



# Debates

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**Tuesday, 1 May 2012**

**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.

**Canberra Hospital—emergency department data  
Statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation), by leave: This morning I would like to provide the Assembly with information regarding the Canberra Hospital emergency department data issues.

Firstly, I would like to inform members of the decision by the Minister for Health, Ms Katy Gallagher MLA, to step aside from the investigation and audit process currently underway in relation to the matter. Ms Gallagher has asked me to take ministerial carriage of this matter.

Ms Gallagher has acknowledged that she knew the officer involved, in a professional capacity. However, Ms Gallagher has also acknowledged that the officer involved has a personal relationship with a relative of hers. It is for this reason that the Chief Minister has decided to step aside from the investigation to resolve any concerns or allegations of a potential conflict of interest.

As members may already be aware, the ACT government Health Directorate has identified discrepancies in the emergency department data reported by the Canberra Hospital. These discrepancies relate to statistics about waiting and treatment times in the ED but do not impact in any way on the standard of care provided.

Whilst this is a serious matter affecting the accuracy of the directorate's data reporting, I would like to stress that it in no way reflects the quality of care in the Canberra Hospital emergency department or the professionalism of the doctors, nurses and allied health staff within the ED.

A preliminary investigation into this matter has resulted in a senior administrative staff member at the hospital being stood down pending an independent formal investigation.

There are a number of formal investigations that will now follow. The first is an audit of data integrity within the emergency department information system at the Canberra Hospital. This audit will be conducted by PricewaterhouseCoopers. PWC have commenced preliminary work on this audit and have met with key staff over the past week. This audit is expected to take several weeks.

The second audit has been referred to the ACT Auditor-General and will be an audit of data integrity within all information management assets throughout the Health

Directorate. The Auditor-General's review across data collection and reporting systems at the Canberra Hospital will ensure that we can be confident of the accuracy of other data reported and, importantly, will identify how we can strengthen our data integrity processes.

At this stage it appears that waiting and treatment times have been altered on some records without authority. The evidence to date suggests this to be an isolated instance. I do not believe the integrity and professionalism of the vast majority of Health Directorate staff should be judged on what appear to be the actions of one individual.

The Health Directorate is establishing a steering committee to oversee the PWC audit and representatives have been invited to participate in this committee from the Department of Health and Ageing, the Australian Institute of Health and Welfare, the ACT Auditor-General, the Health Care Consumers Association, the Commonwealth Ombudsman, the independent chair of the ACT Health Directorate audit and risk management committee, the Australian Healthcare and Hospitals Association, and the Australian Medical Association.

As members can see, this is an independent and objective group that has been invited to oversee the audit process.

The Health Directorate has also identified a number of measures that are being put in place quickly to ensure that this will not happen again with ED data. These include the use of a new front sheet which is attached to every clinical record in the ED and is signed off by the clinician, a weekly validation review in the ED and a monthly reconciliation audit that will reconcile the validation log with the computer change log. Furthermore the internal auditor will be asked to conduct a six-monthly audit of the ED data and the processes undertaken.

Notwithstanding this, the Health Directorate has always had in place internal and external validation processes. In this instance the external validation process identified an anomalous data pattern. An internal investigation then uncovered the data manipulation that has occurred.

The full impact on the Health Directorate ED data is yet to be determined. The Health Directorate have completed work to correct the data for the national emergency access target data—the NEAT data—for the first three months of 2012 that is required to be submitted to the commonwealth. It appears from this that the overall impact on that data is a reduction in overall performance of approximately two per cent. Work is being progressed on correcting the data for ED waiting times. Until this is completed I cannot speculate on the size of the impact on ED timeliness.

In relation to the NEAT target, our target for the calendar year of 2012 is to have 64 per cent of patients admitted, discharged or referred elsewhere within four hours. Prior to this issue being uncovered the Health Directorate believed that the result for the first quarter for the ACT would be approximately 59 per cent. The adjusted figure is likely to mean that our overall performance is reduced, probably to around 57 per cent.

I need to be very clear over any speculation about Health Directorate data having been deliberately manipulated in the past. The Auditor-General conducted an investigation into elective surgery and medical waiting times and this investigation did not find evidence of deliberate data manipulation.

The Auditor-General audited Health Directorate performance against the very tightly defined criteria within the Health Directorate's own elective surgery policy. When all elements of the policy could not be demonstrated in the clinical record, the auditor made a finding that there was not evidence to support reclassifications from category 1 to category 2 patients. However, there were an almost equal number of patients who were reclassified upwards—that is, from category 2 to category 1—for whom there was also no evidence within the clinical record to support that reclassification.

The Auditor-General did not find any evidence of deliberate data manipulation. What was found was evidence of poor data documentation process, and the Health Directorate have taken steps to improve that.

The Health Directorate has committed to republish the corrected data, when available. The directorate has also informed the commonwealth and the Australian Institute of Health and Welfare of this issue.

I would like to provide the Assembly with my assurance that once this audit investigation is finalised I will provide the Assembly with a copy of the final report. On behalf of the Health Directorate I express my sincere regret that this event has occurred. I wish to remind members that there has been no financial gain to the person involved or to the directorate as a result of this matter.

I reiterate to all members that this matter has not and does not in any way impact on the clinical treatment afforded to patients who present to the emergency department.

## **Minister for Health**

### **Motion of censure**

**MR HANSON** (Molonglo) (10.09), by leave: I move:

That this Assembly—

(1) notes that:

- (a) in recognition of the importance of emergency department waiting times, all States and Territories agreed to performance targets for emergency department waiting times with the Commonwealth, which are linked to reward payments;
- (b) over the past three and a half years, Katy Gallagher has been under significant pressure as a result of poor emergency department performance results;

- (c) on 30 November 2011, the Australian Institute of Health and Welfare released a report, Australian Hospital Statistics 2010-11, emergency department and elective surgery waiting times, showing that the ACT had recorded some of the worst emergency department results in Australia and the worst results in the ACT's history;
- (d) on 30 November 2011, Ms Gallagher issued an early report card on emergency department waiting times with different data, stating that:
  - (i) "...the figures contained in this report have been superseded by the more recent figures released today as part of the Report Card";
  - (ii) "...we are now adding an Emergency Department Report Card to provide even more information to the public"; and
  - (iii) "I'm pleased to see the Report Card for August 2011 showing solid improvements in performance by the Canberra Hospital";
- (e) after identifying a discrepancy in data presented on Katy Gallagher's Emergency Department Report Cards for August and December 2011, I submitted question on notice (QON) 2178 which appeared on the Notice Paper on 27 March 2012;
- (f) the Health Director-General became aware of an anomaly in emergency department data on 5 April 2012, one week after the QON 2178 appeared on the Notice Paper;
- (g) on 24 April 2012, the Health Director-General made a statement that a very senior hospital administrator had been stood down after admitting they had falsified emergency department data at The Canberra Hospital;
- (h) the report cards, health quarterly reports and annual report presented by Katy Gallagher since the manipulation of the data commenced, are now discredited and must be withdrawn;
- (i) Katy Gallagher has misled both the Assembly and the public on numerous occasions by presenting falsified information about emergency department results;
- (j) on 18 April 2012, prior to the announcement that a senior hospital administrator had been stood down for falsifying emergency department results, I was advised by anonymous email that stated emergency department results for category four patients at Calvary Public Hospital were being manipulated to make them look better;
- (k) as emergency department results are linked to Commonwealth reward payments, any false data provided to the Commonwealth may have resulted in overpayments that could have defrauded the Commonwealth;
- (l) in a briefing with the Health Director-General and the Minister's staff on 26 April 2012, I asked if there was any personal relationship between Katy Gallagher and the senior hospital administrator who had been stood down and I was not provided with an answer;

- (m) on 27 April 2012, Katy Gallagher admitted the senior hospital administrator who has been stood down had a close personal relationship with a Gallagher family member and that Katy Gallagher failed to advise the public about this relationship for over a week;
  - (n) at the briefing with the Health Director-General on 26 April, the Health Director-General stated that the senior hospital administrator who had been stood down had failed to provide a reason why they had deliberately falsified emergency department data to make the results look better;
  - (o) at the briefing with the Health Director-General on 26 April, the Director General stated that the senior hospital administrator who had been stood down for falsifying emergency department results to make them look better had access to other hospital results and it was unclear if these had been falsified;
  - (p) the ACT Government has commissioned an internal audit to examine the discrepancies in the emergency department data at the Canberra Hospital;
  - (q) Katy Gallagher advised the media on 27 April 2012, that she had asked the Auditor-General to look in to a “performance audit on broader data management issues in the Health Directorate”;
  - (r) the ACT Auditor-General is still considering whether she will conduct a performance audit, and if so the nature of that audit;
  - (s) there are a number of issues that may be beyond the scope of the audits requested by Katy Gallagher including;
    - (i) the apparent political advantage gained by Katy Gallagher by presenting false emergency department results;
    - (ii) the potential that political interference and or influence has occurred;
    - (iii) an explanation as to why the results were falsified;
    - (iv) the relationship between Katy Gallagher’s family member and the senior hospital administrator who has been stood down;
    - (v) the failure of Katy Gallagher to immediately advise the community of that family link; and
    - (vi) the potential for the Commonwealth to have been defrauded; and
  - (t) in the interest of open and accountable government, a fully independent inquiry with appropriate powers to investigate all matters raised as result of the falsification of emergency results is required to restore the breach of trust between the Minister, and the public;
- (2) calls on the ACT Government to:
- (a) appoint a board of inquiry pursuant to the Inquiries Act 1991 into the falsifying of emergency department results at the Canberra Hospital;

- (b) ensure that the persons appointed to the board are independent of The Canberra Hospital and of the ACT Health Directorate;
- (c) appoint the board of inquiry by 15 May 2012 and require the board to report by 13 August 2012;
- (d) provide a copy of the board's report to Members of the Legislative Assembly immediately upon completion of its inquiry;
- (e) issue the board of inquiry with the following terms of reference that state that the board is to investigate and report on the falsification of emergency department results at The Canberra Hospital, including:
  - (i) what results were falsified and over what period;
  - (ii) who was involved in the falsification of the data;
  - (iii) the reasons why the results were falsified;
  - (iv) what process led to the identification that emergency department results were being falsified;
  - (v) any political influence direct or indirect applied on the person or persons who falsified the data;
  - (vi) any conflict of interest with Katy Gallagher and/or her family that contributed to the falsification of the data;
  - (vii) when the Health Directorate and Minister first became aware of the falsification of the data;
  - (viii) the appropriateness of the actions taken by the Health Directorate and the Minister;
  - (ix) any cultural issues within the Health Directorate that may have contributed to the falsification of the data;
  - (x) any breakdown in procedures within the Health Directorate that may have contributed to the falsification of the data;
  - (xi) any implications for ACT and Commonwealth funding agreements;
  - (xii) any attempted or actual fraudulent activity;
  - (xiii) the accuracy of other publicly reported public hospital data, including data from Calvary Public Hospital; and
  - (xiv) any other relevant matter that may arise in the course of the Board of Inquiry; and
- (3) calls on the Assembly to censure Katy Gallagher for repeatedly misleading the Assembly by presenting false emergency department results that have been deliberately manipulated in order to look better and her ministerial



responsibility and accountability for a directorate which has presented falsified data over a protracted period.

At the outset, the fact that Mr Barr had to stand up and talk about this issue I think shows how compromised the Chief Minister is. The fact that such a scandal has erupted at the Canberra Hospital and the Chief Minister, the health minister—the person who has been health minister for six years—cannot even stand up in this place and explain to members what has occurred because, after seeking legal advice, she is so compromised she cannot talk about it, I think is probably the strongest argument for a board of inquiry to investigate what has gone so horribly wrong within the Chief Minister's directorate.

It is quite clear that unless we have a board of inquiry with the full powers and the remit to investigate all of the circumstances and issues that have come to light, and perhaps others that have not, there will be a stench that remains around Katy Gallagher and, sadly, around the Canberra Hospital with regard to this issue, because what is without question is that a very senior administrator who has family links to Katy Gallagher has deliberately falsified information to make emergency department results look better. That is without question. But there remain a significant number of questions that have not been answered. Principal amongst those is: why was this data manipulated to make the results look better?

It is clear that what the government is attempting to do is to influence this place and the media to limit the scope of any inquiry simply to the data, to look at the data. But there are issues surrounding this, issues that have resulted in the Deputy Chief Minister having to stand up and speak on behalf of his Chief Minister that go well beyond simply looking at the data. If we are going to remove that stench then we need to make sure that there is an independent look at what has gone so terribly wrong and that it is done by a board that has the full powers to investigate, to subpoena witnesses, to protect witnesses, to get all the information they need.

My motion also calls for the minister to be censured. It is without question that she has misled this Assembly. She has misled this Assembly on numerous occasions, because every time she has come into this place in recent times and provided data on emergency departments, she has misled. She knows that. She knows that that is the case.

The ministerial code of conduct says that ministers should take reasonable steps to ensure that the factual content of statements made in the Assembly is soundly based and that they correct any inadvertent error—inadvertent error—at the earliest opportunity. The Chief Minister, knowing that she has been misleading the Assembly—she has admitted so in public—has had the opportunity to come into this place to correct the record and to apologise to members, and she has declined to do so. Instead, the Deputy Chief Minister has stood up and read out a statement that does not apologise, that does not correct the record.

So she has broken her own ministerial code of conduct this morning. Her refusal to come in and apologise, her refusal to come in and correct the record, is a breach of the ministerial code of conduct, Mr Speaker, in black and white, because what is without question is that she has misled the Assembly, as we know, on numerous occasions.

I quote from *Hansard* of 6 December 2011, which is just one of those examples:

Thank you, Mr Speaker. In the year—

and this is after questioning about emergency department data from me—

to October 2011, category 1, 100 per cent; category 2, 83 per cent, which is four per cent above last year's data at the same time; category 3, 60 per cent; category 4, 54 per cent; category 5, 80 per cent; and overall, all categories on target, 63 per cent. So there is significant improvement.

And so on:

But I think, overall, the EDs are well on track to meeting the government priority which we have established at 70 per cent of all presentations being seen on time.

So she misled the Assembly then. Mr Smyth then asked her to table that data, and she agreed to do so. That is but one occasion of the many where Ms Gallagher has come into this place with falsified data, which she now knows is falsified. She now knows she misled this Assembly, but she has not come into this place, in accordance with the ministerial code of conduct, and corrected the record at the earliest opportunity.

Members, I do not see how, based on what has occurred in this place under her own ministerial code of conduct, which she makes great noise about and has spoken about improving recently, she has not broken it, black and white. There is absolutely no question. Any decision by this Assembly not to censure the minister needs to be explained. I believe the Greens will not be supporting this motion. So I will need to hear from them how they are explaining that—having seen that the minister has broken her own ministerial conduct, has misled this Assembly, has not yet retracted, not yet apologised, not yet withdrawn, how we could possibly not censure.

I turn to the facts of the matter, Mr Speaker, and why we need a board of inquiry. The motion before members today outlines in some detail what has occurred. I think that it is important to understand the facts of the matter. But what we do know is that the emergency department results are important.

The *Medical Journal of Australia* in February released a paper from some well-recognised clinicians that said that the reduction in waiting times in WA as a result of the four-hour rule had saved 80 lives. So the reduction in emergency department waiting times had saved 80 lives. Recognising that, recognising the importance of emergency department waiting times, all states and territories and the federal government have signed up to meeting targets. Those targets are now linked to financial reward payments to states and territories.

We also know, and I think we would all be intimately aware of it in this place, that Katy Gallagher has been under significant pressure when it comes to emergency department waiting times. They have been poorly performing. In fact, the AIHW came out yesterday and showed that we have the worst results in the nation and, indeed, the worst in the ACT's history. They are the AIHW figures, which appear to

be somewhat different from the figures that Katy Gallagher has been presenting to the Assembly, and perhaps we know why that is.

When the AIHW last came out and said that we have got the worst figures in Australia, that afternoon Katy Gallagher rushed out a report card. She rushed it out early, because the report card was meant to be tabled in the quarterly report to come out in September, but she rushed it out early that afternoon. She made statements to the effect:

... the figures contained in this report have been superseded ...

So she came out and said: “Don’t worry about the AIHW figures. Look at what I have got. They are superseded.”

... we are now adding an Emergency Department Report Card to provide even more information to the public ... I’m pleased to see the Report Card for August 2011 showing solid improvements in performance by the Canberra Hospital.

What happened, members, is that we had the AIHW say we have got the worst in the country. That afternoon she came out with figures saying that they superseded the AIHW and that there had been solid improvements. What we now know is that those figures are false, that they had been deliberately falsified by a senior administrator.

My staff do a lot of work on these figures when they are presented by Katy Gallagher. The staff in my office—I commend them for it—noticed a discrepancy between two of the report cards provided by Katy Gallagher. The figures did not match up. So we asked questions about that. We put in a question on notice that I signed on 20 March. It appeared on the notice paper on 27 March. You can see it there for yourselves. It is question 2178.

A week later, all of a sudden, the Director-General of the Health Directorate becomes aware that there is a problem with the ED data. It may be a simple coincidence, but it certainly begs the question: is the only reason that we are aware of this discrepancy because the opposition became aware of the problems and started asking questions on notice? If you track the chain of events, that is essentially what has occurred.

A short time later, on 24 April, the director-general made a statement that a very senior hospital administrator had been stood down after admitting that they had falsified emergency data. It now means that the report cards that have been presented by Katy Gallagher—quarterly reports, annual reports and so on—have been manipulated, are discredited and will need to be withdrawn.

As I said before, the minister has without question misled this Assembly and broken her own ministerial code of conduct. It is not whether it is intentional or not. It says here “inadvertently”. So we do not know whether it is intentional or whether it was inadvertent. But the ministerial code of conduct says that if it is inadvertent, that is held to be unacceptable. You must retract; you must withdraw. She should apologise and she has refused to do that this morning. It is inexplicable. There is nothing, I am sure, in the legal advice that would prevent her from standing up and retracting.

I also received an email prior to this becoming public and prior to my becoming aware of it that said that there were problems at Calvary, that figures were being manipulated there. It said that these results are linked to commonwealth payments. I do not know if there has been any overpayment as at the time that these figures were submitted but certainly if this had not been discovered, if that question on notice had not dug up some of what has happened here, it is quite clear that the results that were being put up to the commonwealth would have been fraudulent and would have resulted in fraudulent payments. We are not talking about just some random data here. We are talking about data that is linked to financial payments and is important when it comes to saving lives.

I was also advised that there was a conflict of interest between Katy Gallagher and a family member. At the briefing with the director-general on the 26th—Ms Bresnan was there—I said: “Is there a conflict of interest? Is there a personal relationship? Is there some relationship that is not being identified by the Chief Minister?” I was not provided with an answer to that. But the very next day the Chief Minister came out and said: “Yes, there is. I have sought legal advice and I am stepping aside.” What a coincidence again!

So Katy Gallagher did not tell anyone for six or seven days about this conflict of interest, although she knew about it immediately, she had known about it for about a week. But again, the day after the opposition had asked the question, what we see is Katy Gallagher coming out and saying: “Yes, there is a conflict of interest. I am stepping aside.”

The question is: why did she not express that straightaway? Why is it that it seems to be that we only find out what is going on in this case when the opposition starts asking the questions—in the first place about the discrepancies in the data or about this conflict of interest? It does beg the question: what else is there that we do not know?

We do not know what other data has been manipulated, but what we do know is that the government has asked for an audit into this matter. I welcome that but what is quite clear is that the government, and Katy Gallagher in particular, is trying to limit the scope of that down to looking at the data. As I have expressed through my statements to the Assembly so far, there are a lot of implications and a lot of issues that go simply beyond the data.

Has there been any political advantage, Mr Speaker? Has there been any potential direct or indirect political interference? Why were these results falsified? What is the relationship between Katy Gallagher, her family member and the senior administrator? Why did Katy Gallagher not immediately advise that she had that conflict of interest? How did we uncover this in the first place? Was it the fact that the opposition was digging? Was there a potential? Was it the aim for the commonwealth to be defrauded? Even if it has not been, was that the aim?

We hear Katy Gallagher talking about open, accountable government. It seems to be a theme of hers. I would have thought, although it is unlikely to support the censure,

that she would welcome this opportunity to remove the stench that now surrounds her. If she does not support a board of inquiry to clear her name—perhaps to remove the stench—is she hiding? What is it she does not want us to know?

We have already found out, probably because of the opposition's digging, that there is a discrepancy, that there was bodgying of the data. We also know that Katy Gallagher, because of the questions I asked the director-general, has now come out and said, "Yes, there is a conflict of interest." What are the other questions that we need to ask?

The opposition should not be the one that has to do all the digging. We simply do not have the powers. We do not have the resources, but a board of inquiry would. If Katy Gallagher has nothing to hide then she should welcome this. If she does have something to hide then quite clearly she will not welcome this and so it will be a test.

What we are calling on the government to do is appoint a board of inquiry, to make sure those people are independent, to make sure that this board of inquiry reports by 13 August and to provide that immediately to the Assembly members. The motion lays out the terms of reference. What was falsified? Who was involved? Why was it falsified? What was the process that led to the identification that something had gone so wrong? Has there been any political interference or influence? What is the conflict of interest between Katy Gallagher and a family member? When did they become aware of it? Are the actions taken by the minister and the director-general appropriate? What are the cultural issues here? The minister has been the minister for six years and still we find things going so badly wrong in her Assembly.

Mr Speaker, we need the board of inquiry to uncover these matters. I think it is a black and white case that a minister who has presided over a department directly for six years has led to it having a senior administrator falsify data. This demands this Assembly censure Katy Gallagher. (*Time expired.*)

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.25): I begin by acknowledging that some of the statements I have made in relation to the emergency department waiting times may be incorrect. At all times I have provided to the Assembly, and indeed the community, the exact information that has been provided to me, in good faith, by the Health Directorate. I have publicly acknowledged the discrepancies and the fact that some of those statements may be incorrect, and I acknowledge it today in this place. The record will be corrected when the data investigations are complete. However, at this stage, I am unable to correct the record with the corrections that would need to be made.

*Mr Smyth interjecting—*

**MS GALLAGHER:** Thank you, Mr Smyth; it is my turn, not yours.

I have been an MLA representing the people of Canberra for just over a decade now. In that time I have met, talked with, listened to, advocated on behalf of and served the interests of thousands upon thousands of individuals and, through them, the broader community. In every capacity in which I have had the privilege to serve, I have acted

in an identical manner—without favour, without fear, and with the integrity that was instilled in me by my parents.

I will put my integrity up for public scrutiny and public judgement against that of Mr Hanson any day—indeed, every day if necessary. In the performance of my duties, I have nothing to regret, to fear or to be embarrassed about. I say that with confidence—

*Members interjecting—*

**MR SPEAKER:** Order! One moment, Ms Gallagher, thank you. Order! Stop the clocks, thank you. Members, Mr Hanson was heard in silence. I expect Ms Gallagher to be treated with the same courtesy, thank you.

*Members interjecting—*

**MR SPEAKER:** One and a half minutes it took, and three of you spoke at once. It is not good enough. Ms Gallagher, you have the floor.

*Mr Seselja interjecting—*

**MS GALLAGHER:** Thank you—

**MR SPEAKER:** Order! One moment, Ms Gallagher. Mr Seselja, if you are going to make comments you might rise to your feet and have the integrity to do so.

**Mr Seselja:** I will just seek your guidance, Mr Speaker.

**MR SPEAKER:** Yes.

**Mr Seselja:** Is this the new standard—that no interjections are allowed when the Chief Minister is speaking? Is it the new standard that if it is a really important motion we are not allowed to interject, whatever the Chief Minister might be saying? Is that the new standard? We always seek your rulings on these things. I would just seek your explanation on that now.

**MR SPEAKER:** Yes, I am seeking to have the Chief Minister have the ability to be heard in silence so that she can make her defence in response to the accusations that Mr Hanson has just made. I think that is a basic courtesy that all members of this chamber would expect, given the gravity of the situation. Chief Minister.

**MS GALLAGHER:** Thank you, Mr Speaker.

I say that with confidence, because I know that I have always abided by the highest standards of probity and integrity.

I also think that the people of Canberra are pretty astute. Many of them will have worked for government directly or indirectly. They know that every day of the week ministers take in good faith information that is provided to them by departments and

put that information in the public arena. They understand that a minister is not possibly able to personally verify everything their departments tell them. They know very well that I do not, and cannot, sit each evening with a spreadsheet double-checking emergency department data or driving the streets to verify that every pothole TAMS claims to have filled has actually been filled. For the operations of government to occur at all, there has to be, within reason, a level of trust between the executive and the administration.

Canberrans also understand basic rules of logic. A basic rule of logic is that if a minister comes out of their own volition and personally corrects the record once an error in information has been verified, it is nonsensical to suggest that she has misled anyone. To mount a successful case that someone has misled requires one of two essential ingredients: that the person knew that what they were saying was incorrect and said it anyway; or that the person said it recklessly, not caring whether it was true or not. Neither applies in the present case.

The Liberals are today suggesting that this Assembly institute a new standard of ministerial responsibility that is simply incapable of being aspired to. This new standard proposed by the Liberals would be the death knell of the kind of open government that I believe Canberrans want to see and that I have spent the past year building the foundations of.

Under the system apparently being suggested by the Liberals, no minister would ever be prepared to willingly provide any information to the public, for fear that it would later prove to be incorrect and the minister would therefore automatically be deemed to have lied to or misled the community. But there is an even graver risk to open government in what is being suggested, because under the Liberal standard being proposed today no minister would want to correct the public record either, because they would still stand accused of lying and misleading the people.

I do not take this motion today lightly. I wish I could convey to you the depth of my disappointment and shock when I was informed by the Health Directorate on Saturday, 21 April that a senior administrative staff member had come forward to admit making changes to waiting time records without authority or clinical reason.

When I reflect on how this could occur, there was absolutely no reason for me, or even the most senior of my officials, to question the data that had been coming through. In fact it was consistent with other information coming through. For example, despite the five per cent increase in presentations over the past 12 months, there was a 28 per cent decrease in the number of people who did not wait for treatment, suggesting that fewer patients faced the extended waiting times and left before the ED was able to provide care. The access block figures and significant reductions in bypass also pointed to improvements in the emergency department.

The hospital has also undertaken extensive recent work improvements, such as appointing additional emergency physicians, converting three beds to five chairs to increase treatment options, allocating a paediatric registrar in the evening and creating discharge chairs to free up treatment space. All of this work, combined with the other indicators, supported the modest improvements in triage category data.

No bureaucracy—no matter how big, no matter how many processes are in place—can ever be proof against the kind of thing that has apparently occurred here, whatever safeguards are put in place. As a minister, I cannot micromanage the actions of every public servant—every teacher, every bus driver, every clerk, every police officer or every nurse. What I can do—what I have always done and always will do—is to ensure that I respond swiftly and effectively when a problem arises.

On 21 April I was advised by the Health Directorate that a staff member had come forward and admitted to making changes to waiting time records. An internal review suggested that this had been occurring for some time and that the changes had been made after records had been signed off and validated by the medical director of the emergency department.

The Health Directorate began an immediate review. The first process would examine the data changes, establishing when they commenced, how they occurred and who was responsible. A more extensive review of data integrity of all our information management systems across Health was also considered, including oversight by external partners, such as the AIHW and the commonwealth government. This second process is still under consideration, pending a decision of the Auditor-General.

In the past week there have been concerns raised by Mr Hanson around the integrity of data at Calvary Public Hospital. On the issue of Calvary Public Hospital, the government cannot make Calvary undergo the same process as Canberra Hospital, as it is not owned or operated by the ACT government. Of course Calvary are aware of the issues at Canberra Hospital, and there is work underway to ensure that the Calvary ED data is correct post the implementation of a new IT system. In the absence of any firm information that there are problems with the integrity of Calvary's emergency department data, this is something the Auditor-General may consider if she proceeds with a performance audit.

In relation to the Canberra Hospital data issue, the directorate made several immediate changes to tighten up procedures, including additional data validation processes. Last Friday I wrote to the ACT Auditor-General asking that she give consideration to a performance audit of the Health Directorate's data collection, reporting and integrity system. I cannot, of course, direct her office to conduct such an audit, and I await her independent view on whether she regards one to be warranted.

What we have heard this morning, and indeed from media reports, is that the Seselja Liberals do not believe that a review by the Auditor-General is enough. I very much doubt that anything short of an in camera court martial in Guantanamo Bay would satisfy Mr Hanson in this regard. The government, however, believes that the office of the Auditor-General brings to its work the highest degrees of independence, integrity and professionalism.

The running of a government is not without its problems. We wish it was not the case, but with a workplace of 20,000 delivering services at the local level, and to the extent that we do, problems, mistakes and errors will occur. The test of the leaders of government is how you respond when that occurs. Leadership does require you to



take responsibility. It does require you to fix problems. It does require you to admit mistakes have been made. It does require you to support those who have been affected. It does require you to inform the community of what you know. It does require you to act with integrity, to use your best judgement, to act at all times with the community's best interests at the core of your decision making. That is what leaders must do. That is what I have tried to do in this case.

Mr Hanson has made a number of allegations throughout the course of the past week. He accuses me of all sorts of wrongdoing—without any evidence, of course, to back this up, and without any facts. But who cares when you are trying to damage and smear somebody's reputation? Not Mr Hanson. He has skated very close to defamatory language, but, like a true coward who cannot actually substantiate what he is alleging, he withdraws—

**Mr Seselja:** On a point of order.

**MR SPEAKER:** Stop the clocks, thank you. Yes, Mr Seselja.

**Mr Seselja:** We know the Chief Minister is into mud-slinging, but she should withdraw that. If she wants to say it, she can say it outside the chamber.

**MR SPEAKER:** Chief Minister, I ask that you withdraw the unparliamentary language.

**MS GALLAGHER:** Thank you, Mr Speaker. I will withdraw the word “coward”. He has skated—

**Mr Hanson:** Ironical that she's talking about me mud-slinging while mud-slinging herself.

**MS GALLAGHER:** Well, from the greatest mud-slinger of them all.

**MR SPEAKER:** Order! Let us just continue, thank you, Chief Minister.

**MS GALLAGHER:** He has skated close to defamatory language, but he cannot actually substantiate what he is alleging and he withdraws just in time. Mr Hanson accuses me of lying, misleading and hiding the fact that there was a personal connection with a family member of mine. A fact that Mr Hanson ignores—

*Mr Hanson interjecting—*

**MS GALLAGHER:** A fact that Mr Hanson continues to ignore is that at my first press conference on this subject I told journalists that I knew the official involved. My immediate response to this issue being raised with me by the Health Directorate was to get to the bottom of what we knew and make sure processes were underway to stop it occurring again, getting an understanding of what impact this data irregularity had on the waiting times and informing the public of what we knew.

The fact that a staff member at the centre of these allegations is a friend of a family member of mine created another level of complexity in terms of my own

responsibilities as Minister for Health. Following on from the immediate management of the data irregularity, I took advice from trusted advisers on how to deal with the perception of a conflict of interest situation created by the personal connection to the staff member. I took that advice from different sources over a three-day period. These three days included a public holiday.

This included advice about the Privacy Act and other legal advice about what options were available to me. In considering those options, I had discussions with my cabinet colleagues about the best way forward. I was very conscious that I had done nothing wrong. I did not want any decision to remove myself from this issue as a sign that I had been involved in any way.

As much as the Liberals would like to make it the case, these decisions are not easy ones. There is no handbook that gives you the ABC of how to deal with a situation like this. This is the first time in my time in the Assembly that I have had to deal with a situation like this. One can be guided by advice, by the members code of conduct and by the ministers code of conduct, but ultimately it had to be my decision about how best to deal with any perception of a conflict of interest. I made that decision, and on Friday I announced that in order to avoid any perception of a conflict of interest, I was handing responsibility for the review to the Deputy Chief Minister, Andrew Barr.

The facts are crystal clear. I disclosed all information as swiftly as I was practically able to do so. I sought advice and took it from many, including from the Government Solicitor, whose advice I value rather more highly than the advice of those opposite. I have acted at all times with integrity and openness.

Finally, Mr Speaker, can I simply say—and I by no means say this to downplay the seriousness of this matter—that this issue is about data. It had no impact—

*Mr Hanson interjecting—*

**MS GALLAGHER:** If you could just stop laughing at that point, Mr Hanson. It had no impact on the fantastic quality of care provided to the hundreds of Canberrans who turn up at our emergency department every week. You might find that funny, Mr Hanson, but they do not.

This is an incident involving data collection. There is no suggestion that anyone failed to receive the treatment they needed as a consequence of what happened. The Health Directorate has begun the process of checking individual records and will republish the corrected data once this has been finalised.

I have been health minister for six years now. It is a difficult and demanding portfolio at times, but throughout my time in Health I have witnessed the most extraordinary effort that goes into managing and working in health care by the people that dedicate their lives to caring for and curing others. That is what keeps me here. I will not give up, and I will not be sidetracked by venomous personal nastiness by those opposite who, for 3½ years, whilst I have been working with others to build, expand and develop the health system, have not come up with one single policy idea. Not one. They are great at whingeing, complaining and knocking. But actually getting things

done, bringing in new ideas, working towards solutions—it is a big black hole of nothingness.

To those who I have been privileged to work with across the health system, I thank you. To all those staff affected by this incident who turn up to work every day and night and continue to care for the community, I acknowledge your effort and the stress that you are under. In particular, I want to reassure the emergency department staff that the government values the work you do, the service you provide to our community. I urge you to hold your heads high through whatever comes and know that the overwhelming majority of Canberrans hold you in the highest regard. I move:

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

“(1) notes:

- (a) the Assembly’s concern about alleged manipulation of Emergency Department data at The Canberra Hospital;
  - (b) the need for the community to have confidence in the data that is being publically reported;
  - (c) the work already underway to investigate the allegations and data collection systems;
  - (d) that the Chief Minister has already written to the Auditor-General requesting that she undertake a performance audit of the Health Directorate’s data collections, reporting and integrity systems; and
  - (e) that the responsible Minister will make a further statement to the Assembly once those investigations are completed; and
- (2) calls on the Assembly to offer its support to all of the staff at the Health Directorate who have been affected by this matter and who continue to provide our community with the highest standard of care possible through the provision of 24 hour access to emergency health care.”.

**MS BRESNAN (Brindabella)** (10.40): The Greens are concerned by the misreporting of data at TCH, and the public needs to have trust in these figures. Debating today’s motion, as often happens with censures moved by the Liberals, was not made easy. We did not actually receive a copy of the motion until, I think, 9.54 am today, which goes to the importance they place on negotiating with other parties in this Assembly on matters.

I will just go to the waiting time indicators. It is worth pointing out that people working in the emergency department work in a high pressure area, and there is significant media attention on the targets they are trying to achieve. This is unfortunate, as the waiting time indicators—this is something I have said publicly before—are not the best indicator of patient outcomes, and we would not want to see a situation in which patient outcomes suffer because emergency departments are so focused on achieving the waiting time indicators.

ED waiting times also tell us nothing about patient outcomes. There have been a number of groups and organisations who have made this point, along with an opinion piece on this issue in the *Canberra Times* by Associate Professor Paul Middleton, an emergency medicine specialist. I will read some extracts from that, because Mr Hanson has referred to how they have led to some good patient outcomes in WA. A number of negatives have come out about these indicators as well. This opinion piece states:

The Four Hour Rule is a policy based on good intentions, however in practice, emergency doctors and nurses are concerned that the imposition of arbitrary targets like these will compromise the care given to patients.

In Britain's National Health Service, where the Four Hour Rule has existed since 2004, concerns over the implementation and impact of the rule have been significant.

He goes to the issue of Western Australia:

Closer to home, the Western Australian health system implemented the Four Hour Rule in 2009, and research published in the *Medical Journal of Australia* stated that the policy has been effective in reducing mortality rates and overcrowding, but that it had also led to some staff, especially junior doctors, coming under increased stress and pressure.

It is just worth pointing out those facts. As to the censure motion today against the health minister, it is the Greens' view that there is no cause for censure as there are not even any specific allegations that the minister acted inappropriately, let alone any evidence of wrongdoing by the minister. The minister made the matter public as soon as was possible and has been forthcoming with information, and I acknowledge that. The minister also then handed over the matter to the Deputy Chief Minister. I think the minister has acted in a proper manner, probably over and above what would normally have been done, I would like to say.

Mr Hanson even admitted in the media that he had no evidence to support his allegations. It is just that he thought something "pretty bad" had occurred. It is the anonymous email all over again, I have to say, and I am astounded to see Mr Hanson has included that in the motion and again referred to it in his speech. I asked Mr Hanson in the briefing that we attended with officials from the health department if he had any idea who the email was for. He did not. "Were they from Calvary? Did they work in the health system?" No idea. Yet this is included in the motion today. This is now the basis on which the Canberra Liberals will move censures, again devaluing the serious nature of what censures stand for.

This really is base politics from the Liberals. Trying to drag a member's family into their tactics now shows there is no level too low for them in trying to score political points. I guess this is a tactic we possibly can all expect being a target of at some point as the election approaches. Mr Hanson keeps referring to a stench—we have heard that a number of times. The only stench is around the willingness of Mr Hanson to sink lower and lower as the months go on.

I was in the same briefing as Mr Hanson about the misreporting of data. This is a very concerning issue, and the ACT Health executives were incredibly helpful in that briefing. I greatly respect them for that. I will go to a couple of the points in Mr Hanson's motion as well. He notes in point (l):

... in a briefing with the Health Director-General and the Minister's staff on 26 April 2012, I asked if there was any personal relationship between Katy Gallagher and the senior hospital administrator who had been stood down and I was not provided with an answer ...

Then in point (n):

... at the briefing with the Health Director-General on 26 April, the Health Director-General stated that the senior hospital administrator who had been stood down had failed to provide a reason why they had deliberately falsified emergency department data to make the results look better ...

Yes, Mr Hanson, we were both in that same briefing. I heard the questions you asked the Health Director-General. I have to say that both those points in your motion are incredibly unfair to the officials. They were very forthcoming and very direct in the information they provided, which I greatly appreciated. To put those sorts of statements in the motion misrepresent what the Director-General of the Health Directorate said, and it is incredibly unfair to them and their willingness to be open in that briefing which we received.

As to the board of inquiry, as has already been noted today, a PricewaterhouseCoopers audit is occurring. I spoke with the Auditor-General last week and the Auditor-General outlined the work that was being undertaken to request information from ACT Health in order to consider whether or not to go ahead with an inquiry.

I think it is also worth pointing out the powers the Auditor-General has under the act, and they are quite significant. That is something we have obviously been looking into as this matter has come to light. The Auditor-General is, obviously, independent of the executive and may undertake any investigations that she so wishes. The role of the Auditor-General is to investigate activities undertaken by government. That is what the office is established to do.

The Auditor-General has the power to require an individual to attend before her for an interview and to produce such documents or records that the Auditor-General requires. That is a significant power. It is also worth pointing out that if a person fails to comply with this, they are subject to criminal penalties under the Auditor-General Act. It is actually worth noting that, as I said, there are significant powers under the Auditor-General Act, particularly in terms of actually compelling people to come forward and provide information, and if that does not occur, criminal penalties actually apply.

When we look at similar matters in other states and territories, it has been the Auditor-General in many cases who has undertaken investigations of these matters. We know

that that is what other states and territories have done, and it is appropriate here in the ACT for the independent body of the Auditor-General, who has the powers and the skills, to undertake this investigation.

When the Auditor-General looks into the matter, a key question is whether the situation could have been prevented and whether it can be prevented from happening again. It appears as though the bureaucratic process undertaken to ensure data integrity was quite solid, as two separate people checked it off. Again, this was information we were provided with in that briefing. There has to be a level of trust provided to senior management. Again, that is a point that was made. Perhaps the Auditor-General will find that, in the future, the system will not be open for 72 hours after the data has been twice checked, but that is a necessity to cover weekends, so there are reasons why that occurs.

We do have to await the findings from the forensic audit being undertaken by PricewaterhouseCoopers. As I said, I have spoken to the Auditor-General and this is a matter Dr Cooper takes very seriously and is looking at undertaking inquiry of and how the system can be improved.

The Canberra Liberals have proposed using the Inquiries Act to establish a board of inquiry, which would have to be set up by the executive. That is probably a fact they have not thought of before. The Liberals last week were saying the Ombudsman should investigate this matter, referring to what happened in Victoria with crime statistics. But the Ombudsman investigates matters based on complaints, and that was what had occurred in Victoria with the crimes statistics. It is something I have looked into.

I am also quite concerned that the Canberra Liberals seem to be saying the Auditor-General is not independent. Mr Hanson even did this on ABC radio last week. I think that is quite concerning.

Another matter that has been discussed is whether the emergency department was undergoing significant political pressure, and I think that is an issue worth considering. It is true that it has particularly come from the Canberra Liberals and Mr Hanson. As much as we try to move the focus in health to preventative and primary health, which are absolutely crucial and I think a frustration that has been expressed not just by myself but a number of groups around this matter, the focus of the Canberra Liberals and, I have to say, the media has been more specifically on emergency department waiting times. It is easy to report; it is a number, but it actually does not tell you much, as I already said, about patient outcomes. That is really what we should be looking at. It is a much easier, more dramatic story to convey to the public but it does not reflect where the focus is needed if we are to improve health outcomes for the Canberra community.

I will go now to the amendment from Ms Gallagher. The Greens will support the amendment moved by the minister. We will also move an amendment, which I have circulated, to that which makes it clearer that the Assembly is requesting that the Auditor-General undertake a review. I move the amendment circulated in my name:

Omit all words after “investigations are completed”, substitute:

“(2) requests the Auditor-General to inquire into data discrepancies in Emergency Department waiting times at The Canberra Hospital; and

(3) calls on the Assembly to offer its support to all of the staff at the Health Directorate who have been affected by this matter and who continue to provide our community with the highest standard of care possible through the provision of 24 hour access to emergency health care.”.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.52): From the contributions of Ms Gallagher and Ms Bresnan, I think that they still do not get it and that Ms Gallagher still does not appear to get it when she says this is just about data. That was the statement she made in her defence—that this is just about data. No, it is not just about data. This is about honesty. This is about this government lying to the community about hospitals. This is the government saying to those people who have experienced our emergency departments, who have waited for too long in our emergency departments, that they were wrong. This is about a government that manipulated data to suit its own political ends.

It had a problem. The problem was that it had the worst waiting times in the country. And what happened in response? The books were cooked so that it did not look quite as bad. So no, this is not about just data. This is about honesty and this is about the community’s legitimate expectation that, when the government tells them what is happening in their hospital, it is true. It turns out it was not.

I have not yet heard Ms Gallagher apologise to the community. I have not heard an apology to those people who have been waiting in our emergency departments, in many cases for far too long. And let us face it, we hear all sorts of defences from this government when we raise these issues. “Individual cases, they are just individual cases.” We know the stats are bad but the stats have been manipulated. Ms Gallagher, as far as I am aware, still has not gone to the community and said: “I am sorry. I am sorry that my government lied to you and it misled you and that in doing so it undermined confidence, your confidence, the community’s rightful expectation that when a government speaks to it about an issue as serious as hospital waiting times, as emergency department waiting times, when a government speaks to the community, it is telling the truth.” That is what they do not get, and that is what the Greens do not appear to get, that there is a breach of faith, that there is a breach of trust when these things happen.

How will we be able to believe any of the stats that are given to us by this government? Good, bad or indifferent, how will we be able to believe them when, at the heart of the Chief Minister’s own department, at the heart of Katy Gallagher’s own department, was the manipulation of data, it appears, for political ends?

We heard in contributions and we heard from Peggy Brown that there was no personal gain, there was no financial gain for the individual involved. So the question we are left with is: why? Why did this senior executive, senior hospital administrator, acting alone apparently—and this is what we are being asked to believe; we are being asked

to believe that this individual was acting alone, with no encouragement, no direction, no assistance of any sort—do this for no other purpose than to make the figures look better? If there is no personal or financial gain, the only motive left is to make the government look better. The only motive left is to deal with a political problem that the government was having.

Ms Gallagher said in her response, “I cannot micromanage 20,000 public servants.” She compared this person to a bus driver or someone fixing potholes. That does not wash, because this is a lot closer to home. This is much closer to home. This is a senior administrator of the hospital. This minister, Katy Gallagher, has been minister for six years. She has overseen this directorate. There is a personal connection to this individual. This is not the same as whether or not a bus driver does the wrong thing. This is not the same as whether or not someone fixes a pothole. This is much closer to home.

There are a number of indisputable facts here and there are a number of other things that remain open to questions. The indisputable facts are that this government have misled the community, that they have undermined confidence in the community on the important issue of hospital data, on the important issue of how long people have to wait to get care when they are injured and sick and they go to our emergency department. You can try to limit it to data all you like, but there is a human face to this. There is a human face to this and they have been lied to. Those people have been undermined.

There are other indisputable facts. The manipulation of data happened. We do not know why, we do not know how, we do not know by whom. All we know is that it happened at the heart of Katy Gallagher’s administration.

What is also indisputable is that Katy Gallagher is responsible for this department and has been responsible for the last six years. What kind of culture has she put in place that would see someone, that would embolden someone, to think that manipulating the data for political ends of the government might be a good idea? What kind of leadership has been shown by Katy Gallagher on this issue and in the management of her department? Is it about spin?

We see how much she protects her senior executives. When we saw accusations around bullying and other things she sought to cover them up. She said it was not happening when, indeed, it was. And she still covers that up, to her shame.

So this is about her leadership. This is about her leadership of her department. You cannot be in charge for six years, seek to shut down every critical voice, and then express shock and disappointment when someone with a personal connection to you manipulates data that happens to make you look better.

We are being asked to believe that this government has completely clean hands on this. Forgive us if we are a little sceptical. Forgive us if we are just a little sceptical of what this minister says, given she has been out there misleading the community with false data and she has not even bothered to apologise to the community yet.



What is also indisputable is that Katy Gallagher waited six days—and this was after questioning from the opposition—before disclosing her conflict of interest on this issue. And what is her fix? Her fix is that her deputy will oversee it. That will fix it! If Andrew Barr oversees it then Katy Gallagher's personal conflict will somehow be washed away! I am sure Andrew Barr will be doing that job independently! He will be overseeing it independently! He will not be seeking to do the bidding of Katy Gallagher! He will not be seeking to protect the government and the Chief Minister and the health minister! Of course he will. That is what he will be doing, and there is no doubt about that.

But it is an extraordinary day when we have the Chief Minister stepping aside from an inquiry because of her personal conflict over this issue. So, for all the talk, for all the attempts to compare this to bus drivers and the other thousands of ACT government workers, it does not stack up.

I think that it is also untenable for the government to continue to hide who this individual is, given it is now highly relevant. It is highly relevant. They have said there is a conflict of interest. They will not say what kind of conflict of interest. We do not know how senior this individual is but we know that health department staff, people in the hospital, talk and I think it is probably by now well known who the individual is and what the conflict of interest is. And it might be about time that Ms Gallagher stopped hiding behind it and actually disclosed the full nature of this conflict of interest and was completely up-front with the community rather than continuing to hide.

I would also say briefly to the individual involved, if they acted alone, completely alone, then I think the book should be thrown at them. But if they were pressured in some way then it is not their fault. It is not that individual's fault. If they were pressured or pushed or prodded with a nod and a wink then it is not their fault. If they acted alone then they should wear the serious consequences that go with this kind of thing.

Finally, I note the attempts to limit the Auditor-General through these amendments. We do not agree with them. I would say to the Auditor-General that we have confidence in the Auditor-General to conduct a proper inquiry and not be limited by the Labor Party and not be limited by the Greens. Get to the bottom of this grubby matter. (*Time expired.*)

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.02): Today we have seen, very clearly, the ethical and considered approach by the Chief Minister to deal with what is a difficult and complex matter. It has been the Chief Minister who has determined that, to avoid any perception of a conflict of interest, she should not be the minister responsible for dealing with the outcomes of internal investigations and, indeed, any potential Auditor-General's investigation that occurs in relation to this most unfortunate set of circumstances.

This has not been an easy or straightforward decision to make but it is the right decision to make. Yet we have, from those opposite, an attempt to criticise the Chief

Minister for showing exactly the leadership that would be expected in these circumstances. They should instead be recognising that the decision the Chief Minister has taken in standing aside from any oversight of the outcomes of the investigations now underway is entirely the appropriate course of action to ensure that there is no perception of a potential conflict of interest. There is no conflict of interest but there is the ability for that perception to arise, and to address that issue the Chief Minister has taken the steps that she has taken. That is appropriate. That is leadership.

The comments made by Mr Hanson in his speech calling for the board of inquiry were desultory at best. There was, in fact, no substantiation for the claims Mr Hanson sought to make today. Whether it was in relation to the issue surrounding Calvary, which he is on the record as acknowledging he has no evidence for and yet continues to make such claims outside and inside this place, or whether it was the so-called coincidence between the questions he asks and the actions the Chief Minister took, I think, says more about Mr Hanson's sense of his own self-importance than it does about any real, substantive argument in relation to his motion.

The real problem for the Liberals, of course, is that the Chief Minister has indicated that there is every scope for an independent and impartial investigation into all these matters. And she has said that the Auditor-General should become involved. The problem for the Liberals is that they now seem to claim that the Auditor-General is not independent, that the Auditor-General does not have sufficient powers, that the Auditor-General, in some way, is now the lackey of the government when it comes to these matters. Of course, such claims belie the repeated occasions where they have stood in this place and called for the Auditor-General to be involved in other matters which they believed warranted investigation.

The fact is that the Auditor-General has whatever powers are believed necessary to deal with these issues. In fact, there was, of course, an Auditor-General's inquiry that led to the ultimate resignation of the former Chief Minister, Kate Carnell, in relation to discrepancies and failings in relation to the Financial Management Act.

So this Chief Minister has said she has no problem with the Auditor-General being involved. She has no problem with the Auditor-General investigating and inquiring into this matter and she has invited the Auditor-General to do so. But apparently now that is not good enough. It was good enough for the Liberals on plenty of other occasions over the last four years but it is not good enough now.

But there is no real argument why it is not good enough. There is no real argument why the Auditor-General, an independent statutory officer who reports to this Assembly, not to the executive but to this Assembly, is suddenly not a sufficient watchdog, oversight or investigative agency and we need a board of inquiry. I think Mr Hanson mentioned the term "board of inquiry" once in his speech. It was certainly a desultory mention or series of mentions if there was more than one. That really highlights that he does not have an argument around the board of inquiry.

Finally, he certainly does not have an argument when it comes to the issue of censure. The Chief Minister has, at all times, sought to provide timely and accurate information to the community and when discrepancies have been brought to her

attention she has addressed them. We heard the assertive argument from Mr Hanson this morning that because the Chief Minister had reported data that has subsequently been identified as potentially incorrect she has in some way misled the Assembly. It is an absurd standard and, as the Chief Minister has indicated, she will be in a position to correct the record once we know the extent of and what the actual discrepancies are. But we do not know that at this point in time. That is why there is a forensic audit. That is why the Chief Minister has asked the Auditor-General to become involved.

So the claim that there is some misleading of this place is so weak, so pathetic, that it completely undermines the credibility of this move in the Assembly this morning. It is so pathetic that it really does this place no credit whatsoever.

The Chief Minister has acted with the utmost level of probity, with the utmost level of consideration of her obligations as a minister and as Chief Minister, and this place should be recognising that fact, should be commending her for the way in which she has sought to address a difficult and complex matter, a matter not of her making but which she is taking responsibility for and ensuring that the government, as a whole, has the processes and the mechanisms in place to find out why this occurred, what steps should now be taken and to make sure that those steps will be able to be taken.

The government obviously does not support this motion this morning. And in relation to the amendment moved by Ms Bresnan, Ms Bresnan simply seeks to insert what is effectively a new clause 2 dealing with a request to the Auditor-General. This reiterates the position the Chief Minister has already placed on the record in relation to this matter, and the government will be supporting the amendment.

**MR SMYTH** (Brindabella) (11.10): The Liberal Party are entitled to have their view that a full, independent board of inquiry be conducted into this matter. And what brings us to this view? What brings us to this view is the litany of disasters that have befallen Health under this minister, aided, abetted and protected by the Greens, particularly in this term, who will not stand up for the community.

It is about time that the Greens determined who they were here for—whether their third-party insurance policy was written solely for the benefit of Katy Gallagher or whether or not they are actually here to represent the community, because that is not what they are doing. Until we hold this government to account, nothing will change. Until the Greens stand up for the community, nothing will change. And until there is a full board of inquiry, nothing will change.

How do we know that it will not change? Because on every occasion the Greens stumble when it comes to holding particularly Katy Gallagher to account, and they do it all the time. You only have to look at this term, Madam Deputy Speaker, where we have had the elective surgery saga, the obstetrics bullying saga and now the emergency department waiting times scandal. But the Greens will not hold their Labor colleagues to account. I get held to account. I get censured for the tone of a press release. I did not alter anything. I did not do any modifying of data. I did not falsify records, yet I get censured. But the Chief Minister, who is responsible for all of these fiascos, who has allowed this stench to build up over all the decent, honest, hardworking members of the department of health, gets let off every single time, and you have to question why.

It is not just in this term, Madam Deputy Speaker. You can go back as far as 2003, when the minister was in this place, when we had the inquiry by the Select Committee on Privileges into material concerning the 2003-04 estimates, where the minister at the time was found to be in contempt of the Assembly and the officers who produced the document called *Budget estimates 2003* were found to be in contempt of the Assembly as well. We did not stop the tide then. Because we did not stop the flow, because we endorsed what the Labor Party do when they are in government—and that stench of Labor corruption has now swept up to the ACT; New South Wales, Queensland, now the ACT—because we did not nip it in the bud when we should have, because the Greens will not stand up for the community, of course it will continue.

You only need to go to the letters page in Saturday's *Canberra Times*. There is one letter which says:

... I witnessed time and again the political shenanigans that went on over waiting times.

This is from Mr Simon Tatz of Curtin. I am assuming it is the same Simon Tatz who was found to be in contempt of the Assembly by his actions in 2003. So, yes, that person knows well and truly the shenanigans—he participated in it willingly. And it is juxtaposed by the third letter in that section where an individual from Kambah, having asked for statistics from the Canberra Hospital, says:

... I was told in writing that I had only waited for an hour and 40 minutes. This was contradicted by Dr Hollis, head of the Emergency Department, who considered that I had waited nearly three hours—

That is almost double the time listed. The letter continued:

If senior staff can't agree on wait times, how can I be expected to trust their figures?

How can the community trust this place if the Greens on every occasion will simply back up the government because that suits them? Who are they here for? Are they here for the community or are they here for themselves?

It is about time that the Greens re-read their policies. The Greens, under "Principles", state in No 2:

... governments must behave ethically in all transactions and work to prevent corruption.

Surely that must mean starting at their own place, which is working to prevent corruption in the public service. We all know, because of the admission of the Chief Minister, that this data has been corrupted. It is not true data. It is not accurate data. Therefore it is corrupted data. We started with Ms Bresnan saying that they were concerned at the reporting of this data. I am not sure that the Greens even believe the data was actually corrupted. Do they? Apparently not. The Greens are just concerned about the reporting of what has gone on.

The reporting of what has gone on stems from a statement by the head of the directorate that said that the data is inaccurate, and what has been presented to this place is inaccurate. Therefore the minister who presented that data must be held to account. The code of conduct gives you the process. It says:

Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly is soundly based and that they correct any inadvertent error at the earliest opportunity.

It has not been corrected. There is no withdrawal, there is no apology, there is no attempt to make amends, and the Greens think that is okay. This is the double standard of the Greens.

The Greens' policy says that governments should "work to prevent corruption". Until they are held to account, they will not. You can go back to 2003 in the Assembly, where there were some startling inquiries into this minister's management of health, and on every occasion the Greens falter. They are more about their position. They are more about their private briefings. Apparently, I am told that Ms Hunter got briefed on this before it was even made public. She got out of a committee meeting early and had to skip off to lunch with the Chief Minister so that she could get the inside goss, so that she could find out.

We need to hear from Ms Hunter when she found out about this. In this new era of openness and accountability, who is being open and who is being accountable? There is no openness from the government and there is no accountability from the Greens. And that is the problem with the Greens-Labor alliance. It is very comfortable, it is very cosy, but what it is not doing is standing up on behalf of the community to hold the government to account.

Principle 5 of the Greens' corporate governance policy says:

Government-owned organisations have an added responsibility to demonstrate exemplary governance ...

Is this exemplary governance? I do not believe it is. I do not think anybody in their right mind could think that about this circumstance, with the scandal and the stench that are pervading this place now. We have a Chief Minister standing aside effectively from her portfolio responsibilities because of an unknown conflict of interest but we have the attorney saying, "It's just a perception." He obviously knows more than the rest of us and it will be interesting to see whether Mr Corbell stands by those words. Why can't we know what that is?

Where is this new era of openness and accountability? And are the Greens enforcing this new era of openness and accountability? They are not. They are not going to because they never have, and they never will because their ideological bent says, "We'll support the Labor government against anybody else because that's the best place for us to keep our snouts in the trough, making sure that we've got the inside run and we get the extra funding, that we'll get all the bits and pieces that come with being the ally of the Labor Party instead of being the protector of the community." Third-party insurance it is not.

It is certainly a policy that the Labor Party have used now on several occasions. They cashed it in over the elective surgery waiting times. They certainly cashed in their third-party policy over the 10-year war in obstetrics and the bullying inquiry, none of which we know about, none of which has ever been made public. We do not know what has been fixed. We do not really know what needed to be fixed, because the Greens are complicit with the Labor Party in hiding and covering up on behalf of their Labor colleagues.

Nothing will change. And this Green amendment will change nothing, because what it does is to request the Auditor-General to inquire into data discrepancies. It is like they are limiting something: "Just go and look at the data." What about the process? What about the justification? What about the outcome? What about the damage done to the Health Directorate? What about the damage done to this place that covers up for a Chief Minister that has scandal after scandal just in the last four years, let alone running through the litany of broken promises? "There will be no school closures." "All of our plans are on the table." At every election Katy Gallagher is caught out by her lies to the community and then she is aided and abetted by the Greens in protecting her position because it suits their purpose.

Not supporting this motion lets down the overwhelming majority of staff in the Health Directorate who do the right thing. It is interesting that both Ms Gallagher's amendment and Ms Bresnan's amendment call on the Assembly to offer its support to all of the staff at the Health Directorate who have been affected by this matter. Well, do that. Stand up for them. Say no to corruption. Say no to falsifying records. Say no to governments that do not look after the staff and the community but look after themselves.

But the Greens will not do that because the Greens do not do that. The Greens are the great disappointment. They talk the talk but they will never hold a Labor government to account because that is what they want in office. So they are simply looking after their own position. Ms Bresnan's amendment should be rejected for—(*Time expired.*)

**MR RATTENBURY** (Molonglo) (11.20): I am very pleased to see that Mr Smyth has been going through the Greens' policies. It seems he might be looking for some ideas to fill the empty cupboard as we approach October 2012. Mr Smyth has come in here and played his classic strategy this morning. He has set up the straw figure, he has created a furphy and then he has got outraged about it. It is a classic tactic that we see from him. It is one that Mr Seselja seems to quite like as well. I can assure Mr Smyth that if he had been listening to the earlier debate and had followed Ms Bresnan's earlier comments at all he would know that the Greens are concerned about this. That is why Ms Bresnan has put forward a further amendment to ensure that the Auditor-General is involved in reviewing this matter.

The Auditor-General and her staff are an appropriate body to review this matter. The Auditor-General Act is very clear. The Auditor-General has substantive powers to investigate a matter like this. The Auditor-General has the capability and the resources to investigate a matter like this. A number of times in the course of this Assembly and probably in Assemblies past Mr Smyth has come in here with Auditor-General reports and taken the government to task over the findings.

We know that the Auditor-General reports without fear. In the past we have seen a range of Auditor-General reports which have been highly critical of government and which the government have come in here and been extremely upset about. The emergency services response time is one example. Mr Smyth took the government to task on it, the government were in significant disagreement, and yet we had a debate here. So to suggest that the Auditor-General does not have the resources, the capability or the necessary independence is somewhat ludicrous. Somehow, because the Greens have supported the Auditor-General being involved in this, we are not prepared to ensure scrutiny of this matter. Well, we are. We are concerned by this. Ms Bresnan has been very clear about that both in her public remarks and in the debate today.

I think we have to ask what sort of accountability we want. Do we want the sort of accountability that actually gets to the bottom of it or do we want the sort of accountability that gets Mr Hanson another headline? That seems to be the sort of accountability the Liberal Party wants. It is all about the headline, not the outcome. I think Mr Hanson's actions on his anonymous email are very instructive when it comes to this matter. There are two issues with that. It was fascinating to listen to him on radio last week. This is relevant to today's debate because it goes to the motivation and the credibility with which we can approach the motion that has been put on the table today.

There are two issues with the anonymous email that Mr Hanson got. The first was that it was anonymous and the second was that he sat on it. Let us have a look at each of those. The first question is: is that the new standard in this chamber? Are we going to come in here on the basis of anonymous emails and make accusations or, for that matter, make them in public? Is that the basis of research that Mr Hanson now intends to operate on? Is that the basis on which we are going to read the Liberal Party policy platform later this year? Is it all going to be based on anonymous emails? This raises questions. Did Mr Hanson seek to verify the so-called source of the email? Did he write back to the person and say, "Can we—

*Mr Hanson interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Hanson!

**MR RATTENBURY:** Mr Hanson raised accusations about the Calvary hospital based on an anonymous email. Did he write back to that emailer and ask for further information? Did he seek to verify with any third party that information or whether there was any basis for it? Did Mr Hanson seek any further information or did he just jump up on the basis of an anonymous email? Is that enough to go on these days? If that is what it comes to, this Assembly is going to descend into farce. It is certainly not the standard I can imagine Mr Hanson would like to be judged on. What if I received an anonymous email asserting something about Mr Hanson and I simply went public on it? Would Mr Hanson feel that that was a suitable basis for me to make an accusation on? I would not do it. I would certainly expect other members of this place to set themselves a higher standard.

The second question goes to the fact that Mr Hanson had this email for several weeks, according to his media interview. On the radio that morning he said he had this information for a while and that he was waiting for the sitting week to come up to address it. This raises an interesting question: why wait till the sitting week? If this was such a serious issue, and at that point we were—Mr Hanson, you might correct me here—10 or 12 days before the sitting week, a couple of weeks or something like that, why did Mr Hanson not immediately go to the Chief Minister and say: “Minister for Health, I’ve had this serious accusation raised with me. We need to get to the bottom of it. Here’s the information. I suggest there needs to be something done here”?

That could have been the approach. If he had wanted to get to the bottom of it, we could have been about getting it fixed. What Mr Hanson wanted in this case was to maximise the political embarrassment. He did not actually want to get to the bottom of it. He could have written to the Chief Minister. He could have called her up. I am sure the Chief Minister would have taken his call.

It brings us back to the issue of holding the government to account. Is it about holding the government to account or is it about getting Mr Hanson a headline? Perhaps it is the Alistair Coe approach: “I’ve got this information.” This is what we recall Mr Coe did in the last couple of months. He was so shocked, so offended, so appalled by the note that Mr Hargreaves had sent him across the chamber that he sat on it for 18 months until a politically expedient moment and then suddenly dropped it into the media. It is just absolutely the definition of confected outrage.

This raises interesting questions about how the Liberal party room conducts itself and how the Liberal party room is led. What is the reaction of the Liberal Party when something like this happens? Is this how it goes in the Liberal party room? What is the reaction when Mr Hanson comes in and has done his interview in the morning in which he says: “Oh, I’ve got this email. I’m going to sit on it until the sitting week”? Is there a bit of awkward silence and embarrassment and they go, “Whoops, we really should have taken a more constructive approach to that,” or is it the atmosphere of a university drinking competition where they are urging each other on and winding each other up to go a little bit harder at each other?

I think this raises questions about the integrity of this motion and the way we hold the government to account in this place. Do we actually want to get outcomes? Do we want to hold the government to account? Or is it about getting a political headline? I can assure you the Greens are more interested in getting the outcomes. That is why Ms Bresnan has moved an amendment to ensure that the Auditor-General gets involved. We believe we need to get to the bottom of this, but we believe it should be done in a constructive way, just as on previous occasions when issues came up about childcare and protection and Ms Hunter sought to look for the most effective way to investigate the matters at hand—not the most politically spectacular way but the most effective way. That is why Ms Bresnan has moved the amendment she has. I commend Ms Bresnan’s amendment to the Assembly.



**MR HANSON** (Molonglo) (11.28): Extraordinary, Madam Deputy Speaker. I thought we were debating the very serious issue of emergency department data which we know has been falsified and this Assembly's attempt to get to the bottom of that. But what we heard from Mr Rattenbury was an eight-minute spray at the Liberal Party. If we were in any doubt whether the Greens' position on this is politically motivated, whether there is any genuine attempt to get to the bottom of the data or whether it is an attempt by Mr Rattenbury and his colleagues to essentially restrict the scope of this investigation so it does the least amount of damage to their cosy arrangement with the Labor Party then I think we have the answer.

If you look at the amendments that have come forward from the Labor Party and the Greens, what you see is a desperate attempt to restrict whoever does this investigation—be it a board of inquiry or be it the Ombudsman or be it the Auditor-General—to simply look at the data. It is quite clear that Katy Gallagher does not want the scope of any inquiry moved beyond that.

The reality, though, is that this is an issue about honesty, as Mr Seselja said, and it is about people. Although we are talking about data, the reality of that data is that every time we read about additional waiting times, we are talking about people who are now waiting in our hospital longer than anyone else in the country. Whilst they are waiting there, they are being lied to about how long they are waiting. That is what we are talking about here. It is not just some superficial data; it is not about a piece of paper; it is about people.

When the director-general made her statement on 24 April, that evening I went to an Anzac eve dinner with my RSL sub-branch. There was a very elderly lady there who is a veteran of World War II, and she said to me, "Jeremy, I waited in that emergency department for eight hours." I know that she is telling the truth because I saw her there. I was there with my son visiting CALMS and she was there in a wheelchair. She had been waiting there for eight hours. She knows how long she waited. The community know how long they are waiting—they are waiting longer than anyone else in the country. But this is a minister and this is a government who have been lying to people waiting in the emergency department. That is the issue here. As much as Shane Rattenbury and Amanda Bresnan want to make this an issue, bizarrely, about the Canberra Liberals or about Jeremy Hanson, it is not. It is an issue about the community.

I note that in the Greens' and Labor amendments, they are concerned about the staff member who has falsified the data. There is no concern for the community. We know Jon Stanhope's approach was to tell them to stop whinging. That is what he said on the radio. So there is nothing from the Greens and Labor about apologising to the community and the concern they have for people who have waited for longer than anyone else in the nation and being lied to about it. It is all about "let's restrict this to a look at the data and let's ignore all those other factors that have come to light". Extraordinary.

It seems now that the Greens are politically motivated. They have made a decision that their best hope is to attach themselves to the Labor Party and see how they go.

Every indication comes to that. The position from Meredith Hunter seems to be one of “I’ll do whatever Katy tells me”. There is a question to be asked, because my understanding, as Mr Smyth outlined, is that Meredith Hunter was saying that she could not make committee meetings because she had a short-notice briefing that came up. Then we saw Katy Gallagher and Meredith Hunter zipping off to lunch together the day before this became public in what could only be described as intimate conversation. The question is: when did Meredith Hunter find out about this? Did she find out about this before the rest of the community? She needs to answer that, and Katy Gallagher needs to answer that. If Meredith Hunter and Katy Gallagher went off to lunch to talk about this issue and have a briefing so that could all be stitched up before it became public, I think we need to know. That is what it appears to be.

I see Katy Gallagher has got her head down, furiously ignoring this, and Meredith Hunter is the same—refusing to look me in the eye. The question is: when did the Greens find out? Was it something that occurred before the rest of the community found out? If so, why? What was the intent of those secret briefings, if they occurred, between Katy Gallagher and Meredith Hunter? There are no denials here. It appears there was a secret briefing from Katy to Meredith to lock up the position in the Assembly. We can see the consequence now, can we not, of that secret briefing, between Katy and Meredith? Who has been writing the script?

**MADAM DEPUTY SPEAKER:** Mr Hanson, address them by their proper names.

**MR HANSON:** Certainly. The health minister and the leader of the Greens appear to have had a secret meeting. What we seem to have now is a secret meeting that occurred between the Chief Minister and the leader of the Greens, and then we have a unity of position from the Greens and Labor in this place to essentially attempt to cover up the full extent of what has gone wrong here. There is no question.

We certainly would grant leave for the Chief Minister or Ms Hunter—she does not need it because she has not spoken yet—to get up and clarify that issue. Maybe they would like to get up and clarify if there was a secret briefing given between the Greens and Labor and what the outcome of that was. It would appear the outcome of that briefing was to stitch up a result that covers up what has happened in the community. It is a political cover-up that we are seeing from the Greens and Labor to hide the truth from the Canberra community.

We need a thorough investigation. My preference and the preference of the Canberra Liberals is for a board of inquiry to be appointed to do this. But what is important is that the terms of reference that have been laid out in this motion are what is addressed. It is quite clear that Ms Gallagher and Ms Hunter want it restricted. They do not want this coming to light. There is a desire for a political cover-up from those two individuals and their parties.

So whether it is the fully independent Auditor-General or the independent Ombudsman or an independent board of inquiry, in my view, that is not the issue—it is the terms of reference. Each of those, I acknowledge, is an independent entity, and each of them has the trust of the opposition. We prefer a board of inquiry, but what we are seeing from the government is not just a refusal to have a board of inquiry but a

desperate attempt that has been stitched up in this secret meeting to restrict the terms of reference to provide political cover so that the full truth does not come out to the community.

I will respond to Mr Rattenbury's odd little attack for eight minutes on why we brought out the Calvary email. It is certainly an email that I received—and I receive a number of emails. In fact, I have received numerous emails as a result of the coverage of this issue from people who have waited in the emergency department. I got one this morning that was very disturbing about the treatment someone had received in the emergency department. Let us be very clear: in the context of serious allegations made about the falsification of data, we need to make sure we provide assurance to the community that all of the data that we have been presented with is accurate. When I asked the director-general about what data has been corrupted, she was unable to tell me the extent of it. So let us have a look at all the data.

My understanding is that the Chief Minister in her request to the Auditor-General is wanting her to look at all the data put out by both the Canberra Hospital and Calvary. I am not sure what I am asking for is actually inconsistent in terms of the data aspect of this to what the Chief Minister is asking for.

We will not be supporting these amendments, because they are a clear attempt by the Greens and the Labor Party to restrict the terms of reference so that it is simply a look at data rather than a look at the issue of honesty—the fact that people waiting in our emergency departments longer than anywhere else in this nation have been lied to by the Chief Minister.

Question put:

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

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

Question put:

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

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

**MADAM DEPUTY SPEAKER:** The question now is that Mr Hanson's motion, as amended, be agreed to.

**MR HANSON** (Molonglo) (11.43): In closing, I thank members for their contributions, some more than others. Some very important points have been raised throughout the course of the debate, and I would like to particularly commend the points made by Mr Seselja and Mr Smyth. The point Mr Seselja made that I would like to particularly emphasise is that the individual that has falsified this data holds a very senior position at the Canberra Hospital. This person is not simply a bus driver. In fact, Ms Gallagher was basically trying to say that this is just a worker bee. It is not. It is someone, one would assume, who has been working in the ACT Health Directorate for a long period of time and who has been subjected to numerous meetings with the minister and the potential for influence through a variety of mechanisms, including through a family member of Ms Gallagher.

The question needs to be asked: has this individual acted entirely alone, in isolation, in a bubble, or has there been influence and pressure applied, either directly or indirectly, through Katy Gallagher or through the family member or through other people that we simply do not know about? It would appear that Katy Gallagher is trying to say that this person has acted in isolation. "They're our scapegoat. We're going to sacrifice them so that none of this tarnishes the government or me personally."

It is ironic that in Katy Gallagher's amendment she talks about support for the staff but, at the same time, in essence, by refusing to look at the wider aspects and whether pressure has been applied on this individual, she is sacrificing this staff member by saying already: "They're guilty. They acted in isolation. There was no pressure applied by me or my family member or anyone else. Let's find this person guilty and then let's just look at the data."

We do not accept that because we want to know why it is that a very senior administrator who has worked in ACT Health, presumably for years, has come to a point where they feel it necessary to doctor information, to falsify results, to make this government look better. That question needs to be answered. If it is not answered, we are saying we are going to hold this individual solely to account. We are going to find this individual guilty without any broader examination to find out whether pressure has been applied and what cultural issues exist that would either suggest it was not entirely this individual's fault or that there were mitigating circumstances that led to the individual making the decision.

Katy Gallagher and Meredith Hunter's decision today to not support a broader inquiry is essentially fingering that individual and saying: "You are guilty. You acted alone. We are not going to look at it any broader. We're going to make sure that none of this sticks to us, gov, because we're going to sacrifice you." That is what they are saying, and what we are saying is that we do not accept that.

The other point Mr Seselja made is about honesty and the fact that this is not just about the data. This is about honesty. This is about the fact that the community, the most vulnerable people in our community—that is, people that have turned up to our emergency department, often elderly people—are being lied to and have been lied to by this government and this minister for a year or perhaps a couple of years. I am not sure how long it is, but they have been lied to. This is important, because if the community is given the impression, if the AIHW is given the impression, if everyone is given the impression that our emergency departments are performing well, it is unlikely that they will draw the sorts of resources and support they are going to need compared to if they are in dire straits, and it was reported yesterday by the AIHW that they are the worst in the nation. This is not without implication. The reality is that if something appears to be working well and at the right level, it is unlikely the government or the community will expect the additional resources to be put in which are clearly desperately needed.

The other thing that really concerns me is the role of the Greens in wanting to restrict the scope of this audit. I have faith that the Auditor-General will see through that and will see that this is essentially a political attempt by two political parties in alliance to restrict her in what she looks at. I have confidence that the Auditor-General will look at this independently, will look at the facts and all of the issues that they have been presented with and will form the opinion that if she does not conduct a broader inquiry then the result will be that an individual who works in the hospital will be ultimately a scapegoat and the person hung out to dry by this government and the Greens.

I am also very curious to find out about this secret meeting that occurred between Katy Gallagher and Meredith Hunter. I think we need answers about why Katy Gallagher and Meredith Hunter were heading off to lunch together for their secret meeting to talk about this, if that is the case. There are no denials from either of them. What was discussed at that meeting? What agreements were made at that meeting to stitch up the response we have seen from the Greens today? The response from the Greens today has not been one focused on this problem of falsifying data; the response from the Greens has been an attack on the Liberal Party. What was said in that meeting between these two colleagues, essentially, to arrange that and at what expense to the Canberra community and to this staff member who has now been hung out to dry because the government and the Greens are refusing to have a broader inquiry?

We remain of the view very strongly that a board of inquiry should be appointed. But, ultimately, what is important are the terms of reference and that whoever conducts the inquiry—whether it is the Auditor-General if she decides to or the Ombudsman—looks at the full scope of what has occurred. The consequence of not doing that will be very damaging to the individual who is currently the scapegoat for Katy Gallagher.

Moving to the matter of the censure, it is quite clear that Katy Gallagher has misled this Assembly on repeated occasions. In actual fact, you can see quotes in the *Hansard* where she has used those figures to boast and to attack the opposition. More will come out of that, no doubt, as we dig into the *Hansard*. But she has used those figures, those false figures, throughout the community and in the Assembly with gay abandon. We find out now that they are false.

The other aspect to the censure is that the Chief Minister is the Minister for Health and has been the Minister for Health for nearly six years. Where does the line for ministerial responsibility and accountability start and finish? The minister has presided over a directorate in which someone has felt it necessary and appropriate to lie, to deceive and to falsify documents in order to make the government look better and in order to make their minister look better—that is the consequence of what is happening. I read quotes from the *Hansard* where Katy Gallagher was saying, “We’re well on track to meeting the government priorities we’ve established at 70 per cent,” that she was very pleased and so on. It is quite clear that the minister set the conditions.

Where is that line? We think it is deserving of a censure. Mr Smyth was censured for the tone of a press release. The Greens salivated at that one. They censured Mr Smyth for the tone of a press release, but they are not prepared to censure the health minister for misleading the Assembly and the community on multiple occasions or for ministerial responsibility and accountability for presiding over a directorate for six years that results in a senior administrator falsifying data that makes the government look good.

Question put:

That **Mr Hanson’s** motion, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

## Petitions

*The following petitions were lodged for presentation:*

## **Retirement Villages Bill 2011—petition No 131**

*By Mr Corbell, from 5 residents:*

**To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.**

This petition of residents in independent living accommodation in retirement villages in the Australian Capital Territory draws to the attention of the Assembly the fact that no legislation exists for the proper regulation of Retirement Villages in the Australian Capital Territory and furthermore: the Australian Capital Territory is the only Jurisdiction in Australia where this situation exists.

Your petitioners therefore request the Assembly to expedite the passage of the Private Member's Bill, "The Retirement Villages Bill 2011", through the ACT Legislative Assembly as soon as possible.

## **Housing—Northbourne Flats—petition No 132**

*By Ms Bresnan, from 63 residents:*

**To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the residents of Northbourne Flats are concerned about the lack of information regarding redevelopment of the Flats and object to being moved from our homes, family, friends, support networks and places of employment.

Your petitioners therefore request the Assembly to inform residents of Northbourne Flats promptly as to what the redevelopment will mean for them and to:

1. rehouse in the new development (to be called Wave) all residents wishing to stay; or,
2. rehouse residents in areas and a style of accommodation that satisfies the tenants requirements, is of a standard equal to or better than their current accommodation, and minimises the potential for social dislocation.

We note that many of the residents are vulnerable individuals and ask the Assembly to ensure that no residents are disadvantaged as a result of the redevelopment of Northbourne Flats.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.*

## **Ministerial responses**

**The Clerk:** The following responses to petitions have been lodged by a minister:

By **Ms Gallagher**, Minister for Territory and Municipal Services, dated 17 April 2012, in response to a petition lodged by Dr Bourke on 21 February 2012 concerning parking at Curves Gungahlin.

By **Ms Gallagher**, Minister for Territory and Municipal Services, dated 30 March 2012, in response to a petition lodged by Ms Bresnan on 23 February 2012 concerning the establishment of a library in the Lanyon Valley.

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

### **Roads—parking—petition No 128**

*The response read as follows:*

The ACT Government notes the petition submitted by the petitioners, tabled by Dr Chris Bourke MLA on the 21 February 2012 and makes the following comments:

- A similar concern about the public parking at Yarrabi Pond in Gungahlin and particularly in the vicinity of the Curves Fitness Club had already been brought to the attention of the Territory and Municipal Services Directorate by the Gungahlin Community Council in a meeting in November 2011.
- As a result of this earlier request and after a meeting on site with the management of Curves Fitness Club and an officer of the Gungahlin Community Council, Roads ACT undertook to assess the feasibility and cost of providing additional parking.
- Two options to provide additional parking in the median of Nellie Hamilton Avenue have been assessed and preliminary concepts developed for consultation with the Gungahlin Community Council. This was presented to the council on 11 April 2012.
- The indicative cost of providing an additional 50 spaces has been estimated at \$300,000.
- Based on feedback from the community consultation, the options will be refined and a business case will be developed to support a funding bid in a future Capital Works program.

### **Lanyon Valley—library—petition No 129**

*The response read as follows:*

The ACT Government notes the petition submitted by the petitioners, tabled by Ms Amanda Bresnan MLA on 23 February 2012 and makes the following comments:

- Petition No 129 submitted by Ms Amanda Bresnan MLA on 23 February 2012 is unchanged from Petition No 118 submitted by Ms Amanda Bresnan MLA on 21 June 2011.



- The people living in Lanyon and surrounding suburbs have convenient access to the Tuggeranong, Erindale and Woden libraries, all of which are serviced by public transport.
- These libraries offer a full range of services including story time, giggle and wiggle for early language development, community learning programs, internet computers and wifi.
- These libraries have collections of between approximately 70,000 and 140,000 items each, providing the people of this region with a total of 245,999 items as well as the online request system for items in the other libraries across Canberra. These libraries hold materials in all formats such as books, magazines, DVDs and talking books.
- The Tuggeranong, Erindale and Woden libraries are adjacent to retail and service areas and residents are able to make multipurpose trips to maximise convenience and reduce environmental pollution.
- The mobile library currently visits the Lanyon shops and Tharwa, further extending access to library services in the region.
- The Home Library Service delivers to those people who are aged, ill, physically unable to get about, or physically unable to handle print material.

## **Justice and Community Safety—Standing Committee Reporting date**

**MR HARGREAVES** (Brindabella) (11.58), by leave: I move:

That the resolution of the Assembly of 23 February 2012, referring the Crimes Legislation Amendment Bill 2011 and the Crimes (Offences Against Police) Amendment Bill 2012 to the Standing Committee on Justice and Community Safety for inquiry and report, be amended by omitting the words “by 1 May 2012” and substituting “by the last sitting day in June 2012”.

I believe an explanation is called for when people seek an extension of time. Contrary to what some people in the chamber may believe, there is nothing sinister about this request for an extension of time at all. Mr Speaker, we have two bills before the committee for inquiry and report, both complex. They are very involved. We have received a lot of emotive evidence, and I think it is reasonable that the committee take its time in coming forward with a reasonable and reasoned approach to this legislation. I commend the motion to the Assembly.

Question resolved in the affirmative.

## **Scrutiny report 51**

**MR HARGREAVES** (Brindabella): On behalf of the chair, Mrs Dunne, 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 51, dated 26 April 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR HARGREAVES:** Scrutiny report 51 contains the committee's comments on 14 bills, two pieces of subordinate legislation, four government responses, proposed government amendments to the Electoral Amendment Bill 2012 and further consideration of the Gaming Machine Amendment Bill 2011. The report was circulated to members when the Assembly was not sitting.

I would like to reiterate that the committee, at the request of the public accounts committee, gave some further consideration to the Gaming Machine Amendment Bill 2011. I would again bring that to the attention of members. I commend the report to the Assembly.

## **Leave of absence**

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

That leave of absence be granted to Mrs Dunne for this sitting week for family reasons.

## **Public Accounts—Standing Committee Report 21**

**MS LE COUTEUR** (Molonglo) (12.02): I present the following report:

Public Accounts—Standing Committee—Report 21—*Inquiry into Appropriation Bill 2011-2012 (No 2)*, dated 24 April 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I will speak only very briefly on this because I managed to leave my embargoed copy of the report upstairs. The report deals with the additional appropriation bill. It is a matter of \$18 million. On the basis of that sum being fairly small within the context of the ACT government's total expenditure, the committee did not deal with any macroeconomic issues. We simply concerned ourselves with the expenditures encompassed in the appropriation bill rather than what it did to the ACT government's fiscal position as a whole.

There are three expenditures. Firstly, and this is where basically all the money goes, there is a new enterprise agreement for ACT government staff. This is more money than the government originally budgeted for. That is the \$18 million, and clearly this is something the committee supported.

The other two expenditures, the hydrotherapy pool and Ashley Drive, are in fact, as I understand it, just re-profiling of an expenditure of moneys which had already been allocated for expenditure but were not going to be expended in this way. So there was no additional expenditure. There was just different expenditure. The committee had

little to say about the Malkara school hydrotherapy pool replacement except that we thought this was a very good thing and we were universally in favour of it.

Going to Ashley Drive, my two fellow committee members on PAC are both members for Brindabella and both had a considerable amount to say on this issue. I will admit to being only a very infrequent visitor to the electorate of Brindabella and while I do know where Ashley Drive is, I am not in a position to make comments about any traffic issues on Ashley Drive. So basically this part was very ably assisted by having local knowledge on the issue. We did get a useful report from the TAMS Directorate on the subject.

The thing, though, that we were all concerned about, and I guess me in particular, was in recommendation 3, which I will read:

The Committee recommends that the ACT Government explain to the ACT Legislative Assembly the compatibility of the proposed works to be encompassed under the Ashley Drive upgrade project with the goals of the ACT Sustainable Transport Plan.

Hopefully they are compatible but I am concerned that possibly they are not. The goals of the ACT's sustainable transport plan are all about reducing greenhouse gas emissions, increasing active transport, increasing public transport. It was not at all clear to me that this expenditure on Ashley Drive and the areas around it is going to do a lot for those goals. I do agree some money was going to be put in for a small amount of cycle infrastructure but I think it was a fairly small amount of cycle infrastructure. I would be very interested to see the government's response to how this expenditure will advance the goals of the ACT sustainable transport plan.

In summary, the committee unanimously agreed that we did support the proposed appropriation bill and I commend the committee's report to the Assembly. Of course, before I resume my seat, I should very much thank the committee secretary, Dr Andrea Cullen, for her tireless work on this, and my fellow committee members.

**MR SMYTH** (Brindabella) (12.06): The second approp bill mainly deals with the outcomes of the EBA negotiations, a new hydrotherapy pool for Malkara and some transport work in Tuggeranong. I think all the committee was agreed that the option taken to fully replace the pool at Malkara was reasonable. I believe all members of the committee were very supportive of the work undertaken by Malkara and understand the importance of the hydrotherapy pool.

In regard to the recommendations, the four recommendations apply mainly to the \$7 million for the Ashley Drive upgrade. This has been on the books for some time. I think the Liberals proposed it in 2004 and 2008 and the government certainly proposed it at least in 2008. But here we are yet again at the death knell of a government and finally the money is forthcoming for the people of Tuggeranong.

The appropriation is welcomed but I think people need to understand what is being proposed. Ashley Drive, and the section of Sternberg Crescent from the top of Ashley Drive to the intersection with Bugden Avenue, is the area covered in this scale of

works. And it does have the potential for up to 10 sets of traffic lights on Ashley Drive. That is an enormous number of traffic lights in this area. One of the recommendations does look at asking the government to look at how they will deliver this.

The end of stage 2 actually has grade separation at Erindale Drive and Sternberg Crescent. The question is: if that is where we are ultimately going to end up, is it potentially better off to go straight there and avoid the use of so many traffic lights in this limited area? The cost-benefit analysis data provided in the report that was given to the committee is quite interesting and it is worth putting on the record what was said. The last two paragraphs from the executive summary read:

As an overall package, the proposed treatment measures can be economically justified, however significant benefit streams arising from the Stage 1 measures at the Erindale Drive and Sternberg Crescent roundabout, as well as the Ashley Drive and Isabella Drive roundabout are largely absorbed by the more expensive signalisation and duplication works.

It should be noted however that the addition of the final Stage 2 measure, the possible grade-separation of the Erindale Drive and Sternberg Crescent roundabout (Stage 2 Treatment Package 4) delivers a marginal increase in the cumulative BCR value, indicating that this treatment has the potential to be economically justified in its own right. Due to the complex nature of grade-separation, further work would be required [to] improve the accuracy of the layout, costing and subsequent economic evaluation of this treatment.

And that is the nature of this report. What the report says is that in both cases, whether it be the grade separation or when we are looking at the traffic flows from Gowrie, Fadden and Macarthur, more work needs to be done. I refer to page 27 of the report where it says:

It is recommended that a further detailed ... study be undertaken to examine the traffic generating characteristics of Gowrie, Fadden and Macarthur, and assess route choice and alternative routes in the area. This would permit further development and implementation of the most appropriate treatment(s).

But we are going to go ahead with a set of lights at Bugden and Sternberg before we look at what the alternatives are. So there is a bit of a cart before the horse here. And perhaps it is because the government has taken so long to deliver some of these road upgrades that we are now in this position.

When you read through the section of the report at pages 26, 27, 28, 29 and 30, where it talks about the various locations, for instance, the Erindale Drive-Sternberg Crescent area, it is interesting that under the section "Limitations" it says that a key limitation is that stage 1 measures may only remain effective over the short term. We asked the government to provide us with definitions of what they meant by "short term", "minimum spare capacity", "difficulties", "potential conflict points" but, unfortunately, the answer that came back was less than satisfactory. So it is worth putting these on the record so that certainly people know the potential of what we are getting into.

It goes on further to say about Erindale Drive-Sternberg Crescent:

The double right turn proposal introduces a potential conflict point with the adjacent Erindale Drive north approach ...

It goes on to say:

Modelling of the longer term potential signalisation of the Erindale Drive/Sternberg Crescent intersection indicated that the traffic signals would operate with minimal spare capacity for any future ... growth, in addition to providing only a limited operation benefit under current traffic conditions. In addition, the limited available road reserve width in Sternberg Crescent east would present difficulties in providing the necessary lane configuration on approach to Erindale Drive.

We are going to put in a set of lights, for those that know it, at Bugden and Sternberg, but it does have limited capacity and may actually present difficulties. So I am not sure this is what we should be doing when the report then goes on to say that you need to do a report about the traffic movements out of Gowrie, Fadden and Macarthur before you go ahead.

When it looked at Sternberg-Bugden, it said:

The key limitations of the Stage 1 measures are that they only marginally improve the delay and queuing for the Sternberg Crescent east approach. The delay and queue lengths for Bugden Avenue approach would be adversely affected as they have priority under current conditions. Sternberg Crescent west approach queuing may extend to Erindale Drive during the PM peak.

Again, we are going to take the pressure off one part of the road but then apply it to another part of the road and potentially create a conflict further along the track. Again, I refer the government to the four recommendations that have been made.

In regard to the northern section of Ashley Drive, Ashley Drive-Sternberg Crescent, the report notes:

The key limitations of the Stage 1 measures are that they could only be constructed as part of the larger network changes as detailed below and illustrated in Appendix C.

Ashley Drive-McBryde, again, can only be implemented as part of a larger package which, of course, has not been funded. When we look at the central and southern sections, which is Ashley Drive and Isabella Drive, the report notes:

The key limitation is that the measures would only remain effective over the short-term with the operational benefits primarily relating to the Ashley Drive south approach. It should be noted that should Isabella Drive experience growth in traffic volumes over the long-term, the effectiveness of the metering would diminish ...

The metering is the traffic lights that come on at certain times, as we have, for instance, at Athllon and Drakeford. So, again, there are problems. Then when you go to priority controlled intersections, again, under “Limitations” the report notes:

The key limitation for the combination of these measures would be the capital costs and whether these costs provide an appropriate benefit. The roundabout controlled intersections of Ashley Drive with Erindale Drive and Isabella Drive would also need to support the improved efficiency of the Ashley Drive corridor.

It is an interesting report. If people have not actually seen this report—I understand it is on the TAMS website; it is called *Ashley Drive, Monash: road network upgrade feasibility study*—what it does is propose metering on the eastern approach to the Isabella Drive-Ashley Drive intersection. Again, there is a set of traffic lights in a major roundabout. It then goes on to have traffic lights at Bugden and Sternberg, potentially a flyover at Sternberg and Erindale. It will have a set of traffic lights at Ashley and Bugden. There will be, let us see, a signalised intersection at Clive Steele Avenue and Ashley Drive. There will be a signalised intersection at Clift and Ashley. There will be a signalised intersection at Ellerston and Ashley, and there will be a signalised intersection at Johnson Drive and Ashley Drive.

It is an extraordinary number of traffic lights. I cannot think of a concentration like that. There are certainly no concentrations like that in Tuggeranong at the immediate time, and I cannot think of a street of this scope that has that many traffic lights probably anywhere in Canberra. If you do a Google look at, perhaps, George Street in Sydney and Ashley Drive with these traffic lights, then you are approaching that density of traffic lights. The question is: is it overkill and is it entirely appropriate?

In regard to the upgrade of the piece of Erindale Drive between Sternberg and Ashley, I think anybody who has sat there in the mornings would agree that it needs some immediate attention. There have been two deaths on Ashley Drive. There is a history there of serious accidents. I think there have been something like 20 major injuries as well. They are busy intersections at the peak hour in the morning and afternoon. And at 80 ks, it is a particularly fast road.

What the committee recommends in recommendation 1 is:

... that before the ACT Government proceeds with the works identified ... it reconsider the sequencing of traffic streams in an attempt to minimise the number of traffic lights proposed to be installed at intersections.

If the ultimate is that we need grade separation at Erindale and Sternberg then perhaps we should go there first. Then recommendation 2 is that consistent with the recommendation of the GTA Consultants’ report, as a matter of priority, the government:

... examine the traffic generating characteristics of Gowrie, Fadden and Macarthur, and assess route choice and alternative routes in the area.

I think that is fairly reasonable. Recommendation 3 asks that the government explain how this is consistent with the goals of ACT sustainable transport. Certainly, we

asked questions about whether or not there was bus priority, and there is not, and how this integrates then with footpaths and cycle paths. They do not seem to have been considered in this report. So you have got an inconsistency, then, with some of the goals of ACT sustainable transport. And I think, given the money that this will cost ultimately—and I think the whole upgrade was \$32 million, should it go ahead, that is, in current dollar terms—then, of course, this is serious money. A lot of the work may be undone when you move to grade separation at Erindale and Sternberg.

With that said, I would genuinely recommend that the government look at what they are proposing here. It is a large amount of money over a long period. It is certainly work that has to be done. It is certainly a part of Canberra that has been neglected by this government in their roads program. We all know that the GDE debacle soaked up much of the money that should have gone into fixing roads like Ashley Drive years and years ago instead of getting to it here in 2012.

**MR HARGREAVES** (Brindabella) (12.17): I too commend this report to the chamber. I would also like to note, though, that there are three parts to this report; there is not only one. We can go searching for some bad news and if we cannot find any we can manufacture some; that would appear to be the case here.

We need to understand that the big piece about this is giving people some well-earned pay rises. How about we acknowledge the fact that that money has to come from somewhere, and I commend the government for being so prompt about that.

I did not hear very much said about the Malkara hydrotherapy pool replacement. That has got to be something for which the government should be—

**Mr Smyth:** You should have been listening, John.

**MR HARGREAVES:** I am not talking to you. Why don't you just be quiet?

**MR SPEAKER:** Thank you, members. Mr Hargreaves, let us return to your speech.

**MR HARGREAVES:** I heard Mr Smyth in silence—and I expect the same from him.

*Mr Doszpot interjecting—*

**MR HARGREAVES:** And the same from you too. You are a disgrace.

I wanted to congratulate the government particularly on the Malkara school hydrotherapy pool replacement. In my past employment I had a lot to do with hydrotherapy as a rehabilitation tool and in fact just as a maintenance of lifestyle tool and I think that the government should be congratulated on not only identifying this as an issue but on saying that bandaids are not going to work. These are not people who can look after themselves; these are kids. These are kids who have got some dreadful conditions that you would not want and you certainly would not want your own little kids to have either. So this pool replacement I think is a fantastic initiative.

I am a bit surprised—no, I should not be surprised actually; I am a bit disappointed—that Mr Smyth would seek to delay the introduction of some solutions which quite

clearly have been needed for so many years. I moved into Gowrie in 1984, and the Bugden Avenue-Sternberg roundabout was an issue then. Anybody who comes off Castleton Crescent and down into that intersection knows the difficulty, except if they happen to live in Fadden; if you happen to live in Fadden you do not have a problem because you go all the way up the Bugden Avenue loop and you get priority. So maybe what Mr Smyth is doing is trying to delay the exercise because his leader gets the priority treatment when he gets to that particular intersection.

**Mr Coe:** They put speed humps there to stop that.

**MR HARGREAVES:** Maybe that is the case. I asked a question before I came to this place: why can't we do something about this intersection? And I was told at the time that at the intersection, the roundabout, there was not enough room with the adjacent houses to be able to come up with a solution. Traffic lights were only ever going to be the solution at that intersection—and I am tickled pink to see that funds are being provided in this supplementary budget for just that purpose.

I travel in that particular part of the world, through the congestion, twice a week—I live in Wanniasa so I live on the other side of it predominantly—and I see the issue there every time I do it. In the closing parts of the day to get out of Gowrie and go home I have to negotiate the Ashley Drive-Statton Street intersection and it is dangerous; it is frightening. If anybody can come up with a solution, however short term it might be, I will congratulate them.

What Mr Smyth forgot to tell everybody in the chamber about the intersections onto Ashley Drive from Ellerston Avenue, Clive Steele Avenue and Clift Crescent was that they are entrees to Ashley Drive from a whole suburb. The only way you can get to Erindale shopping centre from Calwell, from Isabella Plains and from Richardson is to go down Ashley Drive. Those intersections carry a whole suburb's worth of motor cars. They are a candidate for some sort of traffic control measure, in the interests of safety alone.

Quite clearly Mr Smyth says he has not seen such a configuration of traffic lights. He has not been down Benjamin Way particularly often, has he?

*Mr Coe interjecting—*

**MR HARGREAVES:** Mr Coe does not know where Benjamin Way is, but I have to say that there are more traffic lights down there than there are trees. He has got a very loud voice, though, for a little frog, don't you think?

**MR SPEAKER:** Members, the matter at hand.

**MR HARGREAVES:** The works indicated in this report are in two stages. Mr Smyth says, "Of course the money has not been provided." But it has been indicated how much it is worth in the second stage. We are talking about the Erindale Drive bit, and the bits around the Erindale shopping centre are difficult; the Comrie intersection with Sternberg is particularly difficult. One of the issues is that if you come out of Comrie Street and want to go to McWhae Circuit you have got to do a rather nasty Z-shaped



negotiation to get through. Likewise, if you are trying to get to the leisure centre you have got to do a similar sort of arrangement if you are coming down Langdon Avenue. That is because Sternberg is not particularly well controlled. If there were some traffic lights on that road you would have a staggered traffic flow.

I travel along Sternberg probably 20 times a week and I can tell you that they have been calling out for traffic lights to control the traffic flow. We talked about the possibility of a flyover of Erindale Drive at the intersection with Sternberg. That is a fantastic solution but it cannot happen straightaway. I would rather have those temporary measures put in place than have to do what Mr Smyth would like, which is to have yet another look into it.

I can remember writing to the Liberal government in 1997 about these particular intersections when Mr Kaine was the minister. I also can recall, when I was the Minister for Urban Services and the Minister for Territory and Municipal Services and therefore responsible for roads, raising a number of times with Roads ACT what we could do about it. But I would like the chamber to note that I received not one letter, not one representation, from Mr Smyth offering a solution to those traffic snarls in that time—not one—and I dare say that if the Minister for Territory and Municipal Services goes back and examines the records she will find not one representation from Mr Smyth to find a solution.

Mr Smyth's comments this morning were that this has got problems, it has got limitations, it has got this, it has got that, it has got something else. I will tell you what it has got: it has got the potential, if delayed, to be responsible for somebody else's death on Ashley Drive, on Erindale Drive. I would suggest that, rather than say that we should hold this thing up, we say thank goodness that we have got enough money in this supplementary budget to get on with it. I say thank you very much to the government for doing it. I will be able to see a solution to a problem identified way back in 1984. It has been a very long time coming. I thank the government for the money and I recommend this report to the Assembly.

**MR SESELJA** (Molonglo—Leader of the Opposition) (12.26): Just briefly on the issue around Ashley Drive, this saga is just another example of how ACT Labor have treated the people of Tuggeranong. It seems they have promised this so many times and never delivered it to the people of Tuggeranong who use that road. I am very familiar with it, having till a few years ago lived at that end of Bugden Avenue in Gowrie, used the intersection between Bugden Avenue and Ashley Drive and understood the limitations of that road.

Certainly the Canberra Liberals believe it should have been duplicated long ago. I believe there was a promise from the Liberals which, if we had come into government, would have been implemented. I understand the Labor Party have just been talking about it, talking about it and talking about it but not delivering.

We are big believers that you have to get in front of these road infrastructure issues. You do not wait until the problem has been there for years and years before you finally duplicate some of these roads. Ashley Drive is an important road for the people of Gowrie. It is an important road for the people of Monash. It is an important road for

many people in Isabella Plains and Richardson. Calwell will also use that road coming up. It is a very important through road and yet this government has, over the last decade, neglected this area and neglected Tuggeranong more broadly—neglected the infrastructure needs of the people of Tuggeranong.

We are seeing now that after a decade in government Labor are saying: “Now we will do something. Now we will finally get something done.” I think people are heartily sick and tired of a government that has had such a poor record of investment in roads and of the delivery of roads. We want to see the people of Tuggeranong getting the kind of road infrastructure they deserve. The ACT government inherited a good road network in Tuggeranong, and if there had been reasonable investment over the last decade the people of Tuggeranong would continue to have an excellent road network. Now it is good in parts but it is certainly under strain on many of those arterial roads. We know there are pressures right across the board. I think there would be very few arterial roads now in Tuggeranong that you could say have been well maintained or properly upgraded in the last few years.

We certainly will stand for getting in front of these issues—not just promising them time and time again as Labor have—and actually delivering for the people of Tuggeranong. Let us be clear that the people of Tuggeranong have been neglected by Labor. We know why: because the leadership of Labor in government has been actively and openly hostile to the people of Tuggeranong—and none more so than Jon Stanhope. Let us face it: Katy Gallagher has probably been there a few times in her life. It is the mindset of this government and this alliance to focus only on the needs of people in the inner suburbs rather than the needs of those in our outer suburbs, including places like Tuggeranong, Gungahlin and Belconnen. They have been neglected by this government, which has had the wrong focus.

Of course we know that this government’s main delivery of a piece of infrastructure for the people of Tuggeranong in the last little while is a \$400,000 bogong moth on Drakeford Drive. People see the priorities; we get an amount of comments from people saying that the government cannot fix Taylor primary, which is falling apart, but they have managed to find \$400,000 to stick a bogong moth on Drakeford Drive. There is an example of how they treat the people of Tuggeranong.

Question resolved in the affirmative.

**Sitting suspended from 12.30 to 2 pm.**

## **Ministerial arrangements**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): For the information of members—due to the debate we had earlier in this place and some decisions I took last Friday, the Deputy Chief Minister will be taking over portfolio carriage of the matters relating to the data investigation at the Canberra Hospital from Friday last week. I will be answering any questions about matters that occurred before that time. In relation to my—

*Mr Seselja interjecting—*

**MS GALLAGHER:** Just a minute. Just before you get all excited—I can answer questions about my own role. But as to data investigations that are underway from Friday of last week ongoing, those matters should be directed to the Deputy Chief Minister.

### **Questions without notice**

#### **Canberra Hospital—emergency department data**

**MR SESELJA:** That is leadership from the Chief Minister. My question is to the Minister for Health. On 6 December 2011 you stated in the Assembly:

The snide, constant interjections from those opposite are making serious allegations against the credibility of data used for health reporting. Mr Hanson just accused us of fiddling the data to make it look good ...

Minister, do you accept that what Mr Hanson stated in December was true—that there were serious concerns regarding the credibility of the data? And will you apologise to this Assembly and to the people of Canberra for providing data that was hopelessly compromised?

**MS GALLAGHER:** I am very happy to answer that question. In relation to the quotation from Mr Hanson, I would say he interjects and accuses any other member that is not in the Liberal Party of fiddling everything. So I do not think that interjection is a surprise. My further comment is that if Mr Hanson knew in December that ED data was being fiddled and he had evidence of that then what has he been doing?

**Mr Hanson:** I put a question on notice to you.

**MS GALLAGHER:** Mr Hanson, what have you been doing? We heard this morning that Mr Hanson is now saying that he was the one who uncovered the data anomaly.

**Mr Hanson:** Potentially, yes.

**MS GALLAGHER:** Well, let us just work through this. So he identified it. He then asked a series of questions. Then what else did you do, Mr Hanson? What else did you do? Supposedly you knew matters at Calvary that nobody else knew, and what did you do? Nothing. So you did nothing in December, you did nothing when you were raising concerns on the question on notice. You did nothing about Calvary. I think there is more for you to answer in that.

**Mr Hanson:** Am I the minister?

**MS GALLAGHER:** I do not write your dorothys. Mr Seselja's question is: if Jeremy Hanson was right, why aren't I now acknowledging that? It is because in December there were the usual snide, ridiculous interjections from Mr Hanson—

*Mr Hanson interjecting—*

**MS GALLAGHER:** without evidence and certainly it was not information that the government had at that time.

**Mr Hargreaves:** A point of order.

**MR SPEAKER:** Order, one moment.

**Mr Hargreaves:** Mr Hanson has interjected across the chamber that the Chief Minister had cooked the books. I would like you to ask him to withdraw it, please.

*Mr Seselja interjecting—*

**MR SPEAKER:** Order! Mr Seselja, one moment thank you.

*Mr Seselja interjecting—*

**MR SPEAKER:** Order!

**Mr Hanson:** Mr Speaker, I would like to correct that. The term I used was “fiddling the books”. I think that it has been established that there was a falsification of emergency department data. I would suggest that that does constitute fiddling the books, and I therefore do not believe there is any need for me to withdraw.

**MR SPEAKER:** Thank you. Mr Corbell, on the point of order?

**Mr Corbell:** Mr Speaker, the allegation was that the Chief Minister had cooked the books. There is no substantiated evidence for that. It is a direct imputation on the Chief Minister.

*Opposition members interjecting—*

**MR SPEAKER:** Order! Let me hear the minister, thank you.

**Mr Corbell:** It suggests an improper motive and clearly that can only be dealt with through a substantive motion, and Mr Hanson should be asked to withdraw the imputation.

*Opposition members interjecting—*

**MR SPEAKER:** Order! Let me hear from Mr Hanson.

**Mr Hanson:** Mr Speaker, my comment was “you’d been fiddling the books”. It was quite clearly directed at the government and ministerial responsibility would cover the responsibilities that occurred in Health, where we know that the books had been fiddled. I think it is quite within the context of the debate this morning and also the question that was asked by Mr Seselja, which directly relates to the fiddling of the books.

**MR SPEAKER:** I think that quite clearly the interjection is an imputation, and that cannot be done. Under the standing orders it must be done through a substantive motion. So I would ask you to withdraw, Mr Hanson.

**Mr Hanson:** I withdraw.

**MR SPEAKER:** Thank you. And Mr Seselja, you can too, please.

**Mr Seselja:** Sorry?

**MR SPEAKER:** You stood up after Mr Hargreaves raised the point of order and said—

**Mr Seselja:** The government cooked the books? Yes.

**MR SPEAKER:** Yes.

**Mr Seselja:** So are you saying now that the government did not cook the books?

**MR SPEAKER:** I am not saying anything.

**Mr Seselja:** You seem to be saying that, Mr Speaker.

**MR SPEAKER:** No, what I am saying—

**Mr Seselja:** Mr Speaker—

**MR SPEAKER:** Sit down, thank you. I am being quite clear that an imputation is not allowed under the standing orders.

**Mr Seselja:** About the government. Mr Speaker, under what standing order is an imputation against the government now not allowed? Could you just point us to that standing order?

**Mr Hargreaves:** A point of order, Mr Speaker.

**MR SPEAKER:** Yes.

**Mr Hargreaves:** It was not an isolated comment which would be taken at face value.

*Mr Seselja interjecting—*

**Mr Hargreaves:** I am speaking. How about you just be quiet?

**MR SPEAKER:** Order members! Let us have some civility.

**Mr Hargreaves:** How about you just be quiet for a moment?

*Mr Seselja interjecting—*

**MR SPEAKER:** Members, order! Just one moment, Mr Hargreaves. Members, let us try and conduct this question time. I know there are some interesting issues at hand but let us try and conduct it with a little civility. Mr Hargreaves.

**Mr Hargreaves:** Thank you, Mr Speaker. The sort of comment that the Leader of the Opposition made in isolation may very well be in a different context altogether, but it was not. It was made in support of the comment that Mr Hanson made. Therefore it was merely an attempt to rephrase the imputation that Mr Hanson had made.

**MR SPEAKER:** Mr Seselja, I stand corrected on the point you made. It was a collective remark and I understand that under the standing orders that is not an imputation. You can now ask your supplementary question.

**MR SESELJA:** Minister, given this issue was raised with you in the Assembly in December and further through questions in March, what did you then do to satisfy yourself that there was not fiddling of the data in the emergency department?

**MS GALLAGHER:** I am regularly briefed about data, performance data, right across Health. There are internal and external validation processes that are robust. In the isolated incidence that we have been discussing this morning the evidence or the information to me at this point in time is that there is an individual who has gone around the safeguards that were in place to ensure data integrity, and we need to wait for those appropriate investigations to occur. But in terms of the analysis that I look at—and this is why I believe the data anomaly was not identified—there was a range of other measures in health performance that were indicating improvements in the emergency department. Those go to the bypass figures. Those go to the numbers of people not waiting for care. That goes to the bed occupancy numbers. All of that information, and that is information that is provided on a daily basis, indicated improvements in the emergency department.

I have no doubt that Health take very seriously the fact that they have provided this information to me in good faith, based on the processes that they have in place, and that that information now appears to be incorrect. The work is underway to make sure that those corrections have been made. So I have fulfilled my responsibilities. I have looked at the briefs that have been provided to me. I have analysed the reports. I watch this almost on a daily basis in terms of presentations to the emergency department. But in an isolated case where it appears there has been a going around of safeguards it is very difficult, I think, in this instance—and we will have to learn from any processes that need to change because of it.

I did follow all of these matters up—not necessarily Mr Hanson's interjections. He interjects non-stop.

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

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

**MR HANSON:** Minister, what personal responsibility do you take in looking at figures provided by your directorate before presenting them to the community?

**MS GALLAGHER:** I look at all the information that is provided to me in its various formats, the briefs that are provided to me. There is an element of trust, as I do not sit there and work through the spreadsheets, that the information that is being provided is correct. Health performance data is second to clinical standards. I think everybody understands that clinical standards, clinical safety, patient treatment, patient care is the first priority of any health system, but data comes a very close second, I would say. Having data that is correct and having those processes around it that ensure it is correct is a priority for all health systems.

There are a number of processes to go through to make sure that data is correct and checked. In this instance some of those processes have failed and we need to work out what they are. It is appropriate that those investigations occur. But in terms of ministerial responsibility and in terms of the leadership that I have tried to show—and I accept that you do not agree with my views about my own conduct—what I have tried to do since this issue has been brought to my attention is to not only support the work of the Health Directorate but do everything I can to make sure that this is investigated thoroughly and the situation does not occur again.

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

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

**MR HANSON:** Minister, have you ever questioned data that has been presented to you?

**MS GALLAGHER:** I think the answer to that would have to be yes, but I am presented with—

**Mr Smyth:** Can't remember.

**MS GALLAGHER:** Thank you, Mr Smyth, as usual: "Can't remember." The answer to that would be yes. It would be done in a number of different ways, whether it be annotations on briefs or discussions with the directorate directly. But I am talking broadly there about health performance data and the different reporting authorities within that.

We have data that comes from the AIHW, we have data that comes from the commonwealth, we have data that comes from Calvary, we have data that comes from Health. But, yes, as health minister over the past six years there would have been numerous, and possibly frequent, times that I have questioned and sought further advice on data that has been presented to me.

### **Youth justice—blueprint**

**MS HUNTER:** My question is to the Minister for Community Services and relates to the youth justice advisory panel and the *Blueprint for Youth Justice*. Minister, a motion in the Legislative Assembly on 7 December 2011 established a specialist advisory panel, to advise the government on the development of the *Blueprint for Youth Justice* and its implementation. In your letter to me dated 27 March, you stated

that invitations had been offered to potential members of this panel. Minister, have the five individuals and two agencies identified as having relevant qualifications and experience who have been approached by the Director-General of CSD to form the advisory panel responded to this invitation? If so, what was their response?

**MS BURCH:** I thank Ms Hunter for her interest in youth justice. The directorate did go out to a number of well-known individuals and seek their interest in coming onto the panel. The panel has been confirmed at five. I signed off a letter—I think it was yesterday afternoon—because also part of that resolution through the Assembly was to go through the relevant standing committee. That letter has been sent through. As soon as I get some advice back from that, we will be able to formally notify that group. That aside, we have got an indicative meeting date for the latter part of this month as well. So it seems to be all systems go.

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

**MS HUNTER:** Minister, what is the current status of the blueprint?

**MS BURCH:** I thank Ms Hunter for her question. The blueprint has been out through a series of public forums for community input into that. That has been hosted by the community directorate but certainly part of the steering group, the oversight group, that is having carriage of, one, responding to the commissioner's report, the first development of that, and, two, hosting and being part of those community consultations. As I understand it, the Youth Coalition also had a community consultation. We will now get the feedback and work on that. As I have indicated, we are looking to meet with the advisory panel, I think in the last week of this month, to seek their advice, which is clearly the intention of having the advisory panel, and for them to come in and make comment on that draft.

**MS BRESNAN:** Supplementary, Mr Speaker.

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

**MS BRESNAN:** Minister, if the blueprint is already well progressed, has sufficient time been allocated for the advisory panel to advise the government on the development of it in any real and genuine sense?

**MS BURCH:** I do believe so and it is somewhat disappointing to think that there is no genuine interest to have input from the advisory group into the blueprint. We made it very clear when the government responded to the Human Rights Commission report into Bimberi that we would start on this process. The Assembly passed a resolution that formalised the advisory panel. We have moved on that. All of this has been in absolute good faith. We believe it is important that we progress that work and continue the communication with the community about what this blueprint is.

This is not just for the directorate to consider. This is the whole of society's chance to make comment on what we should be doing with youth justice, not only this year but in the years to come. There certainly is a very true and genuine place for the advisory panel in that.



**Canberra Hospital—emergency department data**

**MR HANSON:** My question is to the Minister for Health. Minister, in a briefing provided to me and my staff by the Director-General of Health it was stated that the manipulation of data began in late 2010. Since then, your directorate has prepared and released four quarterly reports, an annual report and two report cards. Why was the anomaly in the data only discovered on 5 April 2012?

**MS GALLAGHER:** In relation to that, the information I have had up until Friday was that it was the external validation process that identified the initial anomaly and it was around how the data had been put into a certain format that picked it up. The AIHW raised their concerns with the Health Directorate, who then went through a process of going back and looking at that issue that they had raised and they found a broader issue which they then brought to my attention.

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

**MR HANSON:** Minister, it was stated by your Director-General that the anomaly was discovered in an external verification process. Why is it that this was not applied to the data in the quarterly reports, annual report or report cards?

**MS GALLAGHER:** Because that data is a different publication. The publication that was picked up by the external validation process was for a publication known as *Australian hospital statistics*. The *Quarterly performance report* and the annual report are not subject to AIHW external validation processes, but there are internal validation processes which seek to ensure the accuracy of the data. In the case relating to the emergency department, it appears that the data may have been changed following those validation processes.

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

**MR SESELJA:** Minister, when will corrected quarterly reports, the annual report and report cards be provided to the community?

**MS GALLAGHER:** As soon as they can be. It is subject to the forensic audit which is currently underway by PricewaterhouseCoopers.

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

**MR SESELJA:** Minister, given the failure by the Health Directorate to provide accurate data to the community, what assurances can you provide that the updated reports will contain accurate data?

**MS GALLAGHER:** Because at this point in time, on the information provided to me, it is isolated to emergency department waiting times. They are going back and being checked against individual clinical records to ensure their accuracy and that information will form the corrections of those publications.

## **Cross-border relations**

**MS PORTER:** My question is to the Chief Minister. Chief Minister, you recently made presentations to COAG on working across boundaries. Can you advise the Assembly of the steps you have taken to enhance our regional relationships and their importance to the ACT economy?

**MS GALLAGHER:** I thank Ms Porter for the question. At last month's COAG meeting I was able to give a brief presentation to fellow heads of government in relation to some of the work that we have done here in looking at our cross-border relations. It was a really good opportunity to talk about some of the foundations that we have been putting in place, and particularly about our vision for Canberra as the economic and service heart of south-east New South Wales.

Whilst a number of Australian cities that are located on or near state borders live with trans-border challenges, I do not believe that there are any that are quite in the same position we find ourselves in—entirely surrounded by a bigger jurisdiction in every direction, and so closely bound up in the fortunes and lives of those who surround us. Twenty thousand people drive in to the ACT every day for work. Many of them bring their children to attend our schools. A quarter of the people in the hospitals are from New South Wales and a third of those on our elective waiting lists.

In the 100 years since our establishment we have grown into a city of more than 365,000 inhabitants, but in terms of tertiary health and, to a lesser extent, education and other services, we effectively service a regional population of more than 600,000—and it is growing.

Canberra's role as the economic, population and service heart of this region creates significant cross-border challenges, but I believe that it presents opportunities as well. Ensuring we have the appropriate engagement mechanisms with the New South Wales state government and with surrounding councils is vital if we are to meet the challenges and, again, seize those opportunities.

Last December the New South Wales Premier and I signed an MOU for regional collaboration. This MOU ushers in a new era of regional engagement for both of our governments, building on but crucially bolstering the work done under the previous regional management framework. Importantly, there is now a shared vision on how our jurisdictions would like to see the greater capital region progress and flourish in the decades ahead, and the MOU is the vehicle that will allow us to identify opportunities for that development.

The MOU focuses on three initial priorities: a strategic regional directions statement; a shared view of planning and infrastructure requirements expressed through a strategic land use and infrastructure plan, including a mechanism to ascertain and apportion costs of infrastructure to each jurisdiction; and an integrated service planning framework that initially looks at health and education.

In relation to the first area, a strategic regional directions statement, the federal government, through the department of regional Australia, has provided funding

through its strengthening regional Australia initiative for a place-based strategy for the greater capital region. Importantly for the ACT and New South Wales governments, the mandate for the funding comes directly from the MOU signed by Premier O'Farrell and me. It is an endorsement of our own jurisdictional policy initiatives and early proof of the benefits of working together rather than in opposition.

Integral to the development of the regional directions statement and the greater capital region strategy, there will be three regional development Australia committees covering this region—our own ACT RDA and the two RDAs representing southern inland and the far south coast. The three RDAs are already working collaboratively on a number of initiatives and the insight they can collectively bring to this activity will be extremely valuable.

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

**MS PORTER:** Yes, Mr Speaker. Chief Minister, what emerging opportunities can you identify in our second century?

**MS GALLAGHER:** I believe that the greater capital region, with Canberra as its economic and population heart, is a place of incredible opportunity. I imagine those opposite would support me in these endeavours, although I have not heard any response from them about the work that we are doing with the New South Wales government in this area. The benefits of working collaboratively not just across the New South Wales government but indeed across the council system as well I think could bring enormous benefits to the people of the ACT.

The business development strategy launched by the Deputy Chief Minister earlier this week is explicit about the importance of the ACT's place not just as the nation's capital but its importance as the heart of the region. That does not mean we are all the same; we are not. The ACT and the other population centres that make up our region each have their own strengths. For the ACT, it is our concentration of research institutions, our fantastic world-class educational and cultural institutions, our highly skilled and highly educated population and our connected and collaborative business community. We genuinely have become a hub city for a dynamic and growing region and the possibilities this creates are significant.

Beyond our borders, with the rollout of the NBN, there are opportunities to expand the reach of our fantastic hospitals, through e-health initiatives, and put our excellent educational and training institutions in contact with a regional network of providers and a broader regional market of students.

Through the RDA committees of the ACT I think there will be economic opportunities that will be identified and we can prioritise them through that work. The ACT and New South Wales governments will assess these opportunities and will support those initiatives which provide the greatest benefit for the capital region, regardless of where the borders might lie.

**MR HARGREAVES:** Supplementary.

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

**MR HARGREAVES:** Chief Minister, what meetings will you be attending soon to make sure that we have solid and cooperative relationships with our regional partners?

**MS GALLAGHER:** I thank Mr Hargreaves for the question. A decision I had taken several months ago was for the ACT government to become a full member of the South East Regional Organisation of Councils, also known as SEROC. We have only attended those meetings in the last few years with an observer status.

SEROC is made up of mayors and general managers of councils within the region and its objectives are very similar to the objectives that I am interested in pursuing: looking at advancing the interests of the region; to promote regional sustainability; to develop regional cooperation and coordination, and where possible resource sharing; and to facilitate greater regional planning.

The first meeting I will attend of SEROC is later in May but I think it will give us a great opportunity to look, particularly going forward, at any avenue that we can to ensure that the most efficient and effective delivery of municipal services to our communities can occur. The ACT government, in the heart of the region, should certainly be a party to those discussions.

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

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

**MR COE:** Chief Minister, what transport services and infrastructure, such as Pialligo Avenue, do you plan on upgrading to show a commitment to cross-border relations?

**MS GALLAGHER:** As Mr Coe would be aware, there are a range of priorities that come to government each year, and they are considered in the budget context. The priority at the moment in terms of cross-border relations is to upgrade Canberra Avenue. We have provided half the funding, or stage 1, for that work to occur. We are in discussions with Deane's around some possibilities there for being able to pick up and continue their route from Queanbeyan and pick up through the ACT. We are also supporting the combined—I believe it is combined—RDA priority around extending the Canberra Avenue upgrade right through to Queanbeyan. That is the priority, but obviously there are others as well.

The benefit of having regional collaboration—meeting with the Queanbeyan mayor, meeting with other mayors around the region—is that you can actually work together and prioritise what would make the biggest difference to support the growth and economy of Queanbeyan, in this instance, and the ACT as well. Canberra Avenue was rated higher than Pialligo Avenue, and that work is being done.

### **Canberra Hospital—emergency department data**

**MR SMYTH:** My question is to the Minister for Health. Minister, in the briefing provided to Mr Hanson on 26 April this year, the Health Director-General stated that the person who deliberately manipulated emergency department data had access to

other health data. Minister, how can the community be confident that no other health data presented by you is false?

**MS GALLAGHER:** The confidence that they can have, and indeed do have in me, Mr Smyth, is that when a problem is identified, I will come out and clearly explain to them what that problem is. I will not seek to hide it. I will come out. I will give the information that I can. I will clearly explain to them what steps are in place to make sure that the accuracy in this instance of data is correct and we will provide that information to them when that work is done.

I think that anybody who has worked anywhere will understand that at times issues occur, problems occur. We wish they did not. We wish people did not make mistakes. We wish they did not do certain actions in the workplace—

**Mr Smyth:** So it was a mistake.

**MS GALLAGHER:** I do not want to speculate on what it is. As you know, those matters are now resting with the Deputy Chief Minister. We all wish problems did not arise. But the test of leadership is actually when they do arise what you do with them—whether you spin away like Mr Seselja did with his little timesheet issues and blame everybody else and say it was everybody's fault but his, and that issue had been going on for three years. It was everyone else's fault for three years. I get an issue. It gets brought to my attention. I make that information public. I accept responsibility and I outline a process to ensure data integrity going forward.

That is what leaders do. I will be measured on it. I have no problem with being measured on it, Mr Smyth. I will do what I can from now until the election when people will have their views about that and will be able to make those judgements. I will work hard to make sure that the community confidence in health data is restored. I will do whatever that takes.

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

**MR SMYTH:** Minister, why have no controls been put in place to ensure the integrity of data beyond the emergency department despite the director-general stating that there is a possibility that further data could have been manipulated?

**MS GALLAGHER:** I was not at the briefing that I arranged for Mr Hanson. I asked that a briefing be arranged for him, to ensure that he was given as much information as I had available, in the desperate, I think, hope that he actually might be slightly responsible with the use of that information. As usual, though, he has come out and, well, I guess, met the benchmark that we have set for him—or he has, rather, set for himself. But the issue as I understand it is that a lone—

*Mr Hanson interjecting—*

**MS GALLAGHER:** that an isolated issue around certain data has been identified that is being prioritised but that a broader audit of health data will be undertaken.

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

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

**MR HANSON:** In the Director-General's 24 April statement, it stated that there were further controls in place, but she was unable to confirm on 26 April whether they had actually started. Minister, how can the community be confident that the current data has not been deliberately manipulated?

**MS GALLAGHER:** I refer you back to the Deputy Chief Minister's statement made this morning. I believe he outlined responses and immediate changes that had been made to date.

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

**MR HANSON:** Yes, Mr Speaker. Why did you not have controls in place to adequately validate data before this incidence of data manipulation?

**MS GALLAGHER:** We will certainly wait for any recommendations that may come from the audit that is currently underway. The advice to me is that there were controls in place. Whether they were adequate I think probably has a question mark above them now. There were what were seen to be adequate controls in place. There are always improvements you can make. The data was validated. Again, going on what information I have, the data was changed following that validation process.

### **Business development strategy**

**MS LE COUTEUR:** My question is to the Minister for Economic Development and is in relation to support for local companies, which was announced in the new business development strategy yesterday. A newly proposed process for tendering for ACT government contracts introduces new evaluation criteria for all goods and services tenders which put a weighting on whether or not the tenderer is a local small to medium enterprise and/or has involvement with local businesses. How can these criteria be effective and ensure that local companies are selected when they would not otherwise be and still adhere to competition principles?

**MR BARR:** I thank Ms Le Couteur for the question. Other states and territories have similar practices in relation to their procurement guidelines. As I indicated in my public statements in relation to this, we will ensure that we are consistent with both our interstate and international trade agreements.

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

**MS LE COUTEUR:** Yes, Mr Speaker. How was involvement with local businesses actually defined and what criteria will be used to evaluate it?

**MR BARR:** The information in relation to these new procurement guidelines will be made public when the new guidelines come into place in 2013.

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

**MS HUNTER:** Minister, will additional weighting also be put on social enterprises which are local or regional?

**MR BARR:** If they are local or regional, they will be supported through these new guidelines.

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Minister, when will the “buy local” social media campaign commence?

**MR BARR:** As soon as possible.

### **Canberra Hospital—emergency department data**

**MR COE:** My question is to the Minister for Health and Chief Minister. In the briefing provided to Mr Hanson on 26 April 2012 the Health Director-General stated that the emergency department data for the first quarter of this year had been amended and submitted to the commonwealth. Minister, why won't you release this data to the public?

**MS GALLAGHER:** We have, in a sense. It is the first reporting of the NEAT data, which is the national emergency access target, which is to be seen within four hours. We have a target. It is clear what the target is. That is all information that has been made public. That target is, I think, 64 per cent by the end of 2012. The amended data indicated a two per cent change to that. We were sitting on 59 per cent. The amended data over a three-month period was 57 per cent. My understanding is that that has been provided to the commonwealth for their validation processes to occur. It is similar to us providing information to the AIHW.

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

**MR COE:** Minister, it was stated in the briefing that the Health quarterly report, which contains data beyond just emergency departments, will now be delayed. Why are you hiding further information from the community?

**MS GALLAGHER:** So this morning I am beaten up for releasing information that it turns out has some data that needs to be corrected.

**Mr Coe:** It's about integrity, Katy.

**MR SPEAKER:** Mr Coe!

**MS GALLAGHER:** I have plenty of integrity, Mr Coe—plenty more than you.

*Opposition members interjecting—*

**MR SPEAKER:** Order, members!

**MS GALLAGHER:** I have more than all of you combined and I am very happy to be judged—

*Opposition members interjecting—*

**MS GALLAGHER:** You would struggle to get—

*Opposition members interjecting—*

**MR SPEAKER:** Order, members!

**MS GALLAGHER:** You lot would struggle to get half the integrity that I have.

*Mr Hanson interjecting—*

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

*Opposition members interjecting—*

**MR SPEAKER:** Order, members! Mr Hanson, thank you.

*Mr Coe interjecting—*

**MR SPEAKER:** Members, thank you. Let us hear from the Chief Minister.

**MS GALLAGHER:** The latest quarterly performance report has been held back from publication to ensure—

*Opposition members interjecting—*

**MR SPEAKER:** Members, please! We are hearing from the Chief Minister.

**MS GALLAGHER:** There is only one group that is arrogant in this place and I think everybody knows who that is.

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

*Mr Hanson interjecting—*

**MR SPEAKER:** Mr Hanson!

**MS GALLAGHER:** The answer to the question is that that publication has been held back pending data verification, and I think that is entirely appropriate.

**MS BRESNAN:** Supplementary, Mr Speaker.

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



**MS BRESNAN:** Thank you, Mr Speaker. Minister, are the data checks that the ACT has in place similar or different to what other states and territories have?

**MS GALLAGHER:** As I understand it—I asked that question as well. Whilst I have not been through each state's verification processes, my understanding is that they are largely similar. If there are recommendations from the audit that is underway and, indeed, if the Auditor-General inquires into it, I presume part of that will be looking at what standards are in place and whether we need to make any changes based on that.

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

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

**MR HANSON:** Minister, what actions have been taken to inform other states and territories that our data in the AHW report released yesterday is false and cannot be relied upon?

**MS GALLAGHER:** I raised it with all my fellow health ministers on Friday and informed them of the situation in the ACT. I also explained the process we are undertaking. Mr Hanson was hoping that I had not done anything. He looks a little bit disappointed that I actually have. I have done exactly what a minister needs to do. I have raised it with all of my colleagues. I also pointed out that, whilst we were going through data verification processes, it might be worth while all ministers having a look at theirs. I also—

*Opposition members interjecting—*

**MR SPEAKER:** Order, members! Thank you, members!

**MS GALLAGHER:** No, it is not the Assembly's fault. An issue has become a problem here—

*Opposition members interjecting—*

**MS GALLAGHER:** I know they are not interested. It is not that unusual, when a problem arises in one jurisdiction, for health ministers to inform other health ministers of what the problem is to make sure that, if it is an issue there, they will be able to look into it too. It is not unusual, Mr Hanson. It is entirely responsible. I feel that I did the right thing on Friday by explaining it to all of them.

### **Housing—affordability**

**MS BRESNAN:** My question is to the Minister for Economic Development and concerns low income households and housing stress. Minister, last year I asked you if you agreed with the affordable housing coalition's assertion that the ACT had the worst rate of low income households in housing stress. You said you did not. Yesterday Anglicare Australia labelled Canberra's rental affordability the worst of any city after a property snapshot found that there was virtually no affordable housing

available for low income earners. Minister, do you maintain that the ACT's low income households are comparatively better off than low income households in other cities?

**MR BARR:** The Anglicare analysis excluded public housing. Public housing provision in the ACT is higher than in any other jurisdiction in Australia. The government is taking a number of steps, working in partnership with community housing providers, to provide more affordable rental. But undoubtedly, in the context of private provision of affordable rental, there is a market failure. It will require government intervention by way of changes to a number of policy settings. I look forward to the debate on this matter as further policy options are put forward for public consideration. I thank Ms Bresnan for her interest in the matter. I am sure she will make a worthy contribution to the debate in the coming months.

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

**MS BRESNAN:** Minister, why has the government's affordable housing action plan focused mostly on first homeowners and not given greater attention to people who are most likely to be in housing stress, being low income households in private rentals?

**MR BARR:** Ms Bresnan's analysis seems to assume that the housing market operates in segments that are in isolation from each other. One must view housing as a continuum, and more people accessing homeownership frees up properties for those in the rental market. Rent is the interaction of supply and demand. The only way to put downward pressure on rents is to increase the supply of affordable housing, and that is the focus of government policy.

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

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

**MR COE:** Minister, as part of the overall housing shortage in Canberra, what are you doing to ensure that the most deserving and needy people are in public housing?

**MR BARR:** That question actually relates to the minister for housing. Nonetheless, we seek through our housing affordability strategy to provide a range of housing options. I note that some of the most innovative options to provide—

**Mr Coe:** Public housing, I said.

**MR BARR:** I am not the minister for public housing.

*Mr Coe interjecting—*

**MR SPEAKER:** Members, let us just hear from the minister.

**MR BARR:** Thank you, Mr Speaker. If I am able to complete my answer, in relation to the government's housing affordability policies, we have in place a range of policy solutions across the breadth of the housing market. I do note that the most innovative

of those are not supported by the Canberra Liberals. They have run a campaign against them throughout the process. So it is a little bit rich of Mr Coe to be throwing accusations across the chamber when he does not even support some of the most important measures to provide more affordable housing to Canberrans.

**MS LE COUTEUR:** A supplementary.

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

**MS LE COUTEUR:** Minister, is the government's affordable housing plan premised on the assumption that everyone in their lifetime will be able to purchase a home or does it recognise that homeownership is unlikely to ever occur for some people?

**MR BARR:** The latter.

### **Canberra Hospital—emergency department data**

**MR DOSZPOT:** My question is to the Minister for Health. Minister, in the briefing provided to Mr Hanson it was acknowledged that the ACT Health Directorate was close to providing falsified data to the commonwealth on which reward funding would have been based. Are you confident that no other funding from the commonwealth may have been provided to ACT Health based on falsified data in other areas of health?

**MS GALLAGHER:** That is the information that I have been provided with. There has not been any rewards funding attached to emergency department performance until the new four-hour rule has been agreed to. So it is attached to completion of the first stage of that towards the end of this year, in November or December; I think it is December.

In relation to elective surgery, which is the only other area where performance funding is attached, we did not receive about \$900,000 under the agreement there, for failure to meet targets. I would note that this was also raised at the health ministers meeting on Friday by another jurisdiction that has also failed to receive reward payments. They had similar concerns to the ones that the ACT government has. What we need, particularly if performance money is going to be attached, is an agreed national standard on management of waiting lists in elective surgery, and that work has been agreed to by health ministers. That is not what we have at the moment. What constitutes a waiting list here is quite different from what constitutes a waiting list in New South Wales. I think that ministers around Australia are fast realising, with reward money attached, what those differences might mean and the impact it might have on dollars that actually go to hospitals.

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

**MR DOSZPOT:** Minister, under the NEAT agreement, ACT Health has provided emergency department data to the commonwealth since 1 July 2010. Has ACT Health defrauded the commonwealth and is the ACT in breach of the NEAT agreement by providing falsified data?

**MS GALLAGHER:** That is not the information that I have. Contact was made with the commonwealth immediately on the Health Directorate being aware of this data discrepancy following the disclosure from a staff member. That went right to the top of the commonwealth. My office contacted the federal health minister's office to explain the problem as it had been identified on Monday afternoon. The Director-General of Health also spoke on Friday with other directors-general around the country about the issues that had been identified in Canberra.

My understanding is no, but we do have to go back through a process and correct any data that has inadvertently been provided to the commonwealth that may need to be corrected. I have not had any representations from the commonwealth or the commonwealth minister that they are unhappy with that process.

**MR HANSON:** Supplementary.

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

**MR HANSON:** Minister, given that you have failed to reach elective surgery targets to receive the full commonwealth reward funding and we possibly now have defrauded the commonwealth on emergency departments, are you confident that the ACT Health Directorate can fulfil our obligations to the federal government?

**MS GALLAGHER:** We will fulfil our obligations to the commonwealth government. The data that has been provided for the first three months of the NEAT target is that we are sitting at 57 per cent of presentations being seen, discharged or admitted within four hours. We have to reach a target of 64 per cent across the two hospitals by the end of this year. The advice from my department is that very significant effort is going into meeting those targets.

The work that has been done—and this is where I think the motion this morning which the Liberal Party voted against was important. The motion was to send a message of support to the nurses and doctors who are actually going to deliver those results by supporting them in their ongoing efforts to reach that target. It will not be done by the swipe of a ministerial pen; it will actually be the people who deliver the service day in, day out. They are obviously distressed by the situation that has occurred, and I think it was very important that the Assembly send them a message of support this morning. It is unfortunate that the Liberal Party, due to their politics and their game playing, could not see fit to support that element of the motion today.

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

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

**MR HANSON:** Minister, what communication have you or your directorate received from the commonwealth in relation to the falsified data?

**MS GALLAGHER:** The commonwealth are aware of the issue. As far as I understand they are aware of the processes that are underway to correct any of the

data that may need to be corrected. I have not had any representations of concern from the commonwealth, including at the health ministers meeting, where the federal health minister was there to raise any concerns about the processes underway to correct the data.

### **Transport—strategy**

**MR HARGREAVES:** My question is to the Minister for the Environment and Sustainable Development. Minister, you recently released an update on the city to Gungahlin transit corridor project. Could you please tell the Assembly how this important project is progressing?

**MR CORBELL:** I thank Mr Hargreaves for the question. As members would be aware, early last month I released an update, the second update from the government, on progress to examine options for both bus rapid transit and light rail transit from Gungahlin to the city along the Flemington Road-Northbourne Avenue corridor. This assessment has been looking closely at the range of options to deliver fast, frequent and quality public transport down one of the busiest corridors—indeed, the busiest corridor—in the city providing more incentive for people to use public transport and helping to manage congestion as population along the corridor grows.

The project is a key part of the government's considerations flowing from the 2012 transport for Canberra policy, which outlines ways to deliver faster, more convenient and more sustainable transport options for Canberrans. The project is investigating the feasibility of replacing the Red Rapid bus service between the city and Gungahlin with either a bus rapid transit or a light rail transit corridor. Both options require their own segregated corridor which allows for higher speeds, better frequency and reliability.

In each option the examination to date suggests that the service is proposed to run at a 10 minute frequency by 2021 and eight minutes or less by 2030. As I indicated, I recently released the second project update, which included the independent cost estimates for both the bus rapid transit and light rail transit options. This work was undertaken by the consultants URS Australia. These cost estimates show that bus rapid transit is estimated to cost between \$300 million and \$360 million, while light rail transit would require an investment estimated at \$700 million to \$860 million. These cost estimates are subject to further detailed assessment and refinement.

Further design work is now being undertaken and a detailed business case is currently under development to allow the government to determine whether a BRT or LRT option is economically feasible for this transit corridor. Apart from the cost differences, there are other advantages and disadvantages of each option. These have been laid out and explained in project update 2.

The project update also indicates alignment possibilities along the corridor under both the BRT and LRT options. It is intended that the transit corridor would be in the median on the Flemington Road element of the corridor and moving to the kerbside or staying in the median on the Northbourne Avenue segment.

There would be a new terminus on Hibberson Street in Gungahlin and a new station in Dickson, potentially on the current motor vehicle registry site, which would allow the rapid transit services, whether bus or light rail, to connect with other frequent and local services. All the concepts under examination include extensive landscaping, separated three metre wide cycleways on both sides of the road and wider pedestrian paths.

The government is currently carefully considering the development of a business case for the transit corridor options and we will make further announcements as we lead up to and in the course of the coming budget.

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

**MR HARGREAVES:** Minister, what happens next with the project?

**MR CORBELL:** I thank Mr Hargreaves for the supplementary. At this point the government are consulting with Canberrans on the options we have outlined in project update 2. We are encouraging Canberrans to have their say on the initial concepts and designs as well as on the costs. The public comment phase is on now. Opportunity for feedback is being provided through all the usual means, including through [timetotalk.act.gov.au](http://timetotalk.act.gov.au), through our shopfronts and public libraries, or by direct email contact with the project team.

We have also just completed the first round of community information events, which are being held at shopping centres in Gungahlin, Dickson and the city. The first two sessions have already been held. These occurred at the Dickson group centre last Friday and Saturday. Almost 400 people stopped to read the posters and/or talk to the consultant team. The level of interest shown in the project was significant.

There is overwhelming community support for improving public transport infrastructure along this corridor. The government will be having close regard to the comments received during the community feedback sessions.

This is a major project and a major challenge for our city. It will require significant additional work in examination, investigation, analysis and feasibility, before any decision on construction or operation can take place. For this reason the feedback from the community will be vital in determining the next steps that the government will take.

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Minister, with the costings for light rail, what have they included? Have they included stops such as a major stop at Dickson? What options for funding have they included? Have you investigated things such as private-public partnerships?

**MR CORBELL:** I thank Ms Bresnan for the supplementary. Costing for both BRT and LRT includes the cost of development of a station at Dickson. In relation to

financing costs, the government is commencing work on financing costs as part of the next stage of this project.

**MS PORTER:** Supplementary.

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

**MS PORTER:** Minister, what benefits could the people of Canberra see from this project?

**MR CORBELL:** During the course of a normal weekday—and I thank Ms Porter for the supplementary—around 40,000 cars and around 500 scheduled buses travel along Northbourne Avenue. It is the most congested corridor in Canberra. Without improvements to public transport infrastructure, congestion will continue to increase, increasing travel times for road users and impacting on people's quality of life and indeed their productivity.

Our initial transport modelling suggests that if BRT was in place today the proposal would cut delays in peak travel times between the city and Gungahlin from the current 16-minute delay to an eight-minute delay. The light rail option would see the delay reduced to less than six minutes.

In transport modelling, a dollar value is assigned to travel time, and each minute saved per vehicle adds to the benefits of the project.

Decongestion benefits for general traffic and public transport vehicles are just two of the benefits that are being calculated for this project. Canberrans would also benefit from reduced vehicle operating costs when people switch from car to public transport, as well as improvements in safety and in emissions reduction.

Indeed, increasing public transport usage is one of the best investments we can make to reduce our city's greenhouse gas emissions as well as reducing air and noise pollution and helping achieve a more sustainable Canberra.

Of course there are also significant non-monetary benefits. An improvement to the public realm, the creation of a more active and attractive boulevard and entry point to the national capital and a more accessible and socially inclusive transport system are also benefits of such an investment, as indeed are the associated health benefits of more active travel.

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

### **Answers to questions on notice Questions Nos 2178 and 2179**

**MR HANSON:** Mr Speaker, under standing order 118A, I seek an explanation as to why answers to questions appearing on the notice paper—2178, in relation to emergency department waiting times, and 2179, in relation to the impact of the carbon tax on providing health services—have not been provided.

**MS GALLAGHER:** In relation to question 2178, that is subject to a review of some data. In relation to 2179, that question on notice has not come to me for sign-off yet.

**Mr Hanson:** Why not?

**MS GALLAGHER:** Well, it has not, Mr Hanson, and we are pursuing it.

### **Question No 2220**

**MR COE:** Under standing order 118A, I seek an explanation from the Chief Minister and Minister for Territory and Municipal Services as to why question on notice No 2220 regarding accidents has not been given to my office yet.

**MS GALLAGHER:** I can answer in relation to Mr Coe on 2220. That is apparently with me for signature, as is 2211, as is 2208 and as is 2205. In relation to 2078, further information is being sought before I will sign off that question.

### **Question No 2227**

**MR COE:** Mr Speaker, under standing order 118A, I seek an explanation from the Minister for Education and Training as to where the answer to 2227 is.

**DR BOURKE:** That question has been signed off and should be with the member shortly.

## **Papers**

**Mr Speaker** presented the following papers:

Auditor-General Act—Auditor-General’s Report No 1/2012—Monitoring and minimising harm caused by problem gambling in the ACT, dated 3 April 2012.

Nurse-led walk-in centres—Letter from the Chief Minister to the Speaker, dated 29 March 2012, pursuant to the resolution of the Assembly of 15 February 2012.

Standing order 191—Amendments to:

Government Procurement Amendment Bill 2011, dated 2 April 2012.

Justice and Community Safety Legislation Amendment Bill 2012, dated 4 April 2012.

Long Service Leave (Portable Schemes) Amendment Bill 2011, dated 2 April 2012.

Road Transport (General) Amendment Bill 2011, dated 2 April 2012.

Leader of the Opposition’s Office—Independent workplace audit—

Report of the independent workplace audit of staffing arrangements in the office of the Leader of the Opposition for the period 2009-2012, dated 10 April 2012—Prepared by Ron McLeod AM, Independent Workplace Auditor, pursuant to the resolution of the Assembly of 14 February 2012, as amended, 29 March 2012.



Services Agreement between Mr Ron McLeod and the Territory, dated 23 February 2012.

Services Agreement between HBA Consulting Pty Ltd and the Territory, dated 23 February 2012.

Deed of Confidentiality and Conflict of Interest—

Mr Ron McLeod, dated 23 February 2012.

Mr Gary Champion, dated 28 February 2012.

Mr Chris Duffy, dated 1 March 2012.

Mr Max Gillard, undated.

Ms Kylie Champion, undated.

Copies of correspondence from Mr McLeod to the Speaker—

Dated 9 March 2012.

Dated 16 March 2012.

Dated 3 April 2012.

Copies of tax invoices addressed to the Corporate Manager, ACT Legislative Assembly, from—

Mr Ron McLeod, dated 10 April 2012.

Mr Gary Champion, Principal, HBA Consulting—

Dated 14 March 2012.

Dated 30 March 2012.

Dated 11 April 2012.

**Ms Gallagher** presented the following papers:

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

Long-term contracts:

Christopher Ware, dated 7 March 2012.

Hugh Jorgensen, dated 8 December 2011.

Mark McCabe, dated 8 December 2011.

Moir Crowhurst, dated 6 February 2012.

Nicole Masters, dated 16 March 2012.

Patricia Drury, dated 16 March 2012.

Paul Swain, dated 9 January 2012.

Short-term contracts:

Adrian Walsh, dated 31 January 2012.

Allan McLean, dated 22 March 2012.

Alyn Doig, dated 13 February 2012.

Brett Monger, dated 4 April 2012.  
Craig Simmons, dated 22 and 30 March 2012.  
David Evans, dated 16 December 2011.  
Diane Joseph, dated 4 and 12 April 2012.  
Douglas Gillespie, dated 28 March 2012.  
Elizabeth Beattie, dated 30 August 2011.  
Gaynor Stevenson, dated 16 April 2012.  
Gregory Haustead, dated 5 April 2012.  
Ian Cox, dated 30 March 2012.  
Jan Swanepoel, dated 27 January 2012.  
Jordan Langford-Smith (2), dated 12 April 2012.  
Louise Gilding, dated 3 April 2012.  
Luke Jansen, dated 3 April 2012.  
Michael Joyce, dated 2 April 2012.  
Natalie Howson, dated 22 and 31 March 2012.  
Penny Farnsworth, dated 23 February 2012.  
Rachael Jackson, dated 5 September 2011.  
Shane Kay, dated 28 March 2012.

Contract variations:

Adrian Walsh, dated 27 March 2012.  
Alan Traves, dated 19 and 23 March 2012.  
Ben Ponton, dated 2 and 12 April 2012.  
Catriona Vigor, dated 16 April 2012.  
Christopher Norman.  
Daniel Walters, dated 19 and 21 March 2012.  
David Dutton, dated 14 and 21 March 2012.  
David Grey, dated 16 April 2012.  
David Peffer (2), dated 25 February and 30 March 2012.  
David Read, dated 16 and 23 February 2012.  
Geoffrey Rutledge, dated 27 March 2012.  
Glenn Lacey.  
Helen Pappas, dated 16 and 24 February 2012.  
Jan Swanepoel, dated 4 April 2012.  
John George Lundy, dated 9 December 2011.  
Judith Redmond, dated 14 and 29 March 2012.  
Kim Salisbury, dated 4 April 2012.

Mark Whybrow, dated 14 March and 2 April 2012.

Matthew Smith, dated 14 and 21 March 2012.

Meg Brighton, dated 16 April 2012.

Michael Bateman, dated 16 January and 3 April 2012.

Neil Alexander.

Sushila Sharma, dated 14 and 30 March 2012.

Yu-Lan Chan, dated 16 and 22 February 2012.

Remuneration Tribunal Act, pursuant to subsection 12(2)—ACT Civil and Administrative Tribunal—Determination 1 of 2012, together with accompanying statement.

## **Planning and Development Act 2007—variation No 307 to the territory plan**

### **Papers and statement by minister**

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

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 307 to the Territory Plan—Griffith, Section 42, Block 15—Change of zoning from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone—Amendment of the Griffith precinct code, dated 19 April 2012, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 12—Draft variation to the Territory Plan No 307—Change of zoning—Government response.

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

Leave granted.

**MR CORBELL:** Variation 307 has undergone rigorous scrutiny through the ACT's planning system. I table this variation today with the unanimous support of the Standing Committee on Planning, Public Works and Territory and Municipal Services. I would like to take this opportunity to thank the committee for its detailed consideration and report on this variation.

Variation 307 rezones land at Austin Street in Griffith—section 42, block 15. This site is more commonly known as the headquarters for the Brumbies Rugby club and was previously the site of the Canberra South Bowling and Recreation Club. The rezoning removes the current commercial CZ6 leisure and accommodation zoning and replaces it with the RZ4 medium density residential zone. Consistent with the recommendations of the standing committee, the variation also amends the Griffith precinct code of the territory plan, introducing specific provisions relating to the subject site.

The draft variation attracted more than 100 submissions when it was publicly notified by the Planning and Land Authority between January and March 2011. There were concerns about the motives for the rezoning and the relationship between the ACT government and Brumbies Rugby. There was some confusion in the submissions about the lease arrangements for the site and particularly the concessional lease over part of the site. Suggestions were put forward proposing alternative zones and uses for the site, including community, open space and recreation uses. Some submissions questioned the planning merits of the proposal and its compliance with the relevant strategic and statutory documents. There were also questions about the justification for the proposal in terms of population and housing choice.

The submissions also raised concerns about potential impacts of the proposal, including flooding, traffic, amenity, character, heritage and garden city values. I think it is fair to say that many within the community expressed concern about the proposal and what it might mean for the local area surrounding the site.

The overwhelming public perception is that the site is in some way a public asset allocated for community, recreation and/or urban open space purposes. Accordingly, many submissions lament the loss of this asset. But the fact is the site is actually included in the commercial CZ6 leisure and accommodation zone where developments such as a hotel are merit assessable. It is not a public facility; it is not a community facility. As such, the current zoning and planning benefits of the proposal are unlikely to sway local objection in these terms to the proposal.

I am committed to a robust and open planning system. I believe that good planning outcomes can be achieved through scrutiny at the appropriate levels. That is why I referred this draft variation to the relevant standing committee. After an extensive inquiry the standing committee tabled its report No 12 in February this year. In its report the committee recommended that the draft variation should proceed, subject to additional provisions in a precinct code. These provisions are intended to guide the site's future development.

The variation I am tabling today responds to the standing committee's recommendations. It responds to its recommendation No 1 by making amendments to the Griffith precinct code to include a limitation on basement parking to one level, a setback of 35 metres from block 7 and any development on the subject site, stipulation that 100 per cent of multi-unit dwellings are to be adaptable, provisions to protect trees on the perimeter of the site from development or encroachment, formalisation of the existing paths on block 16 adjoining the subject site and the erection of flood signage on section 42.

The standing committee recommended comprehensive flood studies be undertaken and made publicly available. Flood investigations were prepared as part of variation 307 and were made publicly available. Once the detailed design for the proposed redevelopment of the site is known, the need for any additional flood investigations can be identified. This would occur at the development application stage.

The multi-unit housing development code contains water sensitive urban design requirements, and as the block has an area greater than 5,000 square metres the

development will need to achieve a reduction in mains water, provide onsite stormwater detention, reduce stormwater pollutant export loads and ensure that the capacity of the existing overland—major—stormwater system to the site is not exceeded in the one-in-100-year storm event.

I am confident that the standing committee's recommendation in relation to flooding can be achieved through the development application process and its assessment against the existing provisions in the territory plan.

The committee's third recommendation was that the precinct code provisions should apply whether or not the site is rezoned. As I have approved variation 307, the precinct code will be introduced as a part of the variation unless it is disallowed by this place. The variation is anticipated to commence before the end of May.

However, if variation 307 does not commence then I would find it extremely difficult to impose the same conditions on any future development of the site. This is because the means by which those conditions could be imposed is through this variation. If it does not proceed then the only option would be to prepare a new territory plan variation subject to the same statutory requirements as variation 307.

As I have already mentioned, there was some confusion in the public submissions about the leasing arrangements for the site. It is therefore understandable that the last three recommendations of the committee's report related to the administrative processes for leasing. The government accepts those recommendations in full.

Information available to the public will be reviewed. I trust that this will help to assist the community in its understanding of the ACT's planning and leasehold system. The full government response to the committee's recommendations and the detail of our response can be viewed in the documents that I have tabled today.

Variation 307 promotes redevelopment of the site for medium density residential development. It is an appropriate site for this use. Variation 307 is consistent with the Canberra spatial plan, the draft ACT planning strategy and the statement of strategic directions of the territory plan. The site will increase housing in a location that is close to commercial and employment centres at Manuka, Kingston, Barton, Parkes and Civic. The rezoning will increase housing stock and choice in the area without directly affecting the existing single dwelling housing in the precinct.

Even with recent developments in Kingston foreshore and other multi-unit projects in the inner south over the last decade or so, population levels in south Canberra are still below those of the early 1960s. The population levels will need to continue to recover as we provide more opportunities for more people to live in this central and accessible location.

The site is well proportioned and is of sufficient size to accommodate medium density residential redevelopment. The site is separated from surrounding low density residential areas by Austin Street and surrounding open space areas. This is a site that is far more appropriately zoned for residential purposes than for commercial uses and the government believes that this is another reason why this variation should proceed.

I should conclude by making the comment that, in approving this variation and putting in place the changes to the precinct code that I have outlined, we are ensuring that the landscape amenity of the site is also protected through any redevelopment process. Making sure that the mature tree character of the site is retained and continues to contribute to the overall landscape amenity of this important part, this early part, of Canberra's development is an important outcome. We have sought to ensure that that has been implemented by adopting the recommendations made by the committee in its report. I commend the variation to the Assembly.

**MS LE COUTEUR** (Molonglo), by leave: I thank the planning minister, Mr Corbell, for bringing the finalisation of the draft territory plan variation before the Assembly. This, as we all know, has been a very controversial variation. I will not bore the Assembly by going through all the history. What I will say, though, is that this is probably an example of our planning system, as far as consultation goes, working reasonably well. There was, clearly, considerable public discourse and disquiet about this. I think that the planning committee worked well in getting a consensus—it was a unanimous report of the planning committee—as to what would be an acceptable balance between the amenity of the area and the views of some of the existing residents and in terms of looking at planning from an overall point of view as well as from the point of view of what was actually possible, likely and feasible to happen on this site.

I thank the minister very much for taking on the recommendations of the planning committee. I must admit that one of the things we wondered about when we did it was whether or not we were wasting our time. I am very pleased that we were not wasting our time in our deliberations. I suppose I have one final technical question—that is, what impact will this have on the plot ratio for any development on that site?

I would also just briefly note that the committee talked about the concessional aspects and the need for better public notification. On that note, my bill tabled before the Assembly on public notification takes steps to try and implement the committee's recommendations. I understand, from negotiations between my office and Mr Corbell's office, that something will be put forward next week which will address that and is likely to be passed by the Assembly. I thank the planning minister for taking on board so fulsomely the recommendations of the planning committee.

## **State of the environment report 2011**

### **Papers and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.14): For the information of members I present the following papers:

Commissioner for the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—State of the Environment Report 2011—

Executive Summary,

Overarching papers (Volume 1).

Theme and Indicator Cluster papers:

Land and Water, Biodiversity, Air (Volume 2).

Climate, People (Volume 3).

I seek leave to make a statement in relation to the papers.

Leave granted.

**MR CORBELL:** Today I present to the Assembly the most recent *ACT state of the environment 2011 report*. It is a requirement of the Commissioner for the Environment Act 1993 that the commissioner present to the government at regular intervals a report on the condition of our environment. The government is also tabling the report in readiness to formally respond to the commissioner's report in mid-2012.

The *ACT state of the environment 2011 report* provides a comprehensive statement of the health of the ACT's environment, land, water, air, biodiversity, climate, economy and people. The 2011 state of the environment report covers the period 1 July 2007 to 30 June 2011. The office of the commissioner has undertaken an SOE report for the ACT approximately every four years since 1995.

The government is pleased that the commissioner has provided such a detailed and comprehensive framework for assessing the condition of the ACT's environment. The SOE report comprises three overarching papers. Firstly, an executive summary that outlines key findings and provides 22 recommendations in order to assist progress of environmental management in the territory. Secondly, a headline indicators paper uses a small set of indicators to help provide simple and clear information about the overall condition of the environment and the changes that have taken place since the last state of the environment report.

The third overarching paper is on progressing sustainability, which places findings into a wider sustainability framework and provides information on key sustainability challenges and opportunities for the ACT into the future. These three overarching papers are informed by five theme papers: land and water, biodiversity, air, climate, and people. Underpinning these themes are indicator papers that focus on measurement, analysis and interpretation.

New to this report is an additional paper on driving forces, namely, population, consumption, climate and land use, and transport, which drive demographic, social and economic pressures that impact on our environment. The state of the environment report recognises that our consumption and urban form continue to grow and that vigilance will be needed to maintain our healthy environment and our liveable city.

The SOE report highlights the importance of many of the government's key sustainability initiatives being implemented in a range of areas—for example, in reducing greenhouse gas emissions, in increasing energy efficiency, in expanding the use of renewable energy, in improving waste management, land and water management, protecting biodiversity, and pursuing an integrated approach to transport and urban development.

Key government initiatives that were referred to in the report include the development of legislated targets for greenhouse gas reduction and use of renewable energy; *Weathering the change action plan 2*, with a draft released for public consultation in December last year; a number of water supply measures, including the enlargement of the Cotter Dam; increased focus on stormwater harvesting and water-sensitive urban design; catchment management projects such as the lower Cotter and Upper Murrumbidgee Demonstration Reach; the addition of three new reserves—Callum Brae, Jerrabomberra West and Kama—to the ACT nature reserve system; innovative biodiversity conservation projects, including research and restoration underway in the Mulligans Flat-Goorooyaroo Woodland and analysis of ecological connectivity for climate change in the ACT and the surrounding region; the strategic bushfire management plan that balances safety and ecological needs; the release of transport for Canberra and the strategic public transport network plan; the development of the ACT planning strategy; and progress in the rollout of public place recycling, business waste programs and e-waste actions.

Since the end of the reporting period for this report, the government has finalised its energy policy, waste management strategy and transport for Canberra policy. Key energy initiatives have also been given priority. The large-scale solar auction process commenced in February last year and the government's Energy Efficiency (Cost of Living) Improvement Bill was introduced during this year's sitting and is listed for debate today.

Voluntary use of green power, an increasing level of renewable energy in the national energy market, and renewable energy generated in response to the ACT's feed-in tariff scheme give the government confidence it will meet its target of 15 per cent of energy from renewable sources by the end of this year and 25 per cent by 2020. The SOE report highlights that the ACT continues to enjoy good outdoor air quality.

Suggested areas for improvement in the territory are also identified in the report. One key issue is the growing ACT ecological footprint, an indicator of consumption and population growth. Other areas for improvement include further reduction of waste generation on a per capita basis, the meeting of the government's carbon reduction targets and continuing to improve water quality in Canberra's lakes and waterways.

The government is mindful of the need to encourage measured economic growth whilst promoting change to more sustainable behaviours. The government will build on its time to talk consultations and continue to engage with the community as we develop future policies, programs and actions to continue to improve the sustainability of the ACT.

The findings of this state of the environment report reinforce the need to take strong action on climate change and to continue to implement policies to further reduce waste generation. Now is not the time to walk away from targets to deliver these important outcomes. The ACT government will not walk away from these issues as other state Liberal governments have done in recent times.

I am pleased to table the Commissioner for Sustainability and the Environment's ACT state of the environment report for 2011. I commend the report to the Assembly and



extend my thanks to the commissioner Bob Neil and the former commissioner Maxine Cooper and their staff for the work they have undertaken in developing this very important document. I move:

That the Assembly takes note of the papers.

**MR RATTENBURY** (Molonglo) (3.21): I thank the minister for bringing the report to the Assembly today. It is indeed an interesting document. It delivers a clear message that the ACT is currently over-stretching its environmental limits. It is an illustration of how “business as usual” policies are driving the territory in completely the wrong direction. The commissioner’s analysis indicates that our population is growing and ageing, our urban footprint is growing, our climate is warming, our emissions increasing, and our levels of consumption and waste generation are rising rapidly.

It is interesting to reflect upon the recommendations made in the *ACT State of the environment 2007 report*, as in many ways the current report is a more urgent echo of this and earlier reports. Like the current report, the 2007 report highlights sustainable consumption as our greatest challenge and pointed to the multiple threats posed by the encroachment of our urban footprint upon our natural areas. The latest report indicates that such issues have only amplified. This fact is particularly concerning given it points to insufficient action by the government to respond to the commissioner’s previous warnings.

As our only comprehensive environmental inventory, state of the environment reports should form the basis of the government’s environmental policy. Yet we have seen constant delays in their being publicly released, assessed and responded to. For example, the report the minister has just tabled was handed to him in December 2011, and yet it was not released until just last week.

During this time, a series of important environmental strategies were opened for public consultation, including *Weathering the Change 2*. Yet the public was deprived of this latest state of the environment report and its findings during the development of each of these strategies and during the phase in which people could comment.

Such an approach to environmental reporting and consultation is not indicative of a government taking strong environmental leadership. Neither is it consistent with a government that has publicly stated its commitment to the principles of open government.

These issues of process aside, I would now like to turn to the substance of the report itself. A range of serious concerns are highlighted, predominantly concerning urbanisation, biodiversity, consumption, waste generation, transport and greenhouse gas emissions. Taking an overview of the indicators, when it comes to urbanisation, land and water health, and biodiversity, the report indicates that our urban footprint has grown by nine per cent over the reporting period of just four years.

Whilst this growth need not be detrimental were it carefully planned, instead the commissioner highlights that the current scale of urbanisation is placing considerable

pressure upon our natural ecosystems, especially the water quality of our catchments and our flora and fauna. This pressure is starkly illustrated by the addition of three new, and a possible fourth, species to the ACT's threatened species list and the growth in frequency of blue-green algal outbreaks in our waterways.

Such findings are all the more concerning given the government's commitment under *Weathering the Change 1* to protect the areas of high conservation value. Unfortunately, over the past four years, no new areas have been protected other than to offset urban development. In fact, under the government's existing policies, 72 per cent of all new development is being furthered on greenfield sites.

Despite this rapid growth in urbanisation, the report highlights the absence of any comprehensive data on land health. As the commissioner points out, and the Greens have been advocating for some time, it is critical that an integrated approach to future landscape planning be developed so as not to perpetuate the serious ecological impacts that the current poorly managed approach is causing.

Turning to the related issue of Canberra's transport, the report paints a similarly backward picture. One issue that particularly stands out relates to the cost of living. According to the report, transport costs are the second highest household expenditure for Canberrans after housing. This is largely due to the government leaving Canberrans to rely on cars instead of investing in public transport. In fact, as the report points out, Canberrans are more reliant on cars than is the case in any other capital city.

As previous state of the environment reports have told us, the latest report repeats the warning that the ACT government's transport and infrastructure priorities are strongly geared toward private car travel. The commissioner notes that over the reporting period the government has built 100 times more roads than transit lanes. He also noted that ACTION buses now have fewer vehicles than in 1991 and drive fewer kilometres with a lower level of patronage.

That is a startling fact which we must and can reverse. More than ever, this state of the environment report indicates the urgent need for the ACT government to improve public and active transport. This is the best way to address congestion problems, parking pressures, to mitigate growing pollution and to help alleviate cost of living pressures.

I now turn to the report's findings on the ACT's greenhouse gas emissions, resource use and waste generation. Changes to these areas over the reporting period highlight a serious disjunction between the government's commitments to and actual action in reducing emissions and sustainable resource consumption. It is interesting to note that the last reporting period precisely paralleled the implementation period of *Weathering the Change 1*, yet emissions rose seven per cent from 2005 to 2009, per capita waste increased at a rate five times that of the current rate of population growth and the ecological footprint of the average Canberran has increased by five per cent over the past five years, making it 13 per cent higher than the national average.

The ACT's rate of private car ownership over the reporting period, despite commitments to reduce fuel-related emissions in action plan 1, has increased and the

dip in landfill to waste achieved between 2003 and 2007 has now been reversed. The commissioner also expressed his concern that the government will not meet its commitment made under action plan 1 to achieve carbon neutrality in its own operations.

That the government cannot meet its own operational targets does not offer the community great confidence when it comes to delivering our ambitious territory-wide targets. These findings point to a pressing need for stronger and more integrated approaches to emissions reduction, resource management and waste avoidance, and reduction strategies in the ACT.

That said, there was some good news in this report. Not all of the findings were as bleak as some of the ones I have discussed. It should be noted that a range of success stories were reported. These largely concern community-based initiatives led by groups and institutions including the University of Canberra, SEE-Change, the Canberra Organic Growers Society, Canberra Loves 40% and others. Promisingly, the proportion of our electricity consumption sourced from renewable energy almost doubled to 8.94 per cent. However, it will require much stronger investment over the coming years to ensure that the ACT can reduce its dependence upon fossil fuels, which currently comprise 91 per cent of our total electricity use.

Let me simply conclude by saying that the findings from the *ACT state of the environment 2011 report* indicate that the ACT's environmental trajectory is headed in the wrong direction. The days of writing strategy document upon strategy document must be over. We need real and concerted action on the range of problems the commissioner has identified lest the findings in this and subsequent state of the environment reports grow in severity and extent.

The irony is that many of the problems identified by the commissioner could be simply addressed. Greater investment in public transport and renewable energy, forward-thinking approaches to urban planning and prioritisation of high conservation value areas will go a long way towards reversing these worrying trends.

It is time to stop moving backwards and to start moving forwards. We owe this to the Canberra community, to our children and to the environment itself. The Greens wish to thank the commissioner and the staff of the Office of the Commissioner for Sustainability and the Environment for bringing these very serious issues to the Canberra community's attention. We look forward to working with all members of the Assembly to deliver real environmental leadership in the ACT and to ensure that when the next reform comes out in four years time we can see improvement in a number of these important indicators.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.30): I think that this report is a very poor reflection and poor summary of 3½ years of this Labor-Greens alliance. There is no doubt that much of what Mr Rattenbury says in his speech is true. Mr Rattenbury said things like “there are business as usual policies on the environment; emissions are increasing; the amount of waste is growing”. All of this is true, but we have got to ask ourselves: why are the Greens standing here and complaining about it after 3½ years when they have been passing every budget, ticking off on every measure?

If Canberrans cannot get environmental improvements at a time when there is a party that was formed, apparently, to look after the environment—the Greens—at a time when they have been at the peak of their influence here in the ACT, what does that say about the Greens? What does that say about the Greens and their priorities and their emphasis that we have seen emissions increase to the extent now that the 40 per cent target will either, of course, not be met or it will, in fact, be extremely costly as we face only eight years now to get what is a much steeper target the further we get along the track and the further we get away from it?

Maybe it is because the Greens' focus has been on all sorts of other things that do not make a real difference to the environment. During the debate about the plastic bag ban we heard from the Environment Protection Authority about what they thought about plastic bags and what a significant threat they are to our environment. Of course, the basic answer from the Environment Protection Authority was: "They are not a massive problem. They are not really much of a problem."

But of course that has been the focus. It has been the focus on things like plastic bag bans instead of actually looking at how well we recycle, instead of looking at the efficiency of our waste collection, instead of looking at innovative ways of reducing waste to landfill. We put that in stark contrast to the Liberal government here in the ACT which, in its time in office, instituted things like no waste and made significant progress on real, practical environmental solutions.

That is what the community wants from us. They want us to be practical. They want their environment looked after. They do not want us to sit there and pursue things which make us pretend that we are supporting the environment, pretend we are improving the environment—plastic bag bans—when, in fact, the environment is going backwards. The community deserves better. They deserve a government that focuses on local issues, focuses on local solutions and, when it comes to the environment, a government that actually focuses on things that work—cleaning up our waterways, improving our waste collection, ensuring that we continue to have access to our beautiful environment. That is what Canberrans want and that is what they deserve from their government.

We can read through the summary of this report, but Mr Rattenbury summed up a lot of it. The ecological footprint, 9.2 global hectares, increased by eight per cent. Waste generation increased by 28 per cent faster than the population growth of 5.5 per cent. Greenhouse gas emissions continue to rise and there are a number of other points.

But the point I would make is this: I think that the community is very clear now, whether they look federally or locally, that a Labor-Greens alliance is bad for the economy, it is bad for their cost of living. The Labor-Greens alliance constantly places tax burden upon tax burden and cost burden upon cost burden on Canberra families. I do not think the community needs any selling on that point—that the Labor-Greens alliance is bad for their hip pocket and bad for their cost of living.

But what this state of the environment report shows is that the one thing you might expect they might have made some progress on, the environment, they have actually

gone backwards on. A Labor-Greens alliance is not just bad for the economy, not just bad for your hip pocket; it is also bad for the environment. We are now 3½ years into this arrangement. We are 3½ years into this arrangement between the Labor Party and the Greens. The Greens are now going to be going to the community and saying, “Vote for us because of all we have achieved.”

Yet they have acknowledged here again today that when it comes to their core issue, their number one issue, their reason for being a green party, actually they have failed. When they have had the most opportunity to do something about the environment, they have acknowledged today, they have acknowledged in their response to this report, that they have failed. We join with them in acknowledging that.

We know that the Labor Party has failed to deliver on a whole range of areas. The environment, again, is one of the issues that the Labor Party talks a lot about. But instead of actually doing things to improve the environment, it focuses on tokenism and it fails to deliver. It focuses on emissions targets that either it cannot reach or will be very expensive to reach instead of practical environmental solutions.

We will have more to say in the MPI about the cost impacts on families of bad government policy. It is, I think, quite an eye opener. I think if you were to ask the community, “Do you think that the Greens having power might be good for the environment?” there would be many in the community who would probably say yes to that. They would think, “A party that is founded on the basis of supporting the environment probably would get something done when they have some influence.”

Here it is. The evidence is here for us all to see. Not only is the Labor-Greens alliance shocking for the hip pocket; not only does it place all sorts of extra cost pressures on the community and Canberra families; it is also bad for the environment. I think that is a major embarrassment for this alliance. It goes to their real reason for being. No doubt, the community will be asking themselves the question why they would bother voting for this party that claims to be committed to the environment but is happy to see the environment go backwards on their watch.

Question resolved in the affirmative.

## **Canberra Institute of Technology Papers and statement by minister**

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections): For the information of members, I present the following papers:

Canberra Institute of Technology—WorkSafe report—

Canberra Institute of Technology Act—Canberra Institute of Technology Ministerial Direction 2012 (No 1)—Notifiable Instrument NI2012-176, dated 12 April 2012.

CIT Improvement Action Group—Terms of reference.

Implementation of actions arising from the WorkSafe ACT Improvement  
Notice issued to Canberra Institute of Technology on 11 April 2012—  
Progress report, dated May 2012

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

Leave granted.

**DR BOURKE:** On 11 April 2012, WorkSafe ACT issued its report into bullying and harassment at the CIT. That report is available on the WorkSafe website for all who wish to read it.

The investigation was conducted under the then Work Safety Act 2008 and was commenced as a result of the receipt by WorkSafe of a number of complaints raised by CIT staff members. It must be stressed that WorkSafe's report is not a report on individual complaints. Fundamentally, it is a report on the serious failure of the complaints policies and procedures themselves.

*Mr Doszpot interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order! Mr Doszpot, that will do.

*Mr Doszpot interjecting—*

**MR ASSISTANT SPEAKER:** Mr Doszpot! I will not say it again.

**DR BOURKE:** The conclusions reached by WorkSafe are reflected in the 10 terms of the improvement notice issued. In summary, these indicate that the systemic failures were of such an order as to have created a grave want of procedural and natural justice.

Accordingly, in relation to the complaints themselves, WorkSafe concluded that the findings made by CIT in its investigations of complaints “cannot be relied upon”—

**Mr Seselja:** Mr Assistant Speaker.

**DR BOURKE:** and it follows that “CIT cannot be assured that potential risks to the health and safety of workers have not been overlooked”.

**MR ASSISTANT SPEAKER:** Dr Bourke, resume your seat for a second, please. I am sorry, Mr Seselja; I did not notice you.

**Mr Seselja:** On a point of order, I am just seeking your guidance. Dr Bourke appears to be making the statement by leave which was listed under executive business. It is not clear to me that we have gone back to that. I thought we were going to go to the MPI after papers. This was clearly listed, I believe, under statements by leave. I seek your clarification as to where we are up to.

**MR ASSISTANT SPEAKER:** Thanks very much, Mr Seselja. My understanding is that there are a series of papers being presented. Indeed, Dr Bourke said in his

opening sentence “I present the following papers” in relation to the WorkSafe ACT report. I rule that this is the appropriate place for those papers to be presented.

**DR BOURKE:** It follows that “CIT cannot be assured that potential risks to the health and safety of workers have not been overlooked”.

Clearly, this failure of systems at CIT appeared to have structural roots and required an intervention in addition to that of the regulator, an intervention that called upon the leadership at CIT to remedy these failures forthwith and comprehensively.

It was in this context that, as minister, I took the unprecedented step of replicating the WorkSafe improvement notice in a direction issued on 12 April 2012 in accordance with section 6 of the CIT Act, which I have tabled here today.

As part of that remedial campaign, CIT has inaugurated an improvement action group, chaired by the Director of the Continuous Improvement and Workers Compensation Branch of the Chief Minister and Cabinet Directorate, and comprising the senior leadership team at CIT.

I have tabled here today the terms of reference of the improvement action group. This group is responsible for the development and implementation of a comprehensive plan to achieve the outcomes required by the improvement notice and my direction. Mr Assistant Speaker, you will note that this group is charged by my direction with providing me with a weekly report of its progress in meeting the terms of the improvement notice and of my direction.

Providing a safe workplace for its employees and a safe facility for its students are the key objectives driving CIT’s efforts to respond to the issues identified by WorkSafe ACT. An encouraging, supportive and collaborative workplace culture—a culture that is founded on the principles of respect, equity and diversity—is the goal of the efforts now commenced by the work of the improvement action group. A factor in this work is the implementation of the RED framework adopted across the ACT public service in 2011.

I must emphasise that the work now begun is not a matter of “top down” dictation by CIT senior leadership but, rather, one of the senior management team leading by example, together with a “bottom up” change in the way workers deal with one another on a day-to-day basis. The improvement action group is a good start but it is only a beginning to a long and deep process of cultural and attitudinal change. It will take time and it will embrace everyone. Such profound change brings with it real and difficult challenges for both the organisation and its people. These challenges will be met and resolved.

Core to the future success of CIT will be its capacity to respond to change. CIT has already embarked on a professional development program on building resilience. This is just one of a number of strategies that will be implemented over the next six months that will spearhead a transformational change within the organisation.

I have asked the CIT improvement action group to develop a detailed plan to achieve the outcomes of the improvement notice. This plan will focus on improving the

policies and procedures relating to the prevention of bullying and harassment, implementing a targeted professional development program and building staff confidence in the complaints process.

As an early indication of the work undertaken by the improvement action group, I have tabled here today a precis progress report for the information of members.

I make it clear that this plan is not just about doing. It is also about measuring the impact of the strategies so that I can have confidence that the actions taken are bringing about the changes required. The confidence of staff will be tested regularly with a baseline assessment of CIT cultures and staff perceptions.

The actions taken by CIT will be of an ongoing and sustainable nature. I will continue to work with them to ensure that there is continued progress in implementing new work safety laws. I will ensure through the weekly reports that appropriate governance and accountability arrangements for work health and safety are in place; that sustainable systems and work practices for responding to complaints and work health and safety issues are implemented; and that strategies that continue to build positive work cultures within CIT are ongoing.

I am encouraged by the readiness already demonstrated by the chief executive of the CIT in his commitment to entrench work safety and the principles of respect, equity and diversity in every corner of CIT.

Where issues, complaints or risks have been identified, I expect CIT to have in place robust mechanisms to eliminate or reduce the risk of workplace bullying and harassment. Every worker has the right to be safe in their workplace. In the event that a staff member has concerns, they have a right to have their concerns heard. Everyone in the workplace deserves to be treated with respect and courtesy.

I have set clear expectations of CIT's obligation to prevent work bullying. I expect all CIT staff to model respect and courtesy; actively endorse the ACTPS respect at work policy and operationalise the preventing work bullying guidelines; and promote the ACT public service values and code of ethics and conduct.

I turn now to the process by which individual complaints will be handled. CIT has commenced immediate action and is developing a comprehensive plan to address the identified deficiencies in its systems, policies and practices. To begin, all matters and complaints regarding bullying and harassment that have not previously been reviewed or identified at CIT are to be referred to the executive director, Governance and Executive Services at CIT to ensure proper process is followed. The Commissioner for Public Administration will continue to investigate systemic issues and other matters previously reviewed or investigated by CIT. CIT will also provide all necessary support and information to the Commissioner for Public Administration to assist in the resolution of matters under the jurisdiction of that office.

I am advised that, since the issuing of my direction on 12 April, an additional six matters have been reported to the Commissioner for Public Administration. Appropriate action will be taken against individuals found to be in breach of



obligations under the Public Sector Management Act 1994 and the Work Health Safety Act 2011.

The journey embarked upon by CIT is not one limited to the remedial action required to acquit the WorkSafe improvement notice or my direction. The journey is the longer and broader one of comprehensive systemic, structural, cultural and attitudinal change. On this difficult journey, the CIT needs the encouragement and support of all of us, both in this Assembly and in the community at large, to meet and best the challenges it faces and will face. In succeeding, as it surely must and will, it will earn our confidence both as an exemplary employer and as an honoured educator.

**MR DOSZPOT** (Brindabella), by leave: I welcome the statement from the Minister for Education and Training and the tabling of the response to WorkSafe ACT's report on bullying and harassment at the CIT. I welcome the statement because it demonstrates the value of persistence on behalf of several former CIT staff who have, frankly, been to hell and back in trying to have their complaints heard and responded to over a period of over two years. It is the persistence also of the ACT Liberal opposition. We have raised these issues over the past two years. They are the same issues that were raised with our colleagues the Greens. The same people who came to see us went to see them. They were the same people who sought the government's assistance from the previous minister and recently from this minister. We raised questions in estimates; we raised questions in the Assembly. On each occasion we were told that the issues were not a matter for the minister and that if staff had a reason to complain there were "processes available." They are the same processes you now admit were broken.

I quote the former minister for education in last September's *Hansard*:

... there are processes available to staff members of the Canberra Institute of Technology who may feel aggrieved by a variety of particular issues.

If ever there was a statement that summed up the arrogance of the former minister, that must be it. He said:

... there are processes available to staff members of the Canberra Institute of Technology who may feel aggrieved by a variety of particular issues.

Those "particular issues" indeed led to aggrieved feelings—in fact, far worse than mere hurt or upset. The treatment of several staff led them to experience serious depression, serious illness and an overwhelming sense of abandonment by their employer and abandonment by a system and a vocation to which they had dedicated their lives.

Careers have been destroyed, individuals have suffered serious health issues and some are still suffering as a result of the treatment they have been subjected to over the years. As if their issues and the hurt were not sufficient enough, Minister Barr applied plenty of salt to these open wounds. The former minister repeatedly and wilfully duckshoved the issue. His replies to correspondence were at best bland and at worst glib. By no measure were they informative or offer any compassion whatever. These

staff were employees of his own department and he cared not for them. There are processes available, he told them, processes we are now told were not working. But did anyone care, minister, for two long years while these people suffered the hurt and indignity of what had happened to them through the processes that were available to them?

Where were the Greens while this was going on? The Greens are supposed to be the third-party insurance for people like those we are talking about here. The Greens are the third-party insurance in their own terms. But, in reality, these Greens are simply third-party insurance for this government that care so little about the people who work for them.

The current minister has at least shown more concern, although his answers to my questions on the issue last year were hardly more sympathetic. I quote Dr Bourke:

The answer to the member's question is as follows:

One matter involved an allegation of a staff member, who had been subject to disciplinary action, that two managers had engaged in bullying and harassment through instituting the misconduct investigation. Shared Services found that there was no basis to commence a formal disciplinary process against the managers. The staff member does not have a right of internal appeal in these circumstances. CIT advised the staff member of the outcome of the review and suggested that they consider mediation with one of the managers.

One of the managers they were complaining about, Minister Bourke! This is you just a few months ago:

The staff member has not taken up this suggestion. CIT was under no other obligation to advise the staff member of other avenues of review.

So much for compassion. So much for the processes available to the minister, which you are now telling me are broken and that we should rest assured—as you said, under your direction—will all be fixed. Mr Speaker, even you must agree that that is hardly a note of assurance that the people who have suffered so much will get a lot of comfort.

Thankfully someone did listen, and that was the Work Safety Commissioner, Mark McCabe, who took the matters more seriously. I know from people who have made representations to WorkSafe that they felt they were at last being heard. They have at last been given some confidence that the system will work for them. Mark McCabe needs to be commended for the work that has been done at this stage in his report.

There is no doubt there has been for a long time a very serious and extensive culture of bullying and harassment at the CIT. WorkSafe ACT were initially investigating seven complaints. I note Dr Bourke has advised that since processes have been introduced—so now we have these processes introduced—to address bullying and harassment a further six matters have been reported.

The minister's statement says clearly that everyone in the workplace deserves to be treated with respect and courtesy and that every worker has the right to feel safe in their workplace. In the event that a staff member has concerns, they have a right to have their concerns heard. Well, for two years, minister, I can assure you, the staff did not have their concerns heard. There were people who lost careers and people who have gone into serious health depression issues that are still an issue to our community. Many of them are still suffering.

That is all the staff at CIT wanted—someone to listen. In my office I have volumes of material that shows that staff had none of that—they did not feel safe. They were subject to repeated cases of bullying. They tried to have their concerns heard and their concerns were dismissed time and time and time again.

For those people the words today are small comfort, minister, unless they are backed up by continuous evidence of change. And there must be change. The culture must change and there must be the open and independent scrutiny that the WorkSafe ACT report proposed. If I understand correctly, the Chief Minister and Cabinet Directorate face some similar issues with the bullying that took place at Canberra Hospital. How many obstetricians had to resign before an inquiry was called? Is this the same Chief Minister and Cabinet Directorate that we are talking about? So are we referring these issues to a process that has been seen to be faulty in the past? I ask the question, minister. I would be interested in your answer.

The words today are small comfort, as I said. The report highlighted one of the major flaws in the review process. The commissioner noted that the use of Shared Services to review complaints was not seen as truly independent of the employer, and he proposed as an alternative process a panel of independent investigators be established so that all parties involved in grievances and complaints could be satisfied as to the independence of any of the individuals and/or organisations investigating such matters. I put this matter to you once again, minister: is this the independent panel of independent investigators that Mr McCabe was referring to? I will be very interested to hear about your assessment of the independence of the panel you put in place, or, indeed, of your independence to say that it is at your direction that this is being done. Whether the proposed structure will meet that independent scrutiny test is yet to be proven. I look forward to hearing from you on it.

The minister says that the senior management team will lead by example and that the improvement action group is a good start. But it is only a beginning to a long and deep process of cultural and attitudinal change, and long and deep cultural and attitudinal change is imperative. The improvement action group will need to do more than just tick the boxes in workplace reform. The senior management team will need to lead by example, and they will need to examine their own behaviours and own up to their own failings.

I am aware, minister, that some of those who were the perpetrators of some of the bullying are still employed at CIT. Unlike the subjects of their harassment, they have not lost their health; they have not felt the need to resign; they are still there. Presumably, they are part of the healing process you are talking about.

I am pleased, minister, you have said you will continue to work with CIT to ensure there is continued progress in implementing new work safety laws. I am pleased you will be receiving weekly reports. What I am not sure about is that it is within your capacity to deliver on these issues as you claim you will. I can assure you, minister, that I will be seeking regular confirmation from people that I talk to that things are improving for staff at the CIT, that staff are being treated with respect and that when they have a grievance it is being taken seriously and responded to appropriately.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens), by leave: I am pleased to see that progress has been made on this matter. It is obvious that there have been some ongoing issues at CIT and it is most unfortunate that it has taken some time to get some real progress in place. And I do note that the minister has used his power under the act to ensure that he gets weekly progress updates, to make sure that this process that has been put in place is going to be kept on track, because at the end of the day we do want to ensure that we have safe workplaces, for everyone to be able to thrive in their workplace and to be able to go to work not under the threat of being bullied, being harassed or being pushed out of their workplace.

But I do have to take some issue with Mr Doszpot. Yes, issues have been raised about bullying over some time and I can assure Mr Doszpot that he is not the only one who has taken up these issues and who takes these issues seriously. This is exactly what we have been doing and we continue to do that work. What is really quite interesting is that Mr Doszpot is pushing this line, yet when the Greens put forward legislation recently to add expert resources to the Work Safety Commissioner—expertise to look at bullying and harassment, extra resources that would not only have been able to follow up on complaints and investigations but do some proactive work and look at the systemic issues that we find in some of our institutions—what happened? Mr Doszpot and his party turned it down flat. They were not interested; they did not want to know about it. When we actually get to the solutions that can address some of these issues into the longer term, what happens? You do not support them; nor did the Labor Party, and I think that was an enormous—

**Mr Doszpot:** But that is okay? The government is okay.

**MS HUNTER:** No. That was an enormous—

**Mr Doszpot:** So you are not criticising them? It is our fault, as usual.

**MR SPEAKER:** Mr Doszpot, order! This is not a conversation. You can speak again if you want to seek leave.

**MS HUNTER:** Thank you, Mr Speaker. It is an enormous disappointment that we did not get the support from both parties, but certainly we have been in there looking at how we can, I guess, add more resources and improve systems in our workplaces, whether it be the CIT or any of our directorates, to ensure that workplaces, as I said, are safe places for people to be in and so that they do not end up being the nightmares that obviously some people have experienced.

I have to express my disappointment that it got to this stage and that we did not see greater action being taken by the CIT. I have enormous respect for our CIT and the great work it does. But it also needs to show that it is a great employer in this town and that it is providing a safe and healthy workplace. I would have preferred to have seen in all of this the CIT taking a far greater active earlier engagement on this matter—not having had to wait for the WorkSafe commissioner to get involved to point out that there were some real issues that needed addressing.

I am sure that all of us in this Assembly want to see a good outcome for the CIT and the workers within the CIT and we will all be taking an active interest in this matter.

**MR DOSZPOT** (Brindabella): Mr Speaker, I seek leave to speak again, as you suggested.

Leave not granted.

### **Standing and temporary orders—suspension**

**MR DOSZPOT** (Brindabella) (4.05): I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Doszpot from making a further statement.

We are being told by Ms Hunter that we are the ones that are at fault for some of the things that she is talking about. We are talking about a process here that is not confident of the way this government handles the serious issues that we are debating here, yet I am denied leave to speak on these very issues that Ms Hunter was so contemptuous of.

I also have a great deal of support for the CIT. The CIT is under new management and a lot of the things that have happened have happened in previous times. The attitude of Ms Hunter is to say that there are processes that could have been done. People have provided to Ms Hunter and to us copious amounts of information about the way that they have been ignored by the processes and I just want to quote from one of these people:

I did not reapply for consideration because, a) of the way my supervisor used my AST position to harangue me, in email and in front of people, and b) because of the stress caused by the investigation. I therefore consider the loss of status and income to be as a direct result of the distress caused by 2 years of harassment.

That was two years of harassment by this government, Ms Hunter, yet you fail to criticise all of the actions that they took against people whose issues we are debating here today. These are serious issues and you have every opportunity, Ms Hunter, to show us that you are interested in listening to the realities that people in our community face—not just cover-up after cover-up of what this government is doing.

**MR SPEAKER:** Mr Doszpot, we are debating why you should be given leave to speak again.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.07): Mr Speaker, there is no question before the chair. Members have sought and have been granted leave to speak in response to the statement that the minister for education made. Mr Doszpot was granted that courtesy. Ms Hunter was granted that courtesy. But just because Mr Doszpot is upset with something Ms Hunter has said, or vice versa, we should not allow the Assembly to degenerate to a point where we simply grant everyone leave because someone is upset with something somebody else has said.

*Mr Doszpot interjecting—*

**MR SPEAKER:** Mr Doszpot, you are pushing the limit.

**MR CORBELL:** There is the opportunity for Mr Doszpot to move a substantive motion in this place to raise the matters that he is concerned about. I appreciate that Mr Doszpot is concerned about the comments made by Ms Hunter. There are forms available to him under the standing orders. If he feels he has been misrepresented he can make an explanation in accordance with the standing orders. If he wishes to make a personal explanation he can seek your indulgence, Mr Speaker, to do that. But the government is not as a matter of principle going to agree to multiple grantings of leave, particularly where a member has already been granted leave once, simply because of some sense of feeling aggrieved about a comment made by another member. We will not get the business of this place done in those circumstances. So I would simply invite Mr Doszpot to reconsider, to perhaps use the other forms available to him under the standing orders or indeed to use the adjournment debate tonight to raise his concerns. There is other business before this place and a continual granting of leave is not something the government wishes to indulge in.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.09): I would just briefly make the point that we expect this from the government, but we are very generous to the Greens when they seek leave. We, as a matter of course, grant it—there are some occasions when we do not—and we would expect the same courtesy. This has not been granted to Mr Doszpot in this case and we will obviously consider our position when other members seek leave. Our position has been that we are happy generally to grant people leave, including members of the government from time to time when they ordinarily should not be able to speak. We have given that courtesy. The Greens and the Labor Party today are choosing not to grant that courtesy to Mr Doszpot. That is disappointing. We think he should be granted that opportunity.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (4.10): It has been summed up earlier in this debate; that is, that leave was granted. I am not sure if Mr Seselja was here in the chamber, but we did grant leave. I was very clear that I gave leave to Mr Doszpot, as leave was given to me, to make a brief statement. It is normal in this place when a minister makes a statement that leave is given to others to speak to that statement. But we do not keep having a conversation and going back and forth for quite a while after that. You are given a chance to respond. That is what happened here this afternoon. Mr Doszpot has been given a go and I have been given a go.

Question put:

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

The Assembly voted—

Ayes 5

Noes 10

Mr Coe  
Mr Doszpot  
Mr Hanson  
Mr Seselja  
Mr Smyth

Mr Barr  
Dr Bourke  
Ms Bresnan  
Ms Burch  
Mr Corbell

Ms Gallagher  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

## Papers

**Dr Bourke** presented the following papers:

English as an additional language or dialect services in ACT public schools—  
Review, pursuant to the resolution of the Assembly of 7 December 2011.

University of Canberra Act, pursuant to section 36—University of Canberra—  
Annual Report 2011 (2 volumes), including financial statements, dated April  
2012.

Canberra Institute of Technology—Preliminary Financial Analysis—Future  
options.

## Canberra Institute of Technology—annual report 2011 Statement by minister

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections), by leave: The CIT annual report 2011 was due to be tabled in the Assembly by 31 March 2012. This was recently extended to 1 May 2012. The performance report on consultation and scrutiny reporting and legislative and policy-based reporting, as per the Chief Minister's directions, has been completed. However, completion of the financial management reporting has met with a further delay. CIT's 2011 financial statements are currently with the Auditor-General, who has advised that additional time is required to complete the assessment of the financial statements due to asset revaluation issues. The CIT annual report 2011 will be tabled following the finalisation of the Auditor-General's assessment.

## Papers

**Mr Corbell** presented the following papers:

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Betting (ACTTAB Limited) Act—Betting (ACTTAB Limited) Rules of Betting Determination 2012 (No 1)—Disallowable Instrument DI2012-35 (LR, 22 March 2012).

Building and Construction Industry Training Levy Act and Financial Management Act—Building and Construction Industry Training Levy (Governing Board) Appointment 2012 (No 1)—Disallowable Instrument DI2012-36 (LR, 22 March 2012).

Government Procurement Amendment Act—Government Procurement Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-10 (LR, 26 March 2012).

Nature Conservation Act—Nature Conservation (Special Protection Status) Declaration 2012 (No 1)—Disallowable Instrument DI2012-38 (LR, 2 April 2012).

Public Place Names Act—Public Place Names (Coree District) Determination 2012 (No 1)—Disallowable Instrument DI2012-37 (LR, 29 March 2012).

Residential Tenancies Act—Residential Tenancies Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-11 (LR, 26 March 2012).

Taxation Administration Act—Taxation Administration (Amounts payable—Utilities (Network Facilities Tax)) Determination 2012—Disallowable Instrument DI2012-39 (LR, 5 April 2012).

Unit Titles (Management) Act—Unit Titles (Management) Transitional Provisions Regulation 2012—Subordinate Law SL2012-12 (LR, 3 April 2012).

**Petition—Out of order**

Petition which does not conform with the standing orders—Rossarden Street, Fisher—Removal of public tenants—Ms Gallagher (21 signatures).

**Government integrity framework  
Papers and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.17): For the information of members I table the following papers:

Ministerial Code of Conduct 2012.

ACT Government integrity statement—Ministerial statement, 1 May 2012.

I seek leave of the Assembly to make a ministerial statement concerning the ACT government integrity framework.

Leave granted.



**MS GALLAGHER:** One of the first speeches I made on becoming Chief Minister set out priorities for my government that focused on improving the quality of life Canberrans enjoy, creating a liveable and sustainable city, delivering critical services to the community and continuing to create opportunities for people to invest in the future of our city. I concluded those remarks with the observation:

Our success in delivering these priority projects and initiatives for the people of Canberra will rely in no small measure on the capabilities and the capacity of the ACT public service ... For the government to deliver its promises to the community, we need a public service that is committed to a genuinely citizen-centred design and delivery of services. We need a public service that is open to scrutiny, open to diversity of experience and opinion, and open to innovative and new ways of thinking. We need a public service that works in genuine partnership with groups in the community with whom, and to whom, it provides services.

My intention in making this statement is to focus not on the what of government that is outlined in our government priorities but on the how, because the way in which we go about serving the people of Canberra is just as important as the services we deliver.

Discussion of standards in public life has been a feature of newspaper front pages over the past year. We have seen debates in the Assembly about standards of conduct for members, public controversy surrounding the former Commonwealth and ACT Ombudsman, both praise and criticism of those who feed WikiLeaks and outrage at the conduct of newspapers in the United Kingdom.

To my mind, these debates and discussions are valuable because they draw into sharp focus the value citizens place on integrity and probity in public life. People in institutions of influence, and I include the ACT public service in that description, are rightly held to high standards of accountability, probity and integrity in their interactions with citizens and with other institutions. Those of us in public life are properly subjected to scrutiny of our behaviour, our actions and our statements.

We are nevertheless fortunate in Australia, and in the ACT in particular, to live in a robust democracy where our police, our judiciary, our public servants and our politicians are free to discharge their functions without influence from nepotism or corruption. We are fortunate to have a public service that is apolitical, where decisions are based on merit and sound argument.

In this context, I particularly welcome the findings made by Professor John Halligan of the ANZSOG Institute for Governance at the University of Canberra in his review of the ACT's application of the Latimer House principles on the three branches of government that was tabled in the Assembly last year. Those principles embody accepted conventions of conduct in the relationship between the executive, the parliament and the judiciary. Professor Halligan has concluded that the three branches of government in the ACT perform strongly against the Latimer principles and that the ACT system has many fine governance attributes which in combination make the system unique in the Australian context.

But that is not to say that we should rest on our laurels. Indeed, Professor Halligan notes that there is considerable potential for improving the quality of governance in a number of respects. Too often governments and parliaments only turn their minds to probity and integrity in public life in response to a clear failing outlined in the findings of a royal commission or judicial inquiry. The government believe the ACT's foundations of integrity and probity are of sufficient importance that we should return to them and reinvigorate them on a routine basis, without the need for a crisis that forces us to. The government are prepared to look beyond the short term to reassure ourselves and reassure the community that the foundations of our system of government are sound and are appropriately adapted to the needs and demands of governing our city-state.

I note in passing that the adoption of the Latimer House principles by the Assembly as a continuing resolution flowed from the undertakings set out in our parliamentary agreement with the Greens. Those principles establish:

Each Commonwealth country's parliaments, executives and judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.

My government takes seriously its responsibilities to uphold those high standards. I also note the Latimer House principles require us to develop, adopt and periodically review appropriate guidelines for ethical conduct.

I now want to outline a number of initiatives I have commissioned not in response to a crisis of confidence but as a deliberate program designed to reinforce and enhance the foundation of integrity and probity for our system of government in the ACT. When I made my statement to the Assembly about open government in June 2011, I suggested it rested on three principles: transparency in processing information, participation by citizens in the governing process, and public collaboration in finding solutions to problems and participation in the improved wellbeing of the community. A reinvigorated focus on probity and integrity in the operations of the ACT government and the ACT public service supports this initiative because the genuinely collaborative approaches to decision making that involve the citizenry in program and policy design and delivery rest on a foundation of trust.

If we are to get the most out of those new approaches, we must ensure that there is trust on all sides in the processes and the institutions of government. We must ensure that there is an acceptance within the government and the bureaucracy, and between the government and the community, that our interactions will be honourable, our decisions will be fair and that we will consistently seek not only to do the right thing but that we also seek to do it in the right way.

It is important that in discussing the standards of behaviour we should expect, to which we hold ourselves accountable and to which we invite others to hold us accountable, we move beyond nice words to concrete action. As was outlined by Dr Allan Hawke in his review of the ACT public sector, however, we should not

blindly adopt approaches delivered in other jurisdictions. We should carefully consider how these initiatives should be adopted to suit the particular circumstances of our city-state government and parliament. The standards we articulate for behaviour should reflect the expectations of our community and those that we have of ourselves and our colleagues and our counterparts. Indeed, to be valuable, codes of conduct must be authentic and adapted to the circumstances in which they are intended to apply. As the Tasmanian Integrity Commission notes in its report on codes of conduct in that state:

Codes of conduct play a valuable role in defining and communicating acceptable standards of conduct in an organisation or parliament, provide guidance to individuals, and motivate them to demonstrate appropriate behaviour.

For this reason, I asked the Head of Service for advice on changes necessary to the ACT's code of conduct for ministers, given recent reforms in other jurisdictions and the passage of time since it was last published. That review is complete, and I have tabled a modern ministerial code of conduct that addresses possible issues when accepting a ministry until a person ceases being a minister.

As part of that review, I have agreed to the establishment of a separate formal code of conduct for ministerial staff, which has been prepared and is currently going through a period of consultation. Additionally, I have raised with the Speaker the need for the MLAs' code of conduct to be refreshed before the 2012 election. Part of that process should, in my view, be the establishment of more formal arrangements for registration of lobbyists seeking to engage with MLAs.

I am advised that the Head of Service and the Commissioner for Public Administration have recently commenced a process of consultation with staff across the ACT public service that will culminate in the development, for the first time, of a formal, comprehensive ACT public service code of conduct.

I have also asked the Head of Service and the Commissioner for Public Administration to examine the benefits to the ACT of redefining the role of the commissioner to expressly include a role in setting and enforcing public sector standards, including a redefinition of the role along the lines of a public sector standards commissioner. This approach reflects the evolving nature of that position in light of the proper location of what might be characterised as mechanical powers in relation to the employment of officials by the Head of Service under the one ACT public service model.

As a first step in this direction, I set new priorities for the commissioner for 2011-12. While they remain matters of continuing importance and application, the current priorities relating to the respect, equity and diversity framework and targeted employment strategies for Aboriginal and Torres Strait Islanders and people with a disability have largely been established as part of ongoing business. I have therefore agreed the commissioner's priorities should comprise: with the Head of Service, fostering a positive workplace culture and high standards of behaviour in the ACT public service; investigating individual employment-related grievances with a view to distilling systemic learnings that might be applied across the ACT public service and

assisting individuals to attain improved process outcomes; and promoting high standards of public administration in the ACT public service, including in relation to complaints handling and provision of guidance on acceptable behaviours and standards of conduct for officials.

In the context of the single ACT public service agency, these priorities will see the commissioner's role increasingly focus on standards of conduct and behaviour, incorporating both the promotion of positive aspects as well as responding to negative ones. In my view, the ACT public service must be able to openly accept and recognise feedback rather than engage in defensiveness when complaints are made that so often impact on the process and eventual outcome.

I am advised that the People and Performance Council has endorsed the adoption of the Ombudsman's better practice guidelines for complaints handling to provide a more consistent and transparent approach to complaints across the ACT public service. Implementation of this approach will also include the addressing of issues outlined in the 10-point plan for improving complaints handling by the ACT public service published last year by the ACT Ombudsman's Office.

As part of the agreed approach and in advance of the settling of implementation detail, enhanced triaging arrangements are being put in place through Canberra Connect and directorate websites. This will make it easier for customers to raise their concerns or other feedback in the right place.

The proposed approach will establish a policy framework setting out the basic components of a sound feedback mechanism while allowing for individual directorate variations reflecting the complexity of their business line and quality of existing procedures. An important facet of this mechanism will be the requirement to keep citizens informed of decisions or progress relating to the feedback they have provided.

The government welcomes and recognises the important role played by agencies charged with overseeing government activities, like the Ombudsman and the Auditor-General. It also recognises the need for all of those institutions and relevant statutory office holders to work together if citizens are to be treated as individuals with one story to tell, rather than being required to pursue different aspects of their concerns through different channels.

It was with this in mind that I transferred responsibility for the Ombudsman from the Attorney-General's portfolio to the Chief Minister's portfolio, alongside the Auditor-General. This arrangement will facilitate closer cooperation and engagement between those integrity agencies and the Head of Service and support the taking of a wider systemic view of issues emerging across the ACT public service as a whole.

At the end of last year, I released an exposure draft of the revised public interest disclosure legislation to replace the Public Interest Disclosure Act 1994, to bring it up to date and ensure that it provides appropriate protection to people disclosing conduct in the public sector that is contrary to the public interest. Part of this process is to incorporate insights from the whistling while they work project.

The proposed reforms are organised around the following principles: genuine public interest disclosures should be encouraged and facilitated by the legislative framework; those who make genuine disclosures should be protected from reprisals; if a disclosure is genuine, then it is in the public interest that the findings of any investigation are made public; purely internal and individual ACT public service employment-related complaints and grievances will rarely constitute public interest disclosures and are better handled in other processes; and complainants are entitled to be briefed, confidentially if necessary, on the outcomes of their complaint.

This new legislation will be supported by revised administrative procedures for handling disclosures of this sort that reflect the findings of whistling while they work. The consultation period for the exposure draft ended on 26 March 2012. Submissions are being considered for possible improvements to the bill, including a substantial contribution from the authors of the whistling while they work project. They have praised the direction of the exposure draft and are working with the government to ensure the resulting legislation reflects best practice. I plan to introduce the new public interest disclosure legislation prior to the Assembly rising for the 2012 election.

Just as it was timely 21 years after self-government to review how the capability, capacity and effectiveness of the ACT public service might be enhanced, it is now timely that we now turn our minds to how the ethical and probity framework underpinning the ACT's system of governance might be enhanced and better tailored to the realities of our city-state government. The government remains committed to the high standards of public administration in the ACT. In our view, this must be based on the highest standards of probity and integrity in public life, and the initiatives I have outlined today will assist all of us in demonstrating those standards in our daily work.

I move:

That the Assembly takes note of the paper.

**MR HANSON** (Molonglo) (4.31): Given the events of today, and when we consider some of the other events that we have seen occur in this place, particularly in relation to the bullying at the Canberra Hospital, it is relevant that we discuss this issue. The paper that Ms Gallagher just tabled with the code of conduct states:

It is important ... in discussing the standards of behaviour we should expect, to which we hold ourselves accountable, and to which we invite others to hold us accountable, that we move beyond nice words to concrete action.

That gives me cause to reflect back to the incident that occurred when there was bullying at the Canberra Hospital and what concrete action the minister took at that point. The concrete action that she took was initially to deny that any complaints had been made, before investigating that properly, and to make every endeavour to prevent an investigation from occurring, particularly one that would have resulted in an open assessment on what had occurred. She attacked the doctors who made the complaints. She did so by supporting the then Chief Minister in threatening to take

those doctors back and trawl through 10 years of medical board records. They were some of the concrete actions which Ms Gallagher and her government took at that time.

You can consider whether they were ethical, whether they were appropriate or whether they supported the intent of this paper. I will read further from this paper:

- ... fostering a positive workplace culture and high standards of behaviour ...
- investigating individual employment related grievances with a view to distilling systemic learnings that might be applied across the ACTPS ...
- promoting high standards of public administration ... including in relation to complaints handling, and provision of guidance on acceptable behaviours and standards of conduct ...

We know that this is a situation that affected Ms Gallagher. She—for I think political reasons and perhaps because she had other vested interests—chose to decide that she did not want this to come to light. She took every possible action to attack those who made complaints. Eleven doctors had resigned. These were not insignificant complaints.

You can see what Ms Gallagher did. She set the standard for ethical behaviour across this government. Everybody who watched what Ms Gallagher did when that situation arose would have said: “Right. If there is a problem here and it involves a senior bureaucrat or a health administrator, whoever the individual was who was conducting the bullying, what is the government’s response? What is the minister’s response? Do they say, ‘Let’s be open about this? Let’s look at the systemic learnings. Let’s behave ethically. If I have a conflict of interest I will step aside.’?” Did all of that occur, or did the minister lead the way in attacking those that made the complaint, denying that any complaints had been made and making every effort that she possibly could to hide what occurred? We can all judge what happened there.

I think it is also true that whistleblowers have been treated very poorly. There is evidence of that, where people who have attempted to be whistleblowers under this government have been treated very shabbily.

It comes to the issue that we were discussing earlier this morning, to how we now turn our minds to how the ethical and probative framework underpinning the ACT system of government might be enhanced. If there has been a systemic breakdown or a very serious breakdown, you would think that where that has occurred the example that the ACT public service would be looking for would be one of leadership. That is what you would expect if there had been a breakdown—if a minister has had to stand aside because of a conflict of interest, if a minister has had to stand aside because it relates directly to her performance as a minister. She is the person who ultimately has been the one who has been providing misrepresented figures to the public and the federal government. You would expect her to say: “Shine a light. Shine a light on what has happened here. I would welcome an investigation.”

I would expect that someone who is saying that we need ethical standards, who is saying that we need an enhanced integrity framework, would say, as she has said in this, “It’s not just about the words; it’s about the actions.” The actions that we should have seen today from the Chief Minister, the Minister for Health, are these. She should have said: “Yes, there are some significant problems. Something has gone very seriously wrong. We do not understand why, but it has resulted in me providing misleading figures.” In essence, people who have been waiting in our emergency departments—the families, the grandmothers, the children who have been waiting longer than anyone else in Australia in an emergency department—have been lied to by this government about how long they are going to have to wait.

Instead of saying: “Shine the light. Let’s have an investigation. I am prepared to show leadership as the first minister of this jurisdiction. And as your minister I will stand up and hold myself to the standard of probity that I am demanding of the ACT public service in this document,” what did she do? What did she do when she had that opportunity? She came in here—she stitched up meetings with the Greens before this became public—and she made every effort to hide the fact of why this occurred. She cannot deny the fact that it has, because that has been exposed by the Director-General.

She is calling for an examination of what went wrong. But when it comes to an examination of why—that might taint her or her government in some way—do we see leadership? Do we see ethical behaviour? Do we see a minister behaving with integrity? Or do we see a minister who is stitching up behind closed doors in secret meetings with the Greens to say, “Let’s get the minimum amount investigated that we possibly can”?

This minister comes in here and lectures us on what this government is doing in terms of integrity, and incorporates within that words saying that it is not just about words written on paper but it is about our actions. This follows on from her behaviour this morning, which showed that when it comes to matters of integrity, when it comes to matters of ethics and when it comes to matters of shining a light on their own performance, she is not prepared to live up to the standard that she set in this document for her public service.

I think that we can quite rightly say that this is not worth the paper it is written on, because this minister, the Chief Minister of the ACT, has shown us, by her example today and in the past, that she is not prepared, when it comes to it, to hold herself to the same standards of integrity that she is demanding of others.

Question resolved in the affirmative.

### **Carbon tax—cost impact**

#### **Discussion of matter of public importance**

**MR SPEAKER:** I have received letters from Ms Bresnan, Mr Coe, Mr Doszpot, 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, I have determined that the matter proposed by Mr Seselja be submitted to the Assembly, namely:

The cost impact of the carbon tax on Canberrans.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.40): It is my pleasure to bring this matter of great public importance to the Assembly's attention today. Let us be clear: cost of living pressures are one of the most important issues facing Canberrans and one of the most important issues facing us as an Assembly. These cost of living pressures have gotten much, much worse under this government. After a decade of Labor and after nearly four years of a Labor-Greens alliance we have seen the cost of living for the things people need go through the roof. Rents, rates, water, electricity—the things we need in Canberra—have been sky rocketing in price under ACT Labor.

It is an unfortunate fact of life that the Labor Party has, it seems, done all it can to increase the cost of living for Canberra families. The carbon tax will be another hit on the families of Canberra. The carbon tax represents another assault on their cost of living, an assault which is wholly and solely supported by Katy Gallagher and by her government. They are supporters of this carbon tax. They are supporters of the price hit that will occur for Canberra families. They do not seem to care that Canberra families will not only face all of these costs but that, at \$23 a tonne—which is what the carbon tax has been set at—we are asking Australians to do much more than Europe, much more than the United States, much more than Asia. We are asking Australians to fork out the bill, to affect our economy and to cut the cost of living here for no improvement to the environment.

Let us have a look at the impact when it comes to electricity prices. That is one of the ways but by no means the only way that Canberra families will feel it, because there will be direct and then indirect costs. It is interesting; you occasionally get a bit of honesty from this government. It always jumps out at you when you get honesty from ACT Labor. I was surprised at the honesty in Mr Corbell's explanatory statement for his energy efficiency bill. This must have been some hardworking, conscientious, honest, diligent bureaucrat who wrote this down and someone in Mr Corbell's office must have missed it when they were editing this explanatory statement.

What it goes to is just how much of an impact we are going to see on Canberra families as a result of this carbon tax. The explanatory statement to the energy efficiency bill says:

The ACT's residential sector is among the most energy intensive in Australia meaning that it has a relatively high exposure to rising energy prices, including the impact of a national carbon price.

There it is; Mr Corbell himself is acknowledging that our residential sector is amongst the most energy intensive in Australia. We have highlighted this in public debate. We have highlighted the fact that Canberra has very harsh, cold winters and often, though this summer was an exception, very hot, dry summers. So we have a need for air conditioning in the summer and a lot of heating in the winter and indeed in much of



autumn and spring. We have the government actually acknowledging that Canberra families will feel it.

It is worth commenting in this context on their efforts. We have a carbon tax that is actually supported by ACT Labor, supported by Katy Gallagher. Of course, this carbon tax will make their 40 per cent meaningless. They have got a 40 per cent target which they are going to subject Canberrans to. Canberrans will be asked to pay extra for that 40 per cent target, but we will also be asked to pay a lot extra under the carbon tax. As Richard Dennis says, under the carbon tax legislation any efforts to reduce emissions here in our community will simply allow more pollution to be emitted in other states. It does not have to be this way. Local efforts can make a difference, but for this to be so the federal legislation needs to be amended.

Did Labor ask for that to be amended? No, they did not. They support a carbon tax, which is going to put all these cost pressures on Canberrans, at the same time as they support a 40 per cent reduction target, which is going to put on extra cost pressures. But under the very carbon tax they support, those extra efforts, those extra costs, those extra burdens on Canberra families will do nothing, absolutely nothing, to reduce emissions in Australia. That is how the carbon tax has been put together by the Labor Party and the Greens.

We had Brian Hatch, an old Labor friend, saying:

... can I suggest we abandon green ideology before all private employment in the ACT moves across the border. Spain has already been down the green energy path. Its unemployment rate is now 20 per cent.

It is actually a lot higher than that now. People rightly ask why it is they have a government that wants to impose this burden. The response, of course, from federal Labor is, "Oh, well, we'll compensate you. So we're going to impose this cost burden, but we'll compensate you." That causes one to ask the question: what is it all about? It is about a very, very large tax that is going to have no environmental benefit. While some families will be compensated, many will be compensated either not at all or very little. In fact, in Canberra most families will not be adequately compensated. Most families will be paying a lot more.

The ICRC has said that there will be a \$244 increase as of 1 July in power bills and that the vast bulk of that comes as a result of the carbon tax. Some of that, of course, is as a result of the feed-in tariff. So Canberrans are being asked to pay \$220-odd extra every year over the next few years once it is fully implemented as a result of the feed-in tariff. They are going to be asked to pay at this stage about \$200 extra on electricity just as a result of the carbon tax. All of these cost pressures are piling on and piling on and piling on. If you are a family, say, with three kids—a family of five—you might have an increase that is significantly more than that average.

Families who can least afford it—of course, many families in the suburbs, whether they live in suburbs in Tuggeranong, in places like Conder and Banks and Gordon, or whether they live in places like Amaroo or Gungahlin itself, or whether they live in Dunlop, are going to be forced to pay more. If they have got two or three kids, they

are likely to pay hundreds of dollars extra. Many of those families will get very, very little compensation.

For those families it will not just be felt through their electricity bills. We have heard figures from the housing industry that the cost of a home will go up by several thousand dollars as a result of the carbon tax. There is no compensation for that. If you are buying a home there will be another few thousand dollars on the mortgage that will play out over 30 years. Every month you will be paying a little bit extra on your mortgage in order to pay for the carbon tax. If you go down to your local shops, all of those small businesses where we shop as Canberrans will be paying a lot more for their electricity—and many of them use a lot of electricity—as a result of this carbon tax, this 17 per cent increase in electricity that is coming as of 1 July.

I go down to my local butcher at Chisholm, Alf's Butchery. Doug who runs Alf's Butchery is going to have two choices: he is either going to see his margins squeezed and he is going to have to absorb that, which is very difficult for a small business to do, or he is going to be passing on the costs of the extra electricity to us as consumers. So when we go and get our stuff for our barbecue we will be paying more.

I was talking to the owner of the Torrens fish and chip store. This is a small store, a small family business. He was talking about electricity costs at the moment of about \$1,000 a month. At 17 per cent that is another \$170 a month. Now he is going to have to look at ways of passing that on. That will be multiplied time and time and time again for every activity, for every business. Remember that none of these businesses are going to be compensated. None of these many small businesses in Canberra who use a lot or a moderate amount of electricity, who have been doing their best to keep their costs down, will be compensated. They will be faced with two choices: either their profits suffer and their businesses become less profitable and less sustainable or they have to pass it on and the consumer pays a lot more. Of course there is then the danger for them that people buy less of their product.

It is time we got some answers from this government about what are their estimates of the cost of this tax. They support this tax. Katy Gallagher supports this tax wholeheartedly. Katy Gallagher has mentioned to people when it comes to the issue of cost of living that maybe they should give up their Foxtel for a while. That is not going to cut it. There are so many cost pressures on Canberra families, and that dismissive attitude that we get is not going to cut them.

We discovered through questions on notice that there is a \$73 million black hole in the ACT government's budget as a result of the carbon tax. That \$73 million is going to have to be found. Knowing this ACT Labor government, we know that, if they are re-elected, they will raise it through extra taxes. As sure as night follows day, if they are re-elected, the Labor Party will impose new cost burdens to pay for this shortfall in their budget as a result of the carbon tax.

It is time that the government were honest. They have been up there supporting Julia Gillard on this tax. They do not mind that she lied about it before the election. The Labor Party say that is okay because she is doing what they want her to do. But we now hear murmurings that the federal Labor Party, when they dump Julia Gillard, are

planning on seeing if they can reduce the carbon tax. So it might be that we have ACT Labor supporting a carbon tax when even federal Labor have walked away from it or reduced it.

Here is the opportunity for Katy Gallagher as the Chief Minister, as the leader of the Labor Party in this place, to come in and say, “Look, I was wrong. We’ve gone out too far ahead of the rest of the world. I don’t believe Canberra families should be faced with this cost burden now, and I call on my federal colleagues to, at the very least, reduce the carbon tax if not defer it until there is some serious international action.” We have that opportunity. Canberrans want to do their bit, and they do their bit. Time and time again they do their bit. But this is not about doing their bit; this is about being forced again and again and again to pay.

As Richard Dennis says, we are going to be forced to pay with the emissions target, which will do nothing to reduce overall emissions because of the way the carbon tax is, and we are going to be forced to pay for a carbon tax which is so far ahead of the rest of the world that we will just be engaging in a futile exercise to make the Labor Party and the Greens feel good.

So there is an opportunity here. I do not think Mr Barr is a true green believer in the same way that maybe Mr Corbell is. He is probably not a true green believer, so maybe Mr Barr can show the leadership Ms Gallagher will not show and get out there and say to his federal colleagues, “Look, you’ve got it wrong. Maybe your intentions were good, even though you were dishonest, and you should now actually at least defer it if not lower it.” They should be lowering it. But maybe they will do that anyway. Maybe they will dump the Prime Minister and lower the tax or defer the tax. We can only hope that that will be the case.

From our perspective the Canberra Liberals we will stand up for Canberra families. We will support practical environmental measures, but we will not support taxes for the sake of them or taxes that will have little or no benefit. That is what Canberrans are being asked to cop. That is what Australia is being asked to cop. I think it is legitimate that we ask now for the government to outline all of those costs. What will those costs be to the community and what are they going to do about it?

**MR BARR:** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (4.55): There is no doubt that carbon pricing is a key element of a comprehensive plan to secure a healthy environment for Australia’s future. Placing a price on carbon will require Australia’s largest carbon emitters to pay for the greenhouse gases that they produce. As members would be aware, for the first three years the carbon price will be fixed before moving to an emissions trading scheme in 2015.

A price of \$23 a tonne will apply in 2012-13. The price will then increase by 2.5 per cent per year in real terms to the 2014-15 fiscal year. Under the ETS arrangements the commonwealth will set a level of carbon emissions and then create auction permits up to the allowed emissions level. Polluters will be required to purchase permits for their emissions. The scheme will provide the option to store excess permits for future years and trade permits on the market.

The carbon price is supported by the commonwealth framework requiring greenhouse gas reporting from Australia's largest polluting businesses. All of the revenue generated, and more, will be returned to households and to industry. It will be invested into renewable energy research and development, used to secure electricity supply and spent on land and biodiversity measures. Countries around the world are taking action on climate change and investing in renewable energy. The ACT government supports putting a price on carbon pollution.

It was Sir Nicholas Stern's 2006 report that stated, "Climate change is the greatest and widest reaching market failure ever seen." The report indicated that the cost to global GDP of addressing climate change might be as high as one per cent by 2050. This amounts to trillions of dollars globally. But it is appropriate, in the language of economics, to price the externality. The carbon price is an effective and efficient means to transform Australia's energy and transport sectors. It will also encourage investment in renewable energy power sources. The carbon price provides incentives for businesses and consumers to reduce consumption of carbon intensive goods and services.

There will be increased energy costs for households and businesses. Commonwealth modelling forecasts electricity prices to rise by 10 per cent in the 2012-13 fiscal year due to the carbon price. The ACT may experience a slightly higher percentage increase in electricity prices compared to the national average. This is because wholesale prices play a greater role in our retail price than in other jurisdictions.

The Independent Competition and Regulatory Commission's draft price direction for the supply of electricity to franchise customers for 2012-14 indicates that the national carbon price will be largely responsible for an increase in wholesale electricity costs. The ICRC indicated there would be an increase of around 17 per cent in the regulated retail electricity price. Of that increase, around 13 percentage points would be due to the carbon price.

The ICRC has taken the unusual step of taking issue with some claims that were put forward by the opposition on this matter. The senior commissioner indicated, through the media, disappointment about the opposition's political point scoring over utility costs and he rejected the opposition's negative critique. He noted that the opposition's analysis was incorrect, given that the average ACT household size is 2.6 persons, not five persons.

The commonwealth, in its midyear economic and fiscal outlook, forecast a one-off increase of three-quarters of a percentage point in the consumer price index in 2012-13 due to the introduction of the carbon price. There will be increased input costs for factors of production, experienced through a generalised increase in consumer prices. The important point, though, is that households and businesses have real choices to shift to less intensive energy use and ultimately the costs of a carbon price may be offset, absorbed or passed through by business, depending on the market.

Through the commonwealth's tax and transfer system there is a package of assistance for households and businesses to adjust to a national carbon price. More than half the

revenue raised from polluters will go to households to meet price impacts. The federal government's package supports those on low incomes by more than the price on carbon is expected to cost them. The commonwealth estimates that the carbon price will increase the national average household weekly costs by \$9.90. Under the commonwealth's compensation package, on average households can expect to receive assistance of \$10.10 per week. Nationally, nine out of 10 households will receive compensation, with around two-thirds being fully compensated.

Because of our higher incomes, the ACT is expected to have a lower share of households who receive compensation. The territory's higher incomes and our greater ability to support measures to address climate change I think are reflected in that distributional analysis. Nearly eight out of 10 households in the ACT will receive compensation, with around six being fully compensated—six out of 10, that is. The ACT of course has the highest disposable average incomes in the country, but we are also, per capita, the highest emitters due to this high income. Over time we would expect that households would exercise choice in consuming less carbon intensive products and services.

Small businesses in the territory will benefit from an extension of the small business instant asset write-off from \$5,000 to \$6,500. The federal package also includes measures and initiatives to support high emissions industries to become more efficient or to transform. The ACT economy of course does not have high emission intensive industries and as such we would expect less impact on the local economy.

The ACT government has taken action in relation to utilities costs. In July last year the government increased the utilities concession by \$131 a year to \$346 per year. The concession is increased by the consumer price index each year. The government will continue to identify those in genuine hardship and consider further options to assist them. For example, the ACT government's energy efficiency scheme will assist approximately 70,000 households in the territory. This scheme will require electricity retailers like ActewAGL to provide services to households to improve their home energy efficiency. At least 25 per cent of those assisted will be low income households, so we are providing additional support to the most vulnerable in our community. There will be a net benefit to the ACT economy of \$40 million as electricity savings will significantly offset the cost of the scheme.

With any significant micro-economic reform there will be effects on economic performance. Commonwealth Treasury modelling has indicated that the carbon price will reduce the national GDP by 0.3 per cent by 2020. The carbon price will slow ongoing annual growth of gross national income by 0.1 per cent from an annual growth of 1.1 per cent to one per cent by 2020. The commonwealth's media update indicated that the carbon price will reduce real GDP and employment growth by less than one-quarter of a percentage point in the 2013 fiscal year. It is expected to have no discernable impact on forecast unemployment.

So in line with the national results the carbon price is not expected to have a material impact on the economic outlook in the ACT. Over time, commonwealth Treasury modelling indicates that the carbon price is expected to shift economic activity away from emission intensive industries and there will be long-term benefits to Australia, and most particularly to a jurisdiction like the ACT, from undertaking this shift.

As the costs to households go up through general price effects so too will the cost to government. We are considering how to reduce our energy consumption to reduce our own costs through the current budget process. In addition to the national price on carbon, the territory has set itself high standards in the areas of renewable energy and energy efficiency. The government is currently preparing climate change action plan 2 to establish a pathway to meet our legislated greenhouse gas reduction targets. We are also developing or have put in place the carbon neutrality framework for government, the sustainable energy policy, large scale solar, the energy efficiency scheme and the feed-in tariff scheme.

Undoubtedly, placing a price on carbon is an important micro-economic reform. It will price an externality and make for a more level playing field in energy production. It will make renewable energy more price competitive and encourage greater investment in renewable energy. It will reduce the carbon intensity of the Australian economy. It will provide incentives for research and development of renewable energy technology. Given our undoubted strengths in the research field, the ACT is likely to benefit significantly.

Our universities are well placed to develop and commercialise renewable technology. We have the CSIRO in our backyard. Putting a price on carbon is the most efficient way of moving our economy to a more sustainable future. It allows the market to develop solutions and find the most efficient ways of reducing carbon emissions. Other approaches, such as so-called direct action, can indeed complement a price on carbon. However, they will not do the necessary heavy lifting required to transform our economy.

The likely practical effects of climate change include higher average temperatures, more extreme weather events, a loss of biodiversity and changes to vegetation patterns. Canberrans have a role to play in addressing these issues. I am confident that this community accepts that challenge and that we are up to the task. In the context of how this community responds and how this government will respond, it will be to adapt to these changing circumstances. A head in the sand approach will not work.

The suggestion from those opposite that at this point in the debate we walk away from this significant challenge is, frankly, very disappointing. In the context of their previously stated positions in relation to greenhouse gas reduction targets for the territory, it is a remarkable about-face from the Leader of the Opposition. It completely shreds any environmental credentials the Liberal Party might seek to claim. Given what the federal Leader of the Opposition has announced this afternoon—that is, his support for the removal of horizontal fiscal equalisation and for the GST to be allocated on a per capita basis—the greatest risk to the territory is a federal Liberal government not only ripping 12,000 jobs out of this economy but then compounding the impact by ripping \$165 million of GST revenue away from Canberrans. That is the position of the Liberal Party.

*Mr Smyth interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Smyth!

**MR BARR:** That is now the stated position of Tony Abbott, as he has said today.

*Mr Smyth interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Smyth!

*Mr Smyth interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Smyth, I warn you.

**MR BARR:** He has said today in the media that he supports the position of the conservative premiers in the four large states. The position they have put to the GST review—

*Mr Smyth interjecting—*

**MADAM DEPUTY SPEAKER:** Mr Smyth, I have already warned you.

**MR BARR:** is that the GST should be allocated on a per capita basis. The challenge now for the Leader of the Opposition and the shadow treasurer is for them to stand up in this place and say whether they support that, whether they support the position of their Liberal colleagues in New South Wales, Victoria, Queensland and Western Australia, and now nationally, that the GST should be allocated on a per capita basis. I know they do not like to hear this, because it completely undermines their position on any economic matters. Mr Abbott has indicated support for the position of the conservative premiers of New South Wales, Victoria, Queensland and Western Australia.

**Mr Smyth:** On a point of order—

**MADAM DEPUTY SPEAKER:** Resume your seat. Stop the clock for a moment, please.

**Mr Smyth:** on relevance. The MPI is about the carbon tax. I do not believe it is about Tony Abbott. The minister might address the motion, which is of course about the carbon tax.

**MR BARR:** It is not a motion.

**Mr Smyth:** Well, the MPI then. You have still got to be relevant to the debate.

**MR BARR:** It is not a debate.

**MADAM DEPUTY SPEAKER:** Mr Smyth, resume your seat. This is not a motion; this is a discussion. I think that within the bounds of a discussion what Mr Barr is going to talk about is appropriate. Mr Barr.

**MR BARR:** Thank you, Madam Deputy Speaker. Those opposite may not want to hear this, but they are going to be hearing a lot about it. They now know what their

federal colleagues believe and what their Liberal Party counterparts all over the country are arguing. So the question for those opposite will be: what is their position? Will they stand up for Canberra? Will they stand up for the fair distribution of the GST? This issue is significantly greater in terms of fiscal impact on the territory budget than any cost implications from the carbon tax. If we are going to be real about the economic debate for this territory and we are going to be real about the debate around the territory budget then the biggest single risk to our economy and to our budget is Tony Abbott: 12,000 jobs to go and now he wants to rip \$165 million of revenue off the territory. (*Time expired.*)

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.11): I welcome the opportunity to speak on this matter of public importance. The new commonwealth scheme to price carbon will be compensated and this will actually exceed the amount of the carbon price that Canberrans may incidentally incur. In their draft determination of the 2012-14 retail electricity prices the ICRC predicts that electricity prices will increase by 17.22 per cent, of which 13 per cent is attributable to the carbon price with the remainder attributable to network costs. The contribution of the carbon price to this amounts to an additional \$3.65 in weekly energy bills.

However, this will be more than offset by the \$10.10 weekly compensation provided as part of the federal government's clean energy future package. I understand that the average total impact of the carbon price package on households will be about \$9 and, as I said, the compensation to be provided is \$10.10. So households will be compensated \$50 a year and real action on climate change seems quite a reasonable deal to me.

I think it is important to make the point that in its determination report the ICRC also emphasised that the impact of the carbon price is highly uncertain, noting that the current estimates may or may not turn out to reflect the actual impact of the introduction of the carbon price. What this means is that the carbon price associated component of the 17 per cent price increase is based on little more than expectations of the big polluters and really reflects an ambit claim by the fossil fuel industry, who are determined to vilify any and all action on climate change.

There can be no doubt that it is in everyone's collective and individual interests to tackle climate change. This will inevitably involve some costs, but the reality is that over time the costs will be far less the earlier we act. There are costs to addressing climate change, but what we know for certain is that the most expensive way of dealing with climate change is to do nothing—to stick our heads in the sand and do nothing.

I would say that the other certainty is that those that act first and those that act fastest will do best and over time will incur the lowest costs in the transition away from fossil fuels and towards renewable technologies. Making polluters pay and driving the development of renewable energy is the best way to protect Canberrans and the Canberra budget from the future cost increases that will inevitably come from the impacts of climate change.

On the issue of the costs to the budget from the increase in electricity prices the first point to make is that, thanks to the parliament agreement item providing for greater



purchase of renewable energy by the government, the additional costs to the budget is now lower than it otherwise would have been. Secondly, as I said, it is inevitable that prices for coal-fired electricity will rise. The obvious way to avoid this cost is to purchase renewable energy instead.

It is worth noting the huge additional investment that will occur in renewable energy as a result of the carbon price package. Billions of dollars will now be spent developing renewable technologies, and improvements in these technologies will ultimately mean savings for Canberrans in the future. Already this year we have seen in the latest price determination a significant reduction in the price of green power. The ICRC determination that I referred to earlier also highlighted the growing competitiveness of renewable energy.

Under the ICRC's modelling, green energy costs will drop by 17.33 per cent from the 2011-12 to the 2012-13 years. This is consistent with a steady global decline in the overall costs of renewable energy, a trend which is in stark contrast to the rapid rise in the cost of fossil fuels. By assigning a cost to the pollution caused by fossil fuel-based energies, the carbon price will only help to lower the cost of renewable energy further, in turn promoting or prompting reductions in household energy bills.

More generally, I would say that this is just another example of selective and very short-term economics from the Liberals. There is no doubt that pricing carbon is in Australia's best interests. It is well worth them taking the time today to reflect on the direct action plan proposed by Tony Abbott. After all, this is the alternative policy from Mr Abbott that would become law if there were to be a federal coalition government.

Mr Abbott has gone so far as to say that the very first thing he would do as Prime Minister would be to rescind the carbon pricing package. So while the Canberra Liberals are focused on the carbon pricing package that currently exists it is important to look at the alternative that their party has proposed. I take it that that is something that the Canberra Liberals would support; their clarification of exactly what they would do to address climate change would certainly be welcome.

In a nutshell, what the direct action plan proposes is for the taxpayers to fund the acquisition of carbon abatement, letting the polluters off the hook. In contrast, what the carbon pricing package does is make big polluters pay, assist households through the compensation packages and provide for the future energy options on which business depends.

At the heart of this there is a fundamental difference of approach. Where the direct action plan would ask taxpayers to foot the bill, the carbon pricing package asks the polluters to pay the bill and compensates households for any passed through costs. It is interesting to see what economists think about these two approaches. There was considerable embarrassment from Mr Abbott when he had to concede that he could not find a single reputable economist to back his proposal for a direct action scheme to reduce CO<sub>2</sub> emissions. The reason he was asked such a question was that the Economics Society took the time last year to conduct a survey of nearly 500 economists from around Australia on a number of economic policy questions, one of which was their views on the best way to cut greenhouse gas emissions.

The economists were given a choice between direct regulation and market or price-based mechanisms, and the results were quite striking. Only 11.8 per cent of the economists who responded to the survey favoured direct regulation. The market-based mechanism was favoured by the vast majority of economists. In fact, 79 per cent of respondents either agreed or strongly agreed that a price-based mechanism was a better response to reducing carbon emissions.

Another important perspective on direct action came from Treasury modelling released under freedom of information laws last year. What it showed was that under the direct action plan the coalition would have to impose an effective carbon price of \$62 a tonne per carbon abated. This, of course, is compared to the starting price of \$23 per tonne under the carbon pricing package currently in place.

**Mr Rattenbury:** Double.

**MS HUNTER:** It is double. So the effective price under a coalition government would be more than double. On top of that, the direct action plan includes no compensation for households and the taxes they will have to pay to fund the direct action scheme. It is very clear that the Liberals have no idea about how to tackle climate change. Indeed, I think there is some doubt about whether or not they accept the science that it is happening. They do continue, it appears, to put their heads in the sand.

It is very clear that Canberrans want strong action on climate change and understand that they have an obligation to make their fair contribution to reduce greenhouse gas emissions. I find it interesting that some people who say they are leaders in this case—I am referring to both Mr Abbott and Mr Seselja—can stand up and say they will not do anything until everyone else does. That is not leadership. Following others is not leadership. Not listening to the science is not leadership. Looking after their big polluter mates is not leadership; yet, after all, that is what they want to do.

The Liberal Party want to protect the financial interests of their billionaire mates like Clive Palmer. They do not want them to pay the cost of their pollution. They want the community to pay the cost. The carbon price package delivers fair compensation to the households that need it and ensures that the cost falls squarely on the polluters. This is exactly as it should be.

I was going to go to some of the measures relating to the compensation that has been put in place, but I think instead that I will respond to the comment just made by Mr Barr in his speech. I am highly alarmed and concerned, if this is the case, that Mr Abbott has come out today to say that he supports a move by the bigger states to change the way that the GST is distributed and that this could rip \$165 million out of the ACT budget. Along with the 12,000 jobs, this will be disastrous. I am extremely concerned. (*Time expired.*)

**MADAM DEPUTY SPEAKER:** Mr Corbell.

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

**MADAM DEPUTY SPEAKER:** Mr Corbell stood before when Ms Hunter stood, and I recognised Ms Hunter.

**Mr Smyth:** That is okay. That is not what my point of order is about.

**MADAM DEPUTY SPEAKER:** Sorry.

**Mr Smyth:** You do not know what I am raising.

**MADAM DEPUTY SPEAKER:** What is your point of order, Mr Smyth?

**Mr Smyth:** I ask you to reflect on your decision that given this is a discussion and not a motion the relevance rules do not apply.

**MADAM DEPUTY SPEAKER:** Mr Smyth, I do not think I said the relevance rules do not apply, but I am happy to review the *Hansard* at a later stage.

**Mr Smyth:** What did you say? You said relevance does not apply in this case.

**MADAM DEPUTY SPEAKER:** No, I did not say that.

**Mr Smyth:** What did you say?

**MADAM DEPUTY SPEAKER:** I said that I thought the discussion was quite appropriate.

**Mr Smyth:** No, no, that is not what you said.

**MADAM DEPUTY SPEAKER:** Mr Smyth, will you just resume your seat, please? Resume your seat. What I said was, just now, “I will review the *Hansard*.” Depending on what the *Hansard* says, I will make a statement later on—obviously tomorrow. I cannot review the *Hansard* right now. Mr Corbell has got the call and that is my answer to your—

**Mr Smyth:** To the point of order.

**MADAM DEPUTY SPEAKER:** I beg your pardon?

**Mr Smyth:** To the point of order.

**Mr Corbell:** What is the point of order?

**Mr Smyth:** Members are allowed to raise points of order, Mr Corbell. Don’t you remember that rule?

**MADAM DEPUTY SPEAKER:** I thought I had addressed it.

**Mr Smyth:** The point you made was that, because it was a discussion, relevance did not apply—on the collective wisdom of the Deputy Chief Minister and Minister Corbell. I draw your attention to standing order 58, where it says:

A Member shall not digress from the subject matter of any question under discussion:

If it is a discussion, clearly relevance still applies and I expect you to change your ruling.

**MADAM DEPUTY SPEAKER:** As I said, Mr Smyth—

**Mr Corbell:** On a point of order, Madam Deputy Speaker

**MADAM DEPUTY SPEAKER:** Yes, Mr Corbell.

**Mr Corbell:** Mr Smyth quotes the words “of any question under discussion”. There is no question before the chair when it comes to the issue of an MPI. There is no question; it is a discussion. Relevance is still an important consideration, and you have indicated, Madam Deputy Speaker, that you believe Mr Barr’s comments were within the standing orders. If Mr Smyth is unhappy with that, he can pursue that matter as he wishes. But you have not ruled, Madam Deputy Speaker, that the relevance rule does not apply to MPIs. You have instead ruled, as I understand it, that Mr Barr’s comments were in order. Mr Smyth can be aggrieved by that, but I do not think he should misrepresent your ruling.

**MADAM DEPUTY SPEAKER:** Thank you, Mr Corbell. I will review the *Hansard* to see exactly what I did say so that—

**Mr Hanson:** Madam Deputy Speaker, on the point of order, my clear understanding of the ruling that you made was that essentially relevance does not apply to MPIs because it is a discussion. Obviously this is a very important matter moving forward so that we do not in this place, when an MPI is before the Assembly, just talk about whatever we want. We need a ruling so that we understand that. I think there is now some confusion. I ask that you do come back to this place with a ruling on just what it is with regard to MPIs in terms of standing orders applying for relevance.

**MADAM DEPUTY SPEAKER:** Thank you, Mr Hanson. Obviously you did not listen to what I said. What I said was that I will review the *Hansard* and I will come back tomorrow.

**Mr Hanson:** Thank you.

**MADAM DEPUTY SPEAKER:** I do not know how many times I have got to say that. Unfortunately, you were unable to hear it the first and second and third times. Mr Corbell, you have the call.

**Mr Hanson:** Madam Deputy Speaker, on the ruling you just made, they were pretty snide comments. What I was saying was that I—

**MADAM DEPUTY SPEAKER:** No, Mr Hanson—

**Mr Hanson:** My understanding was that your ruling was different somewhat to my interpretation. I wanted to make that point. I think I am entitled to do so without snide replies from the chair.

**MADAM DEPUTY SPEAKER:** Mr Hanson, all I am saying is that I did say three times that I will come back after I have reviewed the *Hansard*. Okay? I have said it three times. Mr Corbell.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.25): Climate change and the issue of how to best address climate change is undoubtedly one of the most complex and important policy challenges of our time. Professor Ross Garnaut has described climate change as a diabolical policy problem, more difficult than any other issue that has come before us in living memory.

Climate change requires an increased level of sophistication in our understanding of science and economics and the natural world itself. We need to act in the face of predicted negative consequences. We need to act for the longer term rather than just the immediate. We need to consider equity across borders, generations and households. We need to value our natural environment, its richness and biodiversity and the services it provides on which all human health and prosperity depends.

Climate change is expected to affect the ACT region by making it drier and hotter and increasing the incidence of extreme weather conditions, both severe drought and severe flood and storm activities. Recent analysis from the CSIRO and the Australian government's Climate Commission indicates that climate change will result in lower than average, less evenly distributed and less predictable rainfall, meaning drier overall conditions but also increased flash flooding.

In recent decades there has been a general trend towards decreased late autumn and winter rainfall across southern Australia. The record spring and summer rainfalls experienced in south-eastern Australia during this period are considered to be consistent with scientists' knowledge and understanding of how the climate is changing in the long term—that is, it is becoming more severe, less consistent and with less frequent rainfall.

Canberrans are awake to the challenge of climate change and the small but important role we as a community can play. Through time to talk Canberra 2030, climate change was recognised as an issue in which a high proportion of Canberrans were deeply interested. The Stern report and Garnaut's report in Australia concluded that it was significantly cheaper to act and pay now to reduce the impact of climate change than it would be to pay for the consequences of dangerous warming in the future.

The opposition can deny that if they will, but it is unequivocal that the financial, societal and environmental costs will be lower if action is taken earlier. Failure to act now in response to climate challenges means higher future costs, including higher

future costs on households. The economically and socially responsible position is to put in place mitigation and adaptation strategies, such as the carbon price, and to do so sooner rather than later.

That is why the ACT Labor government has supported the Australian government's national price on carbon. Once a product or outcome is given a financial value, it then demands economic attention, and our society is largely driven by economic considerations. Pricing of commodity allows for people to judge relative values and act accordingly.

Placing a price on carbon is recognised internationally as an effective mechanism to reduce emissions. It is cost effective. The same cannot be said of other policy positions, including many of those put forward by the opposition federally and locally. Pricing carbon is the responsible choice for the Australian economy. It has the lowest cost, it fosters innovation and competitiveness, and it provides certainty around outcomes.

Locally, the government has indicated its position on the need to continue to address the issue of greenhouse gas emissions generated by activity in the territory. In December we as an Assembly legislated greenhouse gas reduction targets for the territory, and those targets also included the objective of carbon neutrality for the territory.

A national carbon price will support the territory in meeting these targets by reducing the emissions intensity of the national electricity market from which we draw our power and making renewable energy and energy efficiency projects more cost effective. While the carbon price will not have a major impact between now and 2020, a carbon price is likely to drive investment in renewable energy technologies that will be essential for the ACT to become carbon neutral by 2060.

The government has set ambitious targets for reducing greenhouse gas emissions. While the carbon price will assist the territory to meet the target, the territory has also outlined the need to implement other measures that will drive emissions reductions in the territory beyond the scope of the carbon price. It is worth noting that the development of a carbon price on its own will not tackle all of the issues that exist when it comes to emissions reduction, and so-called complementary measures will need to continue to be considered, measures such as energy efficiency requirements, which will not be driven by carbon price alone but can be achieved through statutory instruments such as those in the bill that is before the Assembly today.

The carbon pricing mechanism is designed to price the cost of pollution into goods and services in our economy. This provides consumers with an incentive to move to less carbon intensive goods and services and industry to invest for the first time in reducing their emissions. It is important to note that the money raised by selling carbon permits to industry will be used to compensate households as the economy makes the transition. For most households, especially low to middle income households, the costs of the scheme will be more than compensated for.

This compensation does not undermine a carbon price. Instead, it restores the buying power for households who will now have an additional incentive to purchase low

pollution goods and services. Compared to other jurisdictions, the ACT has proportionally less low and middle income households, so our compensation levels will be lower. This is fair and equitable. But to the extent that those households are present, the proposed Australian government compensation measures will ensure that low income households will be no worse off under the carbon price. In fact, many of them will be better off. Canberrans will have access to the same compensation measures as other Australians at the same income level.

This week the Assembly will debate the government's Energy Efficiency (Cost of Living) Improvement Bill. This bill will reduce household energy costs and reduce the territory's exposure to a carbon price. The bill establishes the energy efficiency improvement scheme. The scheme will work by establishing a territory-wide energy savings target and mandatory energy savings obligations for individual retailers. Retailers will meet their targets by undertaking energy efficiency activities in ACT homes and businesses. This scheme is expected to reduce the territory's emissions by around 750,000 tonnes. In 2015 a reduction on residential sector emissions of about 6.2 per cent from business as usual is expected.

Importantly, the average expected net benefit for ACT households as a result of energy savings is \$300 over three years. That is \$300 per annum. Savings will continue well beyond the projected end of the scheme in 2015. This represents a real reduction in energy bills. It includes a reduction in the carbon price paid by our community, and it represents a real improvement in the welfare and prosperity of our community.

I thank Mr Seselja for raising this matter of public importance today. I say to him and his Liberal colleagues that if their true concern is for the cost on households of measures such as increasing electricity prices, a component of which is a carbon price, then he and they should support legislation which actually gives Canberrans the tools they need to save on average per annum by the year 2015 \$300 off their electricity bills. They should be supporting the government's Energy Efficiency (Cost of Living) Improvement Bill because it reduces demand, it reduces the need for us to use so much energy, it helps households save money off their electricity bills, and it reduces our exposure to carbon pricing. It is exactly the sort of complementary measure that has always been envisaged in the context of the carbon price, and it is incumbent upon those opposite to support it.

**MR SMYTH** (Brindabella) (5.35): The matter today raises the question of the impacts of carbon tax on the costs faced by people living in the ACT. At a time of extraordinary increases in the cost of living in the ACT over the life of the Labor government because of all the components already mentioned by Mr Seselja, the effects of the carbon tax will be another severe impost, and the key issue today is the price effect of the carbon tax.

The essence of this effect was seen in the use of the word "tax". The decision that has been made by the federal government is to impose a new tax on all Australians. Clearly and obviously any new tax will be an additional impost for all Australians. In that context, there will be an immediate and direct effect on prices. Unfortunately for all Australians, the effect of the carbon tax will not stop with the tax itself. To use

some economic jargon which even Mr Barr might understand, there will be first-round effects and there will be second-round effects and third-round effects. So the process will continue to work through our economy.

In the first round there will be price effects placed on around 500 businesses in Australia. Sixty are primarily involved in electricity generation, 100 are involved in coal or other mining, 40 are natural gas retailers, 60 are involved in manufacturing such as cement, chemicals and metal processing, 50 operate in a range of other fossil fuel intensive activities and 130 are involved in waste disposal. Contrary to the expectation of the federal government, these businesses will not be absorbing the cost of the carbon tax.

The second-round effects will be seen in the businesses to which the carbon tax is then passed on, and the customers of these 500 businesses will feel the effects of the carbon tax. One only needs to read an article from the *Financial Review* from last Friday, 27 April in an article entitled “Tax won’t alter coal use: Verve”:

The head of Western Australia’s biggest electricity generator—and Australia’s 11th-biggest carbon dioxide emitter—has fired a parting shot at the carbon tax, saying it won’t trigger a switch from coal-fired power but will heap added costs on business.

Verve Energy managing director Shirley In’t Veld, who steps down on May 1, has also called on the state government to prove a proposed merger of Verve with state-owned retailer Synergy will deliver claimed cost savings.

Ms In’t Veld told *The Australian Financial Review* in an interview the carbon tax was too low to encourage the generator to shift from coal-fired power to gas or renewable energy, but would force it to pass on the costs to its customers.

That is a practical assessment from the 11th largest emitter of carbon dioxide in the country about how they are going to deal with the tax.

The customers of these 500 firms comprise a mixture of users from across the spectrum of industry. Then we will see the third-round effects as these businesses pass on the carbon tax, and it is at this point that many final consumers—that is, you and me—will begin to pay the carbon tax. Of course, some businesses will have a longer production chain to move through before the final consumer is reached, but, do not despair, the final consumer will be reached in due course.

Whatever you do as the final consumer—buying essential services such as electricity, gas or water, buying groceries, buying building materials, including metal products, bricks, paint and so on, buying motor vehicles and other machinery—you will pay the carbon tax. You cannot escape it. It is problematic how the carbon tax will actually affect individual consumers. This depends, of course, on the individual’s pattern of spending.

The Australian government has done some modelling to try and estimate the effects of the carbon tax on families. The Australian government has estimated the carbon tax will lead to household expenditure increasing by an estimated \$9.90 per week in



2012-13, and this increase will include an initial \$3.30 a week for electricity and \$1.50 for gas. In view of these—

**MADAM DEPUTY SPEAKER:** Mr Smyth, the time for this discussion has expired.

Before we go on, I had the *Hansard* reviewed, and I did not say anything about the relevance standing order not applying to matters of public importance. I want to clarify that nothing of that nature was actually said by me in relation to that matter. I did not make a ruling; it was just to say that I felt the discussion that was going on was appropriate at the time.

## **University of Canberra and Canberra Institute of Technology—proposed joint venture Statement by minister**

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections), by leave: Today I would like to make a statement concerning the government's response to the resolution passed in the Legislative Assembly on 28 March 2012, which called on the ACT government to:

- (a) make public and provide to the Standing Committee on Education, Training and Youth Affairs all relevant material used in the formulation of a collaborative venture between the University of Canberra and the CIT including, but not limited to, the financial implications of all options for both institutions and the ACT government by 1 May 2012;
- (b) provide the membership details of, and the terms of reference for, the Project Implementation Group to the Standing Committee on Education, Training and Youth Affairs by 1 May 2012;
- (c) make public the details of the proposed model, including the anticipated governance structures and the student enrolment processes of the collaborative venture between the University of Canberra and the CIT by May 2012;
- (d) not proceed any further with the collaborative venture until after COAG meets again in April; and
- (e) report back to the Assembly following this meeting.

In response to part (a) of the resolution, I advise the Assembly that today I have provided the documents to the chair of the Standing Committee on Education, Training and Youth Affairs and that these items will be published on the Education and Training Directorate's website.

I have also provided the confidential responses to the design principles provided by Professor Parker and Mr Marron to the chair of the standing committee, but seek the Assembly's leave not to make them public, on the grounds that they were provided to the ACT government steering group strictly and commercially in confidence.

I advised the chair of the standing committee that, in the interests of the environment, I did not propose to provide the committee with the various reports and other documents that are referenced in the steering group's report. Some, like the Hawke review, are very lengthy. All of them are in the public domain and can be readily accessed. However, those documents are available on request, should any member of the committee, or the Assembly, desire them.

In response to part (b) of the resolution, I can advise the Assembly that a project implementation board has not been established and therefore there are no membership details or terms of reference.

In response to part (c) of the resolution, I advise the Assembly that the steering group did not prescribe a governance structure or student enrolment processes for the collaborative venture as it anticipated that these issues would be among those determined by the project implementation group. The steering group did recommend, on page 12, that the collaborative venture "incorporate sound governance structures including engagement with business and industry and reflect the provenance and standing of each institution".

In response to part (d) of the resolution I advise the Assembly that the government has not proceeded any further with the collaborative venture, either between the making of this resolution on 28 March 2012 and when COAG met on 13 April 2012 or since. In this time our attention has been on the COAG national partnership agreement on skills reform.

Further work on exploring collaborative arrangements between Canberra Institute of Technology and the University of Canberra has been placed on hold. This is pending the finalisation and implementation of a range of VET sector reforms at institutional, ACT and national levels.

The government is committed to reforming the ACT VET sector through initiatives to improve quality, transparency, access and efficiency. This is consistent with the national directions as expressed in COAG's national partnership agreement on skills reform.

The ACT government is positioning the CIT to thrive in this complex, changing environment. As our public VET provider, CIT must be able to deliver training effectively and efficiently to meet the needs of industry and individuals. In order to achieve this, CIT must address its internal capacity and organisational culture.

The ACT is currently negotiating details of an implementation plan for the national partnership. The development and implementation of income contingent loans as well as a national training entitlement, all within a more open market, are just some of the reforms that need to be carefully considered. They will affect not just CIT but the entire public and private training sector in the ACT.

It is anticipated that initiatives such as the government subsidised entitlement to a training place, which is a key element of the national partnership, will have

implications for the distribution of public VET funding in the ACT. Any future collaborative activity that involves CIT will have to take the targets and objectives of the national partnership into account, given that it is worth some \$28 million to the territory. The government remains firmly of the view that a more integrated tertiary education sector is desirable for the ACT. Future collaborative opportunities between CIT and the University of Canberra will be considered in this context.

COAG is working to achieve greater harmonisation of the two tertiary education sectors. However, as other Australian jurisdictions have found, bringing vocational and higher education institutions together, even into a modest collaborative venture, is not a simple task. This is a complex space. However, government still believes that greater collaboration between the territory's own two tertiary education institutions is desirable and would benefit all Canberrans. We are certainly still committed to working with CIT and UC to strengthen their relationship to maximise opportunities for students.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to the committee's consideration of the audit office's 2012-13 budget submission.

Pursuant to section 22 of the Auditor-General Act 1996, the committee is provided with a role in determining the annual appropriation available to the Auditor-General. The committee considers the draft budget estimates of the Auditor-General and makes a recommendation to the Treasurer regarding the proposed appropriation and provides the Treasurer with the Auditor-General's draft budget.

This provision creates a process whereby the Legislative Assembly, through the committee, advises the Treasurer regarding the resources that should be made available for the operations of the audit office for the respective financial year. Following on from its practice in 2011, the committee again resolved this year that it would inform the Assembly of the outcome of its consideration of the audit office's 2012-13 budget submission.

Pursuant to section 22 of the Auditor-General Act 1996, the committee has considered the proposed budgets for the operations of the ACT Auditor-General's Office for each of the financial years from 2012-13 to 2015-16. The committee notes that the Auditor-General is seeking an increase of \$458,000 to the appropriation funding in 2012-13 to (i) increase the number of performance audits from six in 2011-12 to eight in 2012-13 (that is a total of \$383,000) and (ii) meet indexation costs of \$75,000. The committee endorses this request. The committee also supports the proposed increases in appropriation over the period of the forward budget estimates from 2013-14 to 2015-16 to facilitate growth in the performance audit function.

The committee is pleased that a funding model to support growth in the performance audit function has been factored into the proposed budgets for the operations of the

ACT Auditor-General's Office for each of the financial years from 2012-13 to 2015-16. The committee notes that on each occasion throughout the Seventh Assembly when it has considered the annual budget submission of the Auditor-General, it has recommended, without success, that the office be funded to support growth in the performance audit function. The committee is firmly of the view that the Assembly and the ACT community would be served well by the cost-effectiveness of such an investment in terms of its contribution towards, firstly, strengthening accountability for government performance and, secondly, identifying improvements in public administration and delivery of services.

The committee also notes that its repeated requests for additional funding are supported. Firstly, compared to other jurisdictions, the ACT audit office is significant in having a strong performance audit mandate as provided by legislation. Secondly, performance auditing plays an important role in governance and accountability. This is on the basis that financial auditing provides some assurance at a point of time, but it does not provide audited agencies, parliament or communities with any assurances about the government's service performance. Performance auditing provides such assurances. Thirdly, increasingly, on this basis, parliaments should seek to support growth in their respective Auditor-General's performance audit functions.

The committee is pleased that a funding model supporting growth in the performance audit program is proposed to be initiated as part of the 2012-13 budget and looks forward to the ACT Auditor-General's Office being funded to support an extended performance audit project.

## **Adjournment**

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

That the Assembly do now adjourn.

### **Parkwood chapel open day Giralang-Kaleen men's shed**

**MR COE** (Ginninderra) (5.51): I would like to take the opportunity to say a few words about the Parkwood chapel open day, which was held as part of Heritage Week activities last month. On 16 April Zed Seselja and I went along to the open day to see firsthand the work that has been done to restore this heritage-listed chapel, acknowledged as the first Methodist church established in the district.

This was a rare opportunity to view the heritage-listed chapel, which was built in 1880 by Canberra district pioneer Thomas Southwell. Thomas Southwell arrived in Australia in 1838 and came to the Ginninderra Creek area with his family in 1840. His first residence was known as Palmerville. Thomas was a staunch Wesleyan and began holding prayer meetings and church services in his home. When his home became too small, he built a slab church, which he replaced in 1880 with a granite building which became known as Parkwood.

Since 1906 the Southwell family has gathered at Parkwood on a number of occasions, and the chapel has undergone a number of restorations. The most recent restoration,

completed in November 2010, saw the Southwell Family Society spend 300 hours doing the work, culminating in another very successful restoration.

The society had a lovely array of photos of past family reunions, and historical photos, at the open day. The chapel continues to be lovingly maintained by the Southwell Family Society and I commend them for their ongoing work.

I would like to acknowledge the Giralang-Kaleen men's shed and the men's shed movement in general which operates across Australia and here in the ACT. I understand that there are 650 men's sheds affiliated with the Australian Men's Shed Association, with approximately 125,000 people belonging to those sheds.

On 24 April I had the great pleasure of participating in a working bee at the invitation of the Giralang-Kaleen men's shed committee, the "shedders" as they are affectionately known. The committee, which was formed in early 2011, currently makes use of two rooms at the Kaleen community centre.

The shedders have wasted no time in establishing a thriving vegetable garden and making good use of the grounds at the community centre. The shedders have established a computer lab with five donated computers and a printer and have recently raised \$1,600 at a barbecue stall held at Bunnings Belconnen. Bunnings have also generously donated some tools and gardening equipment to stock their shed and there are plans to add to this collection.

The Giralang-Kaleen shedders already have a growing membership of over 30 men from all walks of life and have established a strong bond with the local community. I would like to acknowledge the inaugural committee of the Giralang-Kaleen men's shed led by president Alan Chaplin; vice president Kevin Heindl; secretary Warren Cameron; treasurer Richard Hurditch; public officer Christopher Martin; other committee members Errol Brown, Ian Dalziel, Grahame Ginn, Nils Lantzke and John Murphy; and the other members of the shed. I look forward to supporting the future endeavours of the Giralang-Kaleen men's shed and I commend their work to the Assembly. For more information people should visit [www.mensshed.org](http://www.mensshed.org) or email the Giralang-Kaleen men's shed at [gkmenshed@gmail.com](mailto:gkmenshed@gmail.com).

### **Ms Niki van Buuren** **World Asthma Day**

**MS BRESNAN** (Brindabella) (5.54): On 27 April, Frank Brown, chair of Lions Youth Haven, launched at Westwood Farm, Kambah, an appeal by the Lions clubs of the Canberra-Queanbeyan region to raise funds for Niki van Buuren, a burns survivor of the 2003 Canberra bushfires. Niki, a Canberra resident of Kaleen, has been chosen to represent Australia at the 2012 World Para-Equestrian Driving Championships in Breda, Holland, in August this year.

Niki has worked with horses since the age of nine. At age 19 in 2003, while caring for her horse, she and her mother, Wendy, became trapped in the Canberra bushfires. Niki received third-degree burns to 66 per cent of her body, which resulted in the loss of her fingers and severely restricted movement in her arms.

Niki started riding again in 2004 at her local Riding for the Disabled Association centre at Pegasus. Under the tuition of an expert coach, Mr Max Pearce, she has rapidly gained skills, leading to her selection for the World Para-Equestrian Driving Championships. Niki is relying on sponsorships and funding appeals to raise \$50,000 by mid-June for her and her support team to compete in the six-week campaign.

Lions Youth Haven have taken up Niki's cause by rallying the support of Lions clubs in the Canberra region to give financial support and to start a public appeal for this remarkably determined young Canberra woman, whose courage in performing at such a high level against adversity is an inspiration to all. For more information, people can go to the Lions Youth Haven website at <http://www.lyh.org.au>. And Niki has a Facebook page.

Today is World Asthma Day. To coincide with the day, National Asthma Council Australia is calling for people with asthma to regularly use their preventative medication following revelations of an alarming overuse of reliever inhalers amongst Australians with asthma. Many Australians with asthma are putting their lives at risk by failing to use their prescribed preventer medication and are relying instead on their asthma reliever puffers.

The council's concerns are in line with the Australian Institute of Health and Welfare's *Asthma in Australia* report, which found a high frequency of dispensing reliever medication in the Australian community. The National Asthma Council Australia director, Dr Jonathan Burdon, warned that people who use their reliever medication more than two to three days a week are at the greatest risk of a severe asthma attack, which can be life threatening.

Dr Burdon has noted that preventer medication should be used daily to ensure that people no longer suffer asthma symptoms. Dr Burdon attributes Australians' reluctance to use asthma preventers as prescribed to a combination of complacency and confusion. There is also confusion surrounding the use of corticosteroids in asthma treatment, with people wrongly associating this critical asthma medication with anabolic steroids. Dr Burdon noted that educating people will overcome these fears. Dr Burdon acknowledged that asthma management has improved enormously over the past 20 years. He believes that more needs to be done as the mortality rate is too high considering most asthma-related deaths are preventable.

Question resolved in the affirmative.

**The Assembly adjourned at 5.58 pm.**