Debates

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SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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Tuesday, 27 March 2012

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

Sub judice rule
Statement by Speaker

MR SPEAKER: Last week, on Thursday, the Attorney-General spoke in the chamber and sought my guidance on the sub judice rule and how it applied to comments made the previous day by members of the opposition. Mrs Dunne also pointed out that continuing resolution 10, which deals with sub judice, deals with a discretion vested in the chair. I undertook to take advice on the request from the attorney and the matter raised by Mrs Dunne.

The advice I have received sets out important elements of the sub judice principles, examines the comments made on the day and draws a conclusion as to whether the sub judice principle has been adhered to. For the benefit of members I table the following paper:

> Sub judice convention and Continuing Resolution 10—Advice from the Clerk to the Speaker, dated 26 March 2012.

As members will be able to read for themselves, the advice concludes that the comments from Mr Seselja and Mr Hanson do create a danger of prejudice to the proceedings, and continuing resolution 10 does apply to the comments.

In relation to the point raised by Mrs Dunne, I am mindful of the fact that continuing resolution 10 was agreed to by the Assembly in March 2008. Prior to that, the issue of sub judice had been dealt with by convention. I understand that members found that unsatisfactory, and, considering the importance of the matter, saw fit to adopt a specific resolution. I consider that to be significant.

I understand Mrs Dunne was raising a specific question as to whether the discretion was limited to the actual time at which the comments were being made and that, because the time has passed, the discretion has been extinguished.

I do not believe that is relevant to the request from the attorney. The attorney has sought my guidance on the application of continuing resolution 10 and I have undertaken to provide it. I am certainly not in a position to ignore a request for guidance and would be concerned about setting a precedent where the Speaker turned down a request for guidance.

As the debate where this breach occurred has now concluded, there is no scope for the chair to take further steps, other than responding to requests for guidance.

The guidance I provide, as requested by the attorney, is that I concur with the advice of the Clerk and conclude that comments made by Mr Seselja and Mr Hanson were in breach of continuing resolution 10.

MR SESELJA (Molonglo—Leader of the Opposition) (10.04), by leave: I move:

> That the Speaker's ruling be dissented from.

Mr Speaker, I have moved dissent from your ruling because the Liberal Party does not believe that we should be gagged in this place, and that is effectively what is happening here. Mr Speaker, I note the complete conflict and the conflicted position that you are in on this issue. You are the individual who was, of course, subject to much of the discussions that we had, not in your role as Speaker but as a Greens spokesperson.

I note also, Mr Speaker, that when Mr Hanson and I made these comments, which I stand by, you were in the chamber. The Speaker was actually in the chamber and not an objection was raised. And now we have this situation where the Labor Party and the Greens have decided that somehow we should be gagged from speaking about this issue. Mr Speaker, we disagree with this vehemently. We do not believe that members of parliament should be, for years on end, according to this kind of ruling, gagged from talking about things.

We have a situation where, in the court case in question, the individuals have pleaded guilty. That is a fact. The individuals have pleaded guilty, and we are now being told today, because of sensitivities, it seems, on the other side of politics, that we now should not be able to talk about that; that we should not be able to condemn those kinds of actions; that in the Assembly, the place where speech should be expressed, I am not allowed to say things that I am very happy to say, and have said, outside the chamber. I have not hidden behind parliamentary privilege, as others have. If what I said was in some way prejudicial, I expect that the Supreme Court would hold me in contempt, but they have not. We have received nothing.

We should be free, inside and outside this place, to speak. Particularly, inside this place, we should be free of oppressive restrictions on speech. I think there is a significant conflict of interest here, Mr Speaker, where the very person who was the subject of criticisms which led to these discussions—yourself, Mr Rattenbury—is ruling today that we now cannot speak about this issue. These people have pleaded guilty and we are told, "No, you can't talk about that." Well, why is that? Why is it that we would not be able to speak about that?

I make the further point which I made earlier, Mr Speaker, that in fact you were in the chamber at the time. You did not object to anything we said. In fact, even perhaps the attorney was in the chamber at the time. And certainly—

Mr Corbell: No, I was not actually, Zed.

MR SESELJA: I will correct that. The Attorney-General says he was not but his colleagues were. A number of his colleagues were, and no objection was raised.

Ms Porter, I believe—and I can be corrected on this—was in the chair as Deputy Speaker and no objection was raised in relation to this. In fact we actually had a discussion about relevance and I think we were able to keep speaking.

Mr Speaker, we vehemently oppose this kind of ruling. The idea that members in this place should be gagged from speaking about serious issues, from condemning criminal activity, is outrageous, and we will not be. What will happen now is that there will be more freedom for members to speak outside the chamber because we have been happy to go outside this chamber and condemn it. But we are now being told that in this chamber freedom of speech does not apply. We disagree.

Mr Speaker, I note the absolute conflict of interest on this issue. We have raised this issue before, where the very person making rulings is of course the person who has been subject to the criticisms. With the criticisms, obviously, we saw how sensitive the Greens were on this issue and now we see the Speaker coming in with a different hat on and making a ruling in relation to that criticism of Shane Rattenbury.

It is extraordinary that the Assembly is now in this position where we have such a conflict of interest when the Speaker makes rulings in relation to things that the Speaker, or Shane Rattenbury, or the Greens do not particularly like. And they do not like this issue. We do know how sensitive they are on this issue, Mr Speaker. The Greens have shown themselves to be sensitive on this issue with the way they have reacted, every time they are called on for their failure to condemn criminal acts, on their nod and a wink to activists going in and damaging property.

Mr Speaker, we completely disagree with this. We dissent from this ruling. It is a conflicted ruling and it appears designed to prevent the opposition from raising legitimate issues of concern, in this case on a court case where the individuals have actually pleaded guilty, and that is extraordinary. We will now be in a position where we have more freedom of speech in the media, in the public realm, than we do in the Assembly. That is a dangerous precedent and it is a precedent that we completely and utterly reject. I dissent from the ruling.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.10): Mr Speaker, your ruling should be upheld. It is disappointing that the Leader of the Opposition apparently has not even read the document you have tabled this morning, which outlines very clearly why you have ruled that the sub judice rule does apply in relation to the comments that have been made by Mr Seselja and Mr Hanson.

Let us be very clear about what continuing resolution 10 of the Assembly says. Continuing resolution 10 of the Assembly says:

> (1) Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.
>
> (a) (i) Criminal proceedings are active when a charge has been made or a summons to appear has been issued.
>
> (ii) Criminal proceedings cease to be active when they are concluded by verdict and sentence or discontinuance …

Mr Speaker, this case is still a live matter before the courts. Mr Seselja knew that it was a live matter before the courts. Yes, the individuals that are involved have pleaded guilty to the charges but they have not yet been sentenced. The matter has been remitted to the Supreme Court for sentence and that is where Mr Seselja's and Mr Hanson's comments breached the sub judice rule. As the Clerk outlines very clearly in the advice that you, Mr Speaker, have tabled this morning, the risk, of course, is that comments in the Assembly about the seriousness or non-seriousness of crimes committed before the sentence is handed down could be perceived as the legislature trying to ensure that an appropriate sentence is given.

Mr Speaker, these are matters of perception, not just of actual consequence. That is a very important part of the sub judice principle. The sub judice principle is about avoiding any perception that this place, the legislature, is seeking to influence or express an opinion about how the court does its job.

Mr Seselja wants to be the Chief Minister. Mr Seselja wants to be the primary official of the territory when it comes to the governance of the territory, and he should have exercised more restraint. He should have exercised more diplomacy. He should have had greater regard for the sensitivities that exist when it comes to making comments about matters that are still live questions before the courts in the territory. But he failed to do so, and for that reason I foreshadow that after this dissent motion has been dealt with I will be moving the motion that I have circulated in my name which expresses grave concern about Mr Seselja's and Mr Hanson's comments in relation to this matter.

Turning to the matter of the dissent, quite frankly it is astonishing that the Leader of the Opposition will stand up in this place and completely ignore the provisions of continuing resolution 10 which require that members in this place do not make comments in relation to matters that are still before the courts in relation to trial or sentence. Instead he chose simply to make those comments for his own base political purposes.

We can have a debate about the appropriateness of those activities at Ginninderra research station but we should also have regard for the resolution of this place—a resolution adopted on 6 March 2008 which said very clearly that members should not make comments about matters which are currently the subject of criminal proceedings where matters are yet to be—

Mrs Dunne: Subject to the discretion of the chair.

MR CORBELL: Yes, and what has the chair ruled? The chair has ruled that the comments were indeed a breach of the sub judice principles. And if you look very closely at the comments of the Clerk in the advice he has provided to the Speaker and which the Speaker has tabled, they are a very clear outlining of the principles of the sub judice convention and how they should be applied in this case.

Mr Speaker, there is no ground for dissent. The advice of the Clerk is clear, and the person who should be held accountable for these comments is not the Speaker in his

ruling; it is Mr Seselja and Mr Hanson for their failure to abide by and respect the principles outlined in continuing resolution 10 of this place. That is why the government will be moving the motion I have circulated in my name at the conclusion of this current debate.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.15): Mr Speaker, we will not be supporting this dissent from the ruling that you have brought down today. It is very clear that last week Mr Corbell came in and asked, Mr Speaker, for you to go away and consider this matter. In that process the Clerk has provided advice to you, and he has obviously done quite a lot of research, some extensive research, to put that together. That, no doubt, included looking at the *Companion*, the *House of Representatives Practice*, *Odgers' Senate Practice* and so forth to be able to put this advice together.

It is very clear, and I also find it quite astounding, that Mr Seselja is trying to spin this into some sort of gagging of debate in this chamber when we have before us very clearly continuing resolution 10. It is extremely clear. This resolution was adopted by this place in March 2008. Obviously it was adopted because there was some concern in this chamber about people discussing issues that were before courts, and no doubt there was that decision that we needed to write down, to adopt, to be very clear about what we can and cannot comment on.

In this case it was, as we know, a case before the courts. Yes, my understanding is that there was a plea of guilty, but the sentence has yet to be determined. It is very clear that it is a clear breach. As we say:

> (1) Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.
>
> (a) (i) Criminal proceedings are active when a charge has been made or a summons to appear has been issued.
>
> (ii) Criminal proceedings cease to be active when they are concluded by verdict and sentence or discontinuance …

In this case, of course, we have not had a verdict, a sentence or discontinuance. And that is the matter at hand. Quite clearly, what was said did breach continuing resolution 10.

I find quite outrageous this conflict of interest charge as well. It is very clear that we have before us the Clerk's advice to the Speaker. I have every respect for and confidence that the Clerk has done the research and has provided sound advice to the Speaker, which, of course, he has passed on to us this morning.

We will not be supporting this motion for dissent. Rather than moving dissent, it may well have been more appropriate for Mr Seselja to move to discontinue the continuing resolution 10 if he feels so strongly that it should not be part of the procedures here in this place. That is maybe where Mr Seselja should be going. But it absolutely does not stack up, this view of Mr Seselja's, that this continuing resolution has not been

breached. You simply did not address your remarks this morning to the continuing resolution 10. As I said, we will not in any way be supporting the dissent.

MR HANSON (Molonglo) (10.19): Mr Speaker, I rise to talk about this very commendable action from Mr Seselja, but I am somewhat confused. I am confused as to why there is such a hoo-ha about the comments that were made last week by me and Mr Seselja.

All of us spoke to a motion that was put before this place on 16 August which moved a want of confidence in you, Mr Speaker, relating to your comments about the CSIRO, when an incident that occurred at the CSIRO had led to charges being laid against two members on 12 August. The sub judice rules that Mr Corbell outlined very clearly to us applied equally on 16 August last year and last week. It seems that when Mr Seselja and I spoke last week, that was not in accordance with continuing resolution 10—it was a breach of that and there was some terrible crime committed by Mr Seselja and me.

But what about 16 August? Let us see who spoke to that motion. You were sitting in the chair, Mr Speaker; I am not sure that you did speak to it. But Mr Corbell spoke. They had been charged, but he was happy to speak. Ms Hunter spoke. In fact, Ms Hunter was equating the actions at the CSIRO to those of Martin Luther King, clearly making a point. If it is as relevant for Mr Seselja and me that we have somehow broken some sub judice rule—if we had got up here and claimed that there is nothing to see here, that this is equivalent to Martin Luther King, that it is freedom—isn't that sending a message to the courts? Isn't it? Is it? I ask you: is that the message, Ms Hunter? I think it is.

And how about Ms Gallagher? Let me quote from Ms Gallagher on 16 August:

> … the government do not support in any way the incident that occurred at CSIRO last month.

How is it, Mr Speaker, that Ms Gallagher can come into this place under sub judice on 16 August, when they had been charged on 12 August, and make the government's position clear about what occurred, saying that "the government do not support in any way the incident that occurred at CSIRO last month", and that go with you sitting in that chair completely without comment, completely without any sort of outrage from Mr Corbell? That was quite okay on 16 August, four days after the people were charged, and, as Mr Corbell outlined, when this applied equally as to when the comments were made by me and Mr Seselja.

Ms Le Couteur spoke. Ms Le Couteur spoke on 16 August. Mrs Dunne spoke on 16 August. Mr Coe spoke. I am sure he spoke very well on 16 August. Ms Bresnan spoke on 16 August. Mr Smyth spoke on 16 August. Mr Hargreaves spoke on 16 August. Mr Doszpot spoke on 16 August. And I spoke on 16 August. In actual fact, more members in this chamber spoke than did not speak on 16 August about this very issue while you presided in the chair. And you wonder why we are moving dissent from your ruling! It is rank hypocrisy.

You are quite happy to preside in that chair, to sit there high and mighty while the majority of members in this chamber speak, while they refer to this case in some detail and while Ms Gallagher says that "the government do not support in any way the incident that occurred at CSIRO last month", and that is somehow okay. There is no crime committed there, Mr Speaker, is there? Mr Seselja and I had the audacity to get up last week and point out the hypocrisy of the act that you will not condemn Greenpeace for violent protests. By your definition, when you were talking about the Pace egg farm, you outlined that it was somehow violent protest, because your point, Mr Speaker, and what you said last week in regard to Pace egg farm was that you do not condone violent protest. And then you outlined what violent protest was and what peaceful protest was. You said that anything that results in property damage or vandalism is violent protest.

At the CSIRO $300,000 worth of property damage had occurred, there was vandalism and there were traumatised staff. You refused to condemn that. You said: "In principle, I don't support it. I will always condemn it." We then said, "Hang on; this is entirely contradictory." We said: "Why is it that you are condemning what happened at the Pace egg farm but you are not condemning what happened at CSIRO, where people have been found guilty? How can that be the case?" And you still refused. We said we would grant you leave to stand up and say, "I do condemn it." The government already have. They did it on 16 August. They said that the government in no way supported this action.

I certainly support Mr Seselja's moving dissent from your ruling. There are two issues here. One is that there is an absolute contradiction between what happened on 16 August, when we all spoke and it was okay, and what happened last week, when somehow it was sub judice. I do not understand the difference between the two. Maybe you could explain that to us, Mr Speaker—why one is completely ignored by you, but when it gets a little bit sensitive, when it is a little close to the bone, when we point out the fact that you have been a hypocrite, woe betide us because, with your colleague here, Mr Corbell, you come down with your rain of hell on us.

The second issue goes to that point. You are the person that sits in that chair to rule—as I am pointing out, inconsistently and with great hypocrisy because you are the person who is trying to perform two roles. You are speaking over in that chair and making these ridiculous comments about condemning actions and then refusing to condemn the CSIRO, and then you sit up there and, when you do not like what is being said, you try and muzzle Mr Seselja and me.

Mr Speaker, what I would suggest to you is that you reconsider your ruling, examine what happened on 16 August and come back into this place and either say, "Well, yes, I did rule back then that it was okay and I made a mistake then," or say, "I have made a mistake now." You could try and explain why you are being so inconsistent. Until you are able to do that, it is very difficult for us on this side of the chamber to take this ruling, and perhaps any of your future rulings, with any form of sincerity.

Either you completely missed the debate on 16 August—and that is negligence; that is incompetence—or you chose to say: "I will just ignore that one. We all spoke on that

one. We had better not actually bring that one to light. It would be a bit embarrassing, wouldn't it, if we actually raised Ms Gallagher's comments on 16 August, four days after these members have been charged, when she said, 'The government do not support in any way the incident that occurred at the CSIRO last night.'?" I hope, Mr Speaker, that you will immediately be presenting some form of admonishment to Ms Gallagher, Mr Corbell, Ms Hunter, Ms Le Couteur, Ms Bresnan, Mr Doszpot, Mrs Dunne, Mr Smyth and Mr Coe, because if we have committed a crime, if we have committed any breach of any standing order, if we have done anything wrong, so have those members.

I support Mr Seselja's dissent motion. We can see what this is. This is hypocrisy. This is someone who has embarrassed themselves through their failure to condemn an activist group of which they are a member and then is deciding to sit in the chair and inconsistently apply certain rules of this place against those members that are standing up to try and point that out, ignoring his alliance partners and his own party members who did exactly the same thing in this place on 16 August.

MR SMYTH (Brindabella) (10.28): Mr Speaker, I suspect this all hinges on the word "discretion", the discretion of the chair. To my mind, discretion cannot be retrospective. It is given; it is used; it is exercised. You cannot come back and say, "I should have been discreet; I should have exercised the power that I had." What we can do is, after the fact, come back and say, "As Speaker I should have exercised this," or say, "The Speaker of the day should have exercised the discretion at the time, either through the active participation of the Speaker at the time acting to rule the debate or through being called to the attention of the Speaker at the time by a member in this place."

It is reasonable for any member to assume that, having not had a point of order called against them or the Speaker injecting the Speaker's rights into the debate to actually say that the discretion was being exercised and therefore what occurred was acceptable—we can come back and say, "In hindsight, in retrospect, having viewed the facts, having had it brought to my attention after the event, perhaps that should not have happened." But what you cannot do is reapply the discretion after the event. That is not possible. And more than that, it is not acceptable.

Discretion cannot be retrospective. A decision on the application or the use of the law can be brought to people's attention afterwards, because discretion can only be exercised at the time. It leads to a member calling on the Speaker at the time to view resolution 10. The Speaker at the time was not awake, was not paying attention or actually thought that it was okay, because the Speaker who was in the chair at the time has that right. If it should not have happened, it is the action of the person in the chair at the time that perhaps should be brought into question today. Perhaps, Mr Speaker, you should go and talk to that person and counsel the Speaker at the time about the application of resolution 10—"I should have"; "It should have." You cannot go back afterwards and apply this rule in this way. The horse has already bolted; it has left.

On page 507 of *House of Representatives Practice*, in the section on sub judice, it talks about the discretion of the chair, but at no time does it say that the chair can come back into this place and apply the discretion after the event. It is quite logical

that discretion can only be applied when the choice is there in front of you. You cannot come back and make some retrospective ruling.

It is quite within the realm of the chair to come and say, "We have got this issue before us and I need to remind people." But the ruling on the day, through no interaction by the chair, is that it was okay. In continuing resolution 10, and it is very important, there is a paragraph that leads to the application of the law. It says:

> Subject to the discretion of the Chair, and to the right of the Assembly to legislate on any matter or to discuss any matter, the Assembly in all its proceedings … shall apply the following rules …

So it says: "We have some rules on sub judice. How do we apply them?" The application is "subject to the discretion of the Chair". You cannot let a debate go ahead. We have already seen it. As Mr Hanson points out, almost a dozen members spoke in August last year under the discretion of the chair. The chair has got to come back and apply that discretion to the previous debate in August if it is going to apply now, to have any consistency in this point. The discretion of the chair is not, in this case, something that you can—

Members interjecting—

MR SMYTH: The discretion of the chair is not something that you come back to. I go to the advice provided by the Clerk. He says that it is subject to the discretion of the chair. Indeed, in the second-last paragraph he says:

> Whilst it is preferable to have these matters dealt with at the time to ensure that comments do not breach the sub judice resolution, the practice of the Assembly in relation to other standing orders (e.g. the use of parliamentary words) is that often these are determined after the event.

For sub judice, unfortunately, you cannot determine that after the event. In the terms of sub judice, once the horse has bolted, the horse has bolted. Of course, if a member feels that they are slighted, if we go to the other standing order for unparliamentary words, it is not unreasonable to come back—to check the tape and come back. But this was an entire debate. There was also an entire debate in August last year. And at no time did whoever was sitting in that chair exercise the discretion that guides resolution of continuing effect 10 on how it is applied.

You have got to go to the basis of it. I think it is quite logical that we cannot let the ruling that you have made stand in this regard. *House of Reps Practice* is quite clear. *House of Reps Practice* talks in terms of proactivity, not retrospectivity. It goes to the rulings of people like Speaker Snedden and others where it says: "This is how I will apply it. When things come up, this is how it will be applied." It is not a matter of saying, "After the event I am going to come back and rule retrospectively that you have broken the conventions of the house."

So in that regard, Mr Speaker, it is entirely appropriate to move dissent. The comparison the Clerk uses between unparliamentary words and this particular resolution of continuing effect—one can see how you might get to that, because it is

practice that the Clerk does review things and come back. But in this case the words are in the *Hansard* from the debate last week. What if the sentencing had been done on Friday? Having this moved today would then be superfluous in many ways.

That is the problem with applying retrospectivity in this particular case. These debates, under the discretion of the chair, are either allowed or disallowed at the time. We do not believe that it is appropriate to come back in the later instance and say: "We are going to apply continuing resolution 10 now. I, as Speaker, will now apply continuing resolution 10 because the Deputy Speaker got it wrong last week. The Deputy Speaker should have been awake. The Deputy Speaker should have intervened. The Deputy Speaker should have ruled it out of order then." Well, it was not. One can only assume that whoever was in the chair at the time exercised their discretion. If they did not do it then, it means they were asleep in the Speaker's chair, and of course that would be unacceptable.

This dissent should be agreed to. Otherwise, with anything that somebody wants to bring back and have a resolution of continuing effect applied to, we will be constantly coming back and saying: "I should have done it then. It should have been done better." That might be the case, but that is no reason to apply it today, and it is certainly no reason to apply it in this manner.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.35): I agree with Mr Smyth: this is about discretion. But it has got more to do with the lack of discretion of the Leader of the Opposition and Mr Hanson in their contributions to the debate. It really goes to the point that so desperate are the Leader of the Opposition and Mr Hanson to make this political point against you, Mr Speaker, in your role as a member of the Assembly, that all discretion goes out of the window.

Everyone else managed to contribute to the debate without putting themselves at risk of breaching continuing resolution No 10. Everyone else was able to make a discreet contribution. But for Mr Seselja, it would appear that such is his personal vendetta against you, Mr Speaker, that he loses judgement, he loses the ability to exercise discretion when it comes to these matters and he just sprays in your general direction. It is not the first time he has done it. It is not the first time his lack of judgement has been on display in this Assembly. We see it again here. We see it in the response to this: it is everyone else's fault; everyone else is responsible.

There is this confused position from Mr Hanson and then Mr Smyth about whether in fact anything wrong has occurred. Mr Hanson says, "No, not at all." Then Mr Smyth gets up and goes, "Well, yes, it probably has, but the Deputy Speaker at the time apparently should have used discretion then." That is really the heart of the matter, Mr Speaker—the lack of discretion, the lack of judgement and the lack of capacity to make a political point without going as far as he and his colleague Mr Hanson have done in this instance. We know their passion to pursue you on this particular issue, Mr Speaker; we have seen it many times. But what we have also seen is a lack of judgement, a lack of discretion.

Mr Hanson raises the context of the previous debate. Go back, read the *Hansard* and look at how other members of the Assembly managed to contribute in that debate without finding themselves in breach of this continuing resolution. That is the fundamental issue that Mr Seselja and Mr Hanson have to address. It would appear that at no point is there any self-reflection, any analysis: "Maybe I went too far. Maybe I made the political point I want to make and I don't need to get myself into this difficulty." But no.

So keen are they, Mr Speaker, to pursue the vendetta against you that they will go too far. And they have on this occasion. Their colleagues know it. Everyone else knows it. Every independent observer knows it. But there are two people who could never really bring themselves to reflect upon their own contributions and maybe reflect that, yes, in trying to make the point, they went too far.

On that basis, Mr Speaker, there is no need to dissent from your ruling. Your ruling is appropriate and it should be upheld.

MR COE (Ginninderra) (10.39): We have just heard a very interesting speech by Mr Barr, who has not quite been nuanced enough. He has absolutely blatantly tried to invoke the Labor-Greens agreement on this issue. That is what you have done. You have looked the Speaker in the eye, you have given him all the platitudes. You have, in effect, conveyed to him that the real enemy here is the Liberal Party: "Labor and the Greens, we hate the Liberal Party. A bit of solidarity, mate, and you will do the right thing." You were not quite nuanced enough, Andrew. You were not quite nuanced enough, because you have conveyed—

Mr Hargreaves: A point of order, Mr Speaker. It is normal practice in this place for members to be addressed by their surname preceded by "Mr" or "Ms". It is unparliamentary to refer to people by their Christian names across the chamber.

MR SPEAKER: Thank you, Mr Hargreaves.

MR COE: Thank you, Mr Speaker. I take that point of order on board. It is nice to know that Mr Hargreaves is still relevant to this place. It is nice to know that he is still making a contribution to public office, because that is all we are seeing from Mr Hargreaves—petty points to try and show that he has still got it. Unlike Mr Hargreaves, Mr Barr is somewhat relevant. Whilst I do disagree with the vast majority of what he has to say, he is still relevant. And he is, indeed, a political operator except, of course, he was not subtle enough when trying to invoke the Labor-Greens agreement on this issue.

It is funny; you can hand pick when they try and invoke it. Sometimes you hear them on the radio. You have got the Greens to the left, the Liberals to the right, Labor in the centre et cetera. Yet when push comes to shove and they need the Greens' support—they need your support, Mr Speaker—suddenly he is the Greens' best friend. It is going to be very hard, I think, for you, Mr Speaker, to get out of this tricky situation which I believe you have landed yourself in. It is, indeed, your unprofessionalism in making—

MR SPEAKER: Order! One moment, Mr Coe. I find myself in a difficult position here, but it is a dissent motion. It is not a motion of no confidence. Let us try to constrain the debate just a little, shall we?

MR COE: Well, Mr Speaker, the decision you made was unprofessional. This decision, I think, has landed this place in a situation whereby there are seemingly gross inconsistencies with the rulings that are made. It is funny; when Mr Seselja first started his speech, the Speaker, in the Speaker's chair, was shaking his head. I find that quite interesting—that the impartial Speaker, the Speaker who is supposedly above politics, would do something like that. He has not declared a conflict of interest on this issue, and why not? Why not? How can he possibly seek to advocate for transparency, for integrity, for honesty when he cannot even find the courage to say that there may be a conflict of interest on this issue?

I wonder whether, if the roles were reversed here and one of us on this side of the chamber was making a decision on something in which we had a similar interest to that which the Speaker has on this issue, this chamber would be asking us to declare a conflict of interest.

There is a distinct lack of professionalism across the board on this issue. To take the arguments put forward to their conclusion, it shows that people do not have confidence in the judges in the Supreme Court. It shows that the then Speaker, the Deputy Speaker of this place, was either negligent or was wrong. It shows that other people in this place who did not raise any issue were either negligent or complacent.

There is a lot of politics in this issue. I think that is the key driver here. The key driver here is not a precedent. It is not convention; it is politics. I think the situation that the Speaker has got himself into is one that is going to be very hard to reverse out of. But I call upon the Speaker to think of a way that this can be resolved that is consistent with the forms of this place.

MS BRESNAN (Brindabella) (10.44): Yes, Mr Coe, there is a lot of politics here. I think that Mr Smyth is the only one of the Canberra Liberals who has spoken who has actually addressed the standing orders. Again, Mr Coe, Mr Seselja and Mr Hanson did not address the standing orders at all. I just remind the Canberra Liberals again that we have heard a number of times that this is advice from the Clerk that the Speaker is acting on—again, a point you did not address in any of your speeches.

I would also go to the responsibility issue. Again, as we said today, the Speaker was acting on a call from Mr Corbell to go back and review what had occurred. It is clear in the *Companion to the standing orders*—I will read that out for the benefit of the Canberra Liberals again; it is something which they also have not addressed—what the responsibility of the Speaker is. It is outlined in the *Companion* when the Speaker is asked to actually go and seek advice on a matter. It says:

> The Speaker has the responsibility of maintaining order in the Assembly; upon any question of order being raised and being stated to the Speaker, the Speaker must make a ruling on the matter. A ruling is a decision or determination made by the Speaker on a matter to do with the business or operation of the Assembly.

> Matters upon which the Speaker is called upon to rule may not necessarily be addressed in the standing orders. Citing practice in the House of Representatives, the Chair has declined to give a decision on or interpret a question of law, including on the Self-Government Act.

So when the Speaker is asked to seek advice or to go back and review a ruling or a matter that has occurred in the Assembly, it clearly states that it is the Speaker's responsibility to do that. It is the Speaker's responsibility to do that. Mr Corbell had asked for that to occur. That is what the Speaker did. Again, I remind you that this is advice from the Clerk that the Speaker is acting on.

Basically what we are seeing here today is another example of the Canberra Liberals thinking that the standing orders, the processes of this Assembly, do not apply to them. That is what we are seeing here. Mr Smyth was the only one—I will give him credit—that actually addressed the standing orders. Every other one of the Canberra Liberals who spoke did not address them one bit.

We will not be supporting the dissent from the Speaker's ruling. It is quite clear that there actually are not any grounds for dissent. The Canberra Liberals know that. That is why they have not addressed it in their speeches.

MR SPEAKER: Mr Seselja, are you rising to close the debate?

Mr Corbell: Are you seeking leave to speak again?

Mr Seselja: Do I need leave to speak again?

Mr Corbell: Yes, you do.

MR SPEAKER: You are either closing debate or—

Mr Seselja: I have not seen anyone else get to their feet. So—

MR SPEAKER: That is fine; just checking. You have the floor, Mr Seselja.

MR SESELJA (Molonglo—Leader of the Opposition) (10.46), in reply: Thank you, Mr Speaker.

Mrs Dunne: "I know so much about the standing orders"—Simon Corbell.

MR SESELJA: We will not comment on the Attorney-General's grasp. But we would talk, Mr Speaker, a little about the issue around sub judice and the *Companion to the standing orders*, what it says and why we think this decision is completely indefensible. There are a number of questions that it looks at, of course, in relation to sub judice, in relation to the very serious step of gagging members, because that is what we are talking about when sub judice in this case is retrospectively imposed, as is being suggested in your ruling.

A number of questions are referred to in the *Companion to the standing orders*. How far advanced are the legal proceedings? In this case, as opposed to the debate that Mr Hanson, of course, referred to, they are actually very advanced to the extent that the individuals have pleaded guilty. The facts are actually not in dispute. How susceptible is the court to external influence? It makes a very clear point that if it is before a jury there is more potential for influence.

This is, I understand, before the Supreme Court for sentencing. So the idea that is being put in this ruling and supported by the Attorney-General is that our Supreme Court is not up to it. They are suggesting that our Supreme Court, when someone has pleaded guilty, is going to be influenced by debates in this place, which have also taken place outside this place, and that they are somehow going to either give a greater sentence or a lesser sentence based on debate in the Assembly. That is the position that has been put forward by the Attorney-General and the Labor Party and it has been put forward in this ruling.

Indeed, we go to the issue of by what mechanism will parliamentary debate actually interfere with judicial proceedings and we get to questions of public interest. Does the public interest outweigh concerns? Let us have a look at it here. We have got a situation where the guilt or innocence is not in dispute. The individuals have pleaded guilty. We have a serious issue of public interest. The public interest, which is why it has played out publicly, which is why Mr Rattenbury, of course, felt he needed to write opinion pieces on the issue, arises because people care about whether their law-makers are going to stand for the rule of law, are going to actually condemn illegal activity or not.

The sensitivity of the Greens on this point goes to the issue of public interest because people have a natural expectation that people in this place, particularly the Speaker, would actually stand up very clearly and be condemning illegal activity. That goes to the heart of this matter, Mr Speaker. It goes to the heart of your conflict on this issue. It is interesting how the Labor Party have now sided with you on this. In the past they were actually prepared to condemn you. They were prepared to say that your comments were unwise and they were prepared to actually distance themselves from those kinds of comments.

Today the Labor Party stand next to you on that. They are there to defend the indefensible and the indefensible is to in any way condone illegal activity. The sensitivity on this point is clear. We now have a Speaker coming in who has been the subject of criticism for his position on this particular issue. He is now ruling that, given the sensitivity, the Liberal Party can no longer talk about it. This is a Speaker who was in the chair when it was being talked about by the Greens and it was being talked about by the Labor Party, and he made no such ruling.

It is highly hypocritical, Mr Speaker. It has no credibility and it leads to a situation where we can now step out of the chamber and have more freedom of speech than we will have in the chamber under your ruling. It also leads to an absurd situation where Speakers will be coming back because apparently the person in the chair did not rule. In this case we have had yourself not ruling. We have had you in the chamber not

objecting. We have had a Deputy Speaker not ruling and now we have this ruling because the government, the Labor Party and the Greens do not like this discussion.

I am not quite sure why the Labor Party now on this particular issue wants to align itself with the Greens. But clearly the Greens are sensitive on this issue. You yourself, Mr Speaker, are highly sensitive on this issue and now the Labor Party has said: "We will support you. We will come to you and support a gag order on the Liberal Party."

We will not be gagged. So we will go out there and we will have the conversation outside the chamber, and quite freely it seems. We will have the conversation outside the chamber, saying that we do condemn this. We do condemn illegal activity and we do hold other members of parliament to account when they refuse to do so. We will not be deterred in our determination to do that and that is why this dissent motion should be supported.

Question put:

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

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Dr Bourke	Ms Hunter
Mrs Dunne		Ms Bresnan	Ms Le Couteur
Mr Hanson		Ms Burch	Ms Porter
Mr Seselja		Mr Corbell	Mr Rattenbury
		Ms Gallagher	

Question so resolved in the negative.

Sub judice rule
Motion of grave concern

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.54), by leave: I move:

> That this Assembly:
>
> (1) reaffirms the importance of upholding the principle of the separation of powers between the legislative, executive and judicial arms of government in the Territory;
>
> (2) reaffirms its support of Legislative Assembly Continuing Resolution 10 in relation to the application of the sub judice convention; and
>
> (3) expresses its grave concern at the breach of the sub judice convention by Mr Seselja and Mr Hanson in their comments to the Assembly of 21 March 2012 concerning the ongoing trial of two individuals charged with damaging property and trespass at the CSIRO Ginninderra Research Facility.

Mr Speaker, today we have heard comments from Mr Seselja and Mr Hanson that they do not think the standing orders apply to them. They do not think they should be held to account in this place for comments that deliberately breached one of the most important principles in the conduct of the legislature when it comes to the other arms of government in the territory. This is simply not good enough.

Ministers are held to account; other members in this place are held to account. The same should apply to Mr Seselja and other members of the opposition. The principle that underpins the concept of sub judice is extremely important because it recognises and reaffirms and projects this place's commitment to the fact that the operations of our courts and the operations of the executive to a lesser degree are separate from the functions of the legislature—in particular, the importance of the operation of our courts.

Our courts are independent and they must be seen to be independent. I would ask members to consider this proposition: if a judge made a comment about whether or not the Legislative Assembly should pass a law, a law that was currently before this place, members in this place would be rightly concerned that a member of the judiciary was seeking to interpose themselves and express an opinion as to how this place should determine a matter. But that, in reverse, is exactly what Mr Seselja did in the debate on 21 March—he interposed himself into a matter which is currently before a court in order to determine the appropriate sanction that should be applied to two people who have pleaded guilty to certain charges.

It is just extraordinary that Mr Seselja seems to think it is appropriate that he can come into this place and have no regard for the perception that may be created about what sort of sanction or what sort of seriousness should apply to a matter which is currently before the court for sentence. It is extraordinary that he comes into this place and makes comments about the seriousness of the matter and, in effect, tries to escalate the attention that should be paid to it. Perceptions of the administration of justice and its independence are just as important as actual ability to improperly influence.

Mr Seselja will stand up, I am sure, later in the debate today and say there is no way that his comments could be seen as an attempt to influence the courts. Well, they may not influence the court—in fact, I have every confidence that they will not influence the court—but it is the perception that they create in the broader public milieu. The fact is that Mr Seselja holds a position of authority. Mr Seselja has the ability to influence public opinion and perception through his comments both in this place and outside it. It is incumbent on him to make those comments with discretion when a matter is before the court.

We have heard the defence from the Liberal Party: "Oh well, some comments were made in debate in August last year in a want of confidence motion," a motion moved by Mr Seselja against you, Mr Speaker. The suggestion has been that because other members contributed to that debate you cannot be having an argument about sub judice now. Well, I draw members' attention to what was actually said by me and other government members in that debate. In particular, I make the point that I said:

> Of course, it is also worth observing that these matters are still before the courts, and guilt has not yet been proven in relation to this matter. That is a matter that we should appropriately keep in that context.

At no time did members of the government in that debate or in debates subsequently seek to place any particular detailed judgement about what had occurred in relation to that matter. General comments were made about the importance of respecting the law or upholding the law, of ensuring that all citizens abide by the law, but they did not go into the specifics of the motivations or the particular circumstances of the matter that was before the court. Mr Seselja did, and he did so quite explicitly.

For example, Mr Seselja described the behaviour as intimidatory. He went on to talk about deliberate and wanton destruction of property. He described it as an attack on scientists, whatever that means. That could quite easily be construed as some sort of attack in some sort of physical form, almost in the nature of an assault. His language was most injudicious, and this, of course, is the point of the sub judice rule. The point of the convention is to not make comments in this place that make judgements about matters that are properly within the realm of the courts to determine. At the same time, they should not be comments that in any way seek to prejudice, through perception or reality, what occurs in the third arm of government.

That is why the sub judice convention exists. Unlike the House of Representatives, which has not drawn a black line around these matters about what can and cannot be discussed, this place has, in the same way that the House of Commons has, which is where our continuing resolution comes from. This place has decided that these matters should be determined in a much more precise manner—that is, if the matter is live, if the matter is before the courts, the matter should not be discussed in this place. That is the rule in this place. It is not the rule that applies in the House of Representatives. In the House of Representatives it is much more nuanced. But it is not the rule that applies here, because this place has decided otherwise. This place has decided that, when it comes to proceedings that are active in the courts, they shall not be mentioned, they shall not be referred to, and they shall not be referred to until the matter is concluded by discontinuance or sentence.

Mr Seselja has breached the standing orders; he has breached that continuing resolution. Mr Hanson has breached that continuing resolution. Quite clearly, they should be held to account for it. As my colleague Mr Barr said earlier, it is everyone else's fault—it is not Mr Seselja's fault; it is not Mr Hanson's fault; it is everybody else's fault. Well, everyone else has to play by the same rules. Everyone else has to respect the provisions set out in this place and agreed to by this place. It is quite clear in the advice that the Speaker has tabled this morning from the Clerk that Mr Seselja's comments present the danger of prejudice to proceedings; therefore the resolution should apply to the comments. That is the Clerk's advice. We respect and accept the Clerk's advice in relation to this matter. The Speaker has determined consistent with the Clerk's advice, which is what the Speaker should do, particularly in this instance.

For that reason this Assembly should make clear to Mr Seselja and Mr Hanson its grave concern at their willingness to drag in a live matter of criminal proceedings to

assist their political arguments in this place. They should refrain from such comments in the future. They should be more diplomatic and considered in what they say in relation to such matters. Most importantly, they should have regard to a resolution of this place which says very clearly "do not refer to criminal proceedings that are on foot lest there be any risk that your comments seek to prejudice, in perception or reality, the conduct of those proceedings". That is the matter at stake, and that is why this motion should be supported today.

MR SESELJA (Molonglo—Leader of the Opposition) (11.04): The opposition will not be supporting this motion. I would like to go back a little while in terms of this issue and to say that the Canberra Liberals, and I in particular, have consistently stood up for freedom of speech in this place. In fact, I recall very clearly standing up for one of my political opponents in this place: Dr Foskey. Dr Foskey, of course, was being, in my opinion, unreasonably restrained in her ability to comment on an issue by the imposition of the sub judice rule by the Speaker at the time. It was ironic, because Dr Foskey was talking about the issue of SLAPP suits, which the Greens have had a lot to say about—these strategic law suits the Greens believe are used by big companies such as Gunns to limit freedom of speech.

I made the point that it was extraordinary that we would have a situation where a so-called SLAPP suit—if you accept that terminology—in Tasmania was being used to gag debate in the Legislative Assembly of the ACT. Despite the fact that I do not really agree with much of what many of these activists in Tasmania have to say, I defend their right to speak, and I defended Dr Foskey's right to speak in this place.

Now we have a situation where, because the Greens and the Labor Party do not like the particular political attack that we are making, they will use the office of the Speaker to seek to impose a gag order on an issue which is so far progressed that the individuals involved have already pleaded guilty, an issue where the facts are no longer in dispute.

Mr Corbell very clearly gave two positions on whether or not this had the potential to prejudice. He said early in his speech that it is not about influencing the courts, because he was very confident it would not influence the courts. But later in his speech he said it would clearly prejudice the outcome. You cannot have it both ways; you cannot contradict yourself in your own speech in terms of what it would do. If you take the view that it would prejudice the outcome, you are holding the Supreme Court in very low regard.

The utter hypocrisy of this motion is extraordinary. We had a detailed debate in this place on this issue while the proceedings were very early—well before they had progressed but charges had been laid. The Speaker at the time made no such ruling. Members right across the chamber spoke in that debate. But today we have a situation where the Labor Party are aligning themselves with the Greens on this issue. They are aligning themselves with the Shane Rattenbury view of the world, and they are saying that because Shane Rattenbury was uncomfortable about these attacks they will now impose a gag.

Let me be clear on this: the Liberal Party will not be gagged on this or other issues. We will not be gagged, and we will go outside the chamber if we are not allowed to speak about it inside the chamber and we will condemn members of parliament who condone in any way illegal activity, and I stand by that absolutely. That is what this is about. It is about the fact that the Greens are uncomfortable about the contradictory positions that they hold on this, about the fact that they are law-makers but they encourage law-breakers.

The uncomfortable position of the Greens has been on display in recent times. Every time we raise this we get a furious reaction from the Greens. Now we see the Labor Party backing that view of the world. Through this motion, they are backing the view of the world that we should not be able to condemn those actions, that we should not be able to condemn the lack of leadership on the other side from the crossbench and, indeed, from the Speaker.

Let us be clear on what this is about. This is a Greens party that is very sensitive on this issue, and you can understand why. Every time you hear Mr Rattenbury speak about this, you see his sensitivity on this issue. He clearly understands that it is an illogical position to take, that it is an indefensible position to take, but he cannot bring himself to condemn his mates in Greenpeace. It is now at a point where the Assembly is having its time wasted by motions like this by the Labor Party.

Government members interjecting—

MR SESELJA: We hear the chortles. They have got so much business that they want to now defend Shane Rattenbury on his position on Greenpeace. That is what this is about. This is another example of just how cosy this coalition is now. There was a time when they would have sought to distance themselves from this kind of behaviour from Mr Rattenbury. There was a time when they would have said, "Yes, look, we need their support for government, but, gee, you know, we don't agree with Mr Rattenbury." They have put themselves shoulder to shoulder with the Greens on this issue. They have no credibility because they are saying: "Not only will we not condemn Mr Rattenbury for his comments, but you shouldn't even be able to speak about them in this chamber. You will now be gagged from speaking about them in this chamber. We don't want that kind of criticism."

We reject that utterly. I rejected that when it was applied to my political opponents with whom I disagreed, but I defended their right to speak. We should have the right to have robust debate in this place, robust debate that sometimes makes all of us uncomfortable. That is the nature of our democracy. We should not be gagged unreasonably, particularly in a situation where the facts are not even in dispute. We have got a guilty plea. We have got a Supreme Court that is very capable of making independent decisions, and we should have the opportunity to debate these issues in the Assembly.

We completely and utterly reject this motion. It is just a further example of how the Labor Party will now back anything the Greens say and do. They stand shoulder to shoulder with them. We will stand up for freedom of speech, and we will certainly

stand up for our right to condemn behaviour which is illegal and condemn politicians who in any way endorse that kind of behaviour.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.12): Again we have heard from Mr Seselja and yet no substance. He does not actually address the motion that is before us or address this issue of continuing resolution 10. And we have just heard in Mr Seselja's speech that the Greens are somehow sensitive on these matters. That is not so at all. I thought that Mr Rattenbury's speech last week was an excellent speech that clearly outlined the issues and his stance on matters. It was an excellent speech, and I really do recommend that the Canberra Liberals go back and read that speech.

The reality is that Mr Seselja and Mr Hanson were not circumspect when they got up to speak last week. They did not consider their words. They were on the attack and they were blinded by that attack. It was political and they were going to go out as hard as they possibly could. They lost perspective and they then, therefore, gave speeches that condemned people, that had no thought for the rules of this place, that had no thought for the fact that they were breaching the rules of this place, and that is clearly set out in continuing resolution 10.

Mr Smyth interjecting—

MADAM DEPUTY SPEAKER: Mr Smyth, I do not want a running commentary from you, please.

MS HUNTER: My colleague Ms Le Couteur raised the issue. She said in her speech, "We need to be very careful here because of the sub judice rules." Mr Seselja then got up—and I remember this—and mocked her. He said: "How ridiculous! That does not apply at all. You don't know what you are on about." He mocked her and was joined by members on the front bench in mocking Ms Le Couteur when she raised this important issue.

The question before us today is extremely important, and it is important for a number of reasons. It is about protecting that fundamental principle that is the separation of power between the legislature and the judiciary. The importance of ensuring that each arm of government is separate and does not interfere with the other is one of the fundamental underpinnings of our system of government. The principle is very clearly protected by the Australian constitution and is something that courts have gone to great lengths to protect ever since Australia federated.

Equally, this legislature has a responsibility to protect that strict separation. We have done this by adopting continuing resolution 10 and setting out very clearly that in any motion, debate or question we shall not refer to matters before a court. This is unequivocal. It says that we shall not refer in any motion, debate or question to matters before a court.

The principle of sub judice has long been recognised by Westminster parliaments and is something that parliaments have gone to great lengths to protect. And it should be noted that, unlike many other Westminster parliaments who rely on convention and

past application in applying the rule—and that has been outlined by Mr Corbell today and includes our federal parliament—we have very clearly articulated its scope and application and made it very clear that, as a parliament, we believe that we should limit speech on these matters and be very careful in our comments to ensure we do not prejudice a citizen's right to a fair and impartial hearing and that we respect the role that the judiciary plays and do not inappropriately comment on the ways it performs that role. In recognising the importance of this principle, the parliament has agreed to bind itself to a standard of conduct and has established that, in all but the most exceptional circumstance, those different roles that I have outlined, the different roles between the legislature and the judiciary, the public interest is in protecting that strict separation and ensuring that the rule of law and the right to a fair trial are upheld.

We all recognise the importance of free speech. That has been spoken about this morning, and the fact that the parliament has resolved that it should restrict the ability of members in this place to speak on these issues demonstrates just how important the sub judice convention is. Look at the *House of Representatives Practice*. It does address the issue. It says that it is a restraint born out of respect by parliament for the judicial arm of government, a democratic respect for the rule of law and the proper upholding of the law by fair trial proceedings. Further—and this is on page 507—it quotes a ruling by Speaker Snedden, expressing an anxiousness that there be no prejudice whatever to persons faced with criminal action. Our *Companion to the Standing Orders* describes the convention as adopting a significant limitation on an ability of the Assembly to consider and discuss matters.

Mr Seselja goes on to talk about gagging their right to freedom of speech. I can just see the press release now. And it is a ridiculous stand that he is taking. It is very clear that we have rules here. They do not apply just to some of us; they apply to all of us. And we need to take regard of those rules. As I have noted, it is clearly outlined in the *Companion* and in the *House of Representatives Practice.*

Last Wednesday evening, continuing resolution 10 was clearly breached. On a number of occasions both Mr Seselja and Mr Hanson made comments about the particular details of the case concerning the incident at the CSIRO that, as I said, is before the courts. At one point Mr Seselja did say that he was talking about a general principle, which I agree may have been perfectly acceptable to talk about. However, soon after making that statement, he then proceeded to talk about the very specific case and his views about the impact of the accused persons' actions and his views about the need for all leaders in the community to condemn those actions. Given that these people are currently awaiting sentence before ACT courts, the inappropriateness of these statements cannot be overstated.

Mr Hanson made similar comments about the effect the incident had had on staff, saying that they had been traumatised, that he condemned the action and that others should likewise condemn that action. There is absolutely no question that this was a clear breach of the continuing resolution and amounted to sub judice. There can be no doubt that Mr Seselja's and Mr Hanson's comments condemning the particular action and talking quite extensively about their views as to the impacts of those actions very clearly identified that matter that, as we know, is before the courts.

One matter that has been raised is the substantive effect of comments on members of the judiciary. It is certainly reasonable to argue that the comments may have a limited effect on judicial decision makers. That is not to say that we should disregard this issue altogether and that we should be mindful of the impact in practice. This is one of the reasons why I agree that the comments merit an expression of grave concern rather than any other action that could be taken.

As I said earlier, this is only part of the matter, and I draw members' attention to paragraph 10.92 of the *Companion*, which quotes a passage in *Odgers* referring to a quote by Justice Spender of the Federal Court:

> … 'if the effect of a public prejudgement is to undermine public confidence in that judgement, even though it does not affect the process by which that judgement is reached, that equally is a contempt'.

It is worth noting that on a number of occasions Mr Seselja and other members of the Canberra Liberals have talked about the importance of the rule of law and yet the other evening they were very willing to trample upon it and make very inappropriate comments that do have the potential to impinge upon the very clear role of the judiciary. I draw members' attention to the earlier quote I read from the *House of Representatives Practice.*

For these reasons, the Greens agree that it does warrant a motion of grave concern in the Assembly and, equally, we agree to support the other provisions of the motion. It is important and appropriate that we reaffirm our commitment to continuing resolution 10. And I will leave it to my colleague Ms Bresnan to go to those matters about other debates that have been held in this place and comments that have been made around this issue of sub judice. She will go into some detail about comments that have been made and how some of the comments we have heard this morning from the Canberra Liberals seem quite outrageous, considering speeches that have been given in the past in this place.

MR HANSON (Molonglo) (11.22): The Canberra Liberals have a very clear view on this whole matter. The crime was conducted at the CSIRO and people were found guilty. The facts are not in dispute. And our issue with this whole matter has not been aimed at litigating the case; it has not been about the issue itself; it has been a matter of the Greens' response to it. The Greens' response has shown two things: firstly, they are unable to condemn what, in Mr Rattenbury's own definition, is a violent action. So they have been unable to condemn it. Secondly, it has shown the rank hypocrisy of the Speaker, sitting in that chair for half of his time and sitting down there as the activist for the other half of his time.

I thank Mr Corbell for bringing this motion before the house today, because this is an issue we want to be talking about. I think that when this goes out into the community—the issue about sub judice, a matter before the courts and so on—that will be a little lost in translation, and the key thing that people will consider is: why is it that the Greens refuse to condemn this action? Why is Mr Rattenbury so conflicted? Is it because he is a member of Greenpeace? This is an issue we want to be talking about in the Canberra Liberals.

I can only hope that this gets on the front page. I can only hope that Mr Seselja is called on by the media to talk about this issue. This is something we want to be talking about, because we want to be talking about how inappropriate the Greens' response has been. And I think that this will be judged in the court of public opinion. Go out there and ask the common man and woman in the street: "People have been found guilty of what, in Mr Rattenbury's definition, is a violent protest at the CSIRO. Should he condemn that?" And he will not. So we are happy to talk about this issue.

Let us be very clear. The Liberals have not been debating the offence; they have been debating the Greens' response to it. These are different matters. We have not said anything that has not been put in the public domain. And what we are doing here now is applying one rule for us as parliamentarians inside the chamber and another rule for us outside the chamber.

Mr Rattenbury himself litigated this issue in an opinion piece. He went on Ross Solly's program and discussed this issue, and I think I heard him on 2CC with Mark Parton as well. So I must say I am somewhat confused about how the judiciary will listen to the radio and read *CityNews* or other publications and not be affected by it—Mr Rattenbury can go out and do what he likes there—but Lord forbid, if Mr Seselja or Mr Hanson make similar sorts of comments about this case in the chamber, all of a sudden there is some sort of perception that the judiciary is going to be swayed. I think that is a nonsense. I think that you know it is a nonsense. I think the government and the Greens know it is a nonsense. And this is a foolish attempt to try to attack Mr Seselja and me. But bring it on. We are very happy to be talking about the substantive issue; that is, the Greens' response to what Mr Rattenbury has articulated as a violent protest.

We obviously do not agree with this motion. There is a matter of discretion, and I think that Mr Smyth has made the point exceptionally well about these matters. And I can see you sitting up there conflicted right now, Madam Deputy Speaker. Is this sub judice? Is this in accordance with continuing resolution 10? I can see that running through your mind, and you are probably seeking advice from the Deputy Clerk: "Is it? Is it not?" This is the whole point. Is this a matter for your discretion? You can make a choice right here and right now, just as you did the other week, which is the subject of this motion, where you decided it was not, and just as the Speaker on 16 August decided it was not. And you make that discretion.

You cannot then come back weeks later or, in relation to 16 August, months later and say, "That discretion that I applied, I got it wrong." If you are going to move this motion, the next motion should be condemning the Speaker and the Deputy Speaker for getting their discretion wrong back then and changing their minds. If that is what is occurring here, I can see the conflict in your face right now.

Mr Seselja's point has been about the effect of this motion today. He has articulated the case very well. I would have to say that in all the debate today his legal training has come to the fore. Whilst the pretend lawyer over there, Mr Corbell, has struggled to mount a case, I think you can see the benefits of an education in the law in the case that Mr Seselja has put forward.

The case he has made is that, in essence, what we are doing today is muzzling debate. We are saying: "Say what you like outside. You can't say it in here. Particularly not if it's nasty stuff you're saying about the Greens." And that is why they are so keen to support this motion.

I will be moving the amendment to the motion in my name. I have circulated it. This relates to my comments in the earlier debate today that on 16 August there were comments made by Ms Gallagher which—if you just excuse me while I open my computer—

Mrs Dunne: It has gone to sleep.

MR HANSON: It has gone to sleep—refer to this case. I think when you look at the two issues, the two issues are that Mr Seselja and I commented on what we considered to be the hypocrisy of the Greens, and we have pointed out the fact that there has been a case before the courts, people have been found guilty, and we simply articulated the facts. But what Ms Gallagher did on 16 August was provide the government's position on this issue. She said:

> … the government do not support in any way the incident that occurred at CSIRO last month. Science and the study of science are important, even if you disagree with the research underway.

So she commented on this issue. And what we seem to be doing now is making some vague assessment: "Katy's comments are okay; Zed's aren't." You cannot do that. In actual fact it was Ms Hunter and Mr Corbell that made the point that it is sub judice: "We cannot comment on it. You cannot refer to it. You cannot discuss it." And that was their case. In fact, the Chief Minister's comments, if you are going to find Mr Seselja and me guilty, are far more dangerous, for two reasons. Firstly, she is the Chief Minister. She is giving the government's opinion on this matter. This is not the Greens' response to it but the government's position.

The second point is that this was a matter that had not gone before a jury. Mr Seselja and I made our comments after this had been through the courts, to the point where the individuals themselves had pleaded guilty and the courts had ruled on it, whereas Ms Gallagher's comments, putting the government's position forward, were made before it went before the jury. If you were on that jury, Madam Deputy Speaker, you would then be reading those comments and it would be made very clear to you that the government does not support what happened and further notes that science and the study of science are important, even if you disagree with the research underway. That is sending a very clear message to those jurors: "These people shouldn't have done that. Science is important. You don't go in there and vandalise science." That was what the Chief Minister was saying, and she was saying the government does not support it.

So I do not understand how it is that the government could be saying that the comments from Mr Seselja and me are problematic but that the comments by Ms Gallagher, which lay out the government's position relating to a particular offence that is yet to reach the situation where people are found guilty, are somehow okay.

I have sought advice from the Clerk, members. Obviously it is a pretty quick turnaround. Sadly, the Clerk and the Speaker missed the fact. In fact, the Clerk said to me that he was unaware of the debate of the 16th. I think he can be excused. He was not here, I believe. Maybe he was. Anyway, he missed it, as did the Speaker, and as probably did Mr Corbell. But let me be very clear. On that day the same offence was committed. If we have committed an offence, so has Ms Gallagher. And the Clerk's advice to me was that Ms Gallagher's comments, he agrees, were not helpful. (*Time expired.)*

MADAM DEPUTY SPEAKER: Mr Hanson, are you going to move your amendment?

MR HANSON: I move:

> Add:
>
> "(4) express its grave concern at the breach of the sub judice convention by Ms Gallagher (Chief Minister) in her comments to the Assembly of 16 August 2011 concerning the two individuals charged with damaging property and trespass at the CSIRO Ginninderra Research Facility.".

MS BRESNAN (Brindabella) (11.32): In speaking to the motion I will also refer briefly to Mr Hanson's amendment. We have heard the word "hypocritical" mentioned a lot. If we want to talk about being hypocritical, we do not need to look any further than the Canberra Liberals on this issue. What we have heard today, basically, is that it is okay for them to pass judgement on individuals before the court—that is fine—but no-one else can do it. It is okay for them to do that. It does not matter about the standing rules that apply. They are allowed to do that.

I would just like to remind them of a matter that was before the Assembly in 2009, when Mr Corbell had made comments about an incident at the Belconnen Remand Centre. I remind the Canberra Liberals that these were actually comments made outside the chamber—given that Mr Seselja and Mr Hanson have both talked a lot today about making comments outside the chamber—and that the Greens supported the motion against Mr Corbell. I would like to go to some of the comments in Mrs Dunne's speech on this matter. It is worth pointing out a number of those comments because I believe it is relevant to the debate we are having today. First off, Mrs Dunne said:

> Those of us who are elected to this place have the highest demands of good conduct placed upon us. Like Caesar's wife, our actions need to be beyond reproach. And if we make an error, it is imperative that we own up to that error and unreservedly apologise and do what we can to set matters right. It is no good to bustle about pretending that nothing has happened and hoping that people will forget about it.
>
> We are here today because one of our number has failed to live up to these high standards and these demands. These standards were reinforced, albeit begrudgingly, by the Stanhope government. A few weeks ago the first law officer of the ACT—the Attorney-General, Simon Corbell—went out of his way

> to reflect upon the guilt of two men who had been charged following a well-publicised incident at the Belconnen Remand Centre on Friday, 31 January.

She went on to say:

> His comments have been construed as contempt of court and a clear breach of the separation of powers between the executive and the judiciary.

I will just read out a number of sentences from the speech:

> We are here today, Mr Speaker, because Simon Corbell, the Attorney-General of the ACT, has sought to subvert the laws of the ACT for his own base political gain.

Further:

> This was a live matter before the courts and the attorney was breaking all the rules, all the laws, all the conventions.

I think it is worth pointing out where Mrs Dunne sought to address that issue of free speech which we have heard a lot about today:

> In Australia we have laws that set the boundaries between a right to a fair and unprejudiced trial and freedom of expression. The distinction between a fair trial and free speech was highlighted by Brennan J in R v Glennon in the High Court. His Honour said:
>
> > Free speech is not the only hallmark of a free society, and sometimes it—

that is, free speech—

> > must be restrained by laws designed to protect other aspects of public interest. Thus the law of contempt of court strikes a balance between the two competing public interests ... The integrity of the administration of justice in criminal proceedings is of fundamental importance to a free society.

His Honour went on to say:

> > Freedom of public expression with reference to circumstances touching guilt or innocence is correspondingly limited.

She said here:

> I repeat that Mr Brennan said:
>
> > Freedom of public expression with reference to circumstances touching guilt or innocence is correspondingly limited.

Further in the speech she said:

> Mr Speaker, in this country we do not make public statements about the guilt or innocence of people, and people of influence do not make these statements because it is seen to prejudice the right to a free trial.

> The Law Commission of New Zealand highlighted why the right to a fair trial has a higher right than the right to express views about a case in hand.

And further:

> When a conflict arises between a fair trial and freedom of speech, the former has prevailed because the compromise of a fair trial for a particular accused may cause them permanent harm …
>
> One of the questions we have to ask today in considering whether we express serious concern about the actions of the Attorney is whether the Attorney has caused permanent harm to these men whose case is live before the court.
>
> In the case of the New South Wales Attorney-General v Time Inc Magazine, Mr Justice Gleeson of the New South Wales Supreme Court, although acknowledging that there was a perfectly legitimate right to express views about a particular case, said that there is no right under the constitution or at common law to do so at the expense of the due administration of justice.

I think that is an interesting point. We have heard the Canberra Liberals making various comments about freedom of speech and about what has happened today. Mrs Dunne has clearly outlined our case in her speech on a matter that came before the Assembly in 2009. Again we see a situation where, if anyone does what has been done by Mr Hanson and Mr Seselja, we will bring them before the Assembly and we will address that. If the Canberra Liberals do it, that is okay; we do not have to worry about it. This has been a matter discussed in the Assembly on more than one occasion. It is worth pointing out that no other members in the chamber made comments about the guilt or otherwise of the people in question. They basically pilloried these individuals regardless of whether or not they were being charged or making a plea. That is why we have the standing order that we have, so we do not have members in the chamber—and I think Mrs Dunne outlined that perfectly in her speech—making comments about cases and how people should be judged for sentence.

The Liberals keep talking about discretion. We have heard it mentioned a number of times. Again, they did not address it in their speeches, but I remind them—

Mrs Dunne: There's a difference.

MS BRESNAN: Mrs Dunne is saying it is different; I cannot wait to hear how it is different—that Mr Corbell asked the Speaker to review the matter. The Speaker did that. He received advice from the Clerk and then acted on that advice. Again, that is a point they did not address in any of their speeches today. What we have seen here today is basically the Canberra Liberals grasping at straws because they know they have done something wrong. We have seen repeatedly—and again we saw it from Mr Hanson in his speech today—that they have no boundaries in what they are prepared to say in the chamber. That is what they are being drawn to account for today.

As I said in speaking to the dissent ruling, this is also another case of the Canberra Liberals thinking the standing orders and the processes of the Assembly apply to

everyone but them. The comments made by Mr Hanson and Mr Seselja were not similar to what anyone else had said. What hypocrisy in trying to tie this to free speech. We make all sorts of comments about issues. Mr Hanson said that it was ridiculous to think we could influence the case, but we have seen situations in other states in the country where comments made by members of parliament have had an impact on cases. That is why we have the standing order. That is why Mrs Dunne made the point she did in her speech—that when comments are made, people need to be drawn to account. No other member in speaking on this matter has made comments about the guilt or otherwise of these people.

Speaking briefly to Mr Hanson's amendment, the Greens will not be supporting it. Ms Gallagher—again, this is a point I have just made—made no comments about the guilt of the individuals. She made no comment on whether what they did was violent or on the impact that it had on scientists. These are all things which both Mr Seselja—

Opposition members interjecting—

MS BRESNAN: I am glad they think it is a joke. We see them laughing there; this is very funny. It is okay for them to make these sorts of comments, but nobody else can do that. No-one else made comments about it and no-one else pilloried the individuals like they did. That is why we have the matter before the chamber today.

We did not hear anything about the substance of the matter from Mr Hanson. He went to having a go at the Speaker, obviously. I remind them that this was a matter which Mr Corbell—I know I have said this; I will repeat it so they can get it into their heads—asked the Speaker to review. He did that. He received advice from the Clerk and acted on that advice. That is what we see today. It would be nice to see the Canberra Liberals actually addressing the substance of the matter instead of grasping at straws and thinking that the standing orders apply to everyone except them.

MR SESELJA (Molonglo—Leader of the Opposition) (11.41): I think it is an indication of just how passionate the Greens are about this that they are passing a matter of grave concern. We know their standards in relation to the opposition for passing motions. I believe Mr Smyth was censured for the vibe of a press release—so they must feel very passionate. Perhaps that reticence is to do with the fact that not only have their political alliance partners been caught out on this but also there is what the Speaker himself said in this debate. It is worth quoting, just briefly, what Mr Rattenbury had to say in this place last week in relation to some of these matters:

> 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 that what took place at Parkwood was counterproductive to the important issue at hand—the mistreatment of tens of thousands of chickens at that facility.
>
> … 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.

Madam Deputy Speaker, what hypocrisy. What rank hypocrisy. We have got the Speaker in the chamber at the time actually making comments about cases that are on foot—in some cases where no-one has pleaded guilty—and no such standard is being applied. Just to highlight the farcical nature of this, I will now formally seek the Speaker's ruling in writing in relation to the Speaker's comments last week in this debate. I would ask that we receive written advice on the Speaker's comments in relation to cases and also in relation to Ms Gallagher's comments.

Madam Deputy Speaker, this is absolute hypocrisy. It is saying, "Because the Liberal Party prosecuted its case vigorously, and we did not like that case, we are now going to gag you." The Speaker can say what he likes, Ms Gallagher can say what she likes and the Greens and the Labor Party can say what they like. But not the Liberal Party—not on this issue because they are so sensitive about it. What a joke! We look forward to that advice from the Speaker in relation to statements which the Speaker made in this place on a number of issues before the courts.

This amendment should be supported simply to highlight the hypocrisy and the ridiculousness of this motion and simply to say that the Canberra Liberals will in no way be silenced on this or other issues simply because the Labor Party and the Greens do not like it.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (11.44): The government will not be supporting Mr Hanson's amendment, and I will go to that in detail in a minute. But I draw a process matter to the attention of the Assembly in the sense that the amendment has been written to express its grave concern at the alleged breach of sub judice by me. Mr Seselja in his comments has just said that he is going to be seeking advice about whether that has actually occurred. So even if we were of the mind to support this, technically I do not think that anyone is in a position to do so because that case has not been proven.

I draw the comparison between what I would do if I got advice that I had breached continuing resolution 10. The approach I would take would be to come into this place and apologise. I do not think I have breached continuing resolution 10; I think my comments were very measured. But anyway, I—

Opposition members interjecting—

MADAM DEPUTY SPEAKER: Ms Gallagher, please sit down. Stop the clock, please. Members of the opposition, you were heard in silence when you were on your feet. Please pay the same respect to the Chief Minister now. If you do not, I will warn you next time you interject. Ms Gallagher.

MS GALLAGHER: Thank you, Madam Deputy Speaker. The 17 members of this place are the custodians of the standing orders. They guide our debates and our processes, they allow for flexibility to deal with issues as they arise and they allow for sanctions if one or more of us steps outside the parameters. This motion today, despite the arguments presented by the Liberal Party, is not about any one particular case; it is about appropriate standards and conduct of debate in this place.

We have heard the usual spray coming from the opposition, and I must say that the hysterical way this debate started this morning shows just how out of control the Leader of the Opposition is at the moment. We all know he is under a fair bit of pressure, but the anger and the feigned outrage he has demonstrated this morning just shows—

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson, you are warned.

MS GALLAGHER: how much pressure he actually is under. He had several avenues to pursue when the Speaker made his ruling this morning—several of them. One of them—the one that I would have chosen if I was in his position—was to perhaps take a bit of time to understand the Speaker's ruling but to then apologise to the Assembly. Or if he could not bring himself to apologise he could have used some words to deal with the Speaker's ruling. Instead, he came out fighting, arms swinging, anger palpable, moving dissent in the Speaker. As usual, it is everyone else's fault and certainly nothing to do with the Canberra Liberals.

At the end of the day, Mr Seselja and Mr Hanson simply stuffed up last week. They were not measured in their comments; they were all excited about a political attack. We have seen them do it inside and outside this chamber. They got all excited, they got ahead of themselves and they went too far. That is what continuing resolution 10 is actually there for—to guide and provide assistance to members. Indeed, in the debate Mr Seselja mocked Ms Le Couteur around her understanding of sub judice when she raised it in relation to Pace Farm. He mocked her, so he was aware of the issue. Then he went on to give his opinion on a whole range of matters. That is the difference between what I said and what Mr Seselja and Mr Hanson said. They went on to give opinions; they went on to talk about the extent of the damage that had been done; they went on to talk about impact on the victims.

If you go back and read my comments in the *Hansard*, yes, I always stand in this place to uphold the rule of the law. It was very clear that something had gone on at CSIRO that was not lawful, but I did not express a view about who had done it and what the consequences of that should be. I also went on in my comments to talk about alleged unlawful conduct. So I was careful; I was measured; I was aware that this case was before the courts, which is where it is appropriately dealt with. I did not overstep the mark in terms of the decisions that Mr Seselja and Mr Hanson took. Mr Corbell prefaced his comments with the fact that this matter is before the courts and that that is the appropriate place for this to be dealt with.

We see the standard and tired Liberal Party defence mechanism—that is, stand there, and, frankly, my four-year-old—

Mrs Dunne: You wish. You wish, Katy.

MS GALLAGHER: Mrs Dunne, I will take that as a threat, shall I? My four-year-old has better defence mechanisms than this one, which is simply: "It's not my fault. It's

everybody else's fault. It's a Greens-Labor conspiracy. They've all ganged up. I can't help it. Everyone's against me. I'm not responsible." Come on—you are going to have to put forward some new ideas and some better ways of dealing with things. This cannot be your standard response to everything—"It's never our responsibility. Never once."

The standards that apply on this side of the chamber that see ministers from time to time coming in, correcting the record, making clear if they have got something wrong, taking that responsibility on, just simply do not apply over there. You can say whatever you like whenever you like, and the standing orders are only useful when they can be used as a point of political attack, never as a way of structuring debate or providing guidance on appropriate conduct in this place.

As to the line that the Assembly is gagging the Liberal Party, I do not think anyone who listens to debate in this chamber—thankfully there are not very many of them—would ever accept the view that the Liberal Party is being gagged in this place. The Assembly and the standing orders provide ample opportunity for members to talk about pretty much anything continuously, ad nauseam, in repetition, often six of the same speeches. This is the way the Assembly conducts its business. For Mr Seselja to try and run out there and have as his secondary defence that "Okay, if you don't accept it is everyone else's fault and not mine and it is Labor and the Greens ganging up on us, then we are being gagged and we're not actually allowed to do the job we are elected to do" is simply another attempt at distraction by the Liberal Party.

This is about leadership; this is about appropriate standards. You have been caught out. One measure of leadership is actually taking responsibility for your actions and apologising if you get it wrong. That is something we have never seen from the opposition. I do not think we are ever going to see it.

There were several ways to deal with this matter this morning. You have chosen to come out fighting, to blame everybody else. It is everyone's responsibility in this chamber to uphold the forms, the conventions, the standing orders, the continuing resolutions. You simply went too far. You need to be brought back into line, and that is what this motion will do today.

Question put:

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

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Dr Bourke	Ms Hunter
Mrs Dunne		Ms Bresnan	Ms Le Couteur
Mr Hanson		Ms Burch	Ms Porter
Mr Seselja		Mr Corbell	Mr Rattenbury
		Ms Gallagher	

Question so resolved in the negative.

MR CORBELL: (Molonglo—Attorney-General, Minister for the Environment, Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.55): I thank those members who have indicated their support for this motion. This is about saying to Mr Seselja and Mr Hanson that the standing orders in this place apply to them as well. This is about saying to those members of the opposition that they have an obligation as well to express themselves carefully and diligently and with caution when it comes to matters that are before the courts. This is about saying to those members of the opposition that they have to have regard for the important principles of sub judice which this Assembly has agreed to and has given continuing effect to through a resolution.

The fact is, as other members of the government have indicated this morning, what Mr Seselja said and what Mr Hanson said was intemperate and had the ability to create the perception, if not the reality, of some prejudice in relation to a matter that was before the court. It had the ability to undermine people's perception of independence of the actions of a court in relation to these matters.

These are serious issues. They are issues that warrant the type of motion that I have moved today. Simply put, this Assembly should state clearly and without any concern that this important principle of the separation of powers between the legislative, executive and judicial arms of government should be reaffirmed and that we should reaffirm our support for continuing resolution 10. It is an important resolution and one that we should all continue to have regard for. The comments made by Mr Seselja and Mr Hanson warrant a level of censure through the expression of grave concern so that members understand the importance of treating these matters carefully and with some caution rather than in the gung-ho and aggressive manner we saw from those members last week.

Question put:

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

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Ms Porter	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher			

Question so resolved in the affirmative.

Motion agreed to.

Petition

The following petition was lodged for presentation, by **Ms Porter**, *from 169 residents*:

Taxis—insurance—petition No 130

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- ACT Taxi Drivers and Operators hold the view that CTP Insurance costs are placing pressure on the cost of taxi fares;
- That this pressure is evidenced by a comparison of CTP costs to taxi Operators between NSW and the ACT; and
- That the taxi industry has over the past three years sought advice on how to have this comparative cost disadvantage addressed and this advice supports the proposed legislative amendments.

Your petitioners, all being ACT Taxi Drivers, Operators or Customers therefore request the Assembly to give due attention to the following request:

"We the members and supporters of the taxi industry wish to express our support for the proposed changes to legislation limiting compensation payable on Compulsory Third Party Insurance. We the undersigned request the ACT House of Assembly to pass the legislative amendments in order to reduce the rate of increase in CTPI costs in the future and thus lower insurance costs for the taxi industry and thereby reduce upward cost pressures on taxi fares".

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

Justice and Community Safety—Standing Committee
Scrutiny report 50

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

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 50, dated 26 March 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 50 contains the committee's comments on 21 pieces of subordinate legislation, one government response and comments on proposed government amendments to the Long Service Leave (Portable Schemes) Amendment

Bill 2011. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Education, Training and Youth Affairs—Standing Committee
Amendment to resolution

Motion (by **Ms Bresnan**), by leave, agreed to:

> That the resolution of the Assembly of 27 October 2011 referring the future use of the Fitters' Workshop, Kingston to the Standing Committee on Education, Training and Youth Affairs for inquiry and report be amended by omitting the words "by March 2012" and substituting "by the last sitting day in May 2012" and inserting a new paragraph (2A):
>
> "(2A) if the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation;".

Water—Cotter Dam
Statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (12.00): Pursuant to a resolution passed by the Assembly on 21 March 2012, I table information to fulfil part (2)(a) of the resolution on the enlarged Cotter Dam project.

Today I table two documents: firstly, the board paper prepared on 28 February 2012 for the Actew board meeting of 4 March 2012, which was provided to the voting shareholders on 1 March 2012. Secondly, I table the estimated revised schedule and cost information in the form of a slide presentation presented to the Actew board on 4 March 2012 and provided to the voting shareholders on 5 March 2012.

I table the following papers:

> Water Security Major Projects—Enlarged Cotter Dam Project—
>
> ACTEW Corporation Limited—Meeting No. 203—Information paper, dated 4 March 2012.
>
> Cost and Schedule—Presentation to ACTEW Board—Sunday 4 March.

The first document does not contain the revised cost or schedule details, citing that there was a further meeting to occur with the alliance management group on 1 March 2012 to review the independent estimator's findings. It was, in effect, an indicator that the board would need to consider and discuss the project after the alliance had had a chance to discuss the review.

The second document is a presentation which provides an update on the review of the budget and schedule for the enlarged Cotter Dam and was first presented to the Actew board on 4 March 2012.

From that document, members can read what Actew's estimated revised costs would have been at that stage. The presentation has no official status. It does not form the rationale for any board resolution or decision, nor is it based on current information. It represents an unapproved estimate prior to the recent flood.

Let us turn to that document. Actew's estimated total project cost to completion would have been $396.8 million, an increase of $33.5 million over the current budget of $363.3 million. This increase in costs is predominantly due to rain. It was simply not possible to reasonably predict or control the extent of the rainfall and flooding that has occurred over the past two years.

In 2009 the amount of rain that fell in the ACT was 75 per cent of the long-term rainfall average. In 2010 and 2011 these figures were 160 per cent and 140 per cent respectively. Clearly, 2010 and 2011 were two of the highest years of rainfall on record.

When Actew started the dam project in August 2009, the target outturn cost assumed there may be 12 shifts lost due to bad weather. However, up to the end of February 2012 there has been a total of 116 shifts lost due to wet weather. It is also the case that despite extensive geotechnical drilling, a geographical fault was not discovered until after excavation works had commenced for the main dam wall foundation. Mr Sullivan discussed the geological feature at his appearance before the public accounts committee; so I do not propose to reiterate his testimony today.

It is a fact that there are operational risks associated with major infrastructure projects such as building a dam. Although it is disappointing that the costs and timing for the dam's completion have increased, it is clear that they have resulted from factors external to the project.

It is not a secret that Actew was considering the cost and schedule of the dam. Members will recall that on 16 December last year Actew's managing director, Mr Mark Sullivan, advised the public accounts committee that the budget and schedule for completion of the enlarged Cotter Dam were being reviewed. This review was due to rainfall and the geological feature.

Mr Sullivan indicated that after the information had been presented to the board, he intended to brief all interested parties and make the information public. He gave a similar commitment during an interview on ABC radio on 2 February 2012, in which he indicated that it was intended to provide a detailed report to the Actew board by the end of February 2012. The voting shareholders would also have been informed before there was a public announcement.

As it turns out, the Actew board met on Sunday, 4 March 2012. It was originally intended that the board would consider the revised estimated project schedule and budget at that meeting. It became evident, however, that the flooding that had begun to intensify on 29 February 2012 would significantly change that revised schedule and budget. A full reassessment of the project's schedule and budget would be needed.

Obviously, the latest flood event will add further time and costs to the project which will not be known for several weeks. Therefore, the board is yet to accept or approve any revision to the project budget or schedule.

The board's slide presentation also suggests that Actew's additional costs may be partly offset by $11 million in savings from other water security projects. This could possibly be reduced further after taking into account some $13 million in potential research and tax concessions. Bearing in mind that the delays caused by the most recent flood will add further cost to the project, the preliminary estimated overall Actew cost increase for the major water security projects was expected to be in the order of $9.5 million.

I would like at this point to acknowledge that the slide presentation tabled here today has been partially redacted to protect commercially sensitive information. I am sure that members of the Assembly respect that information contained in the original documents includes matters which may subsequently involve, or impact on, insurance claims and contractual arrangements with Actew's alliance partners.

I am sure that members would not wish to prejudice Actew's position in relation to these matters. However, I would be pleased to offer members a confidential briefing with Actew's managing director to explain in more detail any matter contained in these documents.

The voting shareholders have been kept informed of the progress and significant matters affecting the enlarged Cotter Dam. The board information document that contained the redundant revised estimated cost and project details was made available the day the board was informed. As members would be well aware, these revised costs and schedules were overtaken by the recent flooding.

Since the flood the shareholders have been receiving weekly updates on the progress of addressing the flood event at the dam. We will receive an updated cost and project schedule when it becomes available. When these documents become available we will provide those to the Assembly in accordance with parts 2(b), (c), (d) and (e) of the Assembly resolution.

Members, Actew has made no secret of the pressure on the project's budget and schedule. The facts about the cost increase will not be known until after the clean-up of the recent flood and after Actew has time to undertake a robust analysis. I move:

> That the Assembly takes note of the papers.

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

Health—drug and alcohol rehabilitation services
Statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services), by leave: Today I provide the Assembly with an

update on progress regarding the finalisation of the review of the need to expand drug and alcohol rehab services in the ACT. In 2011 the government undertook to complete a review of the need to expand drug and alcohol rehabilitation services. Undertaking a review of drug and alcohol rehabilitation services was also a recommendation of the ACT Select Committee on Estimates in 2011.

The Health Directorate committed in 2011 to providing the government with a review report by March 2012. The review is being conducted by Mr Andrew Biven and Dr Rod MacQueen and examines a range of evidence. This includes evidence on the need for drug rehabilitation services in the ACT, international and local evidence of what contributes to good outcomes from drug rehabilitation services, consumer input on drug rehabilitation services in the ACT and data on current drug rehabilitation service provision and usage patterns.

A week of site visits to drug and rehabilitation services in the ACT, including consultation with service providers, was conducted in December 2011 as part of the review. The review is on track for completion by the end of March 2012. However, there will not be sufficient time to table the outcomes during the March sitting period. So I will table out of session the review as soon as possible in April 2012.

Freedom of Information Amendment Bill 2011

Debate resumed from 6 December 2011, on motion by **Mr Barr**, on behalf of **Mr Corbell**:

> That this bill be agreed to in principle.

Mr Corbell: Could I take the unprecedented step of thanking members for their support of the bill?

MR SPEAKER: I think this would be, perhaps, an inappropriate step, Mr Corbell. I seek your indulgence to try and sort out this matter. I think Mrs Dunne has the call and is undoubtedly on her way.

Mr Hargreaves: May I speak to the bill?

MR SPEAKER: Thank you, Mr Hargreaves. That would be appreciated.

MR HARGREAVES (Brindabella) (12.11): This bill is part of a suite of legislative reforms and forward-moving pieces of legislation this government has been responsible for over a number of years. What is surprising, of course, is that there are members scurrying everywhere seeking to leap to their feet to congratulate the minister on this piece of legislation. I note the absence of the opposition whip in getting his troops together down here to take part in this debate.

I too would wish to commend the bill to the Assembly.

MRS DUNNE (Ginninderra) (12.12): I apologise to the chamber for my tardiness and I thank Mr Hargreaves for his filibuster.

The Liberal opposition will give in-principle support to the Freedom of Information Amendment Bill. This bill responds, in part, to some of the recommendations of the JACS committee's inquiry into the Freedom of Information Act.

The key recommendation coming out of that inquiry was to repeal the current act and replace it with legislation that adopts, as far as possible, commonwealth legislation. This includes the reforms to the commonwealth law that were made in November 2010. However, in relation to cabinet documents, the committee recommends that a New Zealand so-called purposive clause rather than a categorical approach be adopted; I will come to this matter again later.

In adopting the commonwealth's approach we do two things. Firstly, it will allow the ACT to keep in step more easily with changes that are brought about at the commonwealth level, and, secondly, it provides some level of consistency between the two jurisdictions, noting that it would be a handy feature for citizens of the ACT. They could expect a consistent approach between the two jurisdictions that they have most to do with.

Clearly there inevitably will be some differences because of the nature and responsibilities of the two governments, but consistency as far as is practical should be our key goal. It is pleasing to note that the government has picked up on the spirit of this recommendation, although there is some distance to go before true reform is achieved in FOI in the territory law.

When we get to the detail stage I understand that the Greens will be introducing a raft of amendments that subject the government's approach to some quite radical surgery. The Greens' goal seems to be to bring ACT law more into line with Queensland law. Indeed a number of the amendments that I will also introduce pick up some of Queensland's approach. However, I maintain my view that our law should be more aligned to commonwealth law, and I think I will have to look very carefully, when they arrive, at the Greens' amendments before I consider whether they can be supported.

It has been agreed by all parties that the debate on this bill will be adjourned after the in-principle stage and that we will have some time to consider the detail stage when we come back in May.

Apart from adopting the key features of the commonwealth's FOI act, this bill today carries another four elements. Firstly, documents released under FOI will be published on the web within 15 days after releasing the document to the person requesting them. This is currently ACT government practice. I think that this is a positive step and this responds to a number of the JACS committee's recommendations.

Secondly, the bill amends the objects clause to state that government-held information is a public resource. This supports the underlying presumption in these amendments that government documents should be made available to the public unless their release is against the public interest. However, I do not believe that this goes far enough. Indeed, the government recognised this when the attorney in his presentation speech

noted that a future bill would introduce further amendments to the objects clause. I asked myself and I asked the attorney at the time why he did not take the opportunity that he had before him when he introduced this bill to fix this now. I have subsequently signalled to the attorney that I was not prepared to debate this bill until he came up with his further amendments to the objects clause, which he has subsequently done, and I thank the attorney for that.

The objects clause is to set the scene for this legislation. The scene we are supposed to be setting here is one of openness in government, one of accessibility to information and one of honesty with the people of the ACT. We are supposed to be saying to the people of Canberra that they have a clear right of access to government-held information unless there is a clear argument that that right of access is against the public interest.

The government amendments to the objects clause are tokenistic and their other amendments which the minister has circulated are still tokenistic at best and patronising at worst. So in the detail stage I will be introducing an amendment that gives more substance to the objects clause. My amendment will be to make it absolutely clear that the purpose of the Freedom of Information Act is to provide the people of Canberra with that openness, accessibility and honesty that they need and deserve.

The third key element that this bill seeks to introduce is to create a clear distinction between exempt and conditionally exempt documents. I suppose this is the area that I have most discomfort with, and both the commonwealth approach and the ACT's approach give me some discomfort here; the whole idea of conditionally exempt documents is one that is not predicated on the notion of openness.

I have discussed with officials in passing, and I have certainly discussed it at length with my staff and advisers, how we might come up with a better term than "conditionally exempt documents", something which is more open to disclosure, perhaps something like "conditionally available documents" rather than "conditionally exempt". I think that this is an issue that we as a legislature need to grapple with a bit more.

The bill classifies a range of documents in both the exempt and conditionally exempt categories and demonstrates, I think, that the government is unwilling to accept the JACS committee's recommendations to move towards a purposive rather than a categorical criterion for the release of documents. Indeed, the government's approach in relation to executive documents really is no more open than it is under the current circumstances since we have removed conclusive certificates.

The scrutiny committee picked up on this in its observation that the bill as drafted would potentially allow a government to protect any document dealing with any topic. All the minister would need to do is to direct that the document be prepared for submission to the executive or an executive committee.

The JACS committee recommended that the exemption of documents should not apply merely to certain categories of documents but the effect of disclosure should

also be considered. This has been applied to criteria by which the public interest test applies to conditionally exempt documents, and this is the fourth key element of the government's bill.

In general we support the approach but note that once again it is at odds with the JACS committee's recommendations that there should be a single public interest test applying to all documents; there should be no necessity for a blanket exemption on certain documents. The public interest test comprises a list of prescribed relevant and irrelevant factors in the consideration process. These criteria are important, but I consider the government's approach leaves the way open to interpretation. Accordingly I will be proposing amendments that will tighten these criteria.

It is interesting to see the list of things that should not be taken into consideration; one of them was that the receiver of the document might misconstrue the information. It is interesting that, at the same time as the government was tabling this legislation that has these provisions in it, members of the opposition were receiving decisions to exempt documents under FOI requests using that very criterion: "We will not give you this document because you may misunderstand it." That was a decision given on internal review as to why a member of the opposition could not receive particular documents. So there is a long way to go in the ACT public service to send out the message that this government is supposedly all about openness and accountability.

The Chief Minister talks about openness and accountability—it is her constant theme—but there is very little that we see of it. It is easy to talk about it. But we do not see it. We have seen some little changes, but in the real spirit of the application of freedom of information the experiences of members of this place in attempting to obtain documents show that the Chief Minister's message has not got out there.

As I said to some colleagues the other day, I am like any opposition member in any parliament: I am in favour of open government. But I think you actually need to have more strings to your bow than just talking about open government, because open government does not address issues of housing affordability or cost of living or the cost of childcare. And no amount of openness will change the cost of childcare or address the appalling state of housing affordability that we see in the ACT.

Finally, the bill revokes conclusive certificates issued prior to 2009. Anyone seeking to access documents that were protected under revoked conclusive certificates will need to make a fresh FOI request, and release of these documents will then be considered according to the new laws. I can hardly wait: my FOI request for all those documents excluded under conclusive certificate for the school closures is drafted, poised, ready for my signature and dating when this legislation becomes live, so I am putting people on notice.

In future, conclusive certificates will only be available to relevant ministers for documents that go to matters of national security, defence or international relations. This is something that I personally support. When the Canberra Liberals moved to remove conclusive certificates in late 2008, early 2009, this was an area that we decided was a no-go area. It is a matter that needs to be dealt with sensitively in consultation with our federal colleagues.

The JACS committee made a number of other recommendations that make access to government-held information easier for people in the ACT. These include creating a charging regime that encourages rather than discourages FOI requests; the drafting of the ACT's own privacy laws; and the establishment of a single office that integrates the privacy commissioner with an ombudsman and an FOI commissioner. The government has glossed over these recommendations somewhat and I call upon the attorney to give the Assembly a more comprehensive response on why he has not gone down this path. I note that a future bill will be introduced to implement the JACS committee recommendation to make the Auditor-General an exempt entity.

This bill claims to implement a "push model" of information release. This means the government should be making public as much information as possible as a matter of usual practice. It also claims a presumption in favour of release. I am not entirely convinced, but I do acknowledge that this is a step forward and I will be monitoring its effectiveness with interest.

I also believe that there are a number of things that could be done to be more open in this area. However, the resources of a private member's office are not sufficient to allow me to do more radical drafting than I have currently done to fix the more obvious problems with this bill. But I am putting on notice that this will be a matter of considerable importance and priority for me if I am so fortunate as to be made the Attorney-General after the 2012 election.

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 12.25 to 2 pm.

Questions without notice

Executive contracts—reporting

MR SESELJA: My question is to the Chief Minister. Minister, what is the purpose of reporting executive contracts, including salary details, to the Assembly?

MS GALLAGHER: To provide that information to the Assembly.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, is it a potential breach of privacy to disclose the salary details of executive staff?

MS GALLAGHER: Not that it has been drawn to my attention. I think it has been a long-term convention of this place; indeed a requirement on this place.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, how many executive level employees in the ACT government are contractors and not standard appointments?

MS GALLAGHER: I would have to take that on notice. As members would know, with the frequency with which I update the Assembly on executive contracts, these arrangements can change for short-term and long-term arrangements. People might hold substantive positions but move into another position for a period of time, in which case the contracts and the information to the Assembly, indeed, can update that for the information of members. I will see if I can provide any further information on that. It does change, so getting accurate details of that may be quite an intensive program. I think I am tabling the ACT public service workforce profile on Thursday this week. That will provide a range of information for members as well.

Homelessness—Kids Under Cover program

MS HUNTER: My question is to the minister for children and young people and relates to the Kids Under Cover program. Minister, last week Kids Under Cover, in partnership with the Victorian real estate network, was given national recognition of its partnership in the work they do in preventing youth homelessness. This was at the national homelessness services achievement awards. Minister, can you advise how many Kids Under Cover studios there are in total in the ACT and how many are currently being used?

MS BURCH: I thank Ms Hunter for her question. As I understand it, Kids Under Cover is part of a suite of programs we are doing to support families that are at risk of homelessness. As I understand it, the numbers are not high. I think there are about three. I do not have any advice but I can certainly find out if they have moved. They are designed so that they can move from property to property as the needs of the families and the young people change. I am also aware that they are not all funded through government. There has been a member of the community who has provided support for that as well. But I can get some advice about the numbers that use it. I would also be interested to see if they are still in the same place or whether they have moved, to support another family.

MR SPEAKER: Supplementary, Ms Hunter.

MS HUNTER: Minister, are there any plans for an expansion of this program in the ACT?

MS BURCH: There is no active plan for expansion in front of me at the moment but I think it is worth looking to see how the program goes. I notice in other states that it is about other parties, other community contributions, that really do underpin and make it a success.

But as part of our broad sweep of programs that support families and those teenager years where they are at risk of homelessness, it certainly has a place.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, can you advise if studios can be located on current ACT Housing properties. If not, why not?

MS BURCH: I do not know the absolute answer to that. I would have thought that a family that is a public housing tenant may be going through those same pressures where the child and the house need a bit of separation—that is the benefit of Kids Under Cover if that is close to the family and remains part of the family but they have a physical space and a difference that allows for that family to resolve and to become strong again as one.

I do not believe so, but I will certainly get some clear advice.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, has the Community Services Directorate investigated the application of this program to assist kinship carers whose families may be at risk of overcrowding in their current home?

MR BURCH: I do not think there is an exclusion of these properties being used in the kinship care arrangement. It is a case by case or a family by family arrangement.

Executive contracts—disclosure of value

MR COE: My question is to the Treasurer. Treasurer, I refer to contract 2010.15442.220, which has a title "Executive services to InTACT" provided by Maxnetwork Pty Ltd. The contract is listed on the register as a single select tender with an execution date of 16 March 2011. Why is the value of the contract not disclosed?

MR BARR: I will need to examine that contract and provide some information to the Assembly. I do not have that information in front of me. There are thousands of contracts entered into. I do not have instant recall of all them. I will seek some further information in relation to that.

MR COE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, why do all other senior executives have to have their salary details disclosed but the value of the Maxnetwork contract is not published?

MR BARR: As I said in response to the earlier question, I will examine this particular issue and provide further advice to the Assembly.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, do you know how much the pro rata cost per annum of this contract was, given it is for executive services for InTACT?

MR BARR: No. I do not have that information at hand. I will find out that information and provide what I can to the Assembly.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: How many hours have been delivered under the contract and for how many days?

MR BARR: If the Leader of the Opposition believes that ministers carry around in their heads that level of detail, he must be deluding himself. I will seek further advice in relation to the contract he is referring to and advise the Assembly accordingly.

Visitors

MR SPEAKER: I would like to note that we are joined in the public gallery today by staff from the Economic Development Directorate, and I welcome them to the Assembly today.

Questions without notice

Territory and Municipal Services Directorate—fire management unit

MR SMYTH: My question is to the Chief Minister, who is also the Minister for Territory and Municipal Services. Minister, last week I asked you about the status of the fire management unit as a component of the parks and conservation service within your directorate. You told the Assembly, "There have been no changes in the fire management unit." Later the Attorney-General reiterated these comments in the Assembly and also referred to comments he made on 22 September 2011, when he said that proposals to restructure the fire management elements are "ongoing with staff of the service". In an article in the *Canberra Times* of 23 March 2012, there is an article on this matter, which states:

> The government will consider plans to restructure the ACT's fire management unit …

Minister, I ask you again: what is the status of the fire management unit located in your directorate?

MS GALLAGHER: The status is as it was explained to Mr Smyth last week. There have been no changes to the fire management unit within the directorate. When there are, and if there are, I will provide, in accordance with the Assembly's resolution, an update on that.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Thank you, Mr Speaker, for that. Minister, what is the nature of, as mentioned, any proposals for restructuring which were mentioned by the former Minister for Territory and Municipal Services?

MS GALLAGHER: At this point in time there is no restructuring of the fire management unit but I am not going to stand here and rule it out for ever, either. These, again, are matters that we usually delegate to the directors-general of agencies to manage areas within their portfolio responsibilities.

But at this point in time there are no plans on the table to restructure the fire management unit. When and if there are—when and if there are, Mr Smyth, you will be one of the first to know.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, what independent evaluation has been undertaken of the role, functions and activities of the fire management unit? If there has not been any independent evaluation, why not?

MS GALLAGHER: I will take advice on whether there has been an independent evaluation. As Mr Seselja would know, there have been a number of reviews into the operations of Territory and Municipal Services. As to whether some of those investigations have looked at the fire management unit, I will take that on notice. Again, restructures within agencies are not unusual. In Health, they have restructured the whole portfolio in the last 12 or so months. This is a standard way of managing a large public service agency. I do not know what we are getting into here—whether the Assembly is going to start micromanaging restructures or not. But at this point in time there are no plans currently being considered or consulted on around any restructure of the fire management unit.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: My question to the Chief Minister is in the context of the strategic bushfire management plan. Has there been any change in the role of the FMU?

MS GALLAGHER: I think the decision was taken when Mr Corbell was the former minister, when there were some discussions about the potential restructuring of the fire management unit, to put those discussions on hold. Those discussions have not been reactivated, as I have informed the Assembly. But that is not to rule out any changes in the future. At this point in time all of the things I have said are correct. All of the statements the Attorney-General has provided on this are correct as well.

Open government

MR HARGREAVES: My question is to the Chief Minister. Chief Minister, last year you spoke of the government embracing an even stronger open government approach

to the way we do business. In that context how does the latest community newsletter to Canberra households fit in with that philosophy, and are there any precedents for such a newsletter?

MS GALLAGHER: I thank Mr Hargreaves for the question very much. In the past week most Canberrans will have received a copy of the "Our city, our community" newsletter. This is the eighth edition of the newsletter, which provides Canberrans with a summary of important projects and initiatives as well as about new obligations, changes in legislation, and entitlements.

In part of the "time to talk" consultation process that we went through, we engaged with many thousands of Canberrans to get their view on the future of the city. The engagement took many forms, through face-to-face forums, workshops, surveys, online and random telephone calls. Through that process Canberrans made it very clear that they wanted to engage more closely with government; they wanted to hear more about what the government was doing.

I did make some commitments, when I became Chief Minister, to make the ACT government the most open in the nation, and we are living up to that plan with all of the changes we have put in place. We have an open government website. We release weekly summaries of cabinet deliberations. We are providing, and indeed the Assembly will debate, new freedom of information laws. We have got the freedom of information website, which people are finding more information out about. We have had the new Twitter cabinet meetings as well, which have been very successful, and indeed we will be having more of those into the future.

We have also taken the default position that all background reports presented to the government should be for public access and to make all public submissions gathered through those consultation processes public as well. My view is that if we have information that is fit for dissemination at the right time it should be made available to everybody. The time to talk consultation process, the biggest since self-government, had many positive outcomes.

In relation to the newsletter "Our city, our community", it is an important and more traditional way of updating Canberrans on the things we do as a government. I think governments are criticised for not explaining what work they are doing, how they are investing, what legislation they are making and how they are governing, and this newsletter is an important tool to get information out.

The newsletter was scrutinised by the independent campaign advertising reviewer, Derek Volker, and met the requirements of the campaign advertising review act. In his assessment of the newsletter Mr Volker made reference to a random survey of 1,000 Canberrans conducted after the release of the 2011 community newsletter and he noted that 58 per cent of those surveyed expressed a preference to receive information from the government by newsletter. That percentage far outstripped the percentage referring to any other means, including radio, TV or online communication. In fact, 74 per cent of those surveyed said they would like to receive a newsletter more than once a year and just over half said they would appreciate a quarterly newsletter. At this

point in time this is an annual summary to update the community on those improvement projects and initiatives in the ACT.

MR SPEAKER: A supplementary, Mr Hargreaves.

MR HARGREAVES: Chief Minister, can you tell us what sort of information is contained in this year's community newsletter and possibly—

Opposition members interjecting—

MR HARGREAVES: Shall I start again, Mr Speaker?

MR SPEAKER: Thank you, members. We will hear Mr Hargreaves's question in silence.

MR HARGREAVES: Chief Minister, can you tell us what sort of information is contained in this year's community newsletter and what sort of mediums or media may have been employed within that newsletter?

Mr Seselja: What does it say about the dam?

MS GALLAGHER: I am very happy to start with the dam, as the Liberal Party has been consistently interjecting about it since question time started. There is a part in the newsletter on the dam. It gives important information around the project, the fact that its wall is well underway. It certainly does not say it was well underwater, but I think the rest of the community have probably understood that. They have followed the developments at the Cotter Dam over the last few weeks, and indeed since the rain came. It also gives some very factual information about the capacity of the new Cotter Dam. Of course I think those opposite seem to be somewhat enjoying the fact that the dam is over budget because of some of those issues.

Opposition members interjecting—

MS GALLAGHER: There is water security for the ACT community for the long term and you are enjoying the fact that it is over budget. Let us just get that straight now. That is what you are enjoying—the fact that it is over budget, the fact that it has been plagued by rain delays. You could not be happier, could you? You are all sitting there, laughing and smiling.

Opposition members interjecting—

MR SPEAKER: Order! Ms Gallagher, let us focus on the question you were asked, thank you.

MS GALLAGHER: Thank you, Mr Speaker; I will. But laughing and smiling at the fact that—

MR SPEAKER: Order, Ms Gallagher!

MS GALLAGHER: The other sections are important updates on new schools, on the health infrastructure program and how that is going, on all the work that is being done in the Housing and Community Services portfolio, on the important work that is being done about transport for Canberra.

The feedback I have had so far has been that the newsletter has been really well received. I think it is an important way of getting information to the community in a convenient way, particularly for those who do not follow the goings-on in the Assembly as closely as others.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Ms Porter, you have the floor.

MS PORTER: Chief Minister, does the "Our city, our community" newsletter represent good value for money?

MS GALLAGHER: Certainly, in my view, I think it does provide good value for money. It comes in in the order of $80,000; $80,000 to be letterboxed to every house in Canberra with this level of information I think is money well spent. We know that the community want more information. We know that some people do not want to get it online, or they do not have access to the internet. They may not follow as closely the debates in this place. I think the independent reviewer's comments and, indeed, the professionalism of getting this document into the shape it should be in means that it is a very factual document. It is not big on politics. I know the Liberal Party will want to say that. In fact, there are no politics in it. There is just simply the business of government—the day-to-day business of government.

Mr Smyth interjecting—

MS GALLAGHER: Someone provided me with a copy of one of your last periodicals when you were minister, Mr Smyth. In one of them you are the clue in a crossword. I could not believe that. In two questions you actually are. One across: "ACT minister for housing". Then you had to write out Brendan Smyth's name.

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

MR SPEAKER: Order, Ms Gallagher. One moment, thank you. Stop the clocks.

MS GALLAGHER: But it gets better: seven across is—

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

MR SPEAKER: Mrs Dunne, you do not need to shout at me. I did hear you.

Mrs Dunne: I know that you can hear me, but the Chief Minister is ignoring the forms of the house. I want to draw your attention to the fact that the question was about the government's newsletter. Mr Smyth's newsletter of 10 years or 11 years is irrelevant to the matter.

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

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: Mr Speaker, I would like to quote to you the last part of my original question. It goes to: are there any precedents for such newsletters? The Chief Minister is referring to a newsletter which was circulated in the past. That was the deliberate reason for that particular phrase in the question.

Mrs Dunne: On the point of order, I would submit that if Ms Porter wanted to keep this in order she should have asked that question in a supplementary, not in the original question.

Mr Hargreaves: Mr Speaker, we are entitled to ask a related subclause part of the question in the original question. That is an entitlement in this house. It has been that way since day one.

Members interjecting—

MR SPEAKER: Thank you, members. Order! I think it is best if the Chief Minister sticks to answering the current question, not Mr Hargreaves's earlier question. Ms Porter's question was fairly specific, so let us stick to that, thank you.

MS GALLAGHER: Thank you, Mr Speaker. I can confirm that no government minister is a question in the crossword. In fact, the crossword has been cut out altogether; there is no crossword. Indeed, I can also confirm that seven out of the 14 photos are not of ministers—indeed, on some of the pages it was Brendan in every single photo. I would highly recommend this as reading for all members.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Thank you, Mr Speaker. Minister, do you bear responsibility for the massive blow-out in the costs of the Cotter Dam? Will the next newsletter update give the community a detail of those cost blow-outs?

Mr Corbell: The question is out of order.

MS GALLAGHER: I do not how it is in order, Mr Speaker.

Opposition members interjecting—

MS GALLAGHER: I am happy to answer it and I certainly will not walk away from it.

Members interjecting—

MR SPEAKER: Order! Stop the clocks, thank you. The Chief Minister still has the floor. Members, the standing order is quite clear that Mr Seselja is free to ask a question—

Mr Seselja: In relation to answers.

MR SPEAKER: In relation to the original question, or any of the answers given. The Chief Minister has specifically spoken about Cotter Dam and that is why the question is in order. Chief Minister, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. As Mr Seselja would know, the Cotter Dam project is being managed by Actew, the territory-owned corporation. We are shareholders of Actew. We have certain responsibilities in relation to our shareholder duties.

As to the day-to-day management of that project and, indeed, the financial management of that project, that is a responsibility of the Bulk Water Alliance set up under the appropriate legal arrangements. In relation to whether or not there will be an update on the Cotter Dam in the next newsletter, I would expect there would be—

Mr Seselja: On costs.

MS GALLAGHER: Including the budget, Mr Speaker. That would be provided in the next annual summary of the "Our city, our community" update, which is provided at this time on an annual basis.

Waste—dumping and collection

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and is in relation to waste dumping and collection. A significant amount of waste dumped both legally and illegally is e-waste, largely TVs, but also computers. At present the ACT government charges a fee to everyone who legally disposes of e-waste. The federal government's Product Stewardship (Televisions and Computers) Regulations now regulate e-waste. Given that you have announced that the national e-waste scheme will be in place in the ACT by June, if this leads to free disposal for new and existing e-waste, why has the government not publicised this and encouraged people to wait rather than illegally dump?

MS GALLAGHER: We are not encouraging people to illegally dump. The reason that we have charges for e-waste is that we were one of the first jurisdictions, and indeed I do not think all jurisdictions have followed us, to not put e-waste into landfill. Those councils and other jurisdictions where you can dispose of your TV or your computer for free are still putting them into landfill. We took a decision not to do that. In order not to do that, we had to cover costs for the recycling and re-use of e-waste. The charges that are applied to that cover the cost, almost, I am told, of the appropriate recycling and re-use of the waste generated from TVs and computers.

Ms Le Couteur: Point of order.

MR SPEAKER: Order!

MS GALLAGHER: In relation to the new—

Ms Le Couteur: It's okay. Ms Gallagher is finally getting to the answer.

MS GALLAGHER: Yes. So that is the decision that we took. We have seen significant increases of TVs and computers in the last year or so being taken to landfill as people make the switch to digital TV and indeed update their TVs. We have not been in a position to advise people to stockpile, essentially, which is the question you are asking, as the arrangements for the national scheme are being put together. We are confident that that national scheme will start in the ACT, with two locations, in June, I believe.

Now we have that date. Indeed, I think in a media comment I provided last week—if people are wanting to keep their TVs and computers till that date and then access the scheme, we have provided them with that advice. But I am also conscious of the fact that there have been thousands and thousands of TVs disposed of. I do not think it would have been fair for us to have that level of demand when the scheme kicks off either, because there are still costs. We have still got to pay at some point for the recycling of that material. Whether it has been paid up front by the person disposing of it or whether, through the new scheme, it is being paid for by people when they purchase their equipment, it is really neither here nor there.

But I am conscious of it. We have been looking at ways to even encourage Tiny's, under the bulky waste scheme, to look at something that we could do there, particularly for pensioners and concession card holders, about removing this if they are switching over. We are genuinely trying to minimise illegal dumping and support people to make the right choice. When the national scheme comes in, hopefully it will not be a problem any longer.

MR SPEAKER: A supplementary, Ms Le Couteur.

MS LE COUTEUR: Given that earlier this year you met with representatives of organisations that have charity collection bins to look at solutions to the problem of illegal dumping near the bins, what progress have you made on this issue?

MS GALLAGHER: Quite a lot of progress has been made. We have been working with each individual operator, each individual charity, and the charities that have decided not to have the charity bins at the shopping centres anymore, about some of the solutions. I have a follow-up roundtable with them I think in early April, to look at the work that has been done since we last met, and some of the ideas that were given. Essentially those were around reducing the numbers of bins that there are available; that was one of them. Highlighting areas where there are significant problems has been the first part. I think there are well-known areas around Canberra that are the worst areas for that problem. Looking at how the charities can share some of the responsibilities around clean-up around the bins—all of that work is being undertaken and I think we will have some good outcomes. But we needed to do it in consultation and in agreement with the charities as well.

There were some other complicating issues. Koomarri, for example, employs people who deal with the clothing coming out of the bins. So there are jobs linked to it. There

is no easy solution regarding charity bins but I think there is genuine goodwill and an acknowledgement from the charities and the government that at peak times of the year, particularly at Christmas, they become eyesores and hotspots for illegal dumping.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, given that the contractor, whom you have mentioned, designated to pick up the bulky goods waste will not enter into people's houses, and that many people who need the service are unable to do the heavy lifting, how can the bulky goods waste collection scheme be improved?

MS GALLAGHER: We are looking at that as we speak. As members would know, we expected about 10,000 pick-ups under the trial of the bulky waste scheme and we have had 1,500 to date—maybe just over that now, probably 1,600. We are looking at all aspects of the trial; that is why we had the trial. We have got some feedback—about things people like about it and things people find hard, from talking with Tiny's, the operator of that service; about ways to improve it; and at the moment looking at how we can improve some of the underutilisation of it. So we are looking at all of those aspects.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, given the low take-up of the bulky goods collection trial and the low level of paid collections, what assessment will be undertaken to determine whether the scheme will continue?

MS GALLAGHER: We are undertaking that now; so it is a continuous process. I think some of the feedback we have had from people who have used the service is that it has met their needs. Other people would like to see it more universal across the ACT and not restricted to concession cardholders.

I note that I get feedback that Queanbeyan does a bulky waste pick-up, I think twice a year. But when I have gone back and had a look, Queanbeyan residents also pay a $250 waste surcharge on top of their rates as part of the provision of waste services. So I think people think that they are getting a free bulky waste service. They are not. They are actually paying a charge around waste at an annual fee.

We are looking at all aspects of it. I think it has a future. It is just about getting the criteria, the eligibility and functionality right, and we are doing that work now.

Canberra Connect—computers

MR HANSON: My question is to the Chief Minister and Minister for Territory and Municipal Services. Minister, I have been informed by a constituent that there was a

major failure of the computer system in three Canberra Connect shopfronts today. Minister, what was the cause of the system failure?

MS GALLAGHER: I did have an update on a range of matters at lunchtime but that one was not brought to my attention, Mr Hanson, so I will have to follow that up for you.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: What redundancy exists for the computers operated by Canberra Connect shopfronts in such cases to provide back-up capacity?

MS GALLAGHER: I am not aware of what the back-up capacity would be, other than there would be contingency planning for electrical shutdowns and computer problems, as there are for all areas of government service delivery. But I will take some further advice. As I said, I did have an update on a range of matters at lunchtime but a computer problem at Canberra Connect shopfronts was not one of them.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, the gentleman involved had to renew his drivers licence before he went away and has now had to take out a temporary licence. He will of course have to return to get his full licence. What compensation is given to people who are inconvenienced in this way?

MS GALLAGHER: I know the staff at Canberra Connect do everything they can to provide an excellent level of customer service to people, whether they are not able to help them straightaway or whether it is in their follow-up dealings with customers. So I expect that Canberra Connect will do what they can to reduce any inconvenience that your constituent may have experienced in his dealings with Canberra Connect. I have to say it is highly unusual. I have not heard of this problem before. So I do not think we need to accept that this is standard operating practice for Canberra Connect. The Canberra Connect shopfronts get excellent customer feedback, as does the Canberra Connect call centre. I think that overall they run a very professional service. I am sorry to hear that there have been problems for an individual today, and I am sure that Canberra Connect staff will make sure that any disruption or inconvenience is minimised.

MR COE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: When will Gungahlin residents get a Canberra Connect shopfront?

MS GALLAGHER: As Mr Coe would know, there was a feasibility done into the government shopfront requirements of Gungahlin. At this point in time there is not the level of demand that could efficiently sustain a government shopfront. We provide a

range of services to the Gungahlin community. Interestingly, and I think we need to keep an eye on this—

Opposition members interjecting—

MR SPEAKER: Thank you, members.

MS GALLAGHER: Mr Coe, are you interested in the answer, because none of your colleagues are.

Opposition members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: Actually they are; they are interested in giving their own answer to it, which is wrong. But in relation to some of the movements we are seeing, we are seeing more and more people want to do more of their government business dealings online, so we are monitoring that, and, as Mr Coe would know, it is included in the government office block work that is currently underway. When that office block is up and running we expect that the level of demand for a shopfront will have been reached and the shopfront will be provided in accordance with our parliamentary agreement with the Greens.

University of Canberra and Canberra Institute of Technology

MR DOSZPOT: Mr Speaker, my question is to the minister for education. Minister, in early December you announced an injection of nearly $26 million from the federal government for the University of Canberra and indicated the government was "reviewing options for future collaboration between the UC and the CIT". Later that month you announced a collaborative venture between the UC and CIT. On what basis was this decision taken and with whom did the government consult?

DR BOURKE: I thank Mr Doszpot for his question. This consultation that was undertaken was with stakeholders, including UC, CIT, unions and other groups. But I must correct Mr Doszpot. The $26 million he is referring to is actually federal government SAF funding.

MR SPEAKER: A supplementary, Mr Doszpot.

Opposition members interjecting—

MR SPEAKER: Order! Mr Doszpot has the floor, thank you.

MR DOSZPOT: Thank you, Mr Speaker. Minister, what is the current status of this new institution?

DR BOURKE: I thank the member for his question. The current status is that discussions are ongoing with both the federal government and the two institutions involved.

MRS DUNNE: Supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, has any financial modelling been done to assess the ongoing viability of this venture?

DR BOURKE: I thank the member for her question and I refer to the previous question which was asked last year of the then minister for education.

MR SPEAKER: Mrs Dunne, a further supplementary question.

MRS DUNNE: Minister, have you or your officials met with Professor Bradley to discuss this variation to her original proposals?

DR BOURKE: I thank the member for her question and I will take that on notice.

Housing—Common Ground proposal

MS BRESNAN: My question is to the Minister for Community Services and is about the feasibility study for the Common Ground proposal. Minister, I understand that the government has finalised the feasibility study and has been discussing this with the organisations supporting the Common Ground proposal in the ACT. Minister, what were the findings from the study and when will it be released publicly?

MS BURCH: I thank Ms Bresnan for her question. Common Ground is a move, a method, of supporting those at risk of homelessness that had its genesis, as I understand, from overseas, and has been implemented in a number of states here. We supported a local community group that has a strong desire to see a Common Ground project established here, with a report. That report is being finalised and considered now. I have not seen the final report as yet. But broadly, from talking with the members of the committee, it notes the work that this government is currently doing in regard to homelessness but recognises that Common Ground has been a successful model in other jurisdictions. Once the report is finalised and within my office, I can give due consideration to it. I do want to acknowledge the work of the steering group of that community group and their input into and support for the notion of Common Ground.

MR SPEAKER: A supplementary, Ms Bresnan.

MS BRESNAN: Yes, Mr Speaker. Minister, what options is the government considering as a result of the feasibility study?

MS BURCH: As I have indicated, I have not seen the final report, so it would be a bit premature to consider what options we are considering. Certainly, we recognise the value of the Common Ground project. Other jurisdictions are quite large. We need to consider the size of our jurisdiction and how it fits in with the suite of programs that we look at in terms of homelessness.

MS HUNTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, what is the government's view of the Common Ground projects in other states and whether this model will meet the needs here in the ACT?

MS BURCH: As I have just indicated, we recognise that the model is operating in other states. Some of them are quite new but those that have been established for a number of years do show a success. Some of the models are looking at integrated accommodation for those that are at risk of homelessness over the longer term with concierge services, with tenancies mixed of other low income earners so that you have a mixed tenancy within those models and they do all have merit.

Some of the Common Ground projects in other jurisdictions are large and have up to 100 units. I do not know if that size is what is required here in the ACT. But the report is finding its way to my office. Once it gets there, I will have good consideration of it.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, does the government think that the Common Ground proposal could cause any problems in the ACT despite the fact it has been successful elsewhere?

MS BURCH: I am not quite sure about "cause any problems"—

Ms Le Couteur: Would there be any problems with it?

MS BURCH: It depends on what the model is, where it is located, what is the intention of support, whether there are 24-hour concierge services and what are the other wraparound services that you give to a model such as this. Common Ground is about providing alternative accommodation for those that have really not been able to be supported in mainstream housing services, often, and it really is dependent on those wraparound services. As I have said, though, the report is finding its way to my office and I will look at it then.

University of Canberra and Canberra Institute of Technology

MRS DUNNE: My question is to the minister for education. Minister, what is the current status of the Canberra university polytechnic?

DR BOURKE: I thank the member for her question. I think the question is best directed to the University of Canberra.

MR SPEAKER: Mrs Dunne, a supplementary question.

Members interjecting—

MR SPEAKER: Order, members! You are being rude to your own colleague. Mrs Dunne has the floor.

MRS DUNNE: Minister, what is the difference between the previously announced polytechnic and the recently announced University of Canberra Institute of Technology?

DR BOURKE: I thank the member for her question. As I understand it, the polytechnic proposal was a proposal entirely undertaken by the University of Canberra. The UCIT proposal was a collaboration between CIT and the University of Canberra.

MR SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Minister, what courses will no longer be delivered through the Canberra Institute of Technology?

DR BOURKE: I thank the member for his question. There are no proposals not to deliver any courses through CIT.

Economy—performance

MS PORTER: My question is to the Treasurer. Treasurer, can you outline how our high standard of living is supported by the ACT government's continuing investment in high quality services such as health and education?

MR BARR: I thank Ms Porter for the question. The ACT is recognised for its high standard of living. We have strong labour force participation, low unemployment and a strong economy. We have a young, highly educated and productive population. Households in the territory have higher than average incomes compared with other jurisdictions.

Our higher than average household incomes are due to two factors. The first is our high labour participation rate of over 72 per cent. The second factor is our high average weekly earnings, about 15 per cent higher than the national average. We have lower than average numbers of households in financial distress, at around 9.6 per cent compared with the national average of around 16 per cent. Importantly, taxation as a proportion of gross state product is well below the national average.

A high standard of living is not just dependent on the economy, though. High quality services ensure that our people stay healthy and are happy in their life and work. The government has continued to invest in front-line services which are recognised for their high quality. We have done so in difficult times, when investment is most needed. These services allow all citizens to enjoy all the benefits that this great city has to offer. These investments have been targeted at meeting the needs of all citizens of the ACT.

We make no apology for targeting additional services to those in our community who are most in need. Those services include our world-class healthcare system, with exceptional levels of care and capability in the Canberra Hospital and at Calvary. They include our exceptional education system, from preschool and primary right through to our great higher education institutions. They include our responsive justice, policing, emergency and municipal services that continue to meet the needs of our community. This includes children and young people, those with disabilities, the elderly and lower income households.

The ACT has the best schools in the country. Our young people achieve the highest educational outcomes. We have the highest apparent retention rate from year 10 to year 12 for full-time secondary students in public schools, and the highest year 12 completion rates. The government's continuing investment in vocational education and training is showing good results. We have the highest proportion of government-funded VET graduates who were unemployed prior to their training who now find themselves in employment or taking further training after completing their course. We have seen in recent days that ACT universities have recorded record levels of student enrolments. This protects our innovative and productive workforce and will provide skilled and productive jobs into the future.

Our world-class health services and our state-of-the-art facilities provide better access and improved patient outcomes. This all contributes to Canberrans being amongst the healthiest in the country and having the longest life expectancy. These improved health outcomes mean that more time can be spent engaged in productive activities. It means more time employed, more time with family and friends and more time engaging in leisure activities.

This government has provided additional funding for more hospital beds, more elective surgery operations, more outpatient services, more health facilities, more doctors and more nurses. In addition, emergency departments, elective surgery, mental health and community care services have all been improved. Funding for sport and recreation has increased; of any jurisdiction, we have the highest level of participation in sport and recreation.

We have a prosperous economy backed by solid economic fundamentals, as well as infrastructure to meet future demand for services and a sustainable, liveable environment. This high standard of living is backed by high quality services, and it is something the government is committed to protecting.

MR SPEAKER: Ms Porter, a supplementary.

MS PORTER: Treasurer, can you indicate how investment in quality services can generate economic returns for the territory and further support our standard of living?

MR BARR: High labour force participation rates fuel our economy and are supported, of course, by higher than average wages. The individual effects are there; meaningful employment is critical to a person's self-esteem. While the government provides

services from which all in the community will benefit, we are also targeting our investment in areas where the need is greatest.

The benefits of a high standard of living need to be shared by all, including those who need additional support to participate in our community. Under this government, people with disabilities are better able to access services, with funding increased by more than 110 per cent. Better access to disability services means better engagement with the community at large. This has corresponding benefits for self-esteem and economic outcomes for individuals. It means an even greater level of participation in our society.

In short, we all benefit from government investment in social inclusion. Investments in education and training are critical to support the productive capacity of the territory and they are critical for generating further economic growth. Investments in high quality education also attract students from around the country and around the world. I referred in my previous answer to those record levels of enrolments at ACT universities. This is critical not only to the health of our society but to our long-term economic development.

Our highly educated workforce provides economic benefits through the education sector. Not only do we benefit from increased numbers of students but this also provides opportunities for further and deeper research and development. It allows our innovative and capable business community to commercialise new technologies, products and services. They take advantage of the cutting edge opportunities to diversify our economy through the comparative advantages we have. This is the sustainable basis for long-term economic growth.

MR HARGREAVES: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, are there any alternative approaches that the government can take?

MR BARR: Yes, there are alternative approaches. You could adopt the approach of no longer investing in quality services, in no longer believing the government has an active role to play in supporting everyone in our society to achieve their full potential. You could undertake a process of suggesting that any public investment in things like education and health is throwing good money after bad; we have heard that many times in this chamber You could suggest, for example, that those who seek to champion causes of social inclusion are only interested in protecting the interests of minorities; we have heard that many times across this chamber.

So we do face very clear choices as a community and very clear choices as a legislature about where our focus should be, and it should be on investing in our community. Our people are our greatest asset and the people of Canberra are indeed benefiting from the significant investments that we have seen in important areas of priority for our community, particularly in health and education but also in municipal services and community services.

As we look to our second century as a city we know that cities compete for people and that this city will continue on its strong path of economic growth and social inclusion if we maintain our policy settings, our investment in health and education, our investment in the potential of our community. It is why Canberra is the best city in this country and it is why so many people choose to live in our city; why we have been seeing above average levels of population growth. And, if those opposite do not believe that they live in the greatest city in Australia, what are they doing in this chamber?

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, do you consider that the longest elective surgery waiting times in the nation, the longest ED waiting times in the nation, the lowest number of GPs per capita in Australia, the lowest rates of bulk billing and the highest costs for visiting a GP in Australia to be good health services?

MR BARR: The ACT health system is the envy of the nation. It provides the highest quality health care of any jurisdiction and all of the data that demonstrates this is, of course, publicly available and debated in this place regularly. We have the highest life expectancy of any jurisdiction. We have the healthiest population. We have the most active participants in sport and recreation. We have a wonderful community—

Mr Hanson: Point of order, Mr Speaker.

MR SPEAKER: Mr Hanson on a point of order. One moment; stop the clock.

Mr Hanson: It is on a point of relevance. The question was directly about elective surgery waiting lists, emergency department waiting times and the number of GPs, not about sport and recreation.

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

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: The supplementary was about the health of the economy as well as specific issues that are part of it.

MR SPEAKER: I think there is no point of order at this stage, Mr Hanson. Your list of indicators was quite wide and I think that gives the minister a chance to respond equally widely.

MR BARR: Thank you, Mr Speaker. Mr Hanson may not want to hear this. He may not agree that we live in a fantastic community. If so, I challenge him—he has the opportunity regularly in this place—to say that he does not think this city is any good. If that is the position—

MR SPEAKER: Mr Barr, let us focus on the question, thank you.

MR BARR: Thank you. That is the position he holds if he believes the list of issues that he has raised in his question—this city is not worth living in. If that is his position, if he does not believe in Canberra—

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Order, Mr Barr! One moment, thank you. Yes, Mrs Dunne.

Mrs Dunne: The standing orders require that the minister answer the question directly and not engage in debate. Mr Barr has been brought to order by you already. He needs to answer the question directly.

MR SPEAKER: Mr Barr, let us focus on the question at hand, thank you.

MR BARR: Thank you, Mr Speaker. The question related to a range of indicators and how that reflected upon the city of Canberra. I am making my observation that we live in a fantastic city and we have an outstanding health system that continues to deliver fantastic outcomes for the people of Canberra. Those opposite may not like that. It may not suit their political ends but we know that we live in a fantastic city. If the best members opposite can do is talk our city down, if that is their contribution to the centenary—*(Time expired.)*

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

Supplementary answers to questions without notice

Canberra Connect—computers

MS GALLAGHER: One matter from question time, Mr Speaker: I am advised that staff of Canberra Connect manually processed all transactions during the time that the computer system was down. There were no customer complaints received during this time. The gentleman who received a temporary licence will get a permanent licence when he returns. He will not have to queue again; the concierge will look after him, and he will not have to pay anything extra.

Rural Fire Service—Tidbinbilla

MR CORBELL: In question time last week Mr Smyth and Mrs Dunne asked me a series of questions around the project to build the new Tidbinbilla Rural Fire Service shed. In reply to their questions, which I took on notice, I can advise that a hard stand area consisting of compacted 150-millimetre DGB 20 gravel which will support heavy vehicles under all weather conditions will be included at the front of the facility. A barbecue will be delivered with the new facility, and air conditioning is not proposed to be installed at this time.

University of Canberra and Canberra Institute of Technology

DR BOURKE: Mr Speaker, I rise to clarify my answer to Mrs Dunne's last question. The proposal for UCIT was to transfer courses in the AQF5, AQF6 space to UCIT. I need to clarify that they were going to be possibly transferred to the collaborative venture, but that does not necessarily mean that they would not have been taught at CIT.

Schools—asbestos

DR BOURKE: Mr Speaker, on 22 March I took on notice questions from Ms Hunter, Mr Doszpot and Mr Hanson concerning asbestos in schools—that is, numbers of schools in the ACT with asbestos in their construction and plans for the removal of asbestos from these schools. The answers to the members' questions are as follows. Asbestos was a commonly used building material in residential and commercial buildings in Australia until around 1988. The use of asbestos material was banned in 2003. Asbestos remains safe if it is not disturbed or is not deteriorating.

The Education and Training Directorate arranges for inspections and the preparation of survey reports, hazardous materials survey and a management plan for all schools built prior to 2003. These are undertaken by licensed assessors engaged by the directorate. Where necessary, these reports include an asbestos register. Some 68 public schools in the ACT have specific hazardous material survey and management plans which contain sitemaps that identify asbestos material onsite. These surveys are reviewed annually and, where required, the asbestos register is updated. The reports and maps are displayed prominently at school entryways and are made available for inspection by staff, parents and other visitors.

Tradespeople undertaking repairs, maintenance and other works are required to be inducted to the school site, which includes their sighting and acknowledgement of the hazardous materials survey and management plans prior to work being undertaken. I will table copies of the 68 hazardous materials survey and management plans by close of business today, as agreed.

The ACT government has to date allocated funding for two stages for the removal of asbestos materials from ACT public schools: $3.2 million for the asbestos removal program in the 2008-09 appropriation No 3, and $3.4 million for the hazardous materials removal program stage 2 in the 2011-12 ACT budget. The list of removal work tasks completed in the asbestos removal program is provided, together with the list of work tasks completed and scheduled for the hazardous materials removal under stage 2. I note these works address the priority removal tasks and not necessarily the removal of asbestos that has been assessed as safe.

Like public schools, non-government schools in the ACT that contain asbestos are required to have similar management plans in place as set out in the dangerous substances regulation of 2004. May I remind the Assembly that many of us live in homes which have asbestos in their construction. It was a common building material.

Few of us, I am sure, have management plans for our homes. Few of us even know where the asbestos might be.

The government's updated asbestos website at www.asbestos.act.gov.au, which I launched today, provides information and offers guidelines for dealing with asbestos safely.

Opposition members interjecting—

DR BOURKE: It is not a laughing matter.

MR SPEAKER: Mr Doszpot.

MR DOSZPOT: Mr Speaker, my understanding is that the minister was going to table the plans for the asbestos replacement program.

Mr Hargreaves: On a point of order, Mr Speaker, under what standing order has Mr Doszpot been given leave to stand?

MR SPEAKER: Right now I am operating on indulgence for Mr Doszpot because I think he is trying to clarify something. Mr Doszpot.

MR DOSZPOT: Thank you. My understanding is that the minister was going to provide a list of the schools that were part of the replacement program for asbestos. He has mentioned a lot of information regarding that, but there is still not a list of the schools scheduled for this replacement program, as I understand it.

MR SPEAKER: Minister, do you wish to add any further information?

DR BOURKE: Mr Speaker, I clarify for the member: the plans are being printed. They will be here by the close of business as agreed.

Paper

Ms Gallagher presented the following paper:

> Auditor-General Act—Auditor-General's Report No 8/2010—Delivery of Mental Health Services to Older Persons—Government response, dated March 2012.

Auditor-General's report No 1 of 2011—progress report
Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): For the information of members, I present the following paper:

> Auditor-General Act—Auditor-General's Report No 1/2011—*Waiting Lists for Elective Surgery and Medical Treatment*—Progress report No 2 on achievements against recommendations, dated January 2012.

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

Leave granted.

MS GALLAGHER: I table the second progress report on implementation against recommendations in Auditor-General's report No 1 of 2011, *Waiting lists for elective surgery and medical treatment*.

The second progress report provides members with details about the considerable work already undertaken within the Health Directorate to improve the administrative management of waiting lists for surgery and medical treatment. The report also notes the considerable improvement in access to elective surgery in the ACT and the reduction in the numbers of people waiting too long for care.

A substantial amount of work and effort has gone into improving access to elective surgery, which is something the Auditor-General's report did not address. It focuses on the management of elective surgery and Health Directorate processes.

The Health Directorate has implemented a number of initiatives to address the recommendations of the report. The report which I am tabling today provides details of those initiatives, including the establishment of consistent forms in relation to access to elective surgery across both public hospitals; regular auditing of booking and listing practices to ensure that ACT policies are followed at both hospitals; increased accountability for processes through oversight of local audit reports by the Surgical Services Task Force; implementation of a set of new standard operating procedures and associated manuals to guide staff in the listing and management of patients on waiting lists; improved management of leave arrangements for surgeons to minimise delays for patients; and the establishment of a steering committee to identify issues with access to outpatient services and to direct projects to fix those issues.

The Surgical Services Task Force is provided with regular reports on progress against Auditor-General recommendations, which provides oversight but extends beyond the managers responsible for the management of elective surgery. However, as I noted previously, I was disappointed that the Auditor-General's report failed to give enough significance to the considerable improvements that were already in place in 2011 to improve access to elective surgery as well as the initiatives that were already in the pipeline at the time of her report. Those initiatives include ways of increasing access to elective surgery by adding capacity to the public hospital system and through arrangements with the private sector.

During the 2010-11 financial year, the year in which the audit was conducted, our hospitals were undertaking record levels of elective surgery operations. Over 2010-11 we provided 11,336 elective surgery operations, over 1,500 more than the previous year. The number of people waiting longer than recommended waiting times fell by 37 per cent over that financial year and the proportion of total patients admitted on time increased from 65 per cent in 2009-10 to almost 72 for the first half of 2011-12.

While the overwhelming number of elective surgery procedures continues to be undertaken within our public hospitals, we have established partnerships with private

providers in the ACT to also increase access to care. The partnership provides particular support in those surgical areas where we have the largest number of long-wait patients. This includes specialties such as ear, nose and throat surgery; orthopaedics; and neurology surgery. For those specialties, we have been able to select groups of long-wait patients that can be safely managed in the private sector, which reduces some pressure on our public hospitals and reduces waiting time to care. All up, we have managed almost 400 patients through the private provider arrangements since they began early last year. I am thankful to the private providers who are part of this scheme, which demonstrates the benefits that can be achieved when we work together.

We will also continue to work with the commonwealth government to ensure that it continues to meet its commitments to our community. As a nation we have had to wait over a decade to get another commonwealth government that has recognised its obligations to the community to support public hospital services, and for the first time since Federation we have a commonwealth government that has made a commitment, through national health reforms, to share the cost of growth in public hospital services.

We have made significant improvements, but there is more to do. There has not been a quick fix, but the efforts put in place over the last few years show that we do know how to fix it. We have the cooperation and partnership that we need to fix it and we have real proof that our efforts are working to fix it.

Papers

Mr Corbell presented the following papers:

Community legal centre hub—Study of options and feasibility, prepared by the ACT Justice and Community Safety Directorate.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) (Minimum Service Standards—Independent Taxi Services) Approval 2012 (No 1)—Disallowable Instrument DI2012-34 (LR, 13 March 2012).

Work Health and Safety Act—Work Health and Safety Amendment Regulations 2012 (No 1)—Subordinate Law SL2012-9 (LR, 19 March 2012).

Petition—Out of order

Petition which does not conform with the standing orders—Compulsory third-party insurance—Proposed legislation—Ms Porter (30 signatures).

Ms Burch presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2011-2012—Second quarter (1 October to 31 December 2011).

Social compact
Discussion of matter of public importance

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

> The importance of the social compact.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.06): I rise today to discuss the importance of the social compact and the importance of the ACT community sector. As a former community sector worker myself, and now the ACT Greens spokesperson for community services, it concerns me that there have been issues where the government's record has been patchy in consistently upholding a very important agreement—that is, the social compact. As we know, the social compact sets out the relationship between the community sector and the ACT government and how that relationship is to be conducted.

The past 12 months have been a turbulent and trying time for some in the community sector and the government has, at times, been below par in its approach to consultation, engagement and communication. In my previous role as director of the Youth Coalition of the ACT, a peak body for youth affairs, I have contributed to the writing and review over many years, from the previous Carnell government to the Stanhope government, of what was first called the compact and then became the social compact.

As I have said, for those people in this place who are not aware of this document, it was intended as a statement of understanding about the relationship between the ACT government and the community sector and an articulation of the principles of good communication and partnership. It was intended to be both a living document and an inspirational articulation of the ACT government's vision of, and I quote:

> … a Canberra in which all people reach their potential, and … recognises that the best way to achieve such a community is for the Government and community organisations to work in partnership.

At the time I felt positive about the principles embedded in the compact. I contributed a quote to the foreword of the document that said:

> Significant time has been invested by community organisations and government to produce a document that articulates the relationship between the two sectors.

I felt at the time that the work undertaken was of value and could assist in supporting sincere dialogue between the government and non-government sectors. However, even then I was keen to ensure that government kept its side of the bargain. So I also stated:

> It is vital that the Social Compact is championed to ensure that it remains relevant and useful to the parties involved and supports positive and productive ways of working together for the benefit of the Canberra community.

It has become clear to me that the social compact has not always been successfully embedded in practice and in the relationship between the government and the community sector and that in some cases it has lost its relevance and usefulness to some in the hardworking community sector that the ACT Greens respect and value highly.

The social compact was to be used in four main ways: firstly, to build common understanding and improve dialogue; secondly, as a guide to the way communication and processes are managed by each sector and to behaviour in the relationship; thirdly, as a means of drawing attention to and resolving problems in the relationship; and also as a basis for evaluating and improving how the relationship is working.

Let me now present some of the findings of a survey recently undertaken by the ACT Council of Social Service—ACTCOSS—on this document. The introduction of the social compact survey 2011 states:

> Previous work undertaken by ACTCOSS has shown that the Social Compact has had a disappointingly low impact on the ground in promoting an equal and respectful relationship between Government and the community sector. In 2007 the key reasons for this were identified ... as a lack of knowledge about the Social Compact, and a lack of means to address perceived breaches of the Social Compact.

The most current work from August of this year paints a similar picture. Of the 120 public service staff who participated, nearly half of them were not even aware of the social compact. While 42 per cent of community sector respondents were aware of it, only one-third of them found it a useful tool for building relationships and even less found it useful as an effective tool in ongoing relationships.

I do understand that the ACT Joint Community Government Reference Group will be considering how best to respond to this information in coming months. I pay my respects to that group. As a previous chair, it was our role under our terms of reference to ensure that the compact was promoted and got out there. But obviously there are some ongoing issues that truly do need to be addressed.

I believe that the social compact has not been championed and that we need to create the right authorising environment to reinvigorate the principles of the social compact that I presented just a moment ago in my speech.

Let me move now to what can only be described as a flawed process and one that has negatively affected not only the many community organisations involved but has also created great consternation. I think it will highlight why it is important that there be more than just a mediation process in the compact. There needs to be some sort of way of ensuring that breaching the compact has some sort of consequence.

The newly merged children, youth and family support programs and the consultation, tendering and communication process surrounding it are, at best, a series of unfortunate accidents and, at worst, a series of blunders highlighting the inability of the government and the Minister for Community Services to understand the true nature of the community and, in particular, the youth sector.

It is my understanding that the original time frames for the tender process fell over the Christmas-new year school holiday period of 2010-11 when the majority of people—not just those in the community sector—take their holidays. Of course, this time to go out to tender also goes against the best practice approach within the community engagement principles. Putting out tenders or doing consultations during periods such as Christmas should be avoided.

Whilst I appreciate that there are sometimes legitimate reasons for releasing tenders at times such as Christmas, everyone can understand how easily the perception of a lack of respect for the organisations can be created and how difficult it can be for small organisations to make arrangements to respond at the directorate's convenience.

Organisations cancelled leave in this case only to have the directorate not stick to the date that they had said in January and release to those tenders a few weeks later. So everybody had to rearrange their leave, cancel leave for people, only to have that time frame not met by the directorate.

Talk about adding insult to injury. Youth and family support services then went on waiting, waiting and waiting for confirmation or any communication regarding the tender process. They were being told in January of last year that the contracts would be awarded in July 2011. All they got was a wall of silence until in September 2011 we saw a communication strategy that was more akin to what I would see as quite a poorly aimed scattergun going off.

It saw some services informed of the outcome before others and some left with no indication of whether or not they had the ongoing contracts, whether they still had ongoing jobs or would have the capacity to provide support to their clients in 2012. When services were finally able to make some sense of the landscape, it appeared that, despite being told time and time again that only services who developed collaborative approaches and were willing to look at consortium models would be successful, this was not the case, as significant components of the new service delivery framework were awarded to single-desk agencies.

Again, we are being told one message but then the outcome shows something completely different. I take nothing away from the services that were successful. Those services I am sure received funding contracts on their own merit. They certainly did. They had to put up with a rigorous process and they did win those contracts on merit. They will continue to do their utmost to support the most disadvantaged and vulnerable in our community, as they have always done.

However, I can understand the surprise that other agencies must have felt when the single-desk tenders were awarded. To make some matters worse, I am given to

believe that for the first time ever the community sector was called on to act as a commercial entity and to provide a best and final offer for tender applications for some services.

I do not believe that the government truly believes that providing critical support to vulnerable people should be considered a commercial venture. But this approach, which left many community services confused as to the intent of the request, makes me wonder what the current government understands about the work that happens on the ground every day.

It is also my understanding that the existing youth centres are a hard fought for, valuable and underestimated service and that they do not have a very clear future. I am deeply concerned about this issue and also deeply concerned that the system seems to have lost focus on early intervention and appears to have been refashioned to be only providing for "in-risk" young people as part of a family unit. This is, of course, important and critical work that must be undertaken and it should not be done to the exclusion or expense of programs and activities that focus on early intervention and prevention.

My understanding is that, whilst some services will still provide the same physical space for young people to come to, the young people will have limited freedom in the engagement they choose to have and some may only be offered group work or restricted episodes of support. So this is not the old model. Although there seems to be a rewriting of what "drop-in" is, this is not what we traditionally know as a drop-in service.

While welcoming the new focus on outreach to our most vulnerable, there has been little guidance to date offered to organisations as to what is expected of them in designing and delivering aspects of outreach programs. I am again deeply concerned that closing or reducing the capacity of youth centres will create gaps in service that outreach will not address.

Lastly, I would like to raise the issue of how agencies will be asked to report on the new models of service. I cannot seem to get a clear answer from anybody as to the development of the performance measures and outcomes-based reporting requirements. Agencies are telling me that one minute it is up to them to flesh it out, to basically come up with those reporting mechanisms with very little support or time allowed, and the next minute they are told that they will be using the same old outputs for the next 12 months.

It is no wonder that in the community sector many of these agencies are feeling disrespected and at risk of burn-out. That is just from the bureaucratic problems we have seen from this government over the last 12 months, not to mention them also struggling to provide support to increased client loads with increasingly complex needs.

To the best of my understanding, some contract negotiations for this brave new world of supporting our most vulnerable and disadvantaged, which began on 1 March this year, are only now being finalised. Some service models have still not been allocated.

Surely this reform process was about better, more relevant services for children, young people and their families, yet the voices of young people have been silent in the whole process.

There are other examples of the poor practice in the recent reforms in the youth, housing and homelessness sector. In questions I asked the Assembly just last week Minister Burch stated she had not been made aware of any specific concerns that were raised by specialist homelessness workers. The Greens have, and they relate mostly to the new models of group shared supported accommodation and also the new emergency accommodation network, formerly known as crisis refuges.

This is despite repeated and unsuccessful calls for an evidence base to show that placing vulnerable young people in shared three-bedroom supported transitional accommodation was appropriate and many workers clearly telling the consultations that this was a fraught move—that they really should not go for this model.

Despite serious concerns being raised about the safety of staff and young people, high-risk untried and totally different models of crisis refuges have been developed in as yet to be identified new cluster houses in the suburbs. This move has sadly seen the closure of the only young women's specific refuge in Canberra after 20 years of successfully supporting so many young women.

Minister Burch indicated that if the Greens had received any concerns, they should be passed on to her office. I was a bit surprised. In the first instance, I know for a fact that many of these concerns have been raised in multiple submissions and forums during the consultation phase. Perhaps it would be a good idea if the minister asked Housing ACT to supply those submissions to her, because it appears in many of those submissions.

I would have hoped that she would perhaps stop for a moment to ask herself why the Greens are being approached instead of Housing ACT or why these matters have not been taken up with her office. I think it is because there is a feeling in the sector that they have tried and tried and it has been like bashing their head against a brick wall.

The bottom line is that an inherent power imbalance exists between the government and the community sector. The community sector's reliance on government funds puts organisations in a very difficult position when they want to raise concerns about government proposals or actions. Put bluntly, some of the recent messages to the youth sector, in particular the youth housing sector, have made services feel disempowered and in some cases justifiably afraid of raising legitimate concerns about service provision.

Front-line workers and program managers are not comfortable in being honest with CSD contract managers. This is a very sad state of affairs that needs to be rectified. *(Time expired.)*

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (3.21): I thank Ms Hunter for bringing this motion

to the Assembly. Let me just be very clear at the outset: this government stands alongside the community sector here in the ACT and certainly stands behind the social compact. Whilst Mrs Dunne has a smirk over there—

Mrs Dunne: It wasn't a smirk.

MS BURCH: Well, it was a chuckle, it was a snort, I am not quite sure—whatever noises come your way.

The government understands the vital role of the community sector to Canberra and gives recognition to the longstanding and significant contribution it provides to community life. I recall a week or so ago when CSD launched its strategic plan, and there was a deliberate invitation to the community sector. In fact, I still can recognise a number of the community sector leaders within the audience, and that was because this government and the Community Services Directorate value the work the community sector does.

Both the community sector and the government share a long-term vision of an inclusive community that enables people to participate and lead purposeful lives, a community concerned with both the common good as well as the rights and achievements of others. This shared vision is outlined in the ACT social compact, which provides a framework for this relationship by articulating principles of good communication and partnership. Both the ACT government and the community sector are signatories to the social compact and are working collaboratively to refresh the document.

This updated document will reinforce the role of the joint community government reference group as the mechanism by which the government and the non-government sector can discuss this important and ongoing relationship on a regular basis. Further, we are about to relaunch a new website under the talk that talk program, which will include a range of information that underpins this important relationship.

I will just go to the terms of reference of the joint community government reference group, which is a consultative mechanism that provides strategic advice on critical sustainability issues that affect government and non-government agencies in the community sector. The terms of reference of the joint community reference group are to monitor and provide strategic advice to the government on the implementation of the social compact, the key objective and the future directions of building our community in the social plan and the community sector viability issues; maintain linkages and communication with the community inclusion aspects of the Chief Minister's department; and inform the implementation of those through engagement with stakeholders.

At the moment the current community membership includes the ACT Council of Social Services, Youth Coalition, Mental Health Community Coalition, ACT Shelter, regional community services, Conservation Council of the South East Region and Canberra, healthcare consumers, Council of the Ageing, Volunteering ACT, National Disabilities Services (ACT Division) and the ministerial council of women. That is

just to name a few of these members. So to consider that there is not a platform for open and candid conversation really does that group an absolute disservice.

While the government and the community sector have distinct roles, they are complementary, and this government has built a strong relationship based on common goals and a strong commitment to making Canberra a better place. Each year the government invests over $300 million in community organisations to deliver important services and build healthy and stronger communities.

I will just provide some examples of this collaboration between government and the community sector. One such example is the ACT government's investment of $30 million in developing our regional community hubs at Chifley, Cook, Holt and Weston and the two neighbourhood halls at Bonython and Griffith. These community hubs provide accommodation for over 40 community sector groups. The Community Services Directorate has also some 80 community facilities from neighbourhood halls, community houses to childcare centres and community centres, such as the Belconnen community centre and the Griffin Centre.

Facilities such as these are important in building the social capital of our community. This is why the directorate maintains these facilities for use by all in the Canberra community seeking to have a venue in which to meet and celebrate and gather as a community. The ACT government have also invested in upgrades in the community facilities, such as the $9 million we invested in 2011-12 for the expansion of childcare places. As members will appreciate, many of these centres are run by not-for-profit community organisations whose sole aim is to provide high quality services to their communities.

This government is also funding the development of new community facilities. We identified $7.5 million to construct the new centre at Holder. In addition, we have invested a further $1.5 million in the Mura Lanyon youth and community centre, which will allow improved services to be provided to the residents of Lanyon and Tuggeranong. The ACT government also provides concessional leases to help enable core community and social facilities that benefit the community. We recognise that community sector viability is critical to ensuring we have a vibrant and sustained community sector here for all of us to benefit from.

There are other ways that this government supports the community sector. Again, as members will appreciate, the ACT community sector operates in a complex industrial climate with a range of awards regulated by both federal and ACT legislation. Navigating this environment can be difficult for small community organisations, which is why the government is funding an industrial relations advisory service, run in partnership by the ACT Council of Social Service and Jobs Australia.

This service makes it easier for those involved in the sector by improving education for employers and employees and promoting awareness of industrial rights and responsibilities for organisations and their staff. The service includes a 1800 toll free number providing industrial relations advice to the sector, web-based resources and email circulars with IR news, face-to-face advice sessions and a consultancy service for employers.

The service allows organisations to get timely advice on staffing matters, which will allow them to refocus their efforts on what they do best—providing services to vulnerable Canberrans. It is another example of this government's commitment to a collaborative approach to meet our understanding and commitment to the community sector and the services we provide.

I am also pleased to remind the Assembly that the ACT government was the first jurisdiction to introduce portable long service leave for the ACT community sector, a program that has been consistently opposed by the Canberra Liberals, because they see no benefit in providing portable long service leave for the community sector. This government recognises the value of the sector and takes great pride in being the first jurisdiction to implement that benefit for those workers.

The scheme enables workers in the childcare industry and the community services sector to continue to accrue long service leave entitlements when they change jobs within the sector. The scheme also supports community organisations to retain a skilled workforce and provides enhanced opportunities for workers to stay engaged in the workforce with improvement to the quality of life for those being cared for.

This government is also aware of the need to minimise administrative burdens placed on our community partners. In the ACT, the government is doing this by developing an outcomes-based purchasing framework to improve how we fund services. As part of this project, a pre-qualification classification process has been designed to minimise red tape and to enhance the quality of organisations that we fund. We expect this process will commence on 1 January next year.

Part of that arrangement through the pre-qualification will give organisations a very long-term horizon about their funding arrangements, something that I know organisations have spoken with me about to make sure that they have longevity and that their planning is enhanced. The pre-qualification framework will certainly provide that.

There was some comment on the youth homelessness procurement and arrangements, and Ms Hunter was very quick to say that lots of concerns have been raised. But she seems to have glossed over the community conversation within the development of the youth homelessness procurement and the fact that this has been an ongoing thing.

For the sake of members, I will list the providers across the seven services. Housing support services will be delivered by CatholicCare. The crisis mediation service will be delivered by the Conflict Resolution Service. The emergency accommodation network will be delivered by the Salvation Army and the Canberra Youth Refuge, and the comments that this cluster network will not be provided in a safe or adequate manner beggars belief given the history and the experience of those providers. The friendly landlord service will be delivered by Barnardos. The youth identified accommodation and support program will be delivered by Barnardos. The mentoring, life skills and social enterprise service will be delivered by the Ted Noffs Foundation. The parent accommodation support program will be delivered by St Vincent de Paul. They are very skilled, experienced and highly regarded service providers. We have

brought in two new organisations that were successful in the tender process—those being the Ted Noffs Foundation and the Conflict Resolution Service. Those programs will be in place shortly.

Ms Hunter also made comment about the youth and family support program, and she mentioned that the tender process happened over a holiday period. I recognise that that is not the best time for that to have happened. But what was not noted and what was glossed over was the long discussion on the change to these programs. The youth and family support program was not a tender, and it had been discussed with providers across the sector. Certainly Christmas time, or the holiday period, was not the first time the community sector had a chance to comment on this. The discussion on the change in these programs lasted many months—in fact, years. The change was years in the making with active conversation and discussion and key input from the community sector itself.

It was very clear from the outset that this was a new focus targeting those most in need, and much has been said about the services that are no longer there. Not enough has been said about the services that will be there. There was mention that there was no early intervention. That is just absolutely wrong. If you look at the program, if you look at the structure, you see that early intervention for those at most need is very strongly in the game.

Ms Hunter seems to gloss over the need for government to ensure value for money, putting a position that human services is beyond that. I think that is a somewhat flawed assumption. The government must ensure that organisations and services provided are worthy, targeted and provide value for money.

As I have said, these are new programs and a new way of doing things. Given that there has been no procurement process for youth, child and family services since self-government, the government would be reckless to not consider and review how it delivers those important programs.

As members can see, the government supports, promotes and works in partnership with the community to improve community wellbeing and to build an inclusive society and improved quality for all. That was very clearly evidenced when this government without hesitation committed to paying its share of funding for the community sector following the decision of Fair Work Australia, something those opposite, the Canberra Liberals, are yet to commit to. Heaven help the community sector should the Canberra Liberals be in charge of the chequebook.

MRS DUNNE (Ginninderra) (3.36): I welcome this matter of public importance from Ms Hunter. I was a bit mystified by the choice of this particular MPI, especially after the incident this morning where staff of the Greens came around to tell members of the opposition that this was the subject of the MPI. When our staff asked the Greens' staffer what the social compact was, he sort of put his head down, shook his head, scratched his head and said, "Actually, I don't know," which is a bit of a problem.

When I started to think about this and thought back through my memory banks to the publication of the social compact some years ago I started to realise the relevance of it.

I think it might have been better. I commend Ms Hunter for the attention she has paid to the youth programs and to the abysmal failure of this government in the tendering of the youth programs, which is a running sore and source of contention across the community sector. It is a disgrace, responsibility for which needs to be sheeted home to this minister for the mismanagement and the fundamental failings of this system.

When the Canberra Liberals held their most recent community sector roundtable the messages were loud and clear that the community organisations who were involved in the delivery of community services needed support from the government, not hindrance. They believed that they should be monitored and evaluated but they should be monitored and evaluated on their outputs. There was a whole lot of auditing of processes, of paperwork—multiple audits. Members of community organisations were saying that they were being audited out of existence. But no-one ever looked to see what their outputs were; it was all process driven. This is everything that is wrong with this government.

I have had recent conversations with a number of community service providers in the area who are still scratching their heads trying to work out what went wrong and why things went so badly wrong in the tendering out for youth programs. The Canberra Liberals were warned during our most recent community sector roundtable that things were bound to go wrong, and everything that we were told would go wrong has gone wrong.

I think that the highlight of this is the ludicrous situation where one of Canberra's most respected community sector organisations was excluded from the tender process because essentially they failed to tick a box. No-one ever came back to them and said: "You didn't tick this box. Perhaps you might like to have a think about whether that box needs ticking or not." No-one ever came back and said: "Have you made a mistake? Is this an oversight?" This is how you work with people who work their tails off for the community. You have some bureaucrat there saying, "No, you cannot even get in on the ground floor," because there was, literally, one box that was not ticked.

We now have the ludicrous situation that in Tuggeranong, in this minister's electorate, there are no ACT government DHCS funded programs for young people. But there is coordination; there is a coordinator. There is a coordinator because the government went around and said, "You missed out on the tender, so we will give you a little bit of kickback here and we will give you a coordinator job." So there is $120,000 out there to coordinate services that do not exist.

This is what this minister does: she fails. She is a dud and the services provided by her department fail the people of the ACT. She is not on top of her brief enough to say: "This is just not good enough. We need to go back to taws, do this properly and ensure that there are not gaps in the service." That requires leadership from the minister. It requires a minister who is interested in things other than media opportunities.

A joke went around my office the other day. One of my staff was looking at the government newsletter about jobs and he said: "Here's a job in the disability and community services department which essentially boils down to looking for media

opportunities for the minister. I could do that on my ear. Perhaps I should do that. I'd get paid more." It would be less work than he currently does in this place. But then again we have seen the minister lose three key staff across her office and her department last week, and probably more. I think that is probably testament to the fact that this is a department that is out of control.

We have a social compact. It has been there since 2004. It has been signed by a whole range of prominent people and the social compact makes very interesting reading. It basically says that the government undertakes to treat the community sector with respect. But when it boils down, under this minister there is no respect for the community sector. There is abject failure to take on board the work that is done by the community sector. The minister is shaking her head. She can shake her head in denial all she likes. The facts are out there. This is a department, an organisation, that has been accused of institutionalised abuse of children in care and their carers. This department and this minister have been found by the Public Advocate to have breached the law 24 times.

Ms Burch: That is wrong.

MRS DUNNE: This is a department—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order! A point of order is being taken, Mrs Dunne.

Ms Burch: Mrs Dunne has said that I have breached the law. That is wrong. We have GSO advice—

MRS DUNNE: Use the standing orders at the end of the—

MR ASSISTANT SPEAKER: Mrs Dunne, you are not the Speaker at the moment.

Ms Burch: No. She is misleading the Assembly and she is making a statement that is absolutely wrong.

MR ASSISTANT SPEAKER: Mrs Dunne, I can deal with this, thank you very much. I do not need your help. Minister, if you have a case to make about misleading the Assembly, there are processes that you need employ. I would ask you to withdraw that comment or move the motion accordingly.

Ms Burch: I will come back to it when she has finished, so I can wrap them all up, thank you, Mr Assistant Speaker.

MRS DUNNE: You withdraw.

Ms Burch: I withdraw.

MR ASSISTANT SPEAKER: Mrs Dunne, I will deal with it.

Ms Burch: I said I will withdraw and I will wrap it all up together, thank you.

MR ASSISTANT SPEAKER: Okay, thank you. I think the matter is best left there at the moment. Could you stop the clock; I am sorry, Mrs Dunne, about that. However, I do make the point that withdrawals are usually made in this place without qualification.

Ms Burch: I withdraw, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Thank you very much, Ms Burch. Mrs Dunne, you have the floor.

MRS DUNNE: Thank you, Mr Assistant Speaker. The minister is very sensitive on this. The Public Advocate made a finding. She found 24 breaches of the law. The minister came in here with her legal advice that says that that was not the case. The clear facts are there. The other clear facts are there. Under this minister's administration of this portfolio, this Assembly has brought about three inquiries into her administration. There has been a substantial inquiry into the youth justice system, because of the work done substantially by the Canberra Liberals that ended up with 224 recommendations for how this minister needs to get her affairs in order. We have had one inquiry into the care and protection system—

MR ASSISTANT SPEAKER: Excuse me, Mrs Dunne. Please stop the clock. I am sorry, Mrs Dunne; I have given you a fair amount of latitude to discuss whether the minister has done X or the minister has done Y or has not done X or Y. The MPI is around the social compact. Could I please ask you to be a little bit more relevant than you have been thus far.

MRS DUNNE: Yes. My point is that we have a social compact that requires agencies of government to treat the community and the community sector with respect. We have seen as a result of this three inquiries: one by the Public Advocate which is currently underway, one which is completed and one by the Human Rights Commission and the commissioner for children and young people.

A compact means that there is a treaty or a contract, an agreement, between two organisations or two parts of the community that they will work together. The community sector have kept their part of the compact—in spades, over and over again—but this minister and her department have failed the community sector. And she needs to be held accountable for her failure.

I thank Ms Hunter for bringing this matter forward today. There is much that needs to be done to keep this minister accountable and to ensure that the community services organisations, which do everything on a shoestring for the great benefit of this community, are recognised and valued by this minister and the community at large.

MR RATTENBURY (Molonglo) (3.46): At the start of her remarks a few minutes ago Mrs Dunne took the rather unnecessary and snide path of drawing one of the Greens staffers into the discussion. She made reference to the fact that he was unsure of what the social compact was.

For the benefit of members I would like to clarify that situation. Each day when the matter of public importance is drawn, as a matter of courtesy a staffer from the Speaker's office walks down the corridor to advise members as early as possible of the topic of the MPI. That staffer is not necessarily an expert in the topics of the MPI, because members put them forward. So it was entirely unnecessary for Mrs Dunne to come into this place and belittle that staffer. I know that at times in this chamber when other parties have talked about Liberal Party staffers there have been howls of outrage.

I note that Mrs Dunne has walked out of the chamber, having made this spray at a staff member who has no ability to come in here and stand up for themself. I have actually briefly spoken to that staff member, and he did say that in a conversation with another Liberal staff member he did observe that he did not know what the social compact was, and ironically the Liberal staff member replied, "Yes. I don't know either; I'll have to Google it."

So this sheer nastiness of Mrs Dunne's approach, of coming in here and doing what she did, simply shows the depths the Liberal Party are prepared to sink to in this place. There are no boundaries. I think it is disgraceful. I would invite Mrs Dunne to reflect on her behaviour, and I suggest she should come in this place and offer an apology. There was no reason for her to make that contribution to this discussion. It was completely irrelevant to the debate at hand, it was simply snide and it is beneath members in this place to conduct themselves in that manner.

MS PORTER (Ginninderra) (3.48): It gives me great pleasure to speak to this matter of public importance today. The social compact was developed in line with this government's vision of a Canberra in which all people reach their potential, make a contribution and share the benefits of our community. It reflects the government's and community sector's shared long-term vision of an inclusive community.

I also recall, along with Ms Hunter, the genesis of the social compact, then called the compact, many years ago when both Ms Hunter and I, representing peak bodies at the time, worked on a joint reference committee in relation to the proposal to establish such a compact, this being followed by extensive consultation with the community sector.

We now see the result, which is the social compact, a statement of understanding about the relationship between the ACT government and the community sector. As stated earlier by others in this place, it provides a framework for this relationship, articulating the principles of good communication and partnership, such important qualities that both the government and the community sector bring to the table.

Of course, the compact does not stand alone; it is informed by the Canberra plan and the Canberra social plan. Proudly, the ACT was the first jurisdiction in Australia to implement the social compact, as I think other members have mentioned, developed through a shared process, as I was talking about before, between government and the community sector.

Most other jurisdictions, apart from Tasmania and the Northern Territory, and including the commonwealth, now have compacts between government and the

community sector, and these are broadly aligned to the ACT social compact, outlining the framework of a working relationship between the two parties.

I digress there to say that one of the ideas about a social compact came from some work that I was doing when president or vice president—I cannot quite remember—of Volunteering Australia. We met with the British Home Office to discuss the value of having a social compact at that time.

The ACT social compact is currently being refreshed by the joint community-government reference group, as was said before, and this is an important time for both the government and the community sector to reflect on how the compact has assisted both to work together and how they can both continue to strive to achieve all its expectations.

I am looking forward to the refreshed social compact, which is expected to be launched in the next few months, along with the social compact portal on the ACT time to talk community engagement site. I would recommend that everybody access that at the time.

The compact is important as it outlines the significant relationship, role, contribution, principles for working together and undertakings of government and the community sector. The community sector and government have distinct and complementary roles to play in the delivery of public policy and services, in social planning and in building healthy communities.

The importance of the social compact is highlighted in *Engaging Canberrans: a guide to community engagement*, which assists government and the community sector to engage with the community in a transparent, accountable and equitable way. It is also included in the service funding agreement which underpins a robust and effective funding relationship.

The compact provides a number of important principles for constructive working relationships between the community sector and the government such as: trust, openness and transparency of communication and processes; mutual respect for diversity and independence; valuing each other's role, as I mentioned before; integrity, ethical practice, accountability and leadership; consumer and community participation; and innovation and continuous improvement.

Another essential feature of the compact is an outline of undertakings for each party in the document. Undertakings are guiding standards for both the community sector and the government in their shared commitment to their working relationship. These standards are promoted and used in all aspects of the government and community sector working together. They are used for planning and policy development to involve the community, use culturally appropriate consultation, reflect community views and take joint ownership and responsibility for decisions.

Commitment to a high level of management and accountability in governance and management are also stressed in the compact. For example, these can lead to better

outcomes for meeting government funding and reporting requirements and greater consistency across government in funding practices.

Both parties are also directed in the compact to develop and maintain community services and programs, strive for continuous improvement in the quality of work with consumers, support research and evaluation, invest in training and innovation, and provide culturally appropriate services.

I have outlined some of the important features of the social compact and I look forward to its refreshment and its subsequent launch, as I said before. As you see, the compact is an important framework for both the community sector and the government in their ongoing working relationship.

Decision making by community organisations and government is most effective when it has strong leadership, skilled and motivated people, good management and staff development, and takes account of, and actively utilises, the collective experience, knowledge, perspective and strengths of the broad community as well as expertise within the public sector.

MR ASSISTANT SPEAKER (Mr Hargreaves): The discussion is concluded.

Personal explanation

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): I seek to make a statement under standing order 46.

Leave granted.

MS BURCH: I just want to make the comment and follow on from the continued misinformation—possibly misleading statements—that comes from Mrs Dunne. Here today, in a worthy debate on the social compact, she continued to say that I, as a minister, broke the law. Mrs Dunne hides behind a Public Advocate report that made the comment that there were breaches of the law. Mrs Dunne refers to 24 breaches of the law. The Public Advocate made that comment, but since that time the Public Advocate has recognised that there was no breach of the law. I have brought into this place advice from the most senior counsel of government, the Government Solicitor, who has said that there was no breach of law. That determination has been accepted—well accepted—by the Public Advocate. The only person who does not accept it is Judge Judy over there, Mrs Dunne, who believes that she has more—

MR ASSISTANT SPEAKER (Mr Hargreaves): Minister Burch, it is improper to refer to—

MS BURCH: I withdraw that comment then, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Thank you. Continue.

MS BURCH: The only person that seems not to accept the advice of the most senior counsel of the government, the GSO, that there was no breach of the law is Mrs Dunne. I ask Mrs Dunne to apologise and withdraw the comment that I have broken the law. I believe that her insistence on doing that is actually misleading the Assembly.

MR ASSISTANT SPEAKER: Minister Burch, I seek your indulgence to give Mrs Dunne the floor in response to the standing order 46 request.

Mrs Dunne: Mr Assistant Speaker, I am asking you to ask Minister Burch to withdraw the assertion that I have misled the Assembly that she made as she sat down.

Ms Burch: I said she could possibly be misleading the Assembly.

MR ASSISTANT SPEAKER: My understanding, and I will ask the Speaker to review the *Hansard*, Mrs Dunne, was that there was not an assertion per se; there was a possibility that it may be so. So I am not in a position to ask her to do that, but I will ask the Speaker to review that. If what you say is the case, the Speaker can approach the minister to get that withdrawn.

Papers

Dr Bourke tabled the following papers:

> Asbestos in ACT schools—
>
> > Asbestos removal and remediation works—Schedule of funding allocations.
> >
> > Hazardous Material Survey and Management Plans—Various schools (93), prepared by Robson Environmental.

Freedom of Information Amendment Bill 2011

Debate resumed.

MR RATTENBURY (Molonglo) (3.58): I think it is fair to say that it is trite to talk about knowledge and information being power. Even before our current Freedom of Information Act was first passed, information was recognised as the linchpin of the political process, and knowledge often equated to power. I have no doubt that all members of this place recognise just how vital information is not only to good government decision making and effective government accountability but also to community understanding and acceptance of government decisions.

In her book *Freedom of Information and Privacy in Australia*, Professor Moira Patterson wrote:

> The government sector is a vast depository of information, including information which is vital for the complete understanding of our social, political and natural environment.

The concept of freedom of information originated in Sweden in 1766 when it adopted a system of free access to public documents. It was exactly 200 years later that the US

Congress first adopted an FOI scheme in 1966. In Australia the federal FOI laws were adopted in 1982, and our law in the ACT came into force in 1989 with the rise of self-government.

The provision of government information needs to be constantly evolving as technology changes, and particularly as community attitudes and expectations change. In 1995 the Australian Law Reform Commission recognised the community's right to government information. In fact, the ALRC report into the commonwealth freedom of information laws began with the statement:

> The Review considers that more must be done to dismantle the culture of secrecy that still pervades some aspects of Australian public sector administration. The recommendations in this report are designed to give full effect to the Australian people's right of access to government-held information.

In the time since that report was written, the ACT Freedom of Information Act has, unfortunately, changed little. In 2009 we did take the very important first step of removing conclusive certificates. However, until this bill, we had not addressed the much more challenging task to fundamentally change the underlying framework and address many of the very often recognised shortcomings of our current act.

It seems clear that the current system does not represent contemporary thinking and the way a modern government should conduct its affairs and engage with those it governs. It is fair to say that since the FOI acts were first passed in Australia relatively few significant changes have been made, until about four years ago when FOI sprang back into prominence and a number of very significant reviews were undertaken on the topic.

The most notable of those is probably the Solomon review in 2008. That review, which was subsequently adopted by the Queensland parliament, recommended significant changes to the underlying framework for freedom of information laws. Increasingly, other jurisdictions, both in Australia and around the world, are changing the way they manage government information and the systems they have in place to allow their citizens access to that information.

The New Zealand Law Reform Commission, in a 2010 discussion paper entitled "The Public's Right to Know", said:

> There has been a worldwide trend towards legislating for freedom of access to official information. Freedom of information generally, and the importance of citizens having access to government information in particular, are also recognised in international law.

It is certainly not before time for us to address this issue and to be reforming our access to information laws. Our delay has given us the opportunity to utilise all the progress that has been made in other jurisdictions. However, it has also left us well behind the leading jurisdictions. The task for us now is to utilise the benefit of those learnings and create the best scheme for accessing government information to ensure that Canberrans really do have an open and responsive government that they can not only properly evaluate but also engage with and contribute to.

In revising our freedom of information scheme, it is worth considering the role of access to information in the context of human rights, and particularly in the context of our Human Rights Act which explicitly protects every Canberran's right to participate in public life.

As I said earlier, the concept of a right to public information was raised by the ALRC more than 16 years ago, and it was very much emphasised by the Solomon review in 2008. In a submission to that review, the Queensland Council for Civil Liberties said:

> The right of an individual to access information created by the Act is the mechanism by which the public interest in the public having access to public information is secured.

I think it is also worth thinking about the role of information access legislation in our democratic system, information that then allows them to make a considered choice about whom they elect to represent them. For the Greens, all these issues illustrate that we need to reassess how the act is structured and the fundamental way that we want to give effect to the rights we are bound to protect and ensure we really do have an open government.

The long and the short of it is that the Greens do not believe we should simply be following the commonwealth model and that we need to do more if we are to live up to our obligation to the citizens that we represent. We recognise that there are perhaps some practical advantages for us in simply adopting the commonwealth scheme. That said, we believe those advantages are outweighed by having a scheme that better achieves the aims that freedom of information laws have always had and better ensures that government information is accessible to the public.

There are two basic principles that underpin a modern scheme. Firstly, it sees information as a public resource and a public right and, secondly, to the greatest extent possible, the provision of access to information should be granted unless there is a demonstrable public interest against doing so for the particular information in question. This is the important point—access should not be restricted solely because of the class of the particular document in question.

In 1978 the High Court in Sankey v Whitlam found that courts were the arbiters of access to government documents in the course of legal proceedings and not the executive. This decision paved the way for independent decision making on these matters and recognised that executive privilege was not absolute. Of course it is an important Westminster doctrine, but in Australia we do not accept that the government should enjoy absolute privileges. More recently in other High Court cases, particularly Egan v Willis, which was the catalyst for the New South Wales independent arbiter provisions that this Assembly has also adopted, this position was reinforced.

The importance of the public interest test and its role as the deciding factor were recognised as far back as 1980 by the High Court in the case of Commonwealth v

John Fairfax and Sons Ltd. In that case, the court concluded that information should be withheld only if disclosure was inimical to the public interest.

Again the Solomon review stressed the importance of a single public interest test and whilst it did maintain a significant number of exemptions, many of which the Greens do not support, it also emphasised how problematic extensive exemption clauses were to FOI schemes. One submitter to that inquiry made the point well with the observation that the sentiments expressed in the objects clauses of the freedom of information acts were very much at odds with the pages and pages of exemptions later provided for.

The Greens agree with this and very much believe there should be clear statements of principle set out in the objects clause and elsewhere and that the act should be true to these principles. The interest that it serves should be the broader public interest and this can best be done by applying a public interest test to the particular documents in question rather than making the decision that extensive categories of documents should be excluded from the operation of the act simply because of the class they happen to fall in.

To illustrate the point, it is worthwhile looking to the New Zealand laws which, in many ways, are already more progressive than the model being proposed here in the ACT and which the New Zealand Law Reform Commission have said should provide an even greater level of transparency. The commission also made the observation that "class exemption contradicts open government".

The Commonwealth Human Rights Initiative, in their submission to the Senate inquiry into the commonwealth reforms, strongly recommended against class-based exemption, noting that "such class exemptions are anathema to the third generation of access to information laws". I mentioned earlier the importance of these reforms in the context of protecting human rights, and I would very much recommend that members take the time to look at the Commonwealth Human Rights Initiative submission.

Without labouring the point and noting that these issues will be extensively debated in the detail stage in the next sitting, I would like to highlight some additional examples that demonstrate the point. Firstly, in relation to police and law enforcement, the bill we are debating proposes that these documents be subject to a blanket exemption and not a public interest test. It is worth noting that both South Australia and New South Wales apply a public interest test to these documents and that the Australian Law Reform Commission recommended that a similar test should be applied in commonwealth law.

This is a significant body of law about the application of this test, and I would particularly draw members' attention to decisions of the South Australian District Court, which is responsible for hearing applications for review of FOI decisions, as well as recent decisions of the New South Wales Administrative Decisions Tribunal, which has quite extensively considered the application of a public interest test to police and law enforcement documents.

I think it is an interesting contrast to note that, whilst this bill proposes exempting police and law enforcement altogether, India's Right to Information Act 2005 allows for a maximum of 48 hours for dealing with requests for information where it is considered to be crucial to securing the life or liberty of a person. It certainly is the other end of the spectrum.

It is worth making the point that, whilst the government under the leadership of the current Chief Minister have gone to considerable lengths to undertake to be open and accountable and be a leader in government openness, they have proposed what is probably the least ambitious of any of the recent reforms when it comes to freedom of information. Even the New South Wales Government Information (Public Access) Act goes considerably further than the government's proposals.

The changes proposed in this bill essentially make the same changes as were made in 2010 to the commonwealth act. If you have a look at the Senate inquiry into those changes, you can see that the majority of the submissions to that inquiry, including those by Professor Patterson, the Public Interest Advocacy Centre, the CPSU, the Commonwealth Human Rights Initiative, the Australian Press Council, the Australian Law Reform Commission and the ARC, all supported further changes to improve the scheme. It is also worth noting that in our own committee inquiry into freedom of information the majority of submitters were strongly in favour of reforms to substantially increase the provision of government information.

The government's bill is certainly an improvement on what we currently have. However, I think the issues and examples I have highlighted clearly indicate that it is not the best scheme available to us and that further changes can and should be made. The changes that have occurred in other jurisdictions over the last few years have been significant and it is disappointing that a government that has repeatedly said that it wants to lead the field in openness and transparency has proposed changes that are significantly behind the leaders.

That point made, I would like to acknowledge that the government have been very willing to engage with us on the changes. Similarly I would like to acknowledge that, because the Greens were not able to prepare our amendments in time for today's debate, we will be adjourning it so that the other parties do have the opportunity to consider our proposed changes. And I thank both parties for being patient and for being willing to engage in the detailed policy discussion.

On the broader issue of accountability and the culture of secrecy, it is also important to note that the freedom of information scheme does not exist in isolation and needs to be seen as a part of a broader system of government accountability. This includes officers of the parliament and integrity agencies such as the Auditor-General, the Ombudsman and the Human Rights Commission as well as other legislative schemes such as the Public Interest Disclosure Act and the ADJR act. It is worth noting that the Public Interest Disclosure Act is currently under review and that the Greens agree that reforms are very much needed and support efforts for reform. I would also say that the Greens believe that there should be changes to the ADJR act, most notably to the standing requirements to ensure the accountability of decision makers.

These issues are very important to the Greens and that is why we included them in the parliamentary agreement. Whilst there certainly remains much to be done in this area, it is something that we are pleased that we have been able to make progress on during this Assembly.

The other point that should be addressed and is often spoken about when it comes to public administration is the importance of culture. Dr Benjamin Worthy wrote on this issue in 2007:

> The central problem of the Australian FOI Act, highlighted by successive investigations, is the imposition of FOI upon a reluctant public sector with an established practice of secrecy. Many of the problems the Australian FOI Act has experienced stem from this flaw and it is the continued existence of this secretive culture that is undermining the effectiveness of the legislation. The attempt to accommodate an FOI scheme onto a traditional 'closed' Westminster system has led to resistance aimed at preventing disclosure.

Dr Worthy went on to say that the culture of secrecy manifests itself in different ways but particularly through the misapplication of exemption provisions and delays in decision making. The point was also extensively made in the ALRC report, and I think there is still much that could be learnt and implemented from those recommendations today.

The Solomon review went as far as to recommend that there should be sanctions and incentives to encourage the proper administration of the act. The review also noted the importance of a clearly articulated pro disclosure bias by the parliament as well as public commitments by the leader of the government.

Here I would like to note the other point that has been brought up in this debate—the creation of a push model. The push model involves the proactive disclosure of information by government so that information requests under the FOI Act are not necessary. It is important to make the observation that the bill contains very few push model initiatives. In fact the only provision in the bill is for the disclosure of documents once they have been released by the agency concerned. I think we should consider the option of a scheme akin to chapter 2 of the Queensland act which requires agencies to publish a scheme that sets out classes of information they have and the terms on which that information is made public.

I should make the point that I think in many ways the ACT public service is not nearly as bad in this regard, in this culture of secrecy, as many others across Australia. I would also note that considering some cases in other jurisdictions that have been to the courts and administrative tribunals, the ACT public service is certainly not alone in its difficultly in applying the provisions. Again this highlights why we should be moving away from a class-based system to a public interest based system that has a presumption of disclosure and a clear expectation on decision makers that they bear the onus of demonstrating why it is not in the public interest for access to information to be granted. Certainly there will be difficulties initially but over time this will improve and ultimately we will have a far better scheme for it.

The other point that should be made when it comes to government practices is the importance of proper information storage and access systems. The Greens will have amendments to shorten the period of time in which FOI decisions must be made and information provided to applicants. Last year we moved a motion on government 2.0 and opportunities for the free availability of government information that this presented. Again this is something that really has to be driven by the government itself rather than by legislative reform.

I will conclude with the observation of the current Australian Information Commissioner that open government is a catchword as well as a fundamental doctrine in a democratic government. This bill is our opportunity to apply the doctrine and ensure that in the ACT open government is not just a catchphrase.

As I said earlier, the Greens very much appreciate the patience of both other parties and apologise that we were not able to have our amendments ready for debate today. They are very significant; they have taken some time. We have certainly been involved in considerable discussions with parliamentary counsel to ensure we get them right before circulating them. We have had broad, in-principle discussions about our direction. I think I have certainly flagged today the tenor of those changes. We very much look forward to working with both parties to ensure that we create the best possible freedom of information scheme for the ACT, and we are very pleased to support the principle of the reforms being proposed in the bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.16), in reply: I thank members for their support of this bill in principle. The bill represents a key milestone in the implementation of the government's policy on public sector transparency and openness. Central to this policy is a push model of information release. The government is committed to being the most open government in the country. In line with this commitment, this FOI bill facilitates the proactive release of information and generally makes it easier to obtain government-held information.

The intention is that the bill and the open government policy will change the culture and attitude of those who hold information. They will embed an acceptance that government-held information is a public resource and, as such, should be open to access by the public unless there is a compelling and legitimate reason to withhold it. The Chief Minister stated in her speech on open government that the more openness we have in our government the better and the more information we provide to the public the better. This bill is a significant step in achieving more openness and keeping the public better informed in relation to the governance of this community.

The bill makes several improvements to the Freedom of Information Act to ensure that government-held information is more accessible. As I said when introducing the bill, it proposes to amend the objects of the act to clearly state that information held by the government is a public resource and, accordingly, should be managed for public purposes. As I will discuss, the object of the act must be considered when determining when it would be contrary to the public interest to provide access to conditionally exempt documents. In this way, the amendments to the objects proposed

in this bill should have a substantive effect on the way in which decision makers apply the act and how they regard the information that is being applied for.

Members are aware that the government has already introduced a policy under which documents produced under the act must be published on the internet. This policy is a significant development in the implementation of the open government policy introduced by the Chief Minister in October.

In conjunction with the publishing of summaries of cabinet decisions on the open government website, this bill places the ACT among leaders in government transparency in Australia. The bill makes compliance with the open government policy a legislative requirement, furthering underlining the commitment to ensure that the spirit of the "push model" is embraced by government directorates.

As part of the publication scheme, those publishing FOI documents will be required to do so within 15 days of access being granted to the applicant. This time period is longer than that provided for under the commonwealth scheme, which requires materials to be published within 10 days. However, the extended time provided for in the territory scheme is a reflection of the resource disparity between this jurisdiction and the commonwealth. The additional five days provided for under the ACT scheme strikes the appropriate balance between prompt publication and the effective utilisation of the territory's resources without imposing undue burdens.

It is important to note that third-party rights over personal and business information will continue to be respected under the open government policy. Personal information that would usually be exempt from the requirement to provide access, but was released to the applicant at first instance on the basis that it was the applicant's personal information applied for, will generally not be released under the policy. The same will apply to business information relating to applicants. This exemption ensures that personal rights to privacy and business information will not be subverted in giving effect to the open government policy. It is recognition that a government, invariably, does not hold exclusive rights to government-held information. The information should be treated with proper regard for these rights, not only when granting a requesting individual access to documents but also when publishing them online.

In addition to the introduction of a publication requirement to the act, the bill makes substantial amendments to the exemptions provisions of the act. It is a well-settled principle of public administration that there are circumstances in which access to government-held information should not be provided. The exemptions provisions in the act will continue to recognise this principle.

The exemption provisions in the legislation have been divided into two distinct categories. The first category contains a list of documents that, for broader public policy reasons, are exempt from the disclosure requirements under the act. This group includes documents such as those covered by legal professional privilege, documents containing material obtained in confidence, documents disclosing trade secrets or other commercially valuable information, and executive documents. The exemptions

in this category reflect those considered in the commonwealth act to be generally exempt.

The second category groups together all types of documents that are conditionally exempt. The concept of the conditional exemption has also been taken from the commonwealth act and integrated into this bill to further facilitate the capacity for the public to access government-held information. The condition placed upon the non-disclosure of documents in this category is that, even if a document qualifies as conditionally exempt, it must still be proven that it would be contrary to the public interest for the document to be disclosed in order to withhold it from the applicant.

This represents a positive change from the existing statutory regime, in which documents can be exempt on the basis that the document's release would be contrary to the public interest or if it could not be shown that it was in the public interest for access to be granted. This shift ensures that decision makers will begin at a position of treating conditionally exempt documents requested under FOI as requiring release, and documents will only be withheld if it would be contrary to the public interest for them to be released.

As noted in the bill's introduction, the "conditionally exempt" category works in conjunction with a single public interest test. This test favours the disclosure of documents in two different ways. The test sets out a range of factors favouring the provision of access to conditionally exempt documents. These factors are broad ranging, the intention being that there will be many circumstances favouring disclosure.

Importantly, the release of documents will be favoured if release would promote the objects of the act. This means that, in conjunction with the introduction of the improved objects clause, amendments in the bill will ensure that when decision makers consider the status of conditionally exempt documents, they explicitly must do so on the basis that the documents they hold are a public resource and should be treated with the good of the public in mind.

Further, the test will operate to exclude the consideration of various factors that might be used to justify non-disclosure. Decision makers cannot take into account factors such as whether a document's release would result in causing embarrassment to or loss of confidence in the government. The key test is that it must be contrary to the public interest for a conditionally exempt document to be withheld.

In many ways, these amendments codify the government's desired operation of the act and its policy on open government. We recognise that those in government, and those who work for the government, will occasionally make mistakes. However, it is not the intention of the act to allow the government to hide these mistakes. The public interest test will ensure that decision makers treat the conditional exemption category within the spirit of the "push model" and act with the good of the whole community at heart when administering these provisions. The introduction of the conditionally exempt category, in conjunction with the public interest test, should work to increase the potential for government-held information to be released.

This bill takes a major step towards bringing the ACT's legislation into line with the commonwealth's. The amendments in the bill follow the longstanding policy to align the territory's FOI Act with the commonwealth's.

Finally, in relation to the exemptions provisions, the existing exemptions for documents exempt under the commonwealth act and documents arising out of companies and securities legislation will be removed. These are effectively redundant, as the matters covered by each of these exemptions are covered by other existing provisions. Consequently, the removal of these provisions will have no noticeable effect on the operation of the act.

With regard to the removal of conclusive certificates, the removal of the effect of certain conclusive certificates is a continuation of the important reforms made in 2009 to withdraw the capacity to issue certificates for internal working documents, executive documents or documents affecting commonwealth-state relations. That earlier reform recognised that it is not appropriate to be able to issue certificates that prevent access to documents, in some cases even without acknowledging their existence, except in the most serious of circumstances.

For now, the government remains satisfied that there is one limited class of documents for which close protection is still appropriate—namely, those that affect national security, defence and international relations. This is reflected in new section 35 of the bill. As was discussed in the government's response to the committee's inquiry into the operation of the act, it is entirely possible that the territory government could come into the possession of such documents. When this is the case, it may be inappropriate for the territory to disclose or even to acknowledge the existence of such documents. The reality is that the facility of conclusive certificates in this area, while likely to be rarely called upon, is nevertheless appropriate to protect the interests of the Australian community, not just those of the territory.

Otherwise, as discussed in the bill's introduction, these amendments seek to remove all remnants of conclusive certificates issued for internal working documents, executive documents and documents affecting commonwealth-state relations. The Freedom of Information Amendment Act 2009 amended the act to remove the capacity to issue conclusive certificates prospectively for executive documents and documents affecting commonwealth-state relations.

Subsequently, my directorate has been advised by the Government Solicitor's Office that any certificates issued under these powers prior to the abolition of the capacity to do so would remain in force. In view of that advice, this bill will revoke any such certificates with the effect that the document they previously covered will be treated like any other document requested under the act at any point in the future. This amendment demonstrates that the government, in good faith, now takes the position that it is not appropriate to hide behind conclusive certificates to withhold information about the administration and governance of the territory. It is integral to democratic processes that the community has sufficient access to, and knowledge of, the workings of government. The revocation of these conclusive certificates completes

the process begun in 2009 to ensure that conclusive certificates in all but the most serious of circumstances will be a thing of the past.

The bill also removes from the act any reference to protection from an action for copyright infringement. My directorate has received advice, again from the Government's Solicitor's Office, that the provisions of the FOI Act that seek to provide a protection from actions for copyright infringement are inconsistent with the commonwealth Copyright Act 1968. Further, I am advised that section 28 of the self-government act provides that a territory law will have no effect to the extent that it is inconsistent with a commonwealth law. On this basis, the existing provisions of the FOI Act that seek to provide protection from actions for copyright infringement are inoperative. It is important to note that this is not a change in policy, but merely the removal of an ineffective provision of the act.

In conclusion, the Freedom of Information Amendment Bill will facilitate greater public access to government-held information. It will imbue the FOI Act with the tenets of the "push model" and is a significant example of this government's commitment to transparency and openness in the administration and governance of the territory. I thank members for their support of the bill in principle, and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Justice and Community Safety Legislation Amendment Bill 2012

Debate resumed from 23 February 2012, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.29): The Canberra Liberals are supporting this bill. The bill is purely mechanical in nature and makes a range of simple amendments to a range of laws in the Justice and Community Safety portfolio, the most significant of which is changes to the Wills Act to recognise international wills. I had some queries about this because there was a treaty doing the rounds, which we were advised about, at the same time. I understand that the ACT and other state and territory jurisdictions have to agree to these changes before the commonwealth can adhere to the treaty changes. My office and I have not sought a briefing on these matters. They seem to be eminently straightforward and worthy of support. I thank the minister for bringing this matter forward. I thank the parliamentary counsel for the way in which they deal with these matters. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (4.31): The Greens will also be supporting this bill today. The bill makes 45 amendments to 11 separate acts and regulations. The common theme running through each amendment is that they are relatively straightforward updates and amendments that are designed to make the ACT statute book more consistent and more workable. The presentation speech by the attorney and the explanatory statement set out in a good level of detail each of the particular changes and I will not add to that detailed information further.

I would like to touch on just one example of the practical way that amendment bills such as this can make worthwhile changes to how the territory functions on a day-to-day basis. The example comes from the amendments to the Crimes (Sentence Administration) Act. As the act is currently written, when an accused person is remanded in custody to await trial, the judge or magistrate is required to make an order setting out the date on which they are required to be returned to court to face trial.

This requirement causes difficulties when the Magistrates Court deals with the initial procedural aspects of a case which is then set down in the Supreme Court for trial. In these instances, the current law requires the magistrate to do something they are unable to do. It requires the magistrate to estimate the time and date when the Supreme Court will be ready to hear the matter. It is the registrar who is best placed to determine the timing, not the magistrate.

What this leads to is the potential for dates to be listed which are incorrect or unworkable. This then raises the potential for remandees to be transferred from the AMC into the Supreme Court on the listed date, only for a new date to be set and for them to be returned back to the AMC. The amendment today removes the potential for that frustrating waste of resources. The amendment specifically allows the judicial officer or the registrar to set the time and place for the remandee to be returned to court. That is a sensible amendment that the Greens would obviously support.

In conclusion, the Greens support the remainder of the bill on the basis that the amendments are relatively straightforward and make sensible updates and improvements to the laws of the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.33), in reply: I simply rise to thank members for their support of this bill. Can I also express my thanks to the Office of Parliamentary Counsel and officers of my directorate for the detailed work they put into these bills that allow the statute book to remain relevant and up to date.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Electronic Transactions Amendment Bill 2012

Debate resumed from 23 February 2012, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.34): The Liberal opposition will support the Electronic Transactions Amendment Bill 2012. This bill adopts model legislation to reflect internationally recognised standards on international e-commerce and to apply the same standards to domestic e-commerce.

The genesis of the bill was model legislation agreed to by the Standing Committee of Attorneys-General with a view to Australia's adoption of a UN convention. Once all Australian jurisdictions have the legislation in place, the commonwealth will be able to accede formally to the convention. This convention will come into force once three countries have accepted it. Presently only Honduras and Singapore have acceded to the convention, so Australia could be the country that brings it into force.

In essence, the bill makes a range of technical or mechanical amendments to update the approach taken to electronic transactions. There are revamped sections dealing, firstly, with the validity and effect of electronic signatures, including when an electronic signature may not signify agreement to the entire contents of an electronic communication and, secondly, with the timing of sending and receiving electronic communications.

The bill creates a new part 2A, extending its application to both domestic and international contracts. To this extent the bills steps outside the UN convention, but it is logical to have consistent treatment of the two. Part 2A deals, firstly, with the invitation to treat, including situations in which, for example, an email is sent to multiple recipients carrying an invitation to submit offers. Secondly, the use of an automated message system will not, in itself, make a contract invalid, void or unenforceable. Thirdly, part 2A provides some latitude for the correction of errors.

The spiralling use of the so-called super highway in transacting business in Australia and around the world needs to have legislative support. This bill seeks to achieve that. We will support it with one caveat. Inevitably, legal challenges will arise. Inevitably, some opportunistic, dishonest people will misuse and rort the system to gain an advantage. It will be interesting to see how this law and this convention stand up to judicial scrutiny. It will be particularly interesting to see how the legal system will deal with issues relating to the correction of errors and automated message systems. That having been said, Madam Assistant Speaker, the Canberra Liberals will support the Electronic Transactions Amendment Bill 2012.

MR RATTENBURY (Molonglo) (4.36): The Greens will be supporting this bill. It makes amendments to improve the existing law that applies to contracts entered into using electronic communications with parties overseas. The amendments are designed to base our legislation more closely on the UN Convention on the Use of Electronic

Communications in International Contracts. Importantly, the bill makes changes that are not intended to disrupt settled principles of contract law. Instead, what the bill does is translate those well-settled principles into the electronic age where increasingly contracts are entered into in a paperless work environment.

It is interesting to note that last week the federal Attorney-General, Nicola Roxon, issued a discussion paper on the potential to reform the Australian contract law. The attorney noted that Australia's first, second and fourth biggest trading partners—China, Japan and the Republic of Korea respectively—have systems of contract law which differ significantly from Australia's common law system. The contract law of our third biggest trading partner, the United States, has diverged significantly from its English origins as well.

These represent big differences in the fundamental building blocks of not only the legal system of each country but their economies as well. The questions raised by the federal attorney last week in the discussion paper are big questions. At the heart of the discussion paper is the question whether Australia should create efficiencies by simply restating the existing Australian law on contract in modern terms or whether a more radical rewriting is required in order to align ourselves with the law and practice in countries such as China and Japan.

That is a very complex question and one I think is well worth investigating by the commonwealth Attorney-General's Department. Given that the issue of uniform contract law was discussed at the time of federation, I think the discussion paper will receive a wide range of submissions, ranging from the reformers through to the traditionalists who prefer the English common law.

In the context of that large and ongoing issue, I think the changes we will make today are important and practical. The principles as set out in the law are there for use of parties that wish them to apply. The principles do not yet have the status of being automatically binding, as not enough countries have adopted them. Nevertheless, for those businesses that do want the benefit of greater ease in entering contracts electronically and without paper, they will be there for their use.

The amendments we will make today are relatively straightforward and clarify existing principles in the electronic context. The explanatory statement sets out the technical detail of each amendment and I will not add to that good level of detail. In conclusion, the Greens support the bill.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development (4.39), in reply: I thank members for their support of this bill. The bill amends the Electronic Transactions Act 2001 to implement the model Electronic Transactions Amendment Bill endorsed by the then Standing Committee of Attorneys-General, now known as the Standing Council on Law and Justice. The model bill was developed so that Australia may meet its obligations under the United Nations Convention on the Use of Electronic Communications in International Contracts which the UN adopted in 2005. To enable Australia to accede to the convention, all jurisdictions have agreed to

implement the model bill. This legislation has been passed in all states and territories, except the ACT and Queensland.

The bill does not significantly change the law of electronic transactions in the territory, but it does clarify the law to address the rapid growth and development in electronic communications. The bill preserves the freedom of contracting parties to determine the form and performance of a contract between them. The bill implements internationally recognised standards in relation to transactions conducted electronically. While the UN convention is concerned only with international business contracts, the model bill also applies to domestic business contracts and contracts concluded for personal, family or household purposes.

Through updating the traditional rules of contract formation, the bill will reduce any uncertainty around the formation and performance of contracts by electronic means. In particular, the bill amends the Electronic Transactions Act to set out the circumstances in which an electronic signature will be taken to have been authenticated. If a person's signature is required in relation to a contract or a law of the territory, an electronic signature can be used as long as a reliable method is used to identify the signatory and to show the signatory's intention in relation to the information communicated. Under the new law, an electronic signature will not necessarily imply that the signatory approves of the entire content of an electronic communication if their actual intention indicates otherwise. This update to the law will increase certainty for business and will prevent a party to a transaction repudiating its signature in bad faith.

The invitation to treat is a longstanding principle of contractual law, and this bill clarifies the rules of an invitation to treat in an electronic environment. The amendments in the bill will allow parties who use electronic communications to advertise their goods and services to the world at large, to be confident that their actions will not constitute a binding offer of a contract. The amendments provide that an electronic proposal to form a contract, generally accessible to users and not specifically addressed to a party, is taken to be an invitation to make offers, and not an offer itself, unless the proposal clearly indicates the intention of the party to be bound.

The bill also contains amendments to provide that the time of dispatch of an electronic communication is the time when it leaves an information system under the control of the originator. This amendment reflects the developments in electronic communications since the act was first legislated.

Madam Assistant Speaker, technology allows businesses to conduct electronic transactions in a variety of ways and places. A business based in Canberra may make use of equipment based outside the territory to host its website and email servers. A business may use a domain name which has been registered in another country. In accordance with internationally recognised practices, the bill specifies that the location of parties in an electronic environment is determined by their place of business, not the mere physical location or access point of their supporting information systems.

Many of the technologies I have just named offer the user the ability to identify and correct mistakes made before a transaction is complete, such as the order confirmation screen in a virtual shopping cart that asks the customer to confirm the details they have entered before submitting his or her order. For automated message systems that do not give users the opportunity to correct input errors, this bill introduces important consumer protections to allow individuals to withdraw part of the erroneous communication as long as they notify the other party of the error first.

This bill, in conclusion, will update and refine the territory's law on electronic commerce to keep pace with developments in this rapidly evolving area of the digital economy and will facilitate the growth of electronic commerce in the ACT. I thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

St Monica's primary school fete

MRS DUNNE (Ginninderra) (4.44): On Saturday morning, amongst all the other things that I had to do—like get preselected—I had an opportunity to visit my favourite fete in the Belconnen district. I am sorry it is partisan, but I go back a long way with the St Monica's fete. I met Carmel Maguire at St Francis Xavier yesterday afternoon and complimented her on another extraordinary fete.

The parents of St Monica's primary school in Evatt have been legends for a very long time for the quality of their fetes. Although some of the old guard have passed on to other things and I no longer make the jams for the stall—in a somewhat superior way I did say that there were not as many jams as there used to be—it was a great fete, as usual. Testament needs to be paid to the people who assisted with the fete.

In addition to Carmel Maguire and the great team at St Monica's, I want to pay tribute to the people and the organisations who sponsored the fete who show their community support and so should be thanked publicly: Calypso Cafe, Evatt Newsagency, National Dinosaur Museum, Canberra Indoor Rock Climbing, Canberra Southern Cross Club, Questacon, Grand Prix Karting, Zone 3 Laser Games, Cockington Green Gardens, Bunnings in Belconnen, Belconnen Premier Inn Canberra, Kingswim swimming school and Top Shot Photography.

I need to mention as many as possible of the great people who made this a great fete. There are a huge number of stalls and it is a huge amount of work for everyone involved: edible art, Tammie Staltari; David Jongeneel for the garden stall; arts stand, Rachel Hind; kids and babies, Angela Hose and Tanya Bennett; Christine Mills and Sonia Bishop for the drinks; reptiles, Mayumi Smith; white elephant, Emma Savage—the white elephant is the biggest earner at the fate; rejuvenated jewellery, Allison Fraser; ice-creams, Keith and Sandra Forrest; lucky dips, Kate Cuzner; devonshire tea, Carol Gajardo—there was, of course, baking beforehand and all of those sorts of things; fruit salad, Gabrielle O'Kane; Paul Miosge for the barbecue; the show bags, Alexandra Karofillis; the sweets and cake stalls, Jo McCann and Helene Tewari; hot dogs, Justine Henshaw; chocolate toss, Melissa Hay; book stall—great one—Simone Nahon; clothing, Erin Cain; pizza, Gianni Giuffetelli; water balloon toss, Assunta Tammaro; fairy floss, Vicki Walsh and Angie Hazelhurst; Marie Smith for the popcorn; crafts, Jo McMillan; tattoos with Jackie Gallagher; and Kathy Stiller looked after donations and sponsorship. There was an afters party, where I am sure everyone wound down, Melissa Tokarski was responsible for the raffle, which is always a huge earner, and the entertainment was done by Jayne Murray.

It is a great community testament to a great community organisation. My eldest children attended St Monica's school, and I think the school has again excelled. I was at a function at St Francis Xavier yesterday and one of the attendees said, "My wife said it was the best fete this year," and I think that that is probably the case. I congratulate St Monica's and the whole St Monica's community for their great fete.

Mr Martin Hehir
Dr Jim Watterston
Dr Peggy Brown

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.48): I rise to talk tonight about three high quality public servants working here in the ACT. The first two are directors-general who are leaving the ACT public service. I would like to put on the record the ACT government's thanks and my thanks for the work that they have achieved serving the community of the ACT. I am very sorry to see both of these outstanding officers leave, but I also accept that the ACT public service is often a stepping stone to greater things.

Martin Hehir joined the ACT public service—the Department of Disability, Housing and Community Services, most particularly—in late 2003. He has served in a number of different positions, rising right through to the executive and, following the retirement of Sandra Lambert, taking on the position of director-general of this very important directorate. It is one of the most challenging directorates that anyone can have carriage of, dealing with community services, youth justice and child protection. Martin has served the ACT community with distinction, and that has been recognised in the promotion that he has taken to move to the commonwealth public service.

I know that Joy Burch, as the minister working directly with Martin, and I as Chief Minister have always respected the advice provided by Martin and the extra effort he goes to to provide a high-quality service here for children and young people,

particularly those that are disadvantaged. I will be very sorry to see Martin go, but I understand that he has a stellar career ahead of him, and I wish him all the best.

The situation is similar for Dr Jim Watterston, who joined the Education and Training Directorate in July 2009. He had a very strong background as an educational leader from Victoria and Western Australia. He has been integral in implementing a lot of change here in the school system, with greater sharing of expertise and excellence in improving teaching and learning, and has shown his commitment to the public school system here. Under his leadership, the ACT has remained an outstanding jurisdiction in educational performance, certainly in performance measures such as NAPLAN. The ACT has also experienced growth in the public school sector overall. There are a number of achievements that Jim has made in his short time as the leader of the Education and Training Directorate. He is returning to Victoria to take up a position there.

Often in the hurly-burly of politics we do not recognise enough the work and the commitment that go into performing at this level. To both Jim and Martin, I wish them very much and most genuinely the best in their careers ahead of them, and I thank them very much for the work that they have contributed for the ACT.

Finally, I would like to acknowledge the director-general of the Health Directorate, Dr Peggy Brown. We are very lucky to have Peggy, one of Australia's leading psychiatrists, heading up the Health Directorate here. I would like to acknowledge the role that she has played leading to the development of what is now Australia's best psychiatric unit in the country. I think I could say that on either the public or the private level you will not see another facility like the one that opened last Friday at Canberra Hospital and that will be commissioned in early April. Peggy Brown very much has led that work. She was not able to be there on Friday as she was busy doing director-general work in another jurisdiction.

I just want to acknowledge the effort she made. I remember that she was the one who bravely came to government and said that the psychiatric unit, the adult mental health unit, should be separate from the secure unit. That was contrary to advice that had come to the government prior to that, but she was right in giving us that advice. Anyone who looked around the unit on Friday would have accepted that that advice was right, and it was very much Peggy who led that work.

She also has led a lot of the improvements in mental health services here in the ACT, and I would like to acknowledge that as well. I would also like to acknowledge other staff like Tina Bracher, the executive director, and Sally-Anne Kinghorne, the project manager for that project. It has been an outstanding effort by public servants working hard to deliver what is a really outstanding outcome. Thank you.

Ronald McDonald House charity ball

MR HANSON (Molonglo) (4.53): I rise tonight to talk about the inaugural Ronald McDonald House charity ball, which occurred in Canberra on Saturday, 24 March at the National Convention Centre. I would like also to acknowledge the presence at that event of Brendan Smyth, Vicki Dunne and her husband, Lyle, and Joy Burch. The

night raised funds for the new Ronald McDonald House which is being established in Canberra.

Almost two million Australians have been helped, or know somebody who has been helped, by Ronald McDonald House's charities. The Ronald McDonald House program has provided a home away from home for over 75,000 seriously ill children and their families. This ball was just one of the many fundraising opportunities that allow families to be helped by the charity.

Childhood illnesses can have a devastating effect on families. On top of all the fear and uncertainty there comes the practicalities of managing the family when a child is in hospital, often for extended periods of time. In big countries such as Australia specialist care may be a long way away from home. Many families simply cannot afford to stay in hotels while their children receive treatment.

We certainly had a poignant example from a father on the night who told us the assistance he received. Ronald McDonald houses are the cornerstone program of Ronald McDonald House charities and are a home away from home for families with seriously ill children undergoing treatment. The houses provide a low cost home away from home that give families somewhere more comfortable to stay than a hospital waiting room.

The house that is being established in Canberra will be located on the second level in the new women's and children's hospital at the Canberra Hospital. It will encompass 11 guest rooms with en suites, communal kitchen, a lounge, dining rooms, a playroom and laundry facilities. Funds raised on the night will ensure that the new house offers families a home away from home where they can stay together as a unit during what is an incredibly tough time.

The night would not have been a success without the very generous sponsors who contributed to a fantastic number of high quality auction items that are simply too numerous to mention. However, one that does need mention is the very generous donation of an Audi A5 valued at $100,000 by the Audi Centre Canberra.

The entertainment on the night was without parallel. It was fantastic and culminated with an 80s cover band that I admit Fleur and I were dancing away to—and I noticed that Vicki and Lyle were out there as well along with many other notable Canberrans—until late into the night. My wife, Fleur, described it as the best ball she has been to, and I had to agree.

I would like to congratulate all who were involved, including the ball committee, which was made up of Ben Stockbridge, the ball president; Emma Stockbridge, the ball secretary; Mal Cleelman, the ball treasurer; and also Con Kourpanidis, Hani Sidaros, Craig Coleman, Ivan Slavich, Richard Rolfe, Eoghan O'Byrne, Narelle Casey, Belinda Hedley, and Marnie Bellbowen. The subcommittee members were Karen Byron, Belinda Chamberlain, Fiona Coleman, Alex Galland, Belinda Hedley, Jacqui Larkham, Heidi McCullough, Karen Sarris and Sue Service.

I would also like to congratulate the RMHC Canberra board members—Con Kourpanidis, Mark Creelman, Ben Stockbridge, Kate Beohm, Craig Coleman, Tim Gavel, Hani Sidaros and Bob Samareq.

I congratulate all those great people who were involved in putting the night together. It was a fantastic night. At the last count I saw it had raised over $250,000 and was nudging towards $300,000, which is a fantastic contribution towards setting up Ronald McDonald House.

I look forward to the whole community getting behind the board and the people associated with Ronald McDonald House to make sure that it is a success and provides for those young children and their families who are suffering from an illness.

Mr Lincoln Hall

MR RATTENBURY (Molonglo) (4.58): I would like to take the opportunity tonight to say a few words about a prominent Canberran who passed away last Tuesday, the mountaineer, Lincoln Hall. Whilst I did not have the good fortune of knowing Lincoln Hall personally, his story is a remarkable one that warrants a focus in this place.

Lincoln was born in Canberra, grew up in Red Hill and went to school at Telopea Park high school where he had his first introduction to climbing at Booroomba rocks in Namadgi national park. Lincoln is most well known for having gone on to tackle the ultimate peak on the planet and for having survived an unimaginable ordeal there. But many Canberrans will remember him for his time with the ANU Mountaineering Club, which I was a member of at one point, where he developed his climbing skills on the walls of ANU buildings.

Lincoln started mountaineering with club expeditions to New Zealand and then at Dunagiri in the Himalayas where he played a pivotal role in the summit push and lost some toes to frostbite. He went on to join and lead numerous climbing adventures around the world, including three expeditions to climb Everest, including the first Australian expedition in 1984, the first ascent of Mount Minto in Antarctica in 1998 and other notable peaks such as Annapurna II. Accounts of these climbs will show that Hall partnered on these trips with Tim Macartney-Snape and Greg Mortimer, names that are very familiar to Australians who were inspired by these pioneering trips.

Lincoln Hall was, of course, most well known for his miraculous survival near the summit of Mount Everest in 2006 when he was left for dead and survived the night. Here I take up the story from the obituary in the *Canberra Times* on Saturday by Malcolm Brown. I would urge anybody that missed it to have a read. He picks up the tale and says of Hall:

> On May 25, when descending, he was struck by altitude sickness, causing him to hallucinate. His climbing companions waited with him for two hours but he was not breathing and had no pulse. Expedition leader Alexander Abromov ordered them to return to camp. A statement was released announcing his death. But Hall decided his time had not come.

And he is quoted:

> "The sherpas had let me lie there for two hours thinking I was dead, and so they took my pack, which had useful things like a thermos of water and more clothing and head torch and all sorts of practical things," he said later. "Right on the heels of that thought of 'I'm going to die', was the fact that I can't die because I'm going back to my family. That was the premise of this whole expedition, was that I come back, I always come back. I wasn't going to let it happen; I just had to stay alive, and somehow stay awake till the morning when at least there would be some sun, which would carry some sort of warmth."
>
> Next morning another team found Hall. A British member of the team, Myles Osborne, said later: "Sitting to our left, about two feet from a 10,000 foot drop, was a man. Not dead, not sleeping, but sitting cross legged in the process of changing his shirt. He had his down suit unzipped to the waist, his arms out of the sleeves, was wearing no hat, no gloves, no sunglasses, had no oxygen mask, regulator, ice axe, oxygen, no sleeping bag, no mattress, no food nor water bottle. 'I imagine you're surprised to see me here,' he said. Now, this was a moment of total disbelief to us all. Here was a gentleman, apparently lucid, who had spent the night without oxygen at 8600 metres—

above sea level—

> without proper equipment and barely clothed. And alive."

This is an extraordinary story. His book *Dead Lucky* about this near-death experience on Everest was a bestseller. He was also a remarkable speaker, sharing his inspiring experiences with audiences around the world as a public speaker and through his books. In 1997, Hall received an Order of Australia for his services to mountaineering. He was a founding member of the philanthropic organisation the Australian Himalayan Foundation and a member of the Greater Blue Mountains World Heritage Area Advisory Committee. Those who knew Lincoln Hall described him as a remarkable human being with a natural generosity, humour and friendliness that made him welcome wherever he went.

Lincoln Hall unfortunately lost his life to mesothelioma at the age of 57. I have seen it suggested this may have arisen from building cubby houses from asbestos cement sheets during his childhood in Canberra. Hall is survived by his wife, Barbara, and two children, his father and two sisters.

Mrs Valerie Howse OAM

MR DOSZPOT (Brindabella) (5.02): I rise tonight to mark the death of Valerie Major Howse OAM, who died in Canberra on 16 March 2012. Valerie Howse was a remarkable woman whose passing represents the severing of another link with Australia's military and political history of the early and mid 20th century. Valerie was proud of her family's military heritage. Her father, Major General Rupert Downes, was director-general of medical services. Her father-in-law, Sir Neville Howse, was Australia's first winner of the Victoria Cross. Valerie spent 18 years as a guide at the Australian War Memorial and always attended the annual Anzac Day and

Remembrance Day services at the memorial, with her close friend, Alison Aitken.

Mrs Howse was born in Melbourne in 1918. She was born not long after her mother, Doris, returned from Cairo, where she had visited her husband, who was serving as a doctor with the Australian Army in the Middle East. On the return voyage to Australia, the boat on which Doris was travelling hit a German mine. Doris, pregnant with Valerie, took to a lifeboat and was rescued by a Portuguese tramp steamer. So right from the beginning Valerie's life was to be rather eventful.

In 1939 she married John Brooke Howse, a marriage that lasted until John's death in 2002. John was one of the contingent of returned servicemen who entered parliament after the Second World War; he served as the federal Liberal member for Calare from 1946 until 1960. Over her long life, Valerie met, and in some cases became close friends with, many of Australia's great political leaders, including Stanley Bruce, Robert Menzies, Ben Chifley and Harold Holt. Our First World War Prime Minister, Billy Hughes, was godfather to her eldest son.

Valerie was a long-serving member of the Liberal Party and a loyal branch member and tireless worker on its behalf. Without fail, at every federal and ACT election, Valerie ran a Liberal Party booth at the Deakin polling station. It was through the Liberal Party that Valerie and Gary Kent, former President of the ACT Liberal Party, who is in the gallery today, became close friends. Gary shared Valerie's interest in Australia's military heritage and her own family's history, and this cemented their friendship. I would like to thank Gary Kent for his assistance and personal insights with this adjournment debate tribute to Mrs Howse.

Valerie Howse was a woman of single-minded purpose who, once she had made up her mind, would brook no opposition. She was a very passionate supporter of Australia's constitutional monarchy, and in her memoirs reflected on the occasion in 1939 when she was presented to King George VI and Queen Elizabeth at Buckingham Palace. On the same visit to London, she and her family had afternoon tea with Prime Minister Neville and Mrs Chamberlain at 10 Downing Street. Valerie met the Queen on a number of occasions, including having a private audience at Government House during the royal visit in 1954. Valerie retained her passion for the royal family right up until the end, hosting a dinner party in honour of last year's royal wedding at which she watched the television, transfixed, as the ceremony at Westminster Abbey unfolded.

Another of Valerie's passions was roses. Every year until recently she held a morning tea to commemorate the blooming of the Doris Downes rose that she so carefully tended in her garden in Manuka. This rose variety was named after her mother, and she arranged for it to be planted on the battlefields of the Western Front and at Gallipoli.

Valerie was also committed to supporting good causes. Over 50 years, many charities benefited from her untiring efforts, typified by her legendary parties and balls, which will be remembered fondly by many Canberrans. In 1985, she was awarded the Medal of the Order of Australia for her service to international relations through the

Australian Committee for Venice, of which she was national president for three decades.

Valerie celebrated her 94th birthday, surrounded by her family and friends, only six days before her death. She was buried in Woden cemetery last Thursday at a private ceremony. A memorial service will be held at St Paul's Anglican church in Manuka this Thursday at 2 pm. She is survived by her three sons, Robert, Jonathan and Charles, daughters-in-law, Prue, Jenny and Debra, seven grandchildren and eight great grandchildren. Valerie was immensely proud of her family; many of them are seated in the visitors gallery here tonight, and we welcome them.

Valerie Howse was an amazing lady whose many friends admired her commitment to the values and traditions that she held so dear. She took great pride in her appearance, and she became a well-known figure in Canberra, decked out in her trademark blue suit and hat, with immaculately groomed hair. Valerie was the proud product of an earlier age when manners mattered more than they do today and things had to be done properly. One sensed that Valerie was not altogether comfortable with the changing ways of the world, but she accepted change in her usual stoic way. We will not see the likes of her again. Our sincere condolences to her family.

Mrs Valerie Howse OAM

MR COE (Ginninderra) (5.07): This evening I, too, would like to pay tribute to Mrs Valerie Howse OAM, who sadly passed away on 16 March, aged 94. Whilst I cannot remember exactly when I first met Valerie, it must be about 10 years ago. I met her through the Liberal Party, which is an organisation she loyally supported for decades. Through my interaction with her I will always remember her friendly demeanour, her conscientiousness, her lovely smile and her general positive outlook. She was a special lady and will be sorely missed.

Whilst Mr Doszpot has already described some details of Valerie's life, I, too, would like to record into *Hansard* her contribution to Canberra and Australia.

Valerie was born in 1918 to Major General Rupert and Mrs Doris Downes and attended St Catherine's school in Toorak and various business colleges before marrying John Brooke Howse in 1939.

Valerie was a well-known Canberra identity for many years, after visiting here frequently during her husband John's political career and living here permanently after coming from Orange in 1960. John Howse was the Liberal member for Calare between 1946 and 1960, following on from his father, who held the seat between 1922 and 1929.

John, like Neville, won the seat from the Labor Party and thereafter it remained continuously in coalition hands for almost 40 years. John narrowly won the seat in 1946 with 25,247 votes to 23,496 votes, after the distribution of preferences, representing 51.8 per cent of the two-party preferred vote. Three years later he won the seat with 57 per cent of the vote, and that margin grew to 58.1 per cent in 1958. Of

course we all know the role that spouses play in politics, and Valerie would surely have been a great support during those years of service.

John's father, Major General Sir Neville Reginald Howse VC, KCB, KCMG was Australia's first Victoria Cross recipient. Valerie and her family gathered at the Australian War Memorial just last year to pay tribute to Sir Neville, whose story is now told in the Hall of Valour.

Valerie was renowned for her parties and fundraising ability. I understand one of the first big events she was responsible for was an Elizabethan ball held in Canberra on behalf of the Red Cross in 1954. The ball coincided with the Queen's visit to Canberra, and members of the Queen's staff, Sir Robert and Dame Pattie Menzies and Lord Bruce were all guests at the event.

The other cause close to Valerie's heart was the restoration of historic buildings in Venice, following the devastating floods of 1970 that wreaked havoc on the city's treasured buildings. Valerie spent many years raising thousands of dollars for restoration work in the great city of Venice and was responsible for the formation of the Australian Committee for Venice.

For her work the Italian government of the day awarded Valerie the order of merit for the Italian republic and bestowed the title of Il Cavaliere. This title is awarded for "merit acquired by the nation" in the fields of literature, the arts, economy, public service and social, philanthropic and humanitarian activities.

In the Queen's birthday honours awarded in 1985 Valerie received the Medal of the Order of Australia for her service to international relations through her service to the Australian Committee for Venice.

Valerie leaves behind a wonderful legacy in her charitable work and contribution to Canberra society as well as a loving family, including her sons and daughters-in-law Robert and Prue, Jonathan and Jenny, and Charles and Debra; grandchildren Sarah, Alexander, Belinda, Sophie, David, Isabel and Oliver; and great-grandchildren Olivia, Juliette, Andrew, Benjamin, William, Joey, Valentina and Annabelle.

I acknowledge the family and friends in the gallery today and share in this time of admiration and of mourning.

Dr Jim Watterston

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (5.12): I rise tonight to congratulate Dr Jim Watterston, Director-General of the ACT Directorate of Education and Training, on his new appointment as the deputy secretary of school education in the Victorian Department of Education and Early Childhood Development.

Jim loved the opportunity that we provided here in Canberra to afford him the possibility of leading and developing the ACT public education system, the highest

performing jurisdiction in our country. Jim's operating style was completely focused on collaboration and teamwork, and I commend him for that. I believe he has left our system and the directorate in a better position than when he started, and I am particularly pleased with the initiatives that he was most responsible for, including the introduction and consolidation of the school network model, which is now organised across our territory, as well as developing empowerment of schools to better direct the resources to where they can make the greatest difference to students.

The directorate's motto was essentially Jim's motto: everyone matters; every child in every school matters.

As the new education minister I have particularly appreciated the advice and the support of Dr Watterston and I wish him all the best in the future.

Question resolved in the affirmative.

The Assembly adjourned at 5.14 pm.