and particularly in committees. It has been a point of some concern for many members in the place, particularly as we have seen the costs escalating threefold. It has certainly been a significant concern for us. That is why we supported the inquiry by the ICRC last year. I know Mrs Dunne made some remarks about that. I do not want to re-prosecute that argument too much. I simply say that the reason we supported the ICRC doing it was we felt that that was a body that had the expertise to actually work through the detailed figures. I said that at the time and I stand by that view.

Since that time, we have seen in recent months a number of stories emerge about sources of delay for the project: there were the unexpected geological conditions at the base of the dam before the concrete started to pour and we had some general rain over the last six or 12 months which provided some slowing down. I think Mrs Dunne was fair to make the point—and certainly I had formed the view as well—that it did feel like over the last six to eight weeks before the significant rainfall event in early March there was a softening up going on. There were a number of media stories coming forward which I saw. I think I even remarked out loud in my office that I thought we were on for some revision of the budget, that the \$363 million which we were assured at the time was a rolled gold guarantee—and various other phrases—was under pressure.

We then had the very significant rain event in early March. It has been clear for everybody to see that that has obviously had a significant detrimental impact on the progress of the dam. It has clearly created a new set of costs with the damage to

machinery and other issues that have arisen out there—the timber stacking up on the dam wall and those sorts of things. Clearly, there are going to be some cost issues attached to that which, to be fair, are probably difficult to predict and therefore probably do come as an additional cost. It is one of those what they call “acts of God” in insurance policies.

That said, the Greens do support the intent and direction of Mrs Dunne’s motion today. I think that residents do have a right to be kept informed of both the budget and the time line for this project. Particularly given the history of it, it is critically important that there is transparency around both of those matters. As I said, we have seen adjustment coming even before the recent very significant rain event. So we support Mrs Dunne’s motion today in the broad sense.

My office had been having discussions with Mrs Dunne’s office about some further amendments to Mr Barr’s amendment. We had some concern with Mrs Dunne’s original motion in that I felt that having to report at the beginning of every sitting period was perhaps unnecessarily onerous and not necessarily the most accurate time to gather information—that it may, in fact, be creating a bunch of work that did not necessarily provide an update to us.

That is when Mr Barr brought forward his amendment. We started thinking that was perhaps a more practical way to do it. I was concerned by the open-ended time lines. We started to work up some amendments that removed phrases such as “as soon as practicable” and instead inserted “within five working days of the Actew board making a revised decision” just so there were some very specific time frames. We can all think of the examples where things that are to be done as soon as practicable end up taking rather longer than we might have anticipated. I think it is appropriate to put more specific time lines on that.

Mrs Dunne has picked that up in the amendment she has moved. I will not be moving my amendments because I think that Mrs Dunne, in her amendment, has now brought together both the positive impacts of Mr Barr’s amendment and some of the ideas we had. I think it is all contained there. We have found a way through. I will be very pleased to support Mrs Dunne’s amendment to Mr Barr’s amendment.

There are some really important questions to be raised here. I have spoken already about the softening up that I think was taking place. We may need to give some further thought, Mrs Dunne, to your amendment because what has come out now is that Mr Barr has said there was a board meeting due to take place on 4 March. That is when the rain event kicked in. Mrs Dunne has just said that her understanding was that there was a revised budget to be put to that meeting on the 4th and the decision was never taken. It all got put off because there was clearly a recognition that that was not going to be a valid figure anymore.

However, Mr Barr in his amendment has in some ways anticipated Mrs Dunne’s motion. In part (1)(d) of Mr Barr’s amendment he says that the total project budget as at 1 March 2012 was \$363 million. I suspect that is true. I suspect that on 4 March, particularly in light of what Mrs Dunne has just said, the board was set to determine a new budget and to make some decision. Mrs Dunne, we might need to give this some thought because part (a) of your amendment says:

by the close of business on Wednesday, 21 March 2012—

so today—

the budget estimate as it stood at 1 March 2012 for the total cost of completion of the project ...

I suspect Mr Barr will say it was still \$363 million because the decision that was due to be taken on 4 March never got taken. So we might want to have a think about some words that—

**Mrs Dunne:** Do you want to adjourn and come back after lunch then?

**MR RATTENBURY:** Maybe we need to adjourn. We might need to have a think about some words that pick up what we are actually trying to get at here. I think you have hit on exactly the right question and I think we need to resolve that matter. Perhaps we need to come back to this later today just to find the right set of words to sort that out. Our intent certainly is to support both Mrs Dunne's amendment and the original motion. It is important that we keep on top of this. There have been some acts which I think have been beyond control, but I think we also need to make sure we have absolute transparency in what events have led to what changes.

This Assembly was greatly concerned by some of the earlier changes because they were not transparent to us. A lot of people were very surprised to see the costs changing in the way they did. Actew have taken us through those changes at various times. They certainly put out a case as to why those changes from 120 to 145 to 200—something up to 363 were necessary. I think part of it was probably some naivety in talking about costs.

Out of the discussion I was left with a sense that \$120 million was the ambitious one at the start to get the idea on the table and no-one ever really believed it was going to cost \$120 million, but we were all sold on the idea of the dam by the time we got to the later discussions about the more likely numbers. That is, to some extent, past tense now. We have prosecuted that discussion here before and I do not intend to repeat it. Perhaps, subject to some further work, we would be looking to—

**Mrs Dunne:** We'll adjourn for lunch.

**MR RATTENBURY:** All right. We will be looking to support the amendment and we will have some further discussion during the lunch break.

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

**Sitting suspended from 12.19 to 2 pm.**

**Questions without notice**  
**Alexander Maconochie Centre—capacity**

**MR SESELJA:** My question is to the Minister for Corrections. In estimates during 2010, Mr James Ryan, the Executive Director of Corrective Services, stated:

Going back to the first part of your question about what our operational capacity is, it is in the order of 240 or 250 ...

The ABS Corrective Services December 2011 report shows that the average daily number of people held in full-time custody is 256. Is the Alexander Maconochie Centre at operational capacity?

**DR BOURKE:** I thank the member for his question. The information that has been received by me indicates that the answer to that question is no.

**MR SESELJA:** Upon opening in 2008, the AMC was stated as providing capacity for the next 10 years. Is this still true?

**DR BOURKE:** I thank the member for his question. I will need to take that question on notice.

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

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

**MR HANSON:** What is the total number of beds currently available at the Alexander Maconochie Centre?

**DR BOURKE:** I thank the member for his question but that is a specific question which I will need to take on notice.

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

**MR HANSON:** What is your plan to accommodate more prisoners should demand increase in the near to mid term?

**DR BOURKE:** I thank the member for his question. This is a question that requires a detailed response which I will take on notice.

**Children and young people—youth and family support scheme**

**MS HUNTER:** My question is to the Minister for Community Services and relates to the children, youth and family services program contracts. Minister, on 23 February 2012 Caroline Le Couteur asked you if the organisations who were successful in their children, youth and family services tenders had signed their service delivery contracts and, if not, considering that the new service delivery framework was due to start in less than two weeks, when this would occur. Minister, do you still stand by the answer in response to that question that contract negotiations had been concluded?

**MS BURCH:** I thank Ms Hunter for her question. As far as I understand it, the negotiations have been concluded. There are still some contracts that are outstanding, but the understanding of what the contracts will contain and the payment arrangements are in place. For those organisations that do not have a signed contract in place, arrangements have been made for payment based on agreed understanding and negotiations between those contracts so that those organisations will not be out of pocket. I think everyone here would understand that small organisations rely on government grants to be paid in a timely manner and that is what the Community Services Directorate has sought to do.

So, yes, there are some formal contracts that are yet to be signed, but certainly the advice I have is that arrangements have been made for payment. That leads me to the conclusion then that negotiations around the understanding of contract commitments are in place.

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

**MS HUNTER:** Minister, are you concerned that this was a long process and that contracts were not finalised in order to begin the program on 1 March, although that was the promised starting date?

**MS BURCH:** I think I would concur with Ms Hunter to say that it is probably less than ideal that formal contracts were not in place. This process has been a long time in coming. It is quite a significant shift in service provision and contract arrangements in the youth and family support arena. There are new ways of doing business that have come into effect, and I agree and I have made comment that it is less than ideal not to have formal contracts in place. It is my understanding that certainly all those organisations that are now in the new system have had detailed negotiations and agreements in place and contracts are being signed increasingly now over the next little while.

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Minister, can you advise how this is impacting on service delivery in the ACT, and how will you rectify this situation?

**MS BURCH:** Going to the impact on service, this is a change of service systems, and the key organisations that are part of this new system meet regularly and go through making sure that the protocols are in place—the transition, the information and the referral systems are in place. There is no doubt there will be some challenges and some tweaking as we move through the new system, but I have confidence in the leadership shown by the Youth Coalition and the families of the ACT in partnership with Parentline, which has a key role in the central point of referral, that this will be moved forward. That will not be without a need to maybe tweak here and there as we move through, but the fundamentals are there. This is a system and a program that focuses on those in most need, and I do not think those in this chamber would think that that is not a target that we should all be having in our minds.

## **Health—restaurant closures**

**MR SMYTH:** My question is to the Minister for Health. Minister, two restaurants—one in Civic and one in Manuka—were shut down by health inspectors last Friday. Minister, what were the reasons for the closure of these two restaurants?

**MS GALLAGHER:** Public health concerns.

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

**MR SMYTH:** Thank you for that, minister. Minister, what warnings were provided to each of these restaurants before they were required to close and how much time was provided between the issue of warnings and the decision to force the closure?

**MS GALLAGHER:** I will take the detail of that question on notice but I am very confident that the public health officials acted in accordance with the laws that were recently passed by this place, responding to improvements in food safety arrangements in the ACT. In relation to at least one of the outlets, I understand they were responding also to other information provided to them.

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

**MR HANSON:** A supplementary. Regarding the legislation recently passed, what is the status with the website on which essentially the name and shame will be provided?

**MS GALLAGHER:** I am just trying to recall the discussions we have had around the website. The website is, I think, a fairly straightforward process to implement and would only come into effect once an offence has been proven, which is not the case at this point in time.

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

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

**MR HANSON:** Are you confident that all the rectification from the Auditor-General's report has occurred within the Health Directorate?

**MS GALLAGHER:** I believe I will be tabling the government's response to that this sitting week, probably tomorrow. That will update the Assembly on recommendations made and the response across the ACT government.

## **Tourism—Canberra Festival**

**MR HARGREAVES:** My question is to the minister for tourism and is on the subject of Enlighten. Could the minister update the Assembly, please, on the recent success of the Canberra Festival program?

**MR BARR:** I thank Mr Hargreaves for the question and for his interest in tourism festivals and events in the city. Members would be aware that the integrated Canberra

Festival, including the Enlighten event, featured over 50 events held over 17 days in the first part of this month and it certainly showcased our city's unique qualities through a range of exhibitions, displays and art forms.

I was delighted that 13 national attractions participated in Enlighten 2012, providing a combined total of 40 ticketed events and nine non-ticketed, open-door events. Undoubtedly those who were in Canberra on that first weekend in March would be aware that it was very wet. Fortunately most of the events scheduled for Enlighten that were to be held outdoors were able to be rescheduled and placed indoors and we were of course very pleased to see a break in the rainy weather on the second weekend and to see really big crowds enjoying the Enlighten events.

In spite of the wet weather, I am pleased to report that 22 of the Enlighten events sold out, with many visitors from across Australia coming to enjoy the variety of events that were held in the city over the period. As members of the Assembly and members of Australian Capital Tourism moved amongst the crowd over that period there was an overwhelmingly positive response from the public to this year's Enlighten event. The breathtaking projections on some of Canberra's, and indeed some of the nation's, most prominent buildings tied together around those precincts provided a fantastic backdrop for thousands of local and interstate visitors to take advantage of these new and wonderful events.

I am led to believe that you, Mr Speaker, were in fact spotted amongst the festival goers, showing off your moves on the dance floor at the silent disco. I am advised that no footage has yet surfaced of your moves. There has been some speculation as to what you might have been dancing to; I am presuming that Kermit's *It Isn't Easy Being Green* was not on the playlist at the time. But, given what I have read in the paper today, perhaps you were singing along to a tune about the Leader of the Opposition that Denis Leary might have written in the early 90s.

Anyway, Mr Speaker, I congratulate you for taking part in what was indeed one of the most popular free events in this year's program. You were one of many thousands of people who enjoyed the activities: 12,000 attended Symphony in the Park—

**Mr Hanson:** Nice little Labor-Greens love-in you're having here.

**MR BARR:** Indeed. More than 25,000 ventured down to the lawns of Old Parliament House. More than 20,000 were at the 99th birthday, at Celebrate in the Park on 12 March, and more than 6,000 attended the performance by the Australian Ballet, the Telstra Ballet in the Park on 16 March—in the rain, I hasten to add.

It was a fantastic event for the city. I think the future is very bright for the Canberra Festival and Enlighten. It is a really important part of our events calendar and I certainly thank all of those who have been associated with staging the event and I look forward to an even more successful Canberra Festival and Enlighten in our centenary year in 2013.

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



**MR HARGREAVES:** Without revealing government policy, minister, what is planned for the Enlighten and Canberra festivals next year and how does one get a booking for a rock'n'roll band and a Bollywood dancing troupe?

**MR BARR:** Robyn Archer and the centenary team have indeed been working very hard to plan the year-long program, which includes a range of new and exciting projects. For those who took the opportunity to attend on Canberra Day this year, a sneak peek at the program was launched on Canberra Day.

The centenary program of events will showcase the very best of what goes on in our city every year. It will include Enlighten, linking our national galleries and museums with a great program of entertainment. And of course we will see the return of such popular favourites as the balloon spectacular and "Lights! Canberra! Action!". Enlighten is a new and evolving festival but it will be bigger and better through each year and will really grow on the platform of success from this year's program. The full details of the centenary program will be announced in September. A preview program is now on the centenary website and was distributed to the community through the *Canberra Times* last week.

In relation to booking bands, Mr Hargreaves, I am sure that there are still opportunities for auditions. If the Assembly would like to put together a performing troupe, I am sure that there will be ample opportunity during the centenary year to see the artistic talents of some of the members outside this debating chamber. On a serious note, I know that there are some within this chamber who fancy themselves as performers in other endeavours. Certainly through the community initiatives that are part of the centenary year there will be an opportunity to celebrate all that is great about Canberra, including the contributions that people can make outside their professional fields of expertise.

**MS PORTER:** A supplementary.

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

**MS PORTER:** How did Canberra fair at the recent national tourism awards?

**MR BARR:** I am very pleased that—

**Mrs Dunne:** Mr Speaker, could I seek your indulgence? The first question was about Enlighten. I am wondering what is the connection between Enlighten and the national tourism awards.

**Mr Hargreaves:** On the point of order, Mr Speaker, the national tourism awards actually apply to all of the initiatives of the ACT and other jurisdictions which may be contenders for such awards. We would love to hear what the minister has to say about that.

**MR SPEAKER:** Members, I do not know what the answer to the question is, but, Minister Barr, I assume Enlighten will feature in your answer.

**MR BARR:** Thank you.

**Mrs Dunne:** On a point of order, Mr Speaker—

*Members interjecting—*

**MR SPEAKER:** Please, members! Order! Mrs Dunne has the floor and I want to hear from her.

**Mrs Dunne:** Mr Speaker, supplementary questions have to relate directly to the principal question, and there was no mention of the tourism awards in the principal question, so I think you have to rule Ms Porter's question out of order.

**Mr Hargreaves:** On the point of order, Mr Speaker, the actual question related to Canberra's festival program, and the Enlighten part was in the supplementary, you might recall. My supplementary question talked about the Enlighten program, but my initial question was about Canberra's festival program, and that is a much wider subject than those opposite have understood.

**MR SPEAKER:** On the point of order, I see where Mrs Dunne is coming from.

**Mr Hanson:** Can I—

**MR SPEAKER:** Mr Hanson, just one moment, thank you. I am going to rule on this, and then if there is an issue—

**Mr Hanson:** Can I just make a further point—

**MR SPEAKER:** No, it is not necessary. On the point of order, I think you are right, Mrs Dunne, at some level. I am at a disadvantage here because potentially the minister's answer could—

*Members interjecting—*

**MR SPEAKER:** So what I am trying to grapple with is exactly that. What I am going to do is ask Ms Porter to elaborate on her question and we will go from there.

**Mr Hanson:** Mr Speaker—

**MR SPEAKER:** Yes, Mr Hargreaves—Mr Hanson, sorry.

**Mr Hargreaves:** No, no, Mr Speaker!

**MR SPEAKER:** My apologies, Mr Hargreaves.

**Mr Hanson:** I ask that you withdraw that; it is unparliamentary.

**MR SPEAKER:** Yes, I agree.

**Mr Hanson:** Mr Speaker, you cannot say you are going to wait for the answer to see whether the question is in order or not. You are ruling on the questions. You cannot then say, “Oh well, if the answer is this way or that way, that then has an effect on the question.” That is a ridiculous precedent and essentially would mean that we can ask what we like and then just wait for the answer before you can rule it in or out of order.

**MR SPEAKER:** Yes, I see your point, Mr Hanson. I think it is fifty-fifty, and that is why, as I often do with members, I am going to invite Ms Porter to reframe the question, as I have done with Mr Doszpot on a number of occasions.

**Mr Smyth:** To the point of order, Mr Speaker, it is about clarity on the ruling. The standing order that governs supplementary questions says that a supplementary cannot introduce new matter. The subject of the tourism awards was not in the original question or the original supplementary and so it is, indeed, introducing new matter. I think the awards are an interesting subject, and perhaps there should be questions, but the standing orders which govern the way supplementaries are answered make no reference to the minister’s answer tying it together; the question must tie it together. Under your own standing order 113B a supplementary question cannot introduce new matter and should be ruled totally out of order.

**MR SPEAKER:** Thank you for your feedback, Mr Smyth. As I often do in this place, I am going to give the member an opportunity to reframe the question because I think the intent is clear but perhaps formally is out of order. Ms Porter, you have the floor.

**MS PORTER:** Thank you very much, Mr Speaker. Minister, how did the Canberra Festival—

*Mr Hanson interjecting—*

**MR SPEAKER:** Order! One moment, Ms Porter. Thank you for your backchat, Mr Hanson. You are now warned for that. I have made it quite clear that on a number of occasions Mr Doszpot, for example, has been given the opportunity, as have other members of this chamber, to reframe his question. I have no interest in ruling members’ questions out of order, except when they are quite clearly and deliberately out of order, which happens from time to time. My intent is to give members the opportunity to ask their questions, as I do for members across this chamber, and your snide remarks are unwelcome.

**Mr Hanson:** Mr Speaker, if I could please correct the record; you just warned me. My comment was not related to the rephrasing of the question. My concern is that by your saying that you are going to wait—

**MR SPEAKER:** Mr Hanson, we are not debating this. This is an indulgence I am giving you.

*Mr Hanson interjecting—*

**MR SPEAKER:** I am withdrawing that indulgence. Sit down, Mr Hanson. Thank you. Sit down.

**Mr Hanson:** Does this set a new precedent in this place—you will wait till the answer?

**MR SPEAKER:** I am not waiting for the answer. I am inviting the member to reframe the question. Ms Porter, you have the floor.

**MS PORTER:** I ask the minister: how did the Canberra Festival fare at the recent national tourism awards?

**MR BARR:** It is a pleasure to be able to answer the question. I am very pleased to advise members of the Assembly that the Canberra Festival—

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

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

**Mr Smyth:** You have given Ms Porter latitude to rework the question so that it relates to the original question. The reworked supplementary was how did we fare at the recent national tourism awards.

**MR BARR:** At the Canberra festivals.

**Mr Smyth:** But the Canberra festivals were not the subject of the original question.

**MR BARR:** Yes, that was the subject of the first question.

**Mr Hargreaves:** Mr Speaker, if I can assist and re-read the original question, I said in the original question, “Could the minister update the Assembly on the recent success of the Canberra Festival program?” The success of the Canberra Festival program may in fact be part of the tourism award results.

**MR SPEAKER:** If it assists members of the opposition, I acknowledge that I probably expressed myself a little clumsily at the start when I tried to deal with that point of order. But it is quite clear that I have the power to invite Ms Porter to reframe the question. I have asked her to do that, and her supplementary question is clearly in order and clearly relates to the original question. Minister, you have the floor to proceed with your answer.

**MR BARR:** Thank you, Mr Speaker. There is actually some good news for our city and for the people who work very hard to deliver outstanding festivals and events. That was in fact recognised in the national tourism awards. The ACT and region was represented by 14 finalists across 27 categories.

Our signature festival, Floriade 2010, won the national award in the major festivals and events category. That is a fantastic result for Floriade and something that all members, I would hope, would be supportive of and would welcome the fact that there has been national acknowledgement of the hard work of the team associated with the delivery of Floriade that their 2010 event, the 23rd staging of the springtime

festival, won a gold award. The festival generated nearly \$27 million worth of economic activity for the ACT economy and drew a record visitor attendance of just short of 472,000 people, 131,000 of those coming from interstate or overseas. The success of this event is due to the dedicated effort of all staff at Australian Capital Tourism, event sponsors and industry partners who work tirelessly to bring this major festival to life every year.

Whilst I am on the subject of those awards, and if the opposition would not mind, I would also like to take the opportunity to congratulate the National Convention Centre for winning a gold award in the meetings and business tourism category. If it does not offend the opposition, congratulations to the National Convention Centre.

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

**MR SPEAKER:** Yes, Mr Smyth, you have the floor.

**MR SMYTH:** Minister, how much did Enlighten cost, how many attended it and how many free tickets were given out? Have you conducted a review or study of the event, and will you table that review?

**MR BARR:** All of those matters will be reported on, as is customary for major event evaluation. I can certainly advise the member, as I did in my opening remarks, that there is very strong support for the event this year. In fact, the only person in Canberra who does not appear to like Enlighten is the shadow minister for tourism—and that is pretty sad—the sad sack of the ACT Assembly, the bloke who thinks it is no good to have this festival because it is at the wrong time. Poor old Brendan. He cannot cope with it and he is very upset about it.

**Mr Seselja:** On a point of order, Mr Speaker, going to direct relevance. The question asked some specific questions. If he cannot answer it, he should sit down.

**MR SPEAKER:** Thank you, Mr Barr. If you have got further information we will take it; otherwise I think your answer is finished.

**MR BARR:** Thank you, Mr Speaker.

**MR SPEAKER:** One further point of order, Mrs Dunne.

**Mrs Dunne:** On a point of order, Mr Speaker, it is the general convention in this place to address people by their names and not by epithets like “sad sack”. I would ask you to ask Mr Barr to withdraw.

**MR BARR:** I withdraw, Mr Speaker.

**MR SPEAKER:** Thank you. Do you wish to add anything further?

**MR BARR:** As I indicated, it is usual practice to evaluate all of these events. That process is, of course, underway. As I advised in my initial response, 22 of the events sold out and there were very high levels of attendance at those other events. It was a

very successful festival for the ACT and I am delighted to continue to support it. If my support stands in contrast with those opposite, I am very happy, given the feedback from the Canberra community on the Canberra Festival, on Enlighten, to ensure that it remains a key part of our annual event calendar. I will not be deterred from that by the bleatings of the shadow treasurer, who appears to not want to have fun events in our city.

## Visitors

**MR SPEAKER:** Members, just before we proceed, I would like to draw to members' attention that we are joined in the public gallery today by members of the Canberra Blind Society. I would like to welcome you to the Assembly today and I trust that you enjoy your stay.

## Questions without notice

### Planning—deconcessionalisation

**MS LE COUTEUR:** My question is to the Minister for the Environment and Sustainable Development and is in regard to the deconcessionalisation process. I understand that the Brumbies site in Griffith on the old Griffith bowling club is in fact the first site that has undergone the deconcessionalisation process, including the public interest test, under the current planning legislation. Minister, what government consideration was given to whether or not there was any better public use of the Brumbies site?

**MR CORBELL:** I thank Ms Le Couteur for the question. As to whether or not the Brumbies site at Griffith was the first site where the deconcessionalisation process occurred, I would have to take that on notice. I am simply not familiar with whether or not that is true.

But in relation to whether or not the site should be used for some other public use, that assumes, of course, that it is used for some public use at the moment. Whilst it certainly has a level of amenity which is enjoyed by the public, it is important to restate that the site is held under a privately owned lease and is not a lease which has some form of entitlement to public use. It is a private lease with particular conditions attached to it.

The issue of whether the site should be used for some other purpose, therefore, was an issue, of course, that was raised during the recent inquiry that Ms Le Couteur was a part of. Ms Le Couteur asked some questions about that during the inquiry process into the proposed variation to the territory plan for that site. I can simply reiterate what I said to her then, which is that the government does not consider that it was in the public interest to acquire the site and pay quite a substantial sum of money to use the site for some other unidentified and unknown purpose. The government's view is that it was not necessary for the government to acquire the site, so we did not.

**MS LE COUTEUR:** A supplementary.

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

**MS LE COUTEUR:** Minister, if members of the community disagree with any of the government's decisions in relation to the deconcessionalisation of any site, what avenues of review or appeal are open to them?

**MR CORBELL:** I would need to seek some technical advice from the planning authority in relation to appeal. My understanding, though, is that a deconcessionalisation is treated the same as a development application and it is dealt with in a similar fashion. But I would need to seek some details on that and I will provide further advice to the member.

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Minister, I understand that ACTPLA has guidelines for social impact assessment but what are the actual criteria used to determine the social impact of any deconcessionalisation application?

**MR CORBELL:** My understanding of the way the legislation operates is that the minister must give in-principle agreement as to whether or not it is in the public interest for deconcessionalisation to occur. Therefore it is a matter for the minister's judgement to exercise whether or not it is in the public interest for a concessional lease to be considered for deconcessionalisation. In this instance the acting minister, in my absence during the Christmas-new year break, determined that it was in the public interest to do so, a decision that I support.

**MR COE:** Supplementary.

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

**MR COE:** Minister, what reforms will you put in place to make the process of deconcessionalisation more transparent, especially with regard to the value of the leases?

**MR CORBELL:** The process in relation to the value of leases is not a new one; it has been a process that has been applied by successive governments, including previous Liberal governments, whereby there is a valuation process involving a number of valuations obtained from independent valuers with an appropriate formula applied as to which valuation is taken into account in determining the payout component of a concessional lease.

In relation to transparency around the deconcessionalisation process, I am on the record as saying that this is a highly technical process and therefore one that can appear complex and difficult for members of the public to understand. The committee, in its report on the draft variation in relation to the Brumbies site, has made some recommendations in relation to that process and the government is currently giving consideration to those recommendations.

**Schools—Taylor primary school**

**MR COE:** My question is to the minister for education. Minister, Taylor primary school is currently closed due to damage from recent wet weather. I understand from briefings from your department that the school's 210 pupils are currently housed in the Namadgi school classrooms and transported there each day from Taylor primary school. Given it is likely that repairs will not be completed before the start of term 2, will these transport arrangements continue?

**DR BOURKE:** I thank the member for his question. As he correctly states, this is a temporary closure. Transport, as he correctly notes, has been arranged for children from Taylor primary school to Namadgi school, and that will continue for this term.

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

**MR COE:** In addition to whether the arrangements will continue in term 2, will this service continue to be provided at no cost to parents until classes resume at Taylor primary?

**DR BOURKE:** I thank the member for his question. I do not have the full reports on the extent of the damage to Taylor primary. I do not know that it will not be open next term. Therefore, I will need to get more information before I can answer that.

**MS PORTER:** A supplementary, Mr Speaker.

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

**MS PORTER:** Minister, how have the parents and the community been informed and supported regarding the temporary closure of Taylor school?

**DR BOURKE:** I thank the member for her question. Most specifically, a community meeting was held on Thursday the 15th at Namadgi school to provide Taylor primary school parents and carers with the opportunity to meet with the directorate and the school staff and to discuss future arrangements. A second community meeting was held on Thursday the 22nd at the Namadgi school village performing arts centre to provide an additional update for parents and carers.

I notice that the most recent *Southside Chronicle* reported:

Taylor School P and C &C president Jo Lewis said although there had been little warning the school would be closed, the government had acted very quickly to ensure the safety of the children.

She said that families had been pleased with the communication and children had settled in well at Namadji—

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

**MR SPEAKER:** One moment, Dr Bourke, thank you.



**Mrs Dunne:** Can I seek your guidance? The rules about waving newspapers and the like around, I thought they were considered props and not appropriate for—

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

**Mrs Dunne:** It is not a point of order. I am seeking guidance.

**Mr Hargreaves:** On the request for guidance, Mr Speaker, the minister merely held the paper in his hand and read a quote from it. He did not wave it about. So there is no question before the chair.

**MR SPEAKER:** I think that Mr Hargreaves has summed it up. If the minister was parading that around, that would breach the rule that you are speaking about, Mrs Dunne, but I think that simply quoting from it is considered to be appropriate. Minister Bourke, did you have anything further to add?

**DR BOURKE:** I think that is enough.

*Members interjecting—*

**MR SPEAKER:** Order! I cannot hear. Ms Bresnan, are you seeking a supplementary? Yes, you have the call.

**MS BRESNAN:** Minister, will any potential dangers related to exposure from asbestos be considered before making a decision about whether or not to reopen the school?

**DR BOURKE:** I thank the member for her question. All potential dangers will be considered with regard to Taylor primary school before the children go back. The care and safety of our children is my primary concern.

### **Schools—weapons**

**MR DOSZPOT:** My question is to the minister for education. Minister, yesterday in question time you were asked on what date the police investigation into the matter of a weapon in a Canberra school was completed. Your response was:

That was on the 14th of February.

You later stated you misunderstood the question but you did not provide the answer. In a radio interview with Mike Welsh on radio 2CC on 8 March 2012, you said:

The police are involved.

Elsewhere in the interview, you were asked:

Welsh: “So it’s a police issue, is it?”

Minister: “Indeed it is.”

Welsh: “And nothing to do with the ... Education Minister of the day?”

Minister: “No. I said it’s a police matter.”

Minister, can you clarify on what date the police investigation was started and on what date it was completed?

**DR BOURKE:** I thank the member for his question. I am advised that the investigation was started on the day, because that is when the police were informed of the incident. As to police procedure, you will need to question the police minister.

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

**MR DOSZPOT:** Minister, I have been given a report. How can you reconcile your statement on radio with the briefing given to me by your department that claimed the investigation was finished long before 7 March? If I have been given this report, why haven't you?

*Members interjecting—*

**MR SPEAKER:** Order! The minister has the floor and he has been asked a question.

**DR BOURKE:** I thank the member for his question. I think some confusion exists in the mind of the member. He is confusing the investigation by the directorate, by the school, with the police investigation.

**MR HARGREAVES:** Supplementary.

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

**MR HARGREAVES:** In relation to the incident, minister, was the same briefing given to those opposite as was given to the Greens?

**DR BOURKE:** I thank the member for his question. Indeed, it was. Both the Greens and Mr Doszpot were extensively briefed on this matter. They know the detailed circumstances of this matter, they know that there is more than one side to this story, and they know the confidential nature of these matters, involving children and families who do not wish to have their details paraded in the public arena, who do not wish—

*Members interjecting—*

**MR SPEAKER:** Order!

*Mr Coe interjecting—*

**MR SPEAKER:** Mr Coe, I have just asked for order.

**DR BOURKE:** People who do not wish to have their personal details paraded in the public arena, who are being cared for appropriately by our professional staff in our schools.

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

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

**MRS DUNNE:** Minister, did you pretend that the police investigation was current to avoid answering questions on radio, and will you make a public statement correcting the record about the time of the commencement and the completion of the police investigation?

**DR BOURKE:** I reject the assertion of the question.

### **Health—air pollution**

**MS BRESNAN:** My question is to the Minister for Health and Chief Minister, and concerns the health impacts of particulate matter air pollution in the ACT. Minister, as you know, air particle pollution, known as PM2.5 and PM10, is known to cause heart and lung diseases, as well as serious childhood illnesses. Wood heaters are the main source of this pollution in the ACT, in particular in the Tuggeranong valley. Minister, has the government considered introducing a health-based emissions standard for wood heaters given the current standard is over a decade old and allows more than four times the level of pollution permitted in leading jurisdictions?

**MR CORBELL:** I will take the question as minister for the environment with responsibility for the national environment protection measures concerning particulate matter in the air, such as wood smoke. The issue of national standards for wood heaters in Australia is currently under review as part of the National Environment Protection Council, the annual report of which I tabled in the Assembly yesterday. I would draw Ms Bresnan's attention to that report, which provides an update on the latest state of play in relation to the regulation of particulate standards for wood smoke from wood heaters.

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

**MS BRESNAN:** Given the serious health impacts of air pollution, have you ensured that the monitoring equipment used by health protection services can report and publicise air pollution data in real time for both PM2.5 and PM10 standards? If not, why not, and when will this be addressed?

**MS GALLAGHER:** Those matters are currently before the government and, indeed, some additional resourcing that is required. So those are under active consideration.

**MS LE COUTEUR:** Supplementary.

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

**MS LE COUTEUR:** Minister, from a health perspective have you considered extending the wood heater buyback program to allow people to replace their wood heaters with options other than gas heating, such as environmentally compatible heating options or low pollution wood heaters?

**MR CORBELL:** Any wood heater has the potential to contribute to particulate matter in the air and contribute to air pollution. We do not take the policy position that a government subsidy should be available to replace one type of wood heater with another type of wood heater. Our position is to encourage people to replace their old wood heaters, where they are using them as the primary source of heating in their household, with a cleaner alternative such as gas. Gas is the preferred technology because it is much cleaner and it is also more energy efficient than other forms of space heating such as electric heating. I appreciate that there are a small number of households in the ACT where gas reticulation is not available but that is a small number of households. We deal with those instances on a case by case basis.

**MS HUNTER:** Supplementary.

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

**MS HUNTER:** Minister, will the government conduct mobile air quality readings in key areas to ensure that pockets of high pollution are detected and that the reported air quality readings present the most accurate picture?

**MR CORBELL:** The government's position is to conduct air quality monitoring in accordance with the national environment protection measure standards.

### **Rural fire services—Tidbinbilla**

**MRS DUNNE:** My question is to the Minister for Police and Emergency Services. Minister, \$1.644 million has been appropriated in the 2010-11 budget to construct a new shed for the Tidbinbilla Rural Fire Service Brigade at Birrigai. Minister, is the project on time, is the project on budget and has the scope of works for this project been changed?

**MR CORBELL:** There have been delays in that project. The reason for the delays in that project relate first of all to the weather. For example, there has been a significant delay in the last couple of weeks due to the very large amount of rainfall on the site. There have also been some changes to the scope of the project as a result of requirements through the development assessment process. I am pleased, however, to advise that the project is close to completion. I understand the Tidbinbilla brigade will be moving into that facility in the coming months.

**MRS DUNNE:** Supplementary question.

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

**MRS DUNNE:** Minister, will air conditioning be incorporated in the new shed? Was it part of the original plan, and, if not, why not?

**MR CORBELL:** I do not have that level of detail in front of me. I will have to take the question on notice.

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

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

**MR SMYTH:** Minister, is it still proposed to construct a hard stand in front of the shed, and, if not, why not?

**MR CORBELL:** Again, I do not have that information to hand. I would need to seek detailed advice in relation to that level of detail.

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

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

**MR SMYTH:** Minister, is it still proposed to provide a barbecue, as was included in the original scope, and, if not, why not?

**MR CORBELL:** I refer the member to my previous answer.

### **Health—nurse practitioners**

**MR HANSON:** My question is to the Minister for Health. Minister, in health committee annual report hearings last November, in response to a question asked by Mr Doszpot about the provision of a nurse at the Woden school, you replied:

If there is a clinical need for someone to have a nurse, then that needs to be addressed.

Is that still your view?

**MS GALLAGHER:** Yes. Yes, it is.

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

**MR HANSON:** Yes, thank you. Minister, is it the case that a nurse will only be provided at the Woden school until July this year, and principally only in a training role?

**MS GALLAGHER:** I have had a discussion with Health around provision of a nurse at Woden school. My understanding was that they were discussing the resourcing requirements for particular students with the education directorate and that those discussions were ongoing. I have not been told that anything will be finishing in July.

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

**MR SPEAKER:** Mrs Dunne.

**MRS DUNNE:** Minister, what agencies are involved in assessing the level of medical staff required at an ACT special school and who has the final say about the level of medical staff provided?

**MS GALLAGHER:** I think these are discussions that are had across directorates and most particularly between the Health Directorate and the education directorate. In terms of the clinical decision making about health requirements and support needs then Health would be the lead directorate in regard to that.

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

**MR SPEAKER:** Mrs Dunne.

**MRS DUNNE:** Minister, who takes responsibility in the event that lack of appropriate staff or appropriate medical care results in injury or jeopardised health to a student at an ACT special school?

**MS GALLAGHER:** Who would take responsibility if something happened? Is that your question? It is hypothetical but I would imagine it would rest with the ACT government, if there was a demonstrated need, an acknowledged need, and a situation occurred where, through the lack of provision of service, an adverse event had occurred. But these are issues that we manage every single day in every single school, and indeed right across Health facilities. But I do not think it is about pointing the finger at any one directorate, Mrs Dunne.

### **Multiculturalism—cultural acceptance and community participation**

**MS PORTER:** My question is for the Minister for Community Services. Minister, what is the government's record in promoting cultural acceptance and community participation in the ACT?

**MS BURCH:** I thank Ms Porter for her interest. Since 2001 the ACT Labor government has proven its commitment to developing and enhancing our city's cultural diversity, acceptance and participation through implementing an extensive range of multicultural programs, policies, initiatives, fundings and celebrations. A decade on, Canberra is now one of Australia's most cosmopolitan and culturally diverse cities, boasting a population where 40 per cent of individuals were either born overseas or at least have one parent born overseas. In homes throughout the capital we also speak over 170 languages and dialects.

One of the best demonstrations of how cultural acceptance and community participation have evolved and developed is the massive growth and expansion of the annual National Multicultural Festival, which has become Australia's premier celebration of cultural diversity.

This year more than 250,000 people attended the event over three days in February, proving that our community's acceptance of cultural diversity is at an all-time high. The crowds were the largest in the festival's 16-year history and the participation by

culturally diverse community groups was also stronger than ever. We can firmly put that down to the government's forward thinking, remaining at the forefront of changing community perceptions and dynamics, and the strong focus on community with our community partners.

We are also incredibly proud of the association with our community partners, Multicultural Youth Services, Canberra Multicultural Community Forum, the multicultural women's association, Companion House, and especially the Migrant and Refugee Settlement Services of the ACT. Each of these organisations works closely with the ACT government through the Office of Multicultural and Aboriginal and Torres Strait Islander Affairs. We also created the Muslim Advisory Council at a time when tensions were at a community high. Since its inception in 2006 the council has provided advice and feedback to the government on a range of issues affecting the local Islamic community and has offered solutions to existing and emerging problems.

A most recent achievement of this ACT government would be highlighted in the development and implementation last year of the ACT services access card which makes it easy for asylum seekers to access services that they are entitled to. The feedback has been incredibly positive, with many users commenting that it has improved their lives.

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

**MS PORTER:** Minister, are you aware of any recent studies on the level of cultural acceptance in the ACT community compared to other jurisdictions?

**MS BURCH:** I again thank Ms Porter for her question, such a question today as we celebrate Harmony Day. I am aware of a recent survey conducted by the Australian Bureau of Statistics. In its 2010 general social survey the ABS asked about the extent to which adults agreed or disagreed with the statement "it is a good thing for society to be made up of people from different cultures".

I am pleased, but not surprised, that the ACT recorded the highest proportion of positive responses to the statement. Eighty-seven per cent of Canberrans agreed with the statement compared to the national average of 80 per cent. While 87 per cent of Canberrans believe that it is a good thing for our community to be made up of people from different cultures, this compares with 77 per cent and 76 per cent of Tasmanians and Queenslanders respectively.

The survey found that older age groups were less likely to agree with the statement, reflecting the demographic make-up of Tasmania and Queensland. I am very proud of the ACT government's leadership in this area and many of the initiatives that have been implemented.

I am also happy to report that one of our community partners, the Canberra Multicultural Community Forum, has hailed the results of this survey in a recent media release, where Mr Wong said: "It is no accident that the ACT is rated so highly. In the ACT we have people from many backgrounds living and working together."

I think he is reflecting on the work that this government does to support many in our community. He also went on to say, “The understanding and acceptance of different cultures is something that must be worked on.” In Canberra we have an outstanding example of the National Multicultural Festival, where people from all backgrounds come together for several days of celebration.

I congratulate the people of the ACT for this outstanding result today as we celebrate Harmony Day.

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

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

**MR HARGREAVES:** My supplementary to the minister is: has the government had any recent discussions with the federal government about the ACT representation on its Multicultural Advisory Council?

**MS BURCH:** I thank Mr Hargreaves for his ongoing interest in our multicultural community. The issue of the lack of ACT representation on the Australian Multicultural Council is one that I have taken up with various federal ministers in the past on behalf of the ACT government. As a leading jurisdiction in multicultural affairs and as a jurisdiction most accepting of different cultures, according to the results of the recent ABS survey, I believe that we have a lot to contribute to the Australian Multicultural Council. I believe through the strength of our multicultural community we can provide successful settlement and integration.

I wrote to the new federal government Minister for Multicultural Affairs, Senator Kate Lundy—it is probably one of the earlier letters that she received—as recently as 7 March, asking her to give consideration to expanding the council to include representation from the ACT. I am hopeful that, as an ACT resident and elected representative of our city, she will recognise the valuable contribution that we can make.

I also took the opportunity to have the issues raised at the meeting of the standing council on immigration and settlement on 8 March and asked my officials who were representing the government there to bring it to the senator’s attention, which they did.

For the interest of Mr Hargreaves and all in this chamber, I will continue to personally lobby the federal Minister for Multicultural Affairs at every opportunity to make sure that with the next round of appointments we see an ACT representative.

**MS BRESNAN:** Supplementary.

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

**MS BRESNAN:** Minister, given that Senator Lundy labelled the Greens’ attempts to have a representative appointed as playing politics with multicultural affairs, has the same accusation been levelled against your advocacy for a position on the council?



**MS BURCH:** My advocacy on behalf of our community is always greeted with enthusiasm by Senator Lundy.

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

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

**MS GALLAGHER:** Yesterday, Mr Smyth asked a question around a report back to the Assembly on the fire management unit. There have been no changes to the fire management unit. Therefore there has been no need to report to the Assembly.

**Mr Smyth:** Thank you for your wisdom. Mr Corbell was so off the base.

**MS GALLAGHER:** Thank you for that graciousness.

### **Supplementary answers to questions without notice Health—restaurant closures**

**MS GALLAGHER:** In relation to the food safety supplementary question I was asked by Mr Smyth in relation to a question from Mr Hanson, I will be tabling a progress report on the implementation of the Auditor-General's recommendations on Thursday, 29 March.

### **Planning—deconcessionalisation**

**MR CORBELL:** Earlier in question time Ms Le Couteur, if I recall correctly, asked me what were the rights of review of a decision in relation to deconcessionalisation. I can confirm my earlier advice that a decision to deconcessionalise a lease is treated in the same way as a development application—it is publically notified. Provided a person has made an on-time submission to the development application, they are able to seek an administrative review of the decision.

### **Personal explanation**

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections): Mr Speaker, I claim to have been misrepresented. Yesterday in question time Mrs Dunne made the following statement—

**MR SPEAKER:** Under standing order 46 you are supposed to seek the leave of the Speaker.

**DR BOURKE:** I seek that leave.

**MR SPEAKER:** You have the floor, Dr Bourke.

**DR BOURKE:** I claim to have been misrepresented. Yesterday in question time Mrs Dunne made the following statement:

Minister, in an interview on WIN Television on 6 March, you said, “The ACT schools policy on weapons says we do not tolerate weapons.”

In fact, the interview Mrs Dunne was referring to occurred on 7 March, not 6 March, and what I actually said was, “The policy on weapons is that they are not tolerated in schools.” The Liberals are keen on accuracy—and I know Mrs Dunne is a stickler for it—so I am sure they will appreciate my correction.

*Members interjecting—*

**MR SPEAKER:** We are not debating the matter; we are moving on.

## Paper

**Mr Speaker** presented the following paper:

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(1)—Independent Reviewer—Report for the period 1 July to 31 December 2011.

## Water—Cotter Dam

Debate resumed.

**MRS DUNNE** (Ginninderra) (2:59): I seek leave to move an amendment to my amendment to Mr Barr’s amendment to my original motion.

Leave granted.

**MRS DUNNE:** I move:

Omit subparagraph (2)(a), substitute:

“(a) at the commencement of the sitting on Tuesday, 27 March 2012, the estimate of the actual total cost as it stood at 29 February 2012 for completion of the project to enlarge the Cotter Dam to the point of commissioning into service, together with any supporting briefing documents prepared for the ACTEW Corporation Board for consideration at its meeting on 4 March 2012;”.

Mr Speaker, just before we took the luncheon adjournment, you wisely pointed out that, as my amendment currently stood, it could be interpreted that the answer to the question, no matter how constructed, was \$363 million. We know that that is not the correct answer. You made the point that perhaps we should go back and revisit this.

The amendment that I have now circulated asks the government to provide the information by the beginning of the next sitting period—that is, next Tuesday. Essentially what we are asking for is the work that Actew did in preparation for its most recent board meeting to deal with the estimate of the total cost of the dam. From

briefings that I have received, I know that that work was done and I know that that work was put aside because of the rain event that began a couple of days before that meeting.

I believe that this is important information for members of this community because we need to have a baseline figure for what the estimated cost of the dam was projected to be before. It will clearly increase because of the rain. I want this on behalf of the people of the ACT for a number of reasons. They have a right to know, because this was a rolled-gold guarantee that the final cost of the dam would be \$363 million. It seems that that is not the case, irrespective of the major rain in early March.

I do not want to be in the situation where the eventual cost of the dam is glossed over when they say, “Well, you know, unforeseen, the rain et cetera, and you could only expect it to blow out.” My understanding from the briefing I have received from Actew is that before 1 March, when it started to rain seriously, we were already facing extensive increases in the cost of the dam. That is borne out by the information provided to the Assembly this morning, when the minister told us the total project expenditure to 29 February is in fact \$315.7 million. There is no way that the amount of work that needs to be done on the dam site—building roughly another 40 metres of dam wall and all the mortaring and the spillway walls et cetera—can be done for the remaining just under \$48 million. The people of the ACT deserve to know what the issue is.

We have agonised over what is the appropriate wording. I want to put on the record for the information of the minister that the spirit of this is that the Assembly is asking for the information that was compiled by Actew at that time, and that we expect that information will be forthcoming. There was a discussion at the beginning of the luncheon break about whether the time that I called for—which was today—was appropriate given the commitments of the Actew board as they currently stand, so we came to an agreement, I think, for the beginning of the sitting on 27 March, which is the next time we sit next week.

I think this clarifies the issue. I thank members for their indulgence in providing leave to allow me to move this amendment, and I commend the amendment and the other amendment and the initial motion to the Assembly.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (3:03): I think we might have got to a point where everyone understands what information is required and when it can be delivered. My office has spoken with staff at Actew to ensure that this is accurately conveyed to them as, of course, the information that Mrs Dunne is seeking relates to documents prepared for a board meeting of the corporation.

As she indicated in her contribution this afternoon, she has received briefings on this matter so certainly is aware of the issues that were to be considered by the board at that 4 March meeting. As a shareholder, I too have been briefed on that matter, as has the Chief Minister. I understand that Actew were able to make briefings available to other members.

This information will be provided according to the resolution of the Assembly. It may then be useful for some further subsequent briefings to be held. Clearly, further information will become available as to the extent of the damage caused on the site by the flood event earlier this month. I am sure we will have the opportunity to discuss this matter in this place further. But for now I think we may have reached a reasonable outcome that everyone can agree with and move forward on.

**MR RATTENBURY** (Molonglo) (3.05): I believe this text accurately reflects what was intended to be achieved, and the Greens will be more than happy to support this.

**Mrs Dunne's** amendment to **Mrs Dunne's** amendment to **Mr Barr's** proposed amendment agreed to.

**Mrs Dunne's** amendment, as amended, to **Mr Barr's** proposed amendment agreed to.

**Mr Barr's** amendment, as amended, agreed to.

Motion, as amended, agreed to.

## **Disability services—post-school options**

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.06): I move:

That this Assembly:

(1) notes:

- (a) that more than 40 young people with a disability will be leaving school at the end of this year;
- (b) that planning for post school options support for young people with a disability, and their families and carers, has more positive outcomes if begun early;
- (c) that for many young people with a disability, and their families and carers, navigating the complex system of post school support programs and funding options can be difficult and stressful;
- (d) that the Government has recently opened the Disability Information and Support Hub, which is a co-location of existing government and non-government services;
- (e) that many of the support services currently available in the ACT have significant waiting lists, and capped places;
- (f) that young people with a disability, and their families and carers, may be eligible for funding assistance through Individual Support Packages provided by the Government through Disability ACT;

- (g) that young people with a disability and high support needs who require ongoing alternatives to paid employment after leaving school, may be eligible for Community Access Services funding;
  - (h) that currently, the maximum level of formal support for people wishing to access existing services is equivalent to 12 hours per week;
  - (i) that currently, the maximum level of funding that Disability ACT will allocate for individual support options is \$15 000 per year to create unique supports around the young person and their carers; and
  - (j) that post school there is a reduction in the number of hours of meaningful recreational, educational and social opportunities provided to many young people with a disability, and this often leads to negative outcomes for both the young person and their carers; and
- (2) calls on the ACT Government to:
- (a) assess the need for young people and their families and carers to begin structured and dedicated planning for post school options support before year 11;
  - (b) explore examples of best practice in providing structured day services, with a focus on providing social inclusion, education, training and recreational opportunities for people with a disability, such as the Victorian model of day services; and
  - (c) undertake longitudinal qualitative research with a sample of young people with a disability who have left school, over a period of four years, on their experiences and outcomes.

The motion I present today is intended to increase support to young people, and their parents and carers, at a vitally important transition point in their lives; namely, when they enter young adulthood, and leave school. Each year in the ACT, according to the Community Services Directorate, approximately 50 young people with a disability leave public school education. For many young people this can be a time of change and excitement as they start to exercise more independence, seek employment, or go into further education and training.

However, for some young people with a disability, and their families this is a time of great stress, as they search for positive, meaningful and sustainable post-school options. Many of these families are faced with a confusing array of services and often inadequate support options. They may find themselves faced with long waiting lists for some programs and insufficient funding to actively engage in further education and training or supported employment places.

Parents, carers and young people may be faced with uncertainty, increased financial concerns, accommodation issues and the need for greater day-to-day support. For those young people who are seeking further education or employment, this time can be one of anxiety and stress as they seek to find appropriate and sustainable career

pathways and supported skills learning. In some cases, early planning and targeted support may have eased the pressure and created better pathways. However, many families have expressed frustration to me regarding a general lack of strategic planning support earlier in the life of their children.

The Greens believe that anyone should have access to an education that meets their needs and aspirations and gives them the skills and capacity to participate in society. We want to see an education system that encourages and supports the efforts of all students to reach their potential and a high school and college system that engages with, and provides opportunities for, all young people to extend their knowledge and capabilities in ways that enrich their lives. For many young people with a disability, school provides a vital link to peers and supportive social connections as well as providing structure and stimulation through the week. We also want to see all young people supported to transition to adult life successfully and to have a range of options appropriate to their needs.

For some families, therefore, this key transition point can be a time of some concern. Parents, carers and young people may be faced with uncertainty, increased financial concerns, accommodation issues and the need for greater day-to-day support.

While the Community Services Directorate, Disability ACT, reported in recent annual report hearings that, in relation to information sessions for transitions, “in reality interest tends to be from about year 11 upwards”, many of the parents and carers consulted by the ACT Greens have expressed frustration that they have not been properly supported to begin post-school planning at a much earlier time. In fact, the most commonly stated desire of parents and carers who contact my office is that support should be provided to begin planning at year 9 as a minimum.

I am calling for the government to recognise that for many young people and their families, more support is needed to begin dedicated and structured planning for post-school options—definitely before year 11. I am also calling on the government to recognise that for many young people with a disability, and their families and carers, navigating the complex system of post-school options, support programs and funding can be difficult and stressful.

The various sources, types, assessment requirements and combinations of funding for support services can be an extremely complex and confusing system to navigate, and finding out about the full range of services available can often require a series of trial-and-error learning experiences.

Many caregivers report feeling both overwhelmed and disempowered by the processes of identifying and acquiring support funding after their young people have left school. This includes working with agencies such as Centrelink, Disability ACT, housing services and many others. One parent I spoke to about this process said:

... we feel like we had to do a lot of hard yards to find out about services, only to find they are full and had long waiting lists, or were inappropriate for our child  
... it was so frustrating.

The matter of navigation can also be one of practical communication strategy and information delivery. While much of the information people are seeking is ostensibly online, in reality not all young people or their carers and parents have consistent access to the internet.

Further to that, some families report being presented with difficulties in searching for clear and current information about resources. Examples of this include a major national provider of services, operating in the ACT, not displaying a Canberra address or phone number.

I would like to acknowledge that the government recently announced the opening of DISH@Oatley, a new disability information and support hub. This service, which is a partnership between several community service agencies and government, aims to assist people with disability and their families by providing information and coordinating linkages to services and programs in the community. The hub is not a new service as such, but does represent a co-location of a variety of government and non-government services, such as local area coordination, Belconnen Community Service, Woden Community Services, House with No Steps and Disability ACT.

I would guess that it is likely that this hub has been created in part to answer concerns raised by carers and parents about the difficulties faced when trying to navigate the system. But while it is a positive move, and I sincerely hope that this co-location model will reduce the amount of running around and the frustrating phone calls that people may have experienced in the past, the fact remains that there has not been an increase in support, guidance and case coordination.

I am also calling on the government to explore examples of best practice in providing structured day services, with a focus on providing social inclusion, education, training and recreational opportunities for people with a disability, such as the Victorian model of day services.

In recognition that some young people need help and guidance for a short period after they leave school to find their vocation and to establish their lives, and that other people need ongoing support to participate in our community, the ACT government currently offers two types of formal support. The first stream of funding is for up to three years transition support, funded by Disability ACT and currently administered by House with No Steps, for people who are going to move into employment, supported employment or education. House with No Steps works with existing services to create linkages and relationships. The second stream, community access services funding, is provided to people with high support needs who require ongoing alternatives to paid employment after leaving school.

Currently, the maximum level of formal support for people wishing to access existing services is equivalent to 12 hours per week, and the maximum level of funding that Disability ACT will allocate for individual support options is \$15,000 per year to create unique supports around their family.

In December last year, the ACT Greens held a forum for parents and carers to discuss these and other related issues. This was a valuable opportunity for me to hear firsthand of the many struggles parents and carers are experiencing right now, as they work to support their young people in the last years of their schooling and as they begin to plan for sometimes an uncertain future.

I would like to take this opportunity to thank those who attended, and applaud them for offering me not only personal stories of their lives, but also clear and articulate ideas for what needs to be done to improve the current system. The ACT Greens will continue to communicate with all stakeholders to develop policies based on best practice that will better support people with a disability, their families and carers.

Forum participants felt that for many people with a disability, and their families and carers, this funding does not provide enough support to ensure that carers can engage with full-time employment themselves. Many family carers are unpaid, and many want to be able to work. The lost productivity for the nation and the impact on the workforce and relationships is immense. It was also noted that the New South Wales model of individual support funding could provide up to 30 hours of similar support, which was felt to be much more realistic in supporting workforce participation for parents and carers, and in offering people with a disability increased social, recreational and educational opportunities.

For some young people with a disability, the end of school can signal a drastic reduction in social inclusion and engagement in the community. It can be a time when important social and life skills can be lost if positive and meaningful programs and opportunities are not provided in an ongoing and timely way.

In addition, for some of these young people, learning new skills can take considerable time; however, those skills can become eroded quite quickly if they are not maintained. The same can be said of more vocational skills as well. Therefore, it is vital to have as clear and seamless transition as possible for those young people who are able and seeking to engage in supported employment, employment, and education. There is also a need to provide opportunities for genuine social inclusion and potential life skills learning for young people who may have a more moderate to severe or complex disability.

There are numerous examples of how other jurisdictions in Australia and overseas have sought to provide ongoing opportunities for people with a disability to maintain social connectedness, engage with skills development, and support continuing transition points. Most of these initiatives rely on a community hub, day service, or community college model.

While some of these models differ in approach, there are many common themes. Importantly, these programs and services can, while offering meaningful opportunities for people with a disability, allow carers to engage with work and their social networks as well.



In Victoria, for example, there are many day services operating in both metropolitan and regional areas. These services commonly operate from Monday to Friday, and often from 9 am to 3 pm. These services seek to provide programs to people with a range of disabilities to participate in community-based activities and to enhance their skills to participate in mainstream community life. These services also provide vocational training, recreation, volunteer work and life/independent skill development, including nationally recognised qualifications and certificates for people with a disability, with many agencies having registered training organisation components.

I believe that the ACT should be seeking out such examples of best practice, and exploring more comprehensive and sustainable community-based options to meet the ongoing needs of people with a disability, their families and their carers.

Finally, I am calling on the government to include in the Community Services Directorate annual report longitudinal qualitative research, with a small sample of young people with a disability who have left school, over a four-year period, on their experiences and the outcomes of various government-funded service provider programs. I understand that the concept of a cohort study of school leavers is not new to the Community Services Directorate, but it is important for the government, and the community, to better understand the journeys and the potential barriers that may be faced, and must be overcome, in this defining and crucial transition period.

The Greens feel that this research would be of great benefit to young people starting out on new pathways, of great interest to families and carers who are beginning the sometimes daunting task of planning for life after school, and of great practical value to the community service providers and government policymakers as they design and implement new programs.

Today I also take pleasure in launching a discussion paper that has been put together. The discussion paper is titled *Planning, navigation and meaningful opportunities: post school options for young people with disability in the ACT*. I will be putting this discussion paper out for community organisations, carers, young people, parents and others involved, asking them to answer a series of questions about how they would like to see things improved so that we can put forward a bit of an action plan for the future. This will go hand in hand with an online survey that will be up and going by tomorrow; again, that will seek feedback and input from those people so that we really can explore these issues. As I said, it will assist in putting together that action plan for the future.

I would like to acknowledge the parents and carers who have contacted the Greens about these issues and taken time from their busy schedules to provide such valuable insights into their real-world needs as well the strong work, advocacy and representation of stakeholder views by such organisations as Carers ACT.

I hope for support from everybody in the chamber today for my motion. I seek leave to table my discussion paper.

Leave granted.

**MS HUNTER:** I table the following paper:

Planning, Navigation and Meaningful Opportunities: Post school options for young people with disability in the ACT—Discussion paper, prepared by Meredith Hunter MLA, dated March 2012.

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (3:22): I thank Ms Hunter for bringing this motion before the Assembly. As has been noted, transition points in anyone's life can be a time of great uncertainty and anxiety. For many young people leaving school it can be a particularly stressful time for them and their families. For students with a disability the transition between full-time school and post-school life can be complex, generating a mix of feelings alongside a range of opportunities and challenges.

I welcome the opportunity through this motion to highlight to the Assembly some of the ways in which this government has sought to support graduates, and their families, as they look to plan how they will live their adult life. All young people have a unique and important role within their families and their social networks and as contributing members of the social, cultural and economic life of our community.

Consistent with the vision that “all people with disabilities achieve what they want to achieve, live how they choose to live and are valued as full and equal members of our community”, young people with a disability leaving school should have the same opportunities to contribute in our community as any young person. Some young people need help and guidance for a short period after they leave school to find their vocation and to establish their lives. Others will need ongoing and sustained support to participate in our community. The ACT government continues to assist young people with a disability to enhance their capacity to contribute to the life of our community.

Firstly, as Ms Hunter's motion notes, planning for a post-school life generally has a more positive outcome if begun at an early stage. As stated in *Future directions: towards challenge 2014*, all people with a disability should be able to obtain assistance to plan in advance for life transitions such as leaving school, starting employment, beginning a relationship, leaving home, maturing and growing old.

Disability ACT has developed a futures planning framework to support this process and assist individuals and their families in planning for a good life. This is a practical guide to encourage and assist people to undertake formal planning and it contains information on current planning supports, research on best practice, barriers to planning, as well as new initiatives. It also provides families and individuals with resources to assist them in the process.

Disability ACT engages early with people in ways that enable them to explore life options. A range of services has been established over the years to encourage and support early engagement and planning for life transitions. This includes a comprehensive information and support hub, the DISH, the disability information

service hub, which co-locates local area coordination, futures planning and housing options, along with a range of community development activities. I am sure the directorate has noted your words of encouragement there, Ms Hunter, on the development of DISH. The co-location assists families to work through a range of information and support services available to them and to choose the one that is going to suit their unique needs.

Additionally, Disability ACT actively engages with the education system through attending the schools, providing information on how to access supports, attending students' individual learning plan meetings at schools with their teacher and family, and helping to assess the pathway the students will be taking upon their graduation. These meetings are an opportunity to hear about the goals each student has been working towards while they have been at school and the goals and aspirations that they have for after school.

The process of engagement is starting earlier each year. Disability ACT is now engaging with the schools up to two years before graduation. Also a cross-sector Post School Options Expo is held in June each year, providing an opportunity for high school students to meet a range of potential service providers to consider their options for life after school. These expos have been well attended in the past. They have also provided an opportunity for families of students not yet in years 11 or 12 to start to think about the future.

Students may access a range of options to enhance their future economic and social participation through a variety of ways. This can be experienced through the transition service, which seeks to build on vocational, interpersonal and living skills for young people looking to find work who are not yet ready to participate in either the workforce or further education. For graduates with higher support needs the community access pathway enables young people to develop skills and participate within the community. This is an ongoing service that can link people to existing services or alternatively create new options.

The transition service is provided by the community organisation House with No Steps and delivers individually targeted information and support for young people and their families for up to three years after the young person has left school. However, planning and support begin while the young person is still at school. The transition service team assists the young people to look at their vocational goals for after they finish school, helps them to plan and work towards those own goals, and works with young people and their families to put the plans into action and to make sure that appropriate links are made.

Thirty-four students with disability who graduated in 2011 accessed either the transition service or the community access pathway. During last year Disability ACT and the transition service met with the 2012 graduates. Each graduate will be sent a letter in semester 1 of this year confirming the level of resources that are likely to be available to meet their needs. Staff from Disability ACT and the transition service will continue to meet with the individuals, their families and their teachers to confirm and build on the forms of support that best meet the students' needs.

Post-school supports are provided in addition to the respite, specialist behavioural support services and home and community care services. Each graduate is also eligible for the taxi subsidy scheme and for a mobility allowance. As of 31 January this year Disability ACT had received 46 referrals for young people expecting to complete school at the end of this year, and more referrals are expected. Families of December 2013 school leavers will receive information regarding the school leaver process during term 1 of this year, which is two years before their graduation.

In addition to all the more formal services, the ACT government funds an annual quality of life grant process which provides small amounts of direct funding to individuals and families. These grants are available to people to purchase a range of services, equipment and experiences which may broaden their opportunities to engage in the economic, social and cultural life of Canberra.

The ACT government does value the feedback it gets on all its services, and to ensure that the school leaver process delivers its intended outcomes annual reviews have been established to enable Disability ACT to gather quality information to assess our trends over time. One year after graduation there is a review that provides an opportunity to meet again with school leavers and their families, to assess progress against their goals and aspirations and provide further information and support where required. This review has been conducted over the last three years and I think it goes to one of the points that you are seeking through your motion, Ms Hunter. I am pleased to say that feedback has been positive, with some individuals assisted to access additional support while others have developed different types of support since graduation.

Disability ACT is also instituting a program to measure personal outcomes using the quality leadership methodology. Measuring personal outcomes enables the impact of services to be charted and evaluated against an individual's goals and aspirations. I think that is a key point around individual aspirations for the young person and their family.

Over future years Disability ACT is expected to gather significant information about outcomes for school leavers, to inform how our future service is developed and delivered.

In 2012 Disability ACT anticipates a large graduating cohort as the alignment of the school leaving age for students attending special schools is concluded. This will bring the school leaver age to 18 years for students with a disability, which is consistent with students in mainstream schools.

Good communication between Disability ACT and the Education and Training Directorate is ongoing, with plans in place to ensure a smooth process for the graduating class of 2012.

Ms Hunter's motion makes reference to the Victorian model, I believe, and the Victorian government are evolving their service towards a more streamlined service model. In the ACT we continue to evolve our services. The concept of "tell your story

once”, local area coordination at the DISH, and the commencement of a direct funding pilot are all part of our evolution to a more person-centred and responsive approach.

The Community Services Directorate is committed to continuous improvement to understand its clients, to develop the best options and outcomes for contemporary situations, and to gain further knowledge of the underlying social issues.

Before I close, I will just read some basic dollar statistics about Disability ACT and the range of services that it provides to the community. Funding for disability services has risen from \$41 million back in 2002-03 to now \$83.6 million in 2011-12. This is an increase of 101 per cent in funding assigned to disability services. Over the same period from 2002-03 to 2011-12 accommodation places have risen by 64 per cent, community support places have risen by 158 per cent, community access hours have risen by 140 per cent, and flexible respite hours have risen by 117 per cent.

Last year the 2011-12 budget provided an additional \$10.3 million over four years to ensure a sustained response is provided to individuals who require support as a result of breakdown of natural and/or formal support and who are transitioning from school to adult life. The initiative provides specialist after-school care and holiday support for young people, which has begun; certainly the after-school care program has begun in the first term and the upcoming school holidays will see the vocational programs begin. That is quite an additional benefit to families, and I will look at that over these 12 months to see how it is meeting needs and what the families’ thoughts are on those two new programs.

Back in 2010-11 there was money for a feasibility study into respite services. That report has been finalised and we will now go through how we review and renew our respite facilities for children and teens. Kese and Teen houses in my view need some enhancements. Also in 2010-11 there was a continuation of funding that provided respite of up to four weeks for carers aged 65 and older who were caring for a child with a disability. These children are naturally challenged in the transition from school to adult life, and from conversations with such families we know the concerns that the older carers have about caring for their children with a disability, because they remain their children whether they are 18 or 38.

The government is committed to delivering a sustained response to graduates with disability transitioning from school to adult life and believes that supports to those individuals should bring opportunities to increase independence, skills, participation and general quality of life. It is these values that will continue to drive our ongoing commitment to young people with a disability as they transition from school to their young adult lives.

**MR DOSZPOT** (Brindabella) (3.35): I welcome this opportunity to speak on this motion today and I commend Ms Hunter for raising this important matter. The question of opportunity for the disabled community has had some focus in this place recently, with the staging last week of the ACT carers summit, which was the brainchild of Dee McGrath from Carers ACT. And I take this opportunity to congratulate Ms McGrath and her team on a most professional and well-focused event.

On the substance of Ms Hunter's motion, a number of key facts are listed and indeed are well known to all who have an interest in this sector. Opportunity for young people with a disability after they leave school is well known to be extremely limited. The motion refers to the fact that more than 40 young people with a disability will be leaving school this year. In fact, we have around that number leaving school each year, and we know that each year only a small percentage of that year's graduating class will find employment or will find enough suitable activities to add quality to their lives through their adulthood.

In the last estimates hearings, there was discussion around the issue of what the government was doing or failing to do in respect of post-school options. Recommendation 172 of the Select Committee on Estimates states:

The Committee recommends that the ACT Government review the post school options services available for students with a disability and their families and report to the Legislative Assembly by the first sitting day in December 2011.

The government, in its response, noted the recommendation but any reporting it has done has not been to advance greatly the cause of school leavers. It is a complex matter and there is no one-size-fits-all for any child leaving school and searching for a new pathway for life. It is even more complex, confusing and insufficient for those with a disability.

For many, learning additional skills will provide greater opportunities and an enhanced quality of life. For others, there is limited or no opportunity for learning additional skills. But for either group, whether there is a hope for employment or no hope of enhancing living skills, the needs are the same, as is the moral obligation of governments and society. Everyone has the right to seek a better life and a fulfilled life.

I speak to many parents of disabled children and their fears are the same: "Who will be there for my child when I am not?" It is a regular theme and there are so few answers. For any parents with a school-leaving age child, there are challenges: "What career path? Where should they live? How should they live? Do they have enough life skills to survive on their own? How can we help them?"

The challenges are obviously similar for parents of disabled children, however with far greater requirements and needs to be addressed. What makes it more frustrating and what leads to even more anxiety is when there is willingness to learn new skills and become more independent but there are limited or no opportunities.

There are a range of federal government programs in the ACT that provide post-school employment. Koomarri, under the Australian Disability Enterprises banner, provide supported employment for disabled people and the operation of commercially viable businesses. Their businesses include the Office Support Agency, which is the collective name for six working groups located within various public and private departments around Canberra. It works with small groups of people with a disability, undertaking various office tasks while being supported by a support worker within the

workforce. There are 48 clients employed in office support agencies. There is a garden maintenance business that has operated since 1989 and works out of three locations; the Cut Cloth Shop that uses discarded clothes and materials and sells them to other Canberra businesses; Pack'N'Post, which is a packaging and mail-out business located in Belconnen and which packages folders and show bags for various clients; and a mail-out service that operates out of Woden.

LEAD also provides a similar range of services under the Australian Disability Enterprises framework. They have contracts with local regional councils, federal government departments and local construction companies to provide services that their employees can manage well and take pride in. And I know they would love to do more. They have more people on their books that want work. But in employer land, they tell me there is a great resistance to employing people with a disability.

It has to be said that Labor does not have a great track record in disability employment. The ACT government have a public service employment strategy and have engaged an HR officer to work across all business units to increase the number of people with a disability employed by the government. However, currently only 1.6 per cent of the ACT public service are self-identified as disabled, when 20 per cent of the total community are disabled.

A study of the employment of people with a disability in the ACT public service undertaken by People with Disabilities ACT in 2009 showed that there is a raft of relevant employment legislation, standards and policies already in place, so low levels of employments of people with a disability in the ACT public service is not for the want of policies. The report had 20 recommendations, including the introduction of apprenticeships, job auditions and work experience opportunities for people with a disability. It proposed disability awareness training programs for all employees. That was in 2009, and three years later only small increments have occurred.

In 2011, the then Chief Minister, Jon Stanhope, launched the ACT public service employment strategy for people with a disability. At the time he promoted the notion of targets, which, of course, the Labor government only the year before had soundly resisted, only to be rolled by the Liberals and the Greens in this place. In 2011, there were 327 self-identified people with a disability employed in the ACT public service. The target for this year is 441, and I would be interested to know from Ms Burch where we are with this target. In April last year we were already 55 behind last year's target. So there is much work to be done if the aspirational 655 people is to be reached by 2015.

The government will always point to such activities as the post-school options expo held annually. This event is intended to provide prospective school leavers with the range of services and programs available. However, service providers have advised that it is limited in its scope and outlook. I am not sure that starting discussions with school leavers before year 11, as the motion suggests, is the answer. I know, from discussions with families, that conversations start well before year 11 in many families, but even then there is not always a successful outcome. So I do welcome the motion, and I hope that all of these additional components of it will lead to better outcomes.

There are always exceptions, of course. The story of the establishment of JACKmail is a wonderful example of one family's determination to secure a meaningful life for their son. JACKmail is now in its sixth year of operation and has delivered more than 17,000 items of mail.

The motion also refers to the government's recent initiative, the DISH@Oatley. I have had a briefing from the directorate, and from all reports it appears to be a positive step in bringing together a one-stop shop for a range of services and community groups. I look forward to my visit to the DISH, which is currently being organised.

Two of the services in addition are the work experience and social placement program that supports students wanting to do work experience and the transition service for school leavers, which is provided by the House with No Steps. The transition service is designed to work with young people to deliver individually tailored information and support to young people and their families for up to three years after the person has left school, with some of that planning starting while they are still at school.

The challenge, of course, will be for this program and others at DISH as to what impact they have now and how well the facility is patronised by people with a disability and their families. It is a step in the right direction.

In closing, I think it is incumbent on us all to do more to integrate disability employment options into workplace thinking and practices. There are opportunities and we need to also create opportunities for people who want to work and are keen to make a contribution. I thank Ms Hunter for her motion. I move the amendment circulated in my name:

Add new subparagraph (2)(d):

“(d) work more closely with existing service providers to assist them in their efforts to provide additional supported employment places, especially in the ACT Public Service under the Government's Employment Strategy for People with Disability.”.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (3.44): The government strongly supports the needs of young people with a disability and their families and carers. We do believe that properly preparing all students for post-school options during their school education is incredibly important. Accordingly, in our schools and colleges, we have a number of structured initiatives and programs underway to ensure that these young people are best prepared for post-school life.

The review of special education in ACT schools commissioned by this government and conducted by Professor Tony Shaddock in 2009 noted some critical ingredients of planning for the school to adult life transition. These elements include preparing long-term, structured curricular that identify and teach the work skills and social skills a student requires for employment; encouraging student-centred planning; building interagency collaboration, connections, partnerships; and involvement with the job network.



My directorate, in partnership with Minister Burch, the Community Services Directorate and community sector organisations, offer a strong variety of programs that support the transition of young people with a disability through school and on to further education, training and employment opportunities. These programs and initiatives align well with the review of special education in ACT schools.

Over the past few years, new processes and programs have been developed that support the preparation for post-school transitions, both while at school and after students have transitioned to further education, training and employment options. These include work experience programs for students with a disability that commence in year 9, well before year 11; a stronger focus on post-school transitions in each student's individual learning planning; and greater collaboration between education and training providers and community sector organisations.

These processes and programs have been developed in a way that emphasises the strong cooperation between the Education and Training Directorate, Disability ACT and community service providers. For example, the Education and Training Directorate and the Community Services Directorate are working in partnership with the House with No Steps to prepare students from year 9 and their families for a transition. Through this program, students are eligible to participate in either a work experience or non-vocational social placement. In addition, school leavers can access ongoing community access support or transition support.

Work experience assists students in the transition to work by providing an opportunity to test tentative career choices through short-term, unpaid participation in the workplace. Students with a disability or a special need often require additional support to complete a work experience placement. The partnership with the House with No Steps is an example of the additional support provided.

My understanding is that the services provided by the House with No Steps have been strongly patronised by students with a disability. I believe this is a great program that seeks to build strong links with local businesses to ensure disabled students have access to a full range of work experience opportunities and placements that suit both their skills and interests.

Another significant initiative is the annual post-schools options expo, which will be held on 19 June. The expo provides a range of information for students with a disability and their families, including information on transition planning, career pathways, employment services and options, further education and training, advocacy and information services, work and life skills and life skills and community access services. The expo is another example where my directorate and the ACT government are working with the community sector agencies to ensure support for the transition of young people with a disability through school and on to further education and training and employment options.

Under the ACT youth commitment, all young people from year 6 to year 12 will have the opportunity to participate in pathways planning activities. Pathways planning aims to help young people to think about who they are, what they know, where they are

going, how they will get there and who can help them. The pathways planning process was developed by a cross-agency working group with representatives of government and other organisations, such as the ACT and Region Chamber of Commerce and Industry, the AFP, the non-government school system, teachers and the Youth Coalition of the ACT. Pathways planning complements and supports the individual learning plan for each student with a disability to identify each student's individual needs, learning pathways, goals and priorities for learning and supports the positive transition through school and to post-school alternatives.

Data available indicates that students with a disability require additional support to prosper in the vocational education and training sector. Exploration of best practice examples of viable programs providing support for people with a disability to access vocational education and training and improve employment outcomes, therefore, has significant merit. At the national level, state and territory governments are considering advice provided by the National VET Equity Advisory Council intended to inform jurisdictional development policy for investment in disadvantaged learners, including people with a disability in the vocational education and training system.

This advice has not yet been made publicly available. However, I can say it is based on in-depth research, including case studies of best practice programs. It also includes a range of information on the costs and benefits of supporting people with a disability.

Identifying and providing post-school educational pathways for young people with a disability is an ongoing priority for the Education and Training Directorate. The ACT government provides funds to support training for people with a disability through programs such as the priorities support program, adult and community education grants program, Australian apprenticeships through the user choice program and the joint group training program. The priorities support program is specifically designed to provide access to training opportunities for people who cannot readily access or do not have a high chance of success in other government-funded training.

Students with a disability are supported as a specific equity group under the priorities support program. Registered training organisations successful in attracting priorities support program funding offer courses with innovative approaches designed to maximise the chances for participants from disadvantaged groups. An additional 10 per cent equity payment is provided to support participation by students with a disability.

The focus of the adult and community education grants program is on learning that improves work readiness and builds social capital. The adult and community education grants program funds both non-accredited and accredited courses, mainly at the certificate I level. In 2012, four adult and community education courses were funded that specifically targeted people aged 18 and over with a disability. In addition, a program specifically designed for parents and carers of children and young people with a disability is funded.

User choice is a national funding policy for Australian apprenticeships, promoting choice in training services provided to employers and Australian apprentices and trainees. Registered training organisations may apply for additional support funding to provide assistance to apprentices and trainees with a disability.

The ACT joint group training program is an arrangement between the Australian and ACT governments to fund group training organisations that employ and manage the training of Australian apprentices. The National Centre for Vocational Education Research reported that participation in publicly funded vocational education and training in the ACT by students with a disability increased by 16.1 per cent between 2009 and 2010.

After students leave school, the CIT provides an adult learning environment with a range of training options where the needs of students with a disability are specifically catered for. At CIT, we have a great student support team. Importantly, the CIT vocational college offers learning options classes in literacy, numeracy and basic computing for students who need to improve their skills before entering higher certificate courses. Additional support teachers are provided to assist students with an intellectual disability who have more complex learning needs.

To me, providing adequate support for all students is a top priority. I have always believed that our schools, colleges and CIT must go beyond the provision of academic or vocational skills. They also have to provide the supportive environment that nurtures all students as they take their first steps into the workforce, as they go through the ups and downs of working and training, and ultimately builds resilience to succeed in post-school life.

At least as it applies to education provision in the ACT, I agree with the spirit of this motion—to bolster support services for youth with a disability. The government will continue to pursue support options for students which take on a holistic, whole-of-government approach as we prepare our students for future work life. We will also continue to provide programs to students for schooling years before year 11 that build post-school resilience.

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (3.54): I will speak very briefly on Mr Doszpot's amendment. I note that we will not be objecting to it but it is the first time I have seen it. I was aware that the Greens had it a number of hours beforehand, but Mr Doszpot did not have the courtesy to provide my office with it. Probably he is doing his work by adding this, because I cannot remember Mr Doszpot's last question or his asking for a briefing on disability services.

But I was pleased to hear in his commentary recognition of the need for a community response around employment. There is clearly a role through Disability ACT and through the Education and Training Directorate to be responsive and to put programs in place. But it is larger than just supported accommodation places. I think we would all agree that the intent of the Chief Minister's inclusion awards is going out to all the business sectors, large and small, and saying, "There is an opportunity to support people with a disability in your workplace."

I was also pleased to hear Mr Doszpot mention the young man Jack and JACKmail. Last week the Chief Minister and I actually turned the sod on the intentional

community, which is about supporting young individuals as they transition into adulthood, with the investment of 25 units, three of which will be taken up by young men with a disability.

In regard to the ACT public service employment strategy for people with a disability, it has three key planks of performance. One is improving our capability. For Mr Doszpot's information, CSD has updated its guidelines for recruitment and retention of staff with a disability and have had information sessions for senior management. Certainly it is reworking the duty statements and selection criteria to remove any unwarranted barriers to participation in employment.

Another plank is around retaining employees with a disability. We have now called for expressions of interest for the disability employment network. The third plank is attracting people with a disability. The CSD is part of the whole-of-government traineeship system for people with a disability. We are, as I have said, working on our position statements and selection criteria to make sure that they have the appropriate level of regard and that there are no unwanted barriers for people with a disability.

It is worth noting that increased reporting of disability status across the service is a measure of success. I think the comment is that not everyone in the public service may identify as having a disability. But we are measured on those who identify as having a disability. So that is work that we certainly have to do at a directorate and a public service level.

I am quite comfortable, as minister for disabilities services, to support Ms Hunter's motion and the amendment because they sit within our efforts about what we do for young people as they transition into adulthood.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.57): The Greens will be supporting Mr Doszpot's amendment about the government working more closely with those existing service providers to assist them in those supported employment places within the ACT public service. It was some years ago that this was not going as well as it should have. It was similar to Indigenous employment. Certainly, progress has been made. I applaud that progress and I look forward to more places being available.

As I said in my speech, we do have large numbers of young people who are coming out of our schools across Canberra, whether they be mainstream schools or special schools, who are going to need that assistance to find a life after school—employment opportunities and educational opportunities. For those for whom that is not an option, we do need to understand that it is important they still have that opportunity to participate, to have those places where they can recreate with peers and where they can maintain the skills that they have and to learn new skills. This is incredibly important.

As has been spoken about by Ms Burch and by Mr Doszpot, it is also incredibly important that we support the whole family and that we support the parents and the carers. We know the incredible strain that many of these families can be under. For many, they have not had options available. Therefore, when the young person has left

school, it has meant that one or other parent or carer has had to give up paid employment.

Not only has this placed financial pressure and burden on the family but, for many, it has also been an incredibly important part of their lives to be able to engage in that work and also the social side of work. It is important for them to maintain their social networks with their peers and friends as well. That is why we do need to be looking at the options and provide the level of support needed.

Twelve hours a week I do not believe is where we should be at all. I think it is inadequate. We need to be looking at how we can increase that number of hours. This is a very loud call from many, many parents and families that I am sure we have all spoken to.

Mr Doszpot and Ms Burch have spoken about social enterprises that have been set up, and JACKmail is one of those social enterprises. There have been many parents who have not been able to find an option or they consider the best option is to set up a small business for their child or young person. Ronnie's Succulent Snails would be another great example of this.

I applaud those families for doing it. But of course there are many families who do not want to take that path or who are unable to take that path. That is why we need to be looking at how we can provide those pathways into the ACT public service, for instance. It is another reason why the Greens put up the motion about social procurement and the importance of at least three projects being put in place and up and running in the area of social procurement. Again, it is about providing these options, these pathways.

A lot of work has gone into this discussion paper. I am pleased that it will be available this afternoon, along with the survey. It is important that we do hear those life experiences, we do hear straight from those who are experiencing it what it is that they are having an issue with, where they believe they can see solutions and gaps and new options that should be made available.

That is what it is about. The process is to get that information, put together the action plan that we can present back and hopefully get some more reform in this area. But of course I do not want to forget that reform has been going on. I congratulate those within CSD, those within Disability ACT, those within the many community organisations who provide incredibly innovative programs, important programs, from respite support through to the social side of things, through to employment and training—the whole gamut of services out there who do a great job every day.

Again, thank you for the support. The motion has been supported by all in the chamber this afternoon. I think that shows that there is a real will and commitment of this Assembly to support these young people to have a bright, happy and fulfilling future, and also that their families will be acknowledged for the wonderful job they do in raising their children and that they will be supported in doing that.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Before we proceed, Ms Hunter, as I am new in the chair just at the moment, were you closing debate or just speaking to the amendment?

**Ms Hunter:** Closing debate.

**MR ASSISTANT SPEAKER:** Thank you very much, Ms Hunter.

**Mr Doszpot's** amendment agreed to.

Motion, as amended, agreed to.

## **Roads—William Hovell Drive**

Debate resumed from 22 February 2012, on motion by **Mrs Dunne:**

That this Assembly:

(1) notes:

- (a) the significant amount of traffic congestion on William Hovell Drive, particularly during the morning peak-times; and
- (b) the congestion caused by the exit from the Gungahlin Drive Extension to Parkes Way exacerbates the congestion on William Hovell Drive; and

(2) calls on the ACT Government to:

- (a) table by the close of business on Thursday, 23 February 2012, any statistical data and analysis thereof already held relating to vehicle counts and traffic flows on William Hovell Drive; and
- (b) table in the Assembly by the first sitting day in May 2012:
  - (i) statistical data of daily vehicle counts on William Hovell Drive, in both directions, over a period of at least two weeks that does not include school or public holidays and split as to:
    - (A) peak times; and
    - (B) other times;
  - (ii) an analysis of that data;
  - (iii) based on that data and that analysis, an assessment of the delays experienced by motorists during peak times; and
  - (iv) a statement of the strategies and timeline the Government intends to adopt to alleviate peak-time traffic congestion on William Hovell Drive.

**MS BRESNAN** (Brindabella) (4.04): I thank Mrs Dunne for bringing this motion to the Assembly. While the motion essentially asks for data that is typically collected through the questions on notice process, the Greens support a call for this information. It is always useful to see data on the amount of traffic and levels of congestion on roads around the ACT.

These are issues the Greens have asked about quite often through questions on notice. In June last year, for example, I asked the government through the questions on notice process what modelling it had done on traffic congestion and travel speeds on the GDE. I asked a number of related questions on this topic as well, such as what impact the government expects the completion of the GDE duplication to have on the future transport modal split of Canberra, and Gungahlin in particular, and whether the government has done any modelling or analysis of the expected impacts to modal splits from the duplication of the GDE.

The responses to these questions in June last year indicated that the government was planning to undertake daily vehicle counts on William Hovell Drive for a two-week period in November. This has now been done. When this matter was debated previously, the government was going to move an amendment to Mrs Dunne's motion to reflect this. If that occurs, we would support that because we have a situation where the data has already been collected.

I also understood that the government would make this data available to Mrs Dunne and the Assembly, and that it would also provide all analysis of that data and of delays experienced by motorists during peak times. This fulfils the motion except for the part that requires the government to collect that data again. I believe it is unnecessary to collect the data again when it was just done in November last year, which is obviously very recent.

Mrs Dunne has already spoken on this matter in the previous sitting when the motion was first introduced. I listened with interest and noted her concern that the duplication of William Hovell Drive did not satisfactorily solve the congestion issues on that road. Interestingly, Mrs Dunne said that this was a test for all the doubters that traffic at this particular intersection could get that bad. I am also aware of concerns about the GDE in that congestion and bottlenecks are still occurring.

I want to make a point, which I have made before—focusing on expanding roads inevitably leads to increased congestion problems. The best approach is to have a strong focus on building a city based around sustainable transport, and I am pleased to hear that Mr Corbell has been stating the same in relation to the release of the recent transport strategy.

I am somewhat concerned that the Liberals' attitude appears to be that public transport does not work, can never work, so we should essentially abandon it. In fact, I would like to point out that this has been the expressed transport policy by Mr Coe on a number of occasions. He has said a number of times that Canberra was built for the car and we need to accept it. Not only is that a negative, pessimistic attitude, but it is also incorrect. Mr Coe even said in a recent speech that Walter Burley Griffin

designed Canberra for the car. That is a fact I was not aware of, and I do not think anyone else in Canberra was aware of that fact. It is completely incorrect.

Congestion is a problem that concerns the ACT Greens, just like it does the other parties. Congestion impacts on the liveability of Canberra as well as productivity. The central facet about congestion from my point of view is the question about the best way to tackle congestion. The Greens have emphasised many times before that we can make significant reductions in congestion by planning and investing in excellent public transport systems. This has been done across the world and in cities across Australia. We have a number of examples in Australia where that has been used as a way to address congestion, particularly when there is significant population growth in city areas. That has been the approach taken by other cities.

On this note, I will quote from the light rail submission to Infrastructure Australia prepared by PricewaterhouseCoopers in 2008:

Canberra's current transport system is unsustainable. Canberra has the highest carbon emissions from passenger car transport per capita of any Australian capital city and the growing levels of congestion which are projected to increase are imposing a cost on the ACT community in economic, environmental and social terms. These costs will continue to grow. Therefore, improvements need to be made to the current transport system.

The submission goes on to conclude that congestion and the cost of congestion is expected to grow considerably over the next 30 years. Without intervention now, Canberra's transport environment and traffic is destined to resemble those currently being experienced in the more populous capital cities of Australia. In the context of congestion, this proposal, therefore, is not one of fixing of problems but, with the aid of the hindsight experiences of Sydney and Melbourne, is a project that will enable the nation's capital to avoid a problem.

PricewaterhouseCoopers' analysis shows how a light rail system will make a major contribution to reducing congestion in Canberra and help us to avoid the problems plaguing other cities. The solution does not have to be light rail; there can also be other forms of public transport, such as rapid bus services. Obviously in Brisbane we have seen a huge amount of work done in that respect. The interesting thing with Brisbane is that they have actually built it to accommodate light rail in the future, something which we can also do here. Easing congestion is one of the many reasons the Greens constantly call for more effort and more investment to be put into public transport in Canberra.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): The question is that the motion be agreed to. Chief Minister, you are not drawing the chair's attention to the state of the house, are you?

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.10): It is interesting that this is a motion that is so important to the Canberra Liberals and there is actually not one of them here to support this motion through their attendance today. I do not want to draw the Assistant Speaker's attention to the state of the house, but I find it interesting that on



private members' day there is not a Liberal in the house at the moment to deal with this motion that they, indeed, have brought to the house. I am sure that that will get some of them or one of them down here quick smart—or it should.

Mr Assistant Speaker, I will move amendments that are being copied now; they will be circulated shortly. They update the amendment I circulated in the previous sitting to reflect the fact that we did not finish that motion on that sitting day, so they merely change the date.

William Hovell Drive carries some 30,000 vehicles a day on the section west of Bindubi Street and some 44,000 a day in the section east of Bindubi Street. The TAMS directorate is very aware of the busy nature of William Hovell Drive and other roads in the vicinity of the Glenloch interchange and Parkes Way. For this reason, and also to assist in better understanding the road infrastructure requirements over the next 20 years, TAMS undertook a study of the road corridor from Molonglo valley through to the Canberra Airport in 2009.

This study confirmed that traffic flow on William Hovell Drive is heavily influenced by the capacity of the Glenloch interchange and Parkes Way. The capacity of Glenloch has now been upgraded with the completion of GDE in October 2011. The road is very popular and people are using it.

The current capacity of Parkes Way, however, continues to impact on traffic flows on William Hovell Drive, which itself carries a significant traffic volume, particularly east of Bindubi Street. Anyone familiar with this area will know that the traffic flow from William Hovell Drive heading towards the city in the morning can be slowed by traffic merging on to Parkes Way from the GDE from the north and from Tuggeranong Parkway from the south. This is compounded by limited capacity for traffic exiting Parkes Way on to Commonwealth Avenue in the city and from Parkes Way to Coranderrk Street and Constitution Avenue.

The 2009 study identified a number of road improvements that would be necessary over the next five to 10 years to support the growth of the city. These improvements included the widening of Parkes Way and improvements to the capacity of the exit ramp from Parkes Way to Commonwealth Avenue in the city.

The government accepted the need to widen Parkes Way and included a project to update Parkes Way as part of the 2010-11 capital works program with \$14.7 million allocated as part of the budget approved by this Assembly.

The construction of this project to widen Parkes Way is out for public tender and construction works will commence in May 2012 with a completion date in September 2013. Like all roadworks, this will have some impact on traffic throughout the upgrade timetable, and this, itself, will create a disruption to traffic and will not necessarily ease some of the pressures that we have seen.

I am advised by TAMS in my discussions with them that traffic disruption will seek to be minimised, and looking at how they stage the project focusing on stage 1 around the exit ramp to Commonwealth Avenue may assist with some of that, but there will

be traffic disruption associated with this project. Overall, it will be a good project for all of us, though—for those who travel from the south who currently use Tuggeranong Parkway and for those from the north and west who use William Hovell Drive and then GDE to get on to Parkes Way.

We all know about the frustrations that roadworks can generate, so it is important that roadworks and the impact of roadworks are managed to minimise to the extent that it is possible the impact on traffic, especially during peak times. The advice I have received today is that by making use of the existing wide sealed shoulder on Parkes Way, it will be possible to maintain two lanes of traffic in both directions through the project while the third lane is being constructed in the grassed median. While traffic will slow as it passes through the work site, as is necessary, I am confident that people will see the long-term benefit of this project.

Having improved the capacity of Parkes Way, the next bottleneck is the exit from Parkes Way to Commonwealth Avenue. As those who travel on this road know only too well, this can be a very slow movement. To address this, improvements to the exit lane from Parkes Way to Commonwealth Avenue are also included as part of the works currently out to tender. People familiar with the area will also know that delays can be experienced by the current arrangements with London Circuit and Commonwealth Avenue, and those works will provide some relief to these delays.

The government is providing road infrastructure right across Canberra which includes not only the Parkes Way widening improvements but in partnership with the federal government the \$288 million Majura Parkway project, which will be the biggest road infrastructure program since self-government. This project is well underway, with the construction tender planned to be called in May 2012 and a construction contract to be let in August 2012. We expect construction will be underway in November 2012 with the road to be completed on the current timetable by 2016. Public information sessions have been held for the Majura Parkway project last month, and a DA for the construction work will be lodged with the planning authorities in April.

Construction contracts have been let and are underway, as many members will see, on Barry Drive covering the \$7 million upgrade of the Clunies Ross intersection and the \$9.4 million contract for the first stage of the Belconnen to city transit way project as part of the transport for Canberra strategy. The planning and design work for the \$42 million upgrade of Constitution Avenue is also underway with construction planned to commence later this year.

The government acknowledges that making these prudent investments in infrastructure and responding to the needs of the community is what this government is all about. It is about long-term planning, having a transport strategy that recognises the importance of public transport, our road capacity and the need to move commuters, in particular, through peak traffic periods.

Responding to the clauses in Mrs Dunne's motion, the government is aware that the traffic flow on William Hovell Drive is impacted by the capacity of Parkes Way and Glenloch interchange. The need to upgrade William Hovell Drive will be monitored by TAMS, and feasibility work will be undertaken to establish the engineering

requirements and project costs together with the benefits that support the investment of public funds.

The process is similar to the proposed upgrade of Ashley Drive in Tuggeranong, recently presented to the standing committee on public works. The need to upgrade the road was identified some years ago, and this project is now included on a construction program to commence later this year. We have now upgraded the Glenloch interchange and we have now called for those tenders to provide additional capacity on Parkes Way, and these construction works will relieve the pressure on William Hovell Drive.

The amendment to Mrs Dunne's motion reflects that we have already done what Mrs Dunne is asking from the government. Carrying out daily vehicle counts is just one part of the research that we undertake when we plan for improving our road network to meet growing traffic. My amendment asks the Assembly to note that TAMS have already undertaken daily vehicle counts in a two-week period in November 2011 during both peak times and other times. I am able to table that information for members now. I table the following paper:

William Hovell Drive—Hourly detector loop counts for the William Hovell Dr/Bindubi St intersection, dated March 2012.

I am also, as outlined in my amendments, happy to provide further information, including an assessment of the delays experienced during peak times and that this information will be able to be provided to the Assembly in the first week of the May sitting period. I seek leave to move the amendments circulated in my name together.

Leave granted.

**MS GALLAGHER:** I move:

(1) Insert new subparagraphs (1)(c) and (d):

“(c) that the Government, through the Territory and Municipal Services (TAMS) Directorate, undertook daily vehicle counts on William Hovell Drive in the two week period, 7 to 18 November 2011, during peak time and other times; and

(d) the Government's major road project to widen Parkes Way:

(v) which involves the construction of a third lane in each direction from Glenloch Interchange to Edinburgh Avenue, which will assist in peak time traffic flows, including traffic flows on William Hovell Drive; and

(vi) tenders were called in February 2012, with the project due to commence in May 2012;”.

(2) Omit paragraph (2), substitute:

“(2) calls on the ACT Government to:

- (a) table, by the close of business Thursday, 22 March 2012, any statistical data and analysis thereof already held relating to vehicle counts and traffic flows on William Hovell Drive; and
- (b) table, in the first sitting week in May 2012:
  - (vii) an analysis of the data from the daily vehicle counts on William Hovell Drive in the two week period, 7 to 18 November 2011;
  - (viii) based on that data and that analysis, an assessment of the delays experienced by motorists during peak times; and
  - (ix) statement of the strategies and timeline the Government intends to adopt to alleviate peak time traffic congestion on William Hovell Drive.”.

**MS PORTER** (Ginninderra) (4.20): I just want to correct some of Mrs Dunne’s assertions with regard to the length of time it takes to travel to work in the morning during peak hours via William Hovell Drive, the Glenloch interchange and Parkes Way. As many of you know, I reside in Hawker and travel to and from work every day, during peak hours, during periods of heavy rain and other traffic conditions that may present themselves. That is why I was very concerned when I heard Mrs Dunne’s claim of the time it takes to travel from Belconnen to Civic during peak hour along the route that I have described. No-one says that from time to time there are not traffic issues. We do live in a city, after all, and we just heard from the Chief Minister on all of the work that has been undertaken to address the various traffic issues that arise as our cities grow and our population grows.

However, I have timed my travel from Hawker to the Assembly. I have been timing the journey for the past month, commencing on 23 February until and including today, and I have found the average travel time is 18.38 minutes. If I had time I could read out each day’s travel time. However, I do not want to take up the valuable time of the Assembly. Suffice to say the average travel time is way below Mrs Dunne’s 30 minutes. That is in peak hour and in five days of rain during that period.

Of course, I travelled from the Southern Cross-Belconnen Way roundabout to time the longer journey which Mrs Dunne claimed, I believe, was 45 minutes. However, this worked out to be 25 minutes in heavy peak hour traffic. Never let the facts get in the road of a good story. Mrs Dunne uses facts like the proverbial drunk uses a lamp post—more for support than for illumination.

**MRS DUNNE** (Ginninderra) (4.21): I thank the Chief Minister for the amendments to this motion and the information that she has tabled. I am appreciative, on behalf of my constituents, of the work that has already been undertaken by the government. It is now clear that there will be some relief in sight for people from west Belconnen. I am glad that Ms Porter has spent some time timing her journeys. I referred to a couple of particular occasions when it took extended periods to get in to Civic. I travel a longer

distance and there are delays. There are delays on Kingsford Smith Drive and there are considerable delays on Coulter Drive because of the backing up of traffic and also the interaction of roundabouts. The timing and staging of these roadworks will have to be done quite carefully. The people of Belconnen have already suffered through four or five years of road delays due to the botched building of the GDE, a road that we had to build twice. I think they are coming to the end of their tether with delays caused by roadworks.

It might be timely for the government to consider some advice about the use of Coppins Crossing Road, which is now becoming a choke point. It was used quite heavily by Belconnen residents wanting to get to Woden during the construction of the GDE. It is a road I have always enjoyed using because it gives you a modest country drive, but since the development works around Wright it has also become a considerable choke point. It was a real problem for people this morning. In the fog it was particularly dangerous. The roads coming out of Belconnen where people are trying to avoid congestion are becoming congested in other spots. Alleviation of this problem of the main arterial out at Belconnen will be of great benefit to the people of my electorate. I am sure that Mr Coe, when he gets here, will echo those sentiments.

I thank the government for the information it has provided. I will spend some time looking carefully at it. It is interesting that at peak times we are seeing in excess of 4,000 vehicles go through the intersection of William Hovell Drive and Bindubi Street. That is an indicator of the amount of traffic that is there. There are considerable delays there most mornings. When this matter came on for discussion the last time we sat, in February, one of the staff said to me, "Does that mean that when I drive north on the Tuggeranong Parkway and turn onto Parkes Way the delays that I experience there will also be alleviated?" Yes, they will, when all this work gets done.

There are still issues, and they have become worse since the rain. But even before the heavy March rain there were issues with the quality of the pavement in that area. It was pointed out to me that there is one section of William Hovell Drive where the verge is utterly littered with hubcaps. People have lost their hubcaps on the rough surface. There must be a considerable problem with the pavement there when you sometimes see 10 or 15 hubcaps all scattered along the road. I think there are significant issues. This is a major arterial. There are many roads converging through the Glenloch interchange. I think there is still a lot of work to be done to make it a safe, durable and problem-free road. I thank the Chief Minister for the work that has already been done and I thank her for her commitments to keep the Assembly updated. I look forward to that update in May.

**MR COE** (Ginninderra) (4.27): There are a few things that need to be said in response to some of the comments which some members in this place have made during this debate. Of course, it starts with the Chief Minister's very petty comments about who is in the chamber. If that is going to be the new standard, that we have got to be in the chamber to show that we respect an issue, I trust you will be in this chamber 24/7 once we are in session—

**Ms Gallagher:** One of you.

**MR COE:** I trust that will be the situation.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order, members! Mr Coe, address your remarks through the chair, please.

**MR COE:** Sure, Mr Assistant Speaker. I am sure Ms Gallagher will be in the—

**Mr Seselja:** On a point of order, Mr Assistant Speaker, Ms Gallagher was shouting abuse across the chamber. Are you going to call her to order in the way that you did Mr Coe just then?

**MR ASSISTANT SPEAKER:** Resume your seat, Mr Seselja. On your point of order, Mr Seselja, I called both members to order. I was not being particular. However, Mr Coe in his speech said “if you are going to do X, Y and Z” to the Chief Minister. That is what I asked him to desist from doing and to address his remarks through the chair. Mr Coe, you have the floor.

**MR COE:** Thank you, Mr Assistant Speaker. If Ms Gallagher thinks that should be the new standard in this place, I trust that she will be down here throughout all the debates to show just how serious an issue is. That is the standard. That is the professionalism of the Chief Minister. That is the professionalism of the person who is running the \$4.3 billion territory budget. That is what we have got running this show. We know that we have got a couple of ministers who get very temperamental when they are called duds, even if it is by 2CC, the *Canberra Times* and numerous other people. I think we have got three of them, actually. By the time you count Dr Bourke, Ms Burch, and Mr Corbell, that is three of them.

**MR ASSISTANT SPEAKER:** Mr Coe, would you become a little bit more relevant, please?

**MR COE:** I will remain relevant to the people of Ginninderra when talking about road infrastructure because it is they who have been let down by a government that is increasingly becoming irrelevant, Mr Assistant Speaker.

*Mr Seselja interjecting—*

**MR ASSISTANT SPEAKER:** Order, Mr Seselja! Check your standing orders, please.

**MR COE:** The other duds on that side failed to see that they are not here to be emperors of their directorates. They are here to actually serve the people of Canberra who pay their wages. That is why all the feedback that I get when I am around Ginninderra or elsewhere is that the ACT government needs to get back to core business. It needs to get back to doing the things that ACT taxpayers expect it to do, and that is delivering local services—and such a local service is the upgrade of William Hovell Drive—and at least getting a reasonable amount of information such that all of us in this place are well placed to be able to make an informed decision.

Ms Bresnan in her remarks said a couple of things. She said that the Canberra Liberals do not support public transport. To be honest, we do not support the way \$85 million is being spent in ACTION at the moment. It could be spent much better and you, Mr Assistant Speaker, I think, know that. I think Ms Gallagher knows that. I think Mr Corbell knows that. Even Klaus Pinkas probably knows that deep down inside. We all know that that \$85 million could be spent better. It is going to take some firm leadership and it is going to take some tough decisions, but we have not seen that yet. I have no confidence, in spite of a glossy document being left on Monday or Tuesday, that we are going to be seeing it any time soon.

Ms Bresnan also had a go at me for saying that Canberra was designed for the car and that I even said that Walter Burley Griffin designed Canberra for the car. Ms Bresnan, you ought to get your facts straight. I think you will find that Walter Burley Griffin did design Canberra after the invention of the car. He designed the wide boulevards for cars. He designed the many great streetscapes we have bearing in mind that automobiles would be driving down the middle of those streetscapes. Ms Bresnan might want to get her facts straight, especially as we approach the centenary of Canberra. She might want to look at some of the very good publications put out by the centenary of Canberra unit and have a look at the information there. I think she will benefit from that education.

We also heard Ms Porter talk about her testing. She is a bit of a road engineer; she moonlights as a road engineer. A bit like another member of this place who moonlights as a recorder of interjectors, we have Ms Porter who moonlights as a traffic engineer. She can measure the distance from Hawker to the city as good as the next person, and she said 18 minutes was the average journey—an average of 18 minutes to go 13 kilometres. If Hawker is one of the near suburbs and you do not use the whole of William Hovell Drive, particularly the part that is not duplicated, perhaps the journey might take a little bit longer.

It was in 2003, a year before Ms Porter was elected to this place, that the ACT Labor government announced the duplication of parts of William Hovell Drive. Ms Porter may like to claim that she somehow did this. I am sure she has. However, it was in 2003 that they announced that they were going to duplicate some of that road. In actual fact, it was in a press release whereby the Chief Minister said that \$7 million would be contributed to the project. He said, “Belconnen residents that work in the city are the big winners of the ACT government’s \$7 million duplication of William Hovell Drive.” Unfortunately, so many people in Belconnen and Gungahlin are the big losers at the moment—the big, big losers.

**Mrs Dunne:** Because it was half a duplication.

**MR COE:** As Mrs Dunne just said, it was half a duplication. There is much more work that needs to be done there and across so many other parts of our city. The fact is that if you want to get around this city with ease and you want to remain productive, you have to use a car. That is just a fact. We can pretend that that is not the case. Ms Bresnan can say it is negative to say that Canberra was designed for the car, but it is a fact. If you are living in Macgregor, Dunlop, Holt or Higgins and you have got to drop

a child off at school and another at childcare and then you have to go into the city—you might have an appointment or two on the way and you have got to go via the shops on the way home after picking up your kids—try doing that on an ACTION bus.

The fact is that the vast majority of Canberrans have to drive. It is for that reason that 17 members of this place usually drive their cars to this place, in spite of the fact that we are right next to a bus interchange. We have got four Greens who drive in. Every now and again you might see one of them on their bike—and good on them for doing that—but it is a reality that to use public transport as the sole means of transport in this city is tough, unless you happen to live next to an expresso route or you happen to live next to a town centre. That is just a reality. We have to accept that. If we do not approach these issues with a premise of reality then we are going to be spending good money after bad. That is not to say that we give up on public transport, but we need to come at this issue with the premise that the vast majority of people need their cars to survive in this city.

I commend Mrs Dunne for the superb work she does as a local member but also as someone who understands that the delivery of roads infrastructure is something which should be done by a local administration such as the ACT government. She knows this is core business for a local government. She knows that the ACT Labor government have been negligent in their delivery of infrastructure or their lack thereof. Once again, I commend Mrs Dunne for this superb motion.

Amendments agreed to.

Motion, as amended, agreed to.

## **Pace Farm—battery hens**

**MS PORTER** (Ginninderra) (4.36): I move:

That this Assembly:

(1) notes:

- (a) that Parkwood Farm is a cage-egg production and egg grading facility located in West Belconnen owned by Pace Farm, which is the largest egg producer in Australia;
- (b) that Parkwood Farm is a key element of the Pace Farm business, with up to 200 000 chickens on site;
- (c) that the Parkwood Farm acts as a sorting and packaging depot for a number of farms in surrounding New South Wales;
- (d) that Parkwood Farm is a major contributor to Canberra's agricultural sector and employment, with a current workforce of around 60 people;
- (e) the important economic contribution Parkwood Farm makes to the ACT economy, generating an estimated \$3 million in economic activity;



(f) that in 1997 the Legislative Assembly passed legislation prohibiting the production and sale of cage-eggs in the Territory on animal welfare grounds, but that this had not come into force due to other jurisdictions not agreeing to its implementation as required under the Mutual Recognition Act 1992; and

(g) that previously this Government has sought to offer initiatives to Parkwood Eggs to convert to a barn-laid facility; and

(2) calls on the Government to:

(a) undertake further negotiations with Parkwood Farm to convert to a barn-laid facility; and

(b) report back to the Assembly in the May sittings.

I rise today to discuss the matter of egg farming in the ACT, more specifically the operation of Parkwood farm in west Belconnen. This is an issue that has been before this Assembly on a number of occasions over the years. It is also a matter that has been particularly topical over the last week or so following a break-in at the Parkwood facility on 12 March 2012.

Parkwood farm is a cage egg production and egg-grading facility located in my electorate in west Belconnen, near the old Belconnen landfill site. The facility is owned by Pace Farm, which is the largest egg producer in Australia, with facilities in several jurisdictions. Parkwood farm is a key component of the Pace Farm business, with capacity for approximately 200,000 chickens on site and daily production of around 170,000 eggs when at capacity. The farm is located in close proximity—

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order! Members of the opposition, could you keep it down a little, please.

**MS PORTER:** The farm is located in close proximity to the key markets where packed eggs are distributed. It is also strategically located in relation to nearby farms that supply eggs—

*Members interjecting—*

**Mr Coe:** On a point of order, Mr Assistant Speaker.

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

**Mr Coe:** You just called the opposition for talking. I wonder whether those on the frontbench opposite might be called to do the same.

**MR ASSISTANT SPEAKER:** Thank you very much, Mr Coe. There is no point of order. I did not; I merely asked you to lower the volume. That was all it was. Ms Porter, the floor is yours.

**MS PORTER:** Thank you very much. The farm is located in close proximity to key markets where packed eggs are distributed. It is also strategically located in relation to nearby farms that supply eggs for grading and packaging.

Parkwood is one of the three grading floors that Pace Farm operates nationally. To get maximum efficiency from a grading floor, it is essential that it be located adjacent to an efficient and productive farm which produces eggs that feed directly into the grading floor. This means that the viability of the Parkwood facility is directly linked to the ongoing operation of the poultry farm. Including eggs produced on site, daily throughput for grading and packaging is between 750,000 and one million eggs.

Not only is Parkwood a key element in the Pace Farm business, but it is also an important part of the local economy. Parkwood has a current workforce of 60 people and it is estimated that the business accounts for around \$3 million of economic activity each year. These are important numbers in an economy with a very low share of economic activity arising from agricultural production. They are also important numbers in relation to employment opportunities in this part of Canberra. We should be doing everything we can to ensure that such opportunities are retained and, where possible, enhanced.

The break-in at Parkwood farm last week has brought the issue of cage egg production and animal welfare back to the fore. Notwithstanding the importance of this issue, it is deplorable that any individuals concerned chose to use illegal means to highlight their message. There is no excuse for the damage that was done to conveyor belts, grading and packaging machinery, office equipment and forklifts, and the impact that this has had on the operations of this important local business.

Nevertheless, we find ourselves here today with an opportunity to revisit the issue of cage egg production in the ACT. This is an issue that has been before this Assembly on a number of occasions over a number of years, as I said. I welcome the advocacy by members of this Assembly and our community for improved conditions at poultry farms and for improved animal welfare more broadly. The ACT government is still committed to the eventual abandonment of cage egg production, but not at the detriment of ACT businesses or Canberra jobs. Banning cage egg production in the ACT does not improve the welfare of a single chicken's life if the cage egg production simply moves across the border to Queanbeyan, because there is no nationally agreed position on this issue.

During the 2009 debate on cage egg production in the ACT, animal welfare concerns were recognised. It was noted that in 1997 the Assembly had passed amendments to the Animal Welfare Act to prohibit the production and sale of eggs using the battery cage system. However, in order to implement this ban, national agreement was required under the Mutual Recognition Act. This agreement has not been forthcoming, so the amending legislation has not commenced. To date, the large egg-producing states have not been supportive, and they are unlikely to be supportive for the foreseeable future. However, the ACT Labor government remains committed to advocating for a national ban on cage egg production and improved welfare for poultry.

Whilst we may not all agree on the manner of egg production at Parkwood farm, we should all be able to acknowledge that Pace Farm is operating within the regulations of the Animal Welfare Act 1992 and in some circumstances actually exceeding national standards.

The ACT government regularly inspects the farm to ensure that this remains the case. Parkwood farm is inspected routinely by the ACT Chief Veterinary Officer. Inspections are conducted to ensure compliance with legislation and whenever a complaint is received about the manner of operations at the facility. It is worth noting that thus far in the 2011-12 financial year no complaint has been received in relation to egg production in the ACT. The last inspection of Parkwood farm was conducted by the Chief Veterinary Officer on 2 March and no animal welfare issues were identified.

There are a number of acts and codes of practice that regulate commercial egg production and the labelling and sale of eggs. Audits have confirmed that the Parkwood farm cage egg production facility complies with nationally agreed housing requirements. In fact, Pace Farm exceeds the national requirement of space allocation per hen by over a third.

It is worth noting that the government has endeavoured to encourage Pace Farm to convert its Parkwood farm to a barn egg production facility. The ACT government has previously offered a \$1 million grant to assist with the conversion. However, this offer was not accepted at the time. The government has also supported legislative amendments to signpost the different production methods in retail outlets so that the public is better informed about the eggs it buys. This allows consumers to make informed choices and recognises the importance of market forces in driving change to improve conditions for poultry—change that will be driven by price, consumer attitude and behaviour.

Notwithstanding the efforts to date and the positive steps we have taken, I believe there is more that can be done to encourage change at the local level. I believe that the unfortunate events at Parkwood farm last week present us with an opportunity to reopen discussions with Pace Farm to determine what support would be required to convert their facility to barn egg production. This provides the best possible chance of affecting change without the loss of 60 important jobs and the economic activity that comes with those jobs.

I therefore call on the government to undertake further work with Parkwood farm to convert to a barn-laid facility and report back to the Assembly on the progress of this work in the May 2012 sittings.

**MS LE COUTEUR** (Molonglo) (4.45): I am really, really pleased that this motion has come before the Assembly today. Members will know of my longstanding—in fact, I should say the Greens’ longstanding—interest in this matter. The legislation that Ms Porter refers to in 1997 was, of course, introduced by the first Greens MLA, Kerry Tucker. Deb Foskey also introduced, unfortunately unsuccessful, legislation in 2007 on the subject. Then in 2009 I of course also introduced legislation on the subject.

I am very pleased to say that in 2009 part of that legislation was successful and we now have much better labelling for the type of eggs that are for sale in Canberra. That part of the legislation has been really successful. Some supermarkets have reported up to 90 per cent greater sales of free range eggs now that they are properly labelled. Being inspired by Ms Porter's motion, I would like to let the Assembly know that I intend next week to table a new, improved version of my proposed legislation on battery cage eggs and banning them from the ACT.

I now move on to the motion at hand and my suggested amendments to it. Most of Ms Porter's motion is factual. Parkwood is a cage egg production facility and the largest producer in the ACT. I think that possibly she has understated the number of chickens, because when we looked at the national pollutant inventory it had a quarter of a million chickens rather than only 200,000. Yes, absolutely, it is a sorting and packaging depot for a number of farms in surrounding New South Wales and there is no reason for that to change. That is an appropriate thing for it to do.

Part (d) states that it is a major contributor to Canberra's agricultural sector and employment with a current workforce of around 60. I understand that it only has a workforce of about 60 once a year when it undergoes what is called destocking, which is up there with the most inhumane practices.

What happens in destocking is that the chickens who have spent their lives in these appalling conditions—I just remind members what we are talking about in terms of appalling conditions. Each chicken has around the size of an A4 sheet of paper to live their life on. This is simply not enough. They cannot move properly. If you have seen any pictures of cage egg chickens, they all have their feathers missing. They are all matted with manure. It is absolutely horrible. It is inhumane. It is cruel.

Even more inhumane and cruel than that, when the chickens have had a year of production—the word they use is that they are “spent”—they put them into semitrailers and they cart them down to Geelong. That is the only time at which Pace employs 60 people, because it takes quite a lot of people to get those chickens onto that truck and take them down to Geelong.

I understand that those trucks have, on occasion, been followed from Canberra to Geelong because, after all, it is a public highway. It has been observed that the chickens on this trip do not get fed or watered. It must be an absolutely horrible end to what has been a pretty horrible life before then.

Reference is made to the economic contribution of \$3 million. I do not want to sneeze at \$3 million. But it is not one of the bigger industries in the ACT, I think we could say. If this farm did not continue, it would not be a major issue from the ACT point of view. I would also point out that if Pace did stop cage egg production, it could also turn, of course, to free range or barn production. However, I would imagine it is more likely that the land will become urban land. If you look at where it is in relation to west Belconnen, it would seem that is what will happen to Pace.

Hopefully, it will be stopped by legislation in this Assembly. If it is not stopped by legislation in this Assembly, in the not-too-far-distant future, the owners of Pace will

realise they can make more money selling the land for residential purposes and they will quit anyway. I certainly hope they will quit. I would like to see this Assembly show some moral leadership and actually say, “No, we do not think this is an appropriate way to treat animals,” and to say, “No, this is not what we want to have happen in the ACT.”

As Ms Porter says in part (f), in 1997 the Legislative Assembly passed legislation prohibiting the sale of cage eggs in the territory on animal welfare grounds. This was very good legislation. It has not come into force due to other jurisdictions not agreeing. About half the other jurisdictions have not been prepared to agree to its implementation under Mutual Recognition Act.

I am happy to note that the government has offered incentives for Parkwood to convert its operations to barn-laid facilities. I am very pleased with her part (2), which calls upon the government to undertake further negotiations with Parkwood farm to convert to a barn laid facility, or possibly not even a barn laid facility. It could possibly be a free range facility or possibly, as I said, get out of the business altogether.

I am very hopeful, because the government is going to report back on this, that what this is telling us is that the government has some reasonable belief it will be a positive report back. I really hope that that is what this is signalling to the Assembly and the wider Canberra community.

Having gone through Ms Porter’s motion, I had better go through my quite extensive amendments. The first parts largely improve the factual information. As I said, Pace employs 60 people only very occasionally. It reported to the national pollutant inventory in 2007 that it only in fact had 14 employees at its facility. There is no reason to believe that it has increased since then, because the size of the facility has not increased since then.

Part 2(a) looks at negotiations to convert to a barn laid facility. I propose substituting the words “adopt alternative egg production methods”. This does not rule out barn production, but it does not rule out free range as well. We are just saying, “Let us talk to Pace about what is a better way forward for the future.” I am hopeful that the government will be happy with that as it just gives more scope rather than less.

The item in my amendments which may possibly be most controversial is in part 1(h), that battery cage egg production is a cruel, inhumane practice. This has been the belief of the Greens forever. The Greens, from an animal welfare perspective, look at animals—certainly animals of the status of hens—as being sentient beings and deserving a degree of respect and protection from the dominant species, human beings.

As I said earlier, if you think about how hens are reared in those sorts of facilities, it is hard to see how you could not describe it as cruel and inhumane. They do not have space to move. They literally cannot spread their wings, let alone fly or anything like that. They cannot live the life that nature intended them to live as hens.

In relation to part 1(i), as I mentioned, legislation has been tabled in this place three times to ban the production of battery cage eggs. Turning to part 1(j), various

jurisdictions around the world have now banned battery cage egg production. Most recently, at the beginning of this year the European Union finally phased out all battery cage eggs. I believe that in the European Union, though, there are still what is called furnished cages, or enriched cages, which are bigger cages which have perches for hens to sit on and more space. That would obviously be a step forward compared to the current cages we have in Australia. The Greens, however, would like to see us go further than that and ideally go to free range production.

The government has committed in the past as far as possible to all of its agencies using non-battery cage eggs by May 2009. This also should be noted in the motion. There is something else that I think we should note while we are talking about the economic contribution of Pace being \$3 million a year to the ACT economy. We should note that its economic contribution to the ACT government's economy is very little. It is in fact \$486 per annum for the lease of its 40 hectares of Parkwood property. It is not exactly paying a lot of money. Most of us would like to have a rent along those lines. I guess that is one of the reasons why I suspect it may be that residential forces will overtake the hens as residents of the Parkwood facility.

We are suggesting that we replace part 2(b) with a new and improved part 2(b) that firstly advocates for Western Australia, Victoria, New South Wales and Queensland to support the 1997 legislation which prohibits the sale of battery cage eggs in the ACT. Those are the jurisdictions that still have problems from a mutual recognition point of view. If we could get them on board, we would be able to fulfil the will of the Assembly back in 1997 and prohibit the sale of battery cage eggs in the ACT, which would be a wonderful achievement.

Next my amendment asks the government to table details of all inspections of Parkwood facilities in the last two years, including details of whether Parkwood complies with all applicable laws and codes of practice for animal welfare, and whether any cages or other infrastructure have been upgraded to improve conditions. This would be really useful.

I have on various occasions asked questions on notice and without notice about the situation in Parkwood. For the benefit of the wider Canberra public, I think it would be good if we could have all of this together in one place so that people know the hens are being looked after properly at least within the existing ruling as far as cage eggs are concerned, because that is a concern. Are the existing regulations being adhered to? It would be really great to have that information from the government.

Our part 2(d) proposes to table details of current ACT government egg procurement. This would be very useful to see how the government is going insofar as its previous commitment to use free range eggs. Again, I have asked questions about this in the past, but it would be very useful to get up-to-date information on it and, again, as Ms Porter requested in her motion, report back to the Assembly in the May sittings.

Basically, I would say that I was really stunned when I saw this motion on the notice paper—and really pleased. I had been feeling for a while that we are fighting a bit of an uphill battle here and that while it would be great to do something more about cage eggs, it is sort of not going to happen. But this has given me renewed hope. Maybe

something really will happen. I am really pleased that we are putting the issues of animal welfare and factory farming back in front of the Assembly. On the note of factory farming, I was going to make the—

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Ms Le Couteur, if I may interrupt you for a second, have you formally moved your amendments?

**MS LE COUTEUR**: If I have not, then please—

**MR ASSISTANT SPEAKER**: You will need leave to move them because there is more than one; so you would need leave to move all your amendments together.

**MS LE COUTEUR**: Thank you, Mr Assistant Speaker. I think I had overlooked that. I seek leave to move my amendments as one.

Leave granted.

**MS LE COUTEUR**: Thank you. I move my amendments:

(1) Omit subparagraph (1)(d), substitute:

“(d) that Pace reported to the National Pollutant Inventory in 2007 that it has 14 employees at its Parkwood facility;”.

(2) In existing subparagraph (2)(a), omit “convert to a barn-laid facility”, substitute “adopt alternative egg production methods”.

(3) Insert new subparagraphs (1)(h) to (m):

“(h) that battery cage egg production is a cruel, inhumane practice;

(i) that legislation has been tabled to ban the production of battery cage eggs in the ACT (in 1997, 2007 and 2009);

(j) that various jurisdictions around the world have now banned battery cage egg production;

(k) that the 1997 Act to prohibit the sale of battery cage eggs in the ACT requires support from all States and Territories to become operational, and that Tasmania, Northern Territory and South Australia have given support;

(l) that the Government committed, as far as practicable, to all of its agencies using non-battery cage eggs by May 2009; and

(m) that Pace currently pays \$486 per annum for the lease of its 40ha Parkwood property.”.

(4) Omit subparagraph (2)(b), substitute:

“(b) advocate for Western Australia, Victoria, NSW and Queensland to support the 1997 legislation which prohibits the sale of battery cage eggs in the ACT;

- (c) table details of all inspections of Parkwood facility in the last 2 years, including details on whether Parkwood complies with all applicable laws and codes of practice for animal welfare, and whether any cages or other infrastructure have been upgraded to improve conditions;
- (d) table details of current ACT Government egg procurement; and
- (e) report back to the Assembly in the May sittings.”.

In the short time left to me, I note that one of the reasons I think we should be very concerned about battery cage eggs, apart from the issues I have been through, is actually human welfare. I do not how many people have read what was reported in Saturday's *Canberra Times* and it has been reported in many other places. I refer to the World Health Organisation's warnings about the outlook for antibiotics.

They are saying that the world is entering into an era where injuries as common as a kid's scratched knee could kill because we do not have the antibiotics we used to, where patients will gamble with their lives when they go into hospital, where what today is a routine operation such as a hip replacement is simply too dangerous to carry out because of a lack of antibiotics. The organ donations that we talked about earlier this week simply will not be happening because of a lack of antibiotics.

Why this is relevant to factory farming is that 80 per cent of the antibiotics consumed in the world are consumed in factory farming locations. If we could reduce that, if we could get rid of that, the use of antibiotics for humans would be much more assured. From the point of view of health and keeping us all happy and well, we would be vastly better off. I commend my amendments to the Assembly, and I thank Ms Porter very much for her motion.

**MRS DUNNE** (Ginninderra) (5.00): I too have amendments but on the advice of the Clerk I shall have to wait until Ms Le Couteur's are dealt with and then seek leave to deal with those. But I have to address Ms Le Couteur's amendments. I find it breathtaking that a member of his place who has been elected and charged with upholding the law could talk for 15 minutes about egg farming in the ACT and the ACT's only egg farm and not mention the disgraceful actions of vandals who broke into the site the other day.

I also find it appalling that while Ms Porter mentioned the issue in her speech she could not bring herself in her motion to do anything to call on the Assembly to condemn these actions. These actions against the egg farm were vandalism pure and simple; so said Graham Downie in Sunday's *Canberra Times*. He went on to say:

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.



For more than 24 hours after the serious damage to the egg farm, Le Couteur and Rattenbury—

I am quoting Mr Downie; I am not being unparliamentary—

obfuscated when asked if they condemned this violence. Indeed, initially Le Couteur took the opportunity to advance her opposition to battery hens. That is a perfectly defensible position and one which the Greens have the right to prosecute. However, our democracy does not give vandals (let's not minimise their crime by calling them activists) the right to break and enter and damage property. Claiming to support the welfare of animals, the person or people who broke into the egg farm last week as finally acknowledged by Le Couteur and Rattenbury, endangered hens. But it took more than 24 hours, perhaps coincidentally shortly after I asked the Greens office whether they supported or opposed the vandalism at the chook farm and last year at the CSIRO, for a media statement in which Le Couteur opined, "Based on the details coming through, this appears to be a destructive and dangerous incident, which we condemn."

It was interesting, Mr Speaker, to see the conflagration that was caused by this last week and the reluctance of you and your colleagues to condemn this. I did notice when it was reported on the ABC that you were reported as condemning the use of battery acid in this incident of vandalism but not the incident of vandalism itself. I find it spectacularly breathtaking that in the week after this incident the members of the Labor Party and the members of the Greens cannot bring themselves in this place to categorically and unequivocally condemn the actions.

Ms Porter has set the scene, but she could not actually mention the elephant in the room. Ms Le Couteur, for all her activism in this place and in this space about egg farming, is so transfixed by the idea that somebody is talking about animal welfare that she just glides over the implications of what happened at Parkwood the other day.

I have visited the Parkwood establishment, I have been through the biosecurity and I have visited the cages. I would say that I was not very keen at the idea, but I thought it was my duty and my responsibility to do that, and I was stunned that what I expected to see was not there. The overall impression you get when you go into a very large barn with a large number of chickens is how quiet it is. I come off a farm so I know these things: if animals are distressed they are not productive. If chickens are distressed they do not lay eggs. If chickens are distressed they make an awful lot of noise. And it was very interesting when I went into the barn at the time that I visited how quiet it was. There were half a dozen people there and we there for five or so minutes, maybe 10. Gradually the level of noise in the barn increased as more chooks started to make noise. The representative from Pace Farm said: "It's getting too noisy in here. The chooks are starting to get upset. We need you to leave."

It was a really startling experience to go in and (a) see how clean it was and (b) hear how quiet it was. And these are great indicators from an animal husbandry point of view of whether or not the animals are distressed and therefore whether or not they are productive layers. Quite frankly, no farmer is going to put their livestock in a position where they are not productive. Chickens will go off the lay very easily if they are distressed. So I think that while we need to be mindful of the animal welfare

issues we need to debunk some of the issues that are brought forward in Ms Le Couteur's amendments.

The Canberra Liberals will not be supporting Ms Le Couteur's amendments because they fail the first test of honesty. They do not recognise the events that happened the other day and they do not condemn them. I think it is a bit rich that in paragraph 2(c), for instance, Ms Le Couteur calls on the government to detail all inspections of Parkwood facilities over the last two years, including details as to whether Parkwood complies with all applicable laws and codes of practice. I think the same question could be asked of those people who broke into the facility the other day. I think it is very rich for the Greens, who were so loath to even come across with a mild denunciation of these events, to raise this issue of whether Parkwood complies with the law, when they condone the breaking of the law and they condone the breaking of the law in relation to the CSRIO event, and only after a great deal of time were they forced to come up with a mild denunciation of this event.

We saw a number of things at this event. We know the area where the conveyer belts were broken into and there was a large amount of criminal damage which will affect the economic future of this business. In addition, if the footage that we saw on the web is to be believed and was actually taken on the night, the people who took the video footage were guilty of wide scale animal abuse because they were banging the cages—it is quite clear on the video footage—to get the chickens to react, to get them to squawk, to get them to move around. The chickens are quiet unless someone comes in there and deliberately and disturbs them.

If that video footage was actually taken at Parkwood—and there has been no proof that it was actually taken at Parkwood—the people who broke in there, broke the animal welfare rules by going around there and banging on the cages and disturbing the chickens at night when they would be roosting, need to be condemned and they need to be condemned by everyone in this place.

The Canberra Liberals cannot support the Greens' amendments here. Apart from the dishonesty, there are clear issues here that require the government to keep money on the table, to continue negotiations to convert to another form and in a way that is not acceptable and that will be of considerable cost to the ACT taxpayers.

There are other issues here which we cannot support which came out in the comments that Ms Le Couteur made the other day. She said, "It doesn't really have a very big economic impact." I think the figure that Ms Le Couteur used was that it brings only \$3 million of economic benefit to the ACT economy. There is now a dispute as to whether there are 14 or 60 employees. My understanding is that the figure is closer to 60. Yes, some people are contracted for peak times, and some of that is when they depopulate the cages and repopulate them, and there are people who are not full time on the books but there are other people who are contractors. In addition to that, there are people who drive trucks, who transport eggs from the distribution centre around the country.

Quite frankly, it shows a complete lack of understanding of the individual circumstances of people employed to just discount it and say, "Well, that's \$3 million

worth of economic impact, and that's 14 jobs." These are 14 blue-collar jobs. I have met the people who work there. They are usually new migrants. They are usually unskilled, and if they were not working at Parkwood they may not be working. And I am not prepared to just discount that and say: "Well, it's not important. It's only 14 jobs. It's only \$3 million." For those 14 or 60 people, or whatever the number is in between, that is their livelihood. Ms Le Couteur went on television last week and said their livelihood did not matter; it was not significant in the greater scheme of things. Well, you tell that to their families when they are trying to pay their bills and buy their groceries.

I am not prepared to accept that these jobs are dispensable in a town where blue-collar jobs are few and far between, where unskilled jobs are hard to get. I am not in the business of attempting to put these people out of work. Ms Le Couteur stands condemned for her complete lack of caring for unskilled, usually new, migrants who probably would not be in work if they were not working at Parkwood.

There are many things that need to be said about the Parkwood facility. Ms Porter touched on it. There is no evidence that they run a rum outfit. I have been there; I have visited. They tend not to want to have very many visitors because of the biosecurity issues associated with it. They do want to work to keep the hens safe and healthy, and at the times that I have visited Parkwood I have had nothing but confidence in the work that is done by the management of Parkwood to keep the hens safe, to keep them disease free. Every time somebody breaches the biosecurity protocols, they put those hens at risk and they put the jobs of the people who work out there at risk. But this is something that the Greens do not care about.

There are considerable issues that I have concerns about, the commitment to transfer from cage production to barn production in particular. I was at one stage the agricultural adviser for the minister for the environment in the ACT and the briefings that I received and that he received on these matters indicated that there are significant public health risks with barn laid eggs, in particular because of the higher instance of *E. coli* in barn laid eggs. Because barn laid eggs lie on the ground for a lot longer, they are more likely to be covered with chicken poo and, because of the nature of chicken eggs, the *E. coli* transmits through the eggshell and across the membrane into the egg itself. So the public health risks associated with barn laid eggs are considerably higher than they are with cage eggs and, for some strange reason, free range eggs. As a result of this, I would never advocate the purchase of barn laid eggs from a public health issue. I will not let my family buy barn laid eggs from a public health point of view, because I do not want to put them at risk of diseases caused by *E. coli*.

The Canberra Liberals cannot support Ms Le Couteur's amendments. I have some of my own amendments, but I understand from the Clerk that we have to deal with these first. These are significant issues. The Greens stand condemned today that they were not even prepared in this motion to discuss the vandalism that occurred at Parkwood the other day. The Greens stand condemned for their inability and unwillingness to address this issue. This was touched on somewhat yesterday by Mr Hanson as well. I understand that you, Mr Speaker, and he had a very colourful conversation in a fairly public place on this matter, which I think shows the sensitivity of the Greens on this issue. (*Time expired.*)

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.15): I would like to begin by thanking Ms Porter for raising this matter today. She has certainly highlighted a number of very important issues and has proposed a measured and sensible course of action that I would put forward to the Assembly as offering the best chance for real and enduring change for egg farming in the territory.

As Ms Porter has highlighted, Parkwood farm is a key element of the Pace Farm business and a small but nonetheless very important part of the territory economy. I find myself in rare agreement with those opposite in relation to the importance of blue-collar jobs in our economy, and 60 blue-collar jobs in a sector that is under-represented in our economy and that supports \$3 million of economic activity each year should not be lightly dismissed.

I observed at lunchtime in the press conference that there is a certain element of middle-class snobbery that goes with just seeking to abandon these jobs. I do not believe that that is the correct way to achieve change. In the context of what we have already heard this afternoon, and what I am sure we will hear, it certainly provides an opportunity for the different strands of political opinion within this place to be aired and for practical outcomes to be at the forefront of what should be the final decision of the Assembly in my view.

To quote an oft-used phrase, Ms Le Couteur, I think you should let the good become the enemy of the perfect in relation to getting an outcome on something that I acknowledge you are very passionate about and something that you and a number of others have campaigned extensively about. But there are ways that you achieve change, and it should not come at the cost of blue-collar jobs in our economy.

The government values the important contribution that this business makes, but we also acknowledge the divisive nature of caged egg production. We acknowledge the repeated calls from this Assembly and from members of the Canberra community for improved animal welfare and better conditions at poultry farms both here and across the country.

However, as Ms Porter has rightly indicated, and it has certainly been the position of this parliament on the number of occasions that it has been debated here, banning caged egg production in the ACT is not the solution for facilitating operational change at the Parkwood farm. All this would succeed in doing is forcing the operation across the border. And the relocation of the operation would of course mean the relocation of jobs and the transfer of activity across the border. The same number of eggs would still be produced by the same number of hens, just at a different farm under a different name in a different jurisdiction. Whilst there might be some comfort for some that the activity was no longer taking place within the ACT's borders, ultimately it does little to solve a larger problem.

This phenomenon of wanting to feel good I have heard described at various points as a bit like peeing in a wet suit—it might feel good but, ultimately, it does not achieve a huge amount. If we are serious about getting an outcome here, it is important that we support the motion that Ms Porter has put forward.

**Mr Hanson:** You must have a different view of what we do in our recreational time to feel good, Mr Barr.

**MR SPEAKER:** I wonder if Mr Barr has ever tried it.

**MR BARR:** No. It is a quote I have heard used before. Anyway, I digress. The community rightly has an expectation that government will drive positive reform in this industry. Whilst I agree that change will eventually come through changes in price, consumer attitudes and behaviour, I do recognise that there is often a requirement for government to support a transition in order to enable a structural change in an industry. The current federal government has acknowledged this in preparing its policy response to climate change, and previous Australian governments have tackled similar issues in the dairy and automotive industries, to name but a few.

Whilst the egg industry may not yet be in a period of transition, I see no reason why the ACT government cannot show leadership in this area by facilitating positive structural reform. That said, any commitment of public support will need to be weighed carefully against the benefits we expect to achieve; namely, the protection of jobs and improvements in animal welfare and business practice.

So what I propose is that officials from the Economic Development Directorate work directly with representatives from Pace Farm to identify a package of options for consideration by government. This should include what steps and support would be required to move Parkwood farm from a cage to a barn egg facility and the likely time frames in which this could be achieved.

In my view this approach provides the best opportunity for achieving positive outcomes from an animal welfare perspective while, importantly, retaining the employment and economic activity within the territory. So on this basis the government will be supporting the motion put forward by Ms Porter this afternoon. We look forward to reporting back to the Assembly on the progress of this work within my directorate in the May sittings of the Assembly.

Of the amendments that Ms Le Couteur has moved, the government could support some but not the majority. As they have been moved en bloc, I think that will mean our position will be to oppose the lot unless they are put separately. That option, I think, is available. There are some we just cannot support and some that are reasonable and we would be happy to support.

There is an argument over the number of employees, whether it be a figure of 14 from a five-year-old report or the indication from the company itself provided to my directorate that it is closer to 60 jobs. I think I will go with the figure of 60 jobs. I recognise that that involves a combination of full, part-time and casual staff and that some may not be year round, but the bottom line in all of this is that Parkwood farm contributes to our local employment market and to our local economy, and I do not think we should lose sight of that. We can split hairs over the number of staff, but at the end of the day it is not so much about the quantum of jobs but that those jobs are worth protecting. So we will not be supporting that amendment from Ms Le Couteur.

The additional words to (2)(a) around replacing “convert to a barn laid facility” with “adopt alternative egg production methods” does, as Ms Le Couteur indicated, provide greater scope. I need to be straightforward with the Assembly here: I am not sure that there are going to be other viable egg production methods other than a barn laid facility. I do not rule it out, but I just do not think it is particularly likely. So again a pragmatic approach would be to allow the government to do the work that Ms Porter has suggested in the motion. But I do not have a strong view either way on that. Those words are not particularly important in the grand scheme of things.

There are a number of other statements and new insertions into the motion that the government simply cannot support and so will not be doing so. This ultimately will become a question for Ms Le Couteur as to whether she wishes to move each of these individually. I think it will certainly save the Assembly’s time and be a pragmatic way forward to support Ms Porter’s motion, allow the government to do this work and report back in May and then the Assembly could have a further debate if it is unhappy with the outcomes that the government presents in its report back in May.

**MS LE COUTEUR** (Molonglo) (5.24): My understanding from what Mr Barr has just said is that I should probably be asking that we divide the motion. I am not exactly sure where to divide it, however. Possibly the two that you will support—there is section (2) and not section (1). I do not really want to go through them one by one, as I agree it would be a waste of our time. I am not quite sure how best to proceed.

**MR SPEAKER:** Mr Barr, are you able to offer us any guidance?

**MR BARR:** (Molonglo—Deputy Chief Minister, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.24): The government are prepared to support the omission of the words “convert to a barn-laid facility” and to substitute “adopt alternative egg production methods” in (2)(a). But we are not going to agree to the deletion of (1)(d) or the other parts of the motion.

**MRS DUNNE** (Ginninderra) (5.24): I have got the same amendment. You could vote this down and then do it in my amendment.

**MR BARR:** (Molonglo—Deputy Chief Minister, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.25): If that achieves the same end, that might be the best way to proceed.

**MR SPEAKER:** I think we can readily divide this question. What I propose, if members are agreeable, is that we will take Ms Le Couteur’s proposal to substitute in paragraph (2)(a) as one question and we will take the rest as another question. Is that agreeable to the house?

**Mr Barr:** Yes.

**Ms Le Couteur:** Yes.

**Mrs Dunne:** Yes.

**MR SPEAKER:** That being so, the question is that the Assembly agree to Ms Le Couteur's amendment (2) stating:

In existing paragraph (2)(a), omit "convert to a barn-laid facility", substitute "adopt alternative egg production methods".

Amendment agreed to.

**MR SPEAKER:** The question now is that the remainder of Ms Le Couteur's amendments be agreed to.

Question put:

That **Ms Le Couteur's** amendments (1), (3) and (4) be agreed to.

The Assembly voted—

Ayes 4

Noes 13

Ms Bresnan  
Ms Hunter  
Ms Le Couteur

Mr Rattenbury

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

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

Question so resolved in the negative.

Amendments negatived.

**MRS DUNNE** (Ginninderra) (5.29): Mr Speaker, I seek leave to move some of the amendments circulated in my name in relation to Ms Porter's motion on Parkwood farm. I seek leave to move amendments (1), (2), (4) and (6), and I propose that we divide the question on each of those. Amendments (1) and (2) stand together, but (4) and (6) are slightly different and people may have different views.

**MR SPEAKER:** We will come to dividing the question later, Mrs Dunne. Is leave granted for Mrs Dunne to move these amendments together?

Leave granted.

**MRS DUNNE:** Thank you, members, for leave. I move:

(1) Before subparagraph (1)(a), insert:

“(aa) that during the night of 12-13 March 2012, it is alleged animal activists entered the premises of Parkwood Farm without authority and caused considerable damage to infrastructure and equipment at the premises;”.

(2) After subparagraph (1)(g), insert:

“(1B) unequivocally condemns the actions alleged in paragraph (1)(aa); and”.

(4) After existing subparagraph (2)(a), insert:

“(aa) continue to advocate for an agreed national approach to cage egg production through the Primary Industries Ministerial Council; and”.

(6) After existing paragraph (2)(b), add:

“(3) calls on Mr Speaker to write to relevant advocacy groups encouraging them, when conducting protests, to do so lawfully and peacefully.”.

As I said at the outset, we cannot discuss the issue of Pace Farms at Parkwood without addressing the unconscionable vandalism that occurred on the evening of 12-13 March. I know that Ms Porter touched on it in her remarks but, given the performance of some members in this place, I think that we need to send a very strong message that we as the law-makers in the ACT condemn the breaking of the law no matter what the cause. I think that it is important that we send a strong message. I know that this is something that is a little unpalatable for the Greens, but the major parties, the Liberal Party and the Labor Party, should not find it difficult to uphold the law and to take a very strong stance on this.

My amendment (1) draws attention to the vandalism on 12-13 March. My second amendment calls on the Assembly to unequivocally condemn those actions. My amendment (4) is a little like one of Ms Le Couteur's amendments, but it is a lot less prescriptive for governments. I ask the government to continue to advocate for a national agreement on cage egg production through the primary industry ministers council. Most importantly, I think that we should set an example.

My amendment (6) calls on the Speaker to write to relevant advocacy groups—he can make that decision himself or perhaps consult with members of the Assembly as to who the relevant advocacy groups might include—encouraging them and reminding them that protests should be done lawfully and peacefully. It is not unprecedented for the Assembly to ask the Speaker to write to people on behalf of the Assembly. It was done a couple of years ago when the Assembly asked Mr Rattenbury to write to the non-government schools council to set the record straight about some comments that had been made by Mr Barr—comments that Mr Barr had been asked to rectify and that were eventually rectified by a resolution of this Assembly that the Speaker should write to people. So it is not unprecedented, and I think that it is a reasonable course of action.

The issue of cage egg farming is a fraught one. I want to reinforce the message that we think that there should be an orderly approach to any changes. I am glad that the government agreed to Ms Le Couteur's amendment, which was word for word the amendment that I had but that I have not moved.



I take Mr Barr's point that the most obvious conversion is to barn facilities, but I do not want to rule out other facilities. Part of it is that I have a personal concern on public health issues in relation to barn laid facilities. None of these systems is perfect. Barn laid facilities have a whole lot of animal welfare issues involved in them as well. There are a lot of issues with pecking orders in barn laid facilities. Basically, weak chickens are bullied by strong chickens in any environment. They are less likely to be in a cage environment because there are only a couple of chickens in each cage, but when there are large numbers of chickens the pecking order issues do arise. They are significant, and they are significant animal welfare issues. And that is the case, too, with, especially, free range, where there are a lot of animal welfare issues in relation to predators.

There are no simple answers in this place. That is why I think that we should take a coordinated approach, through the primary industry ministerial council, to address these issues. But I also think that we should send a very strong message to the people of the ACT that we, as the legislators in the ACT, uphold the law and expect that people who advocate for particular causes in the ACT uphold the law.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.35): The government will not be supporting Mrs Dunne's amendments. But—

**Mrs Dunne:** So you do not uphold the law either.

**MR SPEAKER:** Thank you. Let us hear from Mr Barr.

**MR BARR:** Thank you, Mr Speaker. The predictable retort comes back across the chamber. To be clear, Mr Speaker, we are not condoning any criminal activity carried out at Parkwood farm last week. We do not condone criminal activity as a medium for protest. But we are not in the business of using this place to jeopardise future criminal proceedings when such activities occur, and there is no doubt that Mrs Dunne's second amendment comes very close to crossing this line.

Nor are we interested in buying into a bit of game playing and blatant point scoring that would appear to be demonstrated by amendment (6). It is not necessary, Mr Speaker, for you to write to relevant advocacy groups encouraging them, when conducting protests, to do so lawfully and peacefully. I do not believe that is the role of the Speaker. Upholding the law is the role of every citizen in our community, Mr Speaker, so we see no particular need to support Mrs Dunne's amendments.

I note that we reached agreement on amendment (3) through the previous discussion on Ms Le Couteur's amendments.

As a result of this debate this afternoon, Mr Speaker, I hope we will have a way forward on this issue, the possibility to get an outcome that, while obviously it will not please anyone—it is rarely the case that you can please everyone—will be seen as an advance, and the opportunity, as I said earlier, to make a transition, to protect employment in the territory and to ensure a continued economic development focus for this part of the city.

There are ample opportunities, I believe, to negotiate an outcome here that will achieve a number of positive ends. On that basis, I think it would be a good decision of the Assembly this afternoon to allow the government to undertake this work and to report back in May. Then we can have a subsequent debate at that time in relation to the proposals that the government brings back from those deliberations.

**MS LE COUTEUR** (Molonglo) (5.37): The Greens also do not support Mrs Dunne's motion, but I also should make it entirely clear that we also do not support the actions that are alleged to have taken place at Parkwood recently. I would first point out that Ms Porter's motion was not about those. Ms Porter's motion was about egg production and animal welfare.

However, given that, I will go through Mrs Dunne's amendments. Her first amendment is about alleged activities. In some ways I have got no problems with putting this in as an amendment, but it just is not the sort of thing that the Assembly should be passing motions about—alleged activities which are, at best, peripheral to the substance of the motion. The substance of Ms Porter's motion was about egg production in Parkwood. That is what I think this motion is about, and that is what we should concentrate on. In saying that, it is not in any way saying that we are supporting the recent actions at Parkwood. We have been very clear that we do not support them.

We have also been very clear that we think that there is another issue here, the issue of how eggs are produced in the ACT and more broadly. We do have form on this. We have a track record of thinking this is an important issue. We will continue to comment on this being an important issue. So I think that it is simply inappropriate to put the first bit in. It is not relevant.

As to amendment (2), as Mr Barr said, I think this is basically sub judice, and we have continuing resolution 10 which is all about that. No-one has been charged. So from that point of view, I guess there is a slight possibility of Mrs Dunne's amendment not offending continuing resolution 10, but it has got to be very close. This matter, as I understand it, I assume, is now in the hands of the police. Certainly, if there is any criminal activity, that is whose hands it should be in. We should not be prejudicing any person's right to a fair trial. I think it is really important that the Assembly should not go around making statements about such things. The Liberal Party may have some inside knowledge, but the only knowledge that I have of this is what has been reported in the *Canberra Times*. I think on the basis of that, this is simply not appropriate.

It is very clear that all three parties in this Assembly have said that they do not support the alleged recent actions at Parkwood. That is abundantly clear, and that is probably as far as we can go, given the information we have in front of us.

As to amendment (3), I am happy to say that has already been adopted in the previous vote. Amendment (4) states:

... continue to advocate for an agreed national approach to cage egg production through the Primary Industries Ministerial Council ...

I actually do not have any big problem with this, except it is not really where we should be going. We do not really want an agreed national approach to cage egg production; we want a humane approach to egg production. It does not really serve anything if we all agree to something which is cruel and inhumane. And that would seem to be where this amendment from Mrs Dunne is going. So we are not very happy with that.

The last one calls upon the Speaker to write to relevant advocacy groups. How would the Speaker determine who the relevant advocacy groups were? Canberra Connect does put out a book—it is about that thick—of basically all the community groups in the ACT. Are you suggesting that he write to every group in the ACT? This is simply nonsensical. It is simply political. What groups would you think he would write to? And what do you think he would actually say? It is simply ridiculous. The Greens do not support this amendment. But as I said, we also do not support the alleged actions at Parkwood a week or so ago.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.43): I am really not sure what Ms Le Couteur's position is, having listened to that latest defence now. To not be condemning illegal activity is sub judice apparently, as if stating a principle in the Assembly that we condemn the deliberate destruction of property, whether it be at Pace Farm, the CSIRO or anywhere else, would somehow prejudice a case. That is, of course, ridiculous. If that were the case, of course, Ms Le Couteur's comments at the end of her statement would be just as likely to prejudice the case. By that standard, you have already trespassed on sub judice.

But I think something else is at play here. We see a new excuse every day. With the Greens, when it came to this issue, it was: "We're not aware of the details. We can't condemn something we don't know about. We just don't know." They then read the paper and condemned it, but not all of it. They condemned part of it. I understand that they condemned the bit with battery acid. That was the bit that they condemned. Other destruction of property, break and enter, that sort of thing apparently is not worth condemning, according to Ms Le Couteur and Mr Rattenbury. So we see this go round and round.

They did do better, though, on this one than they did on CSIRO. I think there was the opportunity on radio again this morning for Mr Rattenbury to condemn Greenpeace's actions now that they have pleaded guilty to this kind of behaviour, to these kinds of criminal acts, to this kind of intimidatory behaviour towards scientists. There were a number of things that went on at CSIRO that I think were outrageous. There was the destruction of property, the deliberate and wanton destruction of property.

There was another part of that, and it was an attack on scientists. It was saying to scientists, "There are certain things you can't look at." The Greens, through Greenpeace and other activist arms, have said that when it comes to GM crops, scientists cannot actually look at that. They cannot try to figure out whether it is a good thing, whether or not it can, in fact, have some potential to feed people—

**MADAM DEPUTY SPEAKER:** Mr Seselja, just one minute. I have listened for some time to this recent tack that you are taking and I cannot see what it has got to do with egg production. Would you remain relevant to the debate, please.

**MR SESELJA:** Sure. We are talking about an amendment here—

**MADAM DEPUTY SPEAKER:** Yes, we are talking about—

**MR SESELJA:** about condemning illegal acts, advocacy groups and their illegal acts. The amendment is actually specifically on this, so I am speaking to the amendment. It is about condemning, it is about showing leadership and it is about not giving a nod and a wink to groups that it is okay in certain circumstances to go and deliberately destroy property because you believe your cause is just.

Many people believe they have a just cause. I would agree with some of them; I would disagree with others. But it does not excuse people going out there and attacking scientists or attacking property, destroying property, intimidating workers, intimidating business owners, intimidating scientists, as we have seen.

I think what we heard from Ms Le Couteur there was just how uncomfortable Ms Le Couteur, Mr Rattenbury and others are on this point. They went some way to condemning the people at Parkwood. When they are anonymous, they can condemn them. When it is Greenpeace, apparently that is not worthy of condemnation. The Greens are, of course, very closely linked with Greenpeace. So when it comes to their mates committing these kinds of acts, they refuse to condemn them.

They should have condemned them and they should have sent a very clear message that, for the Greens, whilst protest, legitimate protest, is acceptable, whilst advocating for change is completely acceptable, there is a right way and a wrong way to go about advocating for change, and breaking and entering and destroying property deliberately is not acceptable and should be condemned. That was the simple proposition that was put to the Greens on a number of occasions, and they have been unable to respond to that in a legitimate way, unable to respond to that in a clear way that says: “Yes, we support protest. But we don’t support this kind of illegal protest, this kind of intimidation of scientists, this kind of intimidation of industries and this kind of destruction of property.”

So that is why we see now Ms Le Couteur changing the story and saying sub judice is actually why they cannot support this motion. It is actually about sub judice. That is nonsense. That is absolute nonsense. And we have seen time and again on this issue just how uncomfortable the Greens have been. And they have been rightly condemned, as Mrs Dunne pointed out, by some in the media, not necessarily traditional allies of the Liberal Party but just stating common sense, common sense that the community would all agree with.

So I commend Mrs Dunne’s amendments. I think they should be supported. I think we should make a clear statement as an Assembly on these kinds of acts. We should no longer give a nod and a wink to this kind of behaviour. We should say: “There are

clear standards. There are laws. They should be complied with. There are legitimate forms of protest, but these are not legitimate forms of protest.” They should be condemned by leaders in this place. They should be condemned by all in our community, all leaders in our community, and if people want to get change, they should do it through the democratic processes, through legitimate processes.

**MR RATTENBURY** (Molonglo) (5.49): Members, I rise to speak today in the context of this debate because it seems there is a great fascination with my views on some of these matters. Whilst I am surprised and flattered by this interest, it is perhaps best that I spell out exactly what my views are rather than leaving it to others to interpret them for me. It seems in earlier discussions about these issues I have made an error in attempting to outline a more considered and principled position about the broader issues of protest and civil disobedience when what was required was a more specific response to the particular incidents.

I intend to elaborate on the following points, but let me start by setting out where I stand. I support the right of citizens to participate in peaceful and non-violent protest. I believe it is an entrenched and valued part of our system of democracy. I also hold the view that there is a valid role for civil disobedience in our society. In saying that, I will also be absolutely clear that I strongly support the rule of law and the fact that there will be consequences for people who break the law. I support those who break the law being brought before the courts where their actions will be judged. Finally, I do not consider the destruction of property to be either peaceful or non-violent. I will not condone violence, destruction or vandalism.

Members, history gives us many examples of where civil disobedience has been used to highlight an issue where the community holds the view that the government and even the law is wrong from the civil rights movement in the US to the global suffragette movement to more recently climate change. Governments can be influenced by vested interests and do not always make decisions that are in the best interests of the community, and civil disobedience has been a powerful way to challenge governments.

However, my commitment to the rule of law is also strong and not at all inconsistent with my support for the right of citizens to engage in protest. The rule of law should be upheld. Those who engage in such activities will come before the courts, and the courts will apply the law. That is as it should be. I do not know anyone who engages in peaceful civil disobedience who thinks otherwise. It is for the courts to review the context of what took place and administer a penalty consistent with the community’s values.

My own personal commitment to these values of peace and non-violence is long held and clearly demonstrated. In the southern summer of 2005-06, as many of you know, I was the expedition leader of two Greenpeace ships that went to the Southern Ocean to confront the Japanese whaling fleet. After three weeks of battling the most horrendous seas, we finally found the whalers. Now what you may also know was that Sea Shepherd had a vessel in the Southern Ocean that summer, and they had vowed to ram and sink the whalers. On the basis of that threat to life and property, I refused to reveal the coordinates of the location of the whaling vessels to Sea Shepherd, despite

being attacked ferociously and publicly by Paul Watson both at the time and subsequently in his book. To this day, I stand by that decision and consider it to be a testament to my personal commitment to peace and non-violence.

Similarly, I disagree with recent Sea Shepherd tactics in the Southern Ocean of throwing glass bottles filled with rotten butter on to the decks of the whaling vessels. Whilst on the face of it, some might consider this to be a harmless annoyance, the real possibility of crew members being injured by these projectiles in my view moved this outside the bounds of non-violent protest.

Regarding my earlier statements of my position, some have suggested that, as a legislator, because I have become a politician I should suddenly not believe in something that I clearly believed in before being elected to office—that is, the right of citizens to engage in peaceful direct protest or civil disobedience. While it may be politically expedient for me to disavow these views, it would be hypocritical to do so. But apparently it is untenable for anyone who is involved in the process of making laws to not condemn those who break the law.

However, as I said earlier, peaceful and perhaps even unlawful protest and the rule of law can stand side by side. Interestingly, some figures on the conservative side of politics understand this, too. Former Liberal environment minister, Senator Ian Campbell joined the board of Sea Shepherd, who I have spoken of today, and who are well known for their controversial protests. Further, during the last term of the Assembly, Liberal MLA Steve Pratt was a regular. Attacking what he called the scourge of graffiti, Pratt took direct action and painted over what was, in fact, a legal artwork. Later in the debate over the gas-fired data centre at Macarthur, Pratt was quoted as saying, “If push comes to shove, I will chain myself to a bulldozer to stop this going ahead.”

My research has failed to reveal any commentary from Mr Seselja condemning either of these actions. Perhaps he gave it a wink and a nod. The double standard of the approach Mr Seselja took at that time and the stance he now takes is astounding. That said, I must be frank in saying I would not have expected Mr Seselja to condemn Mr Pratt’s actions, because, as the dictionary tells us, to condemn is to pronounce an adverse judgment on another. Personally, I am not interested in judging others. I may disagree with them; I may argue with them; but leaping to judgment offers little.

For those members who had a religious education—and I believe there are a few in the chamber—you will, in fact, no doubt, recall the entreaty from the bible, “Judge not lest ye be judged.” I am happy to leave it to the courts to pass the judgments in these matters, for this is the task we assign them.

Let me turn to the recent protest at the Parkwood battery hen facility. There are a number of matters to address here. Firstly, there has been some suggestion I was too slow to offer comment. Without boring you all too much with the minutiae of my diary, I can simply inform the Assembly that through the course of the Tuesday evening after the incident, I had a number of engagements which meant I did not see the news nor go on the internet.

On Wednesday morning I went hot air ballooning from the very early hours. I looked at the paper briefly at 5.30 am before heading out, but the only story I read was the energy efficiency policy announcement on the front page. The story about Parkwood was on page 2, and I simply did not get that far in the paper at that time. The result was that when I went on Ross Solly's program just after 8.30 am to talk about energy efficiency, I was not across the detail of the incident. I knew little more than there had been an incident, but as I was not expecting to be interviewed on it, I had not sought further information at that time.

Now, let me turn to the transcript of that interview. I was asked by Ross Solly on ABC 666 for my comments on the incident at Parkwood, and I pick up the transcript from there:

SR: to be honest, Ross, I haven't seen the details, and it's probably not for me to make a comment.

Presenter: you know the story though Shane Rattenbury and I'm sure you know what happened yesterday.

SR: To be honest Ross I have been busy on some other stuff and I haven't had a look at the details and it's probably best for me not to comment at this point

Presenter: let's do a hypothetical, if someone broke into an egg farm smashed it all about and poured battery acid through it would you think this is an appropriate thing to do?

SR: well Ross I'm not going to comment on that?

Presenter: You are not condoning that sort of activity are you?

SR: well of course not Ross.

So what you can see from this transcript is that when I was presented with a specific scenario which outlined the circumstances, I was unequivocal about not condoning the destruction and vandalism. To comment on other elements would simply have been inappropriate since I had no information on them. I confess that I did not leap out of the balloon and rush into the office to issue a press release, as some think I should have. To be honest, I do not believe it is my job and nor do I intend to issue a press release every time someone does something illegal in this town.

Later that day, having sought out the details of what took place and in partnership with Ms Le Couteur, I issued a statement given the inaccurate assertions that were being made about my position. In that statement I was critical of the activities that took place at Parkwood, because I do not condone violence, destruction or vandalism. I believe what took place at Parkwood was counterproductive to the important issue at hand—the mistreatment of tens of thousands of chickens at that facility.

One of the important rules of social change is that you can only win reform by taking the public with you. Those who inflicted this damage at Parkwood undoubtedly lost support amongst the public, and they should know that. I believe the same applies to

the Greenpeace action at the CSIRO. The strong adverse public reaction to that activity meant that Greenpeace's ability to win reform on that issue was quite arguably diminished.

Let me simply conclude by reiterating my key points, lest they be forgotten or misunderstood. I support the right of citizens to participate in peaceful and non-violent protest. I believe it is an entrenched and valued part of our system of democracy. I also hold the view that there is a valid role for civil disobedience in our society. In saying that, I will also be absolutely clear that I strongly support the rule of law and the fact that there will be consequences for people who break the law. I support those people who break the law being brought before the courts where their actions will be judged. Finally, I do not consider the destruction of property to be either peaceful or non-violent. I will not condone violence, destruction or vandalism.

**MR HANSON** (Molonglo) (5.59): Mr Rattenbury has just said that he supports unlawful protest. But he has made it very clear, Madam Deputy Speaker, that that protest must be peaceful and non-violent and he has made it very clear that, in his view, that does not include the right to destroy property or commit vandalism. He repeated that three times throughout his speech. However, that is exactly what occurred last year at the CSIRO. Last year at the CSIRO there was vandalism; there was \$300,000 worth of property damage and the staff were traumatised. I do not understand how it is that Mr Rattenbury, standing up here tonight making out this case—

*At approximately 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR HANSON:** On the basis of his argument, the logic of his argument, he appears to be condemning what has happened at the egg farm. But he is still not condemning what happened at the CSIRO. He has mounted a case. He said clearly, in black and white—and we can all go back to the *Hansard*—that he condemns actions that involve vandalism or the destruction of property. But he still refuses to condemn the actions regarding CSIRO. He had the opportunity throughout his speech to condemn Greenpeace on those actions and he has not. Until he does, he stands in this place as a hypocrite. You cannot say, "This is what I believe in," and then not follow through on that.

I think that we would all grant Mr Rattenbury leave to give him the opportunity to stand in this place now and say: "I am stating what I believe in. I do not believe in the destruction of property and I do not believe in vandalism. Therefore, I condemn what occurred at the CSIRO and I condemn Greenpeace for that wanton vandalism." I am sure that we would all grant him that leave. If he does not do so he stands condemned. It shows that when it comes to the rub he will put his allegiances to Greenpeace above the principles that he espouses in this place. This is a test for Mr Rattenbury; this is a real test. Are you going to stand in this place as a parliamentarian and follow through—

**MADAM DEPUTY SPEAKER:** Mr Hanson, please address your remarks through the chair.



**MR HANSON:** Certainly, Madam Deputy Speaker. This is a test for Mr Rattenbury. Is he going to stand in this place as a parliamentarian and say, “I am consistent, and what is good for Pace Farm is good for Greenpeace”? If he does not then I condemn him as a hypocrite.

*Ordered that the question be divided.*

Question put:

That **Mrs Dunne’s** amendments Nos 1 and 2 be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Mr Smyth

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

Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

Question put:

That **Mrs Dunne’s** amendment No 4 be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Mr Smyth

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

Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

Question put:

That **Mrs Dunne’s** amendment No 6 be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Mr Smyth

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

Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

**MS PORTER** (Ginninderra) (6.10): I thank members for their contribution to this debate. It is an important matter, as members have agreed. The recent break-in, which is obviously, as I said, deplorable, has given, though, an opportunity for us to open up negotiations with Pace eggs. We all know the history: the offer that was made in the past and sadly refused, and, of course, in the past, the government has moved to legislate through amendments to the Animal Welfare Act to prohibit the production and sale of eggs using the battery cage system. Unfortunately, as we also know, a national agreement was required under the mutual recognition act and this was not forthcoming.

We also know that the offer by this government to assist Parkwood with conversion was not accepted, as I said before. Therefore, I think it is the right time for us to work with Parkwood Farms to convert and report back to the Assembly in the May sittings on those negotiations. I am pleased with the minister's response. It certainly gives me hope that the work he describes will have a very positive outcome and will result in the conversion of the facility and the maintenance of important jobs at Parkwood.

Motion, as amended, agreed to.

## Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

## BarCamp

**MS LE COUTEUR** (Molonglo) (6.11): I rise briefly to talk about BarCamp, a wonderful event which I had the privilege of attending at the weekend. BarCamp, for those of you who are not aware of it, is a participant-run conference-convention about all things computing and geek related—so it was really great to have a chance to exercise my inner geek again. It is one of the things that I miss in this environment; it is all a bit paper based and verbal for me sometimes.

There were probably a couple of hundred people there. Many of them were connected to the ANU. It was held at the ANU, at the school of business and economics. There was a series of 20-minute sessions on topics which were all related in some way to computing. It was organised by having lecture theatres and post-it notes. You wrote

what you wanted to talk about on a post-it note and put it in an appropriate spot. Some of the stuff was really interesting.

Unfortunately, I was only able to be there for a small part of the time. I heard some stuff about open government. I went to some stuff about crowdsourcing of maps. I saw some great demonstrations of maps which would be really good for the ACT government to start using. I listened to a discussion about start-ups. I heard how we could actually get start-ups working and how Australia does not have a culture that supports them very well. It seems we all prefer to have nice, secure jobs.

I went to a demonstration on a new software called Counterpoint. I am wondering if I can work out a way to use it myself. It is basically a poll system on steroids. Instead of having the polls that we have in the paper where you click “yes” or “no”—which I think is silly—you get a chance to have a topic of conversation and various arguments. People can say which arguments they find persuasive and put in new arguments.

This is the sort of thing which, hopefully, will enable us to make our democracy work better. At present, most people in Canberra and in democratic parts of the world do not have an easy way of getting engaged and when they do get engaged in an easy way, it is at such a superficial level. As I mentioned, with polls in newspapers you see who supports what, but you do not get to see the arguments. You do not know why people have the views they have. This is software which enables people to put forward the arguments. Policy makers and decision makers are then able to see that the majority of people think that an argument is persuasive and can say, “Does this make sense or is it that people need some more information about this?”

It was a really wonderful morning. It was a breath of fresh air, really. The ideas they were talking about were the sorts of things that we as an Assembly and the ACT government should be adopting in moving into the technological future ahead of us.

### **OH&S liaison officer funding**

**MRS DUNNE** (Ginninderra) (6.15): I want to thank the Minister for Industrial Relations for presenting yesterday the review of the OH&S liaison officer funding that was conducted in 2011, which was a report by the chair of the Work Safety Council. This is a little-known position. I think very few people in the ACT know about it.

It is interesting to look at the terms of reference for the OH&S liaison officer funding. The OH&S liaison officer funding was put in place by appropriation act No 2 of 2003-04, which commenced in October 2003, and provides ongoing funding by way of a grant to UnionsACT to employ an OH&S liaison officer. The government agreed to fund a person at the ASO6 level, including salary and on-costs, which currently amount to \$96,000. The role of the liaison officer is to promote OH&S awareness, particularly in private sector workplaces, and to provide training to employers and employees.

It was interesting that after eight or so years of operation of this position the PAC last year recommended that there be a review of the position in conjunction with the ACT Work Safety Council. The scope and objectives of the review are quite interesting:

The review will examine and make recommendations on:

- the identified need for the liaison officer
- the role of the liaison officer
- the objectives of the liaison officer position and outcomes expected from that position
- the contribution that the liaison officer—

not the individual but the position, and I think that needs to be emphasised—

makes in meeting the objectives of the outcome

- the effectiveness of the role.

It is interesting that the terms of reference and the outputs and actions do not address the issue of whether the funding should continue or whether there should be alternative sources of funding.

The review is brief, but there are some things in it which are quite startling. There seems to have been no acquittal over the period for this funding and there has been no reporting. There are extensive recommendations in relation to reporting and the need, if this position continues, to have better quantitative data and information that could be usefully provided by the liaison officer on a regular basis. This could include the number of HSRs and WSRs trained by the OH&S liaison officer each year and the number of phone calls and emails that the OH&S officer typically receives on either an annual or monthly basis. I did notice in here that it seems that he receives about 20 phone calls and emails a month, so I think that his workload is not extensive. And there is the number of visits by the OH&S liaison officer to workplaces over the year and the number of days of training, amongst other things.

I think it is quite interesting, and we should contemplate why the government thought that this was a good idea; why it was open ended without review until the PAC decided that perhaps this should be reviewed; and why, in the course of the review, no-one thought to ask the reviewer to consider whether it was an appropriate spending of ACT taxpayers' money or whether the funding could be sourced from elsewhere. I would welcome some feedback from the Minister for Industrial Relations as to why the review was so narrow in its scope and terms and what he is going to do to ensure that there are better governance and reporting arrangements in the coming years for the OH&S liaison officer.

It is interesting that the recommendations suggest that there should be a performance review in the final quarter of 2014, and after that there should be ongoing reviews every three years for the OH&S liaison officer. That seems to indicate that this is a \$96,000 and counting annual donation to UnionsACT from the ACT taxpayer. This is a matter I will be looking into quite closely.

**World Down Syndrome Day  
International Women's Day**

**MS BRESNAN** (Brindabella) (6.20): Today marks the seventh anniversary of World Down Syndrome Day, and for the first time this year it will be officially recognised by the United Nations. This recognition is a major step forward towards the day being observed and celebrated by persons with Down syndrome, their families and friends, those who live and work with them and all people who wish to promote and ensure quality of life and human rights for all persons with Down syndrome.

To date World Down Syndrome Day has been observed in over 60 countries around the world, and activities take place to showcase the abilities and accomplishments of people with Down syndrome and to encourage independence, self-advocacy and freedom for people with Down syndrome to make their own choices. As the World Down Syndrome website states, while the voices of people with Down syndrome and those that live and work with them grows louder every year, there is still much more that can be done.

Marking the date of 21 March aims to create a global voice for advocating for the rights, inclusion and wellbeing of people with Down syndrome. I would encourage everyone to celebrate the day with the ACT Down Syndrome Association this Sunday, 25 March in Glebe Park from 9 am to 12 pm and also visit the World Down Syndrome Day website to find out more about the day and also the campaign.

Also on Saturday, 17 March Women with Disabilities ACT performed a flash mob to mark International Women's Day, which was on 8 March. The event had been postponed from 3 March due to the poor weather which we had that weekend. Both Ms Hunter and I were there to see the flash mob. It was one of the concluding events in the Women's Services Network's summer of respect campaign. The flash mob promoted respect for women with disabilities and demonstrated the positive contribution of women with disabilities to the ACT community. The flash mob was performed by women with disabilities and their supporters. Participants were volunteers who are passionate about the importance of respecting all people in the ACT and improving community cohesion.

It was a wonderful and truly joyous event to witness and I congratulate everyone who was involved. The motto of the day was "strong women, strong voices", which this event exemplified.

**Leukaemia Foundation**

**MR HANSON** (Molonglo).(6.22): I rise this evening to talk about the Leukaemia Foundation and a couple of events that have occurred recently to raise funds and promote awareness of the Leukaemia Foundation. The foundation is the only national organisation dedicated to the care and cure of patients and families living with leukaemias, lymphomas, myeloma and related blood disorders.

Leukaemia, lymphoma and myeloma can develop in anyone of any age at any time, often with little warning, and in acute cases may require treatment within 24 hours of

diagnosis. It turns lives upside down overnight. Families from rural or regional Australia, and of course that includes the ACT, often need to quickly relocate to major cities to be closer to treatment centres. This is usually for extended periods of time. Relocation is particularly traumatic as it often occurs after diagnosis, resulting in patients and families adjusting to their new circumstances without the benefit of established local support networks.

This is where the Leukaemia Foundation steps in, providing personalised support and care for patients and families right through their journey, from diagnosis and treatment to recovery. This support is provided by an extensive team of trained cancer nurses and allied health professionals and reaches every town and community across Australia. All services are provided free of charge to patients and families.

The Leukaemia Foundation is also committed to ongoing funding for vital research into the causes, epidemiology, diagnosis and treatment, psychosocial impact and ultimately cures for leukaemias, lymphomas, myeloma and related blood disorders.

The first event I would like to talk about was last Friday, 16 March where I participated in the Leukaemia Foundation shave for a cure, which may explain my haircut; it was provided most generously by Peter Barclay from King O'Malley's, who when I asked for a number 3, was good enough to give me a number 1, and he pretty much shaved the lot off. I can only say that he is a far better publican than he is a barber.

I would like to say well done to all those who participated in the shave for a cure and again well done to Peter Barclay, who does so much for so many causes. I know that he has hosted the Prostate Cancer Support Group barbecue, which was hosted by me last year and the Chief Minister the year before, and many other worthy causes.

On 6 March I attended at the Canberra Business Events Centre the launch by the Chief Minister of the Lifecycle event of the Leukaemia Foundation. It was also attended by Mr Doszpot and Mr Smyth and a number of other MLAs were present. The media release states:

Lifecycle is a combined awareness and fundraising initiative. It aims to increase community awareness of Leukaemia and other blood disorders, as well as raise capital toward a much needed purpose built facility in Canberra for ACT and surrounding regional New South Wales patients. The new facility will provide live-in accommodation for patients and their families, and will provide working accommodation for Leukaemia Foundation staff ...

The awareness campaign will include presentations to local schools here in the ACT, as well as presentations to regional towns that will utilise the new facility when it is built. The centrepiece of Lifecycle's fund raising component is a 48-hour cycling event around Lake Burley Griffin. There will be an active 'event window' from 6:00 pm on Thursday 13 September 2012 to 6:00 pm on Saturday 15 September 2012, within which individual riders or teams can choose when they would like to ride.

It is a fantastic event. A lot of people are associated with it, but I would like to acknowledge particularly a couple of the sponsors. Point Project Management are

certainly a most generous organisation and I would like to note Brendan Bilston and also say g'day to Michelle Bilston, his sister, who was also participating in the relay for life on the weekend; and the John James Memorial Foundation.

The keynote speaker on the day was Carl Sueli, who is a three-time survivor of leukaemia and also works at Point Project Management. His story was very inspiring.

I say to the chairman of Lifecyle, Mr Mark Blake, to all of the committee involved in that and all of the people participating: well done. If anyone needs any more information, they should contact Jillian Brownlie from Show Pony Events and she can point them in the right direction.

## **Cricket**

**MR COE** (Ginninderra) (6.27): As we approach the upcoming weekend of local grand final cricket matches, I would like to put on the record my thanks to the individuals and organisations that contribute so generously to cricket in the ACT. Sport is a great way to strengthen communities, and there is no better example than cricket as an activity which removes barriers and binds communities together. Whether it is India, Pakistan, England, New Zealand, South Africa, here in Australia or in any other cricketing nation, the sport and the players are revered and hold a special place in society.

Canberra has a proud tradition of cricket being played dating back to the 1850s. Teams such as Ginninderra, Queanbeyan, Goulburn, Yass, Gundaroo, Braidwood and other towns and clubs in the region used to play relatively frequently. One of the key advocates was William Davis, who led his Ginninderra team to much success. In a book authored by Lyall Gillespie there is an article about a match between Ginninderra and Queanbeyan reported in the *Golden Age* on 29 January 1863:

A more exciting match than the one in question has seldom been played on the ground, and it resulted after a hard fight in a victory for Queanbeyan men with nineteen runs to spare. Everything passed off well and pleasantly. The ground presented a very gay appearance and flags flying—the various tents each surmounted by the colours of the different clubs—a large booth erected by Mr William Lee, in which the creature comforts were plentifully supplied.

In spite of the match being 149 years ago, I would think it could easily have been on any other weekend since.

Back to 2012—let me acknowledge some people who make cricket in the region possible. Firstly, the current board of Cricket ACT: chairman, Ian McNamee; secretary, Bruce Dockrill; the treasurer, Barry Mewett; grade cricket committee, Jim Meszes; future direction, Jim Body; and the game development committee, Bronwyn Fagan, Peter Downing and John Miller.

Cricket ACT is also well served by its CEO, Mark Vergano, and his staff: Andrew Dawson, Mark Higgs, Martin Garoni, Anna Baker, Chris Doyle, Kyle Piper, Paul Egan, Dougal Reed, Charlotte Anneveld, Matthew William, Brad van Dam and Blake Moore.

I also acknowledge the longstanding support of the following organisations for their major sponsorship: WIN Television network; the *Canberra Times*; major sponsor of the Konica Minolta Twenty 20 Challenge, Konica Minolta; Affinity Electrical Technologies, sponsor of the women's premier league; and the Capital radio network and FM 104.7 and FM 106.3.

Cricket ACT could not function with the support of the following: ACT Health, ActewAGL, Albion Hat and Cap, Barlens, CIT, Canberra Investment Corporation, Capital Chemist, Cricket Australia, DiIMAGE photography, Fosters Australia, Guinness Peat Group, Jetset Southlands, Jim Murphy's Market Cellars, Kookaburra Sports, Nestle Milo, Power Education, Rydges Capital Hill, Schweppes Australia, Sport and Recreation Services ACT, Sportsmans Warehouse, the Good Guys Tuggeranong, and the Lord's Taverners.

Finally, best of luck to the following teams who will contest the grand finals this weekend: first grade, Queanbeyan v Wests UC; second grade, Norths v Eastlake; third grade, Norths v Queanbeyan; fourth grade, Wests UC v Norths; and fifth grade, Norths Golden Eagles v Queanbeyan. I wish the Canberra cricket community all the best for the continued development of the sport in the region.

### **Crime—reduction**

**MR RATTENBURY** (Molonglo) (6.30): I want to comment on the matter of public importance that was discussed in this place yesterday. As members will recall, the matter was proposed by Ms Hunter and related to the importance of taking an evidence-based approach to reducing crime in the ACT. The discussion that took place was certainly enlightening.

Ms Hunter started the discussion and talked about groundbreaking research released last week in New South Wales. Conducted over 12 years, the research by the New South Wales Bureau of Crime Statistics and Research looked at the impacts that three key variables had on crime levels. The attorney then followed and made comments about the strategy the government is taking to property crime and alcohol-fuelled violence, both important areas where the ACT does need to spend time and effort.

So far so good, you may think. An intelligent debate was occurring about an important topic—crime reduction. Then Mr Hanson entered the debate. What followed was so off topic and so missed the point that it was an embarrassment to him, his status as shadow police spokesperson and the Canberra Liberals. Not once did he engage in the topic of an evidence-based response to crime.

It has been said that the Canberra Liberals' policy cupboard is bare. If ever there was proof, it occurred when Mr Hanson stood up and spoke yesterday. It was a great disappointment that we got nothing from Mr Hanson that contributed to the policy discussion. What we did get was false accusations and misrepresentations about me, and I would like to correct the record.



Mr Hanson said that I “collared” Mr Seselja, “hooked into” him, and gave him an “expletive laden tirade” in a “vile fashion”. Each element of this accusation is false. My recollection is that I did utter one singular expletive in a discussion I was having with Mr Seselja, but the discussion was a robust one. I did not know that Mr Seselja was so sensitive that the use of one singular expletive upset him. I hope that Mr Seselja never watches *The Thick of It*; he may find it a little tough going. I now do know that he is this delicate, and I will ensure that if I do disagree with the Leader of the Opposition in the future I will restrict myself entirely to the Queen’s English. Further, use of the word “collared” evokes images of me physically dealing with Mr Seselja. Let me be clear: nothing could be further from the truth.

Furthermore, I have admitted that I used one singular expletive. To label my comments as an “expletive laden tirade”—it is really one of those occasions where the story has grown in the telling. I can only imagine why that might be the case.

Finally, I would like to provide some context to the comments of Mr Hanson. Shortly before the MPI, I had a discussion with Mr Hanson in which he complained to me as Speaker about another member. I undertook to review the Hansard tapes. Mr Hanson would have known that to do this I was required to leave the chamber and seek the assistance of Hansard and recording staff. Of course, that meant that I would not be listening to proceedings of the MPI, as I would have been listening to the recordings of the previous debate which Mr Hanson was agitated about.

I find it highly illustrative of how proud Mr Hanson was of his comments that he chose to make them at a point in the day when he not only knew I was out of the chamber but also knew that I could not possibly be listening to live proceedings. This goes very much to the character of Mr Hanson.

In conclusion, I was disappointed with the lack of policy that we heard from Mr Hanson, and I think it is important to correct the record about my discussion with Mr Seselja.

Question resolved in the affirmative.

**The Assembly adjourned at 6.35 pm.**