Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

9 MAY 2012

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Wednesday, 9 May 2012

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

Election Commitments Costing Bill 2011 Exposure Draft—Select Committee
Reporting date

MR SMYTH (Brindabella) (10.01), by leave: I move:

> That the resolution of the Assembly of 17 November 2011, as amended 29 March 2012, referring the exposure draft of the Election Commitments Costing Bill 2011 to a select committee for inquiry and report be amended by omitting the words "by the last sitting day in May 2012" and substituting "by the last sitting day in June 2012" and inserting a new paragraph 1A:
>
> "(1A) If the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation."

Just by way of explanation, the committee is basically ready to report but conflicts in diaries and late scheduling of meetings with witnesses and the garnering of information mean that it has taken a little longer than we expected. We simply need a small amount of time to get it right and table it, which will probably occur, with the agreement of the committee, out of session so that we can debate it in the June sitting if required.

Question resolved in the affirmative.

Financial Management (Investment) Legislation Amendment Bill 2012

Ms Hunter, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.03): I move:

> That this bill be agreed to in principle.

As all members will recall, I tabled an exposure draft bill concerning territory investments back in 2010. We then had the public accounts committee inquiry into that exposure draft. Following the report and with the benefit of the submissions made to that inquiry as well as the report itself, I have significantly reworked the proposal as presented in the bill today.

The bill presented today, whilst maintaining the fundamental aim to ensure that the prevailing community views and values are protected and public money is invested

consistently with those values, is significantly different from the exposure draft tabled almost two years ago. The bill does prohibit certain investments. I believe that the community does not find it acceptable to profit from these activities. As community representatives and those responsible for the way public money is used, I believe we have a responsibility to ensure this concern is reflected.

This bill is about leadership, and it is a proactive attempt to tackle a difficult issue in a manner that I think appropriately recognises that the Assembly can agree on some things and that some things are best left to a separate statutory body to decide.

The explicit prohibitions are tobacco, arms or armaments, cosmetics that are tested on animals, and the manufacture or sale of products produced using labour in breach of international labour obligations.

I do not propose to discuss the particular reasons for each of those. They are all fairly self-explanatory. Suffice to say that they reflect the legislated protections in the ACT and fundamentally there is no reason why, if it is appropriate for us to prevent or restrict an activity from taking place here, we should not be looking to profit from that activity when it occurs elsewhere. No doubt the particular detail and merits of the prohibitions can be well debated during the detail stage.

In addition to the explicit exclusions, the bill also creates the investment advisory board. The government already has external advice on investment matters and the Greens believe that this should be formalised and given an explicit statutory role.

The bill articulates the requirements for appointment to the board. These are modelled on the commonwealth Future Fund Act 2006 and adapted to the particular role of the proposed board here in the ACT. It is common for sovereign wealth funds to have this type of control structure and it is an appropriate and effective way of ensuring the responsible investment of public funds here in the ACT.

The board will be given the job of creating investment directions on a number of specific activities. These are gambling, factory farming, fossil fuels primarily responsible for climate change, uranium and timber products. Again, the reason these activities have been provided as the start of the board's work and set out as requirements that must be met is because they are covered be existing territory laws in some respects. There will be debate about how far-reaching limitations on activities in these areas should go and it is appropriate that in the first instance we allow the investment advisory board to make that determination.

Investment in these activities will be permitted so long as it is consistent with the investment directions. For example, the board may determine that an investment in a company that extracts and refines oil is permissible so long as the company has a significant renewable energy investment or research and development activity as well.

The board will also be required to make directions about how the territory votes as a shareholder in shareholder resolutions. We know that currently the territory votes largely according to management directions and this means that we often vote inconsistently with the way this Assembly would vote if the resolution were before

the chamber. We do not believe that should be the case and there are certainly some very easy criteria that we can apply to the way we exercise our rights as a shareholder. The obvious starting point is, of course, the Human Rights Act.

Members will recall that I have highlighted in this place a number of examples where the territory has voted in a manner that is inconsistent with legislation passed in this place, not to mention the self-evident values of the community. Some particular examples were votes against resolutions concerning the prevention of discrimination on the basis of sexual preference, resolutions to protect children from the impacts of smoking, and making weapons companies address the human rights impacts of their products, particularly in relation to cluster bombs.

In each of the cases not only was the Human Rights Act breached but decisions were also inconsistent with other ACT laws. We have also voted against resolutions to address climate change and ensure that we are not profiting from fossil fuel sales whilst at the same time committing the community to reducing fossil fuel use.

One response that I have heard to this is that we are only a small shareholder and it does not really matter how we vote. Apart from the obvious concern that we should be standing up for our values, there are tangible outcomes from our votes that we should be aware of.

We should care about the principle and we should be prepared to do whatever we can about things that are harmful or simply abhorrent. We are talking about resolutions to prevent child sex trafficking, amongst other human rights abuses. The principle is very important and it sends an important signal to other sovereign funds that the ACT is prepared to do something.

Apart from the principle of the issue, which I honestly would have thought was enough anyway, there is a real and tangible outcome as well. In the US a resolution must get at least three per cent support in order to be put again the next year and it needs an additional three per cent each year to be put again the following year. So whilst we may only have a very small shareholding in the company, our vote can make a big difference and our vote could be the difference that keeps the issue on the agenda.

The other new initiative is positive screening. The new board has also been given a role to make determinations about positive social and environmental investments. The idea is that the board can make determinations to the effect that, for example, renewable energy generation such as wind and solar is a good environmental investment, or health care that delivers social benefits is a good social investment.

After making the determination the superannuation account will then be obliged to prioritise those investments and it may do that in a number of ways. One mechanism, and one that was flagged in the government's submission to the public accounts committee inquiry, was to set aside a specific pool of funds, for example, in its private equity pool, to target these areas.

The Greens believe it is very important that not only do we screen out certain activities but we also proactively invest in sustainable industries. We recently had the

release of the business strategy and within that the clean economy strategy. We know that renewables will be the prosperous energy generators in the coming decades. Investing in that is prudent and the mechanism proposed is a very reasonable one that leaves the detailed application of the initiative to the experts to be appointed to the investment advisory board.

This is certainly not a new issue and it is something that many governments all across the world are already actively dealing with. Other governments, such as Massachusetts and California in the United States, are in some cases actually the ones driving the shareholder resolutions for reform. I would also make the point, as I am sure I have done before, that the world's largest sovereign wealth fund, the Norwegian government pension fund, has a very active ethical investment policy. The $525 billion fund has an active screening policy that carefully considers which companies it will and will not invest in and how it engages with companies when concerns are raised.

Back in 1996 Ms Kerrie Tucker first raised this issue in this place during the debate on the Financial Management Act. In 2002 the then Treasurer, Mr Ted Quinlan, indicated that indeed the government would take ethical considerations into investment decisions, albeit solely in the context of risk and return.

When the full scope of our investment portfolio was revealed in the *Canberra Times* the issue gained further attention and some level of action was finally taken. The ACT signed up to the principles of responsible investment and we do now have a framework for ESG considerations in relation to risk. We have recently had a review of our application of the principles of responsible investment in line with the parliamentary agreement. Whilst this has been progress it has been very slow and very limited. In fact it is fair to say that nothing has actually changed as a result of our actions so far. We are perhaps more aware of what we invest in but we have not sold a single share as a result of the PRIs and there is no evidence that we are in any way targeting the portfolio and positive social and environmental outcomes. We have taken the symbolic step and now it is time to take a tangible step forward and actually implement some minimum standards for our investment practices.

I will briefly turn to the issue of financial returns. Recently asset consultant Mercer conducted a study reproduced in the *Australian Financial Review* which found that over the past five years the average return of a sustainable fund was 5.6 per cent and the ASX index only 4.6 per cent. There are in fact six major funds whose ethical portfolios outperformed the ASX average over the past five years—the best performer almost doubled the ASX return.

There is now a very large body of research around ethical, sustainable and responsible investment. Perhaps the most notable and comprehensive is the Russell research paper entitled "Sustainable investing, marrying sustainability concerns with the quest for financial return for superannuation trustees".

There simply is no argument that this reform will cost territory investments in terms of financial returns. A key part of what this legislation does is to force us to think about what our money is doing and to question whether we think it is appropriate for

us to profit from the listed practices. Business as usual is not okay. It is easy not to engage with the issue, to not think about where the money comes from or what it is doing. We do have a large investment portfolio and it is important that we recognise the practical as well as the symbolic effect that a change in investment decisions can have.

A survey by the Business Council of Australia in the lead-up to the last federal election found that 85 per cent of people surveyed think that we can be more economically successful and more socially responsible. This is exactly the thinking driving the policy behind the bill that I have presented today.

The bill does incorporate the concerns of the public accounts committee and follows their recommendation that action should be taken in this area and that we need a proper framework to deal with it. That is exactly what this legislation proposes.

We should be having the debate in the Assembly about the way we manage public money. Previously in this place the Chief Minister has said that the "capacity to make ethical decisions is the bedrock test for leadership in any democracy".

I would make the point that in other jurisdictions this is certainly not a politically contentious issue and I very much look forward to negotiating with all parties on this bill and debating it in the Assembly in the near future.

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

Bail Amendment Bill 2012

Ms Hunter, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.16): I move:

> That this bill be agreed to in principle.

Today I present a simple and practical amendment to the Bail Act 1992. It is my intention that this amendment will assist in reducing the historically high number of young Canberrans remanded for often minor breaches of bail, and will strengthen the work currently undertaken by the After Hours Bail Support Service. As I say, this is a simple and practical action to insert the youth justice principles into the current Bail Act. It is not an amendment that will make getting bail easier; it is about inserting those principles into the Bail Act.

I would hope that all parties in this Assembly would support providing greater consistency across the acts that govern a child's interaction with the youth justice system. For those members that are not already aware, the youth justice principles are currently part of the Children and Young People Act 2008. They are referred to in the Crimes (Sentence Administration) Act 2005 and have clear linkages with the ACT Human Rights Act 2004.

The nine principles outline key things a decision maker must consider when deciding what is in the best interests of a child or young person facing criminal matters. I would like to discuss three of those principles now, to illustrate very clearly why the youth justice principles should be included in the Bail Act.

Principle (e) states:

> … if a child or young person is charged with an offence, he or she should have prompt access to legal assistance, and any legal proceeding relating to the offence should begin as soon as possible …

Principle (f) states:

> … a child or young person may only be detained in custody for an offence (whether on arrest, on remand or under sentence) as a last resort, and for the minimum time necessary …

Principle (h) goes on to state:

> … on and after conviction, it is a high priority to give a young offender the opportunity to re-enter the community …

While these points do not specifically mention breaches of bail, I would draw members' attention to what I believe are the relevant core issues.

It is clear that children and young people need to minimise their contact and exposure time with the criminal justice system. It is also clear that children and young people should be reintegrated with their community, where safe to do so, at the earliest possible time. And it is clear that the Children and Young People Act states that detention, of any sort, should be considered as an absolute last resort.

To avoid any confusion, detention in this sense is not limited just to custodial sentences, where someone is found guilty of an offence by a court of law and sentenced by a magistrate or judge. Detention of a child can refer to time in a divisional wagon or holding cell as well as periods of remand.

A child may be placed on remand—that is, accommodated under strict supervision—at Bimberi Youth Justice Centre without sentence if they are refused bail by an authorised police officer. The child will then be brought before the Magistrates Court, where the case for bail may be heard again.

The reason detention is so clearly spelled out as a last resort for decision makers is that for years now, in many countries, in many states and even here within the ACT, experts and researchers have been telling us that, for most young people, entering the criminal justice system has many negative impacts. While there may always be cases where, for the benefit of the community, and ultimately for the benefit of the young person, detention is the most appropriate response, remand for remand's sake is not one of them.

I would also like to clarify that the insertion of the principles in the Bail Act does not and is not intended to interfere with police officers' interactions with a child who is in the act of committing fresh offences or who may have committed fresh offences and by doing so have also breached their bail conditions. This insertion is primarily concerned with minor breaches of bail, and does not prevent police from taking a child into custody if the circumstances, along with the consideration of the principles, warrant such action.

Much of the research I mentioned earlier regarding best practice in youth justice systems has been presented in recent times, most recently during the consultations undertaken by the ACT government in relation to youth justice issues. I acknowledge the reports—the *Towards a diversionary framework* discussion paper and the Human Rights Commission's significant report into the ACT youth justice system.

Both these reports clearly highlighted a range of issues that needed to be addressed. The Human Rights Commission's report included promising or best practice examples, concerns that they had with the system, and research. It also presented ways to improve the system. It included many recommendations.

Until recently, and in contrast with other Australian jurisdictions, the ACT did not have specific bail assessment or support programs. The recent establishment of the After Hours Bail Support Service has now provided children, families, police and community service providers with a possible alternative to short periods of remand based on breaches of the Bail Act. It provides a service for young people who are at risk of being remanded in custody, to assist them to remain in the community.

The service makes assessments of young people's suitability for bail and provides support and advice to young people, family or caregivers as well as the police. The service's target group are young people in police custody in relation to fresh offences where the watch-house sergeant is considering refusing bail, and young people already on bail who are at risk of breaching their bail or who have already breached their bail.

This amendment bill would create greater clarity for police when considering a course of action that might include arresting a child for breaches of the Bail Act, and strengthen the role of the After Hours Bail Support Service as well as other relevant services.

As the diversionary discussion paper mentioned, recent research into New South Wales trends in legal proceedings for breach of bail, juvenile remand and crime found that most young people who breached bail were not arrested for further offences whilst on bail, but commonly were arrested for breaching curfew conditions and not being in the company of a parent. It is also clear from the available data here in the ACT that breach of bail has been a leading reason for the admission of young people to Bimberi, with 83 of the 170 young people remanded in Bimberi in 2009-10 admitted for breach of bail.

My bill responds to a recommendation presented in the diversionary discussion paper that said:

> Consideration should therefore be given to whether there should be more guidance in relation to action to be taken by police and the Chief Executive—

of the Community Services Directorate—

> regarding an alleged breach of a bail condition/s by a young person.

We are now all keenly awaiting the blueprint for youth justice, which will set out how the youth justice system will operate and the reforms, programs and policies that are needed to achieve this.

The ACT Greens are today presenting this amendment to the Bail Act as it will provide part of the solution that is needed to reduce remand periods for children in the ACT, in cases where remand periods could be far more detrimental than a community-based response.

While appreciating that the blueprint is in development, it is important that we act promptly to reduce remand periods for children. This bill would create consistency across various acts that deal with children's interactions with the criminal justice system. The inclusion of the youth justice principles, as described in the Children and Young People Act, section 94, is designed to provide a greater focus on the best interests of the child in determining a response from the criminal justice system, including the police.

I hope that all parties will agree on working to ensure that the best interests of the vulnerable children and young people in our city are paramount, even those engaged in our youth justice system, and I commend this bill to the Assembly.

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

Road Transport (General) (Infringement Notices) Amendment Bill 2012

Debate resumed from 22 February 2012, on motion by **Ms Bresnan**:

> That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.26): As members would be aware, late last year the Chief Minister established an expert panel to develop a targeted assistance strategy. One of the issues identified for consideration as part of the strategy was the need to provide greater assistance for people with fines or penalties who are experiencing financial difficulty in paying them. The expert panel's considerations included examining the arrangements currently in place for paying fees, fines and penalties to see what steps needed to be taken to implement various options for more flexible payment arrangements.

The expert panel provided its report to the government last year, and its recommendations are currently under close consideration. While I cannot yet advise of the government's final response, I can say that the government response to the report of the expert panel is anticipated to go beyond providing alternative payment options for traffic and parking infringement notices.

The response is expected to address financial hardship for Canberra's families in a more holistic manner. The government has already introduced a new website, assistance.act.gov.au that contains information on over 100 different types of support available, grouped to allow people to quickly determine the help they may be entitled to, including on traffic and parking infringements.

A first step has also already been taken by the government to improve the flexibility around arrangements for accessing extra time to pay traffic and parking infringements. To this end an amendment was included in the government's Road Transport (General) Amendment Bill, which was passed by the Assembly last week. While that bill predominantly focused on amendments directed at ensuring the integrity of the infringement notice scheme, it also included an amendment to allow "out of time" requests to be made to the administering authority for additional time to pay an infringement penalty.

Applications for additional time to pay were previously required to be made within 28 days after service of the reminder notice. The amendment will allow the administering authority to approve an application for extra time to pay that is made at any time after that 28-day period has expired if there are special circumstances that justify the approval. This amendment will not require any system changes and is not anticipated to generate the need for any additional administrative resources.

Having said that, the government recognises that the additional measures in the bill put forward by Ms Bresnan are another important step towards addressing the issues identified in the expert panel's report. On that basis, the government has indicated its support for the bill so long as there is work to ensure its consistency with the government's bill. The government therefore will be supporting the amendments that will be put forward by Ms Bresnan later in the debate that achieve this aim.

It is noted that the amendments to be moved by Ms Bresnan include a delayed commencement provision. This amendment will be supported by the government. As members will appreciate, there is a considerable administrative effort required to put in place the necessary infrastructure and resources to support the proposed new flexible options. There is also a need to consult with the community sector to ensure that the arrangements we put in place will be sustainable in the long term and effective in assisting Canberra families and other households in hardship.

The amended bill will include provisions to amend part 3 of the Road Transport (General) Act to include three new options to assist people who are experiencing financial or other personal difficulties in paying a traffic or parking infringement notice penalty. The amended bill will enable a person in these circumstances to apply to the relevant authority for approval to pay the penalty by instalments over an

unlimited period of time, to discharge liability for the penalty by completing an approved community work or social development program or for a waiver of the penalty.

A waiver can be granted only if the person does not have the capacity to pay, whether by instalments or otherwise, and is not suitable to complete a community work or social development program. The amended bill would require the administering authority to allow an application for payment by instalments where the applicant holds a health care card, a pensioner concession card or veteran's concession card, a gold card or another card prescribed by regulation. The authority will have a discretion to allow a person to pay a penalty by instalments in other cases having regard to the particular financial circumstances of the individual.

Implementing the instalment payment scheme will require the authority to have the capacity to undertake financial assessments of applicants. The authority will also need to put in place arrangements for recording instalment payments, monitoring compliance with payment plans and for taking suspension reinstatement action when instalments are missed.

The amended bill contemplates that applications to discharge an infringement notice penalty by completing a community work program or social development program will be referred to the director-general responsible for the administration of the community service work provisions in the Crimes (Sentence Administration) Act. This referral mechanism will allow the existing expertise within ACT Corrective Services in managing and delivering community service programs to be used in the establishment of the new scheme.

Applications for discharge of an infringement notice offence by completing a community work or social development program will involve an assessment of the person's circumstances, including their financial situation and their mental and physical health, drug or other substance abuse, whether they are a victim of domestic violence or whether they are homeless. The director-general will approve programs for the purposes of the new provisions.

It is anticipated that these new community work and social development programs will be developed and administered in conjunction with the community sector. Under the amendments it is anticipated that regulations will be made to determine the rate at which participation in the program discharges an infringement notice penalty. The regulations will also specify the conditions for program participation and will explain how evidence of program completion is to be provided to the administering authority.

It is apparent that there will be a considerable amount of detailed development work, including consultation with the community sector associated with the establishment of the community work and social development program contemplated by these amendments. Indeed this is a matter that I have discussed with the New South Wales Attorney-General, Mr Greg Smith, who has recently confirmed the new Liberal government's commitment not only to the retention of their community work and social development program but also to its expansion as a mainstream option. He has indicated to me that there is great value in the program. That is a view that I also share.

But he has also indicated that engagement with the community sector who will be delivering community work programs on the ground is vital for its success. Without appropriate support, without appropriate engagement with the sector who will be providing the programs through which people will discharge their obligations in relation to a penalty, it simply will not work. It simply will not achieve the outcomes that we wanted to achieve. That is why the government has worked with Ms Bresnan in relation to the amendments that will be presented shortly to address these particular issues.

The provisions relating to waiver will be available to applicants who are assessed as having no financial capacity to pay an infringement notice penalty and who are considered to be unsuitable to undertake a community work or social development program. This could be, for example, because the person's physical or mental health has deteriorated to a point where the person is simply not capable of participating in such a program. Decisions on waiver will be taken by the administering authority. The authority will be able to receive advice from the director-general responsible for ACT Corrective Services on the issue of the applicant's suitability to participate in community work or social development programs.

The resources required to implement the amendments in this bill over the next 12 months will be significant. In addition to the administrative measures and community work program development that I have already mentioned, implementing the scheme will necessitate substantial reprogramming of the Rego ACT system. I can advise members that the Justice and Community Safety Directorate has already commenced scoping of the requirements to implement more flexible arrangements for the payment of infringement penalties.

As I have mentioned, the bill anticipates that a large number of matters will be dealt with in the regulations. During the implementation stage the government will liaise with relevant stakeholders as these regulations are developed.

I note that the Canberra Liberals and Mr Coe have indicated in discussions prior to the debate today that they have some concerns about the implementation of measures such as the community work program in the legislation at this time. What I can indicate to Mr Coe and to the opposition more generally is that the government supports in principle the development of such programs. We think there is great value in allowing people who have incurred fines, particularly where they have incurred fines because of a problem—for example, arising from alcohol, drugs or other issues—to be able to engage in rehabilitation around their alcohol dependency or around their drug dependency as a way of not only paying off the fine but also preventing them from actually incurring future fines. That is a win-win. That is a win for the community, a saving for the community, and one that we should have close regard to.

But that said, I note that the opposition are of the view that a lot of this detail will only be outlined in regulation. I can indicate to the opposition the government's commitment to work with all parties in the Assembly, including them, on the details of those regulations so that they can have confidence that the scheme is going to operate as it should and in a fair and equitable manner.

As I have mentioned, it is also possible that during the implementation phase further legislative amendments will be identified as necessary or desirable for the effective operation of the new scheme. If that is the case, the government will pursue those issues with other parties in this place.

This bill will assist to relieve the pressure on households and individual Canberrans who experience difficulty in paying their traffic and parking penalties. It establishes a new architecture for a broadened range of options to assist people to discharge their responsibilities in relation to traffic and parking penalties whilst doing so in a socially just manner.

The government will be supporting the bill on the basis of the amendments to be proposed by Ms Bresnan later in the debate today. Can I finally indicate my thanks to Ms Bresnan and her office for the constructive manner in which we have been able to engage on this issue. This is a complex legislative drafting arrangement and I think the discussions have been both productive and considered. So thank you to Ms Bresnan.

MR COE (Ginninderra) (10.38): The bill before us today proposes to amend the Road Transport (General) Act 1999 to allow the administering authority to allow for flexible payment arrangements of traffic infringements and penalties and allow for the reinstatement of a drivers licence that may have been suspended following the non-payment of fines. The bill also supports community work programs as an alternative to financial penalties and provides an ability for fines to be waived.

The Greens claim that the current system is inflexible and does not consider people who are disadvantaged through low income, homelessness, addiction, illness or disability when it comes to the payment of infringements. Currently a person has a prescribed amount of time to pay a penalty and regardless of circumstances has their licence suspended if they do not pay. The prescribed amount of time can be extended through application by up to six months as it currently stands. There are a number of other mechanisms that people can apply for when they cannot pay, which include disputing the liability, applying for an extension to pay and making a request to withdraw the infringement.

The key changes in this bill today as proposed by Ms Bresnan are as follows: (1) the payment of fines by instalments—the bill gives the option to pay the fine in part-payments for a period of six months; (2) the payment of fines by community work or social development orders—that is, the bill supports a scheme whereby certain people would be able to pay fines through community work; (3) the waiving of fines in special circumstances—that is, giving an option for some people to have the fine completely waived; (4) the option to have the licence reinstated. This will give the Road Transport Authority the power to reinstate a person's fine-suspended licence. However, I understand that this would be amended to the Director-General of the Justice and Community Safety Directorate. And (5) is an option to apply for a review of decisions through ACAT.

I know that the original bill has been altered in its new iteration to accommodate some of the government's concerns about the actual administration of some of the payments and waiver options put forward. For example, rather than the onus being on the RTA, who are not qualified or well resourced enough for this task, the responsibility to administer these options will fall to the director-general. We still feel, however, that this is fraught with issues. We have been assured that the regulations will follow and that loose ends will be tied up. We also note the commencement date was put forward to a year, which was another concession made to the government.

I will now turn to the opposition's specific views on what is before us. Whilst the Canberra Liberals are supportive of aspects of the legislation, there are other aspects which we will not be able to support today. Firstly, let me advise the Assembly that the Canberra Liberals are supportive of the principle to pay off fines by instalments and I commend this aspect of the legislation. The Canberra Liberals have been approached by Canberrans concerned about the lack of flexibility to pay fines and this bill will address that.

However, we should note that the Canberra Liberals believe that financial penalties are an appropriate measure to penalise and hopefully deter wrongdoing. However, there are other aspects of the bill which we do have various problems with. These problems vary from a disagreement with the underlying philosophy in some instances, and in other instances a problem with the administration of the scheme.

For example, the waiving of fines in special circumstances is something which we do not agree with. We think that such an option is not fair and sends the wrong message to our community. Whilst I acknowledge that financial penalties can be particularly harsh for some people, there are other options, some put forward in this bill, which would be more appropriate.

The payment of fines by community work or social development programs—that is, in effect, a community-based order—is fine in principle. But we must have the details of such a scheme laid out in this legislation so that we as legislators can comprehend what is being proposed. I am concerned that the bill is too light on detail and leaves far too much up to regulations and the bureaucracy for determination. Whilst there is merit in such orders, I believe it is irresponsible to pass legislation which does not clearly articulate how the scheme will be carried out.

The feature of the bill to have a licence reinstated is consistent with other elements of the bill. However, as it is, in effect, a sequential feature, the other issues I have already highlighted prevent the opposition from endorsing this aspect. If it is the will of the Assembly, I would be willing to continue the discussion with the government and crossbench to work on better legislation for a later sitting week. However, from my discussions and through the debate in the chamber today, I understand that this is not the will of the Assembly.

I am appreciative of the offer by the Attorney-General to work with the government on the development of regulations. However, as I have already said, I believe the Assembly is the best place to have that discussion. If this bill is passed today,

I believe a tremendous responsibility will fall upon the minister and the government to develop and implement the intentions of what is before us today.

I believe this is a big task and we are charging the government with a huge responsibility—in fact, too big a responsibility. I do not believe we are demonstrating good governance as a legislature by discharging so many details and decisions to the public service. The Canberra Liberals will not be supporting the proposed legislation.

MS BRESNAN (Brindabella) (10.44), in reply: I thank Mr Corbell and the government in particular for their support of these very important changes to the ACT traffic fine payment system. I will go to some of Mr Coe's comments initially and then some of the other things he raised I will address in more detail in my speech. I thank him for supporting the principle of having a more flexible system of traffic fines. As to some of his concerns, I note that we had what I thought was quite a productive meeting with Mr Coe in his office. He said we should have discussed further the system around being able to perform community service. This bill has been on the table for quite some time and we also made it clear to Mr Coe we were more than happy to discuss any issues the opposition might have or amendments they might have. We have not received anything from them. In fact, we did not know until Mr Coe actually spoke today what the Liberals' position would be. So I take issue with being told that we had not provided enough time or had not been willing to discuss this issue. We have been more than willing to do that and there has been more than enough time to discuss any issues the Liberal Party may have had with this bill.

In terms of the waiver, again, this is something we discussed with Mr Coe. It is in very limited circumstances, I must point out, and it is particularly for people who have a major disability which would preclude them from being able to undertake community work. That is why we have it; it is only in very limited circumstances.

There has been somewhat of a mixed message on this particular bill, but the penalty still applies to people and the fine still applies. They have to demonstrate that they are paying it back or they are performing community service. The penalty still stands; that is not removed. It is actually about providing people with flexibility in paying something for which in normal circumstances they would not lose their licences. That is the point of this legislation.

Mr Corbell made a point about developing the community service program. I think it is important that we do not have too much detail in this legislation because it allows for that consultation with the community organisations that need to be involved in the process. That is what is really important about developing this.

I point out that the ACT is the only state that does not have this sort of scheme, and Mr Corbell pointed to New South Wales in particular. We are not doing something which is radical or has not been done before. We have plenty of examples to look to and to put in place a system learning from examples and learning from issues that have come up in other states. That is to our advantage with this particular legislation.

I will go to the changes being passed in the legislation today. We will see reform of a system that has been operating inequitably and causing real hardship in the

community. The legislation reflects a key aspect of Greens policy, which is about making a real and positive difference to people's lives. It recognises the people who are too often overlooked—people in financial hardship who are doing it tough, people who are vulnerable because of illness or disability and people who are struggling to find housing. These are changes that begin to rebuild the ACT's overall system of fine management in a way that properly recognises these people.

As I have said before, this bill reforms traffic and parking fines, which is probably the most significant area needing reform, but other areas of fine management also need to be improved. I would like to recap the changes that will be made under the legislation today. Firstly, people will now have the opportunity to pay off traffic fines by instalments. Instalments will be able to be made over an extended period of time, taking into account the person's financial circumstances. This instalment option will automatically be available to people on a health care card or pensioner concession card, or a Department of Veterans' Affairs pensioner concession card or gold card. People on Centrelink payments will be able to pay via Centrepay, a system to facilitate automatic deductions.

Secondly, the legislation establishes a new system for people to discharge fines by undertaking community work or a social development program. These programs will be rehabilitative and beneficial to the community, including activities such as volunteer work for community organisations, medical or mental health treatment, counselling, mentoring, education or skills courses, or drug and alcohol treatment. They will be available to appropriate applicants who are in financial hardship or who have special circumstances. Not only will people be able to discharge fines in an appropriate way, but these programs can assist people to learn new skills, receive treatment and to engage in society. I believe this is a necessary and beneficial option that can benefit both the individual and society.

I draw members' attention to the success of work and development orders and personal development orders in the New South Wales system. This was pointed out in a letter sent just yesterday to the Chief Minister by several peak bodies in the ACT community sector, and it was something the minister referred to in his speech regarding how New South Wales is considering expanding it.

A 2011 evaluation of the New South Wales fines system called "A fairer fines system for disadvantaged people" said that the work and development orders and personal development orders were, in fact, increasing the amount of revenue the government is collecting, reducing reoffending in the fine enforcement system, improving the participation of vulnerable people and engaging more people in drug and alcohol and mental health treatment. That is an important fact to consider in looking at some of the issues Mr Coe raised. It shows that this is an extremely successful system. These are exactly the types of positive impacts we want here in the ACT.

ACT Street Law has received feedback from community legal centres in New South Wales that disengaged young people with complex needs have successfully completed work and development orders and are re-engaging by undertaking activities such as attending TAFE, applying for no-interest loan programs and seeking employment.

The third change is that people will now be able to apply to have their traffic fines waived. As I have already said, this is in limited cases for people who have special circumstances, such as disability or homelessness, and are likely to never be able to pay the fines and cannot participate in community work or a social development program. The waiver option works hand in hand with the community work and social development programs. I again point out that in New South Wales the availability of an accessible and well-developed work and development order scheme has reduced the number of people applying for infringement debts to be written off.

Fourthly, and perhaps most importantly, this legislation will allow authorities to reinstate someone's licence when they are engaging in one of these payment options. This can only happen if the licence was suspended because the person did not pay a fine in time. Suspending someone's licence when they have not paid a fine in time has perhaps been the most problematic aspect of the fine payment system. It means that a person could effectively lose their licence if they cannot pay parking tickets on time or if they cannot pay the fine for bald tyres on their vehicle, offences that would never otherwise result in a lost licence. As we have seen, the impacts of this licence suspension can be devastating. People can lose access to income or lose their jobs. They might not be able to access medical treatments and they might even become homeless.

When I first started looking into this issue, I had a meeting with some employment agencies who were concerned that unemployed Canberrans who were most in need of employment services could not access them because their licences had been fine suspended. I also note that the Tuggeranong Community Council recommended a more flexible system of fine payments be implemented, and that was just recently.

When I first tabled this legislation I read out some case studies of Canberrans who had been impacted by the problems I am describing. I have received many representations since then as well. I will read out part of a recent letter which gives a picture of a common problem that occurs when someone's licence is fine suspended:

> Dear Ms Bresnan. It is great to see that you can understand the difficulties that low-income earners face when they find themselves in situations where they have regrettably incurred traffic infringements and are having difficulties paying them off, resulting in barriers to gaining work. It becomes a catch 22 situation.
>
> My partner currently has a relatively large amount of outstanding traffic infringements which he received during a manic period (he suffers Bi-polar disorder and had a severe relapse following the death of his mother). He is now well again and has just started an apprenticeship, however things are very difficult for him as he has to arrange lifts to and from work and tech from his employers ... Once he starts receiving apprenticeship wages it will still take quite a while for him to pay these fines off. He has had to ask his new employer for lifts to work, which causes him embarrassment, shame and frustration that he is in such a position.
>
> If he were able to obtain a permit whilst paying off his fines on a payment plan he would be in a much better position.

We need to recognise that, for some people, paying a fine would prevent them from being able to afford basic essentials such as food or rent.

I would like to acknowledge and thank the many people in the community sector who have worked on this issue and who have given support to Canberrans who are dealing with the types of issues I have mentioned today. These groups include the Alcohol Tobacco and other Drug Association ACT, Street Law—and I acknowledge that we have some of the workers from Street Law here today and I thank them for coming in—the Welfare Rights and Legal Centre, ACT Shelter, the Mental Health Community Coalition, UnitingCare, and the Domestic Violence Crisis Service. When Mr Coe said the Greens have raised issues about this, these are the sorts of groups that have raised issues about the system as well and the sorts of groups whose concerns we are acting on today with this legislation.

I would also like to acknowledge the work done by the targeted assistance panel. The panel was Reverend Gordon Ramsay from UnitingCare Kippax, Sandra Lambert from the Hands Across Canberra Foundation and Carmel Franklin from CARE. The panel recently reported on a range of ways to assist low income Canberrans and recommended changes that align with those in my legislation.

Changes made in this legislation must commence within one year. This allows time for the government to make changes to systems such as rego.act and to go through the process of developing and approving community work and social development programs. As the minister has flagged, there will be considerable involvement with the community sector. The legislation allows for the minister to set a commencement date earlier than one year if the systems are ready earlier.

Finally I thank the Parliamentary Counsel's Office for their assistance on this bill, which has been fantastic, particularly as the passing of government legislation last week required changes to legislation today. I also thank the directorate and the minister's office for their cooperation in working through the bill. I particularly thank Matt Georgeson in my office who put a huge amount of time and effort into this bill. The fact that we are debating it is largely because of his efforts in working through with the directorate and the minister's office. As Mr Corbell has said, this is a very good example of where collaboration can result in very good legislation appearing before the Assembly. Again I thank members for their contributions today and particularly the government for supporting this important reform.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS BRESNAN (Brindabella) (10.57), by leave: I move amendments Nos 1 to 10 circulated in my name together and table a supplementary explanatory statement *[see schedule 1 at page 2295]*.

These amendments ensure my bill accurately amends the Road Transport (General) Act 1999 following the changes that were made to the act by the government's Road Transport (General) Bill 2012. The government bill debated last week made changes to the same act that my bill is amending, but it made them after I had already tabled my bill. My bill therefore required updating. Although there are 10 amendments, they are primarily technical changes to ensure that all the references numbering and ordering of the bill is correct and that the bill will work with the Road Transport (General) Act as revised last week.

The amendments also make several small technical changes. The effect and purpose of the bill remain the same as I described in my presentation speech and in the explanatory statement which was tabled with the original bill. As I mentioned earlier, the amendments change the commencement date. The original bill allowed a six-month starting date. This amendment allows for commencement within one year. One year is the relevant government agency's time to update administrative and computer systems and to establish relevant community work and social development programs. It still allows for commencement earlier if the necessary updates are ready in time.

The amendments also allow for the regulations to prescribe various details about the scheme, such as administrative details to assist with the administration of community work or social development programs and applications. This detail will be necessary to ensure the new flexible payment schemes can be administered effectively. The amendment also specifies that the administering authority must refer applications to discharge a penalty by community work or social development programs to the director-general responsible for the Crimes (Sentence Administration) Act 2005. The director-general is an appropriate decision maker as he already has experience managing community service programs that are ordered through the court. The amendment also allows the administering authority to consult with the director-general for the purpose of deciding whether it is appropriate to waive a person's fine.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.59): As I indicated in the debate during the in-principle stage, the government will be supporting these amendments. These amendments are about, first of all, ensuring that the operation of Ms Bresnan's bill is consistent with the changes made to the Road Transport (General) Act which were debated and passed by the Assembly in the last sitting.

Secondly, they are about making sure we establish the necessary architecture or mechanisms such as community work and development orders, but that is subject to the further development of regulations and the detail that sits under that. They also recognise that a significant body of work is yet to proceed and yet to be completed in relation to allowing mechanisms such as community work and development orders to be implemented.

From the government's perspective this is in-principle support for the establishment of an architecture to allow such mechanisms to be implemented subject to that detail and, indeed, the discussion on that detail which, as I have indicated, the government is willing to engage in directly.

MR COE (Ginninderra) (11.00): The opposition will be supporting the amendments, as we believe they will enhance the bill and will ensure it is implemented and operates in a better fashion. However, my comments earlier still stand. I believe the "significant body of work" the minister refers to is so significant that, in fact, it should be before this place for our discussion rather than leaving the sorting out to regulations and the department. However, as I mentioned, the opposition will be supporting the Greens amendments as they improve the legislation.

Amendments agreed to.

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

Bill, as amended, agreed to.

Bail provisions

MRS DUNNE (Ginninderra) (11.02): I move:

That this Assembly:

(1) notes that:

(a) bail is an important element of the criminal justice system;

(b) generally accused people are entitled to be released on bail unless there is an unacceptable risk to the safety of the community; and

(c) recent high profile incidents of offenders released on bail reoffending; and

(2) calls on the Attorney-General to advise the Assembly by 5 June 2012 on:

(a) the number of people, in the last two financial years:

(i) remanded in custody who were subsequently acquitted;

(ii) granted bail who failed to comply with their bail conditions; and

(iii) granted bail who committed further offences while on bail; and

(b) how the Government proposes to protect the public from the instances of non-compliance and further offending while on bail.

There is a problem with the ACT bail system. In the ACT we see regular instances of noncompliance with bail orders and reoffending while on bail and, in many cases, very sadly, little action is taken in response to this noncompliance or reoffending. This leaves police, prosecutors and the general public scratching their collective head. The legal system is not protecting the community from often dangerous offenders who reoffend while in the community.

I will by necessity be brief today because some of the matters that prompt this motion are immediate and raw and will be the subject of legal action. I will not be addressing last week's incident outside the Canberra Hospital, save to say that the hearts of all Canberrans go out to the women victims and their families. I am sure it is fair to say that our thoughts in this place and our prayers will be with those families at this moment. The facts and events of last week are for the courts to address and I do not propose to reflect upon those events here.

Sadly, the events of last week highlight most graphically and in a raw way the failure of the bail system. And I will reflect upon that. Before doing so, I think that it is useful to look at what the bail system is. When people are accused of committing an offence and when they are arrested and charged by police, a decision must be made about whether to remand, that is, to hold them in custody or release them on bail.

The word "bail" is used to describe the process of release and the agreement the person makes to return to court and sometimes to comply with other conditions. Once an accused person is charged with an offence, the police file the charge with the Magistrates Court and a date is set for the accused to return to court for the charge to be heard. Generally there are three ways to require accused persons to appear in court: by summons, by arrest, charge and bail or by arrest, charge and remand.

We also need to look at who is entitled to bail. Before the institution of the Bail Act in the ACT, as elsewhere, bail decisions were guided by the common law. The common law, as does the Bail Act, favoured the accused being released on bail rather than being held on remand. The onus is on the prosecution to show why the accused should not be given bail. The Bail Act, which has codified these rules, contains a general presumption in favour of bail, that is, an accused is generally entitled to bail.

The general criteria are that an accused person is entitled to be released on bail unless the prosecution satisfies the court—and the test is not beyond a reasonable doubt but on the balance of probabilities—that there is an unacceptable risk that if the person were released on bail they would fail to appear in court in compliance with bail, commit further offences while on bail, somehow endanger the safety or welfare of members of the public or interfere with witnesses or otherwise obstruct the course of justice. In assessing whether there is an unacceptable risk, the decision maker must look at all relevant considerations, including the nature and seriousness of the offence, the accused's character, antecedents, any prior convictions, his associations, his home environment and background, the accused's compliance with previous grants of bail, the strength of the evidence against the accused and the attitude of the alleged victim of the offence to the grant of bail, if that is known.

These are quite stringent tests, and a simple reading of the Bail Act would indicate that most of these things are covered. However, it is its application and its strict reading by the Supreme Court and the Magistrates Court that have caused concern. There have been a number of high-profile cases that have resulted in people questioning the bail system.

In the case of Massey—a woman who was charged with, and convicted of, murder—she was on bail for almost all of the period of her trial but there were approximately 10 occasions on which Ms Massey was brought before the court for breaches of bail—some serious, some not so. And it is unusual and certainly would be unusual in other jurisdictions, for instance, to find someone who was bailed on a charge as serious as murder, to have essentially 10 lives. There might be one or two occasions where breaches of bail might be considered before, in most jurisdictions, that person would be remanded in custody.

My researches have pointed me to a number of other cases. However, they relate to juveniles reoffending, often with catastrophic consequences for the community, but because they relate to juveniles I propose not to discuss them here today. Suffice it to say that there are significant matters before the court at the moment involving violent crimes where juveniles have been bailed and have reoffended whilst on bail. There is also a recent case, which I believe is under appeal by the Director of Public Prosecutions, where someone was bailed while remanded in custody. And it shows to me an alarming misunderstanding or misreading of the law by the decision maker in that case.

But, as I said at the outset, I suppose the impetus for this concern by the Canberra Liberals today is the tragic circumstances of last week. And as I said before, I will not be reflecting on that incident itself. But it is important that the community and the Assembly know that the young person involved was well known to police, prosecutors and the courts. There have been about half a dozen incidents where the young man had been brought before the courts for breaches of bail and bail was opposed by the prosecutors because of a range of concerns about the safety of the community and the propensity to reoffend.

I would like to spend some time reflecting on some of those matters which are published matters that relate to this young man. There are a number of judgements—on 9 December 2011 and later in December 2011—that reflect on this. I will read some snippets to give members an idea of what is wrong with the bail system and why we are calling for the modest action that we are calling for today.

This person came to the Supreme Court on 14 November 2008 on two charges of dishonestly riding or driving a motor vehicle without consent, one charge of theft, two charges of unlawfully confining a person—

Mr Corbell: On a point of order.

MADAM DEPUTY SPEAKER: Mrs Dunne, will you resume your seat, please? On the point of order, Mr Corbell.

Mr Corbell: Madam Deputy Speaker, I am seeking your guidance in relation to the application of the sub judice rule.

MADAM DEPUTY SPEAKER: Yes, I was just about—

Mr Corbell: The reason for that is that Mrs Dunne is referring to the previous criminal history of an individual who is currently facing serious charges before the courts. I simply do not believe it is appropriate for members of this place to ventilate matters such as the previous criminal history of a person that is currently before the courts on other criminal charges. I think it is not appropriate and I would ask that you consider the matter and give some guidance to the Assembly on how this matter should be addressed, because I would not in any way want there to be a suggestion that there is some prejudice towards the conduct of the matters that are currently before the court.

MRS DUNNE: Could I draw your attention to the clock.?

MADAM DEPUTY SPEAKER: Yes. Stop the clock, please.

Mr Seselja: On the point of order raised by Mr Corbell, Mrs Dunne has been very careful not to discuss the individual case that may come before the courts. She is talking about things that are on the public record and she is not even going to any of the detail of the incident. She is talking about the application in previous years of bail and what has gone on the public record. So it is impossible to argue that talking about things that are on the public record, not discussing the detail of this case, is in some way prejudicial or is excluded under the sub judice rule.

The sub judice rule is not a wide-ranging gag order against politicians being able to speak about matters. It is about prejudice in particular cases and even the rules around that are strict. Mrs Dunne has been very careful to stay away from any of those details. She has not once mentioned them and it would be an extraordinary widening of the sub judice principle if we were not, at any stage, able to talk about matters that have been on the public record and that are not currently before the courts.

Mr Corbell: On the point of order, the rule in the Assembly is very clear: members are not permitted to discuss matters that are currently live before the courts. It is not the general application under *House of Representatives Practice*. It is a standing resolution of the Assembly where the Assembly itself has determined what matters are and are not open to members to discuss.

Mrs Dunne is referring to the previous criminal history of an individual who is currently facing further and serious criminal charges in the ACT Magistrates Court, and that is directly relevant to the court's consideration of those matters. I cannot think of an instance previously where a member has risen in this place and directly referred to the past criminal history of a person that is currently facing other charges which are a live matter before the courts. If the sub judice rule does not apply here, I find it difficult to understand in what circumstances it does apply.

MRS DUNNE: On the point of order, when I began speaking I quoted "on 14 November 2008". This is a direct quote from a published judgement of the ACT Supreme Court. This is on the public record. I can give you the URL for it if you like, Madam Deputy Speaker. And it seems unreasonable that any judgement in relation to sub judice would prevent a member of this place, in discussing the state of the bail

system in the ACT, referring to bail applications and applications for the suspension of bail in particular cases. This is what this matter is. The matter that I attempted to quote from is one of three decisions made by the Supreme Court in relation to a particular matter.

I made it perfectly clear at the outset that I was not going to refer in any way to the matters of last week. These events occurred between 2008 and 2011 and relate to bail and the application for bail. They do not relate to the matters which are currently before the courts.

MADAM DEPUTY SPEAKER: Thank you, Mrs Dunne. Mrs Dunne, I believe that this is a case where we would apply this rule because this man's previous criminal history will be taken into account. He is before the court at the moment and therefore I think that it is imprudent for you to mention any of his previous criminal history in your debate. So I would ask you not to do that and refer in general to points about bail requirements but not particular matters in regard to this particular person.

Dissent from ruling

MRS DUNNE (Ginninderra) (11.17), by leave: I move:

> That the Deputy Speaker's ruling be dissented from.

Madam Deputy Speaker, I move dissent from your ruling because this is a most serious matter for the people of the ACT, and I think that you have failed to understand the distinction which I took particular pains to make about this matter. I have not even mentioned this person's name and I have no intention of doing so. But it is crystal clear in a number of judgements in relation to the application for bail under the Bail Act that there is a strong history of failure in relation to bail that may have brought us to a situation that resulted in a tragedy last week.

I have been at particular pains—and I will refresh your memory, Madam Deputy Speaker—in what I said about this matter. I said that the matter was immediate and raw and would be subject to legal action. I will not be addressing last week's incident outside the Canberra Hospital. And I reinforced that when I came back to the issue and said: "I will not be reflecting on the circumstances involving the incident outside the Canberra Hospital. Suffice it to say that the young man involved is well known to police, prosecutors and the court."

However, that being said and making it very clear that this motion is not about the incident last week but about the failure of the bail system, it is reasonable to refer to one of the more high-profile cases where we have seen a failure of the bail system. And in this case there were a number of times and a number of charges brought before the courts where prosecutors pleaded for this person not to be granted bail and time and again the court system granted this young man bail. It is on the public record for every person in the world to read.

Somehow your ruling today says that everyone can read this but I may not quote from it in the ACT Legislative Assembly. This is a misuse of the sub judice rule. This is

clearly a wrong application of the sub judice rule. When you read what is said about sub judice in the standing orders, in the *Companion to the Standing Orders* and in those other publications that inform our standing orders, it is quite clear that the rights of the Assembly are paramount.

I refresh your memory about continuing resolution No 10. It says:

> Subject to the discretion of the Chair—

which I am now dissenting from—

> and to the right of the Assembly to legislate on any matter or to discuss any matter …

And this is what we are here to do today. We are discussing what the Canberra Liberals see as the failure of the bail system. There is a present case which shows the substantial failure of the bail system and which leaves members of the public, police and prosecutors completely confused about how we should oversee the administration of justice in this place.

You are saying, Madam Deputy Speaker, that we cannot discuss it here in this place. It can be discussed everywhere else, it can be discussed in the columns of the *Canberra Times*, it can be read by anyone who chooses to log onto the Supreme Court webpage and read the decisions of the justices in these multiple cases. But you are saying that it cannot be discussed in this place. This is on the public record. These are resolved matters.

It is impossible for us to do our job, being so constrained by your ruling. It is an unreasonable ruling which would set a precedent of substantial constraint in the future, and that is why we have to dissent from your ruling.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.22): Madam Deputy Speaker, your ruling is a correct interpretation of continuing resolution 10. Continuing resolution 10 is clear and unambiguous. It says:

> Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

It goes on to clarify further:

> Criminal proceedings are active when a charge has been made or a summons to appear has been issued.

Madam Deputy Speaker, your ruling does not mean that Mrs Dunne cannot raise concerns in this place about the operations of the Bail Act and does not mean that she cannot refer in general terms to certain instances or circumstances that she believes highlight her argument. But Mrs Dunne is seeking to go beyond that, and that is why you have ruled in the manner you have.

Mrs Dunne is seeking to agitate on matters which are directly relevant to a proceeding which is currently before the courts. The prior criminal history of the individual who is now facing serious charges in the courts in relation to the tragic accident last week could be a consideration for that court if that matter reaches the appropriate stage. It is wrong of Mrs Dunne to seek to agitate on the issue of the previous criminal history, and therefore perhaps even imply some culpability in relation to that individual, in this place. That is a matter for the court to determine at the appropriate time, if it reaches that stage in the proceedings.

This place should not be used for an attempt to agitate on the culpability or otherwise of that individual. In raising the specific previous criminal history of that individual, I would argue, that is exactly what Mrs Dunne is trying to do. It is clearly a breach of the sub judice rule and it should not be permitted.

It is wrong for those opposite to claim that this means we cannot discuss bail, that we cannot discuss the general circumstances surrounding the grant of bail in particular instances. It is wrong for them to claim that, because you can do that. But Mrs Dunne is seeking to take it a step too far and to agitate on the specific circumstances of a matter that is live before the courts. Your interpretation of the sub judice rule is correct. The provisions of continuing resolution 10 are clear and unambiguous and your ruling should be upheld.

MR RATTENBURY (Molonglo) (11.25): The Greens will not be supporting the dissent motion. I believe that the continuing resolution is quite clear. It is interesting that this is the second time this has come up recently; we have examined this in recent times. The issue we might have is that there is a disagreement about the continuing resolution. I think that the issue is not in the application of the continuing resolution.

I will make a couple of observations. Firstly, the motion Mrs Dunne has brought forward today is a very general motion about bail. I think it is quite possible to discuss the matters that Mrs Dunne is concerned about and have a discussion about bail in the ACT without needing to discuss the specifics of this particular case that is being referred to or the specifics of the individual accused in this case. It would be quite possible for Mrs Dunne to be more circumspect about the matters and still be able to discuss the issue that is of concern to her. In that sense, Madam Deputy Speaker, I think that your ruling, in exercising the discretion of the chair, is quite an appropriate exercise of that discretion.

The motion has not been brought to discuss the specific case; that is quite clear. Nor is the motion actually suggesting reform of the Bail Act. The motion is almost a question on notice. In that context, Madam Deputy Speaker, your exercise of discretion is quite appropriate as well, because it is possible to discuss the matters raised in Mrs Dunne's motion without needing to go through the individual criminal history of the person concerned.

Returning to the continuing resolution, I think that it is quite clear. This resolution was only adopted in 2008, so it is quite recent in the history of the Assembly. It says:

> Subject to the discretion of the Chair, and to the right of the Assembly to legislate on any matter or to discuss any matter …

So it sets up the caveat at the beginning. But it is equally clear that it says:

> … shall apply the following rules on matters *sub judice*.

We all know the difference in the usage of the word "shall", and it is quite explicit in here. It goes on to say in paragraph (1):

> Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

Again, I think that the Assembly, in adopting this resolution, was quite clear about its intent—that it really wanted to constrain itself to be quite circumspect in these matters. We are quite fortunate in this place to have a very clear resolution that the Assembly has passed. In other parliaments they rely much more on convention. It is worth acknowledging that the Assembly has specifically turned its mind to this.

In light of the discussion we have had on this for now the second time in recent times, if Mrs Dunne and her colleagues have a serious issue with this continuing resolution we need to take this up outside the specific debates. We cannot keep attacking the rulings of the chair and the chair's application of the continuing resolution if the actual issue is that we disagree about the continuing resolution. I would encourage members to consider whether we need to take this matter up in administration and procedures or some other forum rather than continuing to take out dissent motions in the chamber.

The Greens will not be supporting this dissent motion today. We believe that the continuing resolution is clear in its intent. I also believe that the matters Mrs Dunne is raising are not necessary for a discussion to take place on the matters she has raised.

MR SESELJA (Molonglo—Leader of the Opposition) (11.29): Madam Deputy Speaker, firstly let me respond to some of what Mr Rattenbury had to say. It is not a question of whether or not Mrs Dunne could discuss this motion without referring to the matters that she is referring to. It is a matter of whether she should be constrained and, in effect, gagged by your ruling and by the Assembly from discussing matters which are discussed in the public domain.

Mr Rattenbury put forward two propositions. One was that we should be amending the continuing resolution. That is true. We think the continuing resolution was a gag order from a majority Labor government. It does not actually reflect the sub judice principle. If you look at the sub judice principle, this resolution does not reflect it.

But even within the constraints of this continuing resolution, Mrs Dunne has not breached it. I note that Mr Corbell and Mr Rattenbury could not point to how she has. The resolution simply says:

> Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

Mrs Dunne has not referred to the case. She has not referred to the facts before the court—that may come before the court. She has not named the individual. She has referred to matters on the public record which are not at issue. They are not facts that are in issue in the court case, which she has not referred to. She is referring to matters on the public record. She can step outside and debate. She can go on radio and debate. She can write to the *Canberra Times*, and other individuals can write to the *Canberra Times*; they can write opinion pieces on this. There can be a vibrant, public debate on this. But in this Assembly, under the Labor Party and the Greens, there cannot be a debate on it.

We are abiding by the very strict and overly rigid provisions of this resolution. Now what we are seeing is an extension of the resolution where, even when you do not refer to the case, when you refer to something that happened years ago that may in some way be relevant to the case or not relevant to the case, you cannot talk about it. That is outrageous.

This is a matter that the community has a genuine and legitimate concern about. What we are being told today, by your ruling and by those on the other side, is that we cannot have these debates in the Assembly—that the debates that go on outside the chamber cannot go on in here.

If there were issues around the sub judice rule being breached, we would see the individuals who are discussing these types of matters hauled before the Supreme Court for contempt. Of course, we do not see that. We do not see that because the Supreme Court takes a very reasonable approach to these things. Notwithstanding that, if Mrs Dunne was actually referring to the case, the Supreme Court would still take a very reasonable approach to these things and would not be influenced by the fact that this may or may not be debated in a public forum or in the Assembly.

Mrs Dunne has not mentioned the case. She has not mentioned the facts of the case. She has deliberately steered away from making any judgements on what the courts will do and what final proceedings may or may not take place. She has done absolutely the right thing. It is absolutely ridiculous that we find ourselves in a situation now where, having not mentioned the case, having not mentioned the individual, having not mentioned the facts of the case, Mrs Dunne will be gagged from talking about bail and how bail laws are failing in this city.

Madam Deputy Speaker, we reject that completely. This is a gag order. Mrs Dunne will be able to walk out and say exactly what she has been gagged from saying here, and she will be able to say that in the public domain. If she was breaching sub judice, she would be hauled before the Supreme Court. But she will not be, because she is not even going close to doing that.

This is a manifestly wrong ruling, Madam Deputy Speaker—manifestly wrong. The speakers in favour of your ruling have not pointed to one word that Mrs Dunne has said which breaches this continuing resolution. We think it is unacceptable that the opposition should be gagged from raising what are matters of public importance. We should be able to have mature discussions about these things. When the facts at issue

are not mentioned, when the individual is not mentioned, when the case is not mentioned, we should be able to have reasonable discussions even within the constraints of this continuing resolution. That is why your ruling was wrong. That is why your ruling should be overruled by this Assembly.

But I make a broader point, Madam Deputy Speaker. The Labor Party and the Greens are now getting very keen to shut down discussion on things they do not like. The bail laws in this place, and the egregious examples of how these bail laws have failed the community, should be aired in this place. They should be aired in this place, and we will air them. You can gag us in here; we will go out and talk about these things, because the community cares.

If an Assembly were to reflect what is going on in the community, if an Assembly were to be actually representative, we would have that debate right here. We would have that debate. We would have a mature discussion instead of this gag order that is being imposed as a result of the direction from the Attorney-General, who does not want to discuss the failures. As a result of that direction, we have seen this ruling, which is completely wrong, and we completely reject it.

MR HANSON (Molonglo) (11.35): Madam Deputy Speaker, I support dissent from your ruling. There seem to be two issues here. One is about the substance around continuing resolution 10 and whether that is appropriate. The other is whether Mrs Dunne has actually contravened continuing resolution 10. I will go to that matter first.

It is quite clear that Mrs Dunne has not contravened continuing resolution 10, and she has taken enormous care not to. Mr Seselja has laid that out in saying quite clearly that in everything that Mrs Dunne said she specifically avoided referring to this case. When we read continuing resolution 10, we see that it says:

> Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

That is the substance. She did not. If you were to reflect on the *Hansard*—you heard what Mrs Dunne said. She clearly did not. She specifically avoided doing so. So it is impossible for me to see how she has in any way contravened continuing resolution 10.

On the broader matter with regard to the appropriateness of continuing resolution 10, I certainly agree with the points that have been made by my colleagues. It is ludicrous that an issue that has raised such community concern cannot be discussed in this place. It is an issue that is being discussed at length in the media—in the ABC, the *Canberra Times*, the RiotACT, every form of media—and to members directly. As I have been out and about in the community, this is an issue that has been raised with me. Members of the community have said to me: "What are you guys doing about it? This is an unacceptable situation. What is happening with bail in this jurisdiction is unacceptable. What are you going to do about it?"

This is a matter that the community feels very strongly about. It is in no sense exaggerating, as we have seen, to say that this is a life and death matter. But what we

find, because of the effect of continuing resolution 10 and because of your overly proscriptive ruling when it comes to this, Madam Deputy Speaker, is that we have a situation where something which is quite literally a matter of life and death to this community cannot be discussed in this place. It is ridiculous.

I go to the *Companion to the standing orders*. I refer to page 174, paragraph 10.102. It says:

> Legislatures should not join a rush to the lowest common denominator of acceptable practice.

I would agree with that, and you can see from Mrs Dunne's most judicious comments, her careful comments, that she has certainly not done that. Nor would the opposition support anybody doing so. But I will continue reading:

> However, they would be foolish to deny themselves the opportunity to debate important matters of public concern by the rigid application of a convention rendered redundant by the actions of others.

It is saying that if this is a matter that is being debated by others in the community—as it is, extensively, on TV, in the print media, on blogs and so on—it has been rendered redundant by others. This is no secret. If the facts of the matter are before the community, we would be foolish—according to our companion, we would be foolish—to deny ourselves the opportunity to debate these important matters of public concern.

Essentially, if we were to agree with your ruling, we would be foolish. Ipso facto, Madam Deputy Speaker, should you rule that we cannot discuss these important matters of public concern, which indeed are rendered redundant by the actions of others, your ruling would be foolish. That is what the *Companion* says—that your ruling would be foolish. That is what it says. I invite you, Madam Deputy Speaker, to pick up the *Companion*, to read the *Companion*, to see what it says about your ruling. It cannot be interpreted in any other way than that it is a foolish ruling. I will read it for you one more time, Madam Deputy Speaker, because I note that you have not chosen to get the *Companion* or to read it:

> However, they would be foolish to deny themselves the opportunity to debate important matters of public concern by the rigid application of a convention rendered redundant by the actions of others.

Unless you think that is wrong, I cannot see how your ruling could be deemed to be other than foolish.

The final point I would make is this. This again highlights the seriousness with which the opposition takes the situation where the Speaker of this house, who should be ruling on important matters such as this, or certainly having an influence on them, in an uninfluenced position as a Speaker, and providing, perhaps, advice on things like continuing resolution 10 and whether it is, by nature of its wording, constraining debate in this place, and whether that makes us foolish, as the standing orders would suggest, whilst we are having this debate, debating this part of the Greens—he has

just flicked me the bird. Madam Deputy Speaker, as he got up it was like that at me—flicking a bird as he stood up from his chair.

Mr Rattenbury: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Resume your seats. Stop the clock, please. Mr Rattenbury?

Mr Rattenbury: I seek your leave to explain myself. I did not make a gesture to Mr Hanson.

MR HANSON: He can't do that. He knows the standing orders.

Mr Corbell: He can seek leave.

Mr Rattenbury: I am seeking leave.

MR HANSON: Is this a point of order or not?

MADAM DEPUTY SPEAKER: Mr Hanson, resume your seat.

Leave not granted.

Standing and temporary orders—suspension

MR RATTENBURY (Molonglo) (11.42): I move:

> That so much of the standing orders be suspended as would prevent Mr Rattenbury from making a personal explanation.

I have sought to suspend standing orders to allow me to interrupt Mr Hanson's speech to prevent him from continuing to misrepresent my position so deliberately. The reason I sought leave is that Mr Hanson has misunderstood. It was a shrug. He was having a go at me. He was having a go at me and it was a shrug. He is now suggesting that I did something quite unparliamentary, which I did not. The reason I sought leave, and I know it is somewhat outside the standing orders, before Mr Hanson continued to prosecute by saying what was patently untrue, is that I felt it was useful to clarify the situation that I have no interest in making unparliamentary gestures to Mr Hanson in the chamber.

It is really not my style. I wanted to take the opportunity to clarify the situation so that he did not need to feel too keen to make a point that was so unfortunate. Perhaps he misunderstood it because he was speaking—

MADAM DEPUTY SPEAKER: Mr Rattenbury, are you actually debating the point or are you debating the fact that the standing orders should be suspended?

MR RATTENBURY: I was trying to explain why I want the standing orders suspended. I think he has misunderstood me and it seemed useful to clarify that before

he spent more of his valuable speaking time talking about a matter rather than denigrating me.

MRS DUNNE (Ginninderra) (11.43): Madam Deputy Speaker, this is a most extraordinary outburst from somebody in this place who should know more than anybody else how the standing orders should work. I did not see what Mr Hanson referred to. But if Mr Rattenbury lost control of his emotions, he should apologise. If he thinks that he has been misrepresented, there are standing orders that are appropriate. He can use standing order 46 or standing order 47. He can use 47 at the end of Mr Hanson's remarks or 46 at the end of the debate. But it is utterly inappropriate to interrupt Mr Hanson in this way, in this frivolous way, because he cannot keep control of the standing orders, his understanding of the standing orders or perhaps his emotions.

MR RATTENBURY (Molonglo) (11.44): Given that it is a point of such concern, Madam Deputy Speaker, I am happy to withdraw the motion. I was simply trying to facilitate the focus on the debate and not on a misunderstanding. I will withdraw the motion.

MADAM DEPUTY SPEAKER: You need leave to withdraw the motion. Is leave granted?

Leave granted.

Motion, by leave, withdrawn.

MADAM DEPUTY SPEAKER: Mr Hanson, do you wish to continue?

MR HANSON: I do wish to continue, Madam Deputy Speaker. I will continue making the point that I made before Mr Rattenbury did stand up, did lose control of himself and did make a rude hand gesture towards me, without question.

MADAM DEPUTY SPEAKER: Mr Hanson, can you just continue to debate the question rather than going back to—

MR HANSON: I certainly will but it goes to the point, Madam Deputy Speaker, and the point is about the appropriateness of continuing resolution 10 and your ruling on it. I make the point that we are utterly compromised in this place because the person that should be providing the guidance to this house, who should be providing the advice to members and who should be the person that is looking into these matters, and in particular into the appropriateness of continuing resolution 10 which is muzzling debate in this place, is the same person who is debating from the crossbench and who is losing control of himself, who is flicking the bird—

Mr Corbell: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Sit down, Mr Hanson. Mr Corbell.

Mr Corbell: This debate is not about the ongoing enmity that Mr Hanson expresses towards Mr Rattenbury. It is about your ruling, Madam Deputy Speaker. It is not about what Mr Hanson thinks about Mr Rattenbury. It is not about the position Mr Rattenbury adopts in the debate. It is about whether or not your ruling is correct.

Mr Seselja: Madam Deputy Speaker, could you stop the clock, please?

MADAM DEPUTY SPEAKER: Stop the clock, please. There is a point of order here, Mr Corbell, I agree. This is not about Mr Rattenbury. The question before the house is about dissent from my ruling, not anything to do with Mr Rattenbury or his role as the Speaker, because he is not acting as Speaker right at this minute.

MR HANSON: On the point of order, Madam Deputy Speaker, Mr Corbell, in speaking to this matter of debate, and Mr Rattenbury himself when speaking to this matter of debate, raised the issue of the effectiveness, the appropriateness, of one of our standing orders. He talked about a continuing resolution of the Assembly that appears in our standing orders. It was Mr Rattenbury who was the person who raised the point that we have a problem with our standing orders that might need to be addressed.

He is the one who raised it. You did not then, Madam Deputy Speaker, say that that was not in accordance with the debate. I make the point that Mr Rattenbury has injected himself as either the Speaker or as a member of the Greens to talk about the appropriateness of standing orders. I think that it is relevant to highlight the fact that it is impossible in this place to continue a debate, effectively, about the standing orders when we are confused, we are conflicted about whether Mr Rattenbury is standing there debating this as Speaker or as a member of the Greens. That is the point, Madam Deputy Speaker.

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

MADAM DEPUTY SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: The issue in a nutshell is whether or not your interpretation of standing orders is correct. The issue is not whether the standing order is appropriate, whether it is just or anything else. The question before the house, the dissent, is in your interpretation of that standing order. I would ask you to bear that in mind when considering these points of order.

MADAM DEPUTY SPEAKER: Thank you, Mr Hargreaves. Indeed, I am—

MR HANSON: If I could speak further on the point of order, Madam Deputy Speaker, in response to what Mr Hargreaves said.

MADAM DEPUTY SPEAKER: Yes.

MR HANSON: Part of the conversation specifically from Mr Rattenbury has been that the problem here appears not to be necessarily with your ruling but with the standing order itself. So it is highly relevant that I would bring this into the debate in response to that.

MADAM DEPUTY SPEAKER: Mr Hanson, Mr Rattenbury has already said that we can revisit the matter of the standing order on another occasion, or the matter of the continuing resolution at another time. If this house so wishes, we can debate that. We are not debating that at the moment. We are debating my ruling. That is what we are debating. Mr Rattenbury is clearly acting as a crossbench member of the Greens at the moment and not as the Speaker. That is what he is doing sitting in that seat. When he stands in that place, that is what he is doing. It is very clear to me what Mr Rattenbury's role is at the moment.

Mr Hanson, I am not confused about what his role is. I do not know how you are confused. The matter is dissent from my ruling. If you wish to talk about that—that is, the motion before us—you may do so. I think you have a bit more than three minutes left.

MR HANSON: Thank you, Madam Deputy Speaker, and I will get back to the point after Mr Rattenbury's quite rude interjection. I will conclude by noting that the point is very clearly laid out in the *Companion.* The point is made very clearly that if we continue to deny ourselves the opportunity to debate important matters of concern by the rigid application, in this case your rigid application, of a convention that has been rendered redundant by the actions of others, which it clearly has, then we would be fools. It is a foolish ruling that you have made and that is why we are dissenting.

Question put:

> That the Deputy Speaker's ruling be dissented from.

The Assembly voted—

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

Question so resolved in the negative.

MADAM DEPUTY SPEAKER: Mrs Dunne, do you want to resume your speech?

MRS DUNNE: Yes.

MADAM DEPUTY SPEAKER: You have five minutes, 21 seconds remaining.

MRS DUNNE: Madam Deputy Speaker, suffice to say that between 2007 and the beginning of this year this particular young person has been arraigned on a number of charges and on a number of occasions for breaches of his bail conditions and for offending while being on bail. These matters are of considerable concern to the

community and they reflect that although there have been clear breaches of bail, and these were the words of the justice involved—

MADAM DEPUTY SPEAKER: Mrs Dunne, can we talk in general terms instead of referring to the particular case?

MRS DUNNE: There have been clear breaches of bail by this young person who has been in and out of custody over a long period of time. This is emblematic of the issues that come before us in this place and the issues that are before the minds of the people of Canberra at the moment. The questions that I ask the government to address in my motion are questions that the people of the ACT have a right to an answer to and it should be provided as a matter of course. This information is not readily available, which is why I have asked for it.

My office has been advised that the government cannot support the providing of this information simply because they do not know. They do not have the information, it would seem, and that in itself is an indictment of the administration of justice in this place, that this attorney, after six years as an attorney, after many amendments to the Bail Act, many issues to address the backlog in the courts, cannot provide, or will not provide—I do not know; the advice that I have received is that the directorate does not hold this information.

We cannot tell how many people in the last two financial years have been remanded in custody and subsequently acquitted. That is a matter of serious concern. It is a matter of people being presumed to be innocent until proven guilty. Sometimes those people are held in custody for a long period of time. We have seen problems with the justice system where people are often released on bail because the time that they would be remanded before a matter is heard might be longer than the penalty for the matter before the courts.

These are problems that this government needs to address. The number of instances of people who fail to comply with their bail conditions is a matter of considerable concern to the people of the ACT. Of even more concern is not just the simple failure to comply with bail conditions but people who reoffend while on bail. One of the standout provisions in the decision to afford someone bail is whether or not they are at risk of reoffending and whether they endanger the safety and welfare of the public if they were released on bail or whether they might interfere or otherwise obstruct the course of justice. But this minister is going to stand up and tell us that he cannot give us that information.

I notice that the government has amendments that basically are the sort of thing that the minister should be able to stand up and recite off the top of his head if he were really committed to the improvement of the criminal justice system in the ACT. He has committed to reporting to the Assembly by 5 June on how the government monitors and enforces instances of noncompliance with bail conditions.

This is a pathetic response from the government in the face of real concerns from the community. This is a matter of utmost concern to the community. It is a matter of ensuring the safety and security of the people of the ACT. It is a matter of ensuring

that the criminal justice system is well served. It is a matter of giving hope to victims. It is a matter of giving hope and consolation to people who are adversely affected by crime.

It is a matter of giving hope to law enforcement agencies, the police and the prosecutors, who are at their wits' end seeing people coming before the court system time and again—in the case of Massey at least 10 times—on breaches of bail. In relation to this matter on which I have been gagged today, it is at least seven times on serious matters of reoffending and failure to comply. This minister cannot address these issues and he should be condemned for that. *(Time expired.)*

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.58): I move the following amendment to Mrs Dunne's motion:

> Omit paragraphs (1) and (2), substitute:
>
> "(1) notes that:
>
> (a) bail is an important element of the criminal justice system;
>
> (b) generally accused people are entitled to be released on bail unless there is an unacceptable risk to the safety of the community; and
>
> (c) community concern about the possibility of people released on bail committing other crimes; and
>
> (2) calls on the Attorney-General to advise the Assembly by 5 June 2012 on how the Government monitors and enforces instances of non-compliance with bail conditions.".

It is important for me at this first instance, given, if you like, the origin of Mrs Dunne's motion today, to acknowledge the very sad and tragic events of last week which saw the death of Ms Linda Cox and the serious injury to Ms Ashlee Bumpus. All of us are aware of the significant heartache and grief that have been experienced not just, most obviously, by their families but also by the broader community and their colleagues in ACT Health. I reiterate the comments of the Chief Minister in extending our most sincere condolences to their families in relation to those tragic incidents.

Turning to the matter raised by Mrs Dunne, there is no doubt that the operation of bail is an important element of the ACT's criminal justice system and it remains an issue which the community is rightly engaged with and interested in. The amendments that I am proposing to Mrs Dunne's motion seek to recognise these concerns and to focus on what the government and law enforcement agencies do to monitor compliance with conditions imposed by a court.

Mrs Dunne is seeking that I provide certain data to the Assembly on some of her questions. My concern is that the matters raised by Mrs Dunne cannot be extracted from our criminal justice agencies at the press of a button, and it is not the case that

we are unable to do something that other jurisdictions can do. I will refer Mrs Dunne to the findings of both New South Wales and Victorian criminal justice agencies when they themselves have also looked at this issue.

It is the case that, while information on a prior history is on an individual's file before a court, these are not statistics that are routinely collected for either the report on government services or for Australian Bureau of Statistics reporting purposes. Like many jurisdictions, the ACT has agencies that each play their important role in the criminal justice system and they each collect data that relates to that role.

It is worth highlighting what both the Victorian and New South Wales agencies have said in relation to the data Mrs Dunne is seeking. In particular I draw Mrs Dunne's and the opposition's attention to the findings of the Victorian Law Reform Commission's bail review, its final report, which was published in 2007. It provides some useful observations with specific reference to Mrs Dunne's motion. One of the terms of reference of that review included reviewing:

> … the provisions of the Bail Act 1977 and its practical operation in order to ensure that it is consistent with the overall objectives of the criminal justice system including … the protection of the public, including the victims of crime.

The review was conducted over a period of a number of years and involved gathering and reviewing an extensive body of information. The difficulties involved in gathering the sort of information Mrs Dunne asks for in her motion are noted by the commission. In particular the commission said:

> Obtaining a true picture of offending on bail requires tracking individual offenders through police and court records. This is because offending is not always detected immediately; people are often charged some time later with offences alleged to have been committed when they were on bail. It would also be necessary to track thousands of offenders to obtain a true picture.

In addition, where the Victorian Law Reform Commission has discussed figures as to the number of people breaching bail conditions generally, these are mentioned briefly in the commission's report in the context of bail support and are provided with reference to a specific drug strategy division initiative indicating the sort of focused study that may be required to obtain such data so that it is accurate and useful.

Similarly in New South Wales the independent Bureau of Crime Statistics and Research, or BOCSAR as it is known, is responsible for compiling evidence on important criminal justice matters. The breadth of BOCSAR's statistical analysis in relation to bail is apparent in its 2010 New South Wales Parliamentary Library Research Service's report titled *Bail law: developments, debate and statistics*. The report includes BOCSAR research on people refused bail and who were later acquitted and people who were granted bail and who failed to appear in court. However, on the question of offending rates while on bail the report notes that there were no available statistics on this aspect.

This report evidences the observations of the Victorian Law Reform Commission and it highlights that, despite the very significant resources that are available to large

jurisdictions such as New South Wales and Victoria, there is little accurate data in relation to these matters. The observations made in Victoria and New South Wales about limits to data available in the justice system are important to consider, therefore, in the ACT context.

I would also point out that the ACT Law Reform Advisory Council in its report on suspended sentences found that similar inconsistencies in data apply in other jurisdictions, making it impossible to conduct any reliable comparison between the ACT and other Australian jurisdictions on bail sentencing data.

These observations all point to yet another reason why the exercise suggested by Mrs Dunne would be fundamentally flawed. What is the point of gathering data if it is not an accurate indication of the state of play or if you cannot reliably compare it to other jurisdictions? So for all of those reasons the government cannot support the second part of Mrs Dunne's motion today.

The government does of course continue to work on and continue to implement improvements in the courts' information management systems; but I hasten to add that any new court information system will not be a panacea for all of the criminal justice system's data woes. The reasons for that of course are driven fundamentally by the diverse range of players engaged in the criminal justice system and their own individual requirements.

The entitlement to bail and presumptions for and against bail have been the subject of much discussion. Bail laws and decisions made by the courts are based on and draw upon the presumption of innocence principle and the notion of fairness in criminal proceedings. The presumption of innocence is central to the issue of bail and is recognised at section 22(1) of our Human Rights Act 2004 which states:

> Everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law.

The Bail Act, therefore, seeks to balance the often competing interests of the rights of the accused person and the need to protect the community, to prevent interference with witnesses and evidence and to ensure that a person is brought to justice. Bail can be described as the granting of temporary freedom to a person charged with a criminal offence who undertakes to return to court at a specified time. Although historically bail concerned the purchase of freedom pending trial, in a modern democratic society it is recognition of the individual's right to liberty, subject to conditions, prior to any determination of guilt.

It is important to note that the bail laws that we have today have been the subject of significant reform over time. I will leave the cataloguing of all those important changes for another day but I will say that our bail laws do require a measured and considered response in all circumstances.

The government has already indicated that the question of ongoing reform to the Bail Act is a live one. Indeed yesterday I tabled the government's final response to the declaration of incompatibility in relation to section 9C of the Bail Act. This response

restates the government's commitment to bail laws that properly balance the presumption of innocence on the one hand with the right of the community to be safe and for justice to be done on the other.

The final response also proposes minor and important amendments to division 2.4 of the Bail Act that the government believes will develop a process for the courts to assess bail applications under section 9C that is compatible with human rights principles. These are important changes and I am seeking the views of justice stakeholders on the government's position.

I recognise that the motion before the Assembly today is concerned with two important questions: first, the important purposes served by bail and, second, the important roles law enforcement agencies have in making certain, as much as possible, that those on bail adhere to conditions imposed by the court.

In the ACT a number of agencies work together to support and monitor adults and young people subject to bail conditions. ACT Corrective Services, the Community Services Directorate and a number of community agencies support many people subject to bail, with a view to making sure that they do not breach their bail conditions. Where a person is in breach, ACT Corrective Services, Community Services and ACT Policing take steps to bring them before the court. Of course prosecutors in the office of the DPP will also appear before the court to make representations on behalf of the Crown. The government recognises that each of these agencies must work together to ensure that tensions inherent in questions about bail do not lead to undue concern for the community.

Turning to the role of police, ACT Policing have a range of proactive strategies in relation to bail compliance and the reporting of breaches of bail conditions. In the first instance, where bail is granted by the police or the courts, an alert will be entered into ACT Policing's PROMIS system that sets out bail conditions. Officers will also enter alerts into PROMIS where bail conditions are breached. Patrol officers undertake compliance checks on a daily basis to ensure that bail conditions are being met. These compliance checks occur at all hours of the day and night where dictated by the types of bail conditions proposed. For example, ensuring that someone is abiding by curfew conditions will require police to undertake night-time compliance checking. Information is distributed to police patrols on a regular basis for those individuals who are in breach of bail or who have outstanding warrants, including timely notifications for persons newly found to be in breach. ACT Policing's intelligence gathering activities conduct specific target analysis and provide briefings about persons currently and newly found to be in breach of bail to policing patrols and other operational units within ACT Policing, such as the criminal investigations area.

Operation Neapolis continues in all operations of ACT Policing and involves the specific targeting of identified recidivist offenders, including those in breach of bail. This is combined with other strategies such as location and traffic targeting. Indeed we can point to the very significant reductions in property crime and attribute that in a significant part to the efforts of ACT Policing to ensure that those people previously charged with property crime offences are not reoffending or in breach of their bail. The strict enforcement of bail conditions is one of the key factors in ensuring the very

significant reduction, in the order of over 30 per cent, that we have seen in motor vehicle theft and other property crime types.

We have also seen this effort ongoing with other strategies such as location and traffic targeting. For example, traffic law enforcement activities are assisting in apprehending people wanted because they are in breach of bail or because there is an outstanding warrant. ACT Policing supports community safety through increased proactive patrols in certain public areas, increased intelligence-gathering efforts, opposition to applications for bail where people are arrested and police believe they pose a risk to the community, and advocating to the courts for strict bail conditions. If a person is found to reoffend whilst on bail, Policing will generally seek to oppose any further grant.

Turning to the role of Corrective Services, the role of Corrective Services is pivotal in making sure that adults subject to supervision requirements under a bail order adhere to these orders. Corrective Services have strong links with the enforcement agencies that I have listed previously, to make sure that orders are adhered to. All offenders subject to bail supervision by Corrective Services are initially given a high level of supervision, requiring that they present themselves to the service at least once a week. Where bail extends beyond approximately eight weeks, a comprehensive risk assessment is conducted to determine the appropriate level of supervision which may result in a reduction in the reporting requirements.

So, as you can see, the government does have a comprehensive regime in place to address breaches of bail and reoffending while on bail. It is not perfect. It is not possible to guarantee in every instance that someone will abide by the bail conditions. But the mechanisms and the processes that are in place to deal with breaches of bail are comprehensive. My amendment to Mrs Dunne's motion seeks to reflect these circumstances and I commend the amendment to members.

MR RATTENBURY (Molonglo) (12.13): Mrs Dunne's motion starts with the statement that bail is an important element of the criminal justice system, and that is certainly both an accurate statement and one I entirely agree with. It is important because it involves a crucial balancing act between two important justice principles. On the one hand the community has a right to live in peace and free from crime. This will point towards a reluctance to grant bail to people who are charged with crimes. On the other hand, however, there is the right to the presumption of innocence until proven guilty. This is also an underlying principle of the justice system that we value very highly. So whenever a court is faced with a decision on bail, there are important decisions to be made and two competing rights to be balanced.

I thank Mrs Dunne for bringing this motion on for debate today because it gives us here in the Assembly some time to reflect on and discuss this very important issue. Bail considerations are not a one-size-fits-all approach, and the provisions of part 2 of the Bail Act are detailed and complex. Expressed at its most simple, the legislation creates a hierarchy of crimes or, more accurately, alleged crimes. There are three tiers to that hierarchy. At the lower end of the scale is section 8 of the act, which are minor offences. Essentially, these are offences that attract six months imprisonment or less. People charged with this kind of offence have an entitlement to bail.

At the middle level of the scale are offences other than minor offences, which are dealt with in section 9A. For these offences there is still an entitlement to bail, however the entitlement is not granted if the court is satisfied that a refusal is justified when the factors listed in sections 22 and 23 are considered. The factors listed in sections 22 and 23 list the key considerations to be taken into account. First is the likelihood of the person reappearing in court at a later date, second is the likelihood of the person committing another offence while on bail or interfering with evidence and third is the interests of the person.

The highest section of the scale is referred to—this is the hierarchy of the seriousness of crimes I referred to earlier—as "murder and certain serious drug offences". For these alleged crimes there is no presumption in favour of bail. In these circumstances the court is directed by the legislation to not grant bail unless there are proven special or exceptional circumstances in favour of bail being granted. The court is then further directed to consider section 22 and section 23 and the factors contained therein as a second question before granting bail.

I note the ongoing dialogue that is occurring regarding compatibility of this part of the legislation with the Human Rights Act, and the attorney has referred to this today. I look forward to that dialogue continuing because it is a real and tangible benefit of our Human Rights Act and certainly a difficult point where those two considerations have come together. Given that quick thumbnail sketch of the Bail Act, it is clear that the legislation asks the courts to take a robust approach to bail considerations. It is certainly not a one-size-fits-all approach, and that is, of course, appropriate given the myriad different circumstances that come before the court on an almost daily basis.

Turning to Mrs Dunne's motion, as I read it, the crux of what the motion asks for is data on the number of people who commit further crimes while on bail. The attorney has advised that his directorate do not have this data in an easily usable format and that its retrieval from the court records would require a manual search that would take a large amount of time. It is an unfortunate situation where justice-related data is not easily accessible, and I am reminded of the debate the Assembly had last year about sentencing generally and a review of the sentencing act more generally. Members may recall during that debate that it emerged that the government do not readily have access to data on what sentences are being imposed by the courts. Members may also recall that the government are investigating ways that they may be able to capture and report that data.

This is a continuing theme—a lack of data from the justice system—which I find very concerning and which we keep seeming to come back to in this place. I think that is unfortunate because it makes it much harder for us to actually debate the substance of these matters. Mrs Dunne at the beginning of her remarks talked about breaches of bail being a regular problem—regular breaches of bail and regular non-enforcement. She is obviously speaking from examples she has seen in the press or which have been reported to her. That may or may not be the case. I am sure there are instances, but what is difficult to know because of a lack of data is how widespread this problem is. Is it a handful of high profile cases? Do we have a more systemic problem? These are the very important questions we need to understand to enable the Assembly to

have a fulsome debate on these sorts of matters, enable us to draw conclusions from an evidence base and know what some of the data is. It is of great concern to me that, through the justice system generally, this sort of information is not available.

In the context of Mrs Dunne's motion, the question the Greens discussed this morning as we thought about this motion was: do we pass a motion in the knowledge that data asked for is not available? Would that be a sensible motion to pass or are we simply creating a situation where, come 5 June, the government will not be in a position to provide the information? That would not necessarily be a useful outcome. So I think the amendments the minister is proposing offer a more useful way through, and we will be supporting Mr Corbell's amendments. I will, however, be adding a further amendment, and I move that amendment now:

> Omit paragraph (2), substitute:
>
> "(2) calls on the Attorney General to advise the Assembly by 5 June 2012 on:
>
> (a) how the government monitors and enforces instances of non compliance with bail conditions; and
>
> (b) what projects are currently underway to improve the data recording and publishing ability of the ACT justice system, the current status of each project, the expected outcomes of each project and the expected time frame for completion of each project.".

This amendment seeks to highlight the fact there is a serious lack of data available for the justice system in the ACT currently and that that is a problem for all members of this place because it makes it more difficult for us to canvas some of these very important topics. This is something the government can and should address. We know there are moves to improve the situation with respect to sentencing data, and what I am seeking to do in adding to Mrs Dunne's motion is to have the government also provide us with an update on how the work is going on improving access to data out of the justice system. We understand there are also moves to improve the situation with respect to bail data, and an update on this would be a good idea as well, and that is certainly the intent of my amendment.

In conclusion I welcome the fact that Mrs Dunne brought this motion forward today. It is useful to reflect on these matters. The reframing of the motion in the proposed amendments carries forward the same point but I think provides us with something that can be practically delivered in the Assembly. I do not believe the data is available, so passing it in its original form will not assist the Assembly. Mr Corbell's amendments offer us a way forward that can enable the Assembly to get an update. If, at that point, we are not satisfied, then I think it is also open for further debate. In the way Mrs Dunne talked about the issue today, it struck me that she has a sense that we want to reform some of the bail processes. That is something we can then take up another day after Mr Corbell has provided the updates that the various amendments seek to draw out.

MR HANSON (Molonglo) (12.22): At the outset I thank Mrs Dunne for bringing this motion before the Assembly. I think the community would also thank her for having done so. What she is asking for today is eminently reasonable. She is really just asking for statistics and information that one would have thought would be readily available from the Justice and Community Safety Directorate. I think Mr Corbell has indicated, based on my understanding of Mr Rattenbury's speech, that it is not easily accessible but it could be done manually. Well, do it. That is what Mrs Dunne is saying—get the information.

If someone has to go and trawl through some records, so be it. The response we are getting from the government, with the support of the Greens—who have indicated that, with an amendment, they will be supporting Mr Corbell's amendment—is: "Oh, it might be a bit too hard. Someone might have to go through some information manually to get what we need to know in the community. You know, it might be a bit hard for someone to have to do that, so let's not do it. It's all too difficult." That is an extraordinary response.

I think we all recognise the importance of bail provisions. I think there is a deep concern in the community that they are not working effectively. The amendments that have been proposed by the Greens-Labor alliance, which say, in effect, "It's all too hard to get the information the community needs; we won't do it, we'll just give you some sort of naff response that really doesn't provide any information," are weak. It is a really pathetic response from the Greens and it is a pathetic response from the government. They should hang their heads in shame.

If they were concerned about community safety, if they were genuine about wanting to see some reform of bail provisions, they would do something. But what we see is that they are weak. They do not have the strength, particularly Mr Rattenbury. I am very disappointed. He has the ability and understands, I would hope, the importance of holding the government to account—a rare moment of holding the government to account—just to get some statistics, some information. But even at that point he squibs. He rolls over for his tummy to be tickled by Mr Corbell. Even when it is just a matter of providing some statistics on what is going on with bail provisions, Mr Rattenbury will not stand up for the community. And people wonder why everyone thinks the Greens are weak on law and order and are in a too-cosy alliance with the Labor government. This is a clear example why, and shame on the government, but particularly shame on the Greens.

When I am out at shopping centres or doorknocking, Canberrans regularly tell me they think the ACT is soft on crime. I would like to acknowledge that we have one of the best police forces in the country, which we can be proud of. They are successfully carrying out targeted, effective campaigns on crime, hot spots and repeat offenders. But, unfortunately, these repeat offenders who, given the size of Canberra, are often well known to police, appear to be allowed to remain in the community awaiting their trials without adequate protection for the community or, indeed, for the offenders themselves.

There are a number of examples that illustrate that an investigation into bail reform is necessary in the ACT. It is quite clear from the research I have done and the research Mrs Dunne has done that there are extensive examples. We have been very careful today, and Mrs Dunne has been very careful, not to raise matters that are potentially sub judice. She has related a couple of instances to me where her research has shown the revolving door of bail is alive and well here in the ACT. Quite clearly, in some instances it is putting the safety of the community at risk.

It is relevant to talk about the recent tragedy that occurred on Yamba Drive simply to say that we all express our deepest sympathies for those concerned—the family and the friends of the lady who was sadly killed in the tragic incident and for the other lady who was injured. The community wants to know that we in this place are doing everything we can to make sure that an incident like this does not happen again.

If there is a concern in the community—and there is—about bail provisions, it is our responsibility in this place to get to the bottom of the matter when it comes to how bail is being enforced in this jurisdiction and whether the provisions are adequate for those who are enforcing them. We are not going to be able to do that without information. We have had traffic consequences; we have had the community calling for action; we have Mrs Dunne saying: "Well, let's get the information. Let's not overreach. Let's not knee jerk. Let's get the information so we can make a considered decision and have a considered response." She has been very careful in her language and it is a very considered motion.

What are we getting from the government and what are we getting from the Greens? It is too hard. It is not that they cannot give us the information—and Mr Corbell and Mr Rattenbury acknowledge that—but what they are saying is that it is too hard. Somebody would need to go through the records manually. Somebody would have to actually do some work to get that information. That is information that, quite clearly, the community is demanding to know. They want to know why it is that, from their perspective, bail appears to be a revolving door in this jurisdiction.

Is it? Well, it appears to be. Everybody you speak to in the community thinks it is, and what Mrs Dunne is saying in this motion today is, "Let's find out." As a result of Mr Corbell's amendment and as a result of Mr Rattenbury's amendment to Mr Corbell's amendment, we are not going to know the answer to that. We will not know, will we? We do not know if bail is a problem or not. Perhaps the government likes it that way. Perhaps the Greens like it that way. We know they like continuing resolution 10 that constrains us from speaking about bail provisions in this place in an adequate sense. We are constrained about talking about essentially anything the community is talking about.

As we saw from the *Companion to the standing orders*, we are foolish to constrain ourselves when matters are being debated elsewhere. We are, as a result of this place, looking like fools. We cannot talk about cases before the court in any regard, despite the fact that the community is. The community raises serious concerns with all of us, I am sure, about bail provisions and Mrs Dunne puts a very sensible motion before the Assembly asking for information, and the response from this government is, "We're not going to tell you because it's too hard." It is not that it is not possible, but because it is too hard. The consequence of this is dire for the community and its safety.

But I also would like to raise my concern as the shadow minister for police about the difficult job our police force have to do. They are the ones who have to enforce the law. They are the ones who have to go out there and do the hard graft to keep us safe. They feel enormous frustration—I know this from anecdotal conversations with our police—with this government and the revolving door of bail. They do the hard work, they arrest the criminals, they put them before the courts and they get flicked out again on bail—repeatedly—and then they find them again committing a crime. They arrest them again, they put them before the court—out they go again on bail. They arrest them again on another crime, they put them before the court sometimes five, six or seven times, but they are flicked out again. One wonders why our police, who are out there putting themselves at risk and in jeopardy, working hard to keep us safe, are frustrated with this government.

They will hear about this debate today and they will see the consequence of it, the outcomes, where the Canberra Liberals simply asked for some information about bail and even that was too hard for Simon Corbell and for Shane Rattenbury. The community will look at this debate today as a defining moment, I am sure. They will see a party standing up for them, wanting the information, wanting to know how we can improve community safety and the Greens and the Labor Party being too lazy to bother to get the information that would assist. I commend Mrs Dunne's motion and I am appalled by the Greens and Labor. *(Time expired.)*

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

Sitting suspended from 12.32 pm to 2 pm.

Questions without notice

Canberra Institute of Technology—alleged bullying

MR SESELJA: My question is to the minister for education. Minister, you were asked yesterday why it had taken so long for bullying claims to be properly investigated. In your reply you said that WorkSafe ACT was investigating these claims. However, the WorkSafe report says:

> Given … the passage of time since the alleged incidents occurred … Worksafe … did not investigate the actual claims of bullying themselves.

You also claimed that compensation was a matter for the agency itself. Minister, I ask you again: can you outline how and by whom these outstanding claims of bullying are being investigated?

DR BOURKE: I thank the member for his question. As I said the other day, the WorkSafe ACT report focused on the processes and protocols at the Canberra Institute of Technology, and that was what was addressed in the improvement notice. The actual claims which initiated this WorkSafe report will be investigated by the Commissioner for Public Administration.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, have you sought assurances that appropriate compensation has been provided to these staff, and how do you know it has?

DR BOURKE: I thank the member for his question. I understand that a number of cases have proceeded to the ACAT as well as others that have been dealt with by Comcare.

MR SPEAKER: Supplementary, Mr Doszpot.

MR DOSZPOT: Minister, have any of the staff who were forced to leave the CIT due to being bullied been offered re-employment?

DR BOURKE: I will take that question on notice, Mr Speaker.

Schools—carbon emissions

MS HUNTER: My question is to the Minister for Education and Training and relates to the ACT climate change strategy 2007-25 requirement that government and non-government schools in the ACT become carbon neutral by 2017. Minister, do you have any evidence to show that ACT schools are on track to meet this target and, if so, will you make that evidence public?

DR BOURKE: I thank the member for her question. In 2008 the government committed $20 million to implement initiatives that reduce greenhouse gas emissions and minimise the environmental impact of our activities. Already $4 million worth of projects have been implemented as a result of this funding under the schools infrastructure refurbishment program. Half a million dollars has also been provided to non-government schools to help improve their environmental sustainability.

In addition, projects to the value of a further $1 million that come under the carbon neutral schools umbrella are set to be completed each year as part of the capital upgrades program. In addition, I understand that under the solar schools program we have allocated a further $2 million and made sure that solar PV panels were installed at 19 public schools. This year, I understand, another 18 schools are set to finalise solar panel installation.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: On a point of order, I was going to ask the minister to actually answer the question, which was about whether there is evidence that the ACT is meeting its target, whether it is on track for the target. It was not about how much money was spent.

MR SPEAKER: We will take that as the supplementary question given that the minister had sat down.

DR BOURKE: This government remains committed to the aspirational targets, and we remain committed to funding programs that are proven to promote sustainability—

Ms Hunter: On a point of order, Mr Speaker, I have asked the minister if we are on track to reach the target and whether there is any evidence—

Mr Corbell: Five seconds.

Ms Hunter: Well, he has already had another question. I asked the minister whether there is any evidence of whether we are on track for the target.

DR BOURKE: As I said, we are already committed to funding programs proven to promote sustainability and cut energy costs within schools. There is a program; it is proceeding.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, are you satisfied that all ACT schools are collecting the appropriate energy consumption data to ensure progress towards the 2017 carbon neutral target?

DR BOURKE: The Australian sustainable schools initiative means that schools regularly do energy waste and water audits on their sites and teachers are actually able then to use the data from their school sites to teach students about becoming environmentally friendly.

MS LE COUTEUR: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, is the target achievable?

DR BOURKE: As I said previously, this government remains committed to the aspirational targets.

University of Canberra and Canberra Institute of Technology

MR DOSZPOT: My question is addressed to the minister for education. Minister, last week in response to a question on the costs of the process of the merger of UC and CIT you suggested that the costs were something less than $60,000. Can you clarify exactly what was included in that $60,000 figure?

DR BOURKE: I thank the member for his question. No; they are commercial-in-confidence.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: What was the cost of the consultancy provided by Professor Bradley?

DR BOURKE: The answer is that I will not be answering it because it is commercial-in-confidence.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, were there any additional expenses not included in the original $60,000 estimate?

DR BOURKE: I thank the member for her question. Not that I have been advised.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, will you be seeking further input from Professor Bradley on how the CIT and the UC should operate into the future?

DR BOURKE: I thank the member for her question. As I said yesterday in answer to a very similar question, the proposal for UC-CIT has been put on hold and it is a matter for the next Assembly.

Canberra Institute of Technology—alleged bullying

MR SMYTH: My question is addressed to the minister for education. Minister, I refer to your answers or, more correctly, the responses you gave to a question you were asked yesterday about bullying and harassment issues at CIT. You were asked, in relation to the seriousness of the allegations made against senior staff, what steps you had put in place to ensure the improvement action group was sufficiently independent of the senior staff. Your reply was to outline the process you have introduced. Minister, given the nature of harassment claims involved in some instances senior staff at the CIT, what have you done to satisfy yourself of the impartiality and neutrality of the improvement action group?

DR BOURKE: I thank the member for his question. I note that none of the members of the improvement action group are the subject of any allegations that have been brought to my attention. I would say to the member opposite that this attempt to drag the name of the CIT and its good offices into the mud is entirely unwarranted.

MR SMYTH: Supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, who are the members of the CIT-WorkSafe improvement consultation group and how were they selected?

DR BOURKE: The members of the CIT improvement action group are the chief executive; the executive director and special project manager from WorkSafe; the acting executive director, governance and executive services; the deputy chief executive, education services; the acting deputy chief executive, operations; the director of the human resources centre; and the director of continuous improvement and workers compensation from the Chief Minister's department, who chairs the group.

Mr Smyth: And how were they selected?

MR SPEAKER: A supplementary—

Mr Doszpot interjecting—

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

DR BOURKE: No.

MR SPEAKER: Mr Doszpot, you have the floor for a supplementary question.

MR DOSZPOT: Minister, how many reports have you received from the CIT in respect of your ministerial direction?

DR BOURKE: One every week since I issued it.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: How were members of the CIT-WorkSafe improvement consultation group selected?

DR BOURKE: I appointed the director of continuous improvement and workers compensation as chair, or recommended that that be the case, and the rest of the members comprise the senior management group of the CIT.

Federal budget

MS PORTER: My question is to the Chief Minister. Chief Minister, what is the impact of the federal budget for Canberrans?

MS GALLAGHER: I thank Ms Porter and acknowledge her interest in the federal budget, which was announced last night. This, as always, does affect the people of the ACT perhaps more than many jurisdictions. I note that this budget is probably a particularly tough one for the people of Canberra.

There are some good elements to this budget and I would like to acknowledge that up front. There is a very important social agenda being progressed through the budget and the government certainly welcomes that. The national disability insurance scheme, the extra funding for public dental waiting lists, the extra funding going into

aged care reform, some of the family tax changes and payments to families are all welcome and I think are a good step in the right direction in terms of addressing some of the genuine social needs across Australia.

In terms of a lot of the focus today, it has very much been around the potential job losses within the commonwealth public service. The advice to the ACT government is that they are in the next financial year in the order of 1,400 full-time equivalents spread across the very large agencies right through to the very small.

The commonwealth have advised in terms of initial communication that this will be managed through natural attrition and through a process of voluntary redundancies. We do note that the usual turnover in the commonwealth public service is in the order of five per cent. These 1,400 jobs are in the order of one to 1.5 per cent of the commonwealth public service. In terms of managing how we support our economic stability in the ACT, job reductions, while regrettable, will be able to be managed as long as we get some of the key decisions right over the short term.

I think there are a number of issues facing the ACT government that we need to consider now in light of the budget last night, and we want to be careful with that decision making. In terms of the ACT, I do believe that we have taken a disproportional hit in terms of the savings that have been sought by the commonwealth. They are not in the order of what the federal Liberal Party is talking about by any means. I think Mr Hockey last night refused to rule out starting at 20,000 jobs. But even if you take a conservative estimate of what he is proposing, he said he definitely would start at 12,000 jobs.

Mr Smyth: When are you going to stand up and tell your federal colleagues to get stuffed?

Mr Seselja: That is what federal Labor is doing now—12,000.

Mr Hanson: 12,000 is federal Labor.

MS GALLAGHER: Right, thank you. They always start squealing the moment you mention Tony Abbott and his gang of merry men up on the hill.

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: There are only three going at the moment—no, four, five. Mr Coe is the only one not interjecting.

Opposition members interjecting—

MR SPEAKER: Order, members! Thank you.

MS GALLAGHER: I can tell you, Mr Speaker, that in terms of job reductions, 1,400 job reductions are regrettable but they can be managed. We need to make some

careful decisions. But what I can tell you is that job reductions of the size that the federal Liberal Party are threatening Canberra with, and constantly threaten Canberra with, would be disastrous for the people of the ACT.

MS PORTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Chief Minister, can you inform the Assembly on strategies that can be achieved immediately in response to the job cuts?

MS GALLAGHER: I think the issue of what is in the budget moves very quickly to how do you manage that and what are the next steps. I have put in place a number of immediate responses. Overnight I wrote to the Prime Minister, seeking an urgent meeting with her to understand how they are going to manage their savings measures across this financial year and also to seek some further advice about the savings that are being sought in terms of their wages bill over the forward estimates.

I have also asked that the Commissioner for Public Administration engage with the federal Public Service Commissioner to talk about setting up direct links between us as employers to look at any opportunities that we might have that may suit people who are deemed to be excess to requirements in the commonwealth public service.

I am not standing here and saying that we can employ every commonwealth public servant, but I think there is the onus on big employers in town—and the ACT government is not the only big employer in town; I think all corporate citizens should be looking—to see how they can maximise ensuring transition arrangements if people are seeking them. That is the second thing we can do.

The third thing we can do is that the Treasurer and I will host a subcommittee of cabinet to meet with a number of key industry and community representatives, to listen to them directly about the sort of responses they would like to see and roll that into our final decision making on the budget. This was a recommendation of the Hawke review in terms of being able to bring external expertise in and put them around the cabinet table, and I think this is exactly the right situation to do just that.

So there is a bit of work ahead of us, but cool heads and working together will ensure that we can provide economic stability.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Chief Minister, what will the ACT government do to cushion any negative impacts on the local economy?

MS GALLAGHER: The Treasurer last year decided to move the budget to June in terms of being able to incorporate elements of the commonwealth budget into our own budget, and that is an incredibly sensible decision. We now have a period of a couple

of weeks—a week, if the Treasurer had his way—to finalise the budget and to make those decisions based on what we have seen and the detail we received last night.

We are very conscious of the role we play; we are a small but significant player in terms of our role in the local economy. The commonwealth is the big player in town, and we cannot pretend to have the influence that the commonwealth has. But I think between the ACT government and our very close-knit business and community sector representatives we will be working to make sure we make those right decisions in terms of our budget and those decisions going forward. We have got a tough couple of years ahead, I think, and there is a role for the ACT government to play here to ensure economic stability across the territory.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, what will be the impact on the ACT economy of the 12,000 jobs to be cut by federal Labor's budget?

MS GALLAGHER: We have not had the 12,000 job cut figure confirmed. In fact Senator Lundy, who is the only federal minister I have spoken to at this point in time, this morning did not confirm that number. It is not clear.

Mr Smyth: She said there would be none.

MR SPEAKER: Order! The minister is answering the question.

MS GALLAGHER: Thank you for your interest finally in the federal budget, Mr Smyth, and the opportunity to politically point-score. What I am telling you, and I am answering your question truthfully, is that that figure has not been confirmed. We need to work through the detail of the budget papers to work out what impact that may have on the people of Canberra. It is certainly not clear from the budget papers that it is anywhere near 12,000 jobs in Canberra, and I do not think anyone is running that line.

What we do know from what Mr Hockey said is that he is not ruling out 20,000 job cuts in Canberra, and he has actually been quite specific about that. So we have not had the confirmation that we have had from Mr Hockey. It is not clear. What is clear is that there are 1,400 jobs this year. One of the results of my meeting with the Prime Minister is to ascertain, of that $164 million in savings to their wages bill in the outyears, exactly how that is going to be implemented and what that means for jobs in Canberra. Then we have a job to do there to make sure that we provide stability to this city, a city that all of us love and all of us want to see prosper. And that is exactly what I am doing.

Opposition members interjecting—

MS GALLAGHER: I am standing up for Canberra and I will continue to do it while you harp, whinge and whine on the sidelines.

Mr Smyth interjecting—

Roads—Northbourne Avenue

MR SPEAKER: Further questions without notice. Ms Le Couteur.

Members interjecting—

MR SPEAKER: Order! Ms Le Couteur has the call. Mr Smyth, please.

Mr Smyth interjecting—

MR SPEAKER: Order! Mr Smyth, I am trying to give the floor to Ms Le Couteur. You are warned for repeatedly interjecting.

Mr Hanson: Mr Speaker, just on your warning there, there was a debate that was being engaged in between Mr Smyth and Ms Gallagher across the chamber, but you chose only to warn and address Mr Smyth and not Ms Gallagher. I would ask you to rule with consistency. If you are going to warn members of the opposition for engaging in exactly the same conversation that Ms Gallagher was having, it would be consistent to also warn her.

MR SPEAKER: Thank you for your free feedback, Mr Hanson. What was clear was that Mr Smyth had interjected probably half a dozen times while the Chief Minister was attempting to answer the question. That is the basis on which I drew out Mr Smyth and not specifically the Chief Minister. If the Chief Minister continues to interject, she will get similar feedback. But given that Mr Smyth had already interjected half a dozen times, he was somewhat ahead of her, on my discretion.

Mr Seselja: Just on your ruling, Mr Speaker.

MR SPEAKER: Yes, Mr Seselja. There is no ruling. I am giving feedback to Mr Hanson.

Mr Seselja: Then a point of order in relation to it. It is the same as yesterday, when we had Mr Hargreaves and nothing was said until we raised it. Again you have now said that you will deal with Ms Gallagher if she continues. But you made no mention of Ms Gallagher as she was consistently interjecting. You have mentioned Mr Smyth several times. It seems that you are applying a different standard to the opposition from what you are applying to the government at the moment. We just ask you to clarify why that seems to consistently be the case right now.

Mr Hanson interjecting—

MR SPEAKER: Just as I explained to you yesterday, Mr Seselja, and it does not seem an overly complex concept, in the course of the last four minutes, Mr Smyth interjected half a dozen times. I asked for an end to it. I then tried to give Ms Le Couteur the floor. There was some going back and forth with the Chief

Minister. At that point Mr Smyth was up to probably eight or 10 interjections and the Chief Minister was up to about two. What I am trying to explain to you is that most members get some latitude—we are not going to sit here and have question time in absolute silence—but there is some cut-off point. I simply ask members, and I do not expect to have to ask it repeatedly. Let us move on.

Mr Coe: Point of order, Mr Speaker. It is a new point of order.

MR SPEAKER: It had better be, Mr Coe.

Mr Coe: Will you please request that ministers address their response through you, thus not trying to provoke the opposition into more interjections?

MR SPEAKER: Thank you for the feedback, Mr Coe. Ms Le Couteur, you have the floor.

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and relates to today's announcement by the Prime Minister that the federal government will be providing $500,000 to the ACT government to produce a master plan, "Realising the capital in the city". The media release mentions looking into the "feasibility of introducing a rapid transit system down Northbourne Avenue". Doesn't this mean that any decision on Northbourne Avenue will have to wait until this process is complete?

MR CORBELL: I thank Ms Le Couteur for the question. The short answer is no. The reason for that is that, first of all, the government is delighted to have received the commonwealth's endorsement of half a million dollars from their liveable cities program to help the finalisation of a single coherent document bringing together all the other planning pieces of work that have occurred across the central city area to give greater guidance and greater clarity for the community about what the planning framework is for the city centre. There is a range of pieces of work that have occurred over the last couple of years. Work in the directorate of my colleague Mr Barr, work in the planning directorate and so on are all being brought together into a single document. The liveable cities grant will assist us to do that.

The government has committed—through the work it is currently doing in a range of studies, including the Northbourne Avenue transit corridor study—to supplement the funding from the liveable cities grant. We are making contributions in kind through the work already undertaken. Together, that is, combined, $1 million worth of work.

But, no, decisions on Northbourne Avenue transport corridor are not contingent on the completion of the liveable cities funding. Decisions on the Northbourne Avenue transport corridor will be determined by the studies which the government has already announced and which are underway.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: How will this relate to the previous planning in the area, in particular the Griffin legacy project and the Canberra city area action plan 2010-16?

MR CORBELL: The point of this work, of course, is to bring all of those different bodies of work together into a single, coherent whole. The existing work done by the National Capital Authority—Ms Le Couteur made mention of that—in terms of the Griffin legacy was work undertaken by the NCA given their responsibilities for certain areas of the territory. Certainly, the second project that Ms Le Couteur referred to, which is in the Economic Development Directorate, is one of those bodies of work which identify upgrades, for example, to street furniture and upgrades to public realms, such as what you can see right outside on London Circuit today. That is the sort of work that would be brought together in this project.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, how will the NCA be involved in this planning and is it intended that the outcome will be that there will be changes to the territory plan and the national capital plan?

MR CORBELL: It would be inappropriate to pre-empt whether or not the study concludes that there should be changes to the territory plan or the national capital plan, but obviously that is a possibility, depending on the outcome of the work that will commence.

In terms of the NCA's involvement, yes, the NCA is closely involved with the ACT government on a regular basis, particularly through my directorate and through the Economic Development Directorate, when it comes to decisions that impinge on or affect its statutory responsibilities in terms of planning for the national capital functions, and they will continue to be involved.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, was this the priority project that the ACT government asked for from the federal liveable cities program?

MR CORBELL: I am not aware of any other requests for funding under the liveable cities program but I will take the detail of the question on notice.

Roads—traffic calming

MR COE: My question is to the Chief Minister in her capacity as Minister for Territory and Municipal Services, and it relates to road safety in Belconnen. Minister, a few months ago the government installed approximately 15 speed humps on Spofforth Street in Holt. Whilst the intention was to slow down residents in Spofforth Street, it seems that the excessive number of speed humps has deterred people from using that road altogether and people are now rat-running through the suburb bringing much traffic to once quiet streets. What was the cost of implementing the speed humps, and what consideration was given to rat-running through the suburbs as a result of the implementation?

MS GALLAGHER: In terms of the cost, I will have to take that on notice. In terms of the implementation of the traffic calming measures, they have been welcomed by some, but others who were using that as a transport corridor have complained. Indeed, I have had a number of complaints, none from Spofforth Street, I would say, that I can recall—

Mr Coe: There is one.

MS GALLAGHER: There may have been one, but I will check that if it has come through. It was probably through you, Mr Coe. As a result of those representations to my office and through other members I brought forward the implementation review of those traffic calming measures, which is underway now. All of those issues of looking at where traffic would go are part of the detailed report that goes into making these decisions. I have been advised that the traffic study that has been requested by the Assembly for Fadden could and should take about nine months. It is thorough. That is the standard; I am not saying that it is any longer for Fadden.

There are a number of traffic studies underway in other parts of the city, and my understanding is that that is the average time for doing that work. So it is very detailed, and there are experts that look into all of these matters. But it is right that we review the implementation, particularly when we have had a lot of representations from people who are unhappy about the result.

MR SPEAKER: Mr Coe, a supplementary question.

MR COE: Minister, why has the ACT government failed on so many occasions to comply with Australian standard 1742.4 related to road signage?

MS GALLAGHER: I do not pretend to know what the 1724 road standard sign is, but I am happy to take further advice on that. There is a piece of work underway. We have, I understand, some very frequent representations about road signage. In fact, I think there is a dedicated website on it that looks at signage, particularly speed signs around Canberra, and provides that feedback to TAMS.

I will say that TAMS are very responsive to try and address concerns where they are raised, to learn and to improve their service in this area. That does not mean you are not going to make mistakes, but it does mean that the service are aware and looking to improve the service they provide to the community and that, when issues are raised and concerns are raised, they are responded to in a quick and timely fashion.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why has the government stalled plans to upgrade road safety measures at the intersection of Southern Cross Drive with various cross-streets in west Belconnen?

MS GALLAGHER: I will have to take that on notice.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne.

MRS DUNNE: Minister, how many accidents have occurred on the stretch of William Hovell Drive where the speed limit was recently reduced to 80 kilometres an hour since that section of road was upgraded to a dual carriageway?

MS GALLAGHER: William Hovell Drive—I think it was the result of 11 casualty crashes in the last five years. I am not sure that I have the detail as to whether that correlates with the time that you are talking about. But it has been identified on the black spot program as meeting the criteria for the black spot program. In terms of the changes that have been made, it brings William Hovell Drive in line with the rest of the road network across the ACT, which is to have 80 kilometres an hour—

Mr Coe: Except that road.

MS GALLAGHER: No, 80 kilometres an hour where the road is interrupted by traffic lights.

Alexander Maconochie Centre—Solaris Therapeutic Community

MS BRESNAN: My question is to the Minister for Corrections and concerns the Solaris Therapeutic Community program at the AMC. Minister, I understand that the Department of Health and Ageing has decided to cease the $443,000 per annum funding to Karralika to run its component of the Solaris program, taking effect on 1 July. Minister, how can the Solaris project continue without the engagement of Karralika and the $440,000 per annum?

DR BOURKE: I thank the member for her question. I too am concerned about the funding removal to Karralika and it is something that I do not agree with. The Solaris program, as members will know, as I have previously spoken about it, is a very successful program, a very good program, to deal with drug and alcohol rehabilitation at the AMC. With regard to the steps that we are going to take as a result of this federal decision, I will provide advice in due course.

MR SPEAKER: A supplementary, Ms Bresnan.

MS BRESNAN: Minister, are you aware that Karralika does not want to see cuts made to any other drug treatment services in order to restore funding for the Solaris project? Does the government agree with this position?

DR BOURKE: I thank the member for her question. I am not going to announce government policy here and now. But what I do say is that I appreciate that that is what Karralika would be saying and I will take it on notice.

MS HUNTER: A supplementary.

MR SPEAKER: Ms Hunter.

MS HUNTER: Minister, what impact will the 1 July cuts have on detainees who are currently taking part in the Solaris program?

DR BOURKE: As I said in my previous answer, this was an announcement by the federal government and I will be providing a response.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Ms Le Couteur.

MS LE COUTEUR: Minister, did the federal government advise the ACT government that it is expected to eventually take on the federal funding for Solaris? If so, how did that discussion progress?

DR BOURKE: I am not aware of that discussion.

Red Hill reserve

MRS DUNNE: My question is to the Minister for Territory and Municipal Services. In January of this year, minister, Mr Hanson made representations to you on behalf of local residents, stating that the condition of Red Hill reserve was not being maintained, in particular that rubbish deposits had remained on Red Hill for a significant time. Minister, what action have you taken to address the condition of Red Hill reserve?

MS GALLAGHER: All correspondence and issues that are raised with me are forwarded to Territory and Municipal Services for appropriate handling. There is a routine level of maintenance and care that is provided to all of the nature parks and, indeed, the town parks and shopping centres and all of the other work that needs to be done. That varies from being done daily to weekly to monthly, depending on the priority of the area. But I can, with great confidence, say that I am absolutely positive that those issues that were raised were followed up and addressed where need be.

I would say, though, that it is a shame that people go to our parks and our reserves and leave their rubbish lying around. We have had some concerns raised by members of the opposition and indeed other members in this place about conditions of facilities like Weston Park, where we see lots of people leaving nappies behind and creating other waste which, yes, needs to be cleaned up by Territory and Municipal Services, but their job would be made a lot easier if the community took their rubbish away with them.

There is a shared responsibility here. I do not think it is fair to just lump all of the responsibility with the staff of TAMS. They have routine maintenance and a schedule to go around and ensure the appropriate upkeep of our facilities, but it is greatly assisted by the community itself doing the right thing as well.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, as a result of the representations made by Mr Hanson, the rubbish was collected. Minister, why do local residents have to complain before any action is taken to maintain the condition of reserves?

MS GALLAGHER: I do not think that is a fair analysis in general. I think it is expected of us that where concerns are raised we respond to them. It may have been that it was not within the schedule of cleaning and maintenance that was being done, that the representation came and it was responded to. But it is the same with Fix My Street. It is the same with all the calls to Canberra Connect. They do not necessarily have to come through the Chief Minister's office, but it is feedback from the community around potholes, around people living in parks, around damage and vandalism to schools and around dangerous trees. There are standard ways of providing that feedback and then TAMS will do what it can to respond. So there is the general work schedule and maintenance that occurs without representation from constituents and then there are other feedback mechanisms which work very effectively to respond and address community needs when they arise.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson

MR HANSON: Minister, how often is routine maintenance carried out on the Red Hill reserve?

MS GALLAGHER: I would have to take that on notice, but it would be frequently. We have our city rangers in the nature reserves every day—I would have to just confirm that—and into other areas of the city. It depends. Some shopping centres and other public facilities are cleaned daily; others where required it is weekly. It just depends on the nature of the public facility and the public asset what the maintenance and cleaning regime is. I will certainly check for Red Hill nature reserve but I would expect that it would be done very frequently.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Mr Hanson.

MR HANSON: Minister, is the maintenance of reserves carried out from a list of priorities? If so, how are these priorities established?

MS GALLAGHER: There are people whose job it is to manage those facilities. So it is a priority. The nature parks and reserves are a priority and there are staff whose sole job is to manage those areas on behalf of the ACT community.

Bill Kennedy Memorial Park

MR HANSON: Mr Speaker, my question is to the Minister for Territory and Municipal Services. Minister, I note that you recently received a submission from residents of Holder regarding the Bill Kennedy Memorial Park. What has the ACT government done to maintain and upgrade the Bill Kennedy Memorial Park?

MS GALLAGHER: I do believe that I am waiting on advice for that, Mr Hanson, if I recall. In Territory and Municipal Services, and forgive me in this regard, I would probably sign off between 30 and 40 letters and pieces of correspondence a day. I cannot specifically recall seeing that advice come through but I will check. I am very happy to respond, as I do with all representations.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Minister, what actions have been taken to ensure that people utilising neighbourhood facilities, in this case the Holder community facility, do not park their vehicles on actual parkland, including grassed areas?

MS GALLAGHER: Action will be taken. Indeed I think in the last few weeks it has been taken, not necessarily specifically in Holder, around parking and parking on verges, in order to protect the nature strips and trees that are around there. So there is action taken. In terms of specifically at Holder, I will have to wait for that advice to come back. When TAMS get representations they do go out and respond to those and then they usually advise me what action has been taken.

MR SPEAKER: Supplementary, Mr Doszpot.

MR DOSZPOT: Minister, what actions are you taking to provide adequate parking facilities for the current tenants of the Holder community facility, given that a locked gate now prevents them from accessing the park?

MS GALLAGHER: As I said, the issue has been raised. I am waiting for further advice and I am very happy to inform the Assembly once I have that.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, what communication have you had with the residents from Holder concerning their submission?

MS GALLAGHER: I do not want to mislead the Assembly so I will just have to check my records on that. As I said, I probably deal with around 30 to 40 different representations from TAMS on a daily basis. I would prefer just to check my records and then come back to the Assembly.

Federal budget

MR HARGREAVES: I thought I might ask a question on the federal budget. That would be something different, wouldn't it?

MR SPEAKER: Mr Hargreaves, the question.

MR HARGREAVES: I address my question to the Treasurer. Treasurer, can you elaborate further on what aspects of the federal budget will impact on the ACT community, having received enough information on community parks already?

MR BARR: I thank Mr Hargreaves for his question. The Chief Minister has discussed at some length the impacts in relation to the Australian public service. I do note, much to the discomfort of those opposite, that their man, Mr Hockey, was fairly clear in his position on the *7.30* report straight after the budget last night in relation to future intentions for public sector employment. The reason that Mr Hockey had to be so clear-cut on his position in relation to further public sector cuts—

Opposition members interjecting—

MR SPEAKER: Order! Minister Barr, I do not recall the question being about Mr Hockey's position, thank you.

MR BARR: Of course the point is that, given the policy commitments in relation to the abolition of the mining tax and the carbon tax, the federal opposition have to dig deeper into public sector cuts. In the context of the implications for—

Mr Hanson: A point of order.

MR SPEAKER: Stop the clocks, thank you.

Mr Hanson: The minister is clearly out of order. You have noted that to the minister. He is ignoring your ruling. This is a question about the federal budget, not speculation about what a federal Liberal government in the future may or may not do. I would ask that you call the minister to order.

MR SPEAKER: Minister Barr, let us focus on the question that Mr Hargreaves put to you, thank you.

MR BARR: In relation to the GST pool, the commonwealth have advised a reduction in the GST pool over the forward estimates period of approximately $13½ billion. The impact of that in relation to the territory's share of GST revenue sees a write-down of $176.7 million in revenues, which has the impact of effectively reversing the entire gain that the territory had in its relativity. So whilst we get a greater share of the GST pool, the total GST pool has shrunk. Therefore the territory will not be receiving additional revenue.

In relation to the schoolkids bonus announced by the commonwealth government, approximately 20,000 Canberra households will benefit from that particular payment—$820 for every child in high school and $410 for every child in primary school. That will be a welcome boost to those 20,000 Canberra families. One would hope that that initiative would be supported by all in this chamber, given the constant focus that we have on the need to provide more assistance to those low and middle

income Canberra families who need just that assistance. 110,000 households in the territory will receive compensation for the carbon tax. Approximately 78,000 households will receive assistance greater than the expected average impact of the carbon price. The increase in the tax-free threshold to $18,000 will see approximately 13,000 ACT households no longer paying income tax.

In terms of additional spend in the territory, there is $36.4 million for Australia's key collecting institutions, including the National Library, the National Museum, the National Archives and the War Memorial. There is $27 million for the refurbishment of the War Memorial's First World War galleries, $12 million extra for the NCA, $5 million extra for the operations of parliament and capital works upgrades regarding access for disabled people around Parliament House. There is $2.5 million for lights at Manuka oval—very pleased to see that. There is $1 million to assist with the costs of implementing national reforms relating to national transport regulatory reforms. And of course there is funding for the national disability insurance scheme—again, something that one would hope there would be tripartisan support for.

MR SPEAKER: Mr Hargreaves, a supplementary.

MR HARGREAVES: Treasurer, what steps are you going to take now in relation to the ACT budget and the downturn in morale stemming from Mr Hockey's comments?

MR BARR: I took the decision last year to delay the timing of the territory budget until after the commonwealth budget, and I think the reasons for that are very clear. In fact, I received the fairly strong support of all stakeholders for that decision.

The territory is now faced with two policy options: we can seek to support the territory economy through the next period or we can adopt a slash-and-burn approach of withdrawing ACT government capital and recurrent program funding in some hairy-chested, Captain Zero-type approach to economic growth.

My view is that the territory should take a measured and sensible response to the commonwealth's announcements. That will mean delaying our return to surplus until the 2015-16 year. In my view that is the economically responsible approach to adopt. We will return to our original seven-year budget plan. There would be no value at all in plunging the territory economy into recession by seeking to withdraw ACT government capital and recurrent programs in the forthcoming budget.

It is my view that the territory economy needs to be supported through the next few years and that we need to undertake, more aggressively now than ever, tax reform.

MR SESELJA: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, do you support the federal Labor Party's broken promise on superannuation contributions in this budget in failing to increase the non-taxable amount that can be put in by some members of the community from $25,000 to $50,000?

MR BARR: No, Mr Speaker.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what key decisions, as mentioned by the Chief Minister earlier in question time, does the government need to get right in order to manage the federal public service job losses?

MR BARR: The important decision we have taken is to cut payroll tax. That will provide a tax cut for 1,865 ACT businesses and allow 115 businesses within the territory to no longer pay payroll tax. You do some very simple maths, Mr Speaker. If each of those businesses that are receiving a payroll tax cut employed just one more person then we would be able to absorb the impact of the commonwealth public service reductions. I do not anticipate that every single business will be in that position, but I know a number will, and there will be a number of talented people who will be in the labour market and available for those businesses to employ.

Importantly, as we move forward, we need to make a number of changes to our taxation system in order to encourage further investment. But let us be realistic about this, Mr Speaker. The south-east corner of Australia is going to see dramatic economic transformations as capital and labour move to the north and to the west. That is what the mining boom is doing. One need only look at the investment pipelines over the next five years to see where capital in this country will be invested. That is going to be difficult for New South Wales, Victoria, Tasmania, the ACT and, to a lesser extent, South Australia, although they are putting significant resources into their Olympic Dam mining project.

What we are going to see is an opportunity here for some serious tax reform. I look forward to that debate. I look forward to a sensible contribution from those in this place who I know have a passion for this city's economic future.

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

Bail provisions

Debate resumed.

MRS DUNNE (Ginninderra) (2.51): The amendment moved by the government today is a complete disgrace, and I have touched on this lightly and Mr Hanson has dwelt on it to some further extent. Really what Mr Corbell says in his justification is that he does not want to provide the data that has been called for in the original motion because "it cannot be extracted at the press of a button". So what it comes down to, as Mr Hanson rightly characterised it, is this: it is too hard and, because it is too hard, this government is too lazy to address this issue.

Mr Corbell spent a lot of time justifying his remarks by saying that Victoria and New South Wales do not do a very good job of collecting this information as well. Victoria and New South Wales, respectively, have three million and six million people. They have a complex court system which is divided across jurisdictions and districts and the like. They have intermediate court systems. We are a city-state of 360,000 people, with essentially a unified court system, a close to unified court system, and a unified courts administration system. So to go to a 2007 report into the Bail Act in Victoria and hang your hat on that as an excuse for why we in the ACT do not collect this data is a disgrace.

That report has been out since 2007. It is lightly relevant, only passingly relevant, to the ACT. This minister has been Attorney-General for all the time that that review in Victoria has been on the table, and he comes in here today, five years down the track from the tabling of that report, and says that because they do not do it in Victoria we cannot do it here.

The whole premise of the debate here today and the motion that I moved today is to provide the baseline data and put it out in the public arena. The public has the perception that there is a revolving door when it comes to bail. I suspect, from my experience and from my research, that the public is right in this. But, instead of making assertions, we want the data.

Later in his remarks Mr Corbell said that the improvements in policing were a direct result of improvements in bail administration. How do we know if we do not have the data? If we believe the first thing that Mr Corbell said, that we cannot get this by the press of a button, how do we know that his later assertion is correct? We do not know. The community does not know. This motion today was a request, an apparently simple request, to provide the community with data on the operation of the Bail Act. And it boils down to, as Mr Hanson rightly said, this: it is too hard for this government to do anything about it; it does not want to send somebody in to manually go through the records.

This community deserve to know. This community need to know whether their assessment that they are increasingly unsafe because of the failures of the bail law—that is their perception—is borne out by the facts. And this minister will not provide it, and he is aided and abetted in this by the Greens.

The Greens wring their hands and say, "It is terrible that we do not have this data," but they are not doing anything to require him to do it. If the minister came in here and said, "This is really difficult to do and I cannot do it by 5 June," perhaps we would have considered another date. But he did not. He came in here and said, "I will not do it because I cannot do it at the press of a button." And the Greens, through Mr Rattenbury, let him get away with it.

Let us look at what we have here today. We do not know whether the bail system is improving or not, we do not know whether the bail system is aiding the criminal justice system or not, because we do not have the baseline data from the government. We have made a large number of changes to the Bail Act. The minister, by his own

admission and his tabling statement yesterday, indicates that there are more changes afoot, and we do not have the basic, quantitative data about how many people are on bail, how many people are remanded in custody and are finally acquitted, how many people breach their bail, how often, how many people reoffend when they are on bail.

These are really simple, fundamental issues that go to the heart of whether the system works properly and whether the people of the ACT are safe. This is a simple, safety issue. One of the issues in whether or not someone gets bail is whether they are a risk to the community. This minister cannot tell us. This is a sorry indictment of this minster and his tenure as Attorney-General over six years. Mr Rattenbury bemoans the fact that we do not have a robust approach but he has done nothing in his amendment to ensure that we have a robust approach.

In addition to the failure to provide the community with data, the minister has amended this motion out of all recognition by saying that it calls upon him to advise the Assembly by 5 June how the government monitors and enforces instances of noncompliance with the Bail Act. Quite frankly, if someone who has been Attorney-General for six years could not stand up in this place today and do that off the top of his head, he is a failure as a minister. It is a disgrace that one of the principal elements of the criminal justice system is not something that he is sufficiently familiar with that he could not answer that question off the cuff today.

Why does the Assembly have to wait until 5 June for the minister to advise the Assembly on the most fundamental administration of this? It shows yet again that this minister is not across his brief. He is not across his brief. On a number of occasions you have a discussion with him and he cannot answer fundamental questions. He has to refer constantly to his officials to answer fundamental questions. Here is a stark example.

He should be embarrassed to move an amendment like this because what he is doing here today is saying, "I do not know how the bail system operates, and I have to take a month to take advice." If he did not know the answer to that question already, he should have been sitting down with his officials this morning and having a briefing on it, because, by his own admission, he is so under-briefed that he could not come in here today and tell us this. He has to give himself a month's notice to tell the Assembly how he administers his Bail Act.

This is a disgrace. It is an absolute shame. He is a dysfunctional minister who presides over a criminal justice system that is not serving the people of the ACT. And everything that has been said by this attorney today and supported by the Greens shows that they do not care whether the people of the ACT are safe and whether the criminal justice system in the ACT is ensuring that they are safe. This is a disgrace and the Canberra Liberals will not be supporting the government's amendment.

Mr Rattenbury's amendment agreed to.

Question put:

> That **Mr Corbell**'s amendment, as amended, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Taxation—Quinlan review

MS PORTER (Ginninderra) (3:04): I move:

That this Assembly:

(1) notes that the:

(a) Government released the *ACT Taxation Review* (the Quinlan Review) on 7 May 2012;

(b) Quinlan Review builds upon recommendations made by the *A Future Tax System* review by Dr Ken Henry;

(c) Quinlan Review recommends staged and structural reform of the ACT's taxation system;

(d) structural reform recommended includes abolition of a number of inefficient taxes such as stamp duty and insurance duties and revenue replacement by broad-based more efficient taxation levied on land;

(e) Government has released its response to the Quinlan Review; and

(f) Government response is based upon the central principles of improving the fairness, simplicity and efficiency of the system; and

(2) calls on the Government to:

(a) undertake structural reform to improve the fairness, simplicity and economic efficiency of the ACT taxation system; and

(b) undertake reform in a staged way to allow for appropriate transition time.

I am happy to be moving this motion today about the ACT taxation review. Members would be aware that the government in 2011 commissioned a review of the ACT

taxation system. The review's panel was headed by former ACT Treasurer Mr Ted Quinlan AM, Mr Quinlan being well qualified to lead such a review. As members know, Mr Quinlan was a member of this Assembly for many years, and in that role he ably represented the people of Molonglo. He also served as Deputy Chief Minister and Treasurer, in addition to a number of other ministerial roles. The review panel also included prominent academic Professor Alan Duncan and the ACT's Under Treasurer, Ms Megan Smithies.

The government has now considered the review in detail and released its response on Monday this week. In its response the government has indicated that it will consider many of the recommendations in the budget context, as they have in some cases significant financial implications. But it is fair to say the government has certainly welcomed the review.

Before I turn to the review, I would like to point out that the ACT review, led by Mr Quinlan, built on a national review. That national review, titled "A future tax system", was undertaken, as members would be aware, by Dr Ken Henry. Dr Henry is a former Secretary to the commonwealth Department of the Treasury, a former Reserve Bank board member, an incredibly qualified economist and a highly respected public servant. Dr Henry's review made a number of proposals.

Some of these proposals have been picked up by the commonwealth government and will affect ACT households indirectly. Dr Henry's review also identified a number of state and territory taxes as inefficient and inequitable. The Henry review recommended that state and territory governments transition away from inefficient taxes.

I would now like to turn to the Quinlan review's report. The Quinlan review observed that state and territory governments have been left with inefficient taxes, partly for historical reasons. The commonwealth government covers a major part of the taxation of economic activity through income taxes and company tax. These are considered more efficient than other forms of taxation. However, there are things the ACT government can do. We have a great opportunity here in being a city-state. We have many advantages in our stable and strong economy and harmonious community. However, this means we have challenges as well as opportunities.

The review recommended that the government undertake structural reforms of the ACT taxation system. The first recommendation is that the ACT government should adopt tax settings that deliver stable revenue growth in line with economic growth. This will allow for improved levels of service provision over time and adjust for population growth. At the moment we have a reliance on inefficient transaction taxes. Their inefficiency dampens our economic activity. Their transactional nature places the government at the mercy of property price cycles. Obviously this jeopardises budget sustainability.

In previous years the ACT saw some record property prices and this has benefited homeowners. However, members will know that this property price bubble across the country came to an abrupt halt with the global financial crisis. This led to a budget challenge for the commonwealth government and for the ACT.

Challenges like this make it all the more important for us to have an efficient tax system. The Quinlan report recommends that these inefficient taxes should be reformed. The report is also conscious that reform must take time. Therefore, the report recommends that there has to be an appropriate transition period. The review is not simply about taxes and levying more taxes, however. It is about levying tax differently and it is about making sure that the transition is managed appropriately.

The report also recommends that national activity be progressed on other taxation reforms. In particular, it recommends that we engage the commonwealth government as part of the tax reform. The commonwealth government is obviously a significant part of our economy, but it is exempt from direct taxation, such as payroll tax. Therefore, a discussion with the commonwealth government is important.

We should ensure that the ACT does not lose out because we undertake reform. That would send a very poor message indeed. It would be very unfair if the ACT undertook reform of its tax system and then the benefits were distributed away as part of the GST system. At a time when the GST process is under attack from states such as Western Australia, who have benefited in the process in years gone by, it is important that proposals protect our revenue base.

The review also demonstrates that it is simply not about taxes and figures and payments. We have a high standard of living in the ACT and the government provides high quality services. However, the report recognises that there are some in our community who are not so well off. That is one reason why having a former Treasurer such as Mr Quinlan, who was a significant Labor Treasurer, has led to such a report. The report contains a number of recommendations in relation to concessions. Concessions are important because they recognise that there are barriers for some residents to take full advantage of all that our great city has to offer.

The ACT government has a range of concessions available to assist low income households with many of the costs they face. The concessions mentioned in the report are the homebuyer concession scheme, the pensioner duty concession scheme and the duty deferral scheme. These schemes will assist Canberrans to transition between different types of property and housing tenure. This is important in supporting choices and opportunities for lower income earners and older Canberrans.

The pensioner duty concession scheme in particular allows older Canberrans to access accommodation suitable to their needs. I am pleased to note that the report contains suggestions that there should be additional measures in place to support ageing and measures to allow older Canberrans more choice in their housing options. There are recommendations to cushion the impact of reform through the rebate system and to investigate the extension of rates deferral.

I would like to mention a few things about the gaming tax and the casino proposal. The report recognises that gaming taxes could be increased. However, it would not be fair to raise taxes on the club sector when they are in the middle of the national pokies trial, as members would know.

I respect Mr Ted Quinlan. I served in this place alongside him. I have known Mr Ted Quinlan for a number of years, including those when he and I were involved in the not-for-profit community sector together. As I said, I have known this man for a long time. However, I cannot agree with his additional recommendation to introduce poker machines into the casino. We absolutely should not be putting poker machines in the Canberra casino. Governments on both sides have not agreed to this proposal over the course of a number of decades. As we know, clubs play a very important role in our community and integral to that is the community gaming model. To put poker machines in the casino would undermine this gaming model that has served our community well.

Madam Assistant Speaker, I think you would agree the Quinlan review is an important contribution to our public debate. It is detailed, it is comprehensive, it is informative and it makes for very interesting reading, deserving of our careful consideration. It points the way towards structural, sustainable taxation reform that will provide for our community into the future. I call on all members in this place to support the motion and the review.

MR SMYTH (Brindabella) (3.13): In some ways how predictable is it that the government drops a report and Ms Porter has a motion concerning that report just days later. But we welcome this debate today on the Quinlan tax review. It is still early days. It is not a very clever strategy by Mr Barr to release the Quinlan tax review the day before the federal budget, or perhaps he thought it was because he really did not want it to be considered for a long and major time. Releasing it on Monday restricts time for proper analysis and consideration. I do not believe it is an appropriate way for such a major report to be handled, particularly as the report had been sat on for almost five months.

That said, I believe the report contains a wealth of information. I will certainly consider it closely and form considered views over the next few weeks. After all, Mr Barr has had this report for five months and has said that it sets the scene for 20 years of reform. As he was in no hurry to release it, we will take our time to consider our position.

I was quite surprised that the chair of the panel who prepared this report was not present at the release of the Quinlan tax review. Indeed, the action on Monday this week was perhaps not about the release of the Quinlan tax review at all; it was more about the release of the government's response to the Quinlan report. That really does question Mr Barr's priorities. One can only assume that the current Treasurer was so unhappy with the performance of the former Treasurer, particularly in making his recommendations about putting gaming machines in the casino and about reviewing the taxation of gaming machines, that he did not include him in the release of the report. It is disappointing that the Treasurer can be so petty, seeking to bask in his own glory, rather than promulgating the proposals in the Quinlan tax review.

I think the motion itself also is disappointing. It is a typical dirge from Ms Porter and a very pedestrian motion. Indeed, we are calling on the government to undertake structural reform to improve the fairness, simplicity and economic efficiency of the

ACT taxation system and undertake reform in a staged way to allow for appropriate transition time. I thought that was what the minister had announced. The minister has already announced that we will stage it out over 20 years. So we have got a motion from the government calling on the government to do what the government has already announced that the government is going to do. That is a worthwhile motion always!

I might have expected, I would have hoped for, something a little more positive—perhaps something along the lines of the ACT's tax system being designed to underpin competitive businesses and sound economic development—but, as always, I was sadly disappointed by those opposite. I think what it represents is a government that is bereft of thinking and a Treasurer who can only think of himself and not give credit to others.

Turning to the report itself, if we in the community were looking for something that was remarkable, we are, again, disappointed. This report is very much the creature of the former Treasurer, the person who distinguished himself as Treasurer for having such an appalling record of poorly thought out taxation proposals. There were so many of them that most of them were defeated by this place.

Let us run through a few of those. Remember the rating policy? I think I see the rating policy revisited here. The government proposed a complete change to the way in which rates were determined in the ACT and it was defeated in the Assembly. Remember the corporate reconstruction concessions? Remember the transfer of business acquisitions, a policy that imposed a duty on the acquisition of businesses at the same rate as conveyance duty?

Remember the bushfire tax? The government proposed to impose a fixed levy on all rateable properties for two years, raising over $10 million. It was a knee-jerk reaction that was abandoned as unnecessary. Remember the loans security duty that they proposed? This policy would have imposed a duty on secured loans with a value of more than $1 million, raising about $500,000 per annum. This proposal was abandoned after the government realised, belatedly, that the states were abolishing this duty.

What about pay parking in Barton? The proposal had to be abandoned when it was established that the ACT government could not introduce this taxing measure. What about the parking space tax? This measure was proposed in the 2003-04 budget to apply in the four city centres in Canberra, raising $2.5 million. Again, this policy was very poorly developed and the government failed to undertake proper consultation. What was the outcome? The government was again forced to abandon the proposal.

There was the homebuyer concession scheme. After considerable pressure from the opposition and others the government finally agreed to make the parameters of this policy more appropriate. There was the motor vehicle tax in 2006. The Stanhope government sought to impose stamp duty on motor vehicles based on the list price of a vehicle. The proposal was withdrawn. We have got the utility land use permit, ultimately called the infrastructure tax. There was a fire services tax. We have got the victim services tax, we have got outdoor fees and, of course, we have got the great big tax that they imposed in last year's budget—the land valuation charge.

As you can see, Madam Assistant Speaker, it is a particularly consistent litany of failure of tax reform from Labor governments over the last 11 or so years. I suspect the current proposals will go much the same way. I think this history does not, as a jurisdiction, stand us in good stead but, as I said a moment ago, we will consider this report in good faith.

It is important to set the scene in which this report has been made. Ms Porter raised the Henry review. The Quinlan tax review makes a number of mentions of the Henry review, which reviewed taxation at a national level and reported in May 2010. Considered by most as an excellent report, it outlined the complexities of the current system, comprehensive discussion of taxation measures and carefully argued recommendations. But what happened to that report, Madam Assistant Speaker? The Gillard government, with Treasurer Swan in the vanguard, gave it lip service and then discounted virtually all of the report. At least Mr Henry got invited to that release of the government's response to his report, unlike Mr Quinlan, who did not. If memory serves me right, Mr Henry left before the conference was over.

Henry proposed something like 138 recommendations. Virtually all were rejected. The Labor government sort of accepted the principle of taxing resources. Henry recommended a uniform resource rent tax. The government proposed a hybrid and then spent a lot of time fighting to get a proposal, any proposal, accepted. As we look at the Henry tax review now, it is a sad and sorry tale of a government initiating a report and failing to follow through. Will the ACT's experience be similar to the Henry review? Let me read some words from the Swan press release of that day:

> Today I received the report of the Australia's Future Tax System review team.
>
> The report will provide the foundations for a long-term plan for reform …

Does that sound a bit familiar, Madam Assistant Speaker? Well, yes, it should, because what did our Treasurer say? He said:

> Overall, the Panel's work provides a very useful starting point for the Government to consider improvements in the fairness and efficiency of the current system …

The similarities are a bit eerie, really, aren't they? I have some concerns about the Treasurer's apparent determination to act alone if there is no national agreement on pursuing tax reform. We already have a terrible mish-mash of competing taxes within jurisdictions. The Henry report is the latest of many reports that demonstrate that, of the revenue raised by taxes in Australia, 10 taxes raise about 90 per cent of the total tax revenue. The other 10 per cent of revenue is raised by a collection of more than 100 taxes and variations of these taxes. That situation is not sustainable. That situation is not competitive. That situation must be cleaned up. It will not be cleaned up by a jurisdiction acting on its own.

There is one issue that really concerns me about the initial response of the Treasurer, as reported in the *Canberra Times* on Monday, in his criticism of how non-Liberal government states have not been acting on tax reform. It is a bit rich. Perhaps he

forgot that Labor was in power in New South Wales for, what, 16 years? Perhaps he forgot that Labor was in power in Victoria for many years and that Labor had been in power in Queensland for many years. Perhaps he forgets that Labor is still in power in South Australia or that Labor is still in power in Tasmania. It is rich to criticise the states that have just come out of the Labor fold into the coalition fold and say they are not doing enough on tax reform. The ideal time to have reform was when every jurisdiction was governed by Labor, and they could not do it.

Perhaps the Treasurer has forgotten what happened in 1999 in the lead-up to the introduction of the GST. A bit of research would show that all federal, state and territory leaders—a mixture of Liberal and Labor—agreed to the arrangements for introducing the GST. What did this agreement include? Agreement to abolish a number of "nuisance" taxes, such as bed tax, debit tax and taxes on shared transactions, among other things. All the jurisdictions eventually complied with the 1999 agreement, although some had to be dragged kicking and screaming.

One tax on which there was no movement was duty on non-residential conveyancing, and that is still a sticking point. In this context, I note that Mr Barr is seeking national reform, yet at the same time he is proposing to make further changes to the ACT payroll tax regime. We accept and we like reducing taxes; we think it is a great thing. In fact, it was our policy back in 2000 that this should go up in increments till the payroll tax threshold was $2 million, but of course that was abandoned by Labor in their first budget because they do not believe in tax reform.

Mr Barr says there should be harmonisation across jurisdictions, yet he wants to change it, which will make harmonisation of payroll tax in Australia even more difficult. You cannot agree to both and then do something different. I also note that this Labor government is proposing to increase—

Mr Barr: Do you know the differences between rates and thresholds and administration?

MR SMYTH: I am sorry?

Mr Barr: Do you know the differences between rates and thresholds and administration?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members, this is not a conversation. Mr Barr!

MR SMYTH: I do. I am pleased that you want to talk about that. Yes, let us talk about thresholds. Our record on thresholds is much better than yours.

I also note that the Labor government is proposing to increase the payroll tax threshold to $1.75 million. That is the same policy approach the Liberals had back in 2001. It is only 11 years later, but we do welcome it. Probably the effect has been ameliorated, given the impact of inflation over the intervening period.

Mr Barr is clearly floundering. For a much-vaunted clever economist, as he keeps telling us, his defining characteristic appears to be policy confusion combined with a good dose of self-aggrandisement.

That brings us to land-based taxes. I note that the principal recommendation from the Quinlan tax review is to implement a broad-based land tax. We will consider that proposal as we work through the report, but I note that Mr Barr said on Monday that the Henry report was generally well accepted. Perhaps Mr Barr has a short memory. Perhaps Mr Barr is trying to rewrite history. Consider comments from some of Mr Barr's Labor colleagues on this. The states in the main actually rejected the proposal for a broad-based land tax. There was an article in the *Australian* on 4 May 2010 where the then South Australian Treasurer, Kevin Foley, said that they rejected the review's findings—that there was no place for stamp duties in the 21st century tax system. Foley said that a broad-based land tax would be a punitive tax on families and households and would not be supported by his government.

A spokesman for the Victorian Treasurer complained that Canberra was responsible for the inefficient tax base. Queensland's Andrew Fraser was non-committal. He said the government had repeatedly delivered stamp duty benefits to consumers in an effort to remain competitive with other states, but that people had accepted Henry. I think a lot of commentators accepted Henry. Certainly governments did not do it. What did all the state Labor people say at the time of the Henry report in 2010? "Not interested." The response of the Labor states was universal. They followed the leader, the Rudd government, by trying to kill the Henry review of the tax system. As I have said, Foley, Lenders and others said they were not going to do it.

So while all the other states repudiated and moved towards a land-based tax system, we have now got an ACT Labor Treasurer who apparently supports that. It is interesting, because Mr Barr put in a submission on a tax plan for our future. There was a tax forum. Mr Barr's document was a statement of reform priorities. Mr Barr has probably forgotten his statement. In the second-last paragraph on the first page it says:

> A robust taxation system should not be singularly reliant on a particular base. Noting the benefits of taxing land, the ACT has a preference for a somewhat diversified revenue base. Moving towards a single revenue source can create significant risk.

So there we are. Back in October 2011 he said:

> Moving towards a single revenue source can create significant risk.

But what are we doing? Moving towards a single revenue base, confirming this government's reliance on taxing land, this government's addiction to taxing land. Land and property—that is what it is about. We have not got any other ideas in the kit, so what do we do? We will go back to the land.

Ms Hunter was reported in the paper on Tuesday morning as saying:

> … Mr Quinlan's centrepiece plan to abolish stamp duty and replace it with "a broad-based property tax" had been Greens policy for some time …

It is interesting that if you get on the website and look at the Greens policy, which has been there for some time, it is very hard to find the words "broad-based property tax". There is tax on everything else, but there is not a broad-based property tax. There is an increase in rates of income tax; a new consumption tax; capital gains tax; fringe benefits tax; elimination of salary sacrificing; introduction of estate duties—there is a winner; introduction of a gift tax; increased taxation of superannuation; tax on family trusts; increased company tax rates, to 33 per cent; tax of bank dividends; and introduction of a carbon levy. The list is long and extensive, but I do not see the words "broad-based property tax" in the Greens document. But then again, when you are a coalition ally, when you are in the Greens-Labor alliance, you just agree with anything that fronts up.

Of course we have the reform budget of 2006, which Mr Stanhope at the time said would set us up for the future and alleviate any financial pressures into the future. That was wrong. That failed.

Let me conclude by reiterating that the Quinlan tax review is a useful document, containing some useful information while not necessarily having reached the most effective conclusions. Sadly, the motion from Ms Porter does not do any justice to the report from Mr Quinlan. It would be more valuable for us to move to a more effective debate on taxation policy in the light of the federal budget. *(Time expired.)*

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.28): The Greens are very pleased that the taxation review is now public and that there will be the chance for the community to discuss the reforms. Let me say at the outset that, with the obvious exception, the Greens are generally supportive of the recommendations and agree that there are significant structural reforms that should take place and from which the territory will take a significant benefit.

Having only had the last two days to look at the report—we have, of course, been sitting and there has been the commonwealth budget—I have not had the opportunity to carefully consider all of the proposals and so can only speak in general terms about the ideas and initiatives canvassed in the report. The most significant issue canvassed in the review is the removal of stamp duty and its replacement with a broad-based land tax. For some time now I have spoken in this place about the need to move away from transaction taxes and towards a more stable revenue base. I note that Mr Smyth has been reading from the Australian Greens tax policy.

The ACT Greens participated in the Quinlan review. We did go and meet with Ted Quinlan and others who were part of that review team, and followed that up with a letter. I note that the Canberra Liberals did not participate in any of the discussions around the reforming of our tax system. The ACT Greens participated in the consultation process; we expressed our view that conveyance duty was not an efficient tax and we supported broadening of the land tax base. The case for this change is unequivocal and well supported by an enormous quantity of economic evidence, not least of which is the Henry tax review.

I was very pleased to hear that the ACT Property Council supports the changes—amongst others. The current regime suppresses activity, creates bubbles and distorts the market. It prevents the efficient allocation of our housing resources and does not fairly spread the taxation burden across the community. Removing the current stamp duty will help people find a house most suitable for their needs without having to pay at times prohibitive transaction costs.

The most efficient allocation of housing within the ACT will be very important if we are to become a more sustainable city. We do not want to have in place things like disincentives to downsizing for people who have had their children leave home and who would like to downsize. When we look at housing across the city, we have enough bedrooms; we just do not have the right allocation of stock. Whatever we can do to assist people to match with housing that better meets their needs is good.

There is significant evidence that the proposed change can increase levels of investment, both private and public. It is often said that we need to better value our major asset, which is, of course, land. The Greens support this sentiment and are looking forward to working cooperatively to ensure that this is realised. Tax reform is a different issue, but the proposed changes do make economic sense.

The difficulty in the change is the transitional arrangements that need to be there to implement such a change. As I said, this reform is significant. The way we balance the interests of those who have recently paid stamp duty, for instance, and the implementation of the new scheme will be challenging. The Greens are comfortable that the proposed 10-year implementation time frame is reasonable and a good starting point for a community discussion on how best to implement any new scheme. I would also say that the Greens are very keen to hear community views on this and assure the community that we will be very carefully considering any proposed changes to land taxes.

One further point in this area that I would very much like to stress is that we are concerned to ensure that there are appropriate concessions available to ensure we do not leave anyone who is genuinely unable to pay in those circumstances; we must make sure that we design any new scheme and transitional arrangements carefully to support those who may not be able to pay a higher tax bill. The review has gone to some lengths to consider the impact of the existing and proposed changes on those less well off in our community.

Just briefly on the question of residential land tax and the proposal to remove it, given the broader changes, the Greens agree that this makes sense in the circumstances, but we are very conscious that this will effectively mean some revenue leakage to the commonwealth. Also we are concerned that incentives for investment in property do come at the expense of homeownership and do have the potential to increase house prices. This has a flow-on effect to those less well off who are struggling to pay for housing. We should be looking at mechanisms to assist low income renters. This is one area that the Greens are very keen to follow up on, to ensure that any changes do not disadvantage this group.

In relation to the principles of effective taxation mentioned in the review and the motion, these are well accepted and are a sound basis upon which to evaluate taxation. They are set out in the review as the criteria against which taxes and charges were assessed and recommendations for reform made.

On tax more generally, the motion notes that the review builds on the Henry tax review. The Greens think that the review had much to offer for the states as well as the commonwealth. The Greens supported a large number of the Henry review recommendations. We are disappointed that a number of the recommendations, such as the mining tax, were not fully implemented.

I would like to briefly talk about some of the other recommendations in the review. Firstly, I go to payroll tax. This is a problematic tax. It is or it is not efficient, depending on your perspective. Overall, we support the initiative to reduce payroll tax and think that reducing it is a good initiative to make Canberra a more attractive place to do business. I note that the Canberra Business Council welcomed that move.

I will take the opportunity to again state our position in support of the lease variation charge as a fair and efficient tax. We believe that it should be used as part of a package to lever better development in our city. This is something that we will continue pursuing. There is some work we are expecting to get back from government.

Again, for the record, let me say that we support pay parking in the parliamentary triangle. We also agree that we should be considering the taxes imposed on gambling machines. Members will recall that the Greens proposed an increase in the mandatory problem gambling contribution. We do not think that we effectively recover the costs of problem gambling from those who profit from it.

In relation to the abolition of the insurance levy, I have to say that I have not had the opportunity to thoroughly consider this. In principle, it appears that there are some reasonable arguments for the proposal. We will be giving this further consideration.

The motion calls on the government to implement structural reform. Subject to discussions about the exact nature of the changes, the Greens are happy to support that call. Equally, the Greens are happy to agree that such significant reforms should be measured and staged to allow for a reasonable transition time.

This is the start of a long process, one that will involve significant interaction with the commonwealth, which we have to expect can only slow the process down. I am sure we will be talking about this for some time to come.

I would like to take the opportunity to thank the members of the review panel and the secretariat who supported them.

I am confident that this research will prove to be useful for many years to come. Considerable consideration and research did go into this review. That needs to be acknowledged. What has been put on the table is significant. It will be a significant change to the way that the territory collects taxes. But I think that it is time we had

this important conversation about tax reform in the territory. Mr Smyth said that Labor does not believe in tax reform, which I found a little interesting considering I have rather a large tome here in front of me which seems to indicate that quite a lot of thought has gone in by the review team. I thought it was important to acknowledge that work.

As I said, we will be looking through some of the other measures that have been put forward in the recommendations—to look at them in further detail. But we are very interested in having this conversation with the community about how we can move away from these transaction taxes, stamp duty, to a broader based land tax system.

As I said, the important part is going to be in the design of this system. It is going to be in how we ensure that there are concessions and there is proper transition for people so that those who, for instance, in recent years have paid their stamp duty are not going to miss out.

We welcome it. We welcome this discussion. It is timely that we have this discussion. I hope that this report does not get put on the shelf and does not gather dust—that we do have that conversation with people across the community to see how we might implement a new system that really will put us in a far more sustainable position into the future. At the moment the stamp duty does not provide us with certainty about income on a year-to-year basis. We need to have a consistent income stream. The move to this new system that is proposed would provide that constant and consistent income stream that is going to be so important for the territory in facing the challenges that are ahead—not just environmental challenges but a whole lot of social policy challenges as well, with increasing needs for health provision and all the other services that Canberrans expect to be delivered, and quite rightly so. We look forward to participating in this process.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (3.39): As members would aware, I released the panel's report and the government response this week. I certainly thank Ms Porter for the opportunity to discuss the review today. I thank Ms Hunter for her contribution and Mr Smyth for really talking about anything but the substantive issues contained in the review. But it was 15 minutes of contribution one way or the other; so thank you, Mr Smyth.

Madam Assistant Speaker, how we collect revenue that allows us to deliver services to the community is, indeed, an extremely important issue. Taxes must provide a sustainable level of funding to support the service levels expected by our citizens. A fairly important principle is that the tax base should expand with economic growth to allow for improved levels of service provision over time.

Because the economic and social impacts of taxation can be pronounced, there is often resistance to the very idea of reform. The familiarity and comfort of the status quo can often be seductive. But this view only protects entrenched interests and does not recognise another imperative, that societies and economies change over time, that they face new challenges and that policies must adapt. Taxation policy is no exception.

There are some who would say that we must base our responses to these reviews on a concerted effort with neighbouring jurisdictions. There are others who would suggest that we must rely on other national mechanisms to provide long-term budget sustainability. The government does not agree with that. Expecting national reforms on broad-based tax reform would be pinning our hopes on what has been so far an elusive national consensus.

Having said that, there are indeed some recommendations contained within the review that are best progressed nationally, and we do undertake to work on those at a national level. However, the ACT is not compelled to wait for wholesale national reform and to move only in concert with other jurisdictions. Indeed, in the context of last night's federal budget, the time for reform has never been more opportune. Our unique features as a city-state provide us our challenge, but with those same features perhaps our greatest opportunity.

I think this jurisdiction of all in Australia is well placed to demonstrate how responsible tax reform can be undertaken. The Quinlan review builds upon the work of Dr Ken Henry and his future tax system review. The panel—Ted Quinlan, Professor Alan Duncan and the Under Treasurer, Megan Smithies—have done an outstanding job in pulling together a number of different strands of thinking and putting forward to the government, to the Assembly and to the community a number of important options for future reform.

Undoubtedly, what was identified within the Henry review—that a number of state and territory taxes are less efficient—is, indeed, the case. The Henry review has identified the possibility for reform. We are, of course, wary in relation to horizontal fiscal equalisation processes that inefficiencies contained within state and territory tax systems cannot be completely overcome through that HFE process.

The Henry review made recommendations that states and territories should transition away from inefficient transaction taxes and that these should be replaced with broader taxation bases, including on land, in large part because land is immobile. It is quite straightforward, really, Madam Assistant Speaker. There are three factors of production: land, labour and capital. Capital in this global economy is highly mobile. Therefore, sound principles are that it should be taxed lightly. Labour is becoming increasingly mobile. The review makes a recommendation to retain a form of payroll tax or a substitute tax as part of a national reform. But I think the evidence would appear that the incidence of payroll tax is, in fact, on consumers, as most businesses pass it on.

The third obvious factor of production is land, and it is highly immobile. The Quinlan review recognises these basic economic facts and makes the observation that inefficient transaction taxes dampen economic activity. The transactional nature places the budget at the mercy of property cycles, which jeopardise long-term sustainability. None of these are new debates or new discussions, Madam Assistant Speaker. If you accept the principles articulated in the tax review, then the real questions are around implementation, time frames and cushioning the effects of transition.

In considering and responding to this review, the government has been governed by certain core principles. In that context, we believe that any reforms that are made to our tax system should create a tax system that is fairer, a tax system that is simpler and a tax system that is more efficient.

What do I mean by this? Taxes should be fair. They should be progressive rather than regressive. They should be tied to some level of benefit or consumption enjoyed. In aggregate, they should be tied to the service levels that society expects. Taxes should be simple. They should be easily understood by the community and they should be easily administered by the bureaucracy. Taxes should also be economically efficient. They should not unduly distort economic behaviour, particularly decisions relating to production or investment. More importantly, they should not discourage prudent behaviour.

Tax reform should be undertaken over time. This allows the community and the economy time to adjust, to gather information and to make informed decisions. But it also allows time for the concessions system to ensure that those Canberrans on lower incomes are cushioned from any adverse distributional impacts of a transition. This is a critical part of ensuring fairness in any reform approach.

I will be holding a number of community roundtables with stakeholders and interested parties in the coming weeks and months to discuss the short, medium and long-term reform objectives. I have indicated, though, that the government's aim through this process is revenue neutrality. There will be revenue lines that will be reduced in some areas and revenue replaced in others. This is the only responsible course to ensure budget sustainability.

In the time remaining let me make some observations on some of the specific recommendations. The report recommends considering significant structural changes to the entire territory tax system, including abolishing some transaction taxes. These taxes represent a barrier at times to sensible economic behaviour and are highly dependent on cyclical movements in the economy.

Stamp duty, for example, does present a barrier to transition between appropriate housing types. But it is important in making changes that any change to stamp duty is implemented and phased in over a significant period. The reason for that, as many have observed, is that it would not be fair to those who have recently purchased to shift away from stamp duty overnight.

On the subject of rates, the review notes that our rates system does have a disproportionate impact on those with lower property values. The high, fixed charge component and the flat rate act regressively, hitting those with lower value properties harder comparatively. Changes to the rates system should counter the regressive effects of the large, fixed tax component and a flat rate charged across all properties. There is undoubtedly scope to introduce greater progressivity into the rates system as recommended by the review. On the questions of fairness, it is also important to pick up on the issues of pay parking in the parliamentary triangle. If you pay in the CBD and town centres, it is only fair that that policy be extended across the parliamentary triangle.

Finally, on payroll tax, Mr Smyth, it would be useful for you to understand the difference between rates and thresholds and the national administration. You would perhaps want to look at the comments of the new Premier of Queensland, who believes that there should be a competitive federal model and competition between jurisdictions on rates and thresholds. But there is support for harmonisation of the legislative environment and the possibility even of the Australian Taxation Office collecting payroll tax on behalf of all jurisdictions. That would be a sensible national harmonisation and one that I hope all parties would support. (*Time expired.)*

MS PORTER (Ginninderra) (3.50), in reply: I thank members for their support of the motion. Unfortunately, the opposition's support is tempered with criticism of the announcement, the way the announcement was made and personal remarks about the Treasurer. Perhaps the opposition has nothing to say that is useful about taxes and, indeed, the review. Again, Mr Smyth spent most of his time going back to the future, and I am sure that we could join in this less than useful exercise of reviewing the past.

Then we get to the ridiculous situation where Mr Smyth is saying, and I think I am quoting correctly here, "My threshold is bigger than yours." It is a lost opportunity for Mr Smyth and for the opposition which, on the day after the federal budget being presented, are so disinterested in the effect of the federal budget on the ACT that they asked not one substantive question of the Chief Minister or the Treasurer—

Mr Seselja interjecting—

Mr Smyth interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Seselja, Mr Smyth.

MS PORTER: during question time. Ms Hunter, by contrast, has obviously read the report and the government's response and is ready to engage the government and the community on these important matters.

Nonetheless, despite the opposition's distinct lack of interest in the matter, I thank members for their support as I believe it has the support of all parties in the Assembly. I thank the Treasurer for his response to the review and the foreshadowed work. I also would join with Ms Hunter and the Treasurer by thanking the panel for their work.

Motion agreed to.

Commonwealth public service—contribution

MR SESELJA (Molonglo—Leader of the Opposition) (3.52): I move:

That this Assembly:

(1) notes:

(a) the significant contribution to the life of Australia made by Commonwealth public servants in Canberra;

(b) the importance of the Commonwealth public service to the entire economic stability of the Territory;

(c) "Canberra bashing" is often engaged in by Federal politicians on both sides of politics;

(d) Commonwealth public servants in Canberra are often a particular target for "Canberra bashing"; and

(e) Commonwealth public servants are experiencing significant uncertainty as job losses occur in many departments and agencies;

(2) affirms the role of Commonwealth public servants in Canberra;

(3) demands of the Commonwealth Government that it protect Commonwealth public servants in Canberra from bearing a disproportionate burden on its efforts to save money;

(4) demands of Federal politicians of all parties that they recognise and respect the contribution made by Commonwealth public servants, rather than denigrating them; and

(5) calls on the Speaker to inform the Prime Minister of the Assembly's resolution.

I am pleased to have the opportunity to speak to this motion today. As a former commonwealth public servant, I understand the wonderful job that our public servants do, not just in serving the nation but also in contributing to the life of our city. And I think that in Canberra we cannot help but be associated one way or another with the public service. Even those who are not public servants, if they are in business, are often servicing the commonwealth government and public service. Most of us would have family members who work in the commonwealth public service here in Canberra.

So it is a significant part of our city. We in the Canberra Liberals respect the job that they do and this motion is about affirming that. And I am really hopeful that we can get unanimous support for this motion because it simply is a statement of principle. It is a statement of principle that we support the work they do, we value the work they do, that the Canberra bashing that goes on is unhelpful.

We have not gone in the motion into the Canberra bashing that celebrities have been doing lately. But we know that we get Canberra bashing from federal politicians. We see that unfortunately on both sides of politics. People would remember Kevin Rudd's statement about taking a meat axe to the public service. We hear from Liberal politicians federally as well. I condemn that Canberra bashing no matter whom it comes from. So the Canberra Liberals will stand up on this matter regardless of who is the federal government.

In the context of the importance of the public service and the need to support our public servants, I think that last night's federal budget was a very disappointing evening for Canberra families. But more than that, I think it was a significant betrayal

by Labor of those families. Many of these people who are now facing job cuts, who are now facing significant uncertainty, voted for Labor on the promise that Labor would protect their jobs.

Let us be absolutely clear about that. At the last federal election if there was one message here in the ACT from Labor, it was that you should not vote for the other mob because of commonwealth public service job cuts. And we have had federal Labor member after federal Labor member here in the ACT say that they were going to stand up for jobs. We have had member after member misleading the community, fabricating information, and I think that we are now seeing that if there is one thing that defines Labor, modern Labor, whether it is here in the ACT or whether it is federally, it is that you cannot believe a word they say. Their word is worthless.

We could harp on things like the carbon tax promise, but that is not what this motion is about. But for the people of the ACT, for the public servants who are now facing job losses, this is as significant as that. It is as significant as that. And they had been told by their federal Labor members here in Canberra that their jobs were safe. They were backed up by their local members.

Mr Barr continued the ruse. He continued the misleading information that was being delivered in relation to job cuts. I am not surprised that Mr Barr is not hanging around, because he has parroted the lies and the misleads from federal Labor on this issue.

Let us go to what each of our federal Labor members here in Canberra has had to say, even recently. We had hundreds of thousands of dollars of advertising by federal Labor: "Vote for us. We will save your job. Vote for us. We will look after your job." Of course, many people in Canberra did, presumably partly on that promise. If Labor thought it was important enough to spend most of their advertising on it, they obviously thought that it was an important potential vote-changer and it was important for either keeping people voting Labor or getting people who had not otherwise voted Labor voting Labor. So they went out and they did that and they misled. They deceived the community.

But even after the election, even when it became apparent that they were going to betray that promise, that they were going to betray the people of the ACT, even when that became apparent, each of these federal Labor members continued to mislead the community, quite blatantly. We had the Brodtmann Bulletin. In the April Brodtmann Bulletin she said:

> The people who work in the public service deserve our support. That's why I will always defend the public service and public sector jobs here in Canberra.

What has Gai Brodtmann had to say today? Has she gone out there and said she is going to cross the floor in protest? What has been Gai Brodtmann's protest, having said that she is going to stand up for the jobs of Canberra public servants? We have not heard much today from her.

We had Senator Lundy who, at today's breakfast, was saying that there were no apologies in relation to this budget. I think there should be an apology. There should be an apology directly from Kate Lundy and the Labor Party to these families who are

going to lose their jobs. They are going to pay for Labor's mismanagement of their jobs. They had been misled in the lead-up to the election. They have been betrayed now. And even as they are being betrayed, the misinformation continues.

This is what Senator Lundy had to say. Senator Lundy is now Minister Lundy, part of this government. Her most significant contribution, I think, so far as Minister for Sport has been to take away an A league team from Canberra and throw money at Western Sydney. The senator for Canberra has gone and thrown millions of dollars at Western Sydney so that an A league team here did not happen. This was what she said in April on the ABC. She noted "the numbers of public servants will not reduce in the ACT". That was what she said a month ago. One month ago she was still lying to the community about these job cuts. We have got Gai Brodtmann out there and we have got Kate Lundy out there.

Andrew Leigh had this to say when there was reporting about potential job cuts in the commonwealth public service just a couple of months ago, back in February. He said that the government had every expectation that this temporary increase in the efficiency dividend could be met without job losses. What hogwash! What a slap in the face that Labor can be so deceitful, that our local representatives, who should be standing up for Canberra families, can be so deceitful. Where is the apology from Andrew Leigh for lying to the community about job losses, about job cuts? Where is the apology? Where is the decency in going out there and saying: "I got it wrong. I said there wouldn't be job cuts. There are thousands of job cuts."? He could tell us, maybe, what he did to try to prevent those job cuts.

We have each of the federal Labor representatives here in Canberra telling porkies to the community about their plans to cut jobs. It is an additional insult when we have a government and a party that is so deceitful that it goes to the community and claims that there will be no job cuts. It continues that ruse for months, in fact for years. Even when it is apparent that they are going to implement job cuts, they continue not to tell the truth. All those members continue not to tell the truth. Even as they cut jobs, when they do finally say they are going to slash jobs in Canberra, there are no apologies—specifically no apologies from Kate Lundy—no remorse, and, in fact, they try to spin the media a line that there are not actually job cuts happening.

We know who actually parroted the line. In fact, we then had another article later on, after Andrew Leigh had said it:

> Labor's three Canberra-based Federal parliamentarians are confident their government's spending cuts will not lead to heavy job losses.

Who was that from?

Mr Smyth: Andrew Barr.

MR SESELJA: That was from Andrew Barr. We will get to that. Remember, it was Mr Barr who was the cheerleader for the cuts to the NCA, as was Senator Lundy. Now Senator Lundy is saying it is wonderful they are giving some money back to the NCA, as is Andrew Barr. But they were proponents of the cuts. They were cheering for the cuts.

What a dishonest statement we had from Andrew Barr. He was parroting the lines given to him by his federal colleagues. Penny Wong says to Andrew Barr, "You just go and deliver the line, Andrew, and here's the line: territory Treasurer Andrew Barr says he is more worried about public sector job losses on Canberra than on direct hits." And when the Canberra Liberals were warning of thousands of job cuts, Mr Barr said his officials believed that any job losses would be much less dramatic, with perhaps 300 positions to be lost nationally. This was what he said about these job cuts.

Are we really to believe that he did not know? Did he ask? Did he actually try to get to the bottom of it or did he just go to his federal Labor colleagues and say: "There are rumours about job cuts. Can you give me the line? And the line is, 'It's only going to be 300 nationally.' That is only about 100 in Canberra"? That is nothing, according to federal Labor. And Andrew Barr parroted that.

People in Canberra, as they face this betrayal, can be accused of being a little sceptical of what Labor tells them, because Labor has shown itself now right around the nation—whether it is at a state level, a territory level or the federal level—to be unable to tell the truth, to be unable to tell the truth habitually—not just occasionally, habitually—misleading the community time and again, with no regard for the impact of that.

Of course, we know that this betrayal has a real impact. We can go through it. It can be played down by Labor, but these are real people who are going to lose their jobs. This is just in one year. There are going to be job losses next year and the year after. We see in Attorney-General's, 350; in Broadband and Communications, 22; in Defence, 674 civilians; in Education, Employment and Workplace Relations, 1,255; in Human Services, 440; in Prime Minister and Cabinet, 219. We see hundreds of jobs are to go in the ABS. We see in the Australian Taxation Office, 1,000 jobs. These are real people. And they have been lied to.

I think that when next we hear the Labor Party—whether it is at an election, particularly in the lead-up to an election, but at any time—saying they are going to do X—"Trust us, we'll look after you; that other mob, they'll come in and slash"—people should remember how dishonest Labor has been at every turn on this. That makes the betrayal all the greater. Even as they are cutting people's jobs, even as they are taking away their livelihoods to pay for their wasteful spending, they are not telling the truth about it. A month before, Kate Lundy was not telling the truth about it. Even as it is happening now, she is trying to rewrite the numbers. The 12,000 job cuts that are going to be faced by the commonwealth public service under federal Labor is a betrayal.

Ms Gallagher got up and said 12,000 would be disastrous, but only if it was the Liberal Party doing the cutting. Whoever is cutting the jobs, it hurts in Canberra. When you cut the public service in the way that Labor is going to do in this budget, is going to do next year, is going to do the year after, it will hurt. It does not matter who is doing it. And instead of just falling into line with their federal colleagues, instead of parroting the dishonest statements that have been made by their federal colleagues, as Andrew Barr did, what we should have is a statement of principle: "We support our

public servants. We will stand up for them." Do not make apologies for your federal colleagues. We will not make apologies when there is Canberra bashing on the Liberal side of politics. Nor should the Labor Party make any apologies and do anything other than condemn the Canberra bashing and the public servant bashing from federal Labor right now.

What makes it so much worse is that they were not honest about it. People voted for them on the basis that they would protect their jobs. They will not, and they have let these families down. So let us as an Assembly now get together and make a clear statement of principle. There is no political language in this other than standing up for our public servants, and I look forward to being supported by all members of this place.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.07): I welcome the opportunity to talk today about the commonwealth public service and the role it plays in Canberra. It is an important day today, being the day after the federal budget. I note that Mr Seselja did not actually get to his motion as it is outlined until the last four seconds of his presentation where he actually spent—

Mr Seselja: You weren't here at the start.

MR ASSISTANT SPEAKER (Mr Hargreaves): Stop the clock. Chief Minister, resume your seat for a second, please. Leader of the Opposition, Mr Seselja, the Chief Minister heard you in absolute silence.

Mr Seselja: Sorry, just in accordance with the precedent Mr Rattenbury set earlier, I would like to be able to respond to what Ms Gallagher has said against me. I think she has verballed me. Is there an opportunity to respond now?

MR ASSISTANT SPEAKER: Mr Seselja, I think it could wait a little further into the Chief Minister's speech. You do not have the leave of the chair at the moment.

Mr Seselja: Okay, so we do not if we do not get leave—

MR ASSISTANT SPEAKER: No, you do not. Please resume your seat. I advise the chamber that the Chief Minister heard everybody in silence, and I expect the same courtesy to be given to her. And I will move without warning. Chief Minister, the floor is yours.

MS GALLAGHER: I did not realise how touchy the Leader of the Opposition was, I must say. They are prepared to hurl the abuse, but the minute they get any sort of response, it is straight to the feet, points of order, suspension of standing orders. You have got to toughen up, Mr Seselja. It is a tough place to work in.

Mr Seselja: On a point of order, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Stop the clock. Chief Minister, please resume your seat. Mr Seselja.

Mr Seselja: On a point of order on relevance, Mr Assistant Speaker, as much as we always enjoy the lectures from Ms Gallagher, I do not think her talking about it is actually relevant to the motion at hand.

MR ASSISTANT SPEAKER: Thank you very much. I understand the point of order. Chief Minister, would you please try to resist the temptation.

MS GALLAGHER: I will—perhaps as relevant as the major part of Mr Seselja's address for 12 minutes. I think if you did any word search you would find "Labor" was the most frequently used word, which does not actually appear in the motion. I think probably "federal member" and "liar" would come after that—again, not representative of the motion before the Assembly for debate today.

It is also interesting to note there is no contribution from the Liberal opposition around solutions or ideas or any preparedness to roll up their sleeves and actually work to ensure the economic stability of this city. There are some challenging times ahead, and I think it is beholden on the ACT Assembly to look at every avenue where we can work together to ensure confidence is maintained in the city. I suggest that a presentation like the one Mr Seselja just gave would not contribute to any reasonable level of confidence going forward.

This motion today is important. The government will support it, but we will be moving an amendment, and I now move the amendment that has been circulated in my name:

> Omit paragraphs (3), (4) and (5), substitute:
>
> "(3) notes that the Chief Minister has written to the Prime Minister seeking an urgent meeting to discuss the impact on the ACT of the Federal Budget and the need to ensure that a disproportionate burden does not fall on the ACT economy;
>
> (4) supports efforts to assist the local economy, respond with a responsible ACT budget strategy and to work with local business and community leaders to ensure we maximise private sector opportunities and minimise hardship for affected workers.".

The amendment makes some sensible changes, noting what has already been done. My main problem with the motion is not its content but the way it is written—"demands of the commonwealth government, demands of federal politicians". It makes us look a little silly as an Assembly. The amendment I have moved does not diminish the motion at all but, indeed, seeks to perhaps be a bit more parliamentary in our drafting—"supports efforts to assist the local economy" to deal with the outcomes of the federal budget and the ACT budget and to work with us around the ACT budget strategy.

The commonwealth government is important to our economy—it is our Rio Tinto; it is our BHP. The advantages for all of us in terms of prosperity, educational attainment and opportunities for the development of the private sector businesses serving the needs of government have been substantial. We also understand that maintaining

fiscal responsibility and ensuring that your budget is responsible at times requires savings and efficiencies to be sought across government. I do not think anyone in this place would deny that. It is part of everyday government and management of the finances to be looking for efficiencies.

The ACT government does not support the efficiency dividend. Despite those opposite saying that I have not condemned the job cuts, I have. In every interview that I have done and in my presentation to the chamber this morning I used some very strong language around the job cuts. I do not agree that 1,400 jobs can be lost without making a noticeable impact in terms of confidence in the city but also in terms of workload that the federal public service will be required to do.

But I have to say that 1,400 fades very much into the background when you are looking at some of the comments from the federal opposition. Again, I do not seek to be political about it; I just seek to say that the federal Liberals' position is not to rule out 20,000 jobs as a starting point. I understand Mr Seselja has distanced himself from that. That is very different to a process of voluntary redundancies and attrition of 1,400 staff. As I understand it, turnover rates in the federal public service sit at around five per cent. My understanding is that cuts of this order sit at about 1.5 per cent.

Yes, we do not want the job cuts to happen. We think Canberra has taken very much an unfair share of the savings that are being required across the country. But it is a very different situation to looking at how you would manage 1,400 jobs as opposed to what we would be doing if Joe Hockey had his way, based on what he has said repeatedly in the media. I wrote to Mr Hockey months ago asking him to meet with me and that I would arrange a meeting with some industry leaders and community leaders so that they could tell him directly—not from a politician—what job cuts of that order would do to this city. I do not believe I have even been given the courtesy of a reply. So you have the first minister of a jurisdiction raising an issue, a legitimate issue that goes to the heart of our economic wellbeing, and you have the would-be treasurer of a federal Liberal government not even bothering to reply. That is the contempt that I think exists on the part of the federal coalition in their attitude to Canberra.

That is in sharp contrast to the attitude that has been displayed by the Prime Minister at times. I outline the commitment she has made to Canberra and the fact that she has listened when we have raised issues with her. She has responded around the centenary. She has responded around Constitution Avenue. She responded in terms of her commitment to Canberra on the 99th birthday in making some very important long-term commitments about the role of this city. Yes, unfortunately, in their quest to return the budget to surplus, it has meant they have had to look to cut their costs, and that means that 1,400 jobs will go from Canberra in the next year. Again, that is not something the ACT government supports.

Again, we contrast ourselves with those opposite—the bad news brigade. The first minute there is any bad news anywhere to be had in Canberra, there are Brendan Smyth and Zed Seselja, usually with a media release, blaming the lease variation charge. There have been about 40 media releases on that. That is what they are—the bad news brigade: "Great, some bad news hit our city. Let's put out a media release. Let's promote that view and let's blame it all on our political opponents."

Well, it is not that simple. At some point you are going to have to work with us for solutions. You cannot just blame everything on the lease variation charge. The federal budget cannot be blamed on the lease variation charge, but I look forward to the media release that will blame it on the lease variation charge. This is the position we find ourselves in: yes, we have had some decisions from the federal government that we do not like. I know our federal representatives stand up for Canberra. Yes, in this instance, their representations have not delivered the outcome we want.

Mr Smyth interjecting—

MR ASSISTANT SPEAKER: Mr Smyth, that is the last time; next time it is a holiday.

MS GALLAGHER: But we all know the world in which we operate: you can advocate strongly for a whole range of positions, and sometimes you win, other times you do not. The important thing is that you are there arguing in the interests of Canberra. That is exactly what Senator Lundy, Andrew Leigh and Gai Brodtmann will be doing. I expect it is what Gary Humphries will be doing in his party room too, because that is their job. That is what people elect them to do. Yes, they might not have been as successful as we had hoped, and the two of them who are not members of cabinet were probably not privy to those discussions. I think the allegation that Mr Seselja made that people have been lying is not correct. They are not here to defend themselves, but based on what I understand and what I know of the work they have been putting in, they have been advocating strongly for the people of Canberra.

It is unfortunate that we do not have that kind of view being taken by the Leader of the Opposition or any of his team and that they are prepared to just promote bad news to score some sort of political gain. What we need at the moment is a unified view in the Assembly of what we are going to do. We have 1,400 jobs going. There are other savings measures. There is a $164 million cut to the wages bill in the outyears. What as a community can we do and will we do to respond to this to make sure that our city's economic stability is maintained, that our city's economic growth can continue, that our city can continue to develop, that there are jobs and choices for people? What exactly are you going to contribute to that debate? That is where it has moved to today. The budget is there; the information is there. We have processed it and we understand what it means. The decision now is: what do you do about it? I have put in place some measures straightaway to further those discussions, and they are important discussions to be had. I am very happy to update the Assembly as we go forward.

This amendment I moved simply adds to Mr Seselja's motion. As I said, I think it tidies it up so that it becomes less of a hysterical motion demanding this and demanding that, which really is not going to deliver anything. The amendment includes that the Chief Minister has written to the Prime Minister seeking a meeting to discuss the impact of the federal budget and that the Assembly supports efforts to assist the local economy to respond with a responsible budget strategy.

I imagine that is a motion that we could all support, and I think that would send an important message when I go and meet with the Prime Minister that I have been given

this job on behalf of the Assembly to represent the people of the ACT's needs at that table. If Mr Smyth does not want me to do that, that is fine; I can say I am representing everybody other than the Liberal Party, and they will choose their own avenues to do that. But it is an important message if we have a unanimous vote out of this place today. The focus needs to be on what we do, how we maintain our economic stability, what decisions need to be taken and how, as a small community, we work together to further the interests of this town.

This should not be about pointing the finger and accusing people unfairly of being liars and spending virtually the entire 15 minutes—certainly the entire time that I was down here, which was the majority of the presentation—attacking the other political party and not actually delivering any outcome at all, and that is what we need out of this place today.

MR SMYTH (Brindabella) (4.21): The irony of the Chief Minister saying that we are attacking the party that is about to gut Canberra and that we should join her to stand up to appease her own party's endeavours is just—

Ms Gallagher interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Resume your seat, Mr Smyth. Chief Minister, I have had cause to indicate to the opposition that I will strike without warning if this behaviour keeps up. Please do not put me on the spot.

MR SMYTH: It is just absolutely laughable that the Chief Minister would make those statements. Whenever the federal Liberal Party have made comments, Mr Seselja has written to them and been on the phone and I have been on the phone. I spoke to members of the federal Liberal Party again this morning about the need to understand the effect of the policies of either side on the future of Canberra.

But Ms Gallagher cannot do that on her own. She now wants an imprimatur from this place to act on our behalf. Are you the Chief Minister or aren't you? If you are the Chief Minister, you have already got—

MR ASSISTANT SPEAKER: Mr Smyth, through the chair, please.

MR SMYTH: She has already got that imprimatur, Mr Assistant Speaker, but she obviously does not want to stand up and say as the Labor Chief Minister of the ACT, "I disavow your policy and I call on you to desist from the slashing of these jobs from Canberra." But she will not, she has not and she cannot do that. In question time she said, "I have made statements." I have read your statements, Ms Gallagher. It is a surrender. Your amendment today is the "roll over and surrender" amendment and "accept what is about to happen".

Look at the predictions that various groups have made. It started in the *Canberra Times* back in January when they predicted, apparently quite accurately, some 14,000 job losses from the Australian public service, the effects of which will be felt most dramatically here in the ACT. Yet what we have had is a litany of Labor apologists saying, "It just won't happen." Andrew Barr said, "It's not 14,000; it is 300. I have

spoken with them. I have got good advice." Did he stand up for Canberrans? No. He rolled over, acquiesced and hung them out to dry.

It starts with our federal Labor members that Ms Gallagher is so keen to choose in preference to standing up for the public service here in the ACT as outlined in Mr Seselja's motion. Back on 19 August 2010 Ross Solly asked Andrew Leigh whether or not the public service would be better under Labor than under Liberal. Andrew Leigh said, "Yes, yes, of course it is." The conversation went something like this: "Can you stand here this morning and say to us that nobody in the public service here in Canberra will lose their job or be forced to take a redundancy under a Gillard government?" Andrew Leigh replied, "Ross, what I can competently say to you is that the public service is going to be far better under a Labor government." Ross Solly: "But you can't guarantee that, can you? No-one can give that guarantee."

Then Ross Solly went on and talked about the efficiency dividend and Andrew Leigh said, "But the efficiency dividend is going to be lower under Labor than it is under the coalition." What is it now? It is 4½ per cent. What did he say? "But the efficiency dividend is going to be lower under Labor than it is under the coalition." There is the first big lie—absolutely disavowed; it is gone.

Then we had the remarkable process this year where various Labor members were asked at various times what was happening to the public service and we got an appalling litany. As late as last night Senator Lundy was saying, "Oh, no, there are no cuts, no—nothing to see here."

Mr Seselja: She is a minister.

MR SMYTH: She is a minister. Senator Lundy was asked a question in an interview on the ABC on 4 April 2012 and she said that the number of commonwealth public servants in the ACT "will not reduce". "Will not reduce" sounds like a pretty firm guarantee to me. That is not half a statement or a quarter of a statement; that is the full bottle, that one: "will not reduce". That was just over a month ago.

What did Mr Leigh say? He said there was "every expectation that this temporary increase in the efficiency dividend can be met without job losses". This was back in February. The *Canberra Times* had determined that based on the budget levels the commonwealth would reduce its staff by more than 14,000 over the next three years. That was pretty accurate. Well done the journalist from the *Canberra Times* who got that one right. But what did Mr Leigh say? "Oh, no, no job losses here. Don't look here. This isn't going to happen. It'll be taken up in consultants and travel and stationery and all those sorts of things."

Then we had Gai Brodtmann. What was Gai Brodtmann putting out into the public? She said, "I will stand up for public servants." What does she say in the Brodtmann Bulletin? It is a fabulous read. This is Gai Brodtmann:

> The people who work in the public service deserve our support. That's why I will always defend the public service and public sector jobs here in Canberra.

Good job, Gai Brodtmann. If that is your defence, I would hate to see it if you got a bit wishy-washy over it.

This is the problem and this is why this motion today is so important. It is important that we stand up for where we live. We all know our federal parties may often have a different agenda, but our job is to stand up for those that live here and deserve our support. We are yet to hear from the minister a denunciation of these job cuts, and I doubt we will ever hear a denunciation from the Chief Minister. Indeed what did the Treasurer call it? On 4 April the *Canberra Times* reported:

> The ACT Treasurer … said that confidence was not helped by "the promise by the federal Liberals to cut 12,000 public service jobs in addition to any current fiscal consolidation".

Minister Barr, in attempting to defend the fiscal policies of his Labor colleagues in the federal parliament, described the losses of more than 2,000 commonwealth public service jobs as fiscal consolidation. What a disgrace: "You've been fiscally consolidated. You're not getting sacked. You're not getting relieved. You're not getting a redundancy. You've just been fiscally consolidated." What a joke! This is the great fiscal consolidator at work. It has to be one of the worst examples of a euphemism ever recorded. Let me repeat: Mr Barr's view of the world from his position as a highly paid Treasurer of the ACT is that these commonwealth officers have not lost their jobs; they have just been fiscally consolidated. It probably does not hurt if you are fiscally consolidated.

We know the job losses. We know that Health lost 100; the Australia Council perhaps 110; the ABS, 75; the National Gallery, 17; the National Library, 11; Film and Sound Archive, seven; National Museum, 20; Education, 500; Treasury, we think 150; Customs, 12 SES but no details on the other staff; Veterans' Affairs lost 90; in March this year Resources lost 100; in April, Regional Australia, 130; Climate Change lost 300; ComSuper, 50; Fair Work Australia, 70; and Human Services, 470. They are just the details that have sort of been eked out, slowly, as people have been fiscally consolidated out of the federal public service.

The problem is that the government in this place is not standing up for the federal public servants of the ACT. But the Assembly will. I will be urging members to support Mr Seselja's motion today. It is a great motion. We note the significant contribution to the life of Australia made by our public service. We note the importance of the commonwealth public service to the entire stability of the ACT.

It is not just the first-round effects; it is not just the job losses, those individuals who lose their job, straight up. It is the second, third and subsequent effects that we will see. The second-round effects will see the reduction in demand for goods and services from the people who have been made redundant, such as groceries, essential services—getting your motor vehicle serviced, eating out and so on. The third-round effects will see reduction in demand for supplies from those businesses which have already experienced reduced demand, and then at some point the fall-off in demand for other services such as housing and rental properties. Somebody needs to stand up for the public servants of the ACT. Mr Seselja's motion does that today.

Ms Gallagher as Chief Minister has come in here begging the members of this place to give her some sort of imprimatur so that she can go up to her federal colleagues and say, "Geez, I don't really want to do this, but the Assembly told me I had to stand up on their behalf for commonwealth public servants in the ACT." Why would a Chief Minister of a jurisdiction make that statement or demand such an imprimatur? Why? Because she does not have the courage to do it herself, to stand up. We will give her leave to speak again. Stand up and denounce—use the word "denounce"—the cuts to the federal public service. She will not do it.

The motion goes on to note:

> (c) "Canberra bashing" is often engaged in by Federal politicians on both sides of politics.
>
> (d) Commonwealth public servants in Canberra are often a particular target for "Canberra bashing"; and
>
> (e) Commonwealth public servants are experiencing significant uncertainty as job losses occur in many departments and agencies;

Mr Seselja's motion goes on to affirm the role of the commonwealth public service in Canberra. It is what we are here for. And it is interesting that Ms Gallagher says, "But the Prime Minister really loves Canberra because she gave this great speech on the birthday where she affirmed her love." In that speech the Prime Minister said:

> And today I want to go further by making a formal and public commitment on behalf of the Commonwealth of Australia to the role and significance of Canberra in the life of our nation. …
>
> I commit to Canberra remaining the heart of the Australian Public Service and the primary location of government departments and agencies.

But we know that is not true. The heart of the public service has just been given a bypass by federal Labor. Over three years the estimates are that something like 12,000 jobs will go. And if you look at pages 672, 673 and 674 of federal budget paper No 1—*(Time expired.)*

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.31): I find the motion rather interesting in the sense that we have had it put forward by the Canberra Liberals this afternoon. Of course, we know that the federal Liberal Party has also proposed significant cuts. If Mr Hockey's interview from the *7.30* report last night is anything to go by, he is still talking about 20,000 jobs, not just from the public service but 20,000 jobs from Canberra, which I think would be, as we know, a complete and utter disaster. Nevertheless the Greens certainly do welcome the opportunity to talk about such an important issue and, of course, it is incredibly important for the prosperity of Canberra.

The first point to make is that only the Greens have recognised the public service that public servants do. We did have a bit from Mr Seselja earlier, but I guess it is really

important to focus on what the public service does. We see that a lot of this Canberra bashing and this lack of sympathy or empathy when cuts come to Canberra jobs, public servant jobs, is because people do not appreciate what they contribute, and not just to the life and the economy of Canberra. In fact, they contribute right across Australia—whether you are in a city, in another state, whether you are rural or whether you are remote. Federal public servants design and deliver programs. They design and deliver services—they do not design and deliver policies—that are about benefiting and supporting people right across this very large country.

It appears that there just is not that understanding that a federal public servant is also a real person, a real person with a real family, a real person who also has to pay those bills and keep food on the table and keep a roof over their families' heads. That seems to be forgotten. I was listening to the radio this morning when someone pointed out that if it is cuts to other industries across the nation, there seems to be a greater understanding of the impact. But when it comes to federal public servants, it is almost as though they are not real people and that it does not matter at the end of the day.

Of course, we know that it does. We would like to think that more Australians out there understood the contribution and the importance of the federal public service. I come from a family of federal public servants. My maternal grandfather arrived here from Melbourne in the late 1920s. He was transferred with the Customs department. Many of my family members, including my father, have been public servants. In fact, members of my family still work in the federal public service today.

I appreciate the contribution they make, not just to this city but, as I said, to the whole nation. This really does need to be understood. I guess it is a hard thing to be able to get out that story to the rest of Australia when we know that Canberra bashing has for some time been unfortunately a bit of a national pastime.

This was a bit of an issue that has been raised by even Robyn Archer, our fantastic organiser for the centenary of Canberra, who spoke about this issue and urged all of us to be champions. We do need to be champions. We do need to get out there and to make sure we spread that word across Australia that not only is Canberra a fantastic, vibrant, exciting community but also that one of our major sectors, the federal public service, does such incredible work and also provides great opportunities for people who do want an exciting and engaging career.

We do rely on the federal public service for our services and, of course, the economic impact that they have on the territory. We do all understand the economic value that the federal public service has to the ACT. Certainly this is very significant. I would also like to note the value, as I said before, to the broader community. We are a public service town. Whilst we all agree that we should be looking to diversify our economic activity, and I have spoken extensively about the opportunities that the green economy provides for the ACT, the reality is that for the short term we need to recognise our reliance on the federal public service and not only those jobs and the incomes that people get, and therefore the incomes they spend in our town, but also the services that are contracted through the federal government.

I was pleased to hear the productive initiatives that the Chief Minister put forward at this morning's chamber of commerce breakfast. It is certainly a good thing that we can all agree that we need to do everything we can to protect public service jobs and that we can all basically condemn and work towards ending Canberra bashing in a way by both the federal Labor and federal Liberal parties that have both been talking about job cuts.

Again, I do have to say that it is odd that we do have this motion brought on by the Liberal Party in the sense that it is concerning when we are facing a federal election next year to still have Joe Hockey and Tony Abbott out there talking about how they will increase these job cuts. What we have heard last night in the federal budget is bad enough. We do not want to see 20,000 jobs lost in this town. We know the impact it will have. We know what happened with the massive job cuts under John Howard, when suddenly the place went into recession, house prices fell dramatically, unemployment rose. We cannot see that happen again.

Therefore I would be urging the Canberra Liberals to be talking to Joe Hockey, to be talking to Tony Abbott, to explain that if they are to win government next year—let us face it; at the moment the polls are certainly looking that way—it would be an absolute disaster for this city to have that number of job cuts. At this point, I seek leave to move the revised amendments circulated in my name together.

Leave granted.

MS HUNTER: I move the revised amendments circulated in my name together:

(1) Omit paragraph (3), substitute:

"(3) notes that the:

(a) Chief Minister has written to the Prime Minister seeking an urgent meeting to discuss the impact on the ACT of the Federal Budget and the need to ensure that a disproportionate burden does not fall on the ACT economy; and

(b) Leader of the Federal Greens has proposed a series of alternatives that would prevent the need for public service job cuts;".

(2) Add:

"(5) calls on the Commonwealth Government to protect Commonwealth public servants in Canberra from bearing a disproportionate burden of its efforts to save money.".

I guess that I was unhappy with the language in Mr Seselja's original motion when it talked about demanding that certain things happen. It was really about "calling on". I will just go through my revised amendments.

One of them picks up on part of Mr Seselja's original motion, and that is calling on the commonwealth government to protect commonwealth public servants in Canberra from bearing a disproportionate burden of its efforts to save money. This is an important one in the original motion. We have taken a disproportionate hit with these cuts. We have taken quite a slug. That is very concerning. We now do need to have a look at how we can try and absorb some of those people who will lose jobs. Some people may be retiring, but there will be others where we need to look at whether we can absorb them into the ACT public service or whether we look at how we could assist for them to be absorbed into private sector jobs.

There are a number of jobs in the private sector in the ACT at the moment that have not been filled. We know we have had skills shortages. Wherever we can match up someone who has lost their job in the federal public service that has the right skills set who could work for one of our private sector companies, I think we should do whatever we can to facilitate that. It is important that we acknowledge and that we call on the commonwealth government to acknowledge that they have hit us very hard. It has been a disproportionate response to what has happened across the rest of Australia.

I have also included the Chief Minister's amendment to Mr Seselja's motion that acknowledges that she has written to the prime minister seeking an urgent meeting to talk about the impact of the cuts. I think that is important to put in there, because it also puts on the record that that has been done. We can also ask the Chief Minister to come back and tell us how she put the case, because we need some really good leadership there. We need the case put very strongly to the Prime Minister that this is a disproportionate burden, that they really need to sit back, they need to reconsider the job cuts that are going to come in the ACT and understand clearly the impact on the ACT economy.

My amendment also includes that the leader of the federal Greens has proposed a series of alternatives that will prevent the need for public service job cuts. Greens leader Christine Milne has repeatedly reiterated this morning the value of the public service and the costs to the community of slashing public service jobs.

In fact, the Greens are the only party that has a comprehensive plan to avoid the need for public service cuts and to deliver a budget surplus in a much more sustainable way. In response to the federal budget, Christine Milne said:

> We believe we should be working towards balancing the budget by cutting wasteful handouts to fossil fuel corporations who are making multi-billion profits rather than sacking public servants working for the good of the country, or cutting support for families struggling to get by, or cutting back on much-needed funding for research and development.

The Greens have been very clear for a long time now about our alternative priorities and have clearly laid out exactly how to do that. The Greens did want the full amount of the super profits tax on mining to be applied. Unfortunately, along the way that got watered down. If we had that now, that could have been another way that we could have avoided these cuts. We also could have seen $5 billion or more go into education

to improve opportunities in education for our children right across the nation, to move on with the Gonski report recommendations to ensure we have a fairer system of funding for education in this country.

So I have included that, because it has been the Greens at the federal level who have been saying that we cannot have these cuts. There are so many other ways we can trim back on the budget to ensure that these cuts do not go ahead. That is why I thought it was important to recognise that.

Mr Seselja in his original motion said in paragraph 4:

> … demands of federal politicians of all parties that they recognise and respect the contribution made by commonwealth public servants, rather than denigrating them …

What I would say there is that the federal Greens have been acknowledging and respecting the role of federal public servants. As I said, Christine Milne not only today but for the time that she has been in parliament—as have all Greens—has been talking about the importance of the public service, has not said that we should be cutting federal public service jobs and has been also putting forward the alternatives for funding streams to get the budget back into surplus or to identify sources of funding for new initiatives or new programs.

For instance, denticare is such an important one. We must get denticare up and going. When we talk about the importance of oral health to our overall health, it should be seen as an extension of Medicare. It should not be having to be up to people to be able to afford dental care and to be able to look after their health. We should be looking at how we can extend and put in place the denticare system.

That is why we were so pleased to see in this budget a considerable amount of money, something like $540 million or more, put into the public dental health program. This is a good step forward. We need to clear that backlog, but we do need to move on denticare. Our federal Greens counterparts have been respecting the federal public service. I commend my amendments. *(Time expired.)*

MR SESELJA (Molonglo—Leader of the Opposition) (4.47): In closing, I have to respond to some of what Ms Hunter had to say. It causes me to reflect on the lack of genuineness that the Greens bring to the table on this. I would just make a couple of points.

Ms Hunter failed to comment on the 12,000 job cuts that federal Labor is now imposing as a result of last night's budget. She just refused to use the number. She was very happy to bandy numbers around about the coalition. What is clear now is that we have a federal coalition policy, their stated policy, to reduce the commonwealth public service across Australia by 12,000 through natural attrition over a period of two or three years. We now have a federal Labor position which is to reduce the size of the commonwealth public service by 12,000 jobs over the next three years, partly through natural attrition and partly through redundancies. So we have two very similar policies.

Both Ms Gallagher and now Ms Hunter will ignore the Labor Party's policy to reduce the public service by 12,000 jobs; they will only talk about the federal coalition's almost identical plan now. The only difference in their stated policies now is that the federal coalition will do it through natural attrition; the federal Labor Party will do it through a combination of natural attrition and redundancies. We have absolute silence from Ms Hunter on that point—absolute silence.

It does cause me to reflect on the Greens' culpability in these sackings. Members of the media can now be saying to Ms Hunter and members of the federal Greens that if they are responsible for $500 million of denticare—because they do hold the balance of power, because they do prop up the federal Labor government—why don't they bear any responsibility for the job cuts in the commonwealth public service?

That was one of the things that they argued. It is ironic to see who was arguing it at the last election. It was Lin Hatfield Dodds, saying: "Vote for me. I'll protect public servants." The Greens have got unprecedented power now. The fate of this federal government is in their hands. What have they done? They have chosen to give a blank cheque to sack public servants in Canberra. What did Lin Hatfield Dodds say in response to the budget? Did anyone see Lin Hatfield Dodds's response to the budget? She gave a wonderful endorsement of the budget last night. We saw her—

Ms Hunter: On social spending.

MR SESELJA: She says "social policy". What about those Canberrans who are losing their jobs? Do Lin Hatfield Dodds and the Greens care about them? Clearly not. It is all hand wringing from the Greens. It is all care, no responsibility. They will lament it now, but they have the power to do something about it, and they are not. They are propping up this government and allowing them to do this. If they felt so strongly about it, as they apparently did about denticare, they have the power to do something about it. They do not control that aspect. They have claimed credit for a spending measure. Presumably, one of the reasons that public servants are being sacked is because of spending measures and the government looking to get it into surplus. They are happy to take credit for the spending measures but not to bear the responsibility for the job cuts.

Again we have this from the Greens. They have the balance of power. They have the power to save these people's jobs. Lin Hatfield Dodds said to these people, said to the people of Canberra, "Vote for me and I'll protect your job." The Greens went and got the balance of power. They have the balance of power in the Senate and in the House of Representatives. They control the fate of this government. And they are going to support these sackings. They are going to support these job cuts.

The next time the Greens get up and lament things—they have the power to do something about it and they have chosen not to. They have chosen to sell these people out. When the Greens again go, "Vote for us; we'll protect public servants," people will be entitled to say: "You're part of a coalition federally now, and that coalition is sacking public servants. You're doing nothing about it." The Greens' hypocrisy again is on show.

That is why I was quite taken with the amendment. We have Ms Hunter saying that we should add to this. Instead of supporting public servants, as this motion originally did, what we have got, through the Greens-Labor amendments to the motion, is a motion to give the Chief Minister a plug and give the federal Greens a plug. It says:

> Leader of the Federal Greens has proposed a series of alternatives that would prevent the need for public service job cuts …

They have proposed it, and what are they going to do to enforce that? Nothing. They are all care, no responsibility. They will put it up, they will throw rocks and they will say, "Isn't this terrible?" The Greens have the power to do something about it. There will be public servants who are going to lose their jobs in Canberra saying to the Greens: "What are you doing about it? What are you doing to stop it? How are you using your balance of power, your privileged position?"

The Greens now have a power well beyond their vote, well beyond their 10 per cent of the vote. They have significant power now in the federal parliament. Despite what they said before the election, they are choosing not to use it and they are choosing to allow these public servants to be sacked.

Let us not have any of this from Ms Hunter, saying that the federal Greens are doing their bit. They are not. The federal Greens are in a greater position than anyone other than the Labor Party federally to actually make decisions on this. They have chosen not to. So let us be clear on what is happening here. We now have, unfortunately, both sides of politics who have said they are going to reduce the size of the public service. They have both said that they are going to reduce it by 12,000 jobs. The difference now appears to be that federal Labor will reduce it through attrition and redundancies and the federal Liberals will reduce it through attrition. And the Greens will sit by and watch. The Greens will vote for that budget. They will be voting for that budget and endorsing it. They will be endorsing the cuts. They had the chance to do something about it, and they did not.

These amendments should be seen for what they are. They have taken away what should have been unanimous support for an uncontroversial statement. The uncontroversial statement is that we stand up for public servants and we affirm the work that they do. It is something we demand. Why shouldn't we use strong language? I think people who are about to lose their jobs would want strong language from their Assembly, not weasel words and not the absolutely unscrupulous way in which the Greens have conducted themselves. They pretend to care, but they have got the power to do something and they refuse to use that power. They have sold them out.

When we hear from the Greens at the next election, maybe they will be going after Kate Lundy's Senate seat rather than Senator Humphries's seat. It is far more likely that Senator Lundy will be fighting off the Greens. Maybe when they go, it will be Lin Hatfield Dodds again, who endorsed this budget. When Lin Hatfield Dodds gets up there and says, "Vote for me; I'll protect public servants," maybe they will say: "What's Christine Milne doing right now to protect public servants? Nothing. She is selling them out." People see the true colours. The Greens do not care about public service jobs; they care about the politics of it. When they have got the opportunity to save jobs, they will not do anything about it.

You cannot claim credit for the spending and dissociate yourself from the cuts. You cannot have it both ways. People see through that kind of hypocrisy. We have seen the deceit from the Labor Party. It has now become synonymous with Labor nationally, both federally and at state and territory level, that they do not tell the truth. The same thing is going on here with the Greens, their coalition partners. They have the chance. They actually have the chance to stop this, and they are doing nothing about it.

We should stand up for our public servants. Despite the fact that the Labor Party and the Greens have politicised this motion, we will not oppose it. We do not support these amendments, but we will not oppose the motion going through, as it is going to go through, with these amendments, because we think it is more important that we actually send a message—not as strong a message as we would have sent, but a message in relation to this Assembly's views on the job cuts that are being imposed by the Greens-Labor-independent coalition federally. *(Time expired.)*

MR SMYTH (Brindabella) (4.57): Mr Assistant Speaker, there will be some manoeuvring to rewrite this motion. When we get to Ms Gallagher's—

Mr Rattenbury: On a point of order, Mr Assistant Speaker, I am unclear what Mr Smyth is doing. I think Mr Seselja just closed the debate. I am a bit confused.

MR SMYTH: I am about to move that Ms Gallagher's amendment to omit paragraphs (3), (4) and (5) be separated so that we can accommodate everybody's wishes. I was just going to explain that.

MR ASSISTANT SPEAKER (Mr Hargreaves): This is a procedural motion, not participation in the debate, Mr Rattenbury.

MR SMYTH: In effect, when modified, parts (1) and (2) of Mr Seselja's motion will remain; part (5) of Mr Seselja's motion will end up as part (6); Ms Gallagher's part (3), as amended by Ms Hunter, will be part (3); Ms Gallagher's part (4) will remain as part (4); and Ms Hunter's part (5) will remain as part (5).

MR ASSISTANT SPEAKER: Thank you for the assistance. Thank you very much, Mr Smyth. I understand you need now to move that the amendments be put in seriatim.

MR SMYTH: Correct.

MR ASSISTANT SPEAKER: Thank you very much.

Ms Hunter's amendment agreed to.

MR ASSISTANT SPEAKER: The question now is that Ms Hunter's amendment, as amended, be agreed to.

Ordered that the question be divided.

Question (omit paragraph (3)) agreed to.

Question (omit paragraph (4)) agreed to.

Question (omit paragraph (5)) negatived.

Question (insert new paragraphs (3), (4) and (5)) agreed to.

Motion, as amended, agreed to.

Commissioner for the Environment Amendment Bill 2012

Debate resumed from 15 February 2012, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.00): The ACT Commissioner for the Environment is a statutory position that was first established in 1993 by the then Follett Labor government. This position was one of the first independent commissioners for the environment in the world and a first for Australia. In 2007 the current Labor government appointed a full-time commissioner to be known as the Commissioner for Sustainability and the Environment and announced that the commissioner's role would be expanded to encompass sustainability and climate change issues. The government also recognised that legislative changes to the Commissioner for the Environment Act would be appropriate to reflect the expanded role.

The commissioner undertakes important functions and activities, including producing the state of the environment report, investigating complaints about the management of the environment by the territory or its authorities, conducting investigations as directed by the minister, initiating investigations into actions of an agency where those actions would have a substantial impact on the environment, producing a state of the environment report for the 17 councils in the Australian capital region and increasing awareness on sustainability and environmental issues.

The Commissioner for the Environment Act requires the commissioner to present a report on the state of our environment to the government every four years. I had the pleasure in releasing the latest report on 19 April this year, with the acting commissioner, Mr Neil. The report is a detailed and comprehensive analysis of the health of the ACT's environment, land, water, air, biodiversity, climate, economy and people. The government is considering the report's 22 recommendation and is already working to address many of the issues identified. I will be providing a detailed government response on each of the recommendations to the Assembly later this year.

Another important role of the commissioner is to undertake detailed investigations upon request by the minister that make recommendations for improving the environment and sustainability in the territory. For example, on 26 October last year

I tabled the commissioner's report on the Canberra nature park, Molonglo River corridor and Googong foreshores investigation. This report and others compile information from many different sources, including public submissions, community forums, discussions with experts, information from government agencies and from commissioning technical papers. I will be tabling the government's response to the Canberra nature park report shortly.

In February last year, through the Hawke review—the review of the administration of the territory—Dr Hawke recommended and supported a review of the commissioner's role, continuing the commissioner's statutory functions of investigating complaints about agencies' environmental management actions, preparing state of the environment reports and investigating agencies as directed by the minister or at the commissioner's own discretion, expanding the title and role of the commissioner to include sustainability, updating the act to reflect the commissioner's current roles and the commissioner remaining in the environment portfolio with the Environment and Sustainable Development Directorate retaining administrative responsibility.

The government therefore supports some of the proposed amendments in Mr Rattenbury's bill but seeks to include "sustainability" in the commissioner's title and rename the act, insert objects about sustainability into the act and expand the scope of state of the environment reporting to include sustainability issues.

The proposal to change the title of the act will affirm the government's announced expansion of the commissioner's role to include monitoring environmental sustainability. The customary title of the office has, since September 2007, been Commissioner for Sustainability and the Environment.

The bill proposes the insertion of objects into the act. It is current best practice to have objects in an act as they provide clarity of purpose for the legislation. It is appropriate for the objects to reflect regular and consistent reporting on matters relating to the condition of the territory's environment, reporting on progress towards ecologically sustainable development, encouraging decision making that facilitates ecologically sustainable development, enhancing knowledge and understanding of issues relating to ecologically sustainable development and the environment and encouraging sound environmental practices and procedures to be adopted by the territory and territory authorities as a basis for ecologically sustainable development. These objects are consistent with adopting the goal and definition of ecologically sustainable development.

Matters for state of environment reporting should be defined generically and focus on an assessment of pressures and sustainability trends. The government therefore does not support other detailed clauses in Mr Rattenbury's bill which, in our view, are too prescriptive and risk duplicating sustainability reporting provisions defined elsewhere, including in other ACT legislation. For example, I know that the government currently reports annually on its water, energy and resource use through agency annual reports under existing legislation.

The government proposes that assessment of plans be restricted to only those government plans tabled as disallowable instruments in the Assembly. The

government does not support the proposal that certain reports prepared by the commissioner be tabled in the Assembly through the Speaker rather than the minister. This position is consistent with practice in other jurisdictions—that is, Victoria and the commonwealth.

Providing reports to the relevant minister helps promote government ownership of the final reports and provides an obligation for the government to take these reports into account. However, to promote timely release of final reports, the government will be moving an amendment proposing that the minister be required to table reports within six sitting days, rather than the current 15 sitting days which is set out in the current act.

The government will also be proposing that the minister be required to respond to a special report commissioned by the minister within six months after receiving it. This is in line with existing government responses to state of environment reports. It is sensible to bring these two different reporting arrangements into alignment.

Proposed new dictionary definitions reflect national and internationally agreed principles relating to ecologically sustainable development and intergenerational equity. Consequential amendments to other ACT legislation that will refer to the new title of Commissioner for Sustainability and the Environment are also appropriate.

Canberrans place a very high value on the ACT's reputation as the bush capital and the existence, accessibility and amenity of our natural environment. The Commissioner for Sustainability and the Environment continues to play a valuable role in identifying the wide range of issues and concerns which need government action. The amendments which this bill will put in place will formalise the title of the commissioner, bring greater clarity to the role of the commissioner and create a tighter reporting regime.

I am pleased that I have been able to work with Mr Rattenbury to get an improved bill and a better operating framework for the Commissioner for Sustainability and the Environment. I thank Mr Rattenbury and his office for their engagement on these issues, as I do too officers of my directorate. The government will support this bill in principle and will be moving the amendments that I have outlined.

MR SESELJA (Molonglo—Leader of the Opposition) (5.08): The Canberra Liberals will not be supporting this bill. This bill purports to improve the process through which the commissioner's reports must be tabled and responded to. I note, from the explanatory statement that was provided, it also aims to create a statutory basis for the commissioner's recent expansion of responsibilities to encompass sustainability issues in addition to the act's existing environmental monitoring and reporting requirements.

In support of these goals, key aspects of Mr Rattenbury's bill include the following: amend the name of the act and the title of the commissioner to include the term "sustainability", broaden the commissioner's functions accordingly and require the commissioner to report on sustainability matters, require the state of the environment reports, sustainability reports and special reports to be tabled in the Assembly by the Speaker rather than the minister and be responded to within six months of being

tabled—at present the minister is only required to respond to the state of the environment reports—and remove the option for the minister to respond with a statement of why a response has not been tabled after six months.

I understand that the reason given by Mr Rattenbury for having the commissioner's reports tabled by the Speaker rather than the minister is largely driven by his interest in keeping the role of the commissioner independent. It is worth while to note that clause 13 of the bill sets out tabling arrangements that replicate the Auditor-General Act 1996, sections 17(4) and 17(5). There was also the incident involving the delay on the part of Minister Corbell, where he was provided with the latest state of the environment report last December, yet it was only last month that it was tabled in the Assembly.

It is perhaps worth while at this juncture to consider some of the findings in the latest state of the environment report. Canberra's ecological footprint is 13 per cent above the Australian average, the second highest in the country, behind Perth. Canberrans are using 13 times the amount of land in the ACT to support their lifestyles. Greenhouse gas emissions have increased by eight per cent over the last five years. Waste generation is up 28 per cent faster than the rate of population growth. Green spaces have decreased by nine per cent over the last four years. And this is what the report had to say about green power:

> While awareness of GreenPower in the ACT is 66%, the percentage of people who actually purchase GreenPower in the ACT is 4.9% indicating that awareness and action do not always correlate.

Mr Rattenbury's position on this is quite clear. Here is what he said: "The Gallagher government's policies were driving the territory in completely the wrong direction. The government's 'business as usual' policies are driving the ACT in the wrong direction. The good news stories coming out of this report are almost all community-based actions, the failings are largely on the government's end. The government's inaction on sustainable transport, organic waste and protecting biodiversity are clear lowlights. What we need the government to do now is implement recommendations rather than write more strategy documents."

There is more than a hint of irony in this. The state of the environment report is released every four years. We are in the fourth year of this Assembly with the ACT Labor-Greens government and they have just brought out one of the worst environmental report cards this city has ever seen. This is a tough hit to the Greens brand, and I can understand why Mr Rattenbury is particularly sensitive about it.

This is a Greens party which has the balance of power, which is part of a coalition. We expect the cost increases under the Greens. We expect the tax increases. But we would not think that even the environment would go backwards at a rate of knots where the Greens have the balance of power, where they control the fate of the government. It is in their hands. It is a big hit to the Greens brand, the one thing they had left, credibility on the environment. The state of the environment report says things have actually got worse, significantly worse, over the time of this Greens-Labor government.

I can appreciate the element of this bill to deal with Minister Corbell's delay in tabling documents like the state of the environment report. We do not agree with Mr Rattenbury's attempt to expand the role of the commissioner. In essence, this amounts to nothing more than trading red tape for green tape. In both instances Canberra residents are no better off for it.

We have already seen, by perverting the essential meaning of "sustainable development", the ability to frustrate the development in Throsby which was land intentionally left fallow for the stated purpose of future residential development. We have seen how it halted the development of a much-needed Catholic school and wasted committed funds, not to mention a much-anticipated community sports field.

With this in mind, it is worthy to note clause 9, which broadens the commissioner's functions to include sustainability matters and which gives him or her the ability to investigate sustainable development complaints. And this is followed through in clause 10. Furthermore the definition that this bill gives of sustainable development does not preclude such cases. I think that what we would be inviting is further delays in reasonable development within the ACT and another layer of green tape when we already have more than enough.

We do not support the Greens' approach to this bill. We believe that even the requirements in terms of reporting are overly prescriptive. I think they are born out of frustration with the government and we do not believe that we should be making laws in response to that frustration. What we should simply be doing is demanding better from our leaders, not having to regulate absolutely every aspect of reasonable government behaviour. There is the ability to keep ministers accountable when they do unreasonably delay but we do not believe that legislation in this space is necessary and therefore we will not be supporting Mr Rattenbury's bill.

MR RATTENBURY (Molonglo) (5.15), in reply: I thank members in varying degrees for their contributions to the debate. The central purpose of this legislation was really to refresh the environment commissioner's act, and my introductory speech touched on many of those points. But it has been interesting to work through the discussion on how various members have interpreted the intent of the proposed amendments and to hear some of the positions in the chamber today for the first time.

Really the point of these amendments was twofold. One was to refresh the legislation and acknowledge some of the changes that have taken place in recent times and to ensure the legislation reflected the current practice. Some of those are around names. I think they are some of the more straightforward amendments and I thank the government for their support on those ones.

I think the second half of it then got into almost a philosophical discussion about where the Commissioner for the Environment sits in the ACT government structure. And certainly in the Greens' minds, the commissioner is there as an independent role, somebody who actually assesses what is going on and provides advice to all members of the Assembly, in our view, on what progress is being made in the ACT, areas where we need to improve and how we might go about those improvements.

Certainly this is where the minister and I have had an interesting set of discussions. The minister has asserted that the commissioner sits within the executive and therefore it is appropriate for the reports to come to the executive. And I acknowledge the minister's arguments on that front. I think my preference would be to see the commissioner playing a role in which they reported more directly to the Assembly. It is a source of frustration that it takes four to five months to get the state of the environment report through to the Assembly when it would have been a valuable document to have had in the public space.

To my mind, something like the state of the environment report, which is essentially an asset of the people of the ACT—it is an audit; it tells us how we are going as a community—should be in the public space as soon as it is available and not have to go through the process of going through government and various sign-off processes and response processes. I think it is quite okay for the report to come out and then for the government and everybody to have a discussion about that and for the government some months later to potentially make a response. But that is not where we find ourselves at the end of the day.

I have appreciated discussions with the minister's office. From looking at some of the amendments that are going to come up later—I will come back to them shortly—the bill was very much about seeking to give the commissioner more direct access to the Assembly, and the Assembly more timely access to the information from the commissioner. I think the commissioner does play a very valuable role in the ACT. The recent state of the environment report was an example. I think that it highlighted both areas where the ACT has made progress and areas where we have got a lot more to do.

I think, looking at Mr Seselja's remarks, what it really highlights is that it is like turning around an oil tanker. If you go back to the 2007 state of the environment report, we had some pretty serious problems there. I think that in the last four years we have made progress in some areas. In other areas it has been business as usual. Mr Seselja did not go into the details of some of my remarks—that is how it usually goes in this place—but I observed the fact that the commissioner highlights that there has been a continued significant investment in roads and not nearly the investment in new public transport infrastructure. These are the trends that have been very difficult to turn around and we will continue to stand up for those things.

I note that Mr Seselja is highly critical of the fact that we have not made as much progress in four years as we might have liked. That is a debatable point but one can only imagine what might have been the situation if Mr Seselja had been in charge of the ACT for those four years and where we might be now. I imagine that we would be a whole lot worse off and nowhere near beginning to turn some of those trends around. I think the way that Mr Seselja talks about Throsby is testimony to that. Throsby was assessed under the Environment Protection and Biodiversity Conservation Act, an act introduced by the Howard government in 1996 because even John Howard could recognise that not every part of Australia should be concreted over. That does not seem to be Mr Seselja's position.

I would like to think that we can move beyond the slogans in some of these. When we talk about halting the development of a Catholic school, we know there are details behind that. The Catholic school is now being moved to another part of Gungahlin. I have seen public material where Mr Seselja has commented that the Catholic school will not be going ahead. It is. It is going ahead somewhere else down the road. The point is that Mr Seselja is saying it is not going to happen. But it is actually happening.

I think we need a little more integrity in the way that we talk to the public about what some of the outcomes of these processes are. You can have a debate about whether it should be in Throsby or whether it should be in Nicholls, fair enough. You can have a debate about whether it should be in Throsby, but let us not get into this space of saying that somehow the school has been stopped. I do not think that is an accurate reflection.

Returning to the matter at hand, I thank the government for the discussions we have had on this. I guess we have not seen eye to eye on everything but I think we have been able to find a way that we can update and improve the commissioner's legislation, and that is a welcome step forward. I will comment on a few more of those when we get to the detail stage. I commend the bill to the Assembly.

Question put:

> That the bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.25), by leave: I move amendments Nos 1 to 18 circulated in my name together *[see schedule 2 at page 2304]*.

These amendments make a series of changes to Mr Rattenbury's bill. In particular, they affirm our support for including the title "sustainability" in the commissioner's title and renaming the act, inserting objects about sustainability into the act and expanding the scope of state of the environment reporting to include sustainability issues. The government are not supporting other provisions and we are proposing that they be omitted from the bill, including provisions that would have required the commissioner to provide reports to the Speaker. We also are making a number of changes in relation to reporting dates, providing for reporting dates in terms of tabling of reports to be within six sitting days rather than the current 15 sitting days. I commend the amendments to the Assembly.

MR RATTENBURY (Molonglo) (5.26): As I alluded to in my earlier remarks, the Greens will be supporting these amendments. We think they ensure that the bill will go through and update the act in ways that it needs to be updated. As I flagged, I would like to have seen us go further. I think that having the Assembly have that more direct access to some of the work from the commissioner would have been better, but I think we have made progress here. We will now see more timely reporting to the Assembly, reducing the reporting period from 15 sitting days to six. This is more consistent with a range of other times we see in the Assembly and certainly is more helpful to the Assembly in seeing things in a more timely manner. The state of the environment report has been a recent example where it has taken a lot of time.

The other amendments are ones that we do agree with. I think there is a broader debate and a longer term one to be had about where the Commissioner for the Environment sits in the ACT governance structure. I would like to see it sit closer to the Assembly, similar in role to the Auditor-General. I think there is scope for the commissioner to play that more independent and more arms-length role from government where they can scrutinise the performance of the territory on both environment and sustainability matters. But that will be a discussion for another day. At this point, I again commend to the Assembly the legislation and the improvements that it makes.

Amendments agreed to.

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

Bill, as amended, agreed to.

Australian National University School of Music

MRS DUNNE (Ginninderra) (5.28): I move:

> That this Assembly:
>
> (1) notes the:
>
> (a) role and reputation of the Australian National University (ANU) School of Music as a leading music educator;

(b) particular connection between the ANU School of Music and the Canberra Symphony Orchestra;

(c) contribution the ANU School of Music makes to the broader music fraternity locally, nationally and internationally;

(d) announcement of the Vice-Chancellor of the ANU to make significant cuts to the funding of the School of Music; and

(e) consequent impacts this will have on staffing, course options, education quality and the community generally;

(2) expresses its support for the:

(a) ANU School of Music;

(b) School's reputation established under the existing staffing and course structure; and

(c) contribution the School makes to the Canberra community, as well as the national and international music industries; and

(3) calls on the Speaker to write to the Vice-Chancellor of the ANU to advise him of the Assembly's resolution.

It was strangely ironic that only last Wednesday during the adjournment debate I delivered a speech on the virtues of jazz, given that Monday of that week was International Jazz Day. In my speech I spoke about the Australian National University School of Music, its jazz department teachers and just a few of the graduates who have gone on to make international careers as jazz musicians. The very next morning the vice-chancellor of the ANU announced significant funding cuts to the School of Music, including the spilling of jobs at the school. Faculty members are able to reapply, but only a few will be re-engaged. In addition there will be significant changes to the course structure, taking the emphasis away from performance-based tuition, including one-on-one teaching, and putting it more towards vocational training. So, in effect, there will be less training in music and more training on how to get a job.

In short, Mr Speaker, the ANU is set to gut an important education program. It is set to gut an education program that enjoys a high international reputation for its excellence in course structures, the quality of its teaching and the output of qualified musicians. To some extent, it is fair enough for the ANU to examine and critically review its operations and the financial viability and effectiveness of its programs. This is undisputed. Any organisation worth its salt would do that. But in doing so, organisations like the ANU, given their public funding, must consider the broader implications of decisions like this.

So far, any observer could be forgiven for thinking that the vice-chancellor has targeted the School of Music as a battle that he sees that he can win in a war that he has already lost. It was only a few days earlier when he retreated from his first

announcement about belt tightening across the whole institution to the tune of $40 million. On 1 May the *Canberra Times* reported:

> Professor Young yesterday wrote to staff saying efficiencies would be sought in administration over the next two years and he was seeking job losses through natural attrition, early retirement and voluntary redundancies.

The article went on to say:

> … Professor Young said he had listened to what the university community had told him and decided to change his approach.

The article quoted Professor Young as saying:

> That's why you have a consultation process—if you're not going to listen to people, there is no point in having one …

Having lulled ANU staff and students, not to mention the general community, into a false sense of security, it was just two days later, on 3 May, that we read:

> Approximately 32 staff have been left in limbo and their positions declared vacant at the Australian National University's School of Music as the university announces a major restructure of the school and the Bachelor of Music degree aimed at cutting costs.

This is a clutching-at-straws strategy. First it is announced that the ANU will slash and burn to save $40 million. Then that is withdrawn. Everyone breathes a sigh of relief. Then an announcement is made that the slash and burn will be directed at only one element of the ANU.

Let me outline, perhaps to enlighten Professor Young, some of the things the ANU School of Music does. Firstly, and most obviously, it is a music educator—and not just any music educator; it is one that is highly regarded across the world. In 1988, for example, the then Canberra School of Music was host to the 18th world conference of the International Society for Music Education. Fifteen hundred musicians and 1,500 delegates came from all over the world to Canberra for a 10-day conference that included concerts, master classes, lectures and a range of other music education activities. All were open to teachers, students and the general public. Many venues around Canberra were used for the purpose.

That conference was one of the most successful conferences ever run by the International Society for Music Education. It was financially successful, being the first ever to return a surplus, enough to pay capitation fees to the international body, but also to make a contribution to the local organisation to enable it to extend its contribution to the local music community.

More importantly, the 18th conference of the International Society for Music Education was successful scholastically and publicly. As well, the School of Music was lauded widely by some of the world's top educators as one of the globe's premier music schools. Its world-class facilities, courses and teaching all drew unqualified

praise. What will happen to that reputation with the gutting of the school as proposed by the ANU?

There is a special relationship between the Canberra Symphony Orchestra and the ANU School of Music. Many of the orchestra's players are teachers and the more advanced students at the school. The quality of players, coupled with the excellence of the orchestra's chief conductor and artistic director, Nicholas Milton, has contributed to the development of the orchestra as one of the premier orchestras in Australia.

However, that status is now under a cloud. The CSO's chief executive has said in a recent media statement that he is concerned that "future students will not graduate as highly trained performers ready to develop their professional careers through the CSO, amongst other orchestras in Australia and the world". The CEO went on to say that the proposed curriculum "will not attract leading performance staff which in turn means that top performing pre-tertiary students may not come to Canberra". The Canberra International Music Festival, starting later this week, engages the School of Music in some way in 21 of its 27 concerts. Need I say more about this topic? What will happen to our orchestra and events such as the Canberra International Music Festival if the ANU music school is gutted?

The ANU School of Music boasts a teaching staff of some 32, many of whom themselves boast international careers. We have horn player Dominic Harvey, classical guitarist Timothy Kain, cellist and 2011 artist of the year David Periera and fortepianist Geoffrey Lancaster. There are even some members of staff who themselves were students of the School of Music, returning to give something back to the place they loved as students—people like composer Jim Cotter, drummer Colin Hoorweg and soprano Louise Page. What will happen to the depth of talent if the ANU School of Music is gutted, Mr Speaker?

Still others of the School of Music alumni have done Canberra and Australia proud on international concert platforms, on recordings and in teaching studios. These include flautist Virginia Taylor, university medallist and jazz saxophonist Neil Rosendahl, and PhD candidate in guitar performance Bradley Kunda—one of the school's more recent graduates. What will happen to that kind of record if the ANU School of Music is gutted?

The ANU School of Music is also very active in the community. I know the government will be proposing an amendment that acknowledges its financial support to the tune of $1.4 million every year for the ANU School of Music community outreach program. We will be supporting that amendment because it highlights the fact that the program takes the School of Music into Canberra's primary and secondary schools. These schools are a source of future students for the ANU School of Music. But why would they go there if they cannot get the training that they want for their future careers in music performance?

This funding also helps the School of Music engage the broader community. The Llewellyn Choir, for example, has its roots in the Canberra School of Music. Formerly called the Canberra School of Music Community Choir, it had as its conductor the former deputy director, William Hawkey. More importantly, though,

the Llewellyn Choir held its rehearsals in the School of Music, gave its performances at Llewellyn Hall and often engaged School of Music students as choristers, soloists and in the orchestra. What happens to the relationship if the ANU School of Music is gutted?

But still more is of concern in this matter. The ANU School of Music has two purpose-built facilities, both of which house lecture theatres, rehearsal rooms, practical classrooms, private teaching rooms, recording studios and performance spaces, including the 1,500-seat Llewellyn Hall. Indeed, the School of Music even houses its own specialist library. These facilities are not just for School of Music students and staff. Llewellyn Hall, in particular, is used regularly for public concerts. In fact, some of the world's greatest performing artists have appeared on the stage of Llewellyn Hall. At the other end of the scale, what mum and dad would not wipe away a tear of pride as their eight-year-old child plays on the stage of Llewellyn Hall in the annual instrumental music program concert? What will happen to all of this if the ANU School of Music is gutted?

I conclude by going back to where I began: the ANU School of Music will be gutted if the proposal of the ANU's vice-chancellor is to go ahead. A substantial worry about the proposal is what has been sprung on the staff and students of the school. Minister Burch will announce an amendment to my motion that notes the lack of consultation and we will be supporting that amendment. I simply ask: how could it be that the staff and students were not consulted on such a major policy shift that affects every one of them so profoundly? Why would the staff and students of the ANU School of Music be so blatantly left out of the equation? Quite frankly, if this has occurred, it is nothing short of appalling. The staff and students of the ANU School of Music deserve better.

The *Canberra Times* article I referred to earlier reported that Professor Young said, and again I quote: "That's why you have a consultation process—if you're not going to listen to people, there is no point in having one." Hear, hear! However, clearly he was not going to listen, and that is why there has been no consultation.

This motion today calls on the Assembly to support the ANU School of Music because the ANU School of Music enriches our community and its musical life. Our community enriches the ANU School of Music and its student base and its standing in the world of music education. It is as much my hope as it is that of the chief executive of the Canberra Symphony Orchestra that the ANU will recognise its place in and responsibility to the community that nurtures it. I commend the motion to the Assembly.

MS LE COUTEUR (Molonglo) (5.40), by leave: I move the amendments circulated in my name together:

(1) Omit subparagraph (1)(e), substitute:

"(e) concerns of staff and students about a lack of meaningful consultation conducted by ANU with their staff and student body regarding recent proposed changes; and

(f) potential negative impacts these cuts will have on staffing, course option, education quality and the broader musical community;".

(2) Add:

"(4) calls on the Chief Minister to write to the Hon Simon Crean MP, Minister for the Arts, requesting that the Canberra Symphony Orchestra receives a more equitable distribution of existing Federal Government funding to Australia's symphony orchestras.".

I am in the fortunate position of agreeing with basically everything Mrs Dunne has said. I think we will find at the end of this debate that all parts of the Assembly are united in the belief that the ANU School of Music is a very valuable addition to the ACT's arts scene. That is why we are having this debate. I will not go through all the things that Mrs Dunne has gone through, except to say I agree with them. There is one performer, though, who she did not talk about who I would like to talk about. I am a big fan of percussion, and Gary France is one of my favourite performers from the School of Music.

I refer to a little bit from the Canberra Symphony Orchestra, which put out a press release on the subject. They talked about, as Mrs Dunne said, how there were many exceptional teachers and they pointed out what we are all seeing—that is, this is a shift in educational philosophy. Currently the situation at the School of Music is that there is an amount of one-on-one music performance training. I must admit I was shocked when I was doing my research and reading and found that it was only 13 hours a semester. In my innocence, I had assumed it was a lot more than that, but even 13 hours is a lot better than nothing, and nothing is the potential outcome of the changes at the School of Music.

There are currently 23 full-time teaching staff. They have all been made redundant. Under the proposed changes there will only be 13 staff; therefore you reduce the teaching capacity of the school by half. As I said, you will eliminate the 13 hour-long, one-on-one instrumental teaching lessons, and this will be replaced by an allowance of $600 to $800 per semester, which is not going to cover all the classes the students have had. Also, a one-off allowance like that I would think is probably very vulnerable to cuts in the future. If this goes ahead, I would imagine in a few years the ANU students will be complaining that this allowance has been cut.

Forcing the students to engage teachers privately rather than through the university is just silly. What do we have a university for? What do we have the School of Music for? It has excellent teachers. Why not use them? Presumably what would happen is that you would have the same individual teachers teaching the students; they would just be doing it through a private arrangement rather than through the School of Music. It makes no sense. The idea is that there will be more electronic lessons—e-lessons—from the Manhattan School of Music. I am sure that is a wonderful thing which has many pluses, but I suspect it just cannot be a substitute for one-on-one teaching.

I believe the idea is to change from a Bachelor of Music degree and replace it with a Bachelor of Professional Music Practice, which will have more focus on non-

performance musical skills. I appreciate that most professional musicians these days, like most professional actors and professional artists are, in effect, small business people. If they wish to survive as artists, they have to be competent at small business. But that is not the major thing they need to be competent in. They need to be competent, I would hope, in their artistic endeavours, and music in particular in this regard.

The changes proposed by the vice-chancellor could make a substantial change to the School of Music. I repeat Mrs Dunne's quote from the CSO:

> … future students will not graduate as highly trained performers ready to develop their professional career through the CSO, amongst other orchestras in Australia and the world.

That is from the CSO's media release, and I will continue on with a bit more from the media release that Mrs Dunne did not quote:

> We hope that the ANU SOM will recognise its place in and responsibility to the community that nurtures it. The CSO and many other arts, government and commercial organisations in Canberra have benefitted from the activity at the SOM and students who have graduated from it. The community as a whole will feel the long-term loss of not having high quality musicians at its disposal.

You can look at the music scene in the ACT as somewhat of a pyramid—from the elite world performers at the top who fly in and do a one-night performance which we are all awed by down to the kindergarten kids who are having a great time playing their triangles and learning how to play the recorder and all that sort of stuff. There is a graduation in between that, and all of these parts are important. The ANU's School of Music has an important part in that. They are our professional, elite-level musicians in the ACT, and we will all be a lot poorer if they do not exist. Who is going to teach the kids in the ACT if we do not have the School of Music? The School of Music provides a huge proportion of the people who teach kids in the ACT.

I have been contacted by a lot of people about this. I have been very surprised at the amount of community feeling about this. One of the emails I have received is from a graduate of the ANU School of Music:

> As an undergraduate, one-on-one lessons were by far the most important, inspiring and influential aspect of my music education. They have informed my work as a performer, educator, researcher, and composer since the first lesson I had at the School of Music in 1998.

I, in fact, had flute lessons at the predecessor of the School of Music before it was combined with the ANU. I am one of the older members of the Assembly, I guess you could say.

As well as comments from the arts community, we have also had substantial comments from the NTEU and ANU student representative bodies. As well as an artistic issue, we have industrial relations and educational issues here. That is possibly not as important as the musical issue, but they are also important issues, and my amendments go to both of them.

I appreciate there is probably not a lot the ACT can do about the ANU; the ANU is not run by the ACT government. But I think it is very good that we are debating this issue. I point out that the major call of Mrs Dunne's motion—which I absolutely 100 per cent agree with—is something the Greens have already done. The Greens have written to the vice-chancellor to express our concern about the proposed changes at the School of Music from an industrial relations and educational point of view and from the point of view of the musical community both within ANU and more widely within the ACT. Yes, I totally agree with Mrs Dunne's proposed outcome.

But I would like to see more than that happen. I am trying to add to Mrs Dunne's motion and include that we note the concerns of students and staff about a lack of meaningful consultation conducted by ANU with their staff and student body regarding recent proposed changes. That is important as well as the musical issues, as I said. Proposed paragraph 1(f) notes the potential negative impacts these cuts will have on staffing, course options, educational quality and the broader musical community. I have been told by Mrs Dunne's office that she does not think we should have these changes because she thinks my paragraph 1(f) is the same as hers, but it is not, actually. Her paragraph 1(e) just refers to consequent impacts. I think it is important for the Assembly to note that we are concerned about potential negative impacts.

We are not just having this debate because there is a change. We think some of these changes may not be positive. I do not think we would be having this debate if we all thought it was positive. As I said, the concerns about meaningful consultation are important. Ms Burch's original proposed amendment was going to include that, but her revised version has cut it out, so I hope that the Assembly will still support this.

The other thing I wanted to add was another call—that is, for the Chief Minister to write to the Hon Simon Crean MP, Minister for the Arts, requesting that the Canberra Symphony Orchestra receives a more equitable distribution of existing federal government funding to Australia's symphony orchestras. This motion is not primarily about the Canberra Symphony Orchestra, but, as Mrs Dunne mentioned, the relationship between the Canberra Symphony Orchestra and the School of Music is very close. The School of Music is where the Canberra Symphony Orchestra gets most of its players from.

The federal government supports symphony orchestras in every state of Australia but they do not support the Canberra Symphony Orchestra. In Melbourne the Victorian Symphony Orchestra gets $10 million a year from the federal government. Given the federal government's current budgetary issues I would not be so optimistic as to suggest they would be spending more money on Australia's symphony orchestras. But I think it is reasonable for the ACT Assembly to suggest that we should have a more equitable share of the funding for Australia's symphony orchestras. In fact, we should have some of it, because currently we have none of it. That is the second of my amendments.

I have been informed that neither the Liberal nor Labor parties will be supporting my amendments, and I regret that. I really think it is reasonable to suggest that the ACT's

symphony orchestra should be treated equitably with the other symphony orchestras of Australia. I also think it is important to pass that because this is something we actually could change. We actually could get some more money for the music community in the ACT if there was a more equitable distribution of funding to the Canberra Symphony Orchestra. I note that is something the Canberra Symphony Orchestra have been concerned about for a long time.

There is not a lot we can do about the ANU; it is an independent organisation and, clearly, it has its own issues. Clearly, we do not totally agree with the direction, so I think this motion is important. I support Mrs Dunne's motion, but I think it would be significantly improved by my amendments.

MRS DUNNE (Ginninderra) (5.53): I would like to propose that Ms Le Couteur's amendments be divided. There are two amendments—one is to omit and substitute and another is to add. What we are seeing here today is an outbreak of unanimity on this issue. Both Ms Burch and Ms Le Couteur have proposed words to be added to my original motion along the lines of that in Ms Le Couteur's proposed paragraph 1(e). The reason I am proposing that we divide the question is that I think there is unanimity that that paragraph should be inserted. However, my staff have discussed this with both Ms Le Couteur's office and Minister Burch's office, and while we agree wholeheartedly with the sentiment proposed in Ms Le Couteur's proposed new paragraph (4), I do not think that this is the time or the place to have that discussion.

I would welcome a discussion in the Assembly about funding for the Canberra Symphony Orchestra, but it is my view that the current debate is about the School of Music. Yes, the Canberra Symphony Orchestra will be adversely affected if the changes go through, but writing to the federal arts minister is slightly tangential to the intent of the motion. If Ms Le Couteur brought back a motion of this sort at another time, I would support it, but I would prefer not to have it in this motion today because I think it detracts from the motion. That is not to say it is not something that does not have merit.

I propose we divide the questions. The Canberra Liberals will be happy to support the first amendment, which is to omit paragraph 1(e) and substitute 1(e) and 1(f). Paragraph 1(f) is substantially the same, but I think it is slightly better wording than mine, which talks only about impacts. There could be positive impacts. I think the general feeling in the community is that there are negative impacts, and we should reinforce that. I think that is good.

As I have said before, we will not be supporting the second amendment, not because we think it is unmeritorious but because it is not the right place. In anticipation, the Canberra Liberals will also be supporting Ms Burch's revised amendment, which adds subparagraph (g) to this and acknowledges the $1.4 million that the ACT government provides to the ANU to support the School of Music, which I think shows how much interaction there is between the two communities and how much we should value them.

I know there is a desire to go home fairly soon, so I will conclude my remarks on this motion by thanking members for their support of this important motion. It is nice to

see unanimity of spirit with moving and supporting amendments both from Ms Le Couteur and from the government. It means that everyone in this place has skin in the game and that this is a very strong message to the Australian National University that we in this Assembly are very unhappy at the approach they have taken to the School of Music and how strongly we support the continuation of the high quality teaching that has gone on at the school and ensuring that it maintains its international reputation.

Ordered that the question be divided.

Amendment No 1 agreed to.

Amendment No 2 negatived.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (6.00): At the outset I move the amended, revised motion circulated in my name:

> Insert new subparagraph (1)(g):
>
> "(g) ACT Government provides $1.4 million per year to the ANU to support a Community Outreach Program, which provides a range of music and visual art programs through the School of Music and School of Art, for access by the ACT community and school students;".

The ANU School of Music was established in 1965 and has made a valuable and a unique contribution to the culture of the ACT since. The School of Music offers a variety of quality programs and outreach activities for both students and the broader community and it is reputed as a leading music education facility. The school forms an important hub for music activity in the ACT and is the conduit for attracting accomplished staff as well as young and emerging musicians for the territory.

Many arts, government and commercial organisations in Canberra have benefited from the activity at the ANU School of Music and from the students who have graduated from the school. The School of Music has an important ongoing relationship with all of the Canberra key music organisations and many of the musicians and music teachers in Canberra have contemporary or historical links to the School of Music.

The School of Music and the Canberra Symphony Orchestra, the CSO, have enjoyed a close relationship over a number of years. The CSO currently engages a number of School of Music staff as its regular musicians, with many of them performing the role of section leaders. As such, these musicians play an important role not only as key orchestra members but as mentors to the less experienced members.

In addition to the important role played by the current teaching staff of the orchestra, a considerable proportion of orchestra members are past School of Music staff and students. The CSO has grown in quality and the number of performances in recent years and this is due in no small part to the dedication and professionalism of the close links with the School of Music.

The CSO not only provides a regular high quality concert season for the committed audience of Canberra but provides a number of outreach and community activities. Over the last two years with the support of the ACT government the CSO has expanded its program to include an annual free concert as part of the Canberra Festival. Music stimulates the mind, body and spirit, and it builds social capital and enriches entire communities, provides important avenues for self-expression and is the universal language enhancing the quality of life for audiences and musicians alike.

Recently the ANU announced its intention to make significant changes to the ANU Bachelor of Music for the start of 2013. The ANU noted that these changes will encourage an innovative and flexible program of study that is more connected with the community and will offer student choice. It is hardly surprising that this announcement has raised a level of commentary and concern across the community.

The government understands that the ANU's actions result from fiscal constraints and changes in the delivery of tertiary music education being experienced nationally and internationally. As noted by the ANU itself, they will result in staff reductions and changes to the academic programs currently on offer. The ANU intends to consult with local music organisations in seeking feedback on the proposed curriculum changes. I am pleased to see that the ANU is committed to providing existing students with the option of completing their current degree courses.

I need to better understand the impact that these changes will have on the support the government provides through the community outreach program and our direct support to the CSO. Next week I will be meeting the ANU and community groups to better understand what the impacts could be and to ensure stability for our community outreach programs and support for the CSO.

The ACT government—this goes to the revised amendment that has been circulated—provides $1.4 million per year to the ANU to support community outreach activities through the School of Music and the School of Art. The majority of this funding is provided to the School of Music to support the centre for music outreach, responsible for the delivery of a suite of community outreach programs.

There is also a provision of $200,000 annually to ACT arts organisations, including the CSO, to assist with costs associated with the hire of Llewellyn Hall. There is no doubt that the ANU School of Music plays a valuable and important role in providing young Canberrans with access to arts-enhanced programs within the schools at all levels through the centre for music outreach.

Research shows that music education in schools can positively enhance the learning environment, and there is evidence that suggests that children engaged in music

programs benefit from an enhanced sense of wellbeing, belonging and social inclusion. Significantly, improvements in attendance and engagement with learning have also been observed in schools offering music programs for young people. In addition, our community outreach program also gives the broader ACT public free access to the library and its excellent music resources, including access to musical instruments, music scores and research and internet services.

In closing, the government understands that the ANU is responsible for its own financial base and has, as is its right, the responsibility of developing and delivering curriculum across all areas of academic offerings.

It is worth noting—I think this relates to a number of motions that come to the Assembly—the note of caution for all of us to be mindful of our actions when it comes to independent entities. But, that said, I think a significant part of the community has made its views known following the recent decisions and announcements. The government understands the importance of community outreach programs and the benefits of CSO to this great city and certainly the benefits of the ANU School of Music since its inception in 1965. I commend my amendment to the chamber.

MR HARGREAVES (Brindabella) (6.05): I have a number of comments to make about this. What I would like to do is put on the record an exchange between me and the general secretary of the ANU Students Association when I was apprised of their position. I did not think I would get an opportunity to go public in the way I felt about this because I thought I would be overseas at the time.

I thank Mrs Dunne for bringing it forward and giving me the opportunity to do that because I was particularly appalled about not only the staff reductions but also the way in which they occurred. We talked earlier on about consultation. Consultation should be a conversation in the contemplative stage, not about delivering bad news to somebody. That is not consultation; that is dictatorship, totalitarianism. What we are seeing here—I digress here—is a bit of artistic cannibalism and academic bastardry. It is as simple as that. I am going to call a spade a bloody shovel here tonight, Mr Speaker, and I am sure you know that I am not very good at that.

I was not particularly impressed by the lack of understanding of the role that elite musicians play in forming the fabric of our society and of the leadership role the School of Music plays and has played since its inception. But what really galls me and appals me is the obvious ignorance of the raison d'etre for the institution. Where did it come from? What makes it different from every other music conservatorium in the country?

For the information of members and the general public, I was the registrar of the school from 1972 to 1976 and I was bursar of the institution from 1976 to 1978. I worked directly to the late Ernest Llewellyn, the founding director, and was on the building committee to build the current building when it transferred from premises in Manuka in 1976.

Somewhere around 1975 there was a suggestion that the school be part of the ANU. It must be remembered that the ACT was administered by the commonwealth in those days, so an absorption into the ANU could have been effected quite easily. Mr Llewellyn said to me at the time that we should oppose its absorption vigorously because it would result in the ultimate demise of the institution. How prophetic was that?

You may know, Mr Speaker, that Mr Llewellyn's vision for the school, shared by the then Deputy Prime Minister Doug Anthony, was to create an institution along the lines of a Juilliard school which produced not only musicians with academic excellence but practising musicians of high concert performance quality. It was the combination of both of these which made the school unique, and that it continues. These people in the ANU management are blind, deaf or stupid, or a reasonable combination of the three.

When I was registrar we awarded only a diploma in music at the time. I was there when degree status emerged as the school was recognised as a tertiary institution. To my delight I noticed that doctorates are delivered at the school now, which just makes Mr Llewellyn's dream come true. He actually lived long enough to see it.

But that first attack was seen by Mr Llewellyn and after the absorption there was the financial attack—another one in 2001. This is not the first time it has happened. We saw the school's budget slashed by the then ACT Liberal government. It was slashed by $800,000. As a member of the Labor opposition I promised that an ACT Labor government would reinstate the funds removed, and on taking government in 2001 the funds were indeed reinstated.

You can look back in *Hansard* to see the reasons why that was so. Indeed, there was an apologetic stance taken by Mr Humphries and Ms Carnell. I note that Mrs Dunne worked for Mr Humphries in those days. But I have to say that I am delighted to see Mrs Dunne bringing this particular motion forward. I do not care what reasons people have to change their position or whether it is just something that evolves. We are at the right place to be in this Assembly at the moment.

The ANU administration clearly does not recognise that one cannot quantify artistic excellence coupled with not only academic excellence but also the production of musical pedagogy. The people who will suffer will be the students, the people of Canberra and the people of Australia. This is a financial fix by philistines forfeiting our future.

Mr Speaker, I can tell you that the reputation that the School of Music enjoys is an international one. It is because of the unique nature of the school. The reputation is enjoyed by practising and performing musicians and practising academics. There is an innovation in this institution. When Llewellyn Hall was first built, it was the first tuned auditorium in the country. It was actually designed in partnership with an acoustic engineer, the first time that had ever happened. It has not got 1,500 seats, by the way; it has got 1,442, as the Fire Brigade noted. The other ones were taken out. It has a recording studio, a TV recording studio and an audio one. It was the first in the country to have that.

There are some other things that it has which seem to be forgotten by these moguls at the ANU administration. It was one of the places in Australia that saw the birth of electronic music. A lot of people might not particularly like electronic music, but tough luck. It was basically born there. Keith Humble, who was operating out of Melbourne at the time, and the late Don Banks basically put electronic music composition on the map. Don Banks was in fact recruited for the very purpose of kicking off an electronic music laboratory and composition school.

One of the other technicians that we had employed in those days was John Tucker, who is Kerrie Tucker's husband and a guitarist, for those people that did not know that. He is an excellent guitarist.

We forget about the work that Professor Larry Sitsky has been doing. He has been doing it for decade after decade after decade. I can remember working with him when he was the head of piano and Don Hollier was the head of organ at the school. Don Hollier was an expert in church music. There was nowhere else in the country where we had a recognised expert in either performance or composition in church music, but we had it here because Don Hollier used to do it, and the performances at St Andrew's were legend.

Not only was there connection with the Canberra School of Music; there is also connection with the Canberra City Band. Way back when Bill Hoffman—WL Hoffman of music critic fame—was actually the Canberra City Band bandmaster they had their practices at the School of Music in Manuka. He used to teach musicianship on the way to getting some of our students qualified at licentiate level.

What we have here is an ACT born and bred institution. It is part of our fabric. It is part of our soul. When I saw it go to the ANU I wept, because I knew that Ernest Llewellyn's prophecy would come true. Because it is now part of the federal government's purview and responsibilities, as the minister indicated, the only way we can stop it is to stand up in this place and, on behalf of the people who live here, the successive students that have gone through it and the ones that we hope will come forward, say, "You cannot do this."

This is not the same as the Research School of Social Sciences. A civilisation is judged by what it leaves behind, and the best way that these messages are left behind is in an artistic form. If we gut the School of Music the way this is going to gut it, we are going to deny the people of Australia going forward into the future a window into what is in our artistic souls. I, for one, want to lend my voice to stopping this.

I thank Mrs Dunne very much for putting this up because I was wondering how I could actually make this expression before I went overseas. I thank the Greens for their support and I thank the minister and the government for what they are doing. I do not thank the ANU for this act of academic bastardry and musical cannibalism—because that is exactly what it is.

This is probably the most deplorable act that I have seen come out of the ANU since I got here in 1968. I ask each and every member not only to support this motion but to

go out there and put on the public record where they stand. If you have got access to Twitter, to Facebook and everything else, put it out there so that the people of the ACT, the people from interstate and the international students at the School of Music know that we are standing there beside them. I walked with Nicolette Fraillon and I would do it again tomorrow if someone organised it.

MS LE COUTEUR (Molonglo) (6.15): I just very briefly rise to acknowledge the presence of so many ANU School of Music students here today to listen to the debate. Thank you very much for coming and showing your support for your school. I am very pleased that very shortly the whole Assembly is going to vote to support the School of Music.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

Motion (by **Ms Burch**) proposed:

> That the Assembly do now adjourn.

Parkrun

MR COE (Ginninderra) (6.16): I rise this evening to raise awareness and give credit to those around the world involved in parkrun, particularly to those in Australia and Canberra who are making sociable running accessible to so many people.

Parkrun was set up in 2004 by Paul Sinton-Hewitt, with the first run taking place in Bushy Park, London with just 13 participants. In 2007 a second five-kilometre run was established in Wimbledon, with another event in Banstead Woods getting off the ground also in 2007.

The events have a winning formula whereby the five-kilometre runs all start on Saturday mornings and are free for participants. The events take place in numerous countries around the world. At its core, parkrun is a community-based initiative and thrives through volunteers that establish and maintain the events. In Australia, parkrun is up and running in Queensland, New South Wales, Victoria and most recently here in the Australian Capital Territory. The Ginninderra parkrun is the fifth location and kicked off on 28 April this year, with the second weekly run taking place last weekend. I and almost 100 others had the joy of taking part in that inaugural run which not only was very enjoyable but the organisation of the event went like clockwork.

Afterwards, many runners went to a great Belconnen business, Ha Ha bar on Lake Ginninderra, to celebrate the event. I think parkrun followed by Ha Ha bar will become a weekly ritual for many runners.

The drivers behind introducing parkrun to Canberra were Russ and Jessica Jefferys, who moved to Canberra from the UK this year. I commend and thank them for their initiative and for bringing the great concept and philosophy to our city. As reported in the *Canberra Times*, Russ Jefferys commended Canberra as being a "phenomenal place to run", a sentiment I fully agree with.

One aspect of the parkrun concept is the streamlined event management and participant statistics. After registering on the website, each athlete can print off their own barcode which is scanned at the completion of a run. That process is used to collate and publish event and competitor information on the parkrun website. As of this week, 143 events have taken place in Australia, with 3,634 participants running 66,445 kilometres over 13,289 runs. Around the world there have been 10,018 events with 172,377 runs over an aggregate of 63 years, 263 days, four hours, 23 minutes and 47 seconds. Many runners love capturing data of their efforts, and parkrun certainly meets that desire.

I would like to acknowledge Tim Obery and Tim Gordon for their leadership of parkrun in Australia. Whilst the events are free, there are sponsors that make parkrun possible and I would like to thank Adidas for their global partnership. Other businesses keen to partner with parkrun should visit their website. For more information about how to participate in parkrun or to find out more, I encourage members to visit www.parkrun.com.au.

International Permaculture Day
International Composting Awareness Week

MS LE COUTEUR (Molonglo) (6.19): I rise today to talk about two very important things. Last Sunday, 6 May, was International Permaculture Day and this week I believe is International Composting Awareness Week.

I must admit I had not heard of international compost week before it was brought to my attention, but both of these things are very important because we all need food; without food, no people. Compost and permaculture of course are relevant to not only urban agriculture but all agriculture.

Since last century I am actually the proud holder of a permaculture design certificate. This was from a week-long course on designing permaculture gardens, farms or whatever. There is a whole heap of principles. Permaculture stands for permanent agriculture. It is about having agriculture in a way that it can work permanently, not for just one year or five years, but looking to 50 years, 100 years, 1,000 years, for ways that will be sustainable in the long term. We talked about sustainability economically, environmentally and socially.

This is the first year of International Permaculture Day. It had previously been an Australian day but now has become an international day and there were events held in 20 countries including the US, Chile, Turkey, Cameroon, Spain, the UK and Morocco.

For people who do not know permaculture, it was in fact an Australian idea. It was developed by Bill Mollison and David Holmgrem in the 1970s and it has grown a lot since then. I periodically get wonderful emails about people going to Cuba to teach permaculture, and even more from those who go to learn about permaculture, because the Cuban community, particularly after the various crises they have had, have done an awful lot of work about urban agriculture and using permaculture principles in it.

I have here a definition of permaculture:

> While many people associate permaculture with growing food, it is also about architecture, animal husbandry, water harvesting, renewable energy, forestry, finance, and legal systems.

It was actually the first place where I heard about ethical investment. From an Australian point of view the ethical investment movement largely came out of the permaculture movement.

In the ACT there were a number of events held by the local permaculture group on the day. The group is called Permablitz and it specialises in doing sort of backyard blitzes but they are on a permaculture basis. I have taken part in a couple of those where people have totally transformed their backyards into something that results in less work, more food, more fun, more beauty.

There will be some more things happening from the permaculture line in the ACT. In Canberra there will be a spring permaculture design course held at the TAFE in Phillip and the Canberra Discovery Garden open day at Weston.

Looking at it more widely, permaculture and international compost day are important because food is vital. Compost is vital to keep the nutrients in our soil. This is one of the reasons the Greens bang on so much about organic waste. Organic waste can produce compost. Compost is what makes high quality soil, what makes things really, really grow. You could say that permaculture is one strand of agriculture, primarily organic.

I just want to say to all members of the Assembly how important these issues are. We need as an Assembly, as a society, to start paying more attention to food issues, to agricultural issues. This is the foundation of our society and our economy and we need to get it right.

Woden Valley Soccer Club

MR DOSZPOT (Brindabella) (6.24): Last Friday I had the pleasure of attending a sports dinner organised by the Woden Valley Soccer Club at the Southern Cross Club in Woden. I was there in dual capacities as patron of the club and as shadow minister for sport. My colleagues Jeremy Hanson and Alistair Coe were also in attendance, along with around 180 people all eager to listen to Les Murray from SBS.

To the football-soccer supporters at the club last Friday there was really no need to introduce Les Murray, as he is known as both the face and voice of football in Australia. He is the most prominent commentator and presenter of football on Australian television and is credited, along with the late Johnny Warren, with championing the monumental rise in popularity of football, of the world game, in Australia over the past 30 years. Quite rightly, he is known throughout Australia as Mr Football.

But there is another Les Murray that is not so well known to soccer supporters. The son of Hungarian refugees, Les emigrated to Australia from his native Hungary as an 11-year-old refugee in 1957. His love of football was established in Hungary as he and his father watched the Magical Magyars, the Hungarian national football team that virtually ruled the football world in the early 1950s, with players like Puskas, Kocsis and Hidegkuti his idols. He was shocked to find that his football was not the national sport of Australia. And from his childhood he started his tilting at windmills, a quest that many considered impossible, to convert Australians to "the beautiful game", a quest that gathered momentum when he teamed up with Johnny Warren. His quest still continues to this day. His story is well worth reading and his biography *By the Balls* details his incredible and exciting journey.

I found it quite incredible that he was able to capture the attention and the respect of everyone at the Woden Valley Football Club dinner last Friday, from the young up and coming players, to the older local legends who graced the room with their presence, to the fans and the families of junior players, who learned about the power of the world game from this unashamed fan. Les Murray also provided an impressive insight into the role that football played in the assimilation and inclusivity that enabled refugees, newcomers to Australia, to become accepted in their new homeland.

I first met Les when we were both playing for St George Budapest in the mid to late 1960s. Les was playing in reserve grade and I was in the third grade side, while the captain of St George first grade then was a young guy called Johnny Warren, who would go on to become one of our great captains in the original Socceroos. Johnny and Les became great mates, while I moved to Canberra and, along with football legend Charlie Perkins, helped to set up our first entry into the 1977 Phillips Soccer League.

What is not well known is that Les has quite a history with our fair city. He called many matches of the first National Soccer League of Canberra City—incidentally, a new team that was coached by Johnny Warren—at the Bruce stadium from 1978 to 1980. Even before SBS came onto the scene, Les was the commentator here in Canberra. I spent many afternoons as his co-commentator as we froze in our little box high up in the Bruce stadium.

But back to Johnny Warren. His name became synonymous with soccer. He was Mr Soccer—Captain Socceroo, Skippy, to his mates. Johnny's friendship developed even closer with Les Murray after his playing days were over as they became a dynamic duo as soccer commentators, giving us a level of insight and analysis that had all of us enthralled as they took us on a magical football journey every four years

from one world cup after another. They became known as Mr and Mrs Soccer, a partnership and a journey that we all followed to that epic game against Uruguay that eventually took the Socceroos to Germany in 2006 and a result that, sadly, our good friend Johnny Warren never got to see.

Les has had an incredible journey. He had a song written about him in the mid-1990s by a cult band called TISM titled *What Nationality is Les Murray?* He has met players like Puskas, Pele, Beckenbauer and Maradona and he is still Mr Soccer, not just around Australia but on the world scene. The following is a description of Les by Sepp Blatter, President of FIFA: "Les, at first a media contact in far away Australia, rapidly became a voice we all had to listen to. His expertise is unrivalled, his professionalism poignant and his integrity complete. His instinct detects hidden flaws, recognises inaccuracies with lightning speed and his judgement is always fair, respectful and clear."

I would like to thank Les Murray for his generosity in coming to Canberra to carry his gospel about his world game. I think he made quite a few converts in Canberra. My congratulations go to Woden Valley Soccer Club and the organisers—Mike Swan, Alan Hinde, John Helgesen, George Lemon and Anna Slavich—for a great night and an entertaining dinner with Les Murray, Mr Football.

The Assembly adjourned at 6.30 pm.

Schedules of amendments

Schedule 1

Road Transport (General) (Infringement Notices) Amendment Bill 2012

Amendments moved by Ms Bresnan

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 Commencement

(1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see the Legislation Act, s 77 (1)).

(2) If this Act has not commenced within 1 year beginning on its notification day, it automatically commences on the first day after that period.

(3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

2
Clause 3
Proposed new dot point
Page 2, line 19—

insert

Road Transport (Offences) Regulation 2005.

3
Clauses 4 and 5
Page 2, line 20—

omit clauses 4 and 5, substitute

4 Infringement notice—payment of penalty etc
New section 26 (2) (aa)

insert

(aa) apply to the administering authority for—

(i) payment of the infringement notice penalty by instalments; or

Note See s 30A for applications to pay infringement notice penalties by instalments.

(ii) discharge of the infringement notice penalty by completing an approved community work or social development program; or

Note See s 30C for applications to discharge infringement notice penalties.

(iii) waiver of the infringement notice penalty;

Note See s 30F for applications for waiver of infringement notice penalties.

5 Action on service of reminder notice—payment of penalty etc New section 28 (2) (aa)

insert

(aa) apply to the administering authority for—

(i) payment of the infringement notice penalty by instalments; or

Note See s 30A for applications to pay infringement notice penalties by instalments.

(ii) discharge of the infringement notice penalty by completing an approved community work or social development program; or

Note See s 30B for applications to discharge infringement notice penalties.

(iii) waiver of the infringement notice penalty;

Note See s 30D for applications for waiver of infringement notice penalties.

4
Clause 6
Page 3, line 11—

omit clause 6, substitute

6 New sections 30A to 30G

insert

30A Application for payment of penalty by instalments

(1) A person served with an infringement notice or reminder notice for an infringement notice offence may apply to the administering authority for payment of all or part of the infringement notice penalty by instalments over a period of time that may be longer than 6 months.

Note If a form is approved under s 225 for this provision, the form must be used.

(2) The application must be made within 28 days after the date of service of the infringement notice or reminder notice.

(3) However, the application may be made at a later time if the administering authority is satisfied on reasonable grounds that there are circumstances why the application could not be made within the 28-day period.

(4) The application—

(a) must include information about the financial circumstances of the person served with the notice; and

(b) may include information about whether the person served with the notice is the holder of 1 of the following cards—

(i) a current health care card issued under the *Social Security Act 1991* (Cwlth);

(ii) a current pensioner concession card issued under the *Social Security Act 1991* (Cwlth);

(iii) a current pensioner concession card issued in relation to a pension under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth);

(iv) a current gold card;

(v) a card prescribed by regulation; and

(c) may give the administering authority written authorisation for the automatic deduction of a nominated maximum amount each fortnight from a nominated pension or benefit the person is receiving; and

(d) must include anything else prescribed by regulation.

(5) In this section:

gold card means a card known as the Repatriation Health Card—For All Conditions that evidences a person's eligibility, under the *Veterans' Entitlements Act 1986 (Cwlth) or the Military Rehabilitation and Compensation Act 2004* (Cwlth), to be provided with treatment for all injuries or diseases.

30B Application for payment of penalty by instalments—decision

(1) On application by a person under section 30A, the administering authority must—

(a) allow the application; or

(b) refuse the application.

(2) The administering authority may, in writing, ask the applicant or a person mentioned in the application for more information to assist the authority to make a decision under this section.

(3) The administering authority—

(a) must allow payment by instalments if the person is the holder of a card mentioned in section 30A (4) (b); and

(b) in any other case—may allow payment by instalments if satisfied on reasonable grounds that it is justified because of the person's financial circumstances.

(4) The administering authority must—

(a) if the application is allowed—tell the person in writing about the arrangements for paying the infringement notice penalty by instalments; and

(b) if the application is refused—tell the person in writing about the refusal and the reasons for the refusal.

(5) A regulation may make provision in relation to the following:

(a) any conditions applying to allowing an application under section 30A;

(b) the way payment of an infringement notice penalty by instalments is to be made.

30C Application to discharge penalty by community work or social development program

(1) A person served with an infringement notice or reminder notice for an infringement notice offence may apply to the administering authority to discharge the infringement notice penalty for the offence by completing an approved community work or social development program.

Note If a form is approved under s 225 for this provision, the form must be used.

(2) The application must be made within 28 days after the date of service of the infringement notice or reminder notice.

(3) However, the application may be made at a later time if the administering authority is satisfied on reasonable grounds that there are circumstances why the application could not be made within the 28-day period.

(4) The application must set out—

(a) either or both of the following:

(i) the financial circumstances of the person;

(ii) any special circumstances of the person; and

(b) anything else prescribed by regulation.

30D Application to discharge penalty by community work or social development program—decision

(1) On application by a person under section 30C, the administering authority must send the application to the director-general responsible for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good behaviour—community service work).

(2) The director-general must—

(a) allow the application; or

(b) refuse the application.

(3) The director-general may, in writing, ask the applicant or a person mentioned in the application for more information to assist the director-general to make a decision under this section.

(4) The director-general may allow the application if satisfied on reasonable grounds that it is justified because of—

(a) either or both of the following:

(i) the financial circumstances of the person;

(ii) any special circumstances of the person; and

(b) anything else prescribed by regulation.

(5) The director-general must—

(a) if the application is allowed—

(i) tell the administering authority that the application is allowed; and

(ii) tell the applicant in writing about the arrangements for completing the approved community work or social development program; and

(b) if the application is refused—

(i) tell the administering authority that the application is refused; and

(ii) tell the applicant in writing about the refusal and the reasons for the refusal.

(6) A regulation may make provision in relation to the following:

(a) any conditions applying to allowing an application under section 30C;

(b) the arrangements for completing an approved community work or social development program, including when an approved community work or social development program is taken to be completed and evidence of completion;

(c) the administration of approved community work or social development programs by a prescribed agency.

(7) In this section:

special circumstances, of a person, means any of the following circumstances that relate to the person and significantly affect his or her ability to pay an infringement notice penalty:

(a) mental or intellectual disability, disease or illness;

(b) physical disability, disease or illness;

(c) addiction to drugs, alcohol or another substance;

(d) being a victim of domestic violence;

(e) homelessness, or living in crisis or transitional or supported accommodation;

(f) anything else prescribed by regulation.

30E Approval of community work or social development program

(1) The director-general responsible for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good behaviour—community service work) may approve a community work or social development program for this division.

(2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

30F Application for waiver of penalty

(1) A person served with an infringement notice or reminder notice for an infringement notice offence may apply to the administering authority for waiver of—

(a) the infringement notice penalty for the infringement notice offence; and

(b) the amount payable for the cost of serving a reminder notice.

Note If a form is approved under s 225 for this provision, the form must be used.

(2) The application must set out—

(a) the person's financial circumstances; and

(b) the person's special circumstances; and

(c) anything else prescribed by regulation.

(3) In this section:

special circumstances, of a person—see section 30D (7).

30G Application for waiver of penalty—decision

(1) On application by a person under section 30F, the administering authority must—

(a) allow the application; or

(b) refuse the application.

(2) The administering authority may, in writing, ask the applicant or a person mentioned in the application for more information to assist the authority to make a decision under this section.

(3) The administering authority must allow an application if satisfied on reasonable grounds that—

(a) the applicant does not have, and is unlikely to have, the financial ability to pay the infringement notice penalty; and

(b) special circumstances exist in relation to the applicant; and

(c) enforcement action has not resulted in, or is unlikely to result in, the payment of the infringement notice penalty; and

(d) the applicant is not a suitable person to discharge the penalty by completing an approved community work or social development program.

(4) For subsection (3) (d), the administering authority may consult with the director-general responsible for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good behaviour—community service work).

(5) The administering authority must—

(a) if the application is allowed—tell the person in writing about the waiver of the infringement notice penalty; and

(b) if the application is refused—tell the person in writing about the refusal and the reasons for the refusal.

(6) In this section:

special circumstances, of a person—see section 30D (7).

5
Clause 7
Proposed new section 47 (1) (b) (ii)
Page 8, line 10—

omit

section 28B (Discharging penalty by community work or social development program)

substitute

section 30C (Application to discharge penalty by community work or social development program)

6
Clause 7
Proposed new section 47 (1) (b) (iii)
Page 8, line 13—

omit

section 28D (Waiver of penalty)

substitute

section 30G (Application for waiver of penalty)

7
Clause 8
Page 8, line 14—

omit clause 8, substitute

8 New section 47A

insert

47A Discharge of penalty by other means—revocation of suspension action

(1) This section applies if—

(a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; and

(b) the person is—

(i) paying the infringement notice penalty for the offence in compliance with arrangements made under section 30B (Application for payment of penalty by instalments—decision); or

(ii) discharging the infringement notice penalty for the offence in compliance with arrangements made under section 30D (Application to discharge penalty by community work or social development program—decision).

(2) The road transport authority must—

(a) revoke the suspension; and

(b) tell the person in writing that the suspension has been revoked.

(3) The administering authority may send the person a written notice to reinstate the suspension (a ***suspension reinstatement notice***)—

(a) if—

(i) a suspension is revoked under subsection (2); and

(ii) the person does not continue to comply with the arrangements made under section 30B or section 30D; or

(b) in circumstances prescribed by regulation.

(4) A regulation may prescribe the matters to be considered by the road transport authority in relation to reinstating a suspension.

(5) A suspension reinstatement notice must state—

(a) particulars of the infringement notice and reminder notice to which the suspension relates; and

(b) particulars of the arrangements made under section 30B or section 30D that apply in relation to the infringement notice penalty; and

(c) if subsection (3) (a) applies, that if the person does not take the stated steps to comply with the arrangements made under

section 30B or section 30D by a stated date (the ***suspension reinstatement date***) the road transport authority will take suspension action on the suspension reinstatement date; and

(d) any information prescribed by regulation; and

(e) any other information that the road transport authority considers appropriate.

(6) However, the suspension reinstatement date must not be earlier than 10 days after the day the suspension reinstatement notice is sent to the person.

(7) A suspension reinstatement under this section takes effect on the suspension reinstatement date.

(8) If the road transport authority takes suspension reinstatement action, the authority must send a suspension reinstatement confirmation notice to the person that states—

(a) the suspension reinstatement date; and

(b) the action that was taken on the suspension reinstatement date; and

(c) any information prescribed by regulation; and

(d) any other information that the road transport authority considers appropriate.

(9) A regulation may make provision in relation to information to be given to the road transport authority about when a person is complying with arrangements made under section 30B or section 30D.

(10) In this section:

suspension action—see section 44 (2) (b).

8
Proposed new clause 9
Page 10, line 9—

insert

9 Dictionary, new definition of *approved community work or social development program*

insert

approved community work or social development program, for division 3.2 (Infringement and reminder notices), means a community work or social development program approved by the director-general under section 30E (Approval of community work or social development program).

9
Schedule 1, part 1.2
Amendment 1.2
Page 12, line 3—

omit amendment 1.2, substitute

[1.2] Schedule 1, part 1.5, new items 1A to 1C

insert

1A	30B (1) (b)	administering authority—refuse to allow payment by instalments
1B	30D (2) (b)	director-general responsible for the *Crimes*

		(Sentence Administration) Act 2005, pt 6.2—refuse to allow discharge of penalty by completing community work or social development program
1C	30G (1) (b)	administering authority—refuse to allow waiver of payment

10
Schedule 1
Proposed new part 1.3
Page 12—

after the table, insert

Part 1.3 Road Transport (Offences) Regulation 2005

[1.3] New section 14A (2) (a) (ia)

insert

(ia) apply to the administering authority for—

(A) payment of the infringement notice penalty by instalments; or

(B) discharge of the infringement notice penalty by completing an approved community work or social development program; or

(C) waiver of the infringement notice penalty;

[1.4] New section 14A (2) (ia)

insert

(ia) how the person may apply for—

(i) payment of the infringement notice penalty by instalments; or

(ii) discharge of the infringement notice penalty by completing an approved community work or social development program; or

(iii) waiver of the infringement notice penalty;

[1.5] New section 14B (1) (m) (ia)

insert

(ia) apply to the administering authority for—

(A) payment of the infringement notice penalty by instalments; or

(B) discharge of the infringement notice penalty by completing an approved community work or social development program; or

(C) waiver of the infringement notice penalty;

[1.6] New section 14B (2) (aa)

insert

(aa) how the person may apply for—

(i) payment of the infringement notice penalty by instalments; or

(ii) discharge of the infringement notice penalty by attending an approved community work or social development program; or

(iii) waiver of the infringement notice penalty;

[1.7] Dictionary, note 3

insert

approved community work or social development program

Schedule 2

Commissioner for the Environment Amendment Bill 2012

Amendments moved by the Minister for the Environment and Sustainable Development

1
Clause 6
Proposed new section 2B (a)
Page 3, line 5—

omit proposed new section 2B (a), substitute

(a) ensure regular and consistent reporting on matters relating to the condition and management of the environment in the Territory; and

2
Clause 6
Proposed new section 2B (b)
Page 3, line 7—

omit

and independent

3
Clause 6
Proposed new section 2B (f)
Page 3, line 17—

omit

4
Clause 9
Proposed new section 12 (1) (a) (i)
Page 4, line 10—

omit

of the ACT

5
Clause 10
Proposed new section 13 (1) (a)
Page 4, line 19—

omit

of the ACT

6
Clause 11
Page 5, line 1—

[oppose the clause]

7
Clause 12
Proposed new section 19 (2) (c)
Page 5, line 9—

omit proposed new section 19 (2) (c), substitute

(c) an assessment of pressures and sustainability trends; and

8
Clause 12
Proposed new section 19 (2) (d)
Page 5, line 16—

omit proposed new section 19 (2) (d), substitute

(d) an evaluation of the effectiveness of sustainability plans; and

9
Clause 12
Proposed new section 19 (2) (e)
Page 5, line 18—

omit

10
Clause 12
Proposed new section 19 (2) (f) and note
Page 5, line 21—

omit

11
Clause 13
Page 6, line 6—

omit clause 13, substitute

13 Section 19 (3)

substitute

(3) The Minister must, within 6 months after the day of receiving a state of the environment report, present to the Legislative Assembly a statement that sets out the response of the government to the report.

12
Clause 14
Page 7, line 1—

[oppose the clause]

13
Clause 15
Page 7, line 8—

[oppose the clause]

14
Clause 16
Page 7, line 13—

[oppose the clause]

15
Proposed new clause 16A
Page 7, line 20—

insert

16A Section 19 (7), new definition of *sustainability plan*

insert

sustainability plan means a plan that—

(a) includes a sustainability goal; and

(b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

16
Clause 17
Page 7, line 21—

omit clause 17, substitute

17 New section 21 (2)

insert

(2) The Minister must, within 6 months after the day of receiving a special report required by the Minister under subsection (1) (a), present to the Legislative Assembly a statement that sets out the response of the government to the report.

17
Clause 18
Page 9, line 1—

omit clause 18, substitute

18 Minister to table reports and recommendations Section 22

omit

15

substitute

6

18
Clause 19
Dictionary, proposed new note 2
Page 9, line 20—

omit

- Speaker